

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
Torbay 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 Torbay 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 43 complaints against your Council during the year, two fewer than last year.

### ***Character***

Seventeen complaints, 39% of all those we received against your Council, were about planning. We received five complaints about Adult Care Services and three complaints about Children and Family Services. Four complaints were about Housing, three about Benefits and one about Education. There are no significant changes or trends arising out of the volume or character of the complaints received this year compared to previous years.

## **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).

One complaint about a housing benefit claim was settled locally this year. The complainant was upset when the Council inadvertently tore her tenancy agreement, produced in support of the claim, in half. The Council apologised and offered to make a payment of £25. The Council had already settled the complaint and I did not see that it needed to do anything more.

### ***Other findings***

Ten 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 seven cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 15 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

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

Last year I suggested that you might want to consider how your complaints process is publicised because 35% of the complaints we received against your Council were premature. This year premature complaints accounted for 30% of all complaints decided. This is more in line with the national average, which this year is 27%.

Five complaints that had been determined as premature were resubmitted. Two of these are still under consideration but I decided not to pursue the other three, mainly because there was no evidence of maladministration.

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

Enquiries were made on ten complaints during the year. Your Council's average response time was 26 days, within the target timescale of 28 days. The quality of responses is generally good and the link officer provides a helpful and proactive service. I am grateful for all the Council's hard work in this area.

### **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.

During the year, we delivered a good complaint handling Course to some of your officer and I hope participants derived benefit from the knowledge and expertise of the trainers.

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  
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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	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	5	3	3	1	4	4	17	2	0	4	43
2006 / 2007	6	0	5	2	5	5	13	2	0	7	45
2005 / 2006	6	3	1	1	0	5	11	1	1	4	33

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	1	0	0	9	6	7	10	23	33
2006 / 2007	2	5	0	0	12	6	7	16	32	48
2005 / 2006	1	4	0	0	9	10	3	10	27	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	10	26.1
2006 / 2007	8	21.3
2005 / 2006	19	43.5

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