

**The Local Government Ombudsman's  
Annual Letter  
South Somerset 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 South Somerset 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 67 complaints against your Council during the year, 36 more than last year, in part representing multiple complaints on a single issue. Taking this into account complaint numbers have risen slightly in the past year, but I see nothing particularly significant in that, given the high volume of interactions between the Council and residents of the District.

### ***Character***

Fifty-four complaints, approximately 80% of all those received against your Council, were about Planning and Building Control. This is a significant increase in complaints in this category from the previous year (19). The unusually high numbers of complaints was the result of our receiving 34 complaints about the same issue. Without those complaints the number would have been similar to 2006/07.

There were small increases in complaints about Housing (from none to one) and Transport and Highways (from one to two) but I do not consider these increases significant. Complaints about Public Finance were slightly reduced (from three to two)

We received seven complaints in the 'Other' category a similar number to that received last year. Three of those complaints raised concerns about Environmental Health issues.

## **Decisions on complaints**

I decided a total of 43 complaints during the year.

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

When we complete an investigation we issue a report. One report about planning applications was issued against the Council this year. The Council's initial decision to grant planning permission subject to a legal agreement was flawed. When it later formally refused permission it then took too long to commence planning enforcement action. The complainant was caused outrage in that he was forced to operate in an adverse business environment and paid for professional advice for longer than necessary. The Council agreed to review its procedures to ensure that the maladministration did not recur and made a payment of £5000 in compensation to the complainant. I am grateful to the Council for agreeing to the recommendations within a month of the report being issued.

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 28% 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 settled locally this year. A housing allocations complaint concerned the Council's lack of focus on considering options to provide suitable accommodation for the complainant's physical disability which meant that he remained in unsuitable accommodation for a year longer than necessary. The Council identified a suitable property and agreed to pay the difference between the rent levels until the Council's offered property had been adapted and was available for occupation.

In the case of a complaint about housing benefit, the Council had delayed in sending an appeal to the Tribunal Service. It agreed, in principle, to settle the complaint by making a payment if the appeal was upheld.

### ***Other findings***

Eight 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 a further five cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 27 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 eight premature cases represents some 19% of the complaints determined. This is significantly lower than the national average (currently 27%) and suggests the Council's complaints procedure continues to be clear and accessible to the public.

Four complaints that had been determined as premature were resubmitted to me to consider. None of these was pursued, either because no evidence of maladministration was seen or because it was decided not to pursue them for other reasons. The small number of resubmitted complaints to me suggests that the Council's complaints procedure continues to work well and provides residents of the District with a positive means of airing their grievances.

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

Enquiries were made on 47 complaints during the year. I am pleased to note your Council's average response time of 23 days is a further improvement on last year's time of 25 days and all the responses to my enquiries were submitted well within our target of 28 days. I am most grateful for this excellent performance.

### **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, 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.

**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	Transport and highways	Total
01/04/2007 - 31/03/2008	1	1	7	54	2	2	67
2006 / 2007	1	0	7	19	3	1	31
2005 / 2006	0	0	8	32	0	2	42

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	2	0	0	8	19	5	8	35	43
2006 / 2007	0	5	0	0	11	9	2	7	27	34
2005 / 2006	0	4	0	0	15	7	7	4	33	37

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	47	22.7
2006 / 2007	13	25.5
2005 / 2006	25	25.9

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