

**The Local Government Ombudsman's  
Annual Letter  
Basildon District Council  
for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about Basildon District Council from 1 April 2007 to 31 March 2008. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service delivery.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments 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 57 complaints against your Council, a slight decrease on the 63 complaints I received last year. As with previous years just over half (54%) of these complaints were about housing of which two thirds related to concerns about delays in undertaking repairs. I am aware that much of the Council's housing stock was built at the same time and so faults which develop over a period – such as roof failure – tend to occur in multiple properties at the same time.

I received six complaints from people who were aggrieved about the Council's handling of planning applications, and a further five complaints about the collection of Council Tax. In addition, I received five complaints about the administration of Benefits whereas I received none about this service area in the preceding year. The Council may want to consider its own data on complaints received this year to see if there are any areas of concern here, as delays or errors in processing applications for means tested benefits can cause extreme hardship.

The remaining eight complaints related to other Council services such as Highways, Leisure services, Licensing, and Anti-Social Behaviour.

## **Decisions on complaints**

### ***Reports and local settlements***

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued.

My office decided 57 complaints against your Council during the year. The measure of administrative fault causing injustice is not the total number of decisions made by my office but the number of settlements and formal reports which found maladministration and injustice. This year there were 17 such settlements and I issued one report. This amounts to 43% of all decisions (excluding those complaints which are outside my jurisdiction or those I have referred back to the Council as 'premature' as I was not satisfied that it had been afforded a reasonable opportunity of dealing with them). This is well above the national average of complaints which resulted in a settlement or report this year – 27% - and is also a slight rise from 40% of complaints upheld against Basildon District Council last year.

### **Repairs issues**

Your Council paid a total of £6,075 in compensation. The majority of this (£5,275) related to delays in carrying out repairs to Council housing as was the case during 2006/07.

In previous Annual Letters I have voiced my concerns about the Council's ability to deal with requests for housing repairs. During 2006/07 your Council put in place measures to address ongoing problems with dealing with such requests. These included closer monitoring of complaints, and weekly meetings with the Council's contractor to discuss ongoing repairs issues. I have to question the extent to which these measures have proved effective, given that the number of complaints about housing repairs made to me have remained at a steady level this year. I also decided that it was in the public interest to issue a report during 2007/08 to highlight some of the key issues my office has dealt with, and the level of injustice delays in completing repairs causes to those who are affected. The report was in respect of the Council failing to carry out repairs to the windows, roof, and shed of a Council owned property. The delays in carrying out effective repairs totalled 19 months. During this period the complainants were unable to use part of their home for significant amounts of time due to repeated leaks through the roof. The Council agreed to carry out repairs to the roof and shed and replace the windows. It also undertook to review its case monitoring and record keeping procedures within the repairs team in order to reduce the likelihood of similar incidents occurring in future. It also paid the complainants £1,000.

In addition to the report a further 11 complaints about delays in completing repairs were settled in 2007/08. Several of these settlements involved complaints where there had been delays of over 12 months in carrying out effective repairs to the complainants' homes.

### **Your Council's complaints procedure and handling of complaints**

My office affords the Council a reasonable opportunity to consider complaints before they are referred back to me for investigation. Of the total complaints decided in the 2007/08 period we referred 11 back to the Council to consider because they were premature as the Council had not had sufficient time to consider them. This constitutes 24% of complaints and so is slightly less than the national average of 27% and is indicative of a well publicised complaints procedure. Of those 11 complaints two were resubmitted.

### **Liaison with the Local Government Ombudsman**

The average time taken for the Council to respond to enquiries from my office was 27 days. This is an improvement from last year and meets the Commission's target of 28 calendar days from the receipt of our enquiry letter.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

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

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

### **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**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

**June 2008**

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

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	5	0	31	9	6	5	1	<b>57</b>
<b>2006 / 2007</b>	0	2	37	13	7	2	2	<b>63</b>
<b>2005 / 2006</b>	2	0	30	11	6	0	0	<b>49</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	17	0	0	18	5	5	11	46	<b>57</b>
<b>2006 / 2007</b>	0	15	0	0	19	3	9	16	46	<b>62</b>
<b>2005 / 2006</b>	0	7	0	0	15	5	4	14	31	<b>45</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	32	27.3
<b>2006 / 2007</b>	35	30.7
<b>2005 / 2006</b>	22	27.3

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0