



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Northampton 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 Northampton Borough Council 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

We received 117 complaints during the year, almost double the number we received last year (59). I expect to see some fluctuation year on year and included in this figure are two multiple complaints which account for approximately a quarter of the total. However, this is still a worrying overall increase and is suggestive of wider problems in the Council's performance which I discuss below.

Character

Complaints were evenly spread across all areas of the Council's activity, so the increase in overall numbers is not attributable to one department alone. The largest single area where complaints were received was planning, where there were 25 complaints in total (although this includes one of the multiple complaints referred to above). The next was housing where 22 complaints were received; and 19 were about housing benefit. There were 14 complaints about public finance all concerned with local taxation and 11 complaints about highways issues, such as parking enforcement. The remaining 26 complaints concerned issues such as anti-social behaviour and a multiple complaint received about the management of land owned by the Council.

Decisions on complaints

Reports and 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.

This year, 22 complaints were settled locally. This represents an increase on the nine complaints settled during 2005-06. The largest number of settlements, seven in total, involved complaints about housing matters and five of these revealed serious failings on the part of the Council. In one instance an "emergency" repair to a radiator heating a child's bedroom took the Council 14 months to complete. The Council lacked sufficient records to show what it was doing to carry out the repair during this time. The Council did finally agree to apologise, pay financial compensation of £750 and undertake a review of its procedures for reporting and carrying out emergency repairs, but missed opportunities to undertake this action far sooner.

A failure to recognise failings was a feature in another case where settlement was reached. I was obliged to re-open an investigation I had previously discontinued because the Council failed to carry out an agreed settlement, which involved reinvestigating allegations about anti-social behaviour. The Council eventually put in place the re-investigation I asked for and paid an additional £250 in compensation. But it is worrying that it needed a second complaint to me to achieve this outcome.

The other three cases I wish to highlight, revealed deficiencies in the Council's handling of requests for housing. In two cases there were significant delays of several months in assessing an application for housing and notifying the complainant of the outcome. In one instance the complainant was a highly vulnerable woman with a record of self-harm. The Council acknowledged its failings and paid a total of £750 compensation to both complainants. In another instance a child was not treated as a dependent of the applicant, because she also spent time living with her father elsewhere and he was in receipt of child benefit. The Council's policy only recognised a child as dependant where child benefit was in payment to the applicant. The Council recognised that its policy was fettering its discretion in this instance because it was simply not feasible for the child to reside permanently with her father. It revisited the application and secured rehousing for the complainant, apologised and paid £250 in compensation, as well as agreeing to review its housing allocation policy in this area for the future. The remaining settlements involving the housing department concerned less serious failings.

A further six complaints were settled that involved complaints about the administration of housing or council tax benefit. In five of these cases delay was a factor, including delay in assessing a claim for benefit; amending a claim for benefit following a change in circumstances; in processing a request for backdated benefit and in processing an appeal against recovery of an overpayment of benefit. In one instance the Council delayed in processing a decision of the independent Appeals Service that overturned a decision to cancel a complainant's housing benefit. It took the Council six months to reinstate the benefit in question, during which time it also recovered an overpayment arising from the original decision that had been overturned at appeal. The Council agreed to pay £500 compensation in this case and £600 in the others, as well as writing off various costs and arrears associated with its actions. These complaints and others have indicated systematic failings in the administration of housing and council tax benefit which the Council should take steps to address.

Of the remaining complaints that were settled three involved the administration of parking enforcement, an area of responsibility that now rests with the County Council. In two cases the Council acknowledged that its bailiffs had overcharged debtors who had failed to pay parking fines in time and refunded a total of £157. In neither case did I recommend that the Council pay additional compensation in view of the complainant's own actions, which could have avoided the need for bailiffs being instructed. In another case the Council recognised it had failed to process an appeal against a parking fine and it agreed to take this action.

Another two complaints that were settled involved the recovery of council tax. In one case bailiffs had been instructed when on balance it did not appear the Council had sent the correct notification to the liable person. And in another the Council sought recovery of a debt five years after the complainant claimed to have paid, despite knowing his whereabouts in the intervening period. While the Council was not barred by law from seeking recovery after such a length of time, I considered it was not reasonable to have expected the complainant to have retained records that might prove he had paid the debt. In both instances the Council agreed to write off amounts it was recovering or else refund costs, totalling £550.

