

**The Local Government Ombudsman's  
Annual Letter  
Braintree 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 Braintree District Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

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***

During the year, 20 complaints were received by my office. This was a decrease of seven complaints on the previous year. The highest number of complaints was about Planning and Building Control (six), the same number as we received last year. This was followed closely by Housing (five), to which should be added one complaint classified as "Other" which concerned anti-social behaviour which was allegedly being caused by Council tenants. These six Housing complaints were seven less than last year. This is only to be expected as the Council transferred its housing stock to Greenfields Community Housing – a Registered Social Landlord – mid way through the year in November 2007. This meant that from that date onwards, the majority of housing complaints were no longer in my jurisdiction, but would instead need to be addressed by the Housing Ombudsman Service which deals with complaints made against Registered Social Landlords.

## **Decisions on complaints**

My office made decisions on 19 complaints against your authority during the year, four of which were 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.

In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints – where councils have not had a proper chance to deal with them before they are put to me – and those outside our jurisdiction). The percentage of local settlements for your Council is 26.3%.

None of the complaints we investigated this year justified the issue of a report.

One of the local settlements concerned the outcome of works carried out in a private property with the aid of a Disabled Facilities Grant. Water was leaking under the door to an extension and a shower seat had fallen off a wall. Although these works were not the responsibility of the Council, it attempted to get the contractor to carry out the work and when this failed, agreed to do the work and recharge the contractor for the associated costs.

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We settled a case where the complainant had disputed the Council's decision that he was not entitled to a Council Tax exemption for an unoccupied property he had recently purchased. The Council had failed to inform him of his right of appeal to the Valuation Tribunal. The Council obtained a Liability Order against him and added £95 legal costs to his account. We advised the complainant to request an "out of time" appeal to the Valuation Tribunal and they agreed to hear his appeal. The Council agreed to reimburse the complainant's legal costs and pay him £100 compensation. It also agreed that it would notify taxpayers of their right of appeal to the Valuation Tribunal where there is a dispute about liability or entitlement to exemptions or discounts.

Of the remaining two settlements, one involved the Council reimbursing a complainant some rent which had been wrongly charged, and the other involved Officers responding to a request from a Council tenant who had had a new heating system installed but needed some advice in learning how to use it efficiently. I am pleased to note that the Council remains very willing to respond to suggested proposals for settling complaints.

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

I referred just one complaint back to the Council as premature, where it was evident that the Council had not had a sufficient opportunity to deal with it before it was put to me. This is a rate of 5% which is much lower than the national average of 27% and would suggest that there are no immediate concerns about the accessibility of the Council's own complaints procedure.

In the one complaint which was referred back to the Council, the complainant was unhappy with the Council's decision and so she referred the complaint back to my office. We found no fault by the Council and so ended our involvement in the complaint.

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

My office made enquiries on 14 complaints this year, and the average response time was 21.8 days, well within my requested timescale of 28 days. Nationally 56.4% of District Councils respond to first enquiries within this target period. I am grateful to the Council for the obvious priority it gives to responding to our enquiries. It is in the 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 like yours who respond well within the targets I set.

### **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.

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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**  
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**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>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>	0	5	4	6	3	2	<b>20</b>
<b>2006 / 2007</b>	2	8	8	6	2	1	<b>27</b>
<b>2005 / 2006</b>	0	8	3	12	1	0	<b>24</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>	0	4	0	0	9	1	4	1	18	<b>19</b>
<b>2006 / 2007</b>	0	2	0	0	17	2	1	4	22	<b>26</b>
<b>2005 / 2006</b>	0	4	0	0	10	3	5	8	22	<b>30</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>	14	21.8
<b>2006 / 2007</b>	17	29.3
<b>2005 / 2006</b>	8	29.3

**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