

**The Local Government Ombudsman's
Annual Letter
Swindon Borough Council
for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Swindon Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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 volume of complaints has slightly decreased from last year, reflecting an overall decrease in complaints made to us nationally in the same period.

Character

Most of the complaints fall into the following areas:

- § Housing (21%)
- § Planning (16%)
- § Council Tax administration (15%)
- § Transport and Highways (13%)
- § Benefits (11%)

With slight variations, this is similar to the pattern of complaints received last year.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I have not issued any reports on complaints about your Council this year.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

This year your Council settled 14 complaints locally. In several cases it was possible to resolve the complaint either wholly or partly by practical means: but the Council also paid a total of £4,685 compensation to ten different complainants.

The pattern which appears to emerge from these 14 complaints is one of poor communications, and this is something which I mentioned in my letter last year. But having said this, the difficulty in communicating was not always entirely due to maladministration. Councils need to communicate clearly and effectively with the public about a wide range of matters, sometimes highly technical, on a daily basis. This is made more difficult when a Council needs to deal, as it often does, with disadvantaged or vulnerable people. They may, for instance, include those who have physical and/or mental health problems, who have or will become homeless or have recently been bereaved, or who are worried about matters concerning their children or their financial affairs. Such people need

Councils to reach out and offer a greater degree of understanding and care in communicating messages, some of which may of necessity be unpalatable to them. Such care needs to begin at the point of contact to prevent the complainant becoming unnecessarily frustrated; and a few complainants have remarked that they have not always found it easy making telephone contact through the switchboard with an officer who will take responsibility for their case. There may, therefore, be a need to consider whether calls are properly recorded, passed on to the appropriate officer, and responded to promptly.

Where contact has been made, the difficulties of effective and efficient communication were evident in several of the complaints settled locally. For instance, we dealt with two complainants who suffered episodes of clinically-diagnosed depression, during which they were largely unable to manage their own affairs, including financial and housing needs, effectively. A further complainant had become clinically depressed due to her own poor health and the situation of her family, who had spent two years after being made homeless temporarily housed in what proved to be unsuitable accommodation. In two of these cases there were also housing needs due to the poor physical health of the complainants.

In each of these cases, there was difficulty for the complainants in communicating their needs to the Council which resulted in problems relating to their Council Tax affairs and housing needs. The Council was not entirely at fault in any of these cases, and some officers made praiseworthy efforts to deal sympathetically and helpfully with these vulnerable individuals. But in general officers would apparently have found it easier to communicate with them, had they listened more closely to their needs and wants, and had the Council thought more carefully about a strategy to deal with their tax, benefits and housing needs and responsibilities effectively. One of the complainants remarked that officers needed training to deal with people who had mental health problems, and had found a noticeable difference in communicating with those officers who had received such training.

Hand in hand with this must go careful recording of such cases and sharing of information, so that other officers are aware of the problems and deal with them in the most effective way. These three complainants received a total of £1,600 compensation.

In other cases, the Council faced difficulties dealing with third-party complainants because of the need to maintain confidentiality. Such problems arose in three complaints settled locally with a total of £2,600 compensation paid by the Council. Two of the complaints concerned communications relating to provision by the Council of social services for a vulnerable adult and, in the second case, for a teenage child; the service users were not, however, the complainants. In both cases the Council had been asked questions relating to matters which it - rightly - regarded as confidential. Nevertheless, there were serious concerns raised by the complainants who were deeply worried about the safety of close family members, in one case apparently with good reason, and these could have been better handled. That would have been to the benefit of the whole of each family concerned, including the service user.

In a third case the landlord of a Housing Benefit claimant was left out of pocket by the tenant, who absconded owing rent and without advising the landlord of the move. The claim was not suspended when the Council learned that the tenant had moved: and the claimant carried on cashing cheques for some three months before completing a fresh claim form for the new address. At that time the law, since changed, allowed for rent allowance due at the new address to be offset against Housing Benefit already paid in respect of the old tenancy. Meanwhile the complainant telephoned the Council on several occasions to find out when payment would be made, and was wrongly told that benefit was due and would be paid direct to the landlord. This incorrect information induced the complainant to wait for payment when the flat could have been re-let. The Council agreed to pay compensation equivalent to the rent allowance theoretically "foregone" because of its maladministration, almost £1,100, and to top the payment up to a total of £1,500 to account for the complainant's considerable time and trouble in complaining.

