

STANDARDS COMMITTEE

Report on Local Government Ombudsman Complaints

April 1st 2005 – March 31st 2006

Introduction

Under the Terms of Reference of the Council's Standards Committee, regular reports are required to be submitted to that Committee on Local Government Ombudsman complaints and outcomes, as the Standards Committee is responsible for the monitoring of any issues of probity raised in Ombudsman investigations.

It was originally intended that reports would be submitted twice yearly, but due to the dates of the Standards Committees this report covers the period from 1st April 2005 to March 31st 2006.

This report details those complaints where the Ombudsman has made a finding against the Council, either with an official report, or under the terms of 'local settlement'. The categories by which the Ombudsman can find against the Council are:

- Maladministration (with or without injustice)
- Local Settlement

The information in this report has, in line with the Local Government Ombudsman's standards, been made anonymous, so that neither complainants nor sites can be identified. This is also in line with the Council's own recommended good practice on customer care.

The Ombudsman made decisions on 31 complaints against Ashford Borough Council within the period 1st April 2005 to 31st March 2006. Of those decisions five fell into the category of 'local settlement', as detailed below. No complaints were ruled as maladministration by this Council in the above period.

In addition to the five 'local settlement' complaints, the Ombudsman rejected three on the grounds of 'no or insufficient evidence of maladministration', eight on the grounds of 'Ombudsman's discretion' and six were outside the jurisdiction of the Ombudsman. Nine were 'premature' complaints, which the Ombudsman has required to be put through the Council's own complaints procedure.

There are in addition to these, two Ombudsman complaints outstanding for this period, which means that the Council has responded to the Ombudsman's investigations but determination by the Ombudsman is still awaited. These will be reported in the next complaints report to the Standards Committee, either in detail, (if findings are made against the Council), or as simple statistics. Two charts are appended for the Committee's information:

- Ombudsman complaints by service
- Outcome of Ombudsman Complaints

I have also attached the Ombudsman's Annual Letter 2005/06 for information.

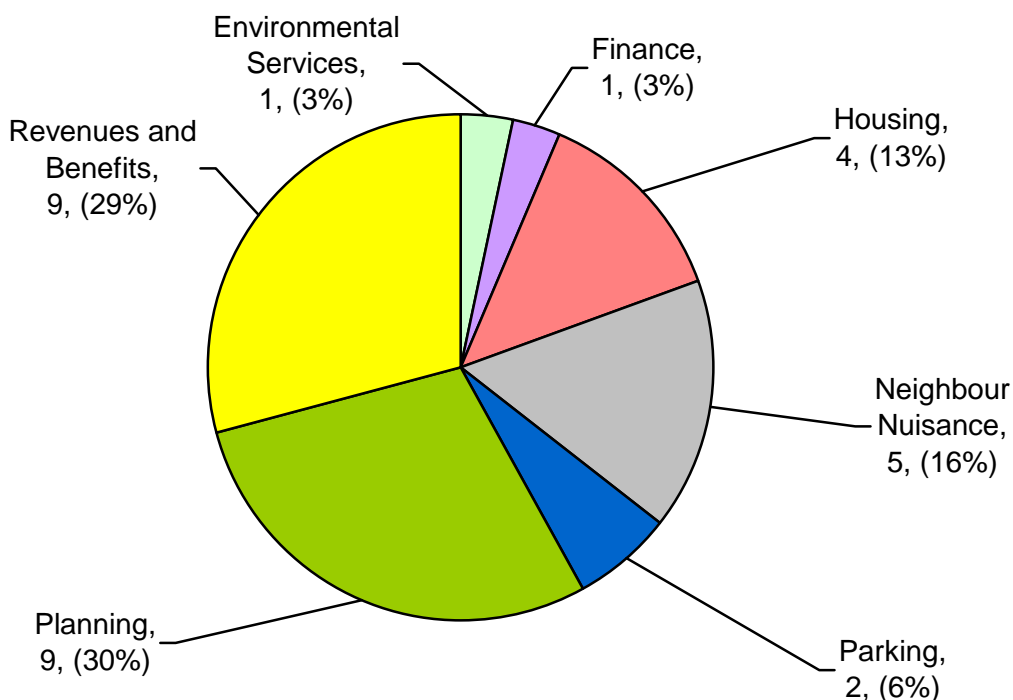
Included within the Ombudsman's yearly statistics is some information relating to response times to first enquiries. A table showing the number of first enquiries received by this Council, and the average number of days to respond, is shown below to demonstrate the improvement this Council has shown since 2003.

