

# APPENDIX 1

21 June 2006

Mr Joe Duckworth  
Chief Executive  
Isle of Wight Council  
DX 56361  
Newport  
IOW



The Commission for  
Local Administration in England

Our ref: JRW/B1/PMC  
(Please quote our reference when contacting us)

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**Jerry White**  
Local Government Ombudsman  
**Neville Jones**  
Deputy Ombudsman

Dear Mr Duckworth

## Annual Letter 2005/06

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish the letters on our website and share them with the Audit Commission as there was widespread support from authorities for us to do this. We will wait for four weeks after this letter before making it more widely available in these ways to give you an opportunity to consider and review the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

In addition to the narrative below there are two attachments which 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

During 2005/6 we received 53 complaints against your Council, a similar number to the previous year. As before the subject area with the largest number of complaints was planning (20 complaints), with Social Services the next highest number (eight). The distribution of complaints across subject areas is also similar to previous years.

## Decisions on complaints

We made decisions on 51 complaints against your Council, ten of which were referred back to the Council as 'premature' because the Council had not yet had the opportunity to consider and respond to them.

Of the remaining 41 complaints, investigation was not pursued in slightly over half (21), because my investigators found no or insufficient evidence of maladministration. Five complaints were outside my jurisdiction and investigation was not pursued in nine cases for other reasons. Five complaints were settled locally.

### **Reports and local settlements**

When we complete an investigation we must issue a report. But there is a significant proportion of investigations that do not need to be completed when a 'local settlement' is reached during the course of the investigation and it is therefore discontinued. I issued one report on a complaint against your Council during the year, and in five cases the investigation was discontinued because a satisfactory settlement was agreed.

The report concerned the consideration of planning applications and enforcement action in respect of the use of land near the complainants' home for public outdoor events, to which they objected very strongly because of the potential for noise and other disturbance. I found some maladministration on procedural matters but concluded that this was not the cause of injustice to the complainants. I saw no evidence of administrative fault undermining the planning decisions about which they complained so there were no grounds for me to criticise those decisions.

Two of the complaints on which local settlements were agreed concerned planning matters. In one the Council did not issue an enforcement notice until 11 months after it became aware of a breach of planning permission on a building next door to the complainant's home. For some of this period the Council was continuing negotiations with the developer, but it was in a position to serve a notice five months sooner than it did. Because of appeals by the developer the planning issue remained unresolved but the delay was the cause of injustice to the complainant because of continuing uncertainty and frustration. The Council agreed to pay compensation of £500.

The other planning complaint concerned a decision by the Council that enforcement action would not be appropriate in respect of fencing of land near the complainant's home, which had for a considerable number of years been used as public open space for the estate on which she lived. My investigator saw nothing to suggest that the decision had not been properly made, but because of the complexity of the reasoning leading to the decision, the Council agreed to arrange for a planning officer to go through the planning records with the complainant and to clarify the rationale behind the decision. This was time-consuming but the complainant appreciate the effort put into addressing her concerns.

Two complaints locally settled concerned Social Services. In one the Council had acknowledged administrative fault in relation to an Adult Protection matter but the complainant was concerned that insufficient action had been taken to prevent recurrence of similar mistakes and that there was a lack of will or ability to learn from the mistakes made. My investigator confirmed that, before the complaint was made to me, the Council had put in place appropriate procedural reviews and training. It also offered compensation to recognise the complainant's time and trouble in pursuing the complaint but this was declined as the complainant was pursuing a separate claim through the Council's insurers.

In another Social Services case the complainant became disabled following a motor accident and his partner experienced great difficulty in caring for him. The Council had carried out only a brief initial assessment of their needs and had failed to follow up the care manager's initial contact, as a result of which the complainants lost an opportunity

to access the Council's services. The Council agreed to offer compensation totalling £2,000.

In another complaint which was not investigated because it was outside my jurisdiction, my investigator recommended that the Council write to the complainant to explain why a policy (relating to charging for sacks for recycling garden waste) had been implemented. This recommendation was acted on and a helpful letter was sent explaining the background and development of the policy. This demonstrates a willingness to take action to resolve citizens' concerns even where complaints are not investigated or upheld.

In all the Council paid compensation totalling £2,500 in response to my recommendations.

### **Your Council's complaints procedure and handling of complaints**

The Council's complaints procedure is clear and accessible. Complaints can be made via your website, a service which many customers value. As noted above, ten complaints were referred back to the Council as premature; this is less than 20% of total complaints received, below the national average of 27%. This suggests that dissatisfied citizens are made aware of their opportunity to pursue a complaint through the Council's own procedure.

Of the premature complaints I referred to earlier seven were resubmitted to me after consideration under the Council's complaints procedure. But the outcome of those complaints which have already been decided did not give rise to any concern about the way the way the Council had considered them. One did lead to the report issued, which I have described above, but the matter was complex and had been the subject of legal action and it is no discredit to the Council that I disagreed with the outcome of its consideration of the matter.

### **Training in complaint handling**

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced courses in complaint handling for front line staff and in handling social services complaints.

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 range of courses available together with contact details for enquiries and bookings.

### **Liaison with LGO**

Your council was one of the first to arrange training in Effective Complaint Handling delivered by my investigators. I hope you have found this of continuing benefit. You may also wish to consider whether it would be helpful for the officers who provide the main link with my investigators to attend one of our link officer seminars which are held

regularly in Coventry. In, addition, if it would be helpful for a senior member of my staff to visit the Council and give a presentation on the work we do, I would be happy to arrange this.

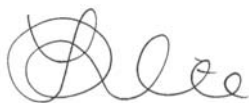
We made enquiries of the Council on 14 complaints during 2005/6. Overall the Council's responses were commendably comprehensive and accurate and the average time taken to respond (25.9 days) was well within our target of 28 days. This is longer than the previous year's average (18.5 days) but the difference is accounted for by two complaints where responses were particularly protracted. I am very grateful for all the Council's hard work in this area.

### **Conclusions/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. I would again very much welcome any comments you may have on the form and content of the letter. And would be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet any requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the Council and post it on your website should you decide to do this.

Yours sincerely



J R White  
Local Government Ombudsman

Enc: statistical data covering a three year period;  
a note to help the interpretation of data and  
a training leaflet