

Local Government
OMBUDSMAN

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

In 2007/08 I received 25 complaints against your authority. The number of complaints regarding council tax increased from one to five but remains very small despite this. Planning and building control remains the biggest category with 13 complaints.

Decisions on complaints

During the year we made decisions on 21 complaints against your authority. We found no maladministration in one, five were outside my jurisdiction and we exercised discretion to close a further four without requiring any action by the Council.

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. We settled four complaints. The Council paid compensation totalling £6,095.

Two complaints were about housing matters. One concerned the Council's failure to deal properly with a disabled facilities grant. The Council released an interim payment for substandard works, thereby reducing the funding available for the complainant to make good inadequate works. The Council agreed to pay half the value of the interim payment to the complainant on the basis that it was not wholly responsible for the release of the payment. The Council has reviewed and amended its procedures, which I welcome.

The second was about the Council's failure to tell the complainant it owned land which could be used to improve access for her disabled husband, and that it was prepared to use the land in this way. The Council agreed to pay compensation of £50.

A third complaint, about planning, concerned the Council's decision not to take enforcement action over windows in a converted building overlooking the complainants' home and garden. The approval for the conversion had conditions attached requiring that obscure glazing be used. Officers decided the glazing did not meet this condition but chose not to take enforcement action. I was not satisfied that the decision not to enforce had been reached properly. The Council agreed to put the matter before Members to decide the matter afresh. This case was decided at the beginning of January, so it is disappointing that the matter has yet to be considered by Members, although I understand this will happen in June. I look forward to receiving an update as soon as possible.

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The fourth complaint involved noise from one of the Council's own buildings. The Council had taken reasonable steps to investigate and remedy the noise. But the noise appeared to be continuing and the Council agreed to place recording equipment in the complainant's home to monitor the situation.

Your Council's complaints procedure and handling of complaints

My office referred seven "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 one third (33%) of all decisions, compared with the national average of 27%. However, the numbers involved are small and I can draw no particular conclusions from this.

One premature complaint was resubmitted to me during the 2007/08 period, which we found to be outside my jurisdiction.

Liaison with the Local Government Ombudsman

The target time for councils to respond when we make enquiries is 28 days. Your Council's average response time to enquiries was comfortably within this target and reflects a significant improvement on the previous year. I am grateful for the Council's assistance here

The Council's response to our proposed settlement of the noise complaint was prompt. I welcome this.

However, the Council was reluctant to agree settlement of two of the complaints – about its decision not to take enforcement action and about the disabled facilities grant. In the latter the Council queried the conduct of the investigation and my jurisdiction.

I recognise that councils should have the opportunity to challenge provisional conclusions on any complaint where it has the evidence to support what it is saying. But in the two cases described above, the ongoing disagreements were unhelpful. I remain happy to meet you if you have concerns about the way we handle investigations, or if there are other wider issues about our investigations that you would like to discuss with me.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice, and we welcomed your Complaints Coordinator to a workshop in October 2007.

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.

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

We also run, from time to time, seminars for Council staff who liaise directly with my office. I am pleased that one of your staff was able to attend a seminar last October and I hope the event was useful.

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.

Tony Redmond
Local Government Ombudsman
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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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	1	1	1	13	5	4	25
2006 / 2007	2	2	4	11	1	2	22
2005 / 2006	0	1	2	13	3	0	19

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	4	0	0	1	4	5	7	14	21
2006 / 2007	0	4	0	0	11	5	4	4	24	28
2005 / 2006	0	2	0	0	5	1	2	2	10	12

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	6	24.8
2006 / 2007	12	35.3
2005 / 2006	7	17.4

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