

# APPENDIX D

## WAVERLEY BOROUGH COUNCIL

### CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

15 SEPTEMBER 2009

EXECUTIVE 29 SEPTEMBER

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#### Title:

**OMBUDSMAN INVESTIGATIONS INTO COMPLAINTS MADE ABOUT  
WAVERLEY'S SERVICES IN 2008/09**

**[Portfolio Holder: Councillor Richard Gates]**

**[Wards Affected:All]**

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#### Summary and purpose:

This report, which was considered by the Corporate Overview and Scrutiny Committee at its meeting on 15 September, addresses the issues raised in the Ombudsman's annual letter to Waverley for the year 2008/09. It includes information about the types of complaint made to the Ombudsman about Waverley's services over the past year, Waverley's approach in responding to such complaints and the eventual outcomes. Waverley's performance with regard to its own complaints procedure is the subject of a separate report.

#### How this report relates to the Council's Corporate Priorities:

The investigation of Ombudsman complaints can help to identify areas in which the Council could provide better value for money in its services, and on occasion can result in action that will improve the lives of residents.

#### Equality and Diversity Implications:

Ombudsman complaints can provide the Council with an opportunity to review its arrangements for delivering services to all sections of the community. The investigation of complaints can highlight areas where improvements or changes need to be made to ensure that no one is disadvantaged in accessing the Council's services.

#### Resource/Value for Money implications:

See paragraph on the Corporate Priorities above.

#### Legal Implications:

There are no legal implications arising from this report.

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## **Introduction**

1. The Local Government Ombudsman's annual letter for 2008/09 is attached at Annexe 1. The attachments to the letter have not been reproduced because all the information is included in this report. The following paragraphs comment on the issues raised in the Ombudsman's letter, and provide Members with an overview of the complaints referred to Waverley by the Ombudsman over the past year.
2. To assist those Members who are unfamiliar with the role of the Ombudsman, attached as Annexe 2 is a summary of the remit, work processes and powers of the Ombudsman.

## **Changes to the Ombudsman's way of working and statistics**

3. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and complaints made by members of the public. This service now deals with more than 3,000 calls a month, plus written and emailed complaints, and advises callers on how best to pursue their complaint.

## **Enquiries and complaints received in 2008/09**

4. If someone complains to the Ombudsman Advice Team without having taken up the matter with a council, the Team will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are called 'formal premature complaints'. 'Informal' premature complaints are those where advice is given to the complainant making an enquiry that their complaint is premature.
5. Three formal/informal premature complaints about Waverley were received in 2008/09, in addition to which a further six premature complaints were forwarded to the Ombudsman's investigative team after these had been referred back and considered by the Council. This means that in 2008/09 a total of nine premature complaints were received about Waverley's services.
6. The LGO Advice Team provided advice in another seven cases where, for some reason, the complainant did not pursue their complaint, and forwarded a further 12 complaints to the investigative team following confirmation from the complainant that they had come to the end of the Council's complaints procedure. The table below gives more information about complaints received about Waverley's services in 2008/09.

<b>Enquiries and complaints received by the LGO Advice Team in 2008/09</b>	<b>Housing</b>	<b>Public Finance incl Local Taxation</b>	<b>Planning and Building Control</b>	<b>Other</b>	<b>Total</b>
Formal/informal Premature complaints	1	0	1	1	3
Resubmitted premature complaints forwarded to investigative team	1	1	4	0	6
New complaints forwarded to investigative team	2	3	5	2	12
Advice given	2	0	1	4	7
<b>Total</b>	<b>6</b>	<b>4</b>	<b>11</b>	<b>7</b>	<b>28</b>

### Waverley's approach in dealing with Ombudsman's enquiries

7. Dealing with Ombudsman enquiries can be time-consuming since the information often has to be obtained from various sources. All Ombudsman complaints are investigated by the Council's Customer Relations Officer who then prepares a response for consideration by the Chief Executive. Every effort is made to provide as comprehensive a response as possible to these initial enquiries, since this not only gives the Ombudsman confidence in the Council's management of complaints, but in the great majority of cases, also avoids the need for further correspondence.
8. Working relations with the Ombudsman's office continue to be good, and the Customer Relations Officer attends the Link Officers seminars that are held from time to time at the Ombudsman's London office. This provides an opportunity to keep up to date with changes in the Ombudsman service, and perhaps more importantly, to discuss ways of improving the investigation of complaints at all levels.

### Timescales in dealing with the Ombudsman's enquiries

9. Set out below are two tables. The first gives the average local authority response times in 2008/09 and the second sets out Waverley's response times in 2008/09 and in the four previous years.