Response Times	First Enquiries	
	No. of First Enquiries	Average No. of Days to Respond
2003 / 2004	6	51.2
2004 / 2005	10	26.7
01/04/2005 – 31/03/2006	10	21.9

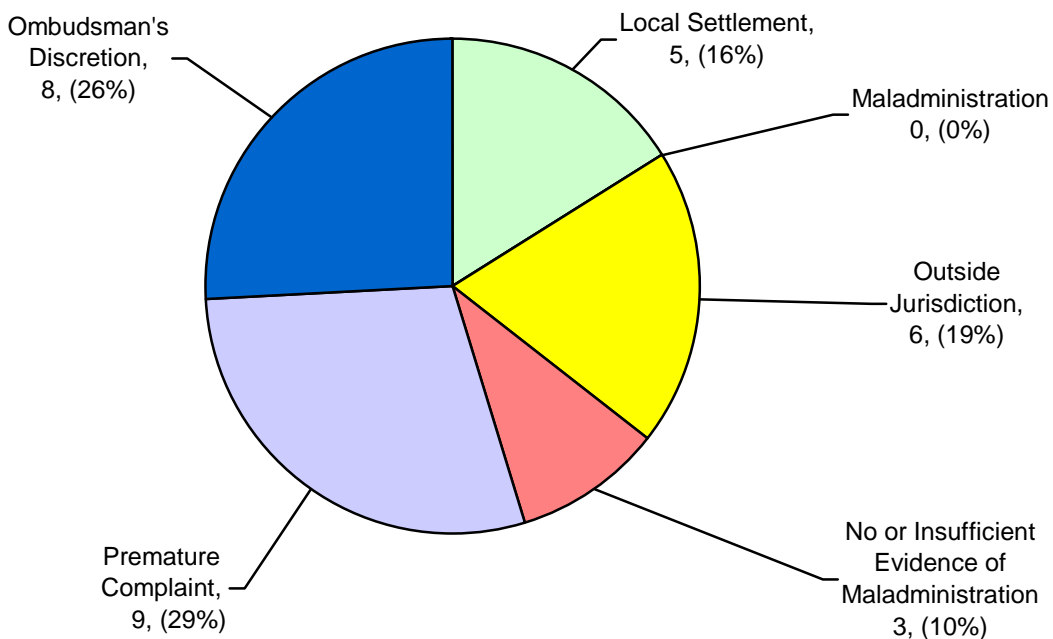
Local Government Ombudsman Complaints: April 2005 to March 2006.

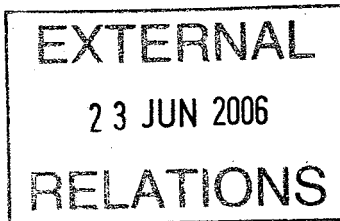
ABC Service/ Nature of Complaint.	Ombudsman's Ruling	Outcome/Comment	Probity Issues Raised
Revenues and Benefits Council's decision to cancel claim for Housing and Council Tax Benefits	Local Settlement (No Report)	Council agreed to ensure that applicants are aware of their appeal rights and how to exercise them	None
Parking Failure to implement a parking scheme within a reasonable timescale	Local Settlement (No Report)	Council sent a written apology for the delays to the parking scheme.	None
Housing Council's failure to deal properly with application for housing	Local Settlement (No Report)	ABC amended the wording on the Housing Offer letter to better reflect the applicants rights	None
Housing Council's failure to deal properly with application for housing.	Local Settlement (No Report)	ABC revised the Housing Allocations Policy.	None
Planning Council's failure to respond to a purchase notice on a site	Local Settlement (No Report)	Council paid £50 for inconvenience caused	None

Ombudsman Complaints by Service
Decision between April 2005 - March 2006



Decision made on Ombudsman Complaints





21 June 2006



The Commission for
Local Administration in England

Mr David Hill
Chief Executive
Ashford Borough Council
DX 151140
ASHFORD KENT 7

Tony Redmond
Local Government Ombudsman

Peter MacMahon
Deputy Ombudsman

Our ref: TR/DW
(Please quote our reference when contacting us)

If telephoning please contact: Frank Edwards' Personal Assistant,
Candya Farmer, on 020 7217 4693. Or e-mail: c.farmer@lgo.org.uk

Dear Mr Hill

Annual Letter 2005/06

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish all our annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission. There is widespread support from authorities for us to do this. We will wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

In addition to the narrative below there are two attachments which 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

I received 30 complaints against your authority during 2005/06, an increase of just three over the previous year. ~~Complaints about planning increased and now constitute the biggest single category. Complaints about housing benefit also increased while complaints about other housing matters fell. But the numbers remain small and do not seem to indicate any particular trends in service delivery.~~

/...

10th Floor Millbank Tower
Millbank London SW1P 4QP
Tel 020 7217 4620 Fax 020 7217 4621
DX 2376 Victoria 1
www.lgo.org.uk

Decisions on complaints

I made decisions on 31 complaints in the year. Of these, nine were 'premature complaints' which I did not think your authority had had sufficient opportunity to deal with through its own procedures. Six complaints were outside my jurisdiction. I exercised my discretion not to pursue investigations into eight complaints and I found insufficient evidence of maladministration to pursue investigations into three others.

