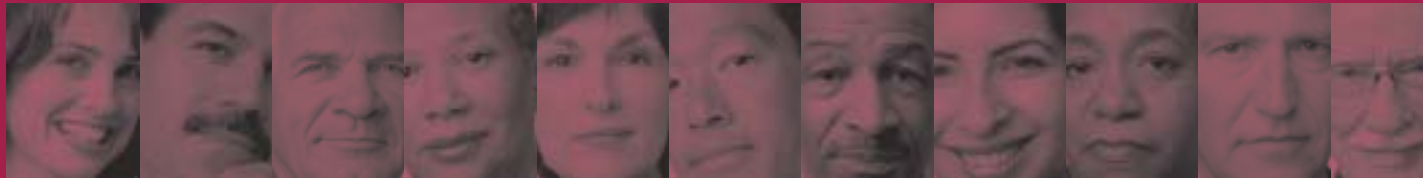




The Commission for  
Local Administration in England

Local Government Ombudsman

# Digest of Cases 2002/03



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# Introduction

This is our seventh annual *Digest of cases*. Our aims in publishing the *Digest* are to:

- promote good local administration; and
- increase understanding of what we do and how we do it, and the reasoning behind our decisions.

Up to now each *Digest* has covered a calendar year. In future the *Digest* will cover a financial year. So this *Digest* spans the 2002 calendar year and the first three months of 2003.

The cases we feature highlight points of particular interest and illustrate the nature of our work and the kind of complaints we receive. There can be valuable lessons to be drawn from complaints – not only by the authorities concerned, but by others too. We are very keen that all authorities should be able to learn from our work, so we invite all authorities to study this *Digest*.

In the introduction to the 2001 *Digest* we highlighted two specialist areas – housing benefit and school admissions. The comments we made then still hold good. This time we would like to draw special attention to two general problems which are relevant to all aspects of the work of local authorities.

The first is the need for adequate liaison between different departments, or different sections of the same department. That may seem obvious, and indeed it is. But we find a lot of problems, some very serious, occur solely or largely because departments or officers are not informing or consulting each other. Examples we mention in this *Digest* include:

- a council, on the one hand, delayed in dealing with a tenant's housing benefit claim and, on the other hand, took court action against him over rent arrears (F8); and

- a council's housing officers made adaptations to a block of flats in a way which adversely affected a tenant with disabilities, without finding out from housing support officers or social services colleagues how the scheme might affect the tenant (E8).

In our publication *Good administrative practice (Guidance on good practice 2)* we refer to the need for a system for ensuring proper liaison and co-operation (axiom 27). In particular arrangements need to provide for:

- clarity about who is the lead officer for any issue;
- identification of issues needing a corporate approach;
- ensuring that all relevant departments are involved, and involved early enough;
- ensuring that relevant information is shared between departments;
- arrangements for case conferences where necessary and the resolution of conflicts of view; and
- defining how liaison with agents acting for the council is handled.

The second general problem we draw attention to is unreasonable delay. That is in fact the most common criticism we make; and many of the cases in the *Digest* are about delay, either solely or in combination with other factors.

A particularly important illustration this year is about the new arrangements for housing benefit appeals. For many years housing benefit claimants had the right to appeal about housing benefit decisions. Appeals were heard by housing benefit review boards which were administered by councils. But

regulations introduced in 2001 changed the arrangements and appeals are now considered by independent tribunals run by an appeals service.

In the case summarised at F1, the Ombudsman found that appellants were having to wait on average at least five months before the council submitted their appeals to the appeals service. We cannot see that delays of this kind should be necessary, and their effect can be serious. There is no statutory timescale laid down for the council to send an appeal on to the appeal service. But we have noted that some organisations (for example the Child Poverty Action Group and the Law Society) have proposed that there should be a limit of four weeks. We think that is a reasonable period, and generally councils ought to regard that as a maximum timescale for sending on an appeal to the appeals service.

In this Digest we use pseudonyms to protect the privacy of complainants and others. Most of the cases are taken from published reports. We shall be happy to provide the full text of reports on request (except for the one case where the report was not for publication). We cannot disclose further details about cases where a decision was

conveyed by letter because we approved a 'local settlement' and discontinued the investigation.

Our website, [www.lgo.org.uk](http://www.lgo.org.uk) includes:

- the text of the latest six issues of our *Digest of cases*;
- the text of our current guidance notes on good practice (two of which have been revised recently);
- our most recent annual report and accounts; and
- summaries of recent published reports on investigations.

Previous issues of the *Digest* are available on request.<sup>1</sup>

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*Local Government Ombudsmen*  
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<sup>1</sup> Available from the Commission at Millbank Tower, Millbank, London SW1P 4QP.  
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