

# Contents

<b>Introduction</b>	<b>2</b>
<b>Section A: Education</b>	<b>3</b>
A1-9 Admissions	4
A10-11 Exclusion	20
A12 Home tuition	24
A13-15 Special educational needs	25
<b>Section B: Environmental health</b>	<b>29</b>
B1-2 Noise	30
B3 Smells and noise	32
<b>Section C: Highways</b>	<b>33</b>
C1 Compulsory purchase	34
C2 Footpaths	36
<b>Section D: Housing (including housing benefit)</b>	<b>37</b>
D1 Allocations	38
D2-4 Benefit administration	40
D5 Council housing management	46
D6 Disabled facilities grant	48
D7-11 Homelessness	50
D12-13 Neighbour nuisance	57
D14-15 Right to buy	61
D16 Tenancy relations	64
D17 Transfer of tenancy	66
<b>Section E: Leisure and recreation</b>	<b>68</b>
E1 Allotments	69
E2 Memorial tree planting	70
<b>Section F: Local taxation</b>	<b>71</b>
F1 Council tax arrears	72
F2 Recovery action	73
<b>Section G: Planning (including building control)</b>	<b>74</b>
G1-2 Building control	75
G3-6 Enforcement	78
G7-10 Grant of permission	85
G11 Legal agreement	92
G12 Telecommunications mast	93
<b>Section H: Social services</b>	<b>94</b>
H1-3 Care charges	95
H4-5 Child protection	99
H6 Direct payments	102
H7-9 Fostering/adoption	103
H10 Home care	109
H11 Looked after child	110
H12-15 Residential care	112

# Introduction

Providing advice and guidance for local authorities on good administrative practice is an important part of our statutory role. We want to maximise the benefit of our investigation work and, by sharing cases of particular interest through this annual *Digest*, it gives all authorities the opportunity to learn from what we do.

We hope that community and voluntary organisations that help the public, including advice agencies, will also find it useful in their work.

The *Digest* illustrates the nature of our work and the type of complaints we receive, and the reasoning behind our decisions. Highlighting human interest stories helps to explain the impact of our work in considering fault by councils and to increase understanding of our role. Cases in the *Digest* are selected from reports issued between April 2005 and March 2006, plus some 'local settlements' where, in agreement with the council, we have settled the complaint during the course of the investigation.

You can order copies of the full reports at [www.lgo.org.uk/pubsorder.htm](http://www.lgo.org.uk/pubsorder.htm) but we cannot disclose further details about the cases where we approved a local settlement as these are confidential.

To protect the privacy of complainants and others the names used in the *Digest* are not the real names. However, the case illustrated on page 34 is an exception. This concerned a long-running case which we worked closely on with the Parliamentary and Health Service Ombudsman but published separate reports on investigations that effectively considered the same set of events. We did this because of the considerable public interest shown in the case over the years.

Since the last *Digest* we have issued other publications providing advice and guidance in specific areas.

*Memorial safety in local authority cemeteries* was the subject of a special report published in conjunction with the Public Services Ombudsman for Wales. Our main message was that, if authorities follow the law and good administrative practice, they should not have to lay down memorials on any large scale. This was the sixth in our series of special reports which have also covered:

- Neighbour nuisance and anti-social behaviour;
- Parking enforcement;
- School admissions and appeals;
- Housing benefit appeal referrals; and
- The funding of aftercare under section 117 of the Mental Health Act 1983.

Children and young people were the focus of two new publications also issued during the year. Aimed at those who work with children and young people to explain our role in dealing with complaints, they are:

- *Complaints by children and young people. How we can help* – a leaflet explaining how we deal with these complaints; and
- *Children and young people* – a casebook giving more detailed information about the type of complaints we can deal with, illustrated with case examples. These publications, together with previous digests, our guidance notes on good practice, our annual review/report and summaries of recently published reports, are on our website at [www.lgo.org.uk](http://www.lgo.org.uk).

**Tony Redmond**

**Anne Seex**

**Jerry White**

*Local Government Ombudsmen*

September 2006