

**The Local Government Ombudsman's
Annual Review**

Central Bedfordshire Council

successor authority to the former Mid Bedfordshire District Council, the former South Bedfordshire District Council and (part of) the former Bedfordshire County Council

**for the year ended
31 March 2009**

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 reviews.

Contents of Annual Review

Section 1: Complaints about Central Bedfordshire Council 2008/09.....	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	4
Liaison with the Local Government Ombudsman.....	6
Training in complaint handling.....	6
Conclusions.....	7
Section 2: LGO developments.....	8
Introduction.....	8
Council First.....	8
Statement of reasons: consultation.....	8
Making Experiences Count (MEC).....	8
Training in complaint handling.....	8
Adult Social Care Self-funding.....	9
Internal schools management.....	9
Further developments.....	9
Appendix 1: Notes to assist interpretation of the statistics 2008/09.....	10
Appendix 2: Local authority report 2008/09	

Section 1: Complaints about Central Bedfordshire Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about the former Mid-Bedfordshire District Council and South Bedfordshire District Council, which have now been amalgamated as Central Bedfordshire Council. I have also included a section on complaints dealt with by the former Bedfordshire County Council for your information, and have included this information in my annual review of Bedford Borough Council, which is also a successor authority to the former County Council. We have included comments on the authorities' performance and complaint-handling arrangements, where possible, so they can assist with your service improvement. I hope that, as a new authority, you will find this particularly helpful.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

Mid-Bedfordshire District Council

Our Advice Team received 21 complaints and enquiries during the year, 15 of which were about planning and building control matters.

We treated five of these complaints as premature and in a further five cases advice was given (usually to pursue the matter through the Council's complaints process). The 11 remaining complaints were referred to the investigative team either as new complaints to be considered or as premature complaints that had been resubmitted.

South Bedfordshire District Council

Our Advice Team received 15 complaints and enquiries during the year, of which six were about planning and building control matters and the others covering a range of services.

We treated seven of these complaints as premature and referred the other eight to the investigative team either as new complaints to be considered or as premature complaints that had been resubmitted.

Bedfordshire County Council

Our advice team received 45 enquiries and complaints during the year. Eleven of them related to education, ten to transport and highways and six each to adult care services and children and family services.

We treated 11 of these complaints as premature and in a further eight cases we gave the complainant advice (usually to pursue the matter through the Council's complaints process). The remaining 26 cases were referred to the investigative team, either as new complaints to be considered or as premature complaints that had been resubmitted. Of these, ten were about education and six about transport and highways.

Complaint outcomes

Mid-Bedfordshire District Council

I decided 12 complaints during the year. In five cases I found no evidence of maladministration. One complaint was outside my jurisdiction and I exercised discretion not to investigate four complaints further. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant that warrants my pursuing the matter further. In two cases the Council agreed to settle the complaint locally.

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. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against Mid-Bedfordshire District Council two were local settlements.

In one case there was delay in dealing with an application for Council Tax Benefit and the Council did not ask for all the information it required in one go. This meant that the complainant was put to additional time and trouble. I identified the problem at an early stage and I am pleased that the Council provided a very thorough response and agreed promptly to remedy this complaint by paying compensation of £200.

The other complaint was one in which an officer wrongly advised the complainant that he did not need planning permission for an extension. The Council apologised and repaid the cost of applying for a Certificate of Lawful Use as well as compensation for the inconvenience of having to delay work on the extension, a total of £193. I am pleased that the Council agreed to reconsider its procedures when giving informal planning advice.

South Bedfordshire District Council

I decided nine complaints this year. In four cases I found no evidence of maladministration and in one case I exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant that warrants my pursuing the matter further. In four cases the Council agreed to settle the complaint locally.

Local settlements

I have defined a local settlement above. Of the complaints we determined against South Bedfordshire District Council four were local settlements.

In one case a householder complained that a neighbour's extension was in breach of planning control. The Council did not measure the extension correctly and the breach was only established when the complainant engaged a surveyor, at a point at which construction was almost complete. The Council was slow to go out and make a correct measurement, but accepted that it was in error and agreed to pay compensation of £500 to reflect the complainant's uncertainty and additional time and trouble in pursuing the complaint.

