

Committee: AUDIT AND REVIEW
Date: 2 November 2007

Report: LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER

Purpose of the report

1. To report the receipt of the Annual Letter from the Local Government Ombudsman (the Commission for Local Administration in England) for the year ended 31 March 2007; and therefore to inform Members of the complaints received by the Local Government Ombudsman, made against the Yorkshire Dales National Park Authority in the twelve month period up to that point.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.

Background

3. The Local Government Ombudsman investigates complaints of injustice arising from maladministration by councils and other authorities, including National Park Authorities. The Ombudsman's 'purposes' are as follows:
 - ◆ *to provide independent, impartial and prompt investigation and resolution of complaints of injustice caused through maladministration by the authorities that come under the jurisdiction of the Local Government Ombudsmen*
 - ◆ *to offer guidance intended to promote fair and effective administration in local government.*
4. The Annual Letter, which is shared with the Audit Commission and which can be viewed 'online' at www.lgo.org.uk, summarises the complaints against the Yorkshire Dales National Park Authority received by the Local Government Ombudsman in the year to 31 March 2007. The Annual Letter is specific to individual authorities and includes comment on numbers and determination of complaints received, and narrative on any lessons which might be learned in respect of the Authority's complaints-handling arrangements including liaison with the LGO.
5. The Letter, along with explanatory notes, is **attached as Appendix 1** and shows that in the year to 31 March 2007 the Ombudsman received three complaints. The first table on the statistics sheet shows that all three complaints concerned planning matters.

6. Members will note from the paragraph headed “Decisions on complaints” that the three cases were still under investigation at the end of the period. The statistics on decisions therefore show a nil return for 2006/07.
7. It was therefore felt that there was nothing to report to Members at the time of receipt of the Letter. Subsequent to the publication of the Annual Letter, however, contact has been maintained with the LGO office to clarify details of, and progress on, the three cases. The Ombudsman’s office confirms that a backlog of cases has resulted in considerable “stockpile” and resultant delays in investigating complaints. Details of the current three cases are given in a private report later in the agenda.
8. Members may be interested to note that the Ombudsman’s website shows tables of statistics of all complaints dealt with, by authority, including statistical comparisons with other national park authorities over the 06/07 and 05/06 periods. This is **attached at Appendix 2** for Members’ information only.

RECOMMENDATION

9. That the report be noted.

Lesley Knevitt
Secretariat Administrator

19 October 2007

Background documents:

None



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter to Yorkshire Dales National Park Authority for the year ended 31 March 2007

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

This annual letter provides a summary of the complaints we have received about your authority. Where possible, we comment on the authority's performance and complaint-handling arrangements to 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 & Character

During the course of the year I received only three complaints against the Authority. Clearly, this very low level of activity prevents me saying anything much of value, although the Authority will no doubt derive some satisfaction from it.

Decisions on complaints

Reports and local settlements

A 'local settlement' is a complaint that is resolved by the Council taking, or agreeing to take, action which we consider is a satisfactory response to the complaint so that the investigation can be discontinued. In 2006/07 27.7% of complaints dealt with by the three Local Government Ombudsmen (excluding premature and those outside jurisdiction) were resolved by local settlement. When we complete an investigation we must issue a report.

I have not issued any reports against the Authority during the year, and there have not been any matters requiring local settlement.

Other findings

No other findings have been made on complaints during the year, the three received still being under investigation at the end of the year.

Your Authority's complaints procedure and handling of complaints

I am not aware of any problems with the way the Authority deals with complaints from members of the public.

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. The feedback from councils that have taken up the training is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), we can run open courses for groups of staff from 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.

Liaison with the Local Government Ombudsman

My staff have not made any enquiries of the Authority during the year.

LGO developments

You may be interested in the development of our initiative to improve the first contact that people have with us. A new Access and Advice Service will provide a gateway to our services for all complainants and enquirers. It will encourage telephone contact but will also deal with email, text and letter correspondence. We will let you have further details about how it will operate and the expected timescales and discuss with you the implications for the Council.

I hope you have received our latest special report about telecommunications masts. It draws on our experience of dealing with complaints about planning applications for masts which can be highly controversial. We recommend simple measures that councils can adopt to minimise the chances of maladministration occurring.

In July we will be publishing a special report about the difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships. *Local partnerships and citizen redress* provides advice and guidance on how these problems can be overcome by good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

I welcome this opportunity to comment on our experience of complaints about the Council over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Anne Seex
Local Government Ombudsman
Beverley House
17 Shipton Road
York
YO30 5FZ

June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Planning & building control	Total
01/04/2006 - 31/03/2007	3	3
2005 / 2006	2	2
2004 / 2005	5	5

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
01/04/2006 - 31/03/2007	0	0	0	0	0	0	0	0	0	0
2005 / 2006	0	0	0	0	1	0	1	1	2	3
2004 / 2005	0	0	0	0	2	0	2	0	4	4

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
01/04/2006 - 31/03/2007	0	0.0
2005 / 2006	0	0.0
2004 / 2005	2	15.5

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0

Notes to assist interpretation of the LGO's local authority statistics

1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. 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 Ombudsman 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 Ombudsman'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 Ombudsman's jurisdiction.

Premature complaints: decisions that the complaint is premature. 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 usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint to the council as 'premature'.

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.

4. Average local authority response times 2006/07

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

5. Categories of complaint

From 1 April 2007 we have amended our complaint category system, and you may notice some changes in the descriptions used.

The major change is that we now split social services cases between 'adult care services' and 'children and family services', in order that complaints relating to children and young people can be easily identified.

Authority	Total complaints determined (excluding premature complaints)		Maladministration and injustice reports		Local settlements		Maladministration reports		No maladministration reports		No maladministration without report		Ombudsman's discretion		Outside jurisdiction	
	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06
National park authorities																
Broads Authority	1	2	0	0	0	0	0	0	0	0	0	2	1	0	0	0
Dartmoor National Park Authority	1	6	0	3 *	0	0	0	0	0	0	0	3	1	0	0	0
Exmoor National Park Authority	3	1	0	0	0	0	0	0	0	0	0	3	1	0	0	0
Lake District National Park Authority	13	18	0	0	2	0	0	0	0	0	0	3	14	5	1	3
New Forest National Park Authority	3	0	0	0	0	0	0	0	0	0	0	1	0	1	0	1
North York Moors National Park Authority	0	5	0	0	0	0	0	0	0	0	0	5	0	0	0	0
Peak District National Park Authority	6	5	1	0	1	1	0	0	0	0	0	1	3	1	1	2
Yorkshire Dales National Park Authority	0	2	0	0	0	0	0	0	0	0	0	1	0	0	0	1