

**The Local Government Ombudsman's  
Annual Letter  
Selby 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 received about Selby District Council and comments on the authority's performance and complaint-handling arrangements.

I hope that the letter will assist you in improving services by providing a useful perspective on how some people who are dissatisfied 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**

During the year I received 33 complaints against the Council, a figure consistent with the number of complaints sent to me in recent years. No patterns emerged during the course of the year to alarm me. Complaints about planning and building control matters remain the biggest single issue about which I receive complaints but these complaints fell from 25 in the previous year to 19 this year. This is too small a decline to enable me to offer any meaningful observations but I am sure it is a fall welcomed by the Council.

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

I ask all authorities to respond to my initial enquiries within 28 calendar days. This year the Council took 37 days to reply. Although this is disappointing [two years ago the Council replied to me within 25 days] I would not be too critical because I only asked for detailed comments on five occasions and in two cases the reply from the Council reached me in 23 and 21 days respectively. I simply take the opportunity to remind the Council of the importance [if only for the sake of the complainant and those officers whose actions are under scrutiny] of making progress with complaints as quickly as possible.

Following my annual letter last year I met with the Council's Chief Executive for what was a very constructive meeting and I am satisfied with the working relations which exist between my office and the Council.

## **Decisions on complaints**

### ***Reports and local settlements***

We will often discontinue enquires into a complaint when a council takes or agrees to take action that we consider to be a satisfactory response – we call these local settlements. In 2007/08 the Local Government Ombudsmen determined 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). If an investigation is completed I issue a public report.

I issued two reports against the Council, both about planning matters and both critical of the Council. Each report, one concerning an enforcement matter, the other concerning a development control issue, highlighted problems within the Council's Planning Department which I trust have now been addressed.

## **Other findings**

In addition to the two reports referred to above, I determined 40 further complaints, a figure which differs from the number of complaints received because of work in hand at the beginning of the year. Eighteen complaints were sent to me prematurely while 2 were outside of my jurisdiction. Of the remaining complaints, in 9 cases I exercised the general discretion available to me not to pursue the matter while in 7 cases I found there to be no evidence of maladministration by the Council. The Council agreed to settle the final 4 cases accepting that something had gone wrong and acknowledging that it was appropriate to consider some form of remedy for the complainant.

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

I have referred to premature complaints above by which I mean those complaints sent by me to the Council on the basis that, at the time, the Council had not been given notice of the complaint or the opportunity to address it. During the year 7 of these complaints were re-submitted to me by complainants dissatisfied with the outcome of the Council's consideration of the matter. In two of these cases I found evidence of maladministration and the Council agreed to settle the matter. The question that this raises for me is whether the Council's complaints procedure is as robust as it needs to be in order to hold the Council to account when something has gone wrong. I draw no conclusions from a small sample but I do ask the Council to reflect upon the matter. If I can assist in this process in any way do please let me know.

## **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. A detailed evaluation of the training provided to councils over the past three years shows very high levels of satisfaction. We will customise courses to meet your Council's specific requirements and provide courses for groups of staff from different smaller authorities. Participants benefit from the complaint-handling knowledge and expertise of the experienced investigators who present the courses.

I enclose 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, has 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'. Feedback on special reports is always welcome. I would particularly appreciate information on complaints protocols in the governance arrangements of partnerships with which your Council is involved.

## **Conclusions and general observations**

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Anne Seex  
Local Government Ombudsman  
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17 Shipton Road  
YORK  
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**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	8	4	19	1	1	<b>33</b>
<b>2006 / 2007</b>	0	10	2	25	0	0	<b>37</b>
<b>2005 / 2006</b>	1	7	4	18	3	0	<b>33</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	2	4	0	0	7	9	2	18	24	<b>42</b>
<b>2006 / 2007</b>	0	0	0	0	9	5	3	13	17	<b>30</b>
<b>2005 / 2006</b>	0	8	0	0	10	3	3	9	24	<b>33</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	5	37.0
<b>2006 / 2007</b>	10	35.8
<b>2005 / 2006</b>	18	24.4

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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