

**The Local Government Ombudsman's
Annual Review
Arun District Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about Arun District Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Arun District 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 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 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

We received 28 enquiries and complaints about your Council in 2009/10. Seven of these were premature complaints and in a further eight cases advice was given by our Advice Team. The remaining 13 complaints were forwarded to the investigative team.

Planning and building control generated the most contacts and five complaints in this category were forwarded to the investigative team. These complaints covered the Council's handling of planning applications, planning advice and a complaint relating to trees. Five complaints about local taxation (Council Tax and National Non-Domestic Rates) were also forwarded for investigation.

Complaint outcomes

We made decisions on 12 complaints in 2009/10, and we achieved a local settlement in three of these complaints.

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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the 12 complaints we decided against your authority, three (25%) resulted in a local settlement which involved the payment of compensation to three complainants totalling £2,100.

Two of these settlements were for housing complaints. In one case there was a three month delay in arranging an initial inspection of a leaking roof which allowed water to leak into the tenant's bedroom. This caused damage to the bedroom ceiling and decorations and some damage to the tenant's personal belongings. The Council agreed to pay the complainant £100 to recognise her time and trouble in pursuing the complaint and her anxiety. The Council had already agreed to pay a separate sum of £300 in full and final settlement of her claim for damage to her possessions.

The second housing settlement related to a complaint that the Council had changed the locks and removed and destroyed personal belongings that were stored in a garage the complainant rented from the Council. The complainant had moved and says he informed the Council of his new

address but that letters about increases in the garage rent continued to be sent to his old address. Consequently he was not aware that he needed to change his standing order to cover the increased rent and his account fell into arrears. The Council had already offered £550 compensation when it upheld parts of the complaint but the complainant was not satisfied with this and asked the Ombudsman to review the offer. The Council agreed to increase its offer to £1,000 which included £850 for the value of the destroyed items and £150 for time and trouble. The Council also revised its policy to ensure that goods stored in a council garage can only be removed following authorisation by a senior officer and that an inventory and photographs of the goods must be taken.

The third local settlement related to the Council's consideration of a planning application for a proposed extension and a failure to give proper consideration to the effect it would have on the amenity of the occupier of a neighbouring bungalow. In particular, the case officer did not have regard to commonly used guidance from the Building Research Establishment (BRE) for measuring loss of light arising from a proposed development. The Council agreed to pay £1,000 compensation to recognise the complainant's uncertainty and time and trouble in pursuing the complaint. It also agreed to change its policy to ensure that the BRE guidance would be used in future to help assess the impact of proposed development on neighbouring properties.

Ombudsman's discretion

Sometimes although the Council may be at fault, I use my discretion not to pursue the investigation. But the Council may still learn lessons from such cases and they may draw attention to the need to review and improve procedures. In 2009/10 I closed five cases using my discretion.

One of these cases was about the Council's handling of an exemption from council tax. The Council incorrectly awarded the complainant an exemption and subsequently withdrew it. The Council agreed to restore the exemption and put the complainant back in the position she expected to be in for the relevant tax year because she said she had been given incorrect advice about her entitlement. The Council also revised the information it provides to council tax payers and its exemption forms in the light of this complaint.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to our written enquiries was 18.2 days which improves yet again on your good response times in previous years.

In April 2010 I visited the Council and spoke to the Leader of the Council, the Chair of the Overview & Scrutiny Committee and senior members of staff. I presented the annual review for 2008/09 and outlined new LGO initiatives relating to complaints about schools and about privately arranged adult social care. I have agreed to visit again in July to present this annual review to the Overview & Scrutiny Committee.

One of your officers attended a seminar we organised for Council link officers at our London office in May 2009. I hope she found it stimulating and useful.

Training in complaint handling

I would like to take this opportunity to remind the Council that 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.

In 2008/09 we provided training in Effective Complaint Handling to staff from your authority. We have extended the range of courses we provide and 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 authority's services.

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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

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.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10

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	Benefits	Public Finance inc. Local Taxation	Planning and building control	Other	Total
Formal/informal premature complaints	0	2	0	2	3	7
Advice given	2	1	0	2	3	8
Forwarded to investigative team (resubmitted prematures)	0	0	0	2	0	2
Forwarded to investigative team (new)	2	0	5	3	1	11
Total	4	3	5	9	7	28

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	3	0	0	4	4	1	12

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	5	18.2
2008 / 2009	7	19.4
2007 / 2008	6	22.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20