

Local Government
OMBUDSMAN

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

My office received 13 complaints against Horsham District Council in 2007/08, which was less than the 21 and 23 complaints we received in the previous two years. The fall in the last year is somewhat higher than the general decline in complaints we received from Local Authorities across the country since 2006/07. As in previous years, most of the complaints we received were about planning applications and planning enforcement – nine of the 13 complaints were about planning which amounts to 70% of the total. Two of the remaining complaints were about housing and two were in the "other" category.

Decisions on complaints

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 all complaints by local settlement (excluding 'premature' complaints – where councils have not had a proper chance to deal with them – and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report, but I decided six complaints as local settlements. This represents 40% of those complaints which we considered (and which were not premature or outside my jurisdiction).

Five of the six settlements concerned complaints made about planning, while the other settlement was about Environmental Health and related to one of the complaints about planning. The faults we found included failure to keep a record of a site meeting, wrongly assuming that previous planning drawings had been approved and thus were acceptable, lack of clarity in the voting procedure followed at a Planning Committee, unreasonable delay in taking enforcement action and failure to deal with some complaints through its complaints procedure.

The Council apologised to the complainants involved for its shortcomings and in four planning cases it also paid them a small sum of financial compensation (the overall total amounting to £550) and in the other planning case it agreed an action plan with dates.

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Your Council's complaints procedure and handling of complaints

During 2007/08 my office referred two complaints back to the Council as being premature, as it had not yet had a reasonable opportunity to deal with them. We did not decide any complaints last year which we had previously referred back to the Council for it to consider under its own complaints procedure.

When in February an Assistant Ombudsman visited the Council, he obtained details of some of your complaints performance reports. I particularly welcome the new quarterly reporting system in which it reports on complaints, compliments and suggestions to the Council's Performance Management Working Group, with the aim of learning from the feedback it receives. I would appreciate it if the Council could send my office a copy of its quarterly reports in future. I note also that the Council has appointed a new Communications Officer to oversee complaint procedures and Freedom of Information requests.

As I understand it, officers involved in the earlier stages of complaint handling do not have the authority to award compensation to people whose complaints they uphold following an investigation. It seems that financial compensation is only considered if a complaint reaches the final stage and a formal report written seeking the exercise of delegated authority to make a payment. While a fulsome apology is often an adequate remedy to a complaint, and while other action is often appropriate, some cases do warrant financial compensation. The Council may wish to review its approach and consider delegating awards of compensation below a certain amount to named officers, given that this would provide a quicker and more responsive resolution to some complaints. It may also reduce the number of complaints which escalate through its own procedure or which are made to my office.

Liaison with the Local Government Ombudsman

During the past year my office made written enquiries on nine complaints. I am pleased to note that the average time the Council took last year to send us a response was 28 days, which is in line with our target response time. It is an improvement on the Council's average of 35 days during the previous year. However, I note that in two planning cases the Council took 48 days and 54 days respectively to reply and the average time for planning enquiries to be answered was 31 days.

The Council's written responses are usually clear and comprehensive. However my staff have noted that its replies to complainants and to our enquiries on planning matters can be defensive and reveal a reluctance to accept fault. You told my Assistant Ombudsman that there had been a peer review exercise in relation to the Planning Service and that improvements are underway. I hope that this will make a real difference and would be interested to hear what progress has been made.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. As you know, 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.

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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 run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements. I am particularly grateful that the Council hosted a course we provided on Effective Complaint Handling in December 2007 to a group of authorities in West Sussex.

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
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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	0	2	2	9	0	0	13
2006 / 2007	1	1	4	13	1	1	21
2005 / 2006	2	0	4	15	2	0	23

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	0	6	0	0	3	6	1	2	16	18
2006 / 2007	0	2	0	0	9	6	5	1	22	23
2005 / 2006	0	0	0	0	10	4	3	5	17	22

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	9	27.8
2006 / 2007	11	34.5
2005 / 2006	5	28.6

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