

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

We received just 11 complaints this year, spread across six service areas – Housing, Planning / Building Control, Local Taxation, Transport / Highways, and Benefit administration. This is a marked reduction on last year when 27 complaints were made to me about your Council. It is difficult to know what has caused this fall but if it does reflect a more robust complaints procedure, then that is much to be welcomed.

## **Decisions on complaints**

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 - and those outside our jurisdiction).

I made 12 decisions on complaints about the Council during the year. I decided four were premature as the Council had not had a reasonable opportunity of responding to them before I was asked to intervene. Of the remaining eight complaints, I found no evidence of fault in six of them, and did not consider that there was sufficient evidence of injustice to merit my continued involvement in one other complaint. None of the complaints we investigated this year justified the issue of a report. I agreed just one local settlement with the Council where I identified fault causing injustice which I felt merited a remedy. This was a planning complaint in which my investigator did suggest that there had been some administrative fault but was unable to conclude that this fault actually affected the eventual decision. He suggested a 'time and trouble' payment of £250, which you readily agreed to even though officers disagreed with our assessment both of the fault and the remedy.

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

We referred four complaints back to the Council as premature. All four were about separate service areas. At 33% of all decisions made, this is slightly higher than the national average of 27% but the numbers are too small to draw any conclusions from this.

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

I have noted elsewhere the willingness of your officers to accept our recommendations and I regard this as a very positive approach to our work. However, there is one issue that I would like to bring to your attention - the time taken to respond to our requests for comments on complaints. Although we only made three such requests this year, the average time to respond was over 45 days – a threefold increase on last year's figure and I would seek your assurance that my time target of 28 days for responses will be met in future.

/...

## **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'. I see that your Council has entered a partnership with Essex County Council in order to involve Brentwood residents in local decision making and again, I would appreciate your feedback on how this is working in practice, particularly on any complaints protocols put in place as part of the overall governance arrangements for this partnership or indeed the joint 'Home Option' choice based lettings scheme which involves both Brentwood as well as Uttlesford and Epping District Councils.

## **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>Education</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>	1	0	2	2	2	1	3	<b>11</b>
<b>2006 / 2007</b>	3	0	2	2	17	2	1	<b>27</b>
<b>2005 / 2006</b>	1	1	0	5	6	1	3	<b>17</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	1	0	0	6	1	0	4	8	<b>12</b>
<b>2006 / 2007</b>	0	0	0	0	16	5	3	5	24	<b>29</b>
<b>2005 / 2006</b>	0	0	0	0	8	1	4	4	13	<b>17</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>	3	45.7
<b>2006 / 2007</b>	4	14.8
<b>2005 / 2006</b>	7	40.3

**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