

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

**Northampton Borough Council  
for the year ended  
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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

<b>Section 1: Complaints about Northampton Borough Council 2009/10...</b>	<b>3</b>
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	5
Training in complaint handling.....	5
Conclusions.....	5
<b>Section 2: LGO developments.....</b>	<b>6</b>
Introduction.....	6
New schools complaints service launched.....	6
Adult social care: new powers from October.....	6
Council first.....	6
Training in complaint handling.....	7
Statements of reasons.....	7
Delivering public value.....	7
<b>Appendix 1: Notes to assist interpretation of the statistics 2009/10.....</b>	<b>8</b>
<b>Appendix 2: Local authority report 2009/10</b>	

# Section 1: Complaints about Northampton Borough Council 2009/10

## 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 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

In 2009/10 we received 46 complaints and enquiries about your council; significantly fewer than the 76 received the previous year. Of the 46, 19 were about housing matters, which was also the largest category in 2008/09. There were also eight about public finance, six about planning and building control, four about benefits matters, one about transport and highways and eight about other matters.

We treated 11 of these complaints and enquiries as premature and either referred them to the council or advised the complainant to contact the council direct. In eight cases, we gave the complainant advice. The remaining 27 complaints (18 new complaints and nine resubmitted) were forwarded to the investigative team.

## Complaint outcomes

We decided 27 complaints against the council during the year. In six cases, we found no evidence of maladministration. Ombudsman's discretion was exercised not to investigate eight cases further. Typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant. Three complaints were outside jurisdiction.

## 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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority, 10 (41.7%) resulted in local settlements last year. The settlements involved various practical measures and payments to complainants totalling £3,850.

## Anti-social behaviour

Your council agreed to settle two unrelated complaints about anti-social behaviour. In each case, the council had failed to react properly to reports of anti-social behaviour by its tenants. In one case it was eighteen months before the council took any substantive action. The council paid one of these complainants £1,000 for the unnecessary distress and inconvenience caused by its lengthy failure to deal with reports of anti-social behaviour. The other received £250 for the

council's failures to investigate her complaints and for some acknowledged failures with the warden service in that complainant's sheltered accommodation. The council also took steps to improve its procedures, including obtaining advice on best practice from another authority and advising one complainant how to report any future incidents.

### **Housing repairs**

Two settled complaints concerned housing repairs. One complainant applied for a Disabled Facilities Grant to install a level-access shower and a ramp in her property. The council delayed processing the grant application for three months and then delayed a further six months before carrying out the work. The complainant struggled to use her existing facilities and was injured in a fall. To settle the complaint, the council agreed to complete the outstanding work and to pay the complainant £750 in recognition of the delay in ensuring the work was done.

The other settled complaint concerned a tenant living alone whom the council had previously agreed to give seven days' warning of repairs visits. This was so that the tenant could arrange to have someone with her during these visits. Despite this agreement, the council or its contractors visited the tenant three times without prior notice, causing some alarm. The council apologised and arranged that a named officer would co-ordinate all the tenant's repairs arrangements and would give seven days' written notice.

### **Housing benefit and council tax benefit**

A complainant appealed against the council's decision to stop his benefits. The council delayed contacting the complainant about the appeal for four months. While the appeal was still pending, the council unreasonably took action against the complainant for rent arrears. This resulted in two court hearings and the council also sent the complainant a letter saying it had scheduled a third court hearing. The council agreed to decide the complainant's appeal as soon as possible, in conjunction with the Department for Work and Pensions. It also paid the complainant £400 to compensate for the delay forwarding the appeal, the two avoidable court hearings and the avoidable attempt to take the complainant to court for a third time.

### **Council tax**

Five local settlements concerned council tax, the same number as last year. I shall not go into detail about each case but these involved the council sending incorrect demands and reminders, wrongly taking court action, wrongly instructing bailiffs and unhelpful or unclear responses from council officers and bailiffs. In one case, where a complainant and the council disagreed about the complainant's council tax liability, the council failed to tell the complainant of the right to appeal to the Valuation Tribunal, which could determine the matter. This case was similar to one we mentioned in last year's annual review, where the council also failed to tell a taxpayer about appeal rights.

To settle these complaints, the council agreed to pay compensation totalling £1,450 for the injustice caused to these complainants. It also refunded some money a complainant need not have paid and its bailiffs made procedural changes in dealing with vulnerable people. My investigator reports that the council was very co-operative in helping us to resolve one of these complaints. I welcome this constructive attitude.

In several of these council tax cases, the council had recognised some fault on its part before the complaint reached my office but had not offered the complainant a realistic remedy. Where the council's complaints procedure establishes that there has been fault causing a complainant injustice, it is important to offer an adequate remedy. The Local Government Ombudsmen's Remedies: Guidance on good practice is a useful reference document.

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

In the last two Annual Reviews, my predecessor urged the council to improve its response times to our enquiries. We ask for responses within 28 days when we make enquiries. In 2009/10, we made enquiries on 22 complaints and the council's average response time was 28.4 days. This is a considerable improvement on the 34.4 days in 2008/09 and the average of 48.2 days the year before that. I congratulate the council on its performance here.

Two of my investigators visited the council in September 2009 to meet you and members of your Management Board. They report that they had useful discussions about the timescales and quality of the council's responses including, in particular, housing matters. My staff continue to report that sometimes the council's responses are incomplete, necessitating further enquiries. I would be grateful if the council would review the quality of its responses and check that all relevant enclosures are supplied.

## **Training in complaint handling**

I am pleased that during 2009/10 staff from your authority attended one of our training courses in Effective Complaint Handling. I trust that they found the course useful. 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 authority's services and that the improvements in the council's dealings with this office will continue in the next year.

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**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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**June 2010**

# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## 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.

**Premature complaints:** 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10**

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

**LGO Advice Team**

<b>Enquiries and complaints received</b>	<b>Housing</b>	<b>Benefits</b>	<b>Public Finance inc. Local Taxation</b>	<b>Planning and building control</b>	<b>Transport and highways</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	5	0	4	1	0	1	11
Advice given	2	2	0	2	1	1	8
Forwarded to investigative team (resubmitted prematures)	5	0	0	2	0	2	9
Forwarded to investigative team (new)	7	2	4	1	0	4	18
<b>Total</b>	<b>19</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>1</b>	<b>8</b>	<b>46</b>

**Investigative Team**

<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>Total</b>
<b>2009 / 2010</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>8</b>	<b>3</b>	<b>27</b>

**Average local authority resp times 01/04/2009 to 31/03/2010**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	22	28.4
2008 / 2009	25	34.4
2007 / 2008	34	48.2

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20