#### **(i) Average local authority response times 2008/09 - the comparable figures for 2007/08 are provided in italics**

<b>Type of authority</b>	<b>&lt;=28 days %</b>	<b>29-35 days %</b>	<b>&gt;=36 days %</b>
District Councils	60 ( <i>56</i> )	20 ( <i>25</i> )	20 ( <i>19</i> )
Unitary Authorities	56 ( <i>41</i> )	35 ( <i>50</i> )	9 ( <i>9</i> )
Metropolitan Authorities	67 ( <i>58</i> )	19 ( <i>30</i> )	14 ( <i>11</i> )
County Councils	62 ( <i>47</i> )	32 ( <i>38</i> )	6 ( <i>15</i> )
London Boroughs	58 ( <i>46</i> )	27 ( <i>27</i> )	15 ( <i>27</i> )

**(ii) Waverley's response times for the period 2004/05 to 2008/09**

Year	No of first enquiries	Average number of days to respond
2008/09	10	20.1
2007/08	8	32.4
2006/07	15	41.3
2005/06	4	73.3
2004/05	10	50.8

10. The average time taken by Waverley to respond to the Ombudsman's first enquiries in 2008/09 was 20.1 days which, as acknowledged by the Ombudsman, represents a substantial improvement on the previous year's performance, particularly since there were a higher number of complaints compared with the previous year. This improved performance reflects not only the importance placed by the Chief Executive on the need to improve complaints handling in Waverley, but also the considerable effort made by individual members of staff who have managed to improve response times without compromising the quality of responses. Every effort will be made to make sure that this good performance is sustained in future years.
11. Members may also wish to note that Waverley's performance in dealing with the Ombudsman's first enquiries compares very favourably with that of other authorities in Surrey, as is illustrated by the following table.

Authority	Average response time (days)	Number of first enquiries
Elmbridge	28.4	5
Epsom and Ewell	9.5	2
Guildford	33.5	2
Mole Valley	34	3
Reigate and Banstead	21.2	5
Runnymede	16.5	2
Spelthorne	32	1
Surrey Heath	12	1
Tandridge	29	3
Waverley	20.1	10
Woking	23.3	3

**Outcome of complaints made about Waverley's services in 2007/08**

12. There have been no findings of maladministration or injustice in respect of complaints made about Waverley in the past fifteen years. Details of the determinations made over the past five years are set out in the following table:

Year	MI* reps	LS*	M* reps	NM* reps	No* mal	Omb disc*	Outside jurisdic*	Total
2008/09	0	2	0	0	5	7	3	17
2007/08	0	4	0	0	15	6	6	31
2006/07	0	10	0	0	4	4	10	28
2005/06	0	3	0	0	6	3	2	14
2004/05	0	5	0	0	37**	4	3	49**

*\*An explanation of the abbreviations used in the table headings is attached as Annexe 3*

*\*\*Includes 32 complaints about East Street conditional contract*

13. Detailed information about the two local settlements reached in 2008/09 is set out in Annexe 4. One of these local settlements required the Council to make a payment of £100 to the complainant for the time and trouble he had spent in pursuing his complaint with the Planning Department. The second local settlement was reached as a result of the Council negotiating a satisfactory course of action with the complainant in the early stages of the Ombudsman's investigation. The Ombudsman accepted that the Council's proposal was a suitable remedy of the complaint and ended his investigations.

#### **LGO Developments**

14. The Ombudsman's letter concludes with a summary of recent developments, including the introduction of 'Council First' whereby with effect from 1 April 2009 the Ombudsmen will consider complaints only where the council's own complaint procedure has been completed. The letter also draws attention to the provision made in the Local Government and Public Involvement in Health Act 2007 for the Local Government Ombudsmen to publish statements of reasons relating to investigation of a complaint. The Ombudsmen are currently consulting local authorities on their proposal to use statements of reasons which will comprise a short summary of the complaint, the investigation, the findings and the recommended remedy.

#### **Conclusion**

15. Members will be encouraged to note that there has been a further and significant improvement in the speed of the Council's responses to the Ombudsman's initial enquiries. The small number of local settlements is also to be welcomed. Officers will be making every effort to ensure that this good performance is sustained in future years.

## **Corporate Overview and Scrutiny Committee**

16. The Corporate Overview and Scrutiny Committee welcomed the efforts made by officers to further improve the average time taken to respond to the Ombudsman's initial enquiries and agreed to pass the following comments to the Executive:
17. It was reassuring to note that the Ombudsman found no cases of maladministration or injustice in respect of complaints about Waverley's services in the past 15 years, and this was a considerable achievement on the part of the Council.
18. The Council's average response time to the Ombudsman's first enquiries in 2008/09 was a significant improvement on performance in previous years. While Waverley took a little longer in responding to the Ombudsman's first enquiries than 3 out of the other 10 districts and boroughs in Surrey, this could be due to the fact that our investigations were more thorough.
19. In future years it would be helpful to know whether there were any complainants who had submitted more than one complaint to the Ombudsman which had then been the subject of further investigation by the Ombudsman.

## **Recommendation**

It is recommended that:

The Executive endorse the comments made by the Corporate Overview and Scrutiny Committee as set out in paragraphs 16-19.

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## **Background Papers (CEX)**

Local Government Ombudsman's annual letter to Waverley for 2008/09 dated 16 June 2008.

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