

Local Government  
**OMBUDSMAN**

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

**Northampton 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 Northampton 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 69 complaints against your Council, approximately half the number received last year and closer to numbers in 2005-2006.

### ***Character***

Complaints about housing (20) and public finance (14) remain at a similar level to last year. The number of complaints about planning and building control (15) and benefits (10) have almost halved from last year and are close to the number received in these categories in 2005-2006.

One complaint was received about adult care services. In the 'other' category we received four complaints about antisocial behaviour, two each about leisure and recreation and waste management and one about miscellaneous matters.

## **Decisions on complaints**

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

When we complete an investigation we issue a report. I issued one report on housing benefit matters against your Council this year.

I identified a series of errors on the Council's part in dealing with benefit claims while the complainant was in and out of work due to serious illness. There were delays in considering backdated and other claims. The Council went on to take recovery action, including repossession proceedings and instructing bailiffs. Six appearances at court were required before the case was dropped and throughout the Council had failed to check benefit entitlement. The Council has now taken action to improve its handling of claims and agreed to make a payment of £2,500 in compensation.

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).

Eighteen complaints were settled locally and a total of £8,544 was paid in compensation.

A complaint about antisocial behaviour was settled locally. The behaviour of a member of the complainant's family and his friends caused neighbours to make complaints. As a result, his mother turned him away from home after which the situation calmed down. Not long after, she applied to another Council area for housing. When that Council made enquiries to your housing department, it

was incorrectly informed that action was about to be taken for nuisance and that the complainant was about to be evicted for rent arrears. The other Council was not advised that the amount of arrears was being contested by the complainant. As a result the complainant was taken off the other area's housing list. Your Council agreed to settle the complaint by writing to the other Council, confirming that the nuisance issues had been resolved and clarifying the rent situation. It also agreed to make a payment of £150.

In a homelessness complaint, the complainant had applied to the Council for assistance because she could not remain in her tenancy due to domestic violence. The Council did not consider this as a homelessness application and told the complainant it could not help her on the basis that her tenancy was still available and reasonable for her to occupy. It was pointed out to your Council that it had not complied with the statutory requirements for assessing homelessness applications and that it had denied the complainant a right of appeal against a decision and that I have found this to amount to maladministration in the past. I am pleased that this led your Council to apologise to the complainant, to make her a payment of £1000, to arrange a homelessness interview, to monitor approaches to the service and to report on outcomes.

Last year I highlighted concerns about the Council's handling of benefit claims. The five complaints settled locally this year do not demonstrate a significant improvement although I am aware that the Council has undertaken a review of its service and I hope that improvements will be seen this year.

Failures in assessing claims and providing clear explanations of decisions were compounded by significant delays in referring appeals to the Tribunal Service in four complaints. I take the view that the fairest way of resolving disputes about entitlement is before an independent tribunal and the Council's failings in this respect are unacceptable because complainants were denied their statutory right of appeal (in two cases for more than two years) and were caused significant distress and uncertainty. Officers failed to grasp the essential issues highlighted by the complaints including the need to reconsider entitlement thoroughly when a claimant's personal circumstances change, and the need to act proportionately when recovery action is taken. To settle the complaints, the Council agreed to take appropriate action in each case and made payments of £1,500, £1200, £500 and £100 to the complainants in compensation.

Six complaints about housing matters were settled locally.

A request for a housing transfer was wrongly treated as a request for housing repairs and there was a consequent delay in awarding points appropriately. The Council then failed to follow its antisocial behaviour policies properly and did not consider whether further points should be awarded. The complainant had to endure unsatisfactory living conditions for a year longer than necessary. The Council apologised, made a payment of £750 and undertook to review its procedures.

Of two complaints about housing repairs I draw attention to one where the complainant understood that the works were being carried out to remedy fair wear and tear. The Council then sent her an invoice but it had not sought her prior agreement in writing to the proposed works nor made it clear that she would have to pay. The complainant appealed but no records were kept of what was said or the basis for the decision made. The Council accepted that there was confusion, refunded half the costs (£352), reviewed its procedures and undertook to ensure that tenants would be advised in writing if works are re-chargeable.

