

**The Local Government Ombudsman's  
Annual Letter  
Shrewsbury and Atcham  
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 Shrewsbury and Atcham 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 16 complaints against your Council during the year. This is broadly in line with the figure for the last few years.

### ***Character***

Nine of the complaints we received concerned Planning matters. This is a similar proportion to that received in the last few years. The remaining seven complaints were spread across Council services, with no service area contributing a disproportionate number, and none showing a significant variation from the figures in recent years.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I did not issue any reports against your Council in the last 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).

Two complaints were concluded with a local settlement in the last year, in respect of which the Council made payments totalling £750.

One of these concerned the complainant's contention that he was not advised by Building Control staff that he should speak to a Planning officer about his proposals to erect a cabin in his garden. When constructed, the cabin was found to breach planning control. I found that, on balance, it was probable that the complainant had not been properly advised and had therefore lost the opportunity to try to carry out the development in such a way as to avoid the need for a planning application. The Council agreed to pay him £500 in recognition of his lost opportunity.

The other case concerned Local Taxation. When the complainant changed her address, the Council failed to link her Council tax account to an account relating to a previous address. As a result, warning letters and a summons were delivered to the wrong address. A liability order was obtained and bailiff action initiated without the complainant's knowledge. When the Council became aware that it had been writing to the wrong address, it simply passed the new address to the bailiff. As a result, the first the complainant knew of the recovery action was when she received a letter from the bailiff. I found that the failure to link the accounts amounted to maladministration and the Council agreed to make a

payment of £250 to the complainant in respect of the unnecessary distress she had been caused.

### ***Other findings***

Three complaints were treated as premature and referred back to the Council so that they could first be considered through your corporate complaints procedure.

Eight complaints were not pursued because there was no evidence of maladministration, or because I used my discretion not to pursue them, mainly because no significant injustice flowed from the fault alleged. In a further four cases, I took the view that the matters complained of fell outside my jurisdiction.

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

The three complaints regarded as premature represent 18% of the complaints determined in the year. This is well below the national average of 27%, and would seem to suggest that your Council has a complaints procedure which is accessible to your citizens and which is, for the most part, effective in resolving complaints.

Only one complaint which had previously been referred back to the Council was resubmitted to my office. It was not upheld.

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

Enquiries were made on six complaints in the last year. Your Council's average response time was 30.2 days, which represents an increase of six days from the position last year and is outside my target timescale of 28 days. I understand however that particular difficulty was experienced in responding to our enquiry on the matters raised by one complainant. Such was the nature of the matters he had raised that two separate complaints were registered, and I recognise this had the effect of increasing your Council's average time to respond. In the circumstances therefore, I attach no particular significance to the small increase in the time it has taken your Council to respond to my enquiries.

From time to time we hold a seminar here in Coventry for Council officers designated as the link between your Council and my office. I see that no one from your Council has attended for a few years. The feedback we receive from attendees is very positive and the seminars are seen as a useful way of improving practice for the benefit of your officers and for improving service to people who find that they need to make complaints. If your Council would be interested in sending a delegate to the next seminar please contact my office for more information.

### **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, 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 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'. Again, 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 Shropshire this is the last Annual Letter that I shall be sending to the Council in its present form. 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 by subject area	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	4	9	0	2	16
2006 / 2007	1	3	8	1	0	13
2005 / 2006	0	7	6	0	2	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	0	2	0	0	6	2	4	3	14	17
2006 / 2007	0	0	0	0	2	0	9	1	11	12
2005 / 2006	0	0	0	0	9	7	3	1	19	20

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	6	30.2
2006 / 2007	11	24.6
2005 / 2006	2	28.0

**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