

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

Malvern Hills 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 Malvern Hills 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 we received eleven complaints against your Council, a slight reduction over the two previous years. We expect to see fluctuations of this kind from year to year.

Character

Six of the complaints we received were about planning and building control, two about housing, two about drainage and the other about benefits. These numbers are broadly similar to those in previous years.

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 one complaint out of seven by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). When we completed an investigation we issued a report. In 2007/08 I issued no reports against your Council.

In the complaint that the Council settled, it failed to pass a late appeal against its decision not to backdate benefits to the appeals service and did not respond to the complainant's request to refer an increase in rent to the rent officer. The Council settled the complaint by passing the appeal request to the appeals service and completing enquiries into the increased rent. I believed that no compensation was necessary in this case.

Other findings

In addition to the complaint that the Council agreed to settle, I discontinued my investigation into six complaints. In four cases I found no or insufficient evidence of maladministration and in a further two I exercised discretion not to investigate. A further complaint was premature.

Your Council's complaints procedure and handling of complaints

In 2007/08 I only received one complaint that was premature out of eight complaints, which is a creditable figure and shows that the Council's complaints procedure is visible to its citizens. The complaint that was premature was resubmitted to me and is still open.

Liaison with the Local Government Ombudsman

In 2007/08 we made enquiries of the Council on six complaints. We set councils a target of 28 days in which to respond, and your Council again met that target, with an average of 26.7 days and a maximum of 30 days. I am pleased that the Council has produced timely responses in a consistent way.

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

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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	1	2	2	6	0	0	11
2006 / 2007	0	1	2	8	1	0	12
2005 / 2006	0	0	2	11	1	1	15

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	1	0	0	4	2	0	1	7	8
2006 / 2007	0	1	0	0	8	0	3	0	12	12
2005 / 2006	0	2	0	0	5	2	2	5	11	16

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	26.7
2006 / 2007	9	25.4
2005 / 2006	8	29.0

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