

Local Government
OMBUDSMAN

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

**Royal Borough of Windsor
and Maidenhead**

**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 the Royal Borough of Windsor and Maidenhead. 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

We received 27 complaints about the Council, marginally fewer than in each of the two preceding years. The distribution of complaints between services is also broadly similar, with planning and building control accounting for almost half of all complaints and education the next largest category.

All 12 planning and building control complaints were about the Council's handling of applications for planning permission, with four complaints about one development.

Four of the six education complaints were about school admissions.

Decisions on complaints

Reports and local settlements

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 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).

None of the complaints we investigated this year justified the issue of a report. We decided nine complaints as local settlements, which is 45% of all our decisions excluding 'premature' complaints and complaints outside our jurisdiction. All of the settlements were complaints about planning or education.

The Council paid compensation of £15,000 to one complainant, primarily to reflect the loss of value as a result of a failure properly to assess the impact of a development on their home. In three other complaints about other aspects of the same development, the Council paid £1,000 to each complainant to reflect their lost opportunity to comment on the plans. In another planning complaint, the Council agreed modest compensation to remedy the misleading advice it gave about the complainant's planning application.

In a school admissions complaint, I welcome the Council's prompt agreement to hold a new appeal hearing when my investigator identified some flaws in the panel's handling of the first appeal. In another complaint involving a child who had been excluded and where there was fault in the way his applications to alternative schools were dealt with, the Council responded quickly to our settlement proposal which involved an apology and some compensation. We asked the Council to review its procedures in this area and later it sent us a copy of a revised Fair Access Protocol for dealing with difficult in-year admissions.

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In a complaint about special educational needs, there was a failure to provide education after a school named in the child's statement of special educational needs refused to admit him. The Council paid compensation in excess of £2,000 in that case. Following up on a complaint we had dealt with in the previous year concerning the same school, the Council wrote to tell us the contacts it had established with the school. The Council gave its commitment to challenging and supporting schools to provide education that is both effective and inclusive.

Your Council's complaints procedure and handling of complaints

Of the 33 complaints we decided, we sent eight back to the Council to be dealt with under its complaints procedures. We decided one complaint which had previously been sent back to the Council in this way but the complainant came back to us, dissatisfied with the Council's reply. That is the complaint, to which I have already referred, which was settled with a payment of £15,000.

Liaison with the Local Government Ombudsman

During the year we made written enquiries on nine complaints, compared with 16 in 2006/07. The average time taken by the Council to respond to our enquiries has been a concern for some time and has been mentioned in previous letters. So I am delighted to record that this year the average time has reduced to just over 17 days, well within the target timescale we set. In 2005/06 the average time was almost 54 days; in 2006/07 it was 38 days, so this year's performance is indeed worthy of praise.

I was also pleased that the Council sent a representative to the Link Officer seminar which we held in November. I hope that he found the event useful.

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, 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, 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'. Again, 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.

Tony Redmond
Local Government Ombudsman
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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	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	0	0	6	1	3	12	1	3	27
2006 / 2007	2	2	0	4	0	3	15	1	1	28
2005 / 2006	1	1	1	8	0	4	10	2	1	28

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	9	0	0	5	6	5	8	25	33
2006 / 2007	0	6	0	0	9	7	3	4	25	29
2005 / 2006	0	2	0	0	8	13	0	5	23	28

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	9	17.4
2006 / 2007	16	38.0
2005 / 2006	14	53.6

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