

**The Local Government Ombudsman's
Annual Letter**

Isle of Wight Council
for the year ended
31 March 2008

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about the Isle of Wight 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 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

We received 59 complaints against your Council during the year compared to 57 in 2006/07, so there has been no significant change overall.

Character

Twenty-four complaints were about planning and building control, an increase of seven on 2006/07. We also received a higher number of complaints in respect of education matters: 11 compared to five in the previous year.

Complaints about adult care services, children and family services and housing also showed a small increase, while complaints about transport and highways and about public finance both declined. These fluctuations are unlikely to be significant: the numbers in all of these areas remain relatively low.

The remaining ten complaints were recorded in the 'other' category, and included complaints about licensing, environmental health and waste management.

I received no complaints about benefits.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Seven complaints were settled locally, and compensation totalling £12,600 was paid.

In the most significant of these the Council paid the complainants £10,500, representing a reimbursement of avoidable costs plus a sum in recognition of distress caused to them by identified failings in properly assessing and providing care services for their children, and in processing a disabled facilities grant to allow for necessary adaptations to their home. The Council also agreed to

review its procedures, including the workload of its social work teams, and the Stage Two investigation process for social services complaints.

Five local settlements concerned planning matters. In two of these the Council failed to notify the complainants about a planning application or an amendment to an application, with the result that they were unable to comment on the application. The Council resolved the first complaint by paying the complainant £250 and the second by making a payment of £350 and offering an apology for the lost opportunity to comment on the application. There was no evidence the planning decisions would have been different if the complainants had had the opportunity to object. In the second case protracted handling of the complaint increased the time and trouble for the complainant and the settlement paid reflected this.

In another planning complaint, the Council had varied a planning condition without proper authority to do so and the Council failed to explain to residents the requirements of a planning condition regarding an upgrade of part of an unadopted road. In addition the Council failed to monitor the condition of the road during its construction. In this case the Council paid the complainant £500 and agreed to review its procedures, including those for monitoring planning conditions and for communicating with interested parties.

The remaining planning complaints concerned: inadequate consideration of the accuracy of a developer's plans, for which the Council paid £250 and agreed to investigate alleged breaches of planning control; and extensive delay in responding to a pre-application enquiry, which the Council agreed to remedy by answering the original enquiry and by making a £500 donation to Shelter.

You also settled a complaint about anti-social behaviour. In this case the Council had failed to coordinate its response to complaints about noise nuisance and anti-social behaviour, to offer mediation at an early stage or to achieve closure. The Council agreed to remedy this complaint by issuing a formal apology and by making a payment of £250 to the complainant. In addition the Council agreed to review its procedures and staff training and to take on board the recommendations in my special report on this subject.

Other findings

Ten complaints were treated as premature and referred back to you so that they could be considered through the Council's complaints procedure.

In a further eight cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 32 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

The number of complaints treated as premature represented less than 18% of the total complaints we decided. The national average this year is 27%.

Three of the ten premature complaints were resubmitted to me at the end of the Council's process. In one of these cases I found no evidence of maladministration and in another I took the view that the matter complained of was outside my jurisdiction. The third was still under consideration at the end of the year.

Liaison with the Local Government Ombudsman

Enquiries were made on 16 complaints throughout the year. Your Council's average response time of 33.1 days represents a slight improvement on last year's average of 34.2 days but is still a disappointing picture. Only three responses were received within the target timescale of 28 days. In complex cases I appreciate that the Council may need more time to gather information and prepare its response. It is always appreciated when a Council contacts my office to explain that it needs more time because we can then keep the complainant informed. But nine planning complaints gave an average response time in that category of 38.6 days. I would be grateful if the Council would continue to strive for improvements in this area.

In September 2007 I was pleased to give a seminar on the work of the Ombudsman to Members of the Council. I hope that those who attended found it useful.

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. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

LGO developments

We launched the LGO Advice Team in April 2008, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act 2007, which also came into force in April 2008. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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
Local Government Ombudsman

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June 2008

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
01/04/2007 - 31/03/2008	4	0	6	11	1	10	24	1	0	2	59
2006 / 2007	2	0	4	5	0	17	17	4	0	8	57
2005 / 2006	6	5	0	1	4	6	21	5	2	3	53

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
01/04/2007 - 31/03/2008	0	7	0	0	20	12	8	10	47	57
2006 / 2007	0	9	0	0	5	9	13	16	36	52
2005 / 2006	0	5	1	0	21	9	5	10	41	51

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2007 to 31/03/2008

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	16	33.1
2006 / 2007	20	34.2
2005 / 2006	15	26.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0

Notes to assist interpretation of the LGO's local authority statistics 2007/08

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 send to the council to consider first. 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 for 2007/08 complaints.

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 the authority has agreed to take some action which is considered 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 back 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 2007/08

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