

Local Government OMBUDSMAN

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

Tamworth 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 Tamworth 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 22 complaints against your Council this year, two more than last year. We expect to see these fluctuations over time and I see no significance in the rise.

Character

Fourteen complaints, approximately two thirds, were about planning and building control matters. Two were about housing and one complaint was received about transport and highways.

In the 'other' category, there were three complaints about land matters, two about waste management and one antisocial behaviour. For the second successive year there were no complaints about benefits.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. No reports were issued against the Council this 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 settled locally this year and a total of £638 paid in compensation.

The Council agreed to re-pay fees of £138 to a complainant after it went back on its promise to register a deed of variation in respect of land relating to both the Council and the complainant.

The other settlement of £500 resulted from the Council's failure to provide a designated point of contact during a long-running complaint about antisocial behaviour and its failure to provide an explanation of why formal action would not be taken against the offending tenant.

Other findings

Of the 25 complaints I decided against your Council this year, ten were referred back to your Council so that they could first be considered through your complaints procedure.

One complaint was outside my jurisdiction because there was a statutory right of appeal to a

government minister. The remaining twelve complaints were not pursued as no evidence of maladministration was seen or 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

Last year I noted that premature complaints accounted for half of all the decisions taken compared to the national average of 28%. I know your Council was keen to make progress in this area and so it is pleasing to note that this year's ten premature complaints account for 40% of decisions. The national average this year is 27% and I hope your Council will continue to seek further improvements in ensuring your complaints process is well publicised and accessible.

Seven complaints were re-submitted to me and none of these was pursued because no evidence of maladministration was seen.

Liaison with the Local Government Ombudsman

This year I made eight enquiries and the Council's average response time was 35 days which for the fourth year running is outside my target time of 28 days. Last year the Council wrote to me setting out its plans to improve its response times and it has managed to cut the average by one day compared to last year (36 days).

I recognise that some complaints are complex and it may take the Council longer to prepare a response where there are several strands to be drawn together. One example of this was a housing complaint which included issues of allocations, neighbour nuisance, benefits and arrears. The response took 60 days for the Council to prepare but, when it was received, the response was both pragmatic and comprehensive. Where more time is required it is always helpful to let us know so that we can keep the complainant informed.

When the individual response times are examined it is clear that the average is heavily influenced by this complaint and another about planning and building control matters where the response took 61 days. If these two complaints are excluded the average response time is 26.5 days and I consider this to be an encouraging sign. I hope your Council will continue its efforts to meet my target response time.

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.

One of your officers attended our complaint manager's seminar last November and I hope she found the session helpful and informative.

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	Transport and highways	Total
01/04/2007 - 31/03/2008	0	2	5	14	1	22
2006 / 2007	0	12	5	3	0	20
2005 / 2006	1	3	1	3	0	8

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	10	2	1	10	15	25
2006 / 2007	0	0	0	0	5	2	1	7	8	15
2005 / 2006	0	1	0	0	2	4	0	1	7	8

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	8	35.0
2006 / 2007	7	35.9
2005 / 2006	4	33.5

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