Two complaints about managing tenancies were received and I draw your attention to the complaint brought by a man who has mental health difficulties. He had to give up his tenancy following prolonged stays in prison and hospital. The Council had agreed to store his possessions but later destroyed them while the complainant was in hospital. I found that your Council had failed to provide written clarification of the terms on which the goods were being stored, to make a detailed inventory or to give notice of the intention to dispose of the goods. The complainant decided to accept the Council's offer of settlement of £2,250. I am pleased to note that your Council accepted my advice and has produced a new policy on the disposal of tenants' property.

The remaining complaints raised no issues of significance.

I am grateful to the Council for its assistance in settling these complaints.

### ***Other findings***

Seventy-five complaints were decided this year. Of these, 25 were determined as premature and referred back to your Council for consideration under its complaints procedure. The local settlements referred to above account for just over a third of all decisions made.

Eleven complaints were outside my jurisdiction and the remaining 20 were not pursued, either because no evidence of maladministration was seen or for other reasons, mainly because no significant injustice flowed from the fault alleged.

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

Last year I noted that the Council had devoted significant resources to overhauling its complaints procedures and I was hopeful that this year would see a marked improvement in overall performance.

There has been some change for the better but while the overall number of complaints has fallen, the number of premature complaints is still higher than the national average, which this year is 27%. I know that the Council has included a link to its complaint process on its Home Page but it may be that accessibility is hampered by internal difficulties in recognising that a complaint has been made. My officers also report some reluctance on the part of your Council to accept fault when it is identified. There is still work for the Council to do here in valuing the learning experience of complaints and feeling confident enough to admit fault.

My officers are willing to provide advice and assistance wherever this may be helpful and I would urge your Council to take advantage of this to build upon the progress made this year.

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

I ask all councils to respond to my enquiries within 28 calendar days, including bank holidays and weekends. Last year I asked your Council to try to make improvements because its average response time was 48 days. This year we made 34 enquiries and your response time increased to 48.2 days. Only nine responses were received within 28 days. Again, I know your Council is keen to make improvements and my staff will do all they can to help, but much more effort still needs to be put into this important function

Some of your Council's responses have been described as confused by my officers and I urge your Council to ensure that files are reviewed by senior managers before responses are sent to me. This will save both our offices from additional work resulting from further enquiries and will benefit complainants.

I welcomed the opportunity to meet with you, the Council's Leader and Deputy Leader in September 2007 to discuss the way forward. We had a helpful discussion. I appreciate that your Council has seen further changes in senior management in the last year. Mrs Hedley, Assistant Ombudsman, will be pleased to make a further visit after this letter is published, if you would find that helpful.

### **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 can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements. It may be that a seminar on how to respond to our enquiries might be helpful.

In January of this year, we delivered a good complaint handling Course to some of your officers and I hope participants derived benefit from the knowledge and expertise of the trainers.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

We also offer a seminar for complaint managers and if you would like any of your officers to participate please contact my personal assistant, Mrs McCaig (l.mccaig@lgo.org.uk).

## **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 know that we had both hoped that I would be able to comment much more positively on the Council's performance this year. There has been some improvement on which your Council can build and I hope that you find the information and assessment provided useful.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	10	20	9	15	14	0	<b>69</b>
<b>2006 / 2007</b>	0	19	21	25	26	14	11	<b>116</b>
<b>2005 / 2006</b>	0	9	14	15	14	3	4	<b>59</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	18	0	0	11	9	11	25	50	<b>75</b>
<b>2006 / 2007</b>	0	22	0	0	11	16	7	38	56	<b>94</b>
<b>2005 / 2006</b>	2	9	0	0	19	3	5	29	38	<b>67</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	34	48.2
<b>2006 / 2007</b>	45	48.0
<b>2005 / 2006</b>	22	22.0

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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