



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Essex County 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 98 complaints against your Council, a slight increase of six complaints on the previous year. Whilst a third were about education which was in keeping with previous years, there was a marked increase in complaints about social services which accounted for 38% of complaints made to me about your authority. Of these, almost 60% were about adult care services, double last year's proportion, while complaints about children and family services were about the same. A further 13% of complaints this year related to transport and highways, a decrease of a third from last year. Although there was a slight increase in complaints about Planning and Building Control the numbers are not very high.

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 107 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 19 settlements and two reports, one of which involved two complainants. This amounts to 35% of all decisions (excluding complaints outside my jurisdiction and those referred back to your Council), above the national average of 28%.

One of the reports issued concerned a complaint where the Council had placed a boy in care in another county, despite knowing that no appropriate education was available there. He received no education for six months, and then received only limited tuition which did not meet the needs contained in his Statement of Special Educational Needs. His annual review was delayed for a year, and the Council failed to review the situation properly or to bring back the boy. The Council agreed to pay £8,000 compensation to the boy, and to ensure that its Social Services complaints were dealt with in accordance with the statutory procedure.

The other report issued concerned two complaints against both the Council and a district council. The District Council had advised the Council as the then Waste Management Licensing Authority over 25 years before, that the site adjacent to the complainants' homes had an established use as a waste transfer station, despite there being no evidence to support this. The Council accepted this without question and issued the relevant licence. The use had continued and intensified since then.

The Councils agreed to discuss the feasibility of moving the site; if this was not possible they agreed to make ex-gratia payments to cover any loss of capital value to the complainants' homes. They also each agreed to pay the complainants £1,000 in recognition of the nuisance they had sustained from the noise and for their time and trouble in pursuing the complaints.

Your Council paid a total of £15,965 in compensation. Just over half involved complaints concerning children and family services (one of which was the first report referred to above), and almost a fifth concerned adult services, including a payment of £2,890 to a complainant and her adult son for an inappropriate residential care placement. The Council paid £2,250 to complainants and their two children who did not receive alternative education from September 2005 to January 2006, and received part time education for the remainder of the academic year while their Statements of Special Educational Needs were amended.

Your Council's complaints procedure and handling of complaints

Of the total complaints decided in the 2006/07 period we referred 24 back to the Council to consider because they were premature as the Council had not had sufficient time to consider them before the complainants referred them to my office. Although this is only 22% of the total decisions taken and is therefore below the national average of 28%, this has doubled since 2005/6.

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. One of my officers ran a one day course on effective Social Services complaint handling for the Council in March 2007, which 11 staff attended. I understand that this was well received and hope it will assist the Council in satisfying those with complaints about social services so as to avoid the need for them to complain to my office in an attempt to seek redress.

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 38 days. This is well above the Commission's target of 28 calendar days from the receipt of our enquiry letter. It is however a slight improvement on the preceding two years albeit I would be grateful if the Council could consider what steps it is able to take to improve its performance in this area.

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
10th Floor, Millbank Tower
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LONDON SW1 4QP

June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Children and family services	Education	Housing	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	22	15	33	0	10	5	0	13	98
2005 / 2006	11	14	32	0	9	2	3	21	92
2004 / 2005	13	17	33	1	9	1	3	9	86

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	3	19	0	0	23	18	20	24	83	107
2005 / 2006	2	18	0	0	31	15	18	10	84	94
2004 / 2005	0	9	0	0	20	19	12	15	60	75

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	35	38.1
2005 / 2006	45	39.7
2004 / 2005	37	40.2

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