

# Local Government OMBUDSMAN

## **The Local Government Ombudsman's Annual Letter Torridge District Council for the year ended 31 March 2008**

The Local Government Ombudsman (I) 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 I 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 Torridge 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***

During the year my office received 35 complaints against your Council, only very slightly more than each of the last two years (32). We expect to see fluctuations over time.

### ***Character***

As in previous years well over half (21) of the complaints received concerned Planning matters. This is quite usual for a largely rural authority. All but three of those complaints were about planning applications.

Seven complaints concerned Housing matters, including Council tenancies (three), Housing allocations (three) and homelessness (one). And two complaints concerned Housing Benefit.

Of the remaining complaints received, Council tax was the subject of one complaint, Parking of two complaints and two (from the same complainant) were about waste management and anti-social behaviour.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I did not find it necessary to issue a report on any complaints against your Council during the 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).

A local settlement was agreed on just one complaint. The Council had granted planning permission but was not able to demonstrate that it had considered the impact the development would have on the complainant's property. There was no reference in the documentation to what impact the development would have, and in particular no reference to windows affected, or why the impact was considered acceptable. The Council agreed to pay compensation of £500 to reflect the outrage suffered by the complainant from feeling that a different decision might have been made on the application if the impact had been properly assessed.

## ***Other findings***

Decisions were made on a total of 32 complaints (including the local settlement described above) during the year. Eight complaints were found to be premature because the Council had not first been made aware of them, so they were referred to the Council to be considered under your own complaints procedure. Two other complaints were about matters outside my jurisdiction so could not be investigated. In 13 cases investigation was discontinued because no or insufficient evidence of administrative fault was found. And eight cases were not pursued for other reasons, generally because the complainants had not suffered any significant injustice to warrant investigation.

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

The Council's website provides clear guidance on how to pursue a complaint with the Council and identifies the central role of the Head of Corporate Services and the Complaints Coordinator. It also contains useful information on my role for dissatisfied customers.

The number of complaints to me found to be premature (25% of the total received) is slightly lower than the national average of 27%, indicating that the Council's complaints procedure is clear and well-signposted so readily accessible to citizens. The low number of local settlements on complaints investigated by my office indicates that where failures occur the Council is taking action itself to address them.

Only four complaints referred to the Council as premature were re-submitted to me during the year and investigation on all four was discontinued because there was no or insufficient evidence of administrative fault. This suggests again that the Council's own handling of complaints is robust and effective.

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

Formal enquiries were made by my investigators on only eight complaints during the year and the average response time was 18 days, well within the target of 28 days. I am pleased to see that in this respect the Council has more than maintained the impressive performance and improvement on previous years which I noted in last year's Annual Letter. In addition, responses provided by your Council to our enquiries are generally helpful and comprehensive.

## **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, 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 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'. 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**  
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**Westwood Business Park**  
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**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	2	7	2	21	1	2	35
2006 / 2007	1	2	8	19	2	0	32
2005 / 2006	1	1	1	26	1	2	32

**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	13	8	2	8	24	32
2006 / 2007	0	2	0	0	9	4	5	12	20	32
2005 / 2006	1	9	0	0	13	8	6	9	37	46

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	18.0
2006 / 2007	6	19.0
2005 / 2006	19	39.8

**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