

Local Government
OMBUDSMAN

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

West Somerset 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 Somerset 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 14 complaints against your Council during the year. This is an increase on the number received last year (five) but remains roughly in line with complaint numbers received in earlier years. So I see nothing particularly significant in the recent increase, given the high volume of interactions between the Council and its residents.

Character

Eight complaints, almost 60% of all those received against your Council, were about Planning and Building Control. This is an increase in complaints in this category from the previous year (three) but there does not appear to be a particular reason for this rise.

There were small increases in complaints about Public Finance (from none to three) and Transport and Highways (from none to one) but I do not consider these increases to be significant.

We received two complaints in the 'Other' category, a similar number to that received last year.

Decisions on complaints

I decided a total of 10 complaints during the year.

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of the investigation, the Council takes or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

One complaint about local taxation was settled locally this year.

The Council acknowledged that there were failings in the way it dealt with an application for a reduction in Council tax payments under section 13A of The Local Government Finance Act 1992. (This provision allows a Council to take account of exceptional local circumstances that might justify a reduced charge). These failings resulted in frustration, uncertainty and inconvenience to the complainant. The Council agreed to review its process, to reconsider the complainant's application, to backdate any reduction awarded as a result of reconsideration and to make a payment of £100 to the complainant for his time and trouble. I am grateful to your Council for its swift agreement to the local settlement and I consider that its action in consulting neighbouring authorities to compare criteria for determining applications of this unusual nature represents good practice.

When we complete an investigation we issue a report. No reports were issued against the Council this year.

Other findings

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

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

The remaining four 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 four premature cases represents some 40% of the complaints determined, and is above the national average (currently 27%). The number of premature complaints has increased this year but the numbers involved are very small and I have no reason to doubt that the Council's complaints procedure is sufficiently clear and accessible to residents of the District.

Only one of the complaints that had been determined as premature was resubmitted to me. I saw no evidence of maladministration and did not pursue the complaint. The small number of resubmitted complaints to me suggests that the Council's complaints procedure continues to work well and provides residents with a positive means of airing their grievances.

Liaison with the Local Government Ombudsman

Enquiries were made on seven complaints during the year. Your Council's average response time of 37 days has decreased from the previous year's time of 44 days but is still in excess of the 28 days required. I was pleased to note that responses on two complaints were received well within the required times and I am grateful for the efforts of the officers involved. But in the remaining five cases there was significant delay.

When writing last year I expressed the hope that the Council would reduce its response times and I am grateful for the improvements made. But given the relatively low number of enquiries I made of the Council the overall performance remains disappointing and I would be grateful to receive your proposals for further improvements during 2008/09.

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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June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	2	8	3	1	14
2006 / 2007	2	3	0	0	5
2005 / 2006	1	9	0	0	10

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	3	1	1	4	6	10
2006 / 2007	0	0	0	0	1	1	2	0	4	4
2005 / 2006	0	0	0	0	5	2	3	2	10	12

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	36.6
2006 / 2007	2	44.5
2005 / 2006	2	24.0

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