

# **APPENDIX E**

## **WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE - 2 SEPTEMBER 2008**

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**Title:**

**OMBUDSMAN INVESTIGATIONS INTO COMPLAINTS MADE ABOUT  
WAVERLEY'S SERVICES IN 2007/08**

[Wards Affected: All]

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**Summary and purpose:**

This report addresses the issues raised in the Ombudsman's annual letter to Waverley for the year 2007/08, and includes information about the types of complaint made to the Ombudsman about Waverley's services over the past year, Waverley's approach in responding to such complaints and the eventual outcomes. Waverley's performance with regard to its own complaints procedure is the subject of a separate report.

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**Environmental implications:**

There are no environmental implications arising from this report.

**Social / community implications:**

The investigation of complaints to the Ombudsman, and indeed complaints sent directly to the Council, provides the Council with an opportunity to review its arrangements for delivering services to all sections of the community. The investigation of complaints can highlight areas where improvements or changes to procedures need to be made to the benefit of the Council's customers.

**E-Government implications:**

The majority of the Local Government Ombudsman's communication with Councils is now undertaken electronically. These arrangements have been in place since January 2007 and have helped to reduce delay in dealing with complaints, which is one of the measures used by the Ombudsman to assess Councils' performance in responding to his initial enquiries. This issue is addressed in the body of the report.

**Resource and legal implications:**

There are no resource or legal implications arising from this report.

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## **Introduction**

1. The Local Government Ombudsman's annual letter for 2007/08 is attached at Annexe 1. The attachments to the letter have not been reproduced because all the information is included in this report. The following paragraphs comment on the various issues raised in the Ombudsman's letter, and provide Members with an overview of the complaints referred to Waverley by the Ombudsman over the past year.
2. To assist those Members who are unfamiliar with the role of the Ombudsman, attached as Annexe 2 is a summary of the remit, work processes and powers of the Ombudsman.

## **Nature and volume of complaints received by the Ombudsman about Waverley's services**

3. The following table sets out the number of complaints received by the Ombudsman about Waverley's services, by subject, since 2003/04.

<b><u>Year</u></b>	<b><u>Planning</u></b>	<b><u>Housing</u></b>	<b><u>Benefits</u></b>	<b><u>Public Finance</u></b>	<b><u>Other</u></b>	<b><u>Total</u></b>
2007/08	11	7	0	6	6	30
2006/07	13	2	3	4	8	32
2005/06	13	6	0	1	2	22
2004/05	16	1	1	1	2	21
2003/04	49*	7	5	1	0	62

\*Included 32 complaints about East Street.

4. The higher number of complaints received about the Planning Service reflects the situation nationally in district councils. Of the 11 planning complaints, eight concerned planning applications, two concerned trees and one was about a building control matter.
5. The Ombudsman has drawn attention to the increase in housing complaints from two in 2006/07 to seven in 2007/08, and has indicated that he would be interested to know of any changes the Council proposes to make following the forthcoming Audit Commission inspection of the Council's Housing Service in October this year. However, it should be noted that of these seven housing complaints, only two were acted upon by the Ombudsman. One was referred back to the Council as a premature complaint, and one was the subject of further enquiries but was subsequently closed at the discretion of the Ombudsman.

## **Waverley's approach in dealing with Ombudsman's enquiries**

6. Dealing with Ombudsman enquiries can be time-consuming since the information often has to be obtained from various sources. All Ombudsman complaints are investigated by the Council's Customer Relations Officer who then prepares a response for consideration by the Chief Executive. Every effort is made to provide as comprehensive a response as possible to these

initial enquiries, since this not only gives the Ombudsman confidence in the Council's management of complaints, but in the majority of cases, also avoids the need for further correspondence.

7. Working relations with the Ombudsman's office are good, and on several occasions, the Ombudsman's Investigators have expressed their appreciation of the detailed responses provided by the Council to initial enquiries.

**Timescales in dealing with the Ombudsman's enquiries**

8. Two tables are set out below. The first gives the average local authority response times in 2007/08 and the second sets out Waverley's response times in 2007/08 and in the four previous years.

