



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Braintree District Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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

During the year 27 complaints were received by my office. This was a small increase of just three complaints on those made last year. The way we have categorised complaints this year has changed. The highest numbers of complaints were about housing (8) and the category called "Other" (8) which we use to refer to complaints made about a variety of different issues. This latter group included 5 complaints about the way the Council had dealt with reports of anti-social behaviour. Two of these were about the same matter and involved Environmental Protection; the other three involved your housing department and so this means in effect that there were 11 complaints in total which involved housing. This is an increase on last year when we received 8 housing complaints. Also of note is that complaints made about planning have fallen by 50% this year.

I note that the Council intends to transfer its housing stock to Greenfields Community Housing, a Registered Social Landlord, in November 2007. This will mean that housing complaints will no longer be within my jurisdiction but instead will be dealt with by the Housing Ombudsman Service.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

We took decisions on 26 complaints during the year. These included just two local settlements and I issued no reports. One complaint was outside my jurisdiction, and so was not pursued by me.

The measure of administrative fault is not the total number of complaints against a council but the number of complaints where there was evidence of fault. There was evidence of fault in both the settlements reached. But local settlements amounted to just 9.5% of all complaints I decided against your Council this year (excluding those which are outside my jurisdiction and those which were 'premature' and referred back to the Council as it did not appear that you had had a reasonable opportunity of dealing with them). This compares extremely favourably with the national average of 27.7%.

One of the settlements we agreed involved housing; the other concerned waste management. The housing complaint concerned a high hedge in one of your tenants' gardens which was causing problems for their next door neighbour who felt that you had failed to assess properly the hedge to see if its height was acceptable. The Council agreed to assess whether the height was acceptable,

and when it was found that it was not, it arranged for the necessary pruning to be done. It also paid £200 compensation to the complainant for his time and trouble in having to pursue the complaint.

The other settlement concerned a wrongly invoiced bill of over £500 for trade waste collection. Although the complainant had never entered into an agreement with the Council for it to provide this service, two letters were sent to him threatening recovery action by bailiffs, a debt recovery agency, or county court proceedings if he did not pay the invoice within 7 days. The Council reacted quickly when the complaint was raised by writing off the debt and apologising to the complainant.

Your Council's complaints procedure and handling of complaints

Just over 18% of the complaints received by me this year were referred back to your Council for consideration under your own complaints procedure. I refer to these in the accompanying statistics as 'premature' complaints. This compares with the national average of 28%. To date, only one of those complaints has been resubmitted to me because the complainant was dissatisfied with the Council's response. I found no evidence of administrative fault by the Council in that case.

The fact that relatively few complaints are made to me direct – without having first been through the Council's complaints procedure – and that only one of the complaints which I referred back to the Council was resubmitted, suggests that your Council is dealing effectively with complaints through your own complaints procedure.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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.

Liaison with the Local Government Ombudsman

We made first enquiries to your Council on 17 complaints during the year. The average response time remains the same as last year at just over 29 days. Our target for responses is 28 days. Nationally just under 49% of district councils respond to first enquiries within this target period. Your average response times were highest for complaints about housing (35.2 days). Planning and building control were next highest (29.6 days). Now that we are sending our initial enquiries by email I would hope that this will enable the Council to meet the 28 day time target next year. It is undoubtedly in the best interests of both the Council and the complainant that I complete my consideration of a complaint as soon as possible, and my ability to do this is greatly aided by local authorities responding to my enquiries within the time targets I set.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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 2007

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 |
|--|-----------------|----------------|--------------|--|-----------------------|-------------------------------|--------------|
| 01/04/2006 - 31/03/2007 | 2 | 8 | 8 | 6 | 2 | 1 | 27 |
| 2005 / 2006 | 0 | 8 | 3 | 12 | 1 | 0 | 24 |
| 2004 / 2005 | 3 | 7 | 4 | 12 | 1 | 0 | 27 |

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 |
|--------------------------------|----------------|-----------|---------------|----------------|---------------|-----------------|-----------------------------|-----------------------------|-----------------------------|--------------|
| 01/04/2006 - 31/03/2007 | 0 | 2 | 0 | 0 | 17 | 2 | 1 | 4 | 22 | 26 |
| 2005 / 2006 | 0 | 4 | 0 | 0 | 10 | 3 | 5 | 8 | 22 | 30 |
| 2004 / 2005 | 0 | 1 | 0 | 0 | 12 | 0 | 4 | 6 | 17 | 23 |

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 |
| 01/04/2006 - 31/03/2007 | 17 | 29.3 |
| 2005 / 2006 | 8 | 29.3 |
| 2004 / 2005 | 10 | 22.0 |

Average local authority response times 01/04/2006 to 31/03/2007

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|------------------------|-----------------------|-------------------------|
| District Councils | 48.9 | 23.4 | 27.7 |
| Unitary Authorities | 30.4 | 37.0 | 32.6 |
| Metropolitan Authorities | 38.9 | 41.7 | 19.4 |
| County Councils | 47.1 | 32.3 | 20.6 |
| London Boroughs | 39.4 | 33.3 | 27.3 |
| National Park Authorities | 66.7 | 33.3 | 0.0 |