In another case the Council delayed for four months in issuing valid parking permits to market traders after management of the market had transferred to outside contractors. This meant that the traders had to pay to park during this period. There was then a delay in refunding the fees incurred. The Council paid compensation of £800 to the local branch of the traders' association and £150 to the chairman for his time and trouble in bringing the complaint.

The Council also agreed to settle two complaints where the complainant is visually impaired. In one case it failed to trim back trees overhanging the complainant's garden in a timely way and to remedy the complaint it trimmed back the trees and agreed to carry out an annual inspection and take action if necessary.

In the other case the complainant was entitled to a special collection of waste bins, which the Council failed to do. The Council remedied this complaint by putting arrangements in place to ensure that its contractor provides a reliable weekly service.

Bedfordshire County Council

I decided 29 complaints this year. In eight cases I found no evidence of maladministration, and six were outside my jurisdiction. In a further seven cases I exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant that warrants my pursuing the matter further.

Local settlements

I have defined a local settlement above. Of the complaints we determined against Bedfordshire County Council, eight were local settlements.

Three of these cases related to adult care services. In one case the complainant's father had to move into fulltime nursing care and the Council told them they would not have to pay for the first 12 weeks. This information was incorrect because of the father's assets. The Council made an appropriate offer to settle this complaint by paying the complainant £1200. In another case the Council failed to inform the complainant about its policy of placing a charge on clients' property in respect of care services it provided. I found that the Council should have given this information in a more timely fashion, which would have given the complainant time to consider alternatives, and the Council paid £250 in compensation. In a third case the Council failed to keep the complainant involved in decision-making as the main carer for her husband particularly about the outcome of his assessment. The Council agreed to pay £250 for her inconvenience in having to make a complaint.

Two local settlements were in children and family services. In one case the Council failed to respond adequately to requests for direct payments to the complainant's son and the Council

resolved this complaint by paying £3193, a figure equivalent to the payments missed. In the other case the Council accepted it was at fault during the statutory complaints procedure for not arranging care and support for a 17 year old boy but did not offer adequate compensation. I was pleased that it agreed promptly to my recommendation to pay him some £3500.

One complaint about school admissions was settled locally. This complaint turned on the correct home address of the child in question, whose parents had separated but shared care for their child. The Council settled the complaint by taking a fresh decision on the application, which gave the parent rights of appeal.

Two complaints were about highway management. In one case the Council failed to erect signs to a church, despite promising to do so, and the Council agreed a timetable by which it would do this. In the other a developer complained of delay in processing a highways agreement, causing him to lose trade. The Council remedied the complaint by waiving £3000 in administration fees and capping design and supervision costs.

Liaison with the Local Government Ombudsman

Mid-Bedfordshire District Council

Formal enquiries were made on seven complaints during the year. The Council's average response time was 28.3 days. This is slightly longer than in previous years.

South Bedfordshire District Council

Formal enquiries were made on nine complaints during the year. Average response times were 39.8 days. This is significantly longer than in the previous two years, and it is disappointing to note that it is well outside my target of 28 days.

Bedfordshire County Council

Formal enquiries were made on 19 complaints during the year. Average response times were 25.7 days, a significant improvement on the Council's performance in previous years, and within the 28 day target.

I hope that the new Central Bedfordshire Council will build on the practice of the former Bedfordshire County Council and give a high priority to achieving the 28 day response time.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

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 and when establishing procedures and working practices in the new authority.

**J R White
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June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: 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. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. 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.

Table 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.—

Table 4. Average local authority response times 2008/09

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

LGO Advice Team

Enquiries and complaints received	Housing	Public Finance inc. Local Taxation	Planning and building control	Other	Total
Formal/informal premature complaints	2	2	1	2	7
Forwarded to investigative team (resubmitted prematures)	0	0	2	1	3
Forwarded to investigative team (new)	0	0	3	2	5
Total	2	2	6	5	15

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	4	0	0	4	1	0	9

Response times

	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	9	39.8
2007 / 2008	12	29.5
2006 / 2007	4	26.8

Average local authority response times 01/04/2008 to 31/03/2009

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0