

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

**Kings Lynn and West Norfolk
Borough 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 Kings Lynn and West Norfolk 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

We received 30 complaints against your Council during the year, which was six more than last year. We expect to see fluctuations in numbers year on year, and I see nothing significant in the increase.

Character

In 2007/8, 21 of the complaints, or 70% of all complaints received, were about planning and building control. This is an increase of three complaints from last year (18).

We received two complaints about housing and two about public finance this year, increases from one each in 2006/7. There was also one complaint about benefits, in line with similar low volumes of complaints in this area in the last two years.

The remaining four complaints were recorded in the 'other' category. They included complaints about leisure and culture, drainage, environmental health and one miscellaneous matter.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. This year I investigated a complaint about planning applications and issued a report against your Council (06B06809). Members granted outline planning permission for a development of six dwellings on land adjoining the complainant's home based on an arbitrary determination that land previously used for agriculture should be classed as brownfield. This was contrary to national and local policy. As a result the complainants had a more dense residential development next to them than should have been the case.

I am grateful to the Council for agreeing to remedy the complaint in advance of the issue of the report with an apology to the complainants, a remedy payment of £750 and a commitment to better provision of professional advice to members about proper use of their discretion when applying adopted policy.

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 some 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).

There were no local settlements this year.

Other findings

Five complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further three cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 16 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Five complaints were considered to be premature, which is 20% of all decisions. This was lower than the national average, of 27%. This indicates that your complaints process is accessible and clear to local people.

Of the five complaints that were determined as premature, one was resubmitted. This was a planning enforcement complaint that was not pursued because insufficient evidence of maladministration was seen.

I am pleased that my investigators have remarked that the Council's officers are generally proactive and helpful.

Liaison with the Local Government Ombudsman

Enquiries were made on 13 complaints during the year. Your Council's average response time of 29 days is slightly worse than last year (25 days) but on a par with 2005/06 and just short of our target.

Responses to five out of the eight complaints received about planning and building control were outside of the target response time, the longest being 41 days. This is an area on which the Council should focus in 2008/09.

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, have 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'. 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.

J R White
Local Government Ombudsman
The Oaks No2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

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	2	4	21	2	0	30
2006 / 2007	0	1	2	18	1	2	24
2005 / 2006	2	4	16	21	5	0	48

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	1	0	0	0	12	4	3	5	20	25
2006 / 2007	0	2	0	0	15	6	2	6	25	31
2005 / 2006	0	12	0	0	25	3	8	12	48	60

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	13	29.0
2006 / 2007	19	25.3
2005 / 2006	32	29.6

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