

# Local Government OMBUDSMAN

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

**West Dorest 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 West Dorset 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 18 complaints against your Council during the year, one less than in each of the two previous years. We expect to see small fluctuations from year to year.

### ***Character***

Eleven complaints were about Planning matters, two about local taxation, and five about a variety of different services. This pattern is not significantly different to previous years. The numbers are relatively small so more detailed analysis would be unlikely to be of any value.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I did not issue any reports 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).

Two complaints were the subject of local settlements during the year. In one case the Council had not properly recorded how it had considered the impact of a residential development on the complainant's business next door, including the potential for complaints about noise from his business. The Council agreed to meet with the complainant to discuss his concerns and allay his fears.

In another case, it became apparent that Members of a committee were not fully aware that an application for a premises licence would also cover events to be held in the grounds, despite the Council's assurances to the complainant, and to my office during the investigation, that they were. Although the outcome of the application was not likely to have been different, and the complainant's concerns about disturbance had not become a reality, the Council's own consideration of the complaint was insufficiently robust or objective. I welcomed its offer to pay the complainant £250 for the time and trouble in pursuing the matter and to review its practice in handling complaints.

## ***Other findings***

Three 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 five cases I took the view that the matters complained of were outside my jurisdiction.

The remaining eight 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**

One complaint which had previously been referred back to the Council was re-submitted to my office, but there were no grounds to investigate it further.

I have already commented above about the Council's consideration of the complaint about a licence application. I received another complaint during the year where the complainants had tried to arrange a meeting with officers, and copied their correspondence to the Chief Executive. Three months later they complained to me that there had been no response. The number and nature of complaints I receive against your Council would suggest generally that your complaints procedure is accessible to your citizens and effective in resolving complaints. But individual cases can highlight specific problem areas and you may wish to review your systems in light of these examples.

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

Enquiries were made on seven complaints during the year. Your Council's average response time of 17 days is significantly shorter than in previous years and well within my target timescale of 28 days. I am very grateful for your achievement in this area, which appears to be consistent across the relevant service areas.

From time to time we hold a seminar here in Coventry for Council officers designated as the link between your Council and my office. I see that no-one from your Council has attended in recent years. The feedback we receive from delegates is very positive and the seminars are seen as a useful way of improving practice for the benefit of your officers and for improving service to people who find they need to make complaints. If your Council would be interested in sending someone to the next seminar please contact my office for more information.

## **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, has 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 No 2**  
**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	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	0	5	11	2	0	18
2006 / 2007	1	4	12	0	2	19
2005 / 2006	2	0	14	2	1	19

**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	5	3	5	3	15	18
2006 / 2007	0	1	0	0	9	4	2	3	16	19
2005 / 2006	0	0	0	0	11	0	3	4	14	18

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	7	17.0
2006 / 2007	6	25.2
2005 / 2006	7	31.1

**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