

Local Government
OMBUDSMAN

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

Volume

We received 12 complaints against your Council during the year, three fewer than last year. We expect to see fluctuations like this from year to year, but it is pleasing to note the continuing trend towards a reducing number of complaints.

Character

Half the complaints received were about planning and building control. This is a similar proportion to last year. One complaint was received about each of benefits, public finance, and transport and highways. The remaining three complaints were recorded in the 'Other' category. They included one complaint about anti-social behaviour, one about environmental health and one classed as miscellaneous.

Decisions on complaints

Reports and local settlements

When we need to complete an investigation we issue a report. I issued one report against your Council this year.

The complaint was about homelessness and housing need. Your Council failed to keep records to show whether the complainant's homelessness application had been considered in accordance with the regulations and also failed to take appropriate action to provide her and her family with temporary accommodation. As a result the complainant spent eleven weeks, including the Christmas period, staying with several friends and relatives who could not accommodate her whole family together. In addition she was denied a right of appeal against the Council's decision on her homelessness application, a right she would have exercised. Your Council agreed to pay her compensation of £3,000 and to review its procedures to prevent similar problems arising in future.

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 some 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).

Three complaints were settled locally and a total of £550 paid in compensation.

One complaint concerned the failure to monitor planning conditions relating to the control of dust and debris from demolition and redevelopment of the site next door to the complainant's house. The Council agreed to pay compensation to the complainant for loss of amenity. It also agreed to review its procedures for ensuring compliance with planning conditions and for liaison between officers in planning and environmental health.

Another complaint concerned inadequate consideration of noise nuisance. In response the Council conducted additional noise monitoring from the complainant's house and agreed to consider his request that a traffic order be extended to deal with the problem.

The third complaint was about delay in following up matters raised in a previous complaint to us. The Council apologised and made a small payment in recognition of the uncertainty caused.

Other findings

Two complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further three cases I took the view that the matters complained of were outside my jurisdiction.

The remaining five complaints were not pursued because no evidence of maladministration was seen.

Your Council's complaints procedure and handling of complaints

This year no premature complaints were resubmitted for consideration. That and the relatively low number of complaints made to us suggest that the Council's complaints procedure continues to be well publicised, easily accessible and effective.

Liaison with the Local Government Ombudsman

When I wrote to you last year I invited the Council to consider ways of improving its response times to enquiries from my staff. At that time the Council's average response time was 42.4 days compared with the target time of 28 days. This year it has fallen further behind the target with responses taking on average 48 days. Although the Council's comments on complaints are helpful, the time taken to respond is unacceptable and delays our replies to complainants. I would welcome early proposals from you about how the Council can improve its performance in this respect.

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 2008, 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 2007, which also came into force in April 2008. 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.

J R White
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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	1	0	3	6	1	1	12
2006 / 2007	0	1	4	7	1	2	15
2005 / 2006	0	0	4	18	1	0	23

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	1	3	0	0	3	2	3	2	12	14
2006 / 2007	0	1	0	0	8	2	1	3	12	15
2005 / 2006	0	0	0	0	2	5	6	4	13	17

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	7	47.9
2006 / 2007	5	42.4
2005 / 2006	10	31.6

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