



The Commission for
Local Administration in England

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

Reigate and Banstead 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

In 2006/7 I received 18 complaints against your Council. Although more than the year before (14), complaint numbers can be expected to fluctuate and this was broadly comparable with previous years.

Eight complaints concerned planning matters (four were about planning applications and four were about enforcement), four concerned housing benefit and two related to leisure and culture. Two complaints (from the same person) related to commercial matters (taxi licensing). One concerned highways (a cycle way), and one waste management.

Decisions on complaints

I made decisions on 18 complaints in 2006/7. Four cases were outside my jurisdiction and in seven cases I did not consider there was fault or sufficient fault to warrant my involvement.

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. Last year a local settlement was agreed in two complaints against the Council. When we complete an investigation we must issue a report. I did not issue any formal reports against your Council.

One of the local settlements concerned a delay of over 18 months in approving a planning application for a change of use. When I made enquiries the Council apologised and, without being pressed, offered £100 compensation. This was an appropriate settlement. I welcome the Council's proactive approach.

The second local settlement concerned a delay in determining a housing benefit claim. The Council claimed it had never seen the claimant's original tenancy agreement (necessary to establish liability for the rent), although the information the Council provided to me contradicted this. The Council also failed to remind the complainant what other information was needed. Ultimately the Council's decision (against which there was a right of appeal) was to determine there was no entitlement to benefit. It nevertheless agreed to make him a payment of £75 to reflect the uncertainty caused by its delay and his time and trouble in having to make his complaint.

Your Council's complaints procedure and handling of complaints

Five complaints were referred back to the Council as it had not had a reasonable opportunity of considering and responding to the complaints before I became involved. This was in line with the national norm, although I note that three of the four housing benefit complaints were referred back to the Council as premature. One of these complainants was not satisfied with the Council's response and complained to me again; I did not find that the Council was at fault. /...

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

I ask Councils to reply to enquiries within 28 calendar days. Your Council's average response time, while an improvement on the preceding year, was 35.7 days: again outside my target. Two responses on planning complaints took over 50 days to reach me. This was very disappointing. In contrast, I received a reply on a transport and highways complaint in 14 days.

Seven of your staff attended an Effective Complaint Handling course in October 2006 and I hope they found this useful.

If a Council Committee formally considers this letter it would be helpful to be sent a copy of the minutes of the meeting, along with a copy of any report to the Committee.

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	4	0	5	8	0	1	18
2005 / 2006	1	0	4	8	1	0	14
2004 / 2005	1	4	1	16	0	1	23

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	7	0	4	5	13	18
2005 / 2006	1	1	0	0	4	3	3	6	12	18
2004 / 2005	0	2	0	0	4	5	5	4	16	20

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	6	35.7
2005 / 2006	4	41.3
2004 / 2005	5	31.8

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