



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Isle of Wight Council
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

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

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

Volume

In 2006/07 we received 57 complaints against your Council. This was four more than the previous year although slight differences from year to year are to be expected. The number of complaints has been broadly stable over the last three years.

Character

The complaints we received against your Council were spread across a wide range of service areas. As for the last several years, the single largest category was planning (17 complaints). Last year we received no complaints about housing or benefits matters, a welcome change on previous years, and the number of transport and highways complaints increased from three to eight. We would expect to see some changes in the distribution of complaints across service areas from year to year and I do not see any particular significance in the changes especially as the numbers in some areas are so low.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

Last year I had no need to issue any reports against your Council. Nine complaints resulted in local settlements. Two of these concerned Council Tax matters. The first involved incorrect and confusing notifications of the complainant's Council Tax liability. To settle the complaint, the Council agreed to mediation with the complainant, gave a formal apology and paid the complainant £300. The second case also involved incorrect demands, in addition to which the Council failed for six months to deal with the complainant's request for an appeal against a decision about his entitlement to Council Tax Benefit. The Council continued with bailiff action during the period it failed to deal with the appeal request and sent the complainant summonses in respect of Council Tax debt already covered by an earlier court order. To settle this complaint, the Council agreed to pay the complainant £350 and updated my office about a review of its procedures.

Another two settled complaints concerned pupils with special educational needs. In one instance, the Council did not properly consider a request for assistance with school transport. This put the complainant to some time and trouble. The Council apologised and paid the complainant £350. The other complaint was about the Council's failure to adopt a pupil's existing Statement of Special Educational Needs or issue an amended Statement when the complainant came to the Council's area. The pupil received no education for six months, a significant injustice, and the Council paid the complainant £1,000 in recognition of this.

The Council offered to settle one complaint even though my office had not identified any maladministration. This concerned a large fee increase for a licence to have tables and chairs on the pavement outside a café. When my investigator first contacted the Council about the complaint, the Council promptly indicated it wished to resolve the matter. It agreed to hold the fee to the same level as the previous year pending a review of charges next year.

In total, the Council paid complainants £2350 as a result of complaints to my office. I very much welcome the Council's readiness to put things right when mistakes have been made.

Other findings

Of the 41 other decisions my office made on complaints against your Council last year, 16 were referred back to you as the Council had not had sufficient opportunity to deal with the complaint itself. Thirteen complaints were outside my jurisdiction and the remainder were not upheld for other reasons, mainly however I found no maladministration in the Council's actions.

Your Council's complaints procedure and handling of complaints

I note that your Council's complaints procedure is described on your website, which also contains an electronic complaint form and a link to my office's website. As I mentioned above, 16 of the complaints decided this year were 'premature' in that the Council had not yet had a chance to deal with the matter. This represents 30.8% of the 52 complaints we decided, just above the national average of 28.2% and compares with fewer than 20% last year. Your Council might wish to review the accessibility of its complaints procedure to see if more can be done to enable complainants to give you the opportunity to deal with a complaint before approaching me. It seems to me that staff awareness of the Council's complaints procedures might usefully be improved here.

Of the 16 complaints referred back to the Council, four were later resubmitted to my office. One of these, concerning incorrect and confusing Council Tax notifications, was upheld and resulted in the Council agreeing a local settlement. One complaint is still under investigation and the other two were not upheld.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive and I know that some of your officers have benefited from this training.

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 now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. 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

As you know, when we make enquiries about a complaint we ask councils to reply within 28 days. Last year your Council took an average of 34.2 days to reply, considerably longer than in previous years. There was some difference in the length of time taken to reply depending on the service area involved. In particular, I note that, with planning and building control complaints (the largest single category), the average response time was 47.3 days. I appreciate that some complaints can be very complex. But it is in all parties' interests that undue delays are avoided and I would welcome any steps the Council could take to improve its performance here to the excellent level of two or three years ago.

My staff consider that they have a good working relationship with your Council. They find your officers, especially the Council's link officers, very helpful and focused on resolving complaints where possible.

One of my Assistant Ombudsmen has been in discussion with you about the possibility of our holding a seminar for your Council on the work of the Ombudsman during the forthcoming year. I understand that some internal changes here delayed these discussions, but you may be able to take up the offer later in the year, or early next year.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and 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.

J R White
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June 2007

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

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	3	0	4	5	0	16	17	4	0	8	57
2005 / 2006	5	5	0	1	4	6	21	5	3	3	53
2004 / 2005	4	2	0	2	1	14	17	4	2	5	51

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	9	0	0	5	9	13	16	36	52
2005 / 2006	0	5	1	0	21	9	5	10	41	51
2004 / 2005	0	3	0	0	21	9	6	10	39	49

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	20	34.2
2005 / 2006	15	26.8
2004 / 2005	23	18.5

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