

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Kettering 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 Kettering 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 21 complaints against your Council during the year, six fewer than last year. We expect to see fluctuations like this from year to year.

Character

Four complaints were about housing and eight about planning and building control, half the number we received in this category last year. Three complaints were received about public finance and one about benefits. The remaining five complaints were recorded in the "Other" category. These included one complaint about antisocial behaviour, one about environmental health and one about cemeteries and crematoria.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I did not issue any reports against your Council this year.

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 some 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).

Seven complaints were settled locally with your Council and compensation totalling £850 was paid. Two were about housing benefit. In one of these cases the Council had issued a Notice of Seeking Possession when the complainant's rent arrears were low and while a housing benefit assessment was outstanding. It failed to send the complainant a warning letter and there was inadequate liaison between the benefits and rent sections. The Council agreed to withdraw the Notice and pay the complainant £100 compensation for the distress caused. In the other case the Council failed to keep a proper record of the advice it had given to a complainant regarding his entitlement to housing benefit. The Council maintained it had given the correct advice but the complainant disputed this. He had signed up to a six month tenancy and then found out he was not entitled to housing benefit. The Council paid the complainant £100.

Two of the settled complaints were about planning applications. In one the Council failed to include in the Committee report the difference in ground levels between the complainant's property and the rear of the application site. The complainant was left unsure whether the Committee had fully appreciated the impact of the development on his property when making its decision. He felt the extension was overbearing and overlooked his property. I considered that although it was likely some form of development would have been approved, even if the detail of the levels had been included, the failure

to include this important detail meant that he had been left with the uncertainty that the decision may have been different had the full facts been known. The Council agreed to pay the complainant £500. In the other complaint the Council had failed to reply to a letter of complaint about the way a planning application was decided. The letter was misfiled on the planning file and a response was never drafted. The Council apologised for and corrected this oversight and agreed to pay the complainant £75.

Two further complaints were about housing repairs. In one case the Council would not put up a fence at the rear of the complainant's property which bordered a school. He had suffered vandalism to his garden and nuisance from school children. Following the complaint to me, the Council agreed to install a two metre high chain link fence. In the other complaint the Council had failed to pay for damage to a wardrobe and blind during major repairs to the complainant's property, despite agreeing to do so. The Council agreed to pay £75 towards the cost of the damaged items.

The final settled complaint was about local taxation. The Council had failed to reply to the complainant's letter offering to pay £100 to clear his council tax arrears and had then passed the case to the bailiffs. The complainant had a stressful experience trying to negotiate with the bailiffs. I concluded that, given the short timescales involved, the debt would have been passed to the bailiffs by the time the Council had received the complainant's letter. But the Council should have replied to the letter and responded to the complainant's offer of payment. The Council agreed to accept the payment arrangement and recalled the debt from the bailiffs.

Other findings

Four complaints were treated as premature and referred back to your Council so that they could be considered through your Council's complaints procedure.

In a further four cases I took the view that the matters complained about were outside my jurisdiction.

The six of the remaining 12 complaints I found no or insufficient maladministration causing injustice. The other six were not pursued for other reasons, mainly because no significant injustice flowed from the alleged fault.

Your Council's complaints procedure and handling of complaints

Two complaints that had been referred back to the Council as premature were resubmitted. They were both about planning applications. One of these was not pursued because there was no evidence of maladministration and the other was outside my jurisdiction.

Liaison with the Local Government Ombudsman

I understand this has been a difficult year for your Customer Service team, particularly with the unexpected absence of the previous Link Officer. I commend the new Link Officers for the way they have dealt with the difficulties and they continue to have a good working relationship with my staff. I was pleased to welcome your customer liaison officer to my seminar last November. I hope she found it useful.

These staffing problems go some way to explaining the disappointing increase in response times. Enquiries were made on 13 complaints, four more than last year, and the average number of days taken for the Council to respond was 43.2, ten days more than the previous year's average of 33.2. This length of time is unacceptable and has been particularly poor in housing complaints (47.5 days) and planning and building control (49.4 days). I am aware that there was a problem with one planning case where the Council did not receive the initial enquiry letter and the response time was recorded as 70 days. But taking this out only brings down the average response time on planning and building control complaints from 49.4 to 44.3 and in two other complaints in this category the Council took 85 days and 47 days respectively to respond. But I have noted recently that response times are improving and I hope the Council makes determined efforts over the coming year to continue this trend.

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 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 2008, 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, have 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 2007, which also came into force in April 2008. 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'. 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.

J R White
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June 2008

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	Total
01/04/2007 - 31/03/2008	1	4	5	8	3	21
2006 / 2007	1	4	5	16	1	27
2005 / 2006	0	2	8	9	1	20

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	7	0	0	6	6	4	4	23	27
2006 / 2007	0	2	0	0	5	2	4	7	13	20
2005 / 2006	0	0	0	0	13	3	0	8	16	24

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	13	43.2
2006 / 2007	9	33.2
2005 / 2006	11	34.5

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