

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Epsom and Ewell 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 Epsom and Ewell Borough 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

In 2007/08 I received ten complaints against your Council. This is in line with numbers received in the previous two years. As is common for borough councils, and as before for your Council, most complaints (seven) were about planning. Six of these concerned planning applications (although two were from the same complainants and about the same application) and one was about planning enforcement. I received three other complaints, one each about environmental health, local taxation and parking.

Decisions on complaints

During 2007/08 I made decisions on ten complaints.

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). None of the complaints we investigated this year justified the issue of a report. I did agree two local settlements, both related to planning applications.

In one case the Council had inaccurately described a proposed development and failed to take account of a relevant planning policy. As a result, the complainant (on behalf of an amenity society) lost an opportunity to comment on the proposals and was left uncertain whether a different outcome might have been achieved in the absence of these faults. I could not conclude the outcome would have been different, but the Council apologised and paid the complainant £500 to reflect uncertainty and the time and trouble to which he had been put. The Council also agreed to review its procedures with a view to ensuring that the identified faults are not repeated. I would welcome the Council's comments on the outcome of this review.

The other local settlement concerned the Council's failure to notify the complainants of their neighbours' planning application. Again the complainants lost their opportunity to comment on the application but it was not possible to conclude that the planning decision would have been different without the fault. The Council agreed to pay the complainants £150 compensation.

In three complaints (two about planning and one about parking) I did not find any evidence that the Council was at fault. I used my discretion not to pursue investigations into another planning complaint and a complaint about Council land. Finally, I sent three complaints back to the Council as I did not consider you had an adequate opportunity to consider and respond before I became involved.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. I made enquiries on three complaints and in each case your reply exceeded my 28 day target. Your Council's average response time was 40 days. In my annual letter for 2006/07 I noted the then significant deterioration in the Council's previously excellent response times to 28.3 days. There has been a continued deterioration. The Council may wish to consider if there any particular issues affecting its response times that it could address.

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
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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	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	0	1	7	1	1	10
2006 / 2007	0	4	5	0	0	9
2005 / 2006	2	2	6	0	0	10

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	3	2	0	3	7	10
2006 / 2007	0	1	0	0	4	2	0	0	7	7
2005 / 2006	0	0	0	0	2	4	3	1	9	10

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	3	40.0
2006 / 2007	3	28.3
2005 / 2006	3	9.7

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