The only other settlement of note concerned a complaint from a builder whose name was recommended to recipients of private housing grants. Following a complaint about his work in 2000 the Council had removed his details from its recommended list, but failed to advise the complainant of the omission and assured him on the contrary that his name remained on the list. The discrepancy did not come to light for several years, but when it did it caused understandable outrage on the part of the complainant. To settle this complaint the Council agreed to reinstate the individual's name on the list in question and pay financial compensation of £500.

In total, the Council paid financial compensation of £3600 in settling complaints as well as refunding charges or cancelling debts to the value of £1297. I am grateful to the Council for its assistance in settling these complaints. But it is clear that in some service areas, notably housing and benefits, generic administrative failings are generating more justified complaints than should be the case. And when things do go wrong the Council is poor at recognising that it should take effective action to put things right. I return to this point below.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

Other findings

Ninety-four complaints in all were decided during the year. Of these 38 were premature and so I asked the Council to deal with them through its own complaint procedures, giving the complainant a chance to resubmit their complaint later. A further seven complaints were outside my jurisdiction to investigate. As mentioned above, 22 complaints were settled locally and the remaining 27 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

I am aware that the Council has devoted significant resources over the past twelve months to overhauling its procedures for dealing with complaints. I can only hope that it is too early for this to have yet borne fruit as all the evidence I have is that the Council's complaint procedures are not working effectively at present.

First, there is the significant increase in the number of complaints over the last twelve months and a concurrent increase in the number of complaints that have been settled, which indicates that the Council is performing poorly in at least two key areas of activity.

Second, there is the high number of complaints I have referred back to the Council to deal with as premature (this does not include either of the multiple complaints I have referred to). This suggests that the Borough is not signposting its complaint procedures effectively.

Third, included within the 94 complaints I have decided this year are 24 where the Council had investigated the matter previously. What is most worrying is that a local settlement was necessary in seven cases, including some of the significant settlements referred to above. It is clear that time and again the Council has missed opportunities to settle complaints at an early stage. Where a complainant has been caused an injustice as a result of Council failings, a failure to recognise this promptly only causes further outrage and yet more resources to be devoted to its resolution. The Council needs to develop a culture where it recognises its failings at an early stage and offers effective resolution. I hope to see some real improvements in this area over the next twelve months. If my staff can offer any help with this please let the Assistant Ombudsman, Stephen Purser, know.

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.

Over the past twelve months we have delivered two courses to the Council, one on Good Complaint Handling (identifying and processing complaints) and one on Effective Complaint Handling

(investigation and resolution) and we delivered a specific briefing to planning staff on common areas of complaint to the Ombudsman. I am aware that these courses were only delivered in January this year and that many staff will not have received the benefit of this training. But I am confident that these courses will go some way towards improving the Council's culture of handling complaints that I refer to above. Please contact us if you consider the Council can benefit from any more training from our organisation.

Liaison with the Local Government Ombudsman

We made enquiries on 46 complaints this year, and the average time for responding was 47 days, against a target of 28 days. This is a significant decline on the average 22 days it took last year and well outside my requested target that many authorities are able to meet.

The Council must work hard to improve its performance in this area over the next 12 months. The measures it has taken over the past twelve months to improve complaint handling have made no difference in this area; in fact its performance in answering my enquiries worsened over the last six months of the year.

My office is committed to helping the Council improve its liaison and its overall performance in handling complaints. In the past twelve months an Assistant Ombudsman and an investigator delivered a talk to all Council staff on the role of the Ombudsman as part of National Customer Service Week and your link officer attended a seminar I held in Coventry in November. If it would help for the Assistant Ombudsman to visit your Council and give a further presentation about how we work to officers involved in the preparation of responses to enquiry letters please let him know. I would also be willing to present this letter to Members.

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 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 am aware this has been a period of great upheaval and change for the Council. I

hope that you find the information and assessment provided useful when seeking improvements to your Council's services and that I will not have to repeat such negative comments in future years.

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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	19	22	26	25	14	11	117
2005 / 2006	9	14	15	14	3	4	59
2004 / 2005	4	19	9	9	2	8	51

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	22	0	0	11	16	7	38	56	94
2005 / 2006	2	9	0	0	19	3	5	29	38	67
2004 / 2005	0	6	0	0	12	2	11	12	31	43

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	46	47.2
2005 / 2006	22	22.0
2004 / 2005	30	24.3

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