

Local Government  
**OMBUDSMAN**

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

**Milton Keynes 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 Milton Keynes 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**

In 2007/08 we received 61 complaints against your Council compared to 54 and 42 in the previous two years. Complaints about Housing rose from 12 to 18, and about Planning and Building Control from seven to 11. Complaints about Transport and Highways showed the steepest increase from one to nine. Of these nine complaints, six were about parking issues. I note that there is a gradual upward trend in complaints against your Council although numbers are still low overall.

## **Decisions on complaints**

During the year my office made decisions on 65 complaints against your authority. We found no maladministration in 23 and we exercised discretion to close a further six without requiring any action by the Council. We found that four were outside my jurisdiction.

## ***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 complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report.

My office settled eight complaints. The Council paid compensation totalling just over £4,000. I give details of some of these local settlements below.

One complaint concerned the Council's delay from April 2006 to November 2007 in dealing with a leak under the complainant's bath which caused flooding of her bathroom. It also delayed in resolving a problem with her boiler and a leak from the flat above. The complainant, who was disabled and partially sighted, had to live for longer than necessary in poor conditions. The Council's records were poorly maintained. When we proposed a settlement of the complaint the Council initially disputed this and produced information that had not previously been available. The Council did then agree to pay compensation totalling £1,250.

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We also encountered some delay in settling two planning complaints. In the first of these cases, the Council failed to provide an explanation of why the complainant's third planning application in respect of the same development site should not be free of charge in response to his repeated enquiries and complaints about the matter. After some delay the Council agreed to refund the fee of £265 for the third planning application and to draft a guidance note for the use of both officers and the public about the circumstances in which fees for a repeat application should and should not be charged. In the second planning complaint your Council did not send a neighbour notification letter about an application for a single storey extension that would significantly affect the complainants' outlook. The complainants knew nothing about the extension until the building works began some years later. Again, after some delay, the Council agreed to pay compensation of £250 and to review its neighbour notification policy.

One complaint concerned the Council's failure to finalise a statement of special educational needs, to provide full time education, and to respond to the complainant's letters. The Council agreed to finalise the statement immediately and to pay compensation totalling £2,100. I am pleased that in this instance the Council responded positively to my proposals.

One complaint concerned an application and appeal for a child's admission to an infant class. I was concerned about a number of faults in the Council's consideration of the application and the Appeal Panel's consideration of the appeal. I was satisfied that these faults had not made a difference to the outcome. I welcome the steps which the Council has taken to address the concerns identified as a result of this complaint..

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

My office referred 24 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. This is more than in the previous year and at 37% of all decisions is higher than the national average of 27%. The Council may need to consider if it should do more to signpost complainants to its own procedure before they approach my office.

Five complaints that I referred to the Council as premature were then re-submitted to my office. I note that in four of these I did not find any fault by the Council; the fifth is awaiting a decision.

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

The target time for councils to respond when we make enquiries is 28 days. We made enquiries on 18 complaints. Your Council's average time to respond was approximately 30 days. In four cases the response time exceeded 40 days. Of these four complaints, three were about housing. However the Council's overall time is lower than in the previous year. I hope the Council can continue to improve its response times consistently across all service areas.

Three of my staff had a helpful meeting with the Council's Information and Customer Liaison Manager and other senior staff at which a number of current issues were discussed. I and my staff appreciate the Information and Customer Liaison Manager's efforts in providing high quality responses to our enquiries and in expediting outstanding action by the Council. I note that on occasion it was only as a result of her direct involvement that my staff have obtained the sought after response. The Council may like to consider ways of addressing this issue in future.

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### **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 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.

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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	0	1	5	5	18	9	11	3	9	61
2006 / 2007	2	4	3	10	12	11	7	4	1	54
2005 / 2006	2	1	4	2	12	6	6	3	6	42

**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	8	0	0	23	6	4	24	41	65
2006 / 2007	1	7	0	0	13	6	11	15	38	53
2005 / 2006	0	9	0	0	13	7	8	11	37	48

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	18	29.9
2006 / 2007	19	31.7
2005 / 2006	19	35.0

**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