



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Colchester Borough 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 and character

I received 38 complaints against your Council last year, a significant increase of ten complaints on the previous year. Whilst complaints about housing and council tax benefits have decreased by two thirds, complaints about planning and building control continue to make up a third of the cases we receive against your Council. The highest number of complaints (12 in total) was in the category called "Other" which we use to refer to miscellaneous complaints. This latter group included complaints about anti-social behaviour, waste management and contractual and business matters.

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.

My office decided 32 complaints against your Council. The measure of administrative fault causing injustice is not the total number of decisions by my office but the number of settlements and formal reports which found maladministration and injustice. This year there were just two settlements and no reports. This is an improvement on last year when I upheld five complaints, and marks a return to 2004/05 levels.

The settlements were both in respect of complaints made about the Council's handling of planning applications. In total the Council paid £650 in compensation in respect of these complaints. The bulk of this was in respect of a complaint made to me where there had been considerable confusion over how the Chair of a Planning Committee had exercised his casting vote when considering an outline planning application. Although I could not conclude that the decision on the application would have been any different I felt the complainant had been caused a considerable amount of uncertainty as a result of what had happened. The Council agreed to pay £400 in recognition of this uncertainty as well as the time and trouble caused to the complainant in bringing their complaint and agreed to amend its procedures.

Your Council's complaints procedure and handling of complaints

Of the total complaints decided in 2006/07 period we referred five back to the Council to consider because they were premature as the Council had not had a sufficient opportunity to consider them before they were made to my office. As a percentage this is 16% of the total decisions taken and is therefore considerably lower than the national average of 28%. One complaint has been resubmitted to my office.

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

On average your Council has responded to enquiries from my office in 33 days, which is the same as the previous year. This is slightly above the Commission's target of 28 calendar days from the receipt of our enquiry letter. As we are now sending details of complaints received and first enquiries by email the Council may find it easier to achieve this target in the forthcoming year.

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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Millbank
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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	1	9	12	11	1	4	38
2005 / 2006	3	7	7	8	0	3	28
2004 / 2005	4	8	9	9	1	8	39

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	13	8	4	5	27	32
2005 / 2006	0	5	0	0	9	4	6	4	24	28
2004 / 2005	0	3	0	0	12	8	10	8	33	41

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	32.5
2005 / 2006	11	32.6
2004 / 2005	14	33.1

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