

# Local Government OMBUDSMAN

## **The Local Government Ombudsman's Annual Letter Penwith 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 Penwith 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 29 complaints against your Council during the year, six fewer than the previous year. We expect to see fluctuations year on year, and I see nothing significant in the fall.

### **Character**

We received the most complaints about planning and building control, 11 in all. This is a similar proportion to previous years. Two complaints were about benefits, two about housing, five about transport and highways and three were about public finance. We recorded the remaining six complaints in the 'other' category. These included complaints about environmental health, land and how the Council applied its persistent complainants policy.

## **Decisions on complaints**

### **Reports and local settlements**

When we complete an investigation we issue a report. I am pleased to note that for the fifth consecutive year, I have not had had cause to issue any reports against the Council.

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).

Four complaints were settled locally and compensation of £1050 was offered. The complainants who were offered compensation of £1000 have rejected the settlement so this sum has not been paid. This complaint concerned the Council's failure properly to consider the impact of a development on their amenity. The Council also paid compensation of £50 to a complainant for the distress caused to them by issuing a summons for Council Tax arrears after the debt had been paid.

In another case the Council apologised for failing to provide information about an enforcement investigation of some concern to the complainants. In a further complaint about planning and building control, the Council delayed in implementing a settlement which it had previously agreed with me. This was to instruct the District Valuer to carry out a valuation of the complainants' property. The Council agreed to instruct the District Valuer in order to settle this complaint.

## **Other findings**

Thirty complaints were decided during the year. Of these we considered five to be premature and referred them back to your Council so that they could be considered through your complaints procedure.

In 11 cases, I found no evidence of maladministration and in four cases I exercised my discretion not to pursue them, mainly because I considered that there was no significant injustice arising from the maladministration alleged. The remaining six complaints were outside my jurisdiction.

## **Your Council's complaints procedure and handling of complaints**

The percentage of premature complaints received was 17% which is well below the national average of 27%. This suggests that the Council's complaints procedure is working well. Last year I noted that most of the complaints which I upheld involved small amounts of compensation and it seemed to me that the Council could have done more to resolve matters locally. I note that this year there were two complaints (those settled by an apology and £50 compensation) which could have been resolved without recourse to me, and so the problem still seems to persist. Perhaps this could receive the Council's attention during the coming year.

## **Liaison with the Local Government Ombudsman**

We made enquiries on 16 complaints during the year. Your Council's average response time was 25 days which is within our target timescale of 28 days. Although the Council's performance was not quite as good as last year (23 days), I commend it for meeting our target.

## **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 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 Penwith 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**  
**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<br>by subject area | Benefits | Housing | Other | Planning &<br>building<br>control | Public<br>finance | Transport<br>and<br>highways | Total |
|----------------------------------------|----------|---------|-------|-----------------------------------|-------------------|------------------------------|-------|
| 01/04/2007 -<br>31/03/2008             | 2        | 2       | 6     | 11                                | 3                 | 5                            | 29    |
| 2006 / 2007                            | 4        | 4       | 1     | 18                                | 2                 | 6                            | 35    |
| 2005 / 2006                            | 3        | 4       | 4     | 14                                | 4                 | 3                            | 32    |

**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<br>jurisdiction | Premature<br>complaints | Total excl<br>premature | Total |
|-------------------------|---------|----|--------|---------|--------|----------|-------------------------|-------------------------|-------------------------|-------|
| 01/04/2007 - 31/03/2008 | 0       | 4  | 0      | 0       | 11     | 4        | 6                       | 5                       | 25                      | 30    |
| 2006 / 2007             | 0       | 8  | 0      | 0       | 9      | 3        | 7                       | 8                       | 27                      | 35    |
| 2005 / 2006             | 0       | 5  | 0      | 0       | 10     | 3        | 6                       | 7                       | 24                      | 31    |

See attached notes for an explanation of the headings in this table.

| Response times          | FIRST ENQUIRIES           |                               |
|-------------------------|---------------------------|-------------------------------|
|                         | No. of First<br>Enquiries | Avg no. of days<br>to respond |
| 01/04/2007 - 31/03/2008 | 16                        | 25.1                          |
| 2006 / 2007             | 15                        | 22.9                          |
| 2005 / 2006             | 10                        | 53.5                          |

**Average local authority response times 01/04/2007 to 31/03/2008**

| Types of authority        | <= 28 days<br>% | 29 - 35 days<br>% | > = 36 days<br>% |
|---------------------------|-----------------|-------------------|------------------|
| 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              |