

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

Contents of Annual Review

Section 1: Complaints about Slough Borough Council 2008/09	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	6
Training in complaint handling.....	6
Conclusions.....	7
Section 2: LGO developments	8
Introduction.....	8
Council First.....	8
Statement of reasons: consultation.....	8
Making Experiences Count (MEC).....	8
Training in complaint handling.....	8
Adult Social Care Self-funding.....	9
Internal schools management.....	9
Further developments.....	9
Appendix 1: Notes to assist interpretation of the statistics 2008/09	10
Appendix 2: Local authority report 2008/09	

Section 1: Complaints about Slough Borough Council 2008/09

Introduction

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

During this year 77 enquiries and complaints were received by our Advice Team: of these, 37 were forwarded to the investigative team. The remaining 40 complaints were either passed to the Council to investigate or the complainant was provided with advice. The largest number of complaints concerned planning and building control – of the 20 contacts, 10 were passed to the investigative team (although four were about the same issue). Of the 17 contacts about housing, seven were passed for investigation. Other complaints passed for investigation included three about school admissions, five about transport and highways, two about local taxation and single complaints about a range of other services.

Complaint outcomes

Reports

When we complete an investigation, we issue a report. This year I issued one report about the way that your Council sought to recover Council Tax arrears.

The complaint was lodged by a woman who had been in the UK since 2002, on a student visa. As a full time student she should have been exempt from council tax but she never gave the Council a

student exemption certificate. Because of this failure she built up council tax arrears which the Council sought to recover. However, in 2006 the complainant became seriously ill and was no longer able to study; and because of her immigration status she was not allowed to work or to claim benefits. She then became totally reliant on support from social services, who provided accommodation, subsistence payments and paid the current council tax. The complainant's social worker became aware that the Council had instructed bailiffs to recover the arrears; she then provided the Council with details of the complainant's health problems and vulnerability. But, the council tax department continued to allow the bailiffs to try to recover the arrears. The complainant was very distressed by the visit from the bailiffs.

I found that there had been maladministration because once the Council became aware of the woman's circumstances it should have suspended enforcement action and passed the case to the council tax vulnerability team. The team would then have considered if the woman was able to pay and would have provided appropriate advice and assistance.

I recommended that the Council should write off the arrears and pay £250 in compensation for the failure to pass the case to the vulnerability team and to suspend bailiff action. I also recommended that the Council should implement a policy on how it deals with vulnerable people; it should also implement a policy on how it will deal with tax payers who are reliant on support from social services and that the Council should establish a link between the vulnerability team and social services. Following a recent meeting with you and senior officers, I am waiting to hear if the Council has decided to accept my recommendations. I shall comment further on the outcome in next year's review.

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 I consider to be a satisfactory response to the complaint. This can include actions such as reviewing a decision, carrying out repairs, amending a policy, apologising or paying compensation. In 2008/09, 27.4% of all complaints to the Ombudsmen, which were within our jurisdiction, were closed as local settlements. Of the complaints within jurisdiction which we decided against your authority, 13 (36%) were local settlements.

Other decisions

In some cases, although there may be an element of fault in how a council has acted, I may use my discretion not to pursue an investigation; this might be because I do not think that a sufficient degree of injustice has been caused or because I think there are alternative steps the complainant could take to address their concerns. In other cases I may decide not to carry out an investigation because it is outside jurisdiction. But, even if I do not carry out an investigation, there may still be lessons for the council to learn from these complaints. This year there were nine complaints where I exercised discretion and decided not to pursue an investigation. And there were three which were outside jurisdiction.

In 13 of the complaints which I considered, I found there was no or insufficient evidence of fault by the Council to justify further investigation.

Decisions by category

Planning and building control

I decided 10 complaints within this category and agreed six local settlements. I found there had been no administrative fault in three of the remaining complaints and in the other one I decided not to carry out an investigation due to the length of time that had elapsed.

Four of the local settlements were linked to the same case, concerning enforcement action in relation to a house which neighbours thought was being used to run a business. The neighbours complained that the business had caused parking and noise problems over a number of years. The Council had taken some enforcement action but there had been some drift. Although it had asked the neighbours to supply evidence, it failed to specify what evidence was required. The matter remained unresolved, and the Council argued that it was difficult to prove the change of use. The residents experienced months of disturbance and wasted time providing evidence which the Council could not use. The Council agreed to pay compensation to the complainants for the time they had wasted and it agreed to let the residents know by the end of April 2009 what further action it would be taking.

