

Local Government
OMBUDSMAN

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

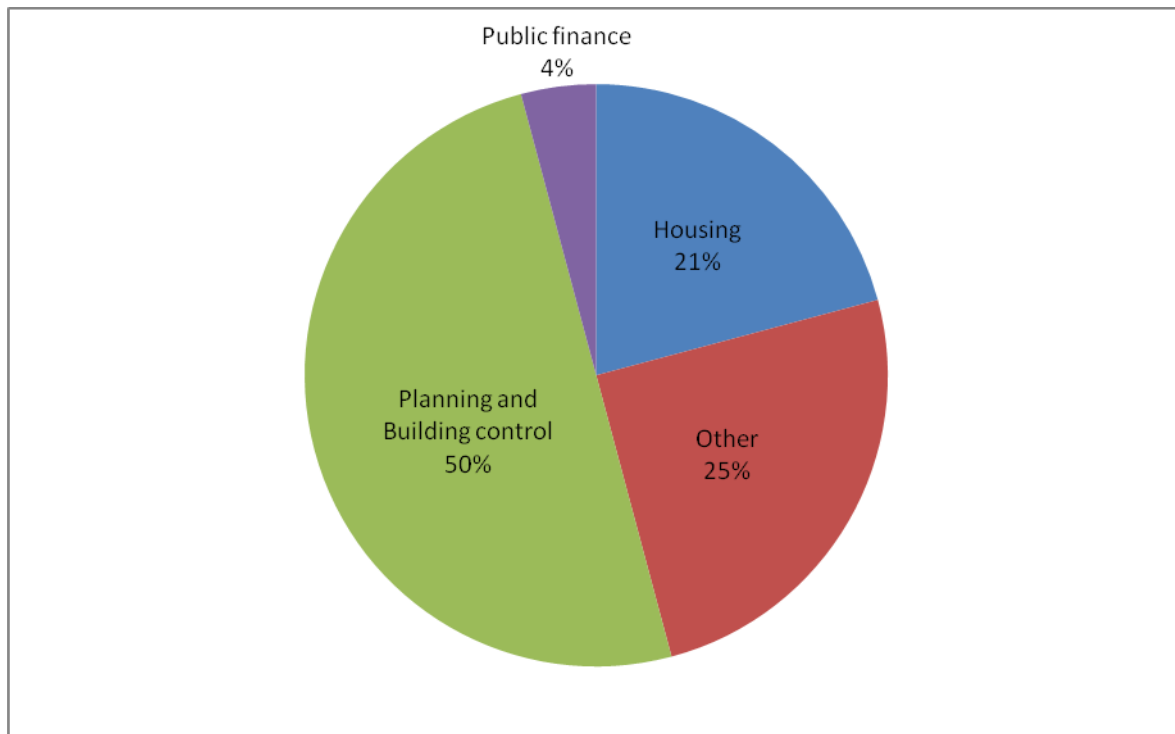
I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

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

I received a total of 24 complaints against your Authority, a third down on last year. Half of these complaints were about planning and building control but this figure was also a third down on last year. There were five complaints about housing, again fewer than last year (nine).



Decisions on complaints

We made 30 decisions on complaints against your Authority during the year. Of these decisions, four were local settlements and we issued four reports.

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Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Authority 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 authorities have not had a proper chance to deal with them - and those outside our jurisdiction). When we complete an investigation we issue a report.

The percentage of complaints against your Authority where a local settlement was reached or a report issued was 34.7% excluding complaints which were outside jurisdiction or premature, which is above the national average (27%). Last year the figure for the Council was 20%.

Four reports were issued against your Authority. All four reports followed complaints about the Council's failure to determine a single application for a telecommunication mast within the statutory 56-day period, resulting in the operator receiving deemed consent. The Council failed to notify residents living near the site that the operator had deemed consent and the first they knew about it was when the operator moved on to the site and erected the mast.

The mast was in place for six months before the operator, following pressure from neighbours and after an internal review of its requirements, decided that the mast was no longer required and dismantled it. I found there was fault in the Council's actions which had led to uncertainty and anxiety to the four complainants. Your Council agreed to pay each of the complainants £550 to recognise their anxiety and distress and the time and trouble they had been put to. Your Council agreed to change its procedures to prevent a repeat of its mistake.

We settled a complaint from a motorist who had received a penalty for an alleged parking contravention in a Council owned car park. The motorist disputed the penalty. The Council does not operate a decriminalised parking scheme. The Council did not take the motorist to court which would have allowed him to explain why he felt the Council had unreasonably issued the parking ticket, but pursued him for payment using debt collectors and solicitors. It was our view that where a motorist disputed the issue of a penalty it was wrong for the Council to pursue him in this way over a number of months without allowing him to put his case in court. Your Council accepted this view and has now changed its procedure so that if a motorist disputes a penalty it may now pursue the matter through the judicial system, allowing the motorist to put his defence. I welcome this change in procedure. In this case your Council settled the complaint by cancelling the penalty and apologising to the complainant.

We settled another complaint from a Council tenant about an extension built to a neighbour's property. The tenant had complained to the Council when the extension was under construction that it was on the boundary line and, in places, encroached on her property. The Council did nothing to stop the encroachment and did not seek a Party Wall Act Agreement. The tenant now sought to purchase her property under the 'right to buy' and considered that the Council should have the encroachment removed before the purchase went ahead. The Council's view was that it was not expedient or in the public interest to take any action to have it removed. My investigator accepted this view and interviewed the Council's surveyor who confirmed that his valuation had taken account of the encroachment and so no substantive injustice had arisen. However the Council accepted that the complainant had been put to time and trouble by what had happened and refunded four weeks rent to recognise this.

My investigators found minor faults when settling two other complaints, neither of which was so great that it merited the payment of compensation.

Your Council's complaints procedure and handling of complaints

I referred four complaints back to your Authority last year as "premature" as your Authority had not had sufficient time to respond to them. This represents 16.6% of the total decisions made, slightly higher than last year but considerably lower than the national average of 27%.

None of the complaints which we asked you to put through your complaints procedure was resubmitted to me.

Liaison with the Local Government Ombudsman

The target time for authorities to respond to first enquiries is 28 days. The average time for your Authority was 25.8 days, a slight improvement on last year's figure of 26.5 days. Most district councils meet this 28 day target but I welcome your continued good response times.

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
10th floor, Millbank Tower
Millbank
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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	0	5	6	12	1	0	24
2006 / 2007	2	9	2	18	3	2	36
2005 / 2006	1	4	7	12	6	0	30

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	4	4	0	0	9	6	3	4	26	30
2006 / 2007	0	5	0	0	15	5	5	5	30	35
2005 / 2006	0	2	0	0	13	4	6	6	25	31

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	25.8
2006 / 2007	15	26.5
2005 / 2006	11	30.3

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