

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

**Chelmsford 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 Chelmsford 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**

### ***Volume and character***

I received just 11 complaints against your Council from 1 April 2007 to 31 March 2008. This is approximately half the number of complaints made to me during 2006/07 (23) and in 2005/06 (22). The majority of the complaints (eight in total) made to me this year were about Planning or Building Control matters. Two complaints were made about Housing issues, and the remaining complaint concerned a cemetery. Unlike previous years, no complaints were received about the administration of benefits or transport / highways issues.

## **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 11 complaints against your Council in the past year. 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 two settlements. None of the complaints we investigated this year justified the issue of a report. The fact that I upheld only two complaints made to me throughout the 12 month period is an achievement and should be seen in the context that on average I uphold 27% of all complaints made to me (excluding those which are outside my jurisdiction, or which I have referred back to a Council as 'premature' as I was not satisfied that it had been afforded a reasonable opportunity of dealing with them to a complainant's satisfaction prior to them raising their concerns with me).

The two settlements reached were firstly in respect of a complaint about the Council's handling of a request for help from someone who was threatened with homelessness, and secondly about the advice it gave someone about the need to make a formal planning application.

In the first case there was evidence that the Council failed to inform the complainant of their right to request a review of its decision about the suitability of the temporary accommodation they were offered, and provide a proper decision on their homelessness application. We found that the application had not been properly dealt with and as a result of this the complainant accepted accommodation which cost far more than the housing benefit to which they were entitled to receive and so resulted in a weekly shortfall of rent. The Council agreed to make a payment of £1,400 to cover the additional housing costs as well as a payment in recognition of the anxiety its handling of the application had caused the individual concerned.

The second settlement concerned the Council misinforming a complainant that planning permission was not required to add a conservatory to his home. Although such structures do not normally require formal planning permission, in this instance permitted development rights had been withdrawn from the area where the applicant's property was situated and so an application was in fact required. Because of the misleading advice the complainant was given he installed a conservatory before being told that planning permission was in fact needed, for which he subsequently applied. The Council agreed to redress this error by refunding the £135 planning application fee and determining the request for permission. Although we ended our involvement at that stage we told the complainant that he should contact us again if permission was subsequently refused.

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

Of the total complaints decided in 2007/08 we did not refer any back to the Council to consider because they were premature. This – together with the small number of complaints I have received against the Council this year - would seem to indicate that the Council operates an accessible complaints procedure which seemingly resolves most complaints at a local level before they are escalated to me, as the national average for premature complaints is 27%.

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

On average the Council has responded to enquiries from my office in 26 days. This is an improvement on last year (31.9 days) and now takes the Council within the Commission's target of 28 calendar days from the receipt of our enquiry letter. I welcome this.

### **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)

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Transport and highways	Total
01/04/2007 - 31/03/2008	0	2	1	8	0	11
2006 / 2007	2	4	7	5	5	23
2005 / 2006	2	2	4	12	2	22

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
01/04/2007 - 31/03/2008	0	2	0	0	7	1	1	0	11	11
2006 / 2007	0	1	0	0	11	2	3	8	17	25
2005 / 2006	0	1	0	0	9	2	8	2	20	22

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
01/04/2007 - 31/03/2008	5	26.2
2006 / 2007	8	31.9
2005 / 2006	6	26.2

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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