

24 June 2011

Mr Bala Mahendran
Chief Executive
Basildon District Council
The Basildon Centre
St Martin's Square
Basildon, Essex SS14 1DL

Dear Mr Mahendran

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority. The Council's response times are good.

During the year we learned the outcome of the Judicial Review proceedings brought by the complainants in relation to your Council's failure to comply with the recommendations for redress contained in the public report issued by Mr Redmond in 2008/09. It is a matter of some concern that the Council implemented those recommendations only after a long and costly legal action and I urge the Council in future to adopt a less entrenched and more pragmatic approach when considering our recommendations.

Enquiries and complaints received

Our advice team received 65 complaints and enquires about your Council during 2010/11, which is a 20% reduction on last year. The service area that attracted the largest number of complaints was housing. At a visit to the Council in July, an Assistant Ombudsman was given details of how the Council's ALMO, St Georges Community Housing, deals with complaints. As a result of the introduction of a new complaints procedure, the ALMO was expecting complaints made to the Ombudsman about disrepair to significantly reduce.

Complaint outcomes

I decided 40 complaints over the year. Ten of these were 'local settlements'. A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. I set out below some examples of the settlements we obtained:

- by the time my office became involved in a disrepair complaint, the ALMO was dealing

with various repairs and had already offered the complainant substantial compensation. We found that there was some serious delay, loss of use of the bathroom and significant time and trouble which warranted an increase in the compensation to over £4,000;

- a previously agreed local settlement was not implemented satisfactorily. The complainant said he was still not getting adequate heating and hot water. The Council agreed to pay £300 compensation and to offer to connect the complainant's home directly to the central boiler;
- there was delay by the ALMO in dealing with dampness to the complainant's home. My investigator took the view that the Council also delayed by around nine months in dealing properly with the complainant's request for a housing transfer on medical grounds. The Council paid compensation of £750;
- the Council made a mistake on a council tax bill, awarding an exemption when none was available. The Council then issued a correct bill but did not enclose a covering letter or contact the complainant to explain this. Nor did the Council respond to three contacts from the complainant about the new bill. The Council paid the complainant £150 for the time, trouble and distress she had been caused;
- the Council gave planning permission for a major development on a site adjoining the complainant's home. When the developer sought changes to the application, the Council did not publicise the amendments. While it is for councils to decide on publicity for such amendments, I found that it was arguable in this case that the amendments should have been publicised. The Council approved the amended application but did not include a condition specifying the extent of the finished floor levels. The developer then raised the ground levels on the site which led the complainant to raise a grievance about overlooking. As well as seeking changes in the design of the development and the erection of a higher fence on the site boundary, the Council agreed to pay compensation of £900 for the distress caused;
- after the Council jetted some drains, sewage ended up on the complainant's patio. The Council took seven months to clear this waste, because of missed appointments and contractors attending for the wrong job. The Council paid £500 compensation.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July). If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive, slightly slanted style.

Anne Seex
Local Government Ombudsman

For information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	0	4	1	0	1	0	18	0	2	26
Advice given	0	1	0	0	1	0	6	0	1	9
Forwarded in investigative team (resubmitted)	0	1	0	0	2	0	4	0	2	9
Forwarded to investigative team (new)	0	5	2	0	4	0	7	0	3	21
Total	0	11	3	0	8	0	35	0	8	65

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	10	0	0	14	13	3	40

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	18	24.8
2009 / 2010	34	34.0
2008 / 2009	29	25.1

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0