



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Swindon 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

Volume and Character

Fifty-seven complaints were received against your authority this year, a decrease of eleven on 2005/06. I can find no particular reason for this decrease, which appears to be within the normal statistical variation. Nine complaints were made about antisocial behaviour: always a difficult subject to deal with, even given the new powers now available to local authorities. This is particularly the case where the Council has to consider how to apply its increased powers to neighbour disputes that may have run on, perhaps at a relatively low level, for a long time and so may no longer be susceptible of resolution.

Ten concerned the administration of local taxes, and spring in part from an exercise currently being conducted by the Council to renew its efforts to collect older Council Tax debts, some of which have not been pursued for a number of years. The Council has a duty to collect Council Tax and, providing that a Liability Order was obtained within six years of the debt arising, may legitimately do so. Complaints arise where there is some dispute over the amount owed, and the complainant has difficulty providing evidence to support a claim.

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.

I did not find it necessary to issue any reports against your authority this year. Sixteen cases were settled locally, and it is to the Council's credit that I find it is always ready to recognise where things have gone wrong, and do what is necessary to redress the balance. There were a number of cases occurring this year where that was necessary, and I was sorry to note that some of the tenants were vulnerable people who should, I believe, have received a better and more sympathetic service without the need to complain to me.

There was a considerable delay, mainly due to an apparent lack of effective communication between departments of the Council, in investigating a complaint about noise caused by newly installed machinery adjacent to a complainant's flat. This caused him distress and disturbed sleep. However, the Council acted swiftly and sympathetically when the problem was recognised, offering the complainant another tenancy and paying him £1,000 compensation for the injustice suffered and for his time and trouble in complaining.

In a further case, the Council offered a temporary tenancy to a homeless complainant fleeing domestic violence. This happened in the period between Christmas and New Year, when the complainant, who did not have English as a first language, was close to the birth of her first child. My investigator found that she was not allowed to inspect the flat before signing the tenancy agreement. There had been a delay in checking the central heating and carrying out appropriate repairs. The complainant said she had found the flat in a dirty condition and in a poor state of repair and decoration, and due to delays by the Council had incurred out of pocket expenses in order to bring the property up to a suitable standard for her new baby.

Because of the difficulty in establishing which costs had necessarily been incurred as a result of the maladministration identified, the Council offered a total of £500 compensation and I considered this reasonable. The Council now monitors to ensure that proper processes are followed. The new choice-based letting system also allows tenants to bid for properties online, so have an opportunity to view the property that they bid for.

£500 compensation was also paid in respect of a tenant who had considerable debts. Various adjustments had been made to her Housing Benefit and Council Tax Benefit as a result of changing circumstances, resulting in notification of an overpayment which was said to be repayable to the Council. Following receipt of this demand, she declared herself bankrupt and complained to me. As a result of her complaint, an underpayment of benefit was identified by the Council which not only wiped out the outstanding Housing Benefit overpayment, but reduced the Council's claim for Council Tax by about £200. While I did not consider that the complainant had been driven to declare bankruptcy by the maladministration identified, I was concerned that she suffered considerable additional stress unnecessarily because of the miscalculation of benefit at a time when she was already burdened by debt. In the circumstances, I felt it would have been helpful if the Council had referred the complainant to a suitable welfare rights adviser and encouraged her to make an appeal.

In all, the Council paid a total of £3,125 in compensation to 10 complainants. The Council settled a further six complaints in various practical ways, without the need for compensation.

The lesson which I believe can be drawn from these complaints is that, where a dispute of some nature arises between the Council and a member of the public, it will generally receive appropriate and sympathetic treatment when it comes to the attention of officers with a suitable level of seniority. But this is not always the case where busy officers deal directly with members of the public, and some vulnerable people have had genuine reason to complain of their treatment. You may wish to consider whether front-line officers are equipped to seek assistance or advice in difficult cases; and whether disputes can be resolved by putting them into the appeals system or the complaints process at an early stage.

Other findings

I determined 59 complaints against your authority this year, including the 16 mentioned above.

If a Council has not had a reasonable opportunity to investigate and resolve a complaint itself, I usually regard the complaint as being made to me prematurely. In 20 such cases this year, I referred the complaint back to your authority to investigate the complaint under its own complaints procedure. I will refer to this further below.

Of the 23 other complaints decided, ten were about matters which lie outside my jurisdiction. In eight there was either no evidence of maladministration, or insufficient evidence to justify investigating the complaint, and five complaints were rejected using my general discretion not to investigate. This is mainly because it appeared unlikely that the complainant had suffered significant injustice as a result of any administrative failures there might have been on the Council's part.

Your Council's complaints procedure and handling of complaints

I mentioned earlier that some 20 complaints had been referred back to you because they had not been considered under the Council's own complaints procedure. I also noted that in our experience, it is usually helpful in defusing tension during a dispute if the matter is formally referred to the complaints procedure at an early stage.

Where complaints have been dealt with by the Council – and this most frequently seems to happen where the complaint concerns benefits – the responses I have seen are generally thorough and helpful. I do not have any figures to show how many complaints dealt with in this way are resolved by the Council and never reach me. But you may find it helpful to consider how use of the procedure can be more widely promoted, particularly for vulnerable complainants. Swindon is well served by advice agencies, but they are sometimes obliged to refer cases to me because they feel unable to obtain the answers they need themselves. You may wish to consider whether it would be helpful to set up clear and efficient lines of communication with these agencies, where they do not already exist, in order to help them to ease communications with those members of the public who have difficulty in making their own cases heard.

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

I made initial enquiries on 21 complaints last year, and the average response time was 28.6 days. While this is a slight increase on last year, it remains at around the time in which we expect authorities to be able to reply. Your Liaison Officer has been very helpful and proactive in pursuing delayed comments, which is much appreciated.

Mr Purser visited the Council and give a presentation about how we investigate complaints during the year. I hope that this was helpful, and if you feel there would be benefit in a further seminar this year, I would be happy to arrange this.

I was also pleased to welcome two Members and an officer from your Council to the seminar I gave at County Hall on 6 December. I hope they found it useful.

I also visited the Council in July to present last years Annual Letter. I hope this was helpful: and I certainly enjoyed the Spanish connection!

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.

J R White
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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	Transport and highways	Total
01/04/2006 - 31/03/2007	1	7	2	2	9	16	7	10	3	57
2005 / 2006	2	12	5	3	14	4	11	9	8	68
2004 / 2005	3	3	0	2	7	8	23	4	0	50

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	16	0	0	8	5	10	20	39	59
2005 / 2006	4	18	0	0	13	11	4	22	50	72
2004 / 2005	0	7	0	0	16	14	2	14	39	53

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	21	28.6
2005 / 2006	31	26.8
2004 / 2005	31	29.5

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