

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter Southend on Sea 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 Southend on Sea 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

We received 46 complaints against your Council in 2007/08 which is a marked reduction from the 56 complaints we received in 2006/07. Of these the largest single area of complaints concerned Planning and Building Control issues, albeit the number of these complaints dropped from 16 last year to ten over the course of 2007/08.

There was a slight reduction in Housing complaints. Numbers were remarkably similar to last year in respect of complaints made about other service areas such as Adult Care Services, administration of Benefits, Children and Family Services, Education issues, Highways, and Local Taxation. All three 'Other' complaints concerned anti-social behaviour.

Decisions on complaints

We reached a decision on 49 complaints this year. Of these, we found that eight complaints were premature which means the Council had not yet had a reasonable opportunity to investigate and reply to them before they were made to me and so we referred them to the Council to be put through its complaints procedure in the first instance. Of the remaining 41 complaints, ten complaints were outside our jurisdiction. Of the decisions we made on the 31 complaints we accepted for investigation, we found no evidence of administrative fault in 14 cases, felt that there was insufficient evidence of injustice to merit our involvement in eight cases, and upheld the remaining nine.

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).

None of the complaints we investigated this year justified the issue of a report. We agreed a local settlement in nine complaints (29% of those which were neither outside jurisdiction nor premature). That figure is in keeping with the national average of for all authorities but does exceed last year's settlement rate for your Council (12.5%).

The complaints we upheld and agreed a settlement on this year spanned a number of different service areas. Four complaints concerned children, three of whom had legitimate concerns about the level of support they received whilst in local authority care. One complaint concerned the provision of education for a child who was temporarily suspended from school for a period of seven months.

/...

In a complaint about the Council's speed of response to a report of neighbour nuisance and harassment we found that there had been delay in arranging to meet the complainant as well as in contacting the alleged perpetrator. This was in breach of the Council's own guidelines and procedures which call for such cases to be progressed quickly.

We were concerned to note that one person who complained to us had been given a lack of advice and assistance with their application for a housing transfer. A computer fault had also meant that their application had not been given all the priority points that it should have attracted albeit we could not conclude that this had been prejudicial. The Council agreed to revise its policies about the advice and assistance it provides to transfer applicants and took steps to address the IT fault.

We found fault in two planning complaints including one where a delay in taking enforcement action for unauthorised development meant that the Council was out of time and the resultant effect that had on the complainant who lived next door.

On one other complaint where we did not find fault which had caused injustice, we noticed that the Council's decision letters in respect of entitlement to Council Tax Benefit did not include a clear explanation of a claimant's dual rights to request either a reconsideration of the decision or to request an appeal. The Council amended the wording of its notification letters to reflect this.

Your Council's complaints procedure and handling of complaints

My investigators have recorded some very positive comments about the readiness of many Council Officers to accept recommendations for settling complaints and to take steps to ensure that where things go wrong, the same mistakes are not repeated in future.

Liaison with the Local Government Ombudsman

Your average time for responding to our first enquiries on complaints was 28.8 days which just exceeds our target timescale of 28 days. Nevertheless this is a significant improvement on previous years.

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

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. Again 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
10th 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)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	3	5	5	5	6	6	10	2	0	4	46
2006 / 2007	2	3	5	5	9	8	16	3	0	5	56
2005 / 2006	0	3	3	4	12	10	13	3	1	3	52

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	9	0	0	14	8	10	8	41	49
2006 / 2007	0	4	0	0	20	8	3	16	35	51
2005 / 2006	2	5	0	0	25	9	14	10	55	65

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	22	28.8
2006 / 2007	21	37.5
2005 / 2006	24	39.2

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