

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

### ***Volume***

During the year 15 complaints were received by my office. This was a decrease of five complaints on the previous year. The highest number of complaints was about Planning and Building Control (ten), the same number as we received last year. The other five complaints were spread over the following areas: Benefits (two), Housing (one), Local Taxation (one) and Transport and Highways (one).

I understand that the Council completed the transfer of its housing stock to Rochford Housing Association in September 2007. This means that the majority of housing complaints about the management of tenancies and repairs issues are no longer in my jurisdiction and instead will now be dealt with by the Housing Ombudsman Service.

## **Decisions on complaints**

My office made decisions on 19 complaints against your authority during the year, three of which were 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). The percentage of local settlements for your Council is 25% and so is in keeping with the national average. None of the complaints we investigated this year justified the issue of a report.

Two of the local settlements concerned the same issue: the problem caused by what I considered to be an unreasonably long interval (five years) between reviews of entitlement to Single Person Discount for Council Tax purposes. In both cases the complainants did not realise they no longer met the conditions for a Single Person Discount when their sons turned 18 years of age. Because it took the Council so long to review the relevant entitlement, the complainants missed the opportunity to claim Second Adult Rebate when their entitlement to Single Person Discount ceased. In one case the Council could – by law - only backdate the rebate for a maximum of 52 weeks when the complainant subsequently made a successful claim. The Council agreed to make a payment equivalent to the amount of Second Adult Rebate to which the complainant would have been entitled had she made the claim at the appropriate time. The Council also agreed to withdraw its Summons and cancel the legal costs and reached a generous agreement for the repayment of the outstanding Council Tax arrears over a period of two years. In the other case no legal action had been taken but the Council agreed to award compensation equivalent to the Second Adult Rebate to which the complainant would have been entitled for the relevant period.

Although there appears to be no guidance published for Councils on the frequency of reviews, following a survey of practices adopted by other local authorities that showed many did annual reviews, the Council agreed to implement biennial reviews of all cases where Council tax payers have been awarded a Single Person Discount.

The remaining settlement was in respect of a complaint about the way in which the Council had dealt with an application for planning permission. A neighbour was not notified of the application as his property was relatively new and not shown on the OS map Council Officers used to determine who they were required to notify. Although the complainant did not have an opportunity to voice his objections to the scheme my Investigator was confident that even if he had made these known, the outcome would not have been any different. I did however ask the Council to make a payment of £100 to reflect the complainant's outrage at not being consulted at the relevant time.

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

Last year I referred five complaints back to the Council as premature, which is to say that the Council had not had a sufficient opportunity to deal with them. This is a rate of 26.3%, just slightly lower than the national average of 27%.

Of the five complaints which were referred back to the Council, only one was resubmitted to me for investigation because the complainant was unhappy with the Council's investigation of the complaint. We found no fault by the Council.

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

My office made enquiries on seven complaints this year, and the average response time was 16.6 days, well within my requested timescale of 28 days. Nationally 56.4% of District Councils respond to first enquiries within this target period. I am grateful for the priority your Council clearly affords to responding to our enquiries. It is in the interest of both the Council and the complainant that I complete my consideration of a complaint as soon as possible, and my ability to do this is greatly aided by local authorities responding within the targets I set.

### **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)

<b>Complaints received by subject area</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	2	1	0	10	1	1	<b>15</b>
<b>2006 / 2007</b>	1	1	4	10	2	2	<b>20</b>
<b>2005 / 2006</b>	0	2	1	7	1	3	<b>14</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	3	0	0	7	2	2	5	14	<b>19</b>
<b>2006 / 2007</b>	0	0	0	0	7	1	2	5	10	<b>15</b>
<b>2005 / 2006</b>	0	2	0	0	7	3	4	1	16	<b>17</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	7	16.6
<b>2006 / 2007</b>	4	20.0
<b>2005 / 2006</b>	4	15.5

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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