

Local Government OMBUDSMAN

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

Teignbridge 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 Teignbridge 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 26 complaints against your Council during the year, 18 fewer than last year. This continues the significant decrease from the level of complaints I have received in 2005-06, and I congratulate the Council in its progress here.

Character

Eighteen complaints were received about planning and building control, a decrease of six on 2006/7. We received two complaints about housing and two about transport and highways. One complaint was received about public finance.

The remaining three complaints were received in the 'other' category which included complaints about contracts and business matters, antisocial behaviour and leisure and culture.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your 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 and a total of £1,175 compensation was paid.

One complaint was about a planning application approved by the Council. The Council had requested details of surface water run off for a development site which was immediately uphill from the complainant's home. These were never supplied. Even when a soakaway was installed and the Building Control's department had agreed the details of the drainage, no record was kept of what was agreed. Nor did the builder arrange for it to be inspected. The complainant first complained about water gushing through weepholes in the retaining wall below the site onto her patio in November 2005, but the Council did not deal properly with her complaint until September 2006, when replying to our enquiries. The Council accepted significant responsibility for the situation, despite the fact that the developer was also at fault. My officers have recorded that once the Council accepted its fault, it

responded sympathetically to the situation. As well as making a payment of £1,100 to compensate the complainant, the Council also arranged an independent inspection to ascertain the damage caused. It exerted considerable pressure on the developer to make good the drainage problems, and it monitored the site to see that the works had been effective. The Council also carried out works to repair and clean the patio after the flooding. And when the complainant could not gain access to the lawn while works were underway, the Council mowed the grass for her. This was exemplary customer care.

The Council also resolved a complaint about the way it handled a housing allocation matter. It had delayed in assessing the complainant's application for six weeks beyond its target date and it did not make it clear that the medical assessment had not yet taken place when it first contacted the complainant about the outcome of her application. This meant that the complainant thought her medical condition had had no bearing on her application. The problem was exacerbated by the complainants' distress about becoming so ill as to be disabled. Once the Council realised that its handling of the application had been delayed and the stress this had caused, it made arrangements to visit the family and assisted in completing a further application form. It also referred the matter again to the medical adviser who increased the number of medical points to the medium category. The Council also offered advice about future housing possibilities and considered awarding discretionary points. The family was not compromised by the delay as there would have been no possibility of a housing offer being made at the time, due to the lack of availability. The Council also made a payment of £75 to the complainants for the inconvenience of the delay.

Other findings

Eight complaints were treated as premature and referred back to your Council so that they could be considered through your Council's complaints procedure.

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

The remaining 17 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 number of premature complaints against the total determined (eight out of 31) is consistent with the national average of 27%. The reduction in the number of complaints made to me indicates that your Council has a robust complaints handling procedure which is easily accessible to residents in the Council's area.

Three complaints that had been referred back to the Council as premature were resubmitted. None of them was pursued because there was no evidence of maladministration.

Liaison with the Local Government Ombudsman

Enquiries were made on 12 complaints during the year. Your Council's average response time of just over 24 days was a significant improvement on last year's average of nearly 45 days and is now within our target timescale of 28 days. I am very grateful for the progress here. I was pleased to see the attendance of one of your officers at our link officer seminar in November last year.

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
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18 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	0	2	3	18	1	2	26
2006 / 2007	2	5	5	24	4	4	44
2005 / 2006	0	1	5	56	2	1	65

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	16	1	4	8	23	31
2006 / 2007	0	24	0	0	36	4	6	10	70	80
2005 / 2006	0	4	0	0	7	2	4	7	17	24

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	12	24.1
2006 / 2007	41	44.6
2005 / 2006	21	16.9

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