

## Section 1: Complaints about Waverley Borough Council 2008/09

### Introduction

This annual review provides a summary of the complaints we have dealt with about Waverley Borough 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 2008/09 and a note to help the interpretation of the statistics.

### Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

### Enquiries and complaints received

A total of 28 enquiries and complaints were received about your Council in 2008/09. In common with many district councils, planning and building control generated most contacts; there were 11 in total.

In all, 18 complaints passed to the investigation team, of which half were about planning and building control matters. Seven related to planning applications and the other two were about enforcement and trees. The other complaints forwarded for investigation were about council tax (4), housing (3: concerning homelessness, housing repairs and managing tenancies), antisocial behaviour and waste management.

### Complaint outcomes

I came to decisions on 17 cases. In three of these cases I concluded that the matter was not within my jurisdiction, and in five I found no or insufficient evidence of fault by the Council to justify an investigation.

### **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. This can include such things as reconsideration of a decision, repairs carried out, policies reviewed, benefit paid, an apology or other action. In addition I may ask the Council to pay compensation. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the 17 decisions I made against your Council, I agreed a local settlement in two cases.

In one I found there had been unreasonable delay of around three months in responding to a complainant's representations regarding a planning decision, and the responses which were then provided lacked clarity. I also found there had been a delay of at least a month in investigating an alleged breach of planning control. In order to remedy the inconvenience and unnecessary time and trouble to which the complainant had been put, the Council apologised and made a payment of £100.

In another planning case the complaint was that the Council had failed to come to a view on whether development by the complainants represented a breach of planning control. During the course of my investigation an agreement was reached that the complainants would submit a planning application to regularise the alleged breach. I considered this to be a satisfactory way of resolving the complaint.

### **Other decisions**

Sometimes I use my discretion not to pursue a complaint because even if the Council has been at fault this has not resulted in an injustice to the complainant that would warrant me recommending a remedy. This year I closed seven cases for this reason. In one, I used my discretion in part because the available evidence did not make it possible to resolve the contradictory views of the Council and the complainant.

### **Liaison with the Local Government Ombudsman**

The average time taken by your Council to respond to our written enquiries was 20.1 days which is well within my target of 28 days. This represents a substantial improvement on the previous year and also involved a higher number of complaints.

I very much welcome this and would like to take this opportunity to pass on my thanks to those staff involved. I do hope this good performance can be sustained in future years.

### **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. 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**

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.

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