

20 June 2007



The Commission for
Local Administration in England

Mr K Crompton
Chief Executive
Luton Borough Council
DX 5926
LUTON

Jerry White
Local Government Ombudsman

Neville Jones
Deputy Ombudsman

Our ref: JRW/FW/vms
(Please quote our reference when contacting us)

Dear Mr Crompton

Annual Letter 2006/07

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year and to draw any lessons learned about the authority's performance and complaint-handling arrangements. I hope you find this letter a useful addition to other information you have on how people experience or perceive your services.

The format of the annual letter is slightly different to last year and is set out as a separate document attached. I would again very much welcome any comments you may have on the form and content of the letter.

We will publish all the annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission, as we did last year. We will again wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it.

I would again be happy to consider requests for me or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely

J R White
Local Government Ombudsman

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The Commission for
Local Administration in England

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

Volume

We received 42 complaints during the year, a slight reduction compared to the 45 last year. But we expect to see fluctuations over time.

Character

Complaints spanned a variety of service areas, the complaint numbers for the service areas showed no significant change this year. Nine complaints were received about children and family services, and seven about housing. Education received six complaints compared to five the previous year. Public finance (which includes Council Tax) received six complaints, compared to nine the previous year. Only three complaints were received about benefits. Three complaints were received in the other category, which included complaints about anti-social behaviour, the impact of the blue badge scheme and failure to use the Council's Review Panel.

Decisions on complaints

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.

Eight complaints were settled locally. In one complaint, about a parking bay outside a complainant's home, the Council wrongly assessed the complainant's eligibility for a bay, marking one out and then removing it without informing the complainant. The Council agreed to pay the complainant £500 for raising his expectations and for failing to tell him that the bay would be removed.

Three housing benefit complaints were locally settled. In one case the Council failed to deal with an appeal against an overpayment of housing benefit or reply to correspondence. The Council cancelled the collection of the overpayment when it received information from the complainant, and that was sufficient to remedy the complainant's injustice. In another case a complainant with a young baby did not have her housing benefit assessed for nine weeks, causing her stress and anxiety as she thought she would be evicted. The Council apologised to the complainant and paid her £100. In the third case the Council failed to credit a complainant's rent account with a discretionary housing payment, and failed to tell her about her right to appeal its decision about a benefit overpayment or notify her that it had decided the overpayment was no longer recoverable. The Council agreed to remedy the hardship

and uncertainty caused to the complainant by making the appropriate credit to her rent account and paying compensation of £500.

In a housing complaint, the complainant who owned a garage in a Council block of garages complained the block had become dilapidated, insecure and subject to vandalism. The Council promptly arranged for a meeting with the complainant on site and set out what steps it would take to make the garages more secure with the aim of bringing them back into use in the future.

Two complaints about Council Tax were locally settled. In one case the Council gave incorrect advice to the complainant about entitlement to a disregard for Council Tax purposes which caused her to receive an unexpectedly large bill. The Council agreed to pay the complainant £100, to be set off against her Council Tax arrears. In the second case the Council had applied a single person's discount to the complainant's Council Tax bills over a number of years although she did not apply for it and was not entitled to it. The Council did not introduce annual reviews of discounts until 2004. The complainant contacted the Council about the discount in 2004 but the Council did not amend its records until 2006 when it then sent the complainant revised invoices. I was pleased that the Council's Finance Director agreed to remedy the complaint by waiving the requirement for the complainant to pay the invoices between 1993 and 2004 and paying her £100 for the time and trouble she was put to in pursuing her complaint. This remedy recognised that the complainant knew she was not entitled to the discount after 2004.

The remedies agreed by the Council for the cases that were settled included compensation and debt write-off totalling £2687. I am grateful to the Council for its assistance in settling these complaints.

~~Issues~~ no reports against the Council during the year.

Other findings

Thirty eight complaints were decided during the year. Of these, seven were outside my jurisdiction for a variety of reasons; 13 complaints were premature and, as I mentioned earlier, eight were settled locally. The remaining ten were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

The number of premature complaints (13) is relatively