

**The Local Government Ombudsman's
Annual Letter
Swale 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 Swale 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

In 2007/08, I received 25 complaints against your Council. This represents an increase on the 17 complaints I received in the previous year. The range of complaints I received was broadly similar to that in the previous year.

Decisions on complaints

During the year, we made decisions on 22 complaints against your authority. We found no maladministration in five complaints, and we exercised discretion to close one further complaint without requiring action by the Council. We found that three complaints were outside my jurisdiction.

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. My office settled five complaints. The Council's action to settle complaints included the payment of compensation of £200. I set out below details of the settlements and other related matters.

Planning and building control

One complaint concerned the way the Council had consulted about the type of play area to be provided for a housing development. The Council recognised that it had been at fault, readily apologised to the complainant, paid him £200 to recognise his lost opportunity to comment and agreed to review its procedures to prevent a recurrence.

In a second complaint the Council granted planning permissions, in respect of adjoining sites, which contained mutually inconsistent terms. There did not appear to be fault in the terms of the planning permissions (which were a consequence of complex private rights in law attached to the two sites). But the Council recognised the complainant's difficult situation and offered him an opportunity to submit a further planning application, with a view to regularising the planning status of the house which he had built, without his incurring a further fee. I welcome the Council's approach to this matter.

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A third complaint concerned the publicity for a planning application for a new cemetery. I did not pursue the complaint. However the Council agreed to make it clearer that the timing of notifications to neighbours and the posting of site notices may be different in respect of applications for planning permission in rural areas.

Housing Benefit

One complaint concerned the Council sending letters seeking recovery of housing benefit to the complainant's old address. The complainant wished to dispute the recovery of the benefit. The Council agreed to pass any request by the complainant for a formal appeal to the Housing Benefit Appeals Tribunal for that service to determine whether an appeal should be heard out of time.

Local taxation

One complaint concerned the Council Tax charged on an empty property. The complaint was settled by the Council's decision to apply the relevant exemption. In a second case the Council pursued a Council Tax debt and referred it to bailiffs. The Council sent reminders to the complainant's previous address, despite notification from this office of the complainant's change of address. The Council readily acknowledged its failure to keep its records up to date. It discontinued the involvement of bailiffs, cancelled the bailiffs' costs and made a new arrangement with the complainant for repayment.

Your Council's complaints procedure and handling of complaints

The Council has an established complaints procedure with three stages. The first stage is based in the service department about which the complaint is made. A complaint at the second stage is made to the Chief Executive's office, acting independently of the service complained of. A complaint at the third stage may be made to the "Swale Arbitrator". I am aware that in the past year, the previous Swale Arbitrator retired, and his successor is now in post.

During the past year, my office referred eight 'premature complaints' to your Council for consideration, as we did not believe that you had had a full opportunity to deal with them through your own procedures. During that period, two premature complaints were resubmitted to me. I pursued one of these complaints, which the Council readily offered to settle.

Liaison with the Local Government Ombudsman

The Council's average time for responding to first enquiries was 23.6 days. This was a very considerable improvement on the average time of 48 days in the previous year and is now comfortably within my target of 28 days. I am grateful for the Council's assistance here.

My staff appreciate the regular contact between our offices by telephone, email and fax. This contact saves the time of both our offices and assists complainants.

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.

We also run, from time to time, seminars for Council staff who liaise directly with my office. I am pleased that two of your staff were able to attend a seminar last October and I hope the event was useful.

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. 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
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Millbank
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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	Transport and highways	Total
01/04/2007 - 31/03/2008	5	2	5	5	7	1	25
2006 / 2007	1	1	2	7	6	0	17
2005 / 2006	1	2	2	12	3	1	21

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	5	0	0	5	1	3	8	14	22
2006 / 2007	0	5	0	0	5	0	4	5	14	19
2005 / 2006	0	3	0	0	5	1	3	3	12	15

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	7	23.6
2006 / 2007	5	48.0
2005 / 2006	7	33.9

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