

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

Castle Point Borough 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 Castle Point Borough Council over the course of last year (1 April 2007 – 31 March 2008). 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 20 complaints, a small increase from last year when we received 17 complaints and the year before when we received 14.

Character

Once again the number of complaints overall is very small, and I recognise that year on year fluctuations may not be significant. It is however worth noting that the number of complaints about planning decreased slightly from seven last year to five this year. Three of these related to the way in which the Council had dealt with planning applications, whilst the remaining two were about enforcement action for alleged breaches of planning control.

I received three complaints about local taxation. A further three related to Housing issues – two of which concerned the way in which the Council had managed its tenancies, whilst the remainder was in respect of a housing grant.

Of the more miscellaneous complaints which are categorised in the accompanying statistics as 'Other' four concerned the way in which the Council had responded to reports of anti-social behaviour, three related to licensing issues, one was a drainage complaint, and the remainder concerned waste management.

Decisions on complaints

Reports and local settlements

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 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).

In 2007/08 the Local Government Ombudsmen determined 24 complaints including two which were treated as 'premature' and so passed back to the Council for a response. Of the remaining 20 decisions, I decided that two complaints were not within jurisdiction, found no evidence of fault in 13 complaints I determined, and insufficient evidence of injustice caused to the complainants to merit my continued involvement in two complaints. None of the complaints we investigated this year justified the issue of a report but I did agree two local settlements with the Council.

The first complaint which we settled with the co-operation of the Council concerned inaccurate information given to a Council tenant about how to go about terminating a joint tenancy. The complainant was told that it could only be terminated by both parties mutual consent. As the other tenant did not wish to terminate the tenancy, the complainant was forced to move out. As a result of this she was considered to have made herself intentionally homeless and received very low priority on the housing register. She had to move into private rented accommodation that she could not afford. When she complained to the Council, the response letter simply apologised for the error but failed to explain the next stage of the complaints procedure or to consider how to put her back in the position she would have been in had the error not have been made. Following our consideration of the complaint, the Council agreed to pay the complainant £2,000 compensation and allocate her the highest priority on its housing register as a means of ensuring that she obtained more suitable accommodation in the near future.

The second settlement concerned a complaint about noise from neighbours. Although the complainant had been raising concerns for a number of years the Council had yet to install noise monitoring equipment with which to assess the true extent of the difficulties the complainant was experiencing. It agreed to do this and thereafter to take whatever action it deemed necessary.

Other findings

One complaint regarding drainage was closed at my discretion. It was an unusual complaint in that it involved the Council's decision not to install a flood warning sensor on a brook which was potentially at risk of flooding, even though such a system was favoured by the County Council. My investigator decided that Castle Point opting to implement alternative preventative measures was a properly considered decision and so we could not seek to question it.

We also dealt with a further complaint from a taxi driver who had complained to us in the previous year about a lack of enforcement action by the Council to prevent motorists misusing taxi ranks in the Borough. He complained that on several occasions he had to give up work for the day because he could not get onto taxi ranks to wait for potential customers because of illegal parking.

When we dealt with the first complaint we acknowledged that this was a difficult problem for the Council to manage because, under the existing legislation, Parking Attendants were unable to take any action against motorists who parked on the rank but drove off when Attendants were seen approaching. We recognised these problems and closed the complaint in November 2006 on the basis that the Council told us its Overview and Scrutiny Committee was undertaking a review of parking services and would consider parking on taxi ranks as part of that review. We asked your Council to send us a copy of the review when it was completed.

Following the closing of the first complaint we received continued correspondence from the taxi driver saying that no action was being taken by your Council. We pressed you for the result of the review of parking services but this was not forthcoming. Having had no response to our letters asking for the result of the review we had no option but to open a new complaint in early July 2007, making fresh enquiries to your Council. We did not receive a response to these enquiries until the end of November 2007. That response did not answer the questions which had been raised and my investigator had to make further enquiries.

I understand that this remains a difficult problem to resolve, but it was left to my investigator to suggest that a resolution may be found in the new legislation on parking which was to be introduced on 31 March 2008 which would allow parking tickets to be issued by a parking attendant even if a motorist drove off before the ticket could be issued to the motorist.

I am disappointed with your Council's handling of these two complaints and, in particular, with the length of time it took to obtain substantive responses to our enquiries. I will be interested to learn what steps your Council has taken since 31 March 2008 to enforce the parking regulations on taxi ranks in the Borough. I would also be grateful for any observations the Council may have about its handling of this complaint.

Your Council's complaints procedure and handling of complaints

I referred two complaints back to the Council last year as "premature" as the Council had not had a sufficient opportunity to respond to them. This represents less than 10% of the total decisions made, which is a significant reduction on 28% last year and lower than the national average of 27%.

Liaison with the Local Government Ombudsman

I have already mentioned my disappointment with the way in which the Council dealt with two complaints about the same issue – the misuse of taxi ranks by motorists. In addition to this I was disappointed to note that the average response time to our enquiries for your Council was 47.9 days. This is a substantial increase on last year's average of 38.6 days and somewhat disappointing given that my staff made enquiries on just 14 complaints.

Delay in responding to our enquiries undoubtedly causes frustration for those people who have asked us to decide their complaint. It also creates difficulties for my staff who have to deal with that frustration. I would be grateful if the Council could give some thought as to what steps it can take to ensure it adheres to the 28 day target in future. Well over half of all District Councils in England are currently achieving this standard.

The main reasons for the failure to adhere to the 28 day target time would appear to be the length of time it took the Council to respond on the enquiries made on six planning and building control complaints which took – on average – 56.3 days.

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, 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, which also came into force in April. 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'. Again, 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.

Tony Redmond
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	Benefits	Housing	Other	Planning & building control	Public finance	Total
01/04/2007 - 31/03/2008	0	3	9	5	3	20
2006 / 2007	1	3	5	7	1	17
2005 / 2006	1	1	6	5	1	14

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	2	0	0	13	5	2	2	22	24
2006 / 2007	0	2	0	0	5	2	1	4	10	14
2005 / 2006	0	3	0	0	6	1	0	4	10	14

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
01/04/2007 - 31/03/2008	14	47.9
2006 / 2007	9	38.6
2005 / 2006	10	25.1

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

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