

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

Medway 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 Medway 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

I received 79 complaints against your authority during 2007/08, just two more than in the previous year.

Complaints about *transport and highways* fell from 17 to six, just below the level they had been in 2005/06. Complaints about *planning and building control* increased from 12 to 20. There was also an increase in the number of *housing* complaints which rose from nine to 13. Where relevant, I have commented on the significance of these changes in my discussion of 'local settlements' below. The distribution of the remaining complaints was broadly similar to the previous year.

Decisions on complaints

Last year we made decisions on 78 complaints against your authority. We found no maladministration in ten complaints. I found that ten complaints were outside my jurisdiction and we exercised discretion to close a further 20 complaints 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. My office settled 21 complaints which resulted in compensation totalling just over £7,700 being paid to complainants. Unlike last year, the compensation was more evenly spread across the complaints we agreed to settle.

We settled four complaints about *adult care services*. Issues raised by these complaints included: the time taken - over a year - to complete the first two stages of the statutory complaints procedure for social services; a delay in carrying out an assessment and care plan for a man with autism following a previous complaint to my office; a delay in setting up an account for an elderly woman resulting in confusion over the handling of her finances; and the failure to inform the sister of a man living in a hospice that he was about to die, thus preventing her from being the person to inform his children of his imminent death. With regard to the latter, the Council agreed to ensure that next of kin are contacted under such circumstances. It would be helpful to know what steps the Council has taken to implement this. In total £1,243 was paid in compensation to these complainants.

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We settled three complaints about *children and family services* with payments totalling £3,766. The complaints identified delays in allocating a social worker, carrying out an assessment, providing support and completing the statutory complaints procedure.

We settled one *education* complaint relating to school admissions by the Council offering a further hearing for a child's appeal.

We settled three *housing* complaints. One complaint was from a couple who were due to be made homeless and had simply been advised to approach another borough, to which they had previously applied for assistance. This complaint was settled by the Council agreeing to take a homeless application from the couple, whilst it resolved the question of which authority might owe a duty to assist the couple, through the statutory procedure for dealing with such issues. A second complaint related to delay in offering interim accommodation to a homeless couple, a failure to follow up concerns about the suitability of the accommodation offered and a failure to allow the couple to use alternative accommodation which could have been provided by the same hostel manager. The Council paid £300 compensation to settle this complaint. The third complaint related to the way the Council assessed an application for housing from a couple who needed both a double and a single bed. The Council maintained that the couple could reasonably be expected to share a bedroom but was unable to say whether there was a reasonable supply of one bedroom properties with a bedroom large enough to take a double and a single bed. The Council agreed to assess the availability of such accommodation before the end of April 2008, and to report the outcome to the complainant and to my office. I should be grateful if the Council would let me know the result of its assessment.

We settled four *planning & building control* complaints. Issues raised by these complaints included: poor pre-application planning advice which resulted in an application being submitted which was doomed to failure; a failure to record the planning history in a delegated report on a planning application, or to give explicit consideration to the reasons for refusing an earlier planning application and how they had been overcome; a failure to give proper consideration to a request to refund costs associated with removing an unnecessary planning condition and a linked legal agreement; and the failure to give proper consideration to an application to replace a car wash. In total the Council paid £2,033 in compensation to these complainants.

We settled two *transport and highways* complaints, both of which were about a delay in mapping rights of way. The Council settled these complaints by paying £100 to each complainant and agreeing to keep them informed of progress in completing the project for mapping areas where rights of way have not previously been recorded.

We settled one complaint about *public finance*. This related to problems in setting up a direct debit for paying Council Tax and was settled by the Council paying £55 in compensation.

We settled three complaints on *other matters*. One related to the poor handling of a complaint about anti-social behaviour, made worse by the long delay in responding to our enquiries. The second related to delays in responding to correspondence over the potential sale of land at the bottom of the complainant's garden. The third complaint related to a failure to inform the owner of a burger van that he was trading illegally. The Council agreed to pay compensation of between £50 and £250 to each of the complainants for the inconvenience they had been put to.

Other findings

I mentioned in last year's annual letter that when settling a complaint in 2005/06 the Council had said it was introducing a new Housing Allocations Policy and agreed to send a copy when it had been produced. I am aware that a draft Policy was considered by one of the Council's Scrutiny Committees in February 2008. I look forward to receiving the final version of the Policy and confirmation that it has finally been implemented.

Your Council's complaints procedure and handling of complaints

We referred 17 premature complaints to you so that they could be considered through your corporate complaints procedure, as we did not think your Council had yet been given a reasonable opportunity to deal with them.

Of the 78 complaints we made decisions on last year, five had previously been referred to the Council as premature. We subsequently agreed to settle three of these complaints, at least in part, with the payment of compensation. This suggests that some Council Officers may be reluctant to consider a financial remedy until pressed to do so by my office. Indeed, my Investigators have noted that although the Council will accept that there has been fault when dealing with a complaint via its own complaint procedures and will offer an apology, it does not always consider the appropriateness of financial remedy.

Several complainants had been told that their concerns about the behaviour of individual officers could not be dealt with by the Council's corporate complaints procedure. Whilst disciplinary issues are a private matter between the Council and its employees, this should not prevent the Council from addressing legitimate concerns about the behaviour of its Officers, such as complaints about rudeness, within the context of its corporate complaints procedure. The Council agreed to review its procedures with a view to ensuring that such complaints are in future dealt with via its complaints procedure and to let my office know the outcome by the end of February 2008. I look forward to receiving the outcome of that review.

Liaison with the Local Government Ombudsman

My target for receiving councils' responses to my enquiries is 28 days. During 2007/08 I made enquiries on 25 complaints. The Council's average response time, at 38.7 days, remains well outside my target and, although only one day longer than in the previous year, the upward trend is disappointing. Whilst some areas of the Council appear to have no difficulty in meeting my target, other areas do. Most notably, it took the Council 190 days to provide information on a complaint about anti-social behaviour. The response on a complaint about environmental health took 76 days and the responses on two housing complaints took 71 and 61 days respectively. It would be helpful to know what action the Council is taking to reverse the upward trend in response times.

As will be apparent from the comments I have already made on local settlements above, there are a number of actions which the Council has agreed to take when settling complaints which remain outstanding. It would be helpful if you could take steps to ensure that such actions are carried in a timely fashion in future.

Despite these delays and the difficulty my Investigators have, at times, experienced in obtaining information from the Council, they have also commented favourably on the helpfulness of your Complaints Officer and the Council's willingness to settle complaints. One of my Investigators has kept in regular contact with your Complaints Officer and visited the Council in March 2008 to meet her and your Head of Customer Services. This provided a useful opportunity to exchange views on a number of issues and for your Officers to let my Investigator know about future plans for complaint handling within the Council which I hope will address some of the concerns raised within this letter.

Training in complaint handling

In September 2007 one of my Investigators presented a training course for Members and Officers of your Council in Effective Complaint Handling for social care review panel members. You will therefore already be aware that 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. 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 authorities and can 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.

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

LGO developments

We launched the LGO Advice Team in April 2008, 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 2008. 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	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	7	2	7	11	13	8	20	5	0	6	79
2006 / 2007	7	5	5	10	9	11	12	1	0	17	77
2005 / 2006	5	3	5	25	10	9	11	5	2	9	84

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	21	0	0	10	20	10	17	61	78
2006 / 2007	0	18	0	0	20	7	12	21	57	78
2005 / 2006	0	16	0	0	32	14	12	12	74	86

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	25	38.7
2006 / 2007	26	37.7
2005 / 2006	34	36.2

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