

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

Northampton 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 Northampton Borough Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with 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 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

Our Advice Team received 76 complaints and enquiries during the year. Of these 31 were about housing issues, 19 were in the public finance and local taxation category, 11 were about benefit matters and five concerned planning-related matters.

We treated 32 of those complaints and enquiries as premature and in a further 13 cases advice was given (usually to make a complaint direct to the Council). The remaining 31 complaints were forwarded to the investigative team either as new complaints or as premature complaints that had been resubmitted.

Complaint outcomes

I decided 47 complaints against the Council during the year. In 14 of those cases (30%) I found no evidence of maladministration. I used my discretion not to investigate a further five. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant. In four cases I took the view that the matters complained about were outside my jurisdiction and so they were not investigated.

Reports

When we complete an investigation, we generally issue a report. This year we issued 13 reports about the same matter. Thirteen residents of an approved gypsy and traveller site in Northampton, complained about refurbishment work undertaken to the site; in particular to amenity blocks housing kitchen and bathroom facilities.

I upheld the majority of the complaints made and said, "it is hard to conceive of a more poorly managed project from start to finish". While I did not uphold complaints about inadequate consultation on the refurbishment proposals, I criticised the Council for not consulting residents subsequently to advise what the refurbishment would cover.

I highlighted the following "fundamental errors", in that the Council failed at the outset:

- a) to adequately involve its own Asset Management Team in the planning and preparation of the works;
- b) to enter into a written contract with the contractor; and
- c) to ensure there was an adequate schedule of works.

As a result the budget was insufficient for the planned work, there was insufficient attention given to matters of health and safety, it was unclear in places what the schedule of works was expected to cover, there was insufficient prioritising of work and a lack of record as to the condition of amenity blocks on handover. I also said, "The Council must accept criticism for its failure to respond sooner to warnings that the refurbishment was going badly wrong". There were multiple faults in the quality and extent of the work carried out including a failure to address serious health and safety issues with a failed drainage system, exposed electrical wires and poor electrical repairs.

The complaints also highlighted other failings. The contract for management of the site was allowed to lapse with insufficient attention given to a new arrangement. While I accepted the Council faced challenges managing the site, I found that insufficient attention has been given to the needs of residents in this regard.

I found maladministration causing injustice. The Council agreed to apologise to the 13 complainants and pay compensation of between £200 and £500 each, totalling £4,200.

The Council also agreed to commission specialist surveys to consider the condition of roofs and a report of damp conditions in amenity blocks already refurbished, and to complete the final outstanding refurbishment to two amenity blocks commencing in September 2008. The Council said it would seek funds to put the recommendations of the specialist report into effect. The Council also agreed to ensure that measures are put in place to ensure consultation with residents on matters of site management (including a transparent complaints procedure) and will be reviewing certain decisions in the light of further consultation.

I further recommended that the Council reviewed whether current electrical supply arrangements were sufficient for the needs of residents, given evidence that this might be inadequate. I also asked the Council to share with residents the outcome of the specialist surveys referred to above and asked it to conduct further visits to residents to check any other outstanding repairs not covered by the specialist surveys.

I understand the Council has carried out the specialist surveys and arranged for further work to be done as a result.

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 complaints we decided against your authority 11 were local settlements (23.4%).

In one case about a housing benefit matter, the Council had failed to honour a remedy to which it had agreed in a previous complaint which was the subject of a published report. The complainant is a Council tenant. Part of the remedy was to write off a housing benefit overpayment of £79.46, but the Council instead recovered this from the complainant's housing benefit. This in turn created rent arrears of £40.46 which the Council then recovered by deductions from her Income Support. During this period the Council also refused her request for a garage on the grounds she had rent arrears. The complainant was caused a considerable degree of anxiety and uncertainty which was aggravated by the fact she has leukaemia, about which the Council knew. The Council apologised, refunded the sums of money it had wrongly deducted, offered the complainant a garage to rent and paid her £500 compensation.

In one of two settled cases about housing repairs the complainant's central heating had broken down during the winter months and the Council took over a month to arrange a repair. It also took three months to adjust a leaking down-pipe that was causing dampness inside her property and over three months to arrange an inspection of the damp problem. The complainant was without heating for over a month. The Council paid the complainant £200 compensation. It agreed to repair the heating system and to meet the complainant's concerns about asbestos in the system. It also inspected the cause of the damp problem and agreed to visit during heavy rain to see if the down-pipe was still leaking. The Council also said it would contact the County Council about possible measures to deal with water run-off from the County Council's land onto the complainant's property.

