

# Local Government OMBUDSMAN

24 June 2011

David Marchant  
Chief Executive  
Castle Point Borough Council  
Council Offices  
Thundersley  
Benfleet  
ESSEX SS7 1TF

Dear Mr Marchant

## **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority. Although we made very few written enquiries on complaints, the Council's response times are very good.

For the first time in 10 years, we issued a public report against the Council. The report arose from a complaint from a taxi driver who had, for some time, been suggesting to the Council that he, and other licensed taxi drivers, had been overcharged for their licence and criminal records bureau (CRB) check. Initially after the CRB fee was introduced, the fee was incorporated into the general licence fee. However, in June 2003 officers decided the CRB fee would be extracted from the taxi licence fee; this meant that drivers would make one payment for their licence fee and another for the CRB check.

I found that there was maladministration by the Council which resulted in the complainant and other taxi drivers being overcharged. I recommended that the Council should reimburse the complainant and make a small payment for his time and trouble in pursuing the complaint. The Council has indicated its agreement to do so. I also recommended that the Council should let me know how it proposed to remedy the injustice caused to other taxi drivers who have paid a licence fee and CRB fee since 2004. The Council has described a proposal to me but I am not satisfied that it provides an adequate remedy and I have invited the Council to reconsider the matter.

Aside from the report, I decided 10 complaints about the Council. In one, the Council quickly agreed to remedy injustice caused to the complainant, a private landlord, when officers made errors in dealing with housing benefit for her tenant. The Council agreed there had been a failure to follow guidance issued by the Department for Work and Pensions and reluctance amongst officers to take any action until the tenant was at least eight weeks in arrears. The Council paid the complainant a sum equivalent to six weeks housing benefit.

A complainant who lived in a sheltered housing block said he had been overcharged for heating and hot water. Bills were generated for each tenant but the Council had failed to check the amount charged against the actual bills. My investigation found that the complainant had been overcharged by about £50. The Council agreed to refund this amount and pay an additional sum for the time and trouble to which the complainant had been put. The Council also agreed to check whether other residents had been overcharged.

In another complaint my investigator was concerned about an apparent lack of information available about how medical priority can be awarded for housing applicants. He suggested that information should be made available to officers, medical advisers and the general public and the Council agreed to consider this in a forthcoming review of its allocations policy.

### ***Communicating decisions***

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

### ***Extended powers***

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit.

This has constrained our ability to inform care service users, pupils and their parents of their new rights.

### ***Assisting councils to improve***

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



**Anne Seex**  
**Local Government Ombudsman**

For information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

<b>Enquiries and complaints received</b>	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	0	0	1	0	3	0	0	4
Advice given	1	0	0	0	0	0	0	1
Forwarded in investigative team (resubmitted)	1	0	1	0	0	0	1	3
Forwarded to investigative team (new)	2	1	0	1	0	1	1	6
<b>Total</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>14</b>

## Investigative Team

<b>Decisions</b>	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
<b>2010 / 2011</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>11</b>

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	5	25.2
2009 / 2010	7	27.9
2008 / 2009	7	32.3

**Provisional comparative response times 01/04/2010 to 31/03/2011**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0