

Local Government  
**OMBUDSMAN**

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

We received 80 complaints against your authority in 2007/8, an increase of 29 over last year.

The increase in complaints I received is attributable to two main areas. I received 24 complaints about housing, 13 more than last year. I received 20 complaints about transport and highways, 19 more than last year. The increase in the latter category was largely due to two issues - five complaints concerned the closure of a footpath, and seven were about a traffic calming scheme.

## **Decisions on complaints**

During the year we made decisions on 74 complaints against your authority. We found no maladministration in 15 complaints and we exercised discretion to close a further eight without requiring any action by the Council. Nine complaints were outside my jurisdiction.

### ***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).

None of the complaints we investigated this year justified the issue of a report. I settled 18 complaints resulting in a just over £18,000 compensation being paid to complainants.

### ***Education***

A substantial part of this total was paid in respect of one complaint about the exclusion of a child with special educational needs. The Council delayed arranging a special school for the child after the complainant won an appeal against the exclusion. The child lost almost two terms of education. The Council agreed to pay compensation of just over £15,000 and to set up a trust fund to use this sum for the benefit of the child.

Another education complaint concerned the Council's consideration of a school admissions appeal. The Council offered a place to the complainant's child during the course of the complaint and we settled the complaint on this basis.

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### *Housing*

We settled four housing complaints. One concerned the Council's handling of a renovation grant for repairs to a complainant's home. The Council delayed finalising the grant and did not respond to the complainant's letters. The dispute went on for more than a year. The Council offered to reduce the total charge for the works by £1,500 in view of its delay and reviewed its procedures.

A second concerned the poor condition of a sheltered flat that had been offered to the complainant. The Council failed to identify a number of repairs issues before letting the flat, including the possibility that there was asbestos, and delayed responding to correspondence from the complainant. As a result the complainant gave up the flat after a few weeks. The Council agreed to write off the complainant's rent arrears and pay £100 in compensation. It also agreed to investigate the reported asbestos in the property.

A third concerned the Council's failure to recognise that a tenant was disabled and therefore it should carry out repairs that are normally rechargeable. The Council recognised its delay and carried out the repair. It also paid £25 to the complainant.

The fourth concerned delays in dealing with a leak to a complainant's flat. The Council offered to reduce the rent by half for the period that it delayed carrying out the repairs.

### *Benefits*

We settled one complaint regarding housing benefit. The Council failed to provide a statement of reasons for its decision on the complainant's housing benefit claim and did not let him know his rights of appeal. The Council sought to pursue rent arrears created by placing a recovered benefit overpayment on the rent account. The Council agreed to provide a statement of reasons and new rights of appeal to settle the complaint. The Council also agreed to review its Housing Management system to ensure that it does not take possession action due to recovered housing benefit overpayments. I would be grateful to know if the Council has completed this review and the outcome.

### *Transport and highways*

We settled six complaints regarding transport and highways issues. Four of these concerned the Council's proposals to close a footpath. Three complainants opposed the closure and one supported it. The Council applied to a magistrates' court for an order to close the path, but this application was misconceived. The Council agreed to withdraw its proceedings and reopen the path pending a new application under the relevant legislation. The Council agreed to pay £50 to each complainant opposing the closure and £100 to the complainant supporting its closure. We have since settled a fifth complaint arising from the same events. I would be grateful if the Council could let me know if it has decided to make a new application to close the path and if so, the outcome of this.

One complaint concerned the Council's failure to deal with several complaints about highways issues. The complainant reported a broken road barrier, litter, an overgrown and uneven footpath and parking on double yellow lines outside a school. The complainant reported problems via the Council's online complaints system but there was no effective response. To settle the complaint the Council arranged a site meeting with the complainant to resolve the outstanding issues.

The remaining transport and highways complaint concerned the installation of a shared footway/cycleway outside a complainant's home. The Council accepted that it did not carry out informal consultation as well as it could have done. It agreed to review its procedures with regard to informal consultation to ensure that it gave details of how to respond and consulted relevant groups. The Council paid £100 to the complainant for his time and trouble in making the complaint.

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### *Other*

We settled five other complaints. Three concerned the Council's refuse collection service. The complainants raised issues such as the contractor's repeated failure to collect domestic refuse and recycling, failure to return bins and delay in responding to complaints. The Council agreed to review its complaints procedure and the effectiveness of its monitoring procedure. The Council paid £75 to one complainant whose refuse was frequently not collected over a period of three years.

A fourth complaint concerned the Council's decision to site a builder's compound outside a complainant's house. The complainant was not properly consulted and suffered noise and inconvenience for four months. The Council accepted that it had not consulted residents properly. It apologised and paid £200 to the complainant.

Finally we settled a complaint about the Council's issue of a fixed penalty notice for throwing a cigarette butt out of a car. The Council's records were inaccurate and insufficient. Despite this the Council continued to pursue the complainant and he was interviewed under caution. The Council accepted that its records were inaccurate and therefore that the notice was not valid. It paid compensation of £500 to the complainant. The Council satisfied me that the errors that had occurred in this case were not in any way typical of the way it deals with fixed penalty notices and that in general its procedures are sound.

### ***Other findings***

A complainant alleged that he applied for a transfer from his Council accommodation in 1998 but his application was not registered by the Council until 2005. We did not uphold the complaint as there was not sufficient evidence of an earlier application. However, the complainant's account that he had made several enquiries was convincing and I asked the Council to backdate his transfer application. As a gesture of goodwill the Council agreed to backdate the application to April 2003. I am grateful for the Council's positive response to this matter.

We did not uphold a complaint regarding housing allocations but noted that the information held by the Council on its website was out of date as it referred to the scheme before choice based lettings was introduced. We advised the Council of this and I am pleased that it has now updated its website.

We did not uphold a complaint about a leisure centre's handling of complaints about its service. However, the leisure centre, as a partner of the Council, did not appear to have a clear procedure identifying the responsibility for resolving complaints. We recommended that the leisure centre should develop a complaints procedure in agreement with the Council. I would welcome an update regarding this.

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

My office referred 24 complaints back to the Council as we did not think you had had sufficient opportunity to deal with them through your own procedures. Five of these were resubmitted to my office. Two of these five were settled locally.

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

This year my investigators made enquiries regarding 31 complaints. Officers have taken an average of 31.2 days to respond. This is an increase of nearly five days over last year and is above my 28 day target. I am concerned that the Council is taking significantly longer to respond to enquiries about housing - 38 days on average. One of my investigators met Council staff recently to discuss the difficulties that had occurred. I understand that there have been a number of staff changes in the department that may have caused delays. I was pleased to hear that the Council is seeking to address this issue and has taken steps to improve response times and the quality of responses. I trust that this will result in a decrease in response times over the coming 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. 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	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	4	0	6	24	14	7	4	20	80
2006 / 2007	2	2	1	4	11	15	11	4	1	51
2005 / 2006	2	5	0	4	15	4	11	3	3	47

**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	18	0	0	15	8	9	24	50	74
2006 / 2007	1	6	0	0	9	8	7	15	31	46
2005 / 2006	0	2	0	0	6	7	12	20	27	47

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	31	31.2
2006 / 2007	19	26.8
2005 / 2006	13	21.5

**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