

Local Government
OMBUDSMAN

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

Epping Forest District 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 Epping Forest District 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 16 complaints during the course of the year, a reduction of almost half from the previous year, which may reflect the high incidence of Waste Management complaints and those made to me about Planning and Building Control which I noted in last year's Annual Letter. Complaints about other service areas such as Housing, Local Taxation and Transport / Highways have remained static, albeit low in number overall.

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). None of the complaints we investigated this year justified the issue of a report.

There was just one local settlement last year. This was in respect of a planning complaint at the end of which we requested a modest 'time and trouble' payment of £250. Although we found minor fault in the way in which a planning decision had been taken, we could not conclude that the outcome would have been any different if that fault had not occurred.

In the case we settled we also took the opportunity to explain our general approach to investigating complaints when the Council's own complaints procedure has not been fully exhausted first. We will consider complaints where a local authority has – in our view – been afforded a reasonable opportunity of dealing with them to a complainant's satisfaction and it is clear that there is little or nothing to be gained by referring the complaint back for consideration at a more senior level within the Council.

Your Council's complaints procedure and handling of complaints

My staff report a continued positive working relationship with your officers. One of the two cases we referred back to you as premature illustrates this. This case, involving in part concerns about the health of a child, was dealt with proactively by the Council. During the course of your own investigation a transfer was offered to the family which settled the matter without further recourse to my office, which is a commendable outcome.

/...

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. I would be particularly interested to learn of any such arrangements for the 'Home Option' joint choice based lettings scheme your Council has entered into with Uttlesford and Brentwood 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
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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 | 5 | 2 | 5 | 1 | 3 | 16 |
| 2006 / 2007 | 0 | 6 | 9 | 14 | 1 | 1 | 31 |
| 2005 / 2006 | 3 | 3 | 6 | 8 | 2 | 1 | 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 | 0 | 1 | 0 | 0 | 4 | 1 | 4 | 2 | 10 | 12 |
| 2006 / 2007 | 3 | 4 | 0 | 0 | 11 | 9 | 2 | 11 | 29 | 40 |
| 2005 / 2006 | 0 | 1 | 0 | 0 | 11 | 3 | 2 | 2 | 17 | 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 | 1 | 15.0 |
| 2006 / 2007 | 13 | 12.8 |
| 2005 / 2006 | 7 | 12.4 |

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 |