

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Brighton & Hove City 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 Brighton and Hove City 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

We received 93 complaints about the Council during the year, a fall of 35 from the previous year when 128 complaints were received.

Character

It appears that the reduction mainly resulted from falls in complaints about housing, where we received 24 complaints (down from 32) and planning where we received 14 (down from 32). There were also reductions in complaints about education, 5 complaints (down from 11) and complaints categorised as 'other' which fell to 9 (from 13).

Complaints in other categories remained broadly in line with the previous year's figures, though those about transport and highways increased (more than half of these were about parking).

Decisions on complaints

Reports and local settlements

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 27% of all complaints against authorities by local settlement. (This figure excludes 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

During the year we decided 105 complaints of which 19 were premature complaints and 9 fell outside our jurisdiction.

None of the complaints we investigated this year justified the issue of a report, but 14 complaints were resolved by local settlement resulting in the Council paying compensation amounting to over £4,000.

There are three local settlements that I wish to mention in this letter:

- The Council paid £1,250 compensation for delays in carrying out an occupational therapy assessment and subsequent adaptation work for a disabled person. The Council also agreed to review its occupational therapy service to try to prevent such problems arising in the future. I should be grateful to receive details of the outcome of that review.

/...

- The Council paid £2,000 compensation on a planning complaint where failure to consult a neighbour resulted in planning permission being granted without referral to the planning committee. This was a complex situation and we felt there would always be uncertainty as to whether the outcome would have been different if he had been able to comment on the application. The Council also agreed to prepare a written policy on consultation and to ensure officers keep a record of the location of site notices and improve the records of site visits.
- A complaint was made by the partner of a person who was unable to return home after a serious accident left him permanently disabled. This was a difficult set of circumstances and the Council provided temporary accommodation for the family while they submitted bids for suitable permanent accommodation. We concluded that the delays in finding suitable accommodation were not primarily caused by the Council and the Council had taken a flexible approach focusing on the needs of the family. The outcome was not perfect but was probably the best that could be achieved in the circumstances.

Other complaints settled by the Council included complaints about delays in carrying out repairs to council housing, housing benefit delays, inappropriate council tax recovery action, delays in the investigation of a planning complaint and education admission appeal hearings.

A number of our investigations highlighted procedural issues which Investigators have taken up with the Council in order to encourage improvements in various service areas. These included asking the Council to prepare a policy for dealing with the recovery of council tax arrears where the tax payer claims financial hardship and to review the way the repairs and maintenance team deals with complaints. I should be grateful to know what action the Council has taken as a result.

Other findings

We found no (or insufficient evidence of) maladministration in 46 complaints and exercised discretion to close 17 other complaints. These figures are broadly in line with those of previous years.

Your Council's complaints procedure and handling of complaints

Of the 105 complaints decided during the year, 19 were referred back to the Council for consideration through its own complaints procedure because we felt the Council had not had a reasonable opportunity to investigate and respond to the complaint. This was a substantial reduction from the previous year when 35 complaints were dealt with in this way.

Ten complaints decided 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. Two of these resulted in local settlements in which the Council paid compensation of £150.

Liaison with the Local Government Ombudsman

My officers report that working relationships with the Council's complaints officers continue to be positive and professional. Once again the Council has improved the time taken to respond to our initial written enquiries about complaints. The average response time has decreased to 28.7 days. This is an improvement from just over 31 days in the previous year but the figure remains just above our target response time. I welcome this improvement and hope that response times will meet our target in the coming year.

One of the Council's complaints officers attended our link officer seminar in November 2007 and I hope she found this helpful and informative.

In February one of my staff participated in the training provided by the Council for education admission appeal panel members and clerks. In a year which saw the introduction of new codes of practice on school admissions and admission appeals, it was a useful opportunity for us to highlight the problems which we encounter in our investigation of school admissions complaints.

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, 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, has 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, which also came into force in April. 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'. Again, 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.

Tony Redmond
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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	4	12	2	5	24	9	14	9	14	93
2006 / 2007	5	12	4	11	32	13	32	10	9	128
2005 / 2006	3	11	6	11	29	13	15	6	5	99

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	46	17	9	19	86	105
2006 / 2007	0	12	0	0	46	22	15	35	95	130
2005 / 2006	0	14	0	0	33	15	11	28	73	101

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	42	28.7
2006 / 2007	36	31.2
2005 / 2006	41	33.9

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