

**The Local Government Ombudsman's  
Annual Letter  
Luton 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 Luton 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 57 complaints during the year, an increase of a third on the 42 received the previous year. While the increase is not spread equally across all service areas, there is no evidence that any one service has generated significantly more complaints than last year, and we expect to see these fluctuations year on year.

### ***Character***

Complaints covered a range of service areas. Housing, planning and building control, and public finance accounted for over half the complaints. As last year, only three complaints were received about benefits, and there were similar numbers of complaints about education, adult care services, and children and family services. There were ten complaints in the 'other' category, which covers areas such as anti-social behaviour.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I did not issue any reports against your Council in the year 2007-08.

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).

Nine complaints were settled locally this year. Four were about the recovery of unpaid council tax. The Council agreed to waive bailiff visit fees and court costs, and in two of the cases to pay £100 compensation for the distress caused. The Council remedied one complaint about children and family services by agreeing to put the complaint through the statutory complaints process, and another by agreeing to make a compensation payment of £1,000. The Council also agreed to pay compensation of £662 in a case where its failure to repair the drainpipe of a council house had damaged the neighbour's brickwork.

The Council settled a complaint about a housing benefit overpayment, where it had failed to act on the complainant's request for an appeal, by agreeing to allow an out-of-time appeal and paying £100 for the complainant's distress and time and trouble. In a case where it had failed to steer a complainant towards its corporate complaints procedure, the Council agreed to pay compensation of £50 for her

time and trouble in pursuing the complaint.

The remedies agreed by the Council for the cases that were settled included compensation and debt write-off totalling £2,012. I am grateful to the Council for its assistance in settling these complaints.

### ***Other findings***

Fifty-three complaints were decided during the year. Of these, eight were outside my jurisdiction for various reasons. Nineteen were premature and, as I mentioned above, nine were settled locally. Of the remaining 17, 12 were not pursued because no evidence of maladministration could be seen. In a further five cases I exercised my discretion not to pursue the complaint further mainly because no significant injustice flowed from the fault alleged.

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

The number of premature complaints (19) shows an increase on the previous year (13), and at 35% it is above the national average of 27%. This disparity has also been the case for the past two years despite the fact that the Council explains its complaints procedure clearly on its website and allows complainants to submit complaints by email as well as by phone or freepost. I suggested last year that staff might not be signposting complainants to the procedure as readily as they could and it seems that complainants may still be having difficulty in making themselves heard.

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

We made enquiries on 26 complaints this year and the average time for responding was 47.7 days. This is a substantial increase on last year's average of 31 days and falls well short of our target time of 28 days. This average masks some particularly high response times. The average time for response on housing complaints was 67.8 days, with two complaints taking over 80 days, and the time for children and family services was skewed by one complaint where it took the Council 189 days to reply. I understand that this year the Council had staffing problems over the summer which affected its response times but I hope that the Council will take steps to eliminate delays of this kind. Some delays are totally unacceptable. The Council's responses are generally, although not always, comprehensive and I hope that the increased use of email and scanned documents will enable the Council to improve its response times, and the quality of information it provides, in the coming year.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November, particularly as you have a new link officer in post. If so, please let David Pollard know and he will arrange for an invitation to be sent.

### **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 | 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             | 3                   | 3        | 3                            | 2         | 12      | 10    | 11                          | 10             | 3                      | 57    |
| 2006 / 2007                         | 1                   | 3        | 9                            | 6         | 7       | 3     | 4                           | 6              | 3                      | 42    |
| 2005 / 2006                         | 3                   | 4        | 8                            | 5         | 4       | 8     | 2                           | 9              | 2                      | 45    |

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       | 9  | 0      | 0       | 12     | 5        | 8                    | 19                   | 34                   | 53    |
| 2006 / 2007             | 0       | 8  | 0      | 0       | 7      | 3        | 7                    | 13                   | 25                   | 38    |
| 2005 / 2006             | 0       | 7  | 0      | 0       | 17     | 9        | 3                    | 14                   | 36                   | 50    |

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 | 26                     | 47.7                       |
| 2006 / 2007             | 22                     | 31.0                       |
| 2005 / 2006             | 17                     | 32.4                       |

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          |