

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter Daventry District 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 Daventry District 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 14 complaints this year, which represents a slight increase on last year's total of eight. However, I expect to see some fluctuation in numbers over time and overall complaint numbers remain low.

Character

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

The two other complaints we received were about anti-social behaviour.

I note that I am likely to see a reduction in complaints about housing issues in future years, now that the Council has transferred its housing stock to a housing association, Daventry Homes, with effect from November 2007.

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 five investigations were discontinued as a result of a local settlement being agreed during the course the year. In two of these cases financial compensation was paid, totalling £1350.

The complaint which resulted in significant compensation (£1250 in total) was concerned with the Council's response to reports of disrepair. The complainant had been reporting damp conditions in her home for approximately eighteen months. The Council's initial inspection failed to reveal the problem was caused by a structural defect leading to external water penetration. It then compounded this error by overlooking subsequent reports from its tenants and the evidence of a second property inspection which referred to buckling laminate flooring and rotting bedding. To its credit, when it recognised these failings, not only was the Council quick to agree the suggested compensation but also re-housed the complainant without further delay.

The other complaint where compensation was paid, this time of £100, concerned the slow response of the Council to reports of disrepair to a garage and shed. While I agreed that these were not high priority repairs for the Council, this information had not been given to the complainant which resulted in some understandable frustration on his part. A third housing complaint concerned a housing application from a complainant who had previously been suspended from the housing register for unacceptable behaviour and rent arrears. Despite a two year passage of time, and evidence from the complainant showing she had repaid her rent arrears and sought assistance to try to prevent a repeat of her past anti-social behaviour, the Council was initially unwilling to consider a fresh application. However, the complaint was settled when the Council agreed to rethink its approach and accept a fresh application.

The remaining complaints where settlement was reached concerned investigations into anti-social behaviour and alleged breaches of planning permission respectively. In the first case the remedy was to refer the complainants to mediation with their neighbours, about whom they complained as well as taking other steps to gather evidence on the nature and severity of the nuisance if this failed. In the second case the Council agreed it had failed to keep in touch with the complainant or set a realistic timescale for its investigation into a planning breach and agreed to apologise and take action to correct matters.

Other findings

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

Your Council's complaints procedure and handling of complaints

No complaints were resubmitted to me this year after I initially decided they were premature. This suggests that the Council is generally able to resolve complaints satisfactorily when it is asked to do so.

I note the Council's complaint process remains accessible via its website. However, it is not easy to locate and the Council might want to consider ways in which this process can be given a greater visibility; for example through providing a link direct from the homepage or through a link via its "A to Z" index pages.

Liaison with the Local Government Ombudsman

Enquiries were made on seven complaints this year. The Council's response times averaged 19.4 days to respond, against the target of 28 days. This is further improvement on its performance last year when enquiries were replied to in an average 24.4 days. Once again, I congratulate the Council on its excellent performance in this area.

During the year one of my Senior Investigators also visited the Council and spoke to Members on the role of the Ombudsman. I trust that they found this useful and that it will inform their work on behalf of their constituents and in dealing with any 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, 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
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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	Total
01/04/2007 - 31/03/2008	0	7	2	5	0	14
2006 / 2007	0	5	2	1	0	8
2005 / 2006	1	7	5	6	1	20

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	5	0	0	4	0	1	3	10	13
2006 / 2007	0	1	0	0	8	0	5	1	14	15
2005 / 2006	0	2	0	0	7	0	1	6	10	16

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	7	19.4
2006 / 2007	5	24.4
2005 / 2006	12	24.6

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