

# Local Government OMBUDSMAN

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

### ***Volume***

My office received 31 complaints this year, a significant reduction on last year's 42. Once again, the majority of complaints were about planning and building control. The remainder were spread across a broad range of Council services including benefit administration, housing, local taxation, and highways.

## **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).

My office made decisions on 32 complaints this year. Nine were passed back to the Council as I considered your Council had not had a reasonable opportunity of responding to them (this represents 28% of all the complaints I decided last year and is close to the national average for premature complaints). Of the remaining 23 decisions three complaints were outside jurisdiction; I found no fault in thirteen complaints I considered; and insufficient injustice with which to merit my involvement in a further five complaints. I upheld two complaints which were settled locally. This represents just 10% of all of the complaints which I was able to determine (having excluded those which were premature or outside jurisdiction). This compares with 20% of such complaints in 2006/07, and 25% in 2005/06.

The first of the settlements concerned planning enforcement. The Council had delayed in considering whether to take enforcement action against a building that had not been constructed according to the approved plans. In response to the complaint, your Officers negotiated with the developer who submitted a new application, which enabled conditions to be attached which would deal with the complainant's concerns. We agreed that the Council should offer the complainant £100 for his time and trouble in having to complain to achieve this.

The other settlement was of a housing repair complaint. The Council had delayed in carrying out repairs to one of its properties, causing distress and inconvenience to the tenant. Your officers agreed to carry out the works without further delay and to offer the tenant £400.

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

I referred nine complaints out of the 32 decided back to go through the complaints procedure. Two of the complaints I decided this year were resubmitted to me by the complainants. I found no evidence of fault in either case.

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

Your Council's average response time to our initial enquiries is 33.4 days which continues to be above my requested timescale of 28 days. Many of the complaints are about planning matters, which can be complicated, but most district councils are able to meet the target. The responses themselves, however, are usually full and helpful. I would welcome the Council's proposals to improve its response times.

### **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.

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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. It seems to me that Project Tendring is an ambitious example of such a partnership, and look forward to seeing how it develops.

### **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	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	2	1	4	2	18	1	3	31
2006 / 2007	2	0	6	9	20	3	2	42
2005 / 2006	3	0	2	6	11	0	1	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
01/04/2007 - 31/03/2008	0	2	0	0	13	5	3	9	23	32
2006 / 2007	0	5	0	0	15	5	6	11	31	42
2005 / 2006	0	3	0	0	3	6	5	4	17	21

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	13	33.4
2006 / 2007	19	33.4
2005 / 2006	6	25.2

**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