

**The Local Government Ombudsman's
Annual Letter**

Forest Heath District Council

**for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Forest Heath District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

In 2007/08 I received 14 complaints against your Council, a similar number to the number received in 2006/07.

Character

The usual pattern for district councils is for the majority of complaints I receive to concern planning matters, and last year was no exception. I received one complaint about benefits, two about environmental health, and eleven complaints about planning matters. All concerned planning applications. Four complainants each made two complaints; their initial complaints were referred back to the Council as I did not consider you had an adequate opportunity to consider response before I became involved, but they were not satisfied with the Council's response and so I investigated their cases.

Decisions on complaints

During 2007/08 I made decisions on 14 cases.

Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

This year I issued a report on two complaints about how the Council came to its decision on a planning application for a housing development. The applicant was the son of a Planning Committee member. The member played no part in the decision making, but the councillor who acted as his substitute gave the impression of a bias in favour of the applicant. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. Council officers recommended that the development be refused, on development plan policy and other grounds, but the Planning Committee went against this recommendation and approved the development. The Committee did not provide adequate reasons for going against the recommendation: the main reason given was proximity to a major employer, yet there were specific planning policies addressing this employer's needs which were not taken into account, and others were discounted without evidence. The Council agreed to apologise to the complainants and pay them £1,000 each. It also agreed to provide training for Planning Committee members to ensure they were fully aware of their duties when determining planning applications.

In three cases I agreed a local settlement. They all involved the same large development. I found that the Council was at fault in failing to readvertise a significant change to the development. If it had done this the complainants would have objected. But, given the distance from the complainants' properties, I did not think that a different decision would have been reached. The Council agreed to make payments of £150 to each complainant to reflect the uncertainty they will feel about what the outcome might have been, and the time and trouble they had been put to. The Council reviewed its practices and has introduced a new neighbour notification process.

Taken together the Council has made payments of £2,450 as a result of my recommendations this year.

Other findings

In two of the cases I considered, one involving a planning application and the other traffic management in Newmarket, I did not find the Council to be at fault. One complaint concerned an issue outside my jurisdiction. In another case I used my discretion not to investigate further.

In all, I referred five cases back to the Council for investigation. Four complainants were not satisfied with the Council's own investigation of their complaint and asked me to investigate. One of these complaints ended in the report I published, and another in a local settlement.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was well outside this target, at 45 days. The response to the complaints which led to the local settlement took 68 days. The Council's own annual report on its internal complaint handling for 2006/7, presented to the Council on 11 June 2007, noted failure to abide by your corporate response times. I hope action taken to address this failing will also result in an improvement in responses to my enquiries.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond
Local Government Ombudsman
10th floor, Millbank Tower
Millbank
London
SW1P 4QP

June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	0	2	11	0	0	14
2006 / 2007	0	0	4	4	3	4	15
2005 / 2006	0	1	2	4	1	2	10

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	2	3	0	0	2	1	1	5	9	14
2006 / 2007	0	0	0	0	5	2	4	6	11	17
2005 / 2006	0	1	0	0	2	1	1	3	5	8

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	6	45.0
2006 / 2007	6	23.2
2005 / 2006	3	34.3

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0