

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

Corby Borough Council
for the year ended
31 March 2009

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 reviews.

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Section 1: Complaints about Corby Borough Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about Corby 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

I received 28 complaints and enquiries about your Council during the year. Nine of these were about housing matters, six were about planning and building control and the remainder covered a range of other services.

My staff treated ten of these complaints and enquiries as premature and referred them back to your Council. In two cases, we offered advice to complainants and the remaining 16 complaints were forwarded to the investigative team either as new complaints or a premature complaints that had been resubmitted.

Complaint outcomes

I decided 21 complaints against the Council during the year. Two were outside my jurisdiction, in five cases I found no evidence of maladministration and in six I used my discretion not to pursue the complaint further, mainly because any fault on the Council's part had not caused the complainants a significant injustice.

Reports

When we complete an investigation, we generally issue a report. This year we issued no reports against your Council.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the 21 complaints we decided against your authority during the year, eight were local settlements.

Two of the local settlements concerned housing allocations. In one case, a tenant moving from privately rented to Council accommodation incurred rent on both properties for a period. The tenant's Housing Benefit covered some of this but there was a shortfall of £422. The Council's policy was to consider offering a rent credit in such circumstances but there was no evidence the Council explained this to the tenant. During this investigation, it also emerged that the tenant had appealed against a decision the Council had made about Housing Benefit but the Council had delayed for three months forwarding the appeal to the Appeals Service. The Council settled this complaint by paying the rent shortfall of £422 and also paying £50 in recognition of the delay handling the Housing Benefit matter.

The other local settlement concerning housing allocation involved a complainant who applied to move from sheltered accommodation to a bungalow on medical grounds. The complainant's GP wrote to the Council in 2006. That letter should have resulted in a medical assessment but the Council appeared to have taken no action. The Council also consistently failed to give the complainant information on the likely waiting times despite government advice on this point. The Council agreed to reassess the complainant's needs, which quickly led to an offer of a bungalow. The Council also paid the complainant £100 in recognition of its communication failures.

Two local settlements concerned repairs to Council-owned properties. In one case, the Council failed to follow up the complainant's report that doors in the complainant's property needed to be replaced. The Council settled this by inspecting the property, as a result of which it agreed to carry out repairs, including to doors. In the other case, the complainant reported damp conditions in his home. The Council failed to respond properly for several months, cancelling one order for remedial work due to a communication problem and cancelling the next order with no explanation. Thereafter the Council co-operated with the complainant's solicitors in agreeing how to proceed. The Council also paid the complainant £100.

There have been several cases where complainants allege that the Council has not carried out a local settlement agreed with my office. In one case, following a complaint to me, the Council agreed in September 2007 to take action concerning noise nuisance from the complainant's neighbours. The complainant came back to me in March 2008, reporting that the Council had not taken any of the agreed action. The Council then took action that resolved the problem but it is concerning that the Council broke its earlier undertakings to the complainant and to me. In another instance, the Council admitted it had been slow to respond to concerns about unauthorised development in a conservation area. To settle the complaint, the Council undertook to pursue enforcement action. The complainant subsequently complained to me again, saying that the Council has not fulfilled the local settlement and I am still investigating this complaint.

Liaison with the Local Government Ombudsman

We made written enquiries on 13 complaints during the year. We ask councils to respond to such enquiries within 28 days and 60% of district councils achieve this timescale. In my last annual letter, which I sent you on 18 June 2008, I said that your Council's response times had improved considerably in 2007/08, with an average time of 32.1 days, but that the Council seemed recently to be allowing unacceptable delays in responses. I added that, 'I trust that the Council will still work hard to continue to better its performance in this area.'

It is therefore extremely disappointing that in 2008/09 the Council took on average 61.5 days to respond to our enquiries. This is well outside the 28 days we ask for and has almost doubled since the previous year. My staff report long delays in obtaining replies to even the simplest of enquiries. The overall average figure masks some even longer delays (for example, with complaints about planning and building control matters the Council's average response time was 84.8 days). In one case, where two people complained about the same planning matter, the Council's delay in responding to my enquiries was so unreasonable that I used my power to issue a Witness Summons, forcing the Council to reply to me or risk being found in contempt of court. It is extremely rare for me to have to take such a step. My staff also report that, when the Council eventually responds to our enquiries, its responses are often disordered and vague, a matter I also raised in last year's letter.

It is evident that my previous comments about the Council's responses have had no effect. The Council's performance in this area is completely unacceptable and is unusually poor compared with the vast majority of authorities I deal with. It gives the strong impression that the Council has very little respect for either complainants or my office and that it attached very little importance to dealing effectively with complaints. I urge the Council to give some priority to responding effectively and promptly to enquiries from my office. I now have no alternative but to consider certifying that the Council's Chief Executive is in contempt of the High Court where significant delays amount to obstruction of my investigations.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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

Conclusions

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.

As outlined above, I have concerns about the way the Council deals with complaints to me. The Council could also usefully take steps to ensure that, where it agrees to settle a complaint, it carries out the agreed settlement. We would happily offer advice on the way forward so if you would like to discuss this, or to arrange a visit, please contact my Assistant Ombudsmen Ms V Jones or Ms S Chappell.

**J R White
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June 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.-

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	6	1	0	2	0	1	10
Advice given	0	1	0	0	0	0	1	2
Forwarded to investigative team (resubmitted prematures)	0	0	1	0	3	1	1	6
Forwarded to investigative team (new)	1	2	0	2	1	0	4	10
Total	1	9	2	2	6	1	7	28

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	8	0	0	5	6	2	21

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	13	61.5
2007 / 2008	10	32.1
2006 / 2007	12	45.4

Average local authority response times 01/04/2008 to 31/03/2009

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0