

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

In 2007/08 I received 30 complaints against your Council, seven more than in the previous year.

As is often the case for district councils the majority of complaints related to planning matters. There were 16 complaints in this area, double the previous year. All of these concerned planning applications. While the numbers remain relatively small you may wish to consider whether there are any underlying reasons for this increase.

I also received six complaints about transport and highways matters, the same as the previous year. The remaining complaints related to homelessness, housing allocations, licensing, waste management and local taxation.

Decisions on complaints

Last year I made 26 decisions on complaints against your Council. In nine cases I found no or insufficient fault with what the Council had done to warrant my involvement. In six I exercised my discretion not to pursue the matter because there was insufficient injustice to the complainant to justify doing so. I concluded that five complaints were outside of my jurisdiction; in four cases because the complainant had an alternative remedy it was reasonable for them to use and in one case because the matter was not brought to my attention within 12 months of the complainant becoming aware of the problem. I referred four complaints back to your Council because you had not had a reasonable opportunity to deal with the matter before I became involved; two of these were from the same person although related to different issues.

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). None of the complaints we investigated this year justified the issue of a report, but I did agree two local settlements.

In one case I found the Council had not followed up on enforcement action that had been started in 2004 relating to unauthorised storage of vehicles. Following my involvement, the Council decided to take such action. I note the Council was planning to undertake a review of its enforcement service to improve its operation and efficiency and I would be interested to learn more about this and any changes that have been made as a result.

The other case related to parking tickets and whether mitigating circumstances put forward by the complainant had been properly taken into account. Here I welcome the fact that having considered this information the Council quickly concluded the tickets should be cancelled.

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Your Council's complaints procedure and handling of complaints

Nationally 27% of all complaints are referred back to councils to consider before I get involved. In your Council's case it was 15%. Although the numbers are relatively small you may wish to consider whether there are any local factors that explain this.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. I am pleased to note your Council's average response time was 13.3 days last year. This was well within my target time and an improvement on the previous year.

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.

I know that two of your staff attended one of our complaint handling courses and I trust that the training proved useful.

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	2	2	16	4	6	30
2006 / 2007	3	3	2	8	1	6	23
2005 / 2006	1	1	2	10	1	5	20

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	9	6	5	4	22	26
2006 / 2007	0	3	0	0	8	4	3	4	18	22
2005 / 2006	0	3	0	0	5	3	3	5	14	19

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	13.3
2006 / 2007	13	26.3
2005 / 2006	9	21.0

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