Another local settlement concerned planning advice and enforcement. The complainant had reported a breach of planning conditions by his neighbour; he thought this breach meant that light was being restricted to his property. The Council investigated but failed to keep him updated as to the results. The complainant contacted the Council about the issue again and the Council prosecuted the neighbour and told the complainant that the building which was restricting light would be removed. However, this information was wrong; the building did not need planning permission (even if it did restrict light) and the Council could not make the neighbour remove it. The only breach of planning conditions related to the amount of garden space, which did not have any impact on the complainant. The Council should have done more to keep the complainant informed; it could have explained earlier that the building did not require planning permission and it should not have told the complainant that the building would be removed. The Council agreed to pay the complainant £250 and reminded staff of the need to ensure that people were given correct information.

The final local settlement was also about planning enforcement. The site in question had an extremely complex planning history but even so the Council took too long to act after it had told the complainant that enforcement action would be taken. To settle the complaint the Council paid compensation of £1,200 and agreed to pursue enforcement and to keep the complainant informed of progress. The Council had also reviewed its enforcement policy and improved arrangements for liaison between its legal and planning enforcement teams.

Housing and benefits

I decided one complaint on the basis that the Council agreed to pay the complainant £500 in compensation for two periods of delay in assessing a housing benefit claim. There was delay in obtaining information and in moving the case forward. At the same time, the complainant was facing court action for rent arrears and it is possible that without the delay the court might not have issued a possession order. The family then had difficulties making a homelessness application because it was decided that they had made themselves intentionally homeless. I did not investigate this issue because disputes over homelessness decisions can be challenged in the courts. Although I could not conclude that the delay in itself led to the eviction, I took the view that it did cause an injustice which should be remedied.

In a complaint concerning housing repairs, a tenant living in a council block of flats complained about the disruption and delay associated with refurbishment works in her home and in the block. The Council had offered compensation but the complainant thought the amount was inadequate. During the course of my investigation, the tenant presented new evidence and the Council agreed to increase the compensation, which the complainant accepted. I also welcomed the fact that the Council agreed to compensate the other residents in the block who were affected in a similar way.

Education

I decided six education complaints, four of which concerned school admissions. In one of them I asked your Council to pay a small amount of compensation. A school had correctly refused to

offer the child a place but, in error, the Council sent a letter saying she had been offered a place. The error was corrected and the complainant's subsequent appeal was unsuccessful. I found no fault in the admission arrangements, or in the way that the appeal panel reached its decision, but I did think it would be appropriate for the Council to pay modest compensation in recognition of the error it made.

In another admissions complaint I began an investigation but the matter was settled when the complainant's child was offered a school place. And in a complaint which I did not pursue because of a lack of injustice to the complainant, I felt that a map in the admission booklet was not very clear and the Council agreed to consider improving the map next time the booklet is revised.

Transport and highways

There were four decisions in this category, all relating to highway management. There was one local settlement in which it had proved difficult for a family (whose children had special needs) to reach an agreement with the Council and neighbours over the provision of a crossover. It took some time to resolve but the Council has now agreed to provide a crossover which will serve a number of houses, and everyone who will be able to use it will contribute to the cost.

Other

In one case the Council had failed to reply to a letter from a solicitor seeking information about a death which occurred some years ago and for which the Council had taken responsibility for arranging the funeral. Because of the failure to reply, the solicitor had to write further letters which increased the legal costs for the family. You agreed to pay £200 to compensate the family for the extra legal costs; you also provided further information about the circumstances surrounding the death and the funeral.

Another local settlement involved noise nuisance from dogs. The Council had taken some action, including writing to the owner of the dogs, obtaining a noise abatement notice and installing noise monitoring equipment. The Council then witnessed a breach of the noise abatement notice but failed to take enforcement action before the evidence became statute barred. I decided that the complainant suffered from noise nuisance for about a year longer than would have been the case without this fault. Your Council agreed to pay compensation of £2,000; it also agreed to review procedures and carry out staff training.

Liaison with the Local Government Ombudsman

The average time taken to reply to my enquires was 25 days which is a slight improvement on last year and well within the 28 days timescale in which we ask authorities to reply.

One of my Assistant Ombudsmen visited your offices in December 2008. He welcomed the opportunity to discuss how your Council handles complaints and he noted that new monitoring information is being collected and that a full year report is likely to be produced for members later this year.

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 am pleased to note that your authority has booked some training to take place later this year.

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.

**Tony Redmond
Local Government Ombudsman
10th floor
Millbank Tower
Millbank
London
SW1P 4QP**

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.

Tony Redmond
Local Government Ombudsman
10th floor
Millbank Tower
Millbank
London
SW1P 4QP

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	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	1	1	7	0	4	6	1	4	24
Advice given	0	1	2	3	2	0	4	0	4	16
Forwarded to investigative team (resubmitted prematures)	0	0	0	2	0	2	2	1	2	9
Forwarded to investigative team (new)	1	1	6	5	0	0	8	4	3	28
Total	1	3	9	17	2	6	20	6	13	77

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	1	13	0	0	13	9	3	39

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	24	25.0
2007 / 2008	17	25.8
2006 / 2007	7	26.6

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