In another housing case the Council failed to deal effectively with an unoccupied property next door to the complainant and failed to communicate properly with the complainant. The property attracted burglars and vandalism. It flooded and damaged the complainant's property. Although we couldn't say these events wouldn't have happened if the maladministration had not occurred, and the flood damage was properly an insurance issue, I decided that the complainant had been caused avoidable worry, uncertainty and distress for more than ten months. The Council apologised, paid the complainant £1000 and changed its working practices.

In a complaint about leisure and culture the Council owned a vacant property next to the complainant, where a rampant creeper grew unchecked damaging both the boundary fence and the complainant's hedge. The Council had offered to replace the fence but the complainant was not satisfied. After our involvement the Council agreed to pay £100 in addition to replacing the fence. My staff felt the Council's response to the complaint had been very muddled with several senior officers all trying to deal with it, when it should have been relatively straightforward to resolve much sooner.

There were five settled complaints about local taxation issues. In one case the complainant understood there was a stay on recovery proceedings while she disputed liability. But the Council failed to act on correspondence from the complainant and issued a summons for unpaid council tax adding court costs to the bill. The Council apologised, reviewed and revised its complaint handling procedures and made a payment of £119 to the complainant to cover the court costs and to recognise the inconvenience she experienced.

In a second complaint in this category the Council failed to handle post from a complainant properly, even though she had sent it by recorded delivery and it had been signed for at the

Council. As a result the bailiffs were sent to recover the debt which caused the complainant unnecessary anxiety. The Council paid the complainant £150 and agreed to review its procedures.

In a third case the Council issued a summons and obtained a liability order in respect of council tax arrears. The Council accepted it had been too quick to resort to formal recovery action and paid the complainant £200 compensation. It also accepted that it had failed to properly investigate the complaint until it reached stage three of its procedure and its earlier replies had been negative and defensive.

In the fourth case the complainant and the Council disagreed about whether a Council Tax exemption should apply to the complainant's property. Rather than telling the complainant about the right of appeal to the Valuation Tribunal it took recovery action and issued a summons. The complainant attended court and discussed the matter with a Council officer, who then did not seek a liability order. Once we made enquiries the Council reconsidered the matter, obtained more information and agreed that the property was exempt. The Council apologised and paid the complainant £50 for receiving a summons and £50 for the inconvenience of attending court. I am concerned that the Council put this through its corporate complaints procedure and then referred the matter to me rather than the Valuation Tribunal. But I am pleased to note that it was very willing to settle the complaint and sought advice from us about how to handle future situations.

In the fifth case the Council had failed to notify the complainant of court action in respect of council tax arrears and failed to send him a notice that bailiffs had been instructed. The complainant thought he had been keeping to an agreed repayment schedule but had actually failed to pay the agreed sums. The Council refunded the bailiff's charges of £278 and paid an additional £100 in recognition of the anxiety and inconvenience caused.

The Council remedied these complaints in ways which I considered was appropriate and paid a total of £7,247, as well as providing other benefits, to the people affected.

Liaison with the Local Government Ombudsman

Last year I asked your Council to make special efforts to improve the speed of its response to my enquiries as its average response time was 48.2 days. This year we made 25 enquiries and I am pleased to see that the response time has significantly improved to 34.4 days. But this is still outside our target time of 28 days. I understand there was one exceptional housing complaint where the response took 91 days for a number of reasons. However even discounting this figure, the average response time is only slightly reduced to just under 33 days and I ask the Council to continue taking steps to improve things further.

My officers have also commented that on occasion the Council's responses are sometimes incomplete and further enquiries are often necessary. I would be grateful if the Council could continue to ensure files are reviewed by senior officers before responses are sent to me to ensure this problem is resolved.

I am pleased to see that during the year Sharon Chappell, Assistant Ombudsman and other staff gave a presentation on my role to a management meeting. I hope you found this useful.

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.

In previous years we have provided training in Good Complaint Handling to staff from your authority. We have extended the range of courses we provide and 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.

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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	Adult care services	Children and family services	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	0	15	4	5	3	1	3	32
Advice given	0	1	5	2	2	1	0	2	13
Forwarded to investigative team (resubmitted prematures)	0	0	4	0	4	0	0	1	9
Forwarded to investigative team (new)	0	0	7	5	8	1	0	1	22
Total	1	1	31	11	19	5	1	7	76

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	13	11	0	0	14	5	4	47

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	25	34.4
2007 / 2008	34	48.2
2006 / 2007	45	48.0

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