

Local Government OMBUDSMAN

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

North Cornwall 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 North Cornwall 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

We received 15 complaints during the year, a considerable reduction on the 29 complaints received the previous year. I am pleased to note that this is the second consecutive year where we have seen a large reduction in the number of complaints received for your Council.

Character

The majority of complaints received were about planning and building control, ten in all. This is a similar proportion to previous years. We received two complaints about housing, one complaint about public finance and one about transport and highways. The remaining complaint was recorded in the 'other' category and concerned drainage.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I am pleased to note that I have had no cause to issue any reports against your Council since I started sending Annual Letters to your Council in 2004.

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).

One complaint was settled locally this year. It concerned problems with drainage from a septic tank. The Council had negotiated the relocation of a soakaway with the developer in order to settle the complaint before the complaint came to me and I decided that no further remedy was necessary. I commend the Council for its proactive approach in settling this complaint.

Other findings

Eighteen complaints were decided during the year. Of these two were outside my jurisdiction, two were premature and I exercised my discretion not to pursue one complaint because I considered that there was no significant injustice flowing from the maladministration alleged. The remaining 12 were not pursued because there was no evidence of maladministration.

Your Council's complaints procedure and handling of complaints

We received just two premature complaints this year in comparison to seven last year. This represents 11% of the complaints against your Council which is well below the national average of 27%. This suggests that the Council's complaints procedure is accessible to the public and working well. I am pleased to note that the complaints procedure is easily located on your website and helpfully includes a link to the Ombudsman's website.

Liaison with the Local Government Ombudsman

We made enquiries on 12 complaints this year. The average time for responding was 37.1 days which is substantially outside our target timescale of 28 days.

This is disappointing and represents a significant deterioration in performance from the previous year (29 days). But I recognise that preparation for the reorganisation of local government in Cornwall in 2009 has impacted on the Council's ability to respond to our enquiries within our target timescale. Nevertheless, I hope that the Council will be able to respond to our enquiries in a timely manner in the year to come.

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.

I acknowledge that your Council may not wish to take advantage of our training at this time due to its dissolution in 2009. But I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings which may be of interest to those officers transferring to the new authority.

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.

As a result of Secretary of State's decisions on the future structure of local government in Cornwall this is the last Annual Letter that I shall be sending to North Cornwall District Council. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and cooperation and wish you well for the future

J R White
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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 | Housing | Other | Planning & building control | Public finance | Transport and highways | Total |
|--|---------|-------|-----------------------------------|-------------------|------------------------------|-------|
| 01/04/2007 - 31/03/2008 | 2 | 1 | 10 | 1 | 1 | 15 |
| 2006 / 2007 | 6 | 4 | 19 | 0 | 0 | 29 |
| 2005 / 2006 | 5 | 6 | 26 | 0 | 1 | 38 |

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 | 12 | 1 | 2 | 2 | 16 | 18 |
| 2006 / 2007 | 0 | 4 | 0 | 0 | 13 | 6 | 2 | 7 | 25 | 32 |
| 2005 / 2006 | 0 | 0 | 0 | 0 | 10 | 14 | 5 | 3 | 29 | 32 |

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 | 12 | 37.1 |
| 2006 / 2007 | 13 | 29.2 |
| 2005 / 2006 | 17 | 32.1 |

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 |