



The Commission for
Local Administration in England

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

Brighton and Hove City Council
for the year ended
31 March 2007

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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

Volume

The overall number of complaints we received increased from 99 in 2005/2006 to 128 in 2006/2007.

Character

There was an increase, in particular, in the number of complaints about planning matters (15 complaints in 2005/2006 to 32 in 2006/2007). Much of this increase is explained by multiple complaints we received about the proposed Waste Transfer Station at Hollingdean.

Housing complaints accounted for a quarter of all complaints. Disrepair was the largest category, followed by housing allocations and tenancy management.

Complaints about education, which had risen gradually over the previous three years, remained stable in 2006/2007. All but one of the complaints were about school admissions.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

This year, once again, I have not issued any report against the Council. My office made 130 decisions during the year, of which 12 were settled locally by the Council. Of these, four related to housing matters, three to benefits, and two to children and family services.

The Council made payments of compensation totalling £21,760 in 2006/2007.

- £20,000 was paid in recognition of the Council's failure to offer financial and practical support and respite care to a family. I was pleased to see that the Council offered a generous settlement promptly as soon as my office indicated there had been administrative fault in this case.
- In another case, the Council paid a complainant £700 in respect of accepted delays in removing asbestos from her home, which meant that she had to move out of the flat into temporary accommodation twice while the problem was resolved, causing her worry, inconvenience and avoidable costs.

- The Council paid another complainant £360 to acknowledge delays in carrying out effective repairs to the windows of his block of flats.

Other complaints settled by the Council included complaints about unenforceable parking penalty charge notices, housing benefit delays, Council Tax recovery action, and delays and service failings in setting up a new schedule for cleaning common parts of blocks of flats.

A number of complaints decided by my office this year highlighted procedural issues which my investigators have taken up with the Council in order to encourage improvements in various service areas. These included issues to do with how the Council deals with incoming correspondence and evidence about housing benefit claims; customer service training for planned maintenance and engineering staff; monitoring of the standard of common parts cleaning; and guidance on procedures for use by planning officers.

Other findings

The number of findings of no or insufficient evidence of maladministration has increased over the last three years (from 24 in 2004/2005, to 33 in 2005/2006, and to 46 in 2006/2007).

Your Council's complaints procedure and handling of complaints

Of the 130 complaints decided by my office during 2006/2007, 35 were referred back to the Council for consideration through its own complaints procedure. The number of premature complaints made to us has shown a gradual increase over the last three years (from 23 in 2004/2005, to 28 in 2005/2006, and to 35 in 2006/2007) but as a proportion of all complaints received this is just under the average for all authorities.

Seven complaints received by my office during the year had previously been sent back to the Council to deal with through its complaints procedure, but were then resubmitted to us by the complainants. Of the five which my office decided during 2006/2007, none was upheld.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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.

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Liaison with the Local Government Ombudsman

My officers report, once again, that working relationships with your Council's complaints officers have been positive. I am pleased also that there has been a slight improvement in the times taken by the Council to respond to our initial enquiries about complaints (response times have decreased from an average of almost 34 days to just over 31 days in 2006/2007). This is still, however, just above our target response time of 28 days.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	5	12	4	11	32	13	32	10	0	9	128
2005 / 2006	3	11	6	11	29	13	15	6	0	5	99
2004 / 2005	5	5	4	8	35	19	22	5	2	10	115

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
01/04/2006 - 31/03/2007	0	12	0	0	46	22	15	35	95	130
2005 / 2006	0	14	0	0	33	15	11	28	73	101
2004 / 2005	0	18	0	0	24	24	13	23	79	102

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
01/04/2006 - 31/03/2007	36	31.2
2005 / 2006	41	33.9
2004 / 2005	46	26.6

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0