



The Commission for
Local Administration in England

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

In 2006/07 I received 33 complaints against your Council. This represents a slight reduction on the 35 complaints I received the previous year.

As before complaints about planning and building control were the most numerous. There were, as in the previous year, very few complaints about other issues.

Decisions on complaints

During the year we made decisions on 31 complaints against your authority. We found no maladministration in 2 complaints and we exercised discretion to close a further 15 without requiring any action by the Council. I found that 5 were outside my jurisdiction.

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.

I issued no reports against your Council. My office settled just two complaints. Both concerned planning matters.

In one case, an existing planning permission was omitted from the planning history in a report to the Planning Committee about a planning application. The Council agreed to consider modifying the planning permission but ultimately concluded that it should not. The Council also agreed, as part of the settlement of the complaint, to ensure that it prepared accurate planning histories, to review its arrangements for logging correspondence and to review the way it identifies expressions of concern as complaints.

The second complaint related to a planning application to build a block of flats in a residential area. Residents complained that they had not been properly consulted. The address of the development site had been stated incorrectly in a list of planning applications supplied to Members of the Council. As a result Members lost the opportunity to call in the application for consideration by the Planning Committee and the application was approved under powers delegated to officers. Although it was unlikely that the outcome would have been different had the matter been dealt with by Committee, the Council agreed to pay £750 to the complainant (a local resident and objector). The Council also agreed to pay £500 to each of three other objectors who had not complained to me, to continue its review of the way it identifies expressions of concern as complaints, to review the way in which it delegates decisions to officers, and to achieve greater accuracy in planning consultations.

I commend the Council's constructive approach to the difficulties which these complaints highlighted. Officers of the Council have met one of my investigators to discuss in more detail how the suggested improvements may be achieved.

Your Council's complaints procedure and handling of complaints

My office referred 7 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At nearly 23% of all decisions this is below the national average. During the year just two premature complaints were resubmitted to me. I did not pursue one of these and the second is not yet decided.

The Council has an established two stage complaints procedure. The low referral of premature complaints and the action I take on any such complaints that are re-submitted suggests to me that the Council's procedure is working effectively.

The Council describes its complaints procedure at the outset of any complaint and signposts complainants to my office at the end. It may be helpful for the Council to signpost complainants more clearly between the two stages of its procedure.

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.

Liaison with the Local Government Ombudsman

The target time for councils to respond when we make enquiries is 28 days. Last year, the Council's average time for responding to first enquiries was 23.5 days. This was a reduction compared with the previous year, and is well within my target. I warmly welcome the Council's prompt responses to my first enquiries.

In November 2006, I visited your Council and met you and other senior officers. I welcome this opportunity for our respective organisations to exchange information and views.

There is also regular contact between our offices by telephone, email and fax, as well as occasional meetings, which my staff find helpful. Such contacts save the time of both our offices and assist complainants.

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.

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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Millbank
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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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	1	1	3	27	0	1	33
2005 / 2006	1	5	2	21	1	5	35
2004 / 2005	1	6	5	22	2	2	38

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	2	0	0	2	15	5	7	24	31
2005 / 2006	0	5	0	0	5	6	4	10	20	30
2004 / 2005	0	1	0	0	9	8	4	11	22	33

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	10	23.5
2005 / 2006	17	25.1
2004 / 2005	11	21.8

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