



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Swale Borough Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

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

In 2006/07 I received 17 complaints against your Council. This represents a slight reduction on the 21 complaints I received the previous year.

Complaints about planning and building control fell slightly; complaints about public finance rose slightly. Numbers across the board remain small however and do not indicate any particular problems in service delivery.

Decisions on complaints

During the year we made decisions on 19 complaints against your authority. We found no maladministration in 5 and 7 were outside jurisdiction.

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation, we must issue a report.

I issued no reports against your Council. My office settled five complaints.

Three complaints concerned planning matters. One was about action taken by the Council to deal with a number of issues arising from a housing development, including the arrangements to link a footpath to the public network and wrongly erected fences. The Council agreed to settle the complaint by committing itself to negotiate with neighbouring landowners to secure proper arrangements for the footpaths, deciding on the appropriate treatment of the fencing and enforcing it if necessary and paying £500 to the complainants to recognise their avoidable distress and uncertainty.

A second concerned delay by the Council in enforcing a landscaping planning condition as a result of which the condition was not fully implemented. The Council settled the complaint by paying £500 compensation. A third concerned the Council's loss of the complainant's letter objecting to a planning application. There was no evidence that the Council's decision was affected by the loss of the letter. The Council paid the complainant a small sum to recognise its error and its delay in considering his complaint about it.

A fourth complaint concerned the Council's failure to respond to the complainant's requests for explanations of a range of issues connected with the payment of housing benefit. This led to avoidable confusion, which made it difficult for the complainant to understand his rent arrears. As the Council was unable to reconcile its records, it wrote off nearly £166 of overpayment, paid the complainant £100 compensation and assigned a single officer to deal with the complainant's claim to avoid future problems.

A final complaint concerned noise nuisance from the playground of a nursery school. My investigation did not in fact find any evidence of fault by the Council but the Council helpfully agreed in principle to install noise monitoring equipment if the complainants requested it.

Your Council's complaints procedure and handling of complaints

My office referred five 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At 26% of all decisions this is very close to the national average.

Just one premature complaint was resubmitted to me during the period, which was not yet decided at the year end.

The Council has an established complaints procedure and this evidence suggests to me that it is working effectively.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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.

Liaison with the Local Government Ombudsman

The target time for councils to respond when we make enquiries is 28 days. Last year, the Council's average time for responding to first enquiries was 48 days. This is an increase compared with the previous year, despite there being just five enquiries and is now well outside my target. The average time was inflated in particular by delays in responding to planning complaints. I should be grateful if the Council would now do all it can to reduce the time taken to respond to my first enquiries.

There is regular contact between our offices by telephone, email and fax which my staff find helpful. Such contacts may save both our offices, as well as complainants, time and effort.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

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
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June 2007

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
01/04/2006 - 31/03/2007	1	1	2	7	6	0	17
2005 / 2006	1	2	2	12	3	1	21
2004 / 2005	9	3	3	6	2	0	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
01/04/2006 - 31/03/2007	0	5	0	0	5	0	4	5	14	19
2005 / 2006	0	3	0	0	5	1	3	3	12	15
2004 / 2005	0	7	0	0	6	4	4	4	21	25

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
01/04/2006 - 31/03/2007	5	48.0
2005 / 2006	7	33.9
2004 / 2005	9	22.9

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0