**(i) Average local authority response times 2007/08 - the comparable figures for 2006/07 are provided in italics**

Type of authority	<= 28 days %	29-35 days %	>= 36 days %
District Councils	56.5 ( <i>49.4</i> )	24.6 ( <i>23.4</i> )	19.1 ( <i>27.2</i> )
Unitary Authorities	41.3 ( <i>28.2</i> )	50.0 ( <i>37.0</i> )	8.7 ( <i>34.8</i> )
Metropolitan Authorities	58.3 ( <i>36.1</i> )	30.6 ( <i>47.2</i> )	11.1 ( <i>16.7</i> )
County Councils	47.1 ( <i>44.4</i> )	38.2 ( <i>32.4</i> )	14.7 ( <i>23.5</i> )
London Boroughs	45.5 ( <i>36.4</i> )	27.3 ( <i>33.3</i> )	27.3 ( <i>30.3</i> )

**(ii) Waverley's response times for the period 2003/04 to 2007/08**

Year	No of first enquiries	Average number of days to respond
2007/08	8	32.4
2006/07	15	41.3
2005/06	4	73.3
2004/05	10	50.8
2003/04	12	51.7

9. As acknowledged by the Ombudsman, while Waverley's performance last year remained outside the Ombudsman's target of 28 days, its average response time in 2007/08 of 32.4 days continues the trend of improvement on previous years' figures. Further efforts are being made to ensure that in 2008/09 Waverley's performance will be within the Ombudsman's target. Indeed, the response times for the first two enquiries in 2008/09 were 12 and 28 days respectively.

**Outcome of complaints made about Waverley's services in 2007/08**

10. There have been no findings of maladministration or injustice in respect of complaints made about Waverley in the past fifteen years. Details of the determinations made over the past five years are set out in the following table.

Year	MI* reps	LS*	M* reps	NM* reps	No* mal	Omb disc *	Outside jurisdic*	Pre- Mature*	Total excl premature	Total
2007/08	0	4	0	0	15	6	6	7	30	37
2006/07	0	10	0	0	4	4	10	4	28	32
2005/06	0	3	0	0	6	3	2	5	14	19
2004/05	0	5	0	0	37* *	4	3	7	49	56
2003/04	0	5	0	0	12	0	1	5	18	23

*\*An explanation of the abbreviations used in the table headings is attached as Annexe 3*

*\*\*Includes 32 complaints about East Street conditional contract*

11. Detailed information on the settlements reached in 2007/08 is set out in Annexe 4. Four local settlements were agreed with the Ombudsman in 2007/08 which is much closer to the average for district councils than the 10 local settlements made in the previous year. Two of these local settlements required the Council to make compensation payments of £100 and £50 respectively. The first payment (subsequently returned by the complainant) was for the delay in dealing with a planning enforcement case, and the second payment was made following a procedural error in the recovery of council tax.
12. The Ombudsman has commented that in 2007/08, nationally an average of 27% of all complaints were referred back to councils to consider before he got involved, whereas in Waverley's case this was 18%. This could be seen as an indication that the Council is less able to settle complaints at an earlier stage than other councils, but it could also be argued that this is an indication that the Council's procedure is perhaps more accessible to complainants. It is difficult to identify any local factors that would explain this, and as acknowledged by the Ombudsman, the numbers involved are small.

### **LGO Developments**

13. The Ombudsman's letter concludes with a summary of recent developments, including the launch of the LGO Advice Team in April this year. Members may recall that an article about these changes, introduced by the Local Government and Public Involvement in Health Act 2007, appeared in the May edition of Outlook. For ease of reference a copy of this article is attached as Annexe 5.
14. More recently, the Ombudsmen have announced further changes to the service they provide to complainants. These are as follows:
  - With effect from 1 August 2008 the LGO advice team will no longer follow up complaints that have been passed to local councils as premature. This is to enable the Advice Team to focus on a complainant's first contact.

- With effect from April 2009, the Ombudsmen have decided that - subject to a few exceptions yet to be agreed - they will only accept complaints that have been through all stages of a council's complaints procedure.
- The LGO have issued a new leaflet that encourages potential complainants to phone an adviser before submitting a complaint, and if the complaint is something they can consider the details can be taken over the phone instead of in writing. The new leaflet does not contain a complaint form but the LGO website has an online form.

### **Conclusion**

15. Members will be encouraged to note that there has been a further and significant improvement in the speed of the Council's responses to the Ombudsman's initial enquiries. The reduction in the number of local settlements is also to be welcomed, together with the corresponding reduction in the amount of compensation paid to complaints. Officers will be making every effort to build on the improvement made in response times, so that the average time for 2008/09 falls within the Ombudsman's target of 28 days.

### **Recommendation**

It is recommended that the Executive:

1. considers whether there are any comments it would wish to make on the issues raised by the Ombudsman's annual letter for 2007/08; and
2. welcomes the efforts made by officers to further improve the average time taken to respond to the Ombudsman's initial enquiries.

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### **Background Papers (CEX)**

Local Government Ombudsman's annual letter to Waverley for 2007/08 dated 18 June 2008.

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