Three further complaints dealt with delays by the Council in dealing with the complainant's Council Tax affairs. One of these related to very old debts which were belatedly pursued by the Council, but

which were apparently properly owed and protected by Liability Orders, in this case at least. This is a subject which I noted in my letter to you last year. In this case the complainant had not been sent a letter advising her that bailiffs had been instructed and so received an unnecessary and unannounced bailiff's visit. A further complaint involved poor communications with a home owner living abroad, whose Council Tax demands had been sent by second class surface mail, making it difficult for him to pay his tax before legal proceedings were begun. The Council had been aware of this problem for some time, but had not resolved it. These three complainants received a total of £430 compensation.

Another complaint about poor communications was resolved by a refund of a £55 charge associated with an application for a dropped kerb. In some cases - including in this instance - planning permission is required to construct a vehicle crossing and the complainant was not told that he needed to obtain planning approval first. His application for a dropped kerb could never have succeeded without, and planning officers indicated that it was unlikely that the Council would approve his plans and that he would probably need to appeal. The fee was therefore refunded to allow the complainant an opportunity to obtain planning permission if he was able to do so.

A complaint was received about the way in which a school admissions appeal was heard. The complainants were not given clear written information in advance of the appeal to allow them to understand why the school was considered to be at capacity. The presentation, largely in tables of figures, of technical information relating to the school's capacity was not explained clearly in plain language in the Council's case for refusing admission. Information about the problems likely to be caused by further admissions, which was given orally at the appeal hearing, was therefore new to the parents who were unable to arm themselves to answer the case. A fresh appeal was offered to resolve the complaint and the Council undertook to make its written presentations more easily understood by lay people.

In each of these cases the Council has undertaken to improve communications: but the above summary seems to indicate that a wider message may be appropriate. I very much hope, therefore, that these lessons will be learned across the board and used to improve all the Council's services. Having said that, it is to the Council's credit that it has accepted fault and has readily agreed to settle complaints locally where appropriate.

The other three complaints settled locally involved minor injustice and show few lessons to be learned.

Other findings

Of the 36 other complaints determined this year, 14 were returned to you to be put through the Council's own complaints procedure. A further 11 were about matters which I considered to lie outside my jurisdiction.

The remaining 11 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Your Council's complaints procedure appears generally robust and easily accessed. The proportion of complaints referred back to you because they had yet to complete the Council's complaints procedure is similar to that sent back to other Councils.

Liaison with the Local Government Ombudsman

The Council has taken, on average, 33.6 days to respond to my enquiries, almost a week longer than the target of 28 days. While half the Unitary authorities with whom we deal have needed up to five weeks on average, this is disappointing after the Council's previous good performance. Further analysis indicates that responses on planning, benefits and transport and highways complaints have

received the slowest responses. It would be helpful if the Council were able to reduce response times for the future. In general, liaison with my officers has otherwise been excellent and the responses to complaints helpful.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

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

LGO developments

We launched the LGO Advice Team in April 2008, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act 2007, which also came into force in April 2008. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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 2008

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
01/04/2007 - 31/03/2008	2	6	1	3	11	6	9	8	7	53
2006 / 2007	1	7	2	2	10	15	7	10	3	57
2005 / 2006	2	12	5	3	14	4	11	9	8	68

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
01/04/2007 - 31/03/2008	0	14	0	0	9	2	11	14	36	50
2006 / 2007	0	16	0	0	8	5	10	20	39	59
2005 / 2006	4	18	0	0	13	11	4	22	50	72

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
01/04/2007 - 31/03/2008	25	33.6
2006 / 2007	21	28.6
2005 / 2006	31	26.8

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0