

Local Government OMBUDSMAN

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

North Wiltshire 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 Wiltshire 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

The volume of complaints we received slightly increased last year, from 25 in 2006/07 to 31 this year. We expect to see such slight variations year on year and, in fact, three of these complaints concerned the same planning issue.

Character

About half the complaints concerned planning matters. However, the number of planning complaints received is not untypical for a rural authority such as yours, and does not give me concern.

Three complaints were also received about antisocial behaviour and a further three about environmental health matters. We also received complaints about homelessness, land, waste management, employment and pensions (matters outside my jurisdiction), administration of Council Tax and public transport - although only one in each of these categories.

Last year I commented on the difficulties that had been experienced by Housing Benefit and Council Tax Benefit claimants in North Wiltshire, with delays in the processing both benefit claims and appeals. At the time the Council had made significant strides in dealing with a backlog of work in this area, and this has since been cleared, which is to the Council's credit. I am very pleased to see the drop in the number of complaints, from a high of ten last year to three in this, as the last few complaints work their way through the complaints process.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I did not issue any reports against North Wiltshire District Council this year.

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).

Seven complaints were settled locally this year, with a total of £915 compensation paid to six different complainants. Of this total, £250 was paid to two benefit claimants whose appeals had been caught up in the backlog mentioned above, one of whom suffered quite significant hardship in trying to pay her rent to avoid eviction proceedings being started.

The redevelopment of Chippenham bus station in 2005, which deliberately omitted provision of public lavatories because the facilities in the old bus station had been vandalised, resulted in complaints that bus drivers were urinating in a drain behind local residential properties. The Council carried out some initial investigation, decided that it was a nuisance but that it could not be dealt with by serving an abatement notice on the many bus companies and drivers using the bus station, and then failed to take the matter further. The police were contacted but it is understood they were not resourced to investigate the matter at the time. Complaints continued throughout 2006 and into 2007. The Council was very slow to react effectively to these further complaints and initially took no action other than to steam clean the area.

The Council eventually took steps to encourage drivers to use facilities elsewhere. This was not entirely successful, and it became necessary to install CCTV cameras in the area. Action taken subsequently has apparently resulted in cessation of the nuisance, and some alternative facilities nearby have now been made available to drivers. Meanwhile, the District Council has awarded Chippenham Town Council £100,000 towards the cost of toilet facilities in the area of the bus station. This does not represent a firm commitment to making such provision, as further funding remains to be raised.

The complainant in this case had lost the enjoyment of his garden because of the smell over the course of three summers, and he and his family were offended by the drivers' actions. He also had a great deal of time and trouble in making his complaints; and in this respect I am pleased to note that your personal involvement in the complaint at a crucial stage was seen as very helpful and constructive. The Council agreed to apologise to him and paid him £500 compensation.

There are no particular lessons to be learned from the other complaints settled locally.

Other findings

Of the other 23 complaints determined this year, seven were returned to you to be put through the Council's own complaints procedure. A further five were about matters which I considered to lie outside the area of my jurisdiction.

The remaining 11 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

The Council's complaints procedure appears robust and easily accessed. The responses are generally clear and helpful, particularly those relating to planning and benefits complaints. The Council has provided detailed and helpful responses which are appropriately self-critical, and I am pleased to note that the remedies suggested have generally been appropriate to the circumstances.

Liaison with the Local Government Ombudsman

Your response times to our initial enquiries are slightly up this year: but this appears to be due to two particularly complex complaints. Officers have been prompt and helpful in responding to informal enquiries by telephone or e-mail. But as you know, my target here is 28 days. The Council was meeting this standard two years ago and I hope it will now make arrangements to return to its previous good performance.

Your Link Officer attended our two-day seminar in November 2007. I am pleased to hear that she found the event helpful.

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 2008, 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 2007, which also came into force in April 2008. 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.

I trust that the re-organisation of local government in Wiltshire will not disrupt the smooth handling of complaints. Please let me know if we can be of assistance to you here.

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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	3	1	9	16	1	1	31
2006 / 2007	10	0	6	7	2	0	25
2005 / 2006	5	0	3	15	2	0	25

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	7	0	0	5	6	5	7	23	30
2006 / 2007	1	6	0	0	3	2	2	8	14	22
2005 / 2006	0	3	0	0	5	4	3	11	15	26

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	7	32.6
2006 / 2007	10	31.5
2005 / 2006	7	26.4

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