

Local Government
OMBUDSMAN

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

Oswestry 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 Oswestry Borough 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 11 complaints against your Council during the year, ten fewer than last year. We expect fluctuations like this from year to year.

Character

Five complaints, nearly half of those we received against your Council, were about planning and building control. Last year complaints in this category accounted for 85% of the total.

Two complaints were received about benefits, one about housing and one about public finance. The remaining two were recorded in the "other" category. One of these was about anti-social behaviour and one was about waste management.

We received no complaints about transport and highways.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued one report against your Council this year about an application by the parents of a severely disabled child for planning permission for the erection of a bungalow to provide for her special medical needs on a site opposite the complainants' properties. I found that Members failed to give adequate reasons for granting the application against officer advice and against Local Plan policies. I concluded that, had there been no maladministration, on balance, this development would not have been permitted. This caused injustice to the complainants as the amenity they derived from living in open countryside would be permanently lost and there would be a fundamental change to the character of the area in which they live. I recommended that the Council commission independent valuations of the complainants' properties both before and after the development was approved and pays them the difference between valuations, if any; together with £250 each in respect of their time and trouble.

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 complaint related to debt recovery action taken by the Council against the complainant, including threatened bailiff action, when the complainant was not the debtor.

This mistake arose as a result of the Council's failure to check the complainant's identity. The Council agreed to make a payment of £200 to the complainant in recognition of the distress caused.

Other findings

Two 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 one case I took the view that the matters complained about were outside my jurisdiction.

The remaining eight cases were not pursued because no evidence of maladministration was seen or because it was decided not to pursue them because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of premature complaints has reduced again this year to just two. This is 18% of the total complaints determined this year which is well below the national average, which this year is 27%. One of the complaints that had been referred back to the Council was resubmitted to me but I decided not to pursue the investigation because no evidence of maladministration was seen. All this is evidence that the Council's complaints procedures are working well.

Liaison with the Local Government Ombudsman

Enquiries were made on seven complaints during the year. Your Council's average response time of 28.4 days was a significant improvement on last year's average of 33.8 days. I am very grateful for this improvement.

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 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.

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	Total
01/04/2007 - 31/03/2008	2	1	2	5	1	11
2006 / 2007	1	0	0	18	2	21
2005 / 2006	0	0	3	8	4	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	1	1	0	0	6	2	1	2	11	13
2006 / 2007	0	0	0	0	0	13	0	4	13	17
2005 / 2006	0	3	0	0	3	3	2	6	11	17

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	28.4
2006 / 2007	4	33.8
2005 / 2006	4	32.8

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