

The Local Government Ombudsman's

Annual Letter

Medway Council

for the year ended

31 March 2007

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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

During 2006/07 I received 77 complaints against your authority, a reduction of 7 on the previous year.

Complaints about education fell from 25 to 10, close to the level they had been in 2004/05. However, complaints about transport and highways increased from nine to 17. The distribution of the other complaints was broadly similar to the previous year.

### Decisions on complaints

During the year we made decisions on 78 complaints against your authority. We found no maladministration in 20 complaints and we exercised discretion to close a further 7 without requiring any action by the Council. We found that 12 were outside jurisdiction.

### Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I issued no reports against your authority during 2006/07. My office settled 18 complaints, resulting in compensation totalling £6,549 being paid to complainants. Although this was more than twice as much as was paid in the previous year, this increase is largely accounted for by one complaint, more details of which are set out below.

#### Adult care services

We settled five complaints about adult care services.

One complaint related to a young man with Asperger's syndrome and diabetes. Our investigation identified a lack of training for the relevant staff; no effective action being taken to organise alternative respite care; significant delays in carrying out assessments and drawing up care plans; a lack of detail in the carers' assessment and inaccurate information being provided about the likely availability of supported housing in the area. The Council agreed to address these failings by providing training for the appropriate staff; reviewing the carers' assessment; addressing the issues of respite care and reassessing the issue of supported housing.

A second complaint related to the provision of services to someone who had moved out of the Council's area and subsequently died. Although there had been various administrative errors, it was not possible to say that these had resulted in the death of the client. Nevertheless, these errors, as well as the handling of the complaint from the client's parents and their advocate, had caused unnecessary uncertainty for them which warranted payments of compensation for both the parents and an advocate totalling £450.

A third complaint concerned the domiciliary care the complainant's father had received from the Council and agency acting on its behalf. The Council and the agency each offered to pay £350 in compensation, which the complainant agreed to accept as a settlement for his complaint.

The fourth complaint concerned remarks by an officer which the complainant had found offensive. The Council agreed to settle the matter by sending a letter of apology.

The fifth complaint related to a delay in paying compensation agreed with my office in settlement for an earlier complaint. This was quickly resolved with no need for an additional remedy. The Council has amended its procedures to ensure that this problem would not recur.

#### Children and family services

We settled one complaint about the Council's failure to provide support to the complainant when her grandson was placed in her care for six weeks. The Council then took six months to reply to her complaint about the lack of support. The Council agreed to send a letter of apology, pay compensation of £250 and to review its procedures for using family placements in emergencies. It would be helpful to have a copy of the revised procedures.

#### Transport and Highways

We settled four transport and highways complaints.

One complainant complained twice to my office about the failure to respond to his correspondence. As the injustice caused to him was not great, on the first occasion the Council simply agreed to send him a response to his correspondence. However, when he had to complain again, the Council agreed to send a personal letter of apology to him along with a local history book as a goodwill gesture. It also agreed to review its procedures for recording and monitoring the handling of correspondence. I look forward to receiving the outcome of this.

A third complaint related to confusion over when photographs relating to a parking contravention had been taken, as they were neither dated nor timed. The Council agreed to apologise for the confusion.

The fourth complaint concerned a decision not to install temporary unrestricted parking bays to alleviate parking problems, pending the outcome of a review of a Traffic Management Order. This decision was taken in the light of the views of just one resident, which I considered unfair. The Council agreed to pay compensation for the complainant's sense of outrage at this treatment and for the time and trouble involved in pursuing the complaint, totalling £400

#### Housing

We settled three housing complaints.

One involved a homeless application where there had been a delay in making a formal offer of permanent accommodation. As a result, the Council agreed to make a final offer under its direct allocations procedure.

The other two complaints were from the same complainant. The first related to a failure to give proper consideration to allegations of anti-social behaviour within the context of a general application for housing. As a result, the Council agreed to consider the allegations at a multi-agency task group.

However, the multi-agency task group did not meet for sometime and the Council failed to keep the complainant informed about the reason for the delay, resulting in the second complaint. The Council paid compensation totalling £125 and sent an apology.

#### Planning & building control

We settled three complaints relating to enforcement action.

One was about a decision to take enforcement action over an alleged contravention of the Environmental Protection Act 1990 without first gathering evidence. This was not in line with the Council's own procedures for dealing with such matters. As a result, the enforcement action was withdrawn and the Council agreed to pay compensation totalling over £900 covering, amongst other things, the complainant's legal fees.

The other two complaints were about delays in taking enforcement action over unauthorised developments (a boundary fence and a garden shed). The Council agreed to pay compensation for the inconvenience caused to the complainants, totalling £385.

We also settled two complaints about planning applications.

The first concerned a failure to ensure the construction of a soak-away when dealing with a planning application for a neighbour's garage. This resulted in the complainant's land being affected by drainage problems. The Council agreed to send an apology and to pay compensation of £500.

The second concerned the Council's failure to consider the impact of a new development on the complainant's bungalow, including the effect of its height, the use of a passageway between the two properties (resulting in nuisance from visitors and a loss of privacy), and the issue of surface water drainage. The Council agreed to pay £3000 in compensation for the nuisance. It also agreed to pay the difference between the value of the complainant's bungalow with the new development as built and its value if the approved development had taken more account of the complainant's situation. The settlement of this sum has still to be finalised.

Other matters

When settling a complaint in 2005/06 the Council said it was introducing a new Housing Allocations Policy and agreed to send a copy when it had been produced. I understand there have been some delays in finalising this. I would therefore welcome an update on progress and to know when you expect to be able to implement the new scheme.

Your Council's complaints procedure and handling of complaints

My office referred 21 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At 27% of all decisions this is very close to the national average.

Five premature complaints were resubmitted to me during the period. I did not pursue three of these; the other two are yet to be decided. This evidence suggests that the Council is dealing effectively with complaints through its own complaints procedure.

I note that your Complaints Officer has adopted a similar practice to our own, by sending letters to complainants setting out a provisional view on their complaint and providing them with an opportunity to comment before reaching a final conclusion. I commend this development which ensures a fairer and more open system for complainants.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and 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.

Liaison with the Local Government Ombudsman

Since July 2005, my target for receiving councils' responses to my enquiries has been 28 days. My officers made fewer enquiries than in the previous year, 26 compared with 34 in 2005/06 but your Council's average response time rose from 36.2 to 37.7. This response time remains well outside my target and does not compare well with other unitary authorities. The delays occurred across the Council and there was no department that had an average response time within my target.

My officers have commented on these delays, as well as delays in responding to follow-up enquiries and the difficulty of contacting officers over the telephone, particularly towards the end of 2006 and in the early part of 2007. However, following a reorganisation of staff and the provision of some additional support these problems now seem to have been resolved. I hope that in the coming year the Council will be able to reduce its response time to the target I have set.

Against these problems my officers have also commented on the helpfulness of your Complaints Officer and the Council's willingness to settle complaints in a constructive way. I appreciate this assistance that the Council is giving my office.

Last November one of your officers attended our Link Officer Seminar. I trust she found this useful. In February of this year one of my Investigators visited your offices to give a presentation on the work of the Local Government Ombudsman. The presentation was attended by 26 Council Officers and I hope they found it useful.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

#### 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

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Enc: Statistical data

Note on interpretation of statistics

Leaflet on training courses (with posted copy only)