

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Colchester 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 Colchester 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 35 complaints against your Council last year, a marginal decrease of three complaints on the previous year. Complaints about planning and building control have risen and make up 46% of the total complaints we received against your Council. There was also an increase in complaints about Council Tax. We received five such complaints against only one in the preceding year, and none whatsoever the year before that. Complaints about Housing issues fell from nine to six, and those categorised as "Other", which we use to refer to miscellaneous complaints about a variety of different local authority services including duties to respond to reports of anti-social behaviour, waste management, licensing etc. dropped by over a half.

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. 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).

My office decided 40 complaints against your Council. Slightly more than we received as we carried some over which were made to us in the previous year which we had yet to determine when compiling last year's annual letter. 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 eight settlements. None of the complaints we investigated this year justified the issue of a report. This represents 29.6% of those complaints which I dealt with that were within my jurisdiction and where I was satisfied that the Council had already had a reasonable opportunity of dealing with the issue and attempting to resolve it before it was escalated to me. This is an increase on last year when I upheld just two of the complaints I received against your Council (8.6% of those complaints which were neither premature nor outside jurisdiction).

The settlements which were agreed spanned a range of Council services including its response to reports of anti-social behaviour, how it allocates its housing, parking, and its waste management services. In total the Council paid £950 in compensation in respect of the complaints which we settled.

One settlement was in respect of the Council failing to ensure that its repairs contractors were properly supervised while carrying out electrical works at a Council property. As a result of this error the complainant's bathroom suffered severe condensation and required redecoration. The Council agreed to pay £350 to cover the cost of cleaning and decorating the bathroom and in recognition of the time and trouble caused to the complainant.

A further settlement was reached where the Council accepted that it had delayed reaching a decision on altering a disabled parking pay and that its communications with the complainant had been inconsistent. The Council agreed to pay £100 for the inconvenience caused to the complainant.

I also dealt with two complaints about the Council's policy and procedures for issuing Hackney Carriage vehicle licenses. As applications for such licences usually exceed the available number in any given year, it is essential that the qualifying criteria are clear and unambiguous. As a result of these complaints I was pleased to note that the Council undertook to amend the wording of the eligibility criteria so as to avoid any further confusion on the part of applicants in the future.

Your Council's complaints procedure and handling of complaints

Of the total complaints decided in 2007/08 period we referred 11 back to the Council to consider because they were premature as the Council had not had a sufficient opportunity to consider them before they were made to my office. As a percentage this is 30% of the total decisions taken and is slightly above the national average (27%).

Liaison with the Local Government Ombudsman

On average your Council has responded to enquiries from my office in 30 days which is an improvement of three days on the previous year but slightly above 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
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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	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	0	6	5	16	5	3	35
2006 / 2007	1	9	12	11	1	4	38
2005 / 2006	3	7	7	8	0	3	28

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	8	0	0	10	9	2	11	29	40
2006 / 2007	0	2	0	0	13	8	4	5	27	32
2005 / 2006	0	5	0	0	9	4	6	4	24	28

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	17	29.6
2006 / 2007	17	32.5
2005 / 2006	11	32.6

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