

# Local Government OMBUDSMAN

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

**Corby 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 Corby 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***

We received 31 complaints this year, a slight increase on last year's total of 23. However, I expect to see some fluctuation in numbers over time and this number is consistent with that received in 2005/06 (33).

### ***Character***

The nature of complaints is broadly similar to previous years. We received slightly more about housing and planning issues (eight and six respectively, an increase on seven in total last year).

Statistically, the largest number of complaints we received were those we record as "other" (ten in total). This category includes complaints about environmental health (two), land (two) and anti-social behaviour (one). The decline in complaints about anti-social behaviour is particularly marked (there were six in 2005-06).

## **Decisions on complaints**

### ***Reports and local settlements***

When we complete an investigation we issue a report. I issued no reports 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).

A total of six investigations were discontinued as a result of a local settlement being agreed during the course of the year. In five of these cases financial compensation was paid, totalling £1600. This represents an increase on the £900 paid last year, but is still significantly lower than the sum paid out in 2005-06 (£4300).

While I only received one new complaint about anti-social behaviour this year, two complaints which were settled involved this issue to a lesser or greater degree. In one case the complainants were the alleged victims of anti-social behaviour as a result of noise from their neighbours. My investigation found the Council to have handled the case very poorly. Among its failings, it delayed in interviewing the complainants, did not keep in touch with them or offer advice on the completion of a nuisance log and did not communicate its decision that no nuisance was considered to exist. That decision in turn was undermined by the Council's failure to gather evidence to support its conclusion or adequately record its reasons. The agreed settlement to this complaint was that the Council should conduct a

thorough review of the case and pay the complainants £250 for the injustice they had suffered.

In a second case, there was a dispute between neighbours about parking and the use of open-plan driveways to access each other's property. As part of its consideration of this issue the Council advised the complainants that they could not access their property via a certain route, something the complainants questioned following advice from a solicitor. I did not consider it was for me to come to a view on the question of access, because that was a matter for the courts, but there was a delay of approximately 11 months in the Council answering correspondence on the issue, which was unacceptable. The Council agreed to pay £400 to the complainants, equivalent to the additional legal fees they had incurred as a result of its inefficiencies.

Delay was also a factor in another complaint, which involved housing repairs. The Council agreed to repair the complainant's fence, damaged by a fire in an adjacent vacant property, in June 2005. But two years later the repair had only been partially completed, even though the Council's insurers had paid out full replacement of the fence. The Council agreed to complete the repairs and pay financial compensation of £200 for not attending to the repair sooner.

Another complaint which involved the Council's housing services involved consideration of its housing allocations policy. The Council's policy allows applicants to choose from different geographical areas within the Borough, while still allowing the Council to offer a property from a different area at no penalty to the applicant. But in this instance a penalty was imposed on the complainant, who had his application reduced in priority when he declined a property that was not in an area of his choice. The Council agreed to reinstate the original priority to the application and pay compensation of £250 as the complainant had probably lost an offer of accommodation in an area of his choice as a result of the Council's actions.

The final case where compensation was paid involved the Council's consideration of a planning application. The complainant was directly affected by the proposed development but was not consulted on it and nor was he in a position to pass a site notice advertising the application, which was fixed at the end of a cul-de-sac. When the development was approved there was no indication the Council had taken into account differing site levels between the complainant's home and the development, which resulted in an unacceptable degree of overlooking into the complainant's home. To remedy this complaint the Council paid the complainant £500 compensation and was also able to secure agreement with the developer that obscure glazing would be fitted in the development where it overlooked the complainant's home.

In four out of the five cases highlighted above my investigators have commented that the Council was unwilling either to acknowledge its fault or agree initially to settle the complaints. While there would appear to have been an overall improvement in the delivery of services by the Council in the last two years, resulting in fewer complaints and reduced compensation payments, this remains an area of concern. I would therefore like to take this opportunity to remind the Council that it should be proactive in recognising that it needs to put things right when it has made mistakes.

### ***Other findings***

In addition to the above, I made a further 15 decisions on complaints this year. In eight of these cases I decided the complaint was premature and I referred these back to the Council to deal with. This number is consistent with previous years. In three cases I decided that the complaint was outside my jurisdiction to investigate. In three cases I decided there was no, or insufficient, evidence of maladministration on the part of the Council. And in the remaining three cases I exercised my discretion not to investigate, generally because there was insufficient evidence that the complainant had suffered injustice.

## **Your Council's complaints procedure and handling of complaints**

I received only three complaints this year which were resubmitted to me after I initially decided they were premature, none of which was upheld (although one remained open on 1 April 2008). This suggests that despite my reservations expressed above, the Council is able to resolve complaints satisfactorily when it is asked to do so.

I welcome the fact that the Council's complaint process remains easily accessible via its website. However, it might want to consider ways in which this process might be given a greater visibility; for example through providing a link direct from the homepage.

## **Liaison with the Local Government Ombudsman**

Enquiries were made on ten complaints this year. The Council's response times averaged 32.1 days to respond, against the target of 28 days. While this is still outside the target I set, it is a considerable improvement on the last two years when I have said the Council's performance was unacceptable.

However, the average figure masks wide disparities in individual cases with response times fluctuating widely between seven and 55 days. In addition, my investigators note that the quality of responses can vary widely with information sometimes being received in a disorganised manner, and with specific questions unanswered. In addition, in recent months I fear the Council has reverted to its previous bad habits of allowing unacceptable delay in responses which can only result in more adverse comment from me in future Annual Letters. While any improvement in this area is therefore welcome, I trust that the Council will still work hard to continue to better its performance in this area.

## **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, 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, 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'. 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**  
**Local Government Ombudsman**  
**The Oaks No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**18 June 2008**

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
01/04/2007 - 31/03/2008	0	8	10	6	4	3	31
2006 / 2007	0	4	16	3	0	0	23
2005 / 2006	3	14	6	8	0	2	33

**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	6	0	0	3	3	3	8	15	23
2006 / 2007	0	8	0	0	7	0	1	8	16	24
2005 / 2006	0	11	0	0	13	3	1	8	28	36

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	10	32.1
2006 / 2007	12	45.4
2005 / 2006	19	44.0

**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