Reports and local settlements

When we complete an investigation we must issue a report. There is a significant proportion of investigations that do not reach this stage. This is because we settle the complaint during the course of our investigation. We call these decisions 'local settlements'. We did not issue a report against your Council last year. We agreed five local settlements.

The first was for someone whose application for Council Tax Benefit had been stopped and whose attempts to appeal against this decision were not forwarded to the Appeals Service. The Council agreed to reinstate his appeal rights.

The second was for a group of residents complaining about delays in implementing new parking arrangements. As the implementation programme was already back on track, the Council agreed to apologise to the residents for the delays, acknowledging the impact that they were likely to have had on them.

The third was for a homeless applicant who had not been told of her right to request a review of the suitability of the accommodation she had been offered as well as accept the offer. There was no significant injustice to her as she was adamant that she would never have accepted the offer. However, the Council amended the wording of its standard letters, offering accommodation in discharge of its duties under the homelessness legislation, in order to inform applicants of their full review rights.

The fourth was for applicants to the Council's housing register who thought they had been unfairly disadvantaged by the Council's allocations policy. Although my investigation found no evidence of injustice to the applicants, I did find evidence of the Council making allocations of housing which were not in line with its policies. The Council agreed to consider various concerns within the context of a review of its allocations policies which was already underway. I look forward to receiving the results of this review when it has been completed.

The fifth was for someone who had not received a response from the Council to a Purchase Notice, served by him under the terms of the Town and Country Planning Act 1990, which was invalid. The Council finally responded after five months and agreed to pay £50 in compensation for the inconvenience caused to the complainant by the delay and the need to complain to me in order to get a response.

/...

I am grateful for the Council's willingness to agree settlement of these complaints and, where appropriate, to review its administrative procedures.

Training in complaint handling

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced courses in complaint handling for front line staff and in handling social services complaints.

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 range of courses available together with contact details for enquiries and bookings.

Liaison with LGO

Your Council's average response time to my enquiries last year was 21.9 days. This is well inside my requested timescale of 28 days and I am very grateful for that. I am pleased that your Scrutiny Officer was able to attend the Link Officer Seminar we held here in March. I trust she found it helpful. I am aware that the day to day arrangements for liaison with my office have changed in the last year. I am grateful for the assistance that the Council has given me in the past and I have every reason to believe that we will maintain this positive working relationship.

I am also aware that shortly before the issue of this letter my Deputy and an Investigator visited your Council. They met Members, senior managers and officers involved in complaint handling. My Deputy gave a presentation about the role of my office, our relationship with the Council and our future plans. A matter of considerable interest to your Council was partnership working and the responsibility for complaint handling when a Council's functions have been devolved to trusts or other bodies. My Deputy was able to explain that this will be the subject of a forthcoming Ombudsmen's special report. I am very grateful for the opportunity this meeting provided for our respective organisations to exchange information and views.

/...

Conclusions/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. I would again very much welcome any comments you may have on the form and content of the letter.

I would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the Council and post it on your website should you decide to do this.

Yours sincerely

A handwritten signature in black ink that reads "Tony Redmond". The signature is written in a cursive style with a large, prominent initial 'T'.

Tony Redmond

Complaints received by subject area	Highways	Housing (not incl. HB)	Housing Benefit	Local Taxation	Other	Planning	Total
01/04/2005 - 31/03/2006	2	6	5	5	2	10	30
2004 / 2005	0	14	1	5	2	5	27
2003 / 2004	3	4	2	1	2	4	16

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
01/04/2005 - 31/03/2006	0	5	0	0	3	8	6	9	22	31
2004 / 2005	0	5	0	0	11	3	2	7	21	28
2003 / 2004	1	1	0	0	4	4	3	6	13	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
01/04/2005 - 31/03/2006	10	21.9
2004 / 2005	10	26.7
2003 / 2004	6	51.2

Average local authority response times 01/04/2005 to 31/03/2006

Types of authority	≤ 28 days %	29 - 35 days %	≥ 36 days %
District Councils	53.2	25.3	21.5
Unitary Authorities	41.3	34.8	23.9
Metropolitan Authorities	41.7	30.5	27.8
County Councils	55.9	26.5	17.6
London Boroughs	39.4	39.4	21.2
National Park Authorities	100.0	0.0	0.0

Notes to assist interpretation of the Commission's local authority statistics

1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Premature complaints: decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint back to the council as 'premature'.

3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

4. Average local authority response times 2005/06

This table gives comparative figures for average response times by authorities in England; by type of authority, within three time bands.