



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Tendring District 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 and character***

I received 42 complaints against your authority, a significant increase on last year's 23. However, the profile of complaints remained broadly similar, with nearly half being about planning and building control. There is no obvious reason for the increase in the total. Nine complaints are listed as 'other': the subject of these complaints included those made about antisocial behaviour, environmental health, leisure services and drainage.

## **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.

The measure of administrative fault causing injustice is not the total number of decisions by my office but the number of settlements and formal reports which found maladministration and injustice. I issued no reports this year, and there were five local settlements.

Two similar but unrelated cases related to the administration of the estate of deceased residents, where relatives had experienced difficulty in obtaining information about a housing benefit claim in one case, and the council tax account in the other. In such instances relatives may still be grieving. They may also be inexperienced in matters of probate. It is therefore essential that they are given the advice and information they need in an appropriate manner. In each case I was pleased that your Council was quick to recognise any errors and offer both compensation and a genuine apology.

I settled two complaints about planning issues, where there had been some delay in dealing with unauthorised development. In one case the Council remedied the matter by serving enforcement notices. In the other, it decided no enforcement action could be taken but offered the complainant some compensation to reflect their time and trouble in having to raise the matter as a formal complaint.

The fifth settlement was of a housing complaint, where your Council accepted that the applicant's priority for rehousing as assessed by its points based allocation scheme did not adequately reflect the unusual position she was in, and so made her an exceptional offer of housing.

## ***Other findings***

I made decisions on 37 other complaints. Eleven of these were premature and so were referred back to the Council to consider as it had not had sufficient time to consider them before the complainants referred them to my office. Six complaints were outside my jurisdiction. I found there had been no fault in 15 others and in five cases exercised my discretion not to investigate, usually because the apparent injustice to the complainant was not significant.

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

The number of complaints we receive against your authority makes it difficult to assess the operation of the procedure, but there have been no apparent significant failures. I understand the three-stage procedure, introduced in 2004, is still in place, but if there have been any changes I would be grateful for details.

## **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.

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 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**

I made 19 enquiries this year. Your average response time was 33.4 days, a little above our target. One problem that became apparent was that there seemed to be some delay in complaints being passed to your Weeley office. As that office deals with all planning matters, any delay would affect the average times. We agreed to send complaints direct to the Weeley office. Our preferred form of contact with councils is by email, and we hope this will also help in improving response times. My Assistant has written to you separately about this.

Generally, relations between this office and your officers remain good. One of my investigators visited the Weeley office as part of an investigation and was grateful for the officer's time and help in understanding the complaint.

## **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.

**Tony Redmond**  
**Local Government Ombudsman**  
**Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

**June 2007**

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	6	9	20	3	2	42
2005 / 2006	3	2	6	11	0	1	23
2004 / 2005	2	2	2	16	1	0	23

**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	5	0	0	15	5	6	11	31	42
2005 / 2006	0	3	0	0	3	6	5	4	17	21
2004 / 2005	0	3	0	0	11	4	5	4	23	27

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	19	33.4
2005 / 2006	6	25.2
2004 / 2005	7	30.3

**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