

**The Local Government Ombudsman's  
Annual Review  
Mid Suffolk District Council  
for the year ended  
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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# Section 1: Complaints about Mid Suffolk District Council 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about Mid Suffolk 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

A total of 15 enquiries and complaints were received about your Council in 2009/10, compared with 24 in the previous year. Eight of the enquiries and complaints related to planning and building control.

Eight complaints were passed on to my investigative team to consider: four were about planning applications and the others concerned housing allocations, a housing grant, environmental health and parking. It is common in more rural areas for complaints about planning applications to dominate.

Three of the cases not passed on to my investigation team were regarded as premature, because it did not appear that your Council had been given a reasonable opportunity to deal with the matter. In the remaining four cases, the prospective complainants were given advice about the options open to them.

## Complaint outcomes

We decided nine complaints against your Council in 2009/10. In two cases, I found no evidence of fault by your Council. One related to the decision to take planning enforcement action against unauthorised development. The other involved a housing application from someone living elsewhere wishing to move into Mid Suffolk. I understood the difficulties faced by the family involved, but I was satisfied that their application had been dealt with properly.

In two other cases, I exercised my discretion to discontinue the investigation because the potential injustice caused to the complainant did not justify the use of resources to pursue it further. One involved a planning application where there had been some minor errors but there was nothing to suggest that these affected the eventual outcome. In the other, I did not consider that, decisions to accept a minor change to a planning permission and not to take action against some failure to comply with planning conditions, had a significant impact on the complainant.

In two further cases, I concluded that I had no jurisdiction to investigate. A developer complained about serious delay in deciding a planning application. There is a clear right to appeal to the Secretary of State through the Planning Inspectorate if a planning application is not determined within eight weeks and the law says that I should only investigate a complaint where such a right exists in exceptional circumstances. I did not consider such circumstances existed in this case.

The other case was about a prosecution brought against the complainant by your Council. I cannot consider complaints about the commencement or conduct of proceedings in a court of law.

### **Local settlements**

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Three of the seven complaints I decided against your Council which were within my jurisdiction resulted in local settlements.

In one case, the complainant said a planning condition requiring the Council to approve the details of a drainage scheme had not been met, and the scheme which had been implemented was unsatisfactory. Your Council accepted that no scheme had been submitted for approval, but said it had been inspected and suitable works had been carried out. There were no records of the inspection, however, so I asked for a further site visit. This found the scheme had not been implemented in the way the Council had thought, but it was not considered to be expedient to take enforcement action because there was no significant evidence of pollution. Although the outcome was no different, the Council agreed to pay the complainant £250 to recognise the uncertainty and unnecessary time and trouble to which they had been put in pursuing the matter.

In another case, an elderly and disabled complainant received an excess charge notice for parking in a Council car park without displaying a Blue Badge. The complainant was required to pay £75, which could be reduced to £25 if payment was made within seven days. The complainant explained the relevant circumstances, and asked for some leniency, but meantime paid to stop the charge escalating. The Council's response (and information on your website) indicated that a penalty could not be cancelled if no ticket or Blue Badge was displayed, regardless of the circumstances. I was concerned that this appeared to fetter the discretion which councils must always consider using, but the complainant had in any event received a refund before my investigation progressed. Although I considered the matter settled, I asked the Council to re-examine its policy and publicity to ensure they reflected your responsibilities.

The third complaint related to how planning permission had been granted for an agricultural development. I concluded that there had been no fault by your Council in the way it had dealt with the application but it was accepted that the subsequent complaints about this could have been handled better. Your Council agreed to apologise to the complainant and to review your practices. An assurance was also given about future contact with local residents on planning matters and the Council was asked to continue monitoring the site for compliance with the planning conditions.

### **Training in complaint handling**

I would like to take this opportunity to remind the council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

## **Conclusions**

Last year I referred to the improvements which were apparent in your planning service. Complaints about planning and building control continue to make up a high proportion of those received against your Council. However, the actual number remains low and has fallen again from last year and I am pleased to see this continuing trend.

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 authority's services.

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**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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**June 2010**

# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Premature complaints:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the LGO's jurisdiction.

### **Table 3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.–

### **Table 4. Average local authority response times 2009/10**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

**LGO Advice Team**

<b>Enquiries and complaints received</b>	<b>Housing</b>	<b>Public Finance inc. Local Taxation</b>	<b>Planning and building control</b>	<b>Transport and highways</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	0	1	2	0	0	3
Advice given	0	0	2	0	2	4
Forwarded to investigative team (resubmitted prematures)	0	0	1	0	0	1
Forwarded to investigative team (new)	2	0	3	1	1	7
<b>Total</b>	<b>2</b>	<b>1</b>	<b>8</b>	<b>1</b>	<b>3</b>	<b>15</b>

**Investigative Team**

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Total</b>
<b>2009 / 2010</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>9</b>

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
2008 / 2009	9	27.6
2007 / 2008	8	28.4

**Average local authority resp times 01/04/2009 to 31/03/2010**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20