

Local Government  
**OMBUDSMAN**

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

**Maldon District 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 Maldon District 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**

My office received 15 complaints against your authority this year, one less than last year. As in previous years, the most significant category of complaints concerned Planning and Building Control, where there were eight complaints in total. These comprised six complaints about the Council's handling of planning applications, one complaint about the advice given to an individual about planning matters, and one complaint about the Council's consideration of a planning enforcement issue. The remaining seven complaints spanned a number of different services including Housing Benefit, Homelessness, Drainage, Rights of Way and Highway Management, and how the Council had dealt with a report of Anti-Social Behaviour.

## **Decisions on complaints**

My office made decisions on 14 complaints against your authority during the year, two of which were 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). None of the complaints we investigated this year justified the issue of a report.

Of the 14 complaints I dealt with this year, I passed five back to the Council with a request that it deal with them under its own procedures. This was because I did not consider that the Council had been given a reasonable opportunity of responding to the complaint. One complaint was not within my jurisdiction and so I was unable to consider it. Of the remaining eight I found that there was no apparent maladministration by the Council in six complaints, and I upheld two where we agreed local settlements.

The first local settlement concerned a homeless applicant, who was not given a formal decision on her application, or notified of her right to request a review of the decision. Your Council agreed to reconsider the application properly and to offer the applicant £100 in recognition of the difficulties she had experienced.

The remaining local settlement concerned a case in which the Council agreed that it had charged too high a fee for granting a right of way across its land. After my investigator made his enquiries, your Officers readily agreed to waive the fee, and to charge only the legal costs which the Council had incurred.

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

I referred five complaints back to the Council as premature this year. This is a rate of 35% - higher than the national average of 27%. Although the numbers are too small to be of any real significance, it may be worthwhile exploring the reasons why these complainants approached me direct before affording the Council a reasonable opportunity of dealing with their concerns.

## **Liaison with the Local Government Ombudsman**

My office made enquiries on eight complaints this year. The average response time of 20 days was well within my requested timescale of 28 days. It is undoubtedly of mutual benefit to local authorities, my staff, and the people who raise their concerns with me, that they are given a timely decision on their complaint. I am grateful to the Council for the priority it clearly gives to responding to my investigators' enquiries. As I mentioned above, I was also pleased to note your Officers' readiness to amend their view on the right of way case I dealt with this year.

## **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. Again, 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.

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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.

I have said that the Council agreed to make improvements arising from nine local settlements, in four different service areas. I am pleased that the Council is willing to act on these suggestions, and would be interested to learn how these are implemented.

**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	Transport and highways	Total
01/04/2007 - 31/03/2008	1	2	2	8	0	2	15
2006 / 2007	0	1	5	7	2	1	16
2005 / 2006	3	0	3	9	0	0	15

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	6	0	1	5	9	14
2006 / 2007	0	2	0	0	10	1	2	3	15	18
2005 / 2006	0	1	0	0	8	1	1	4	11	15

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	8	20.9
2006 / 2007	3	30.7
2005 / 2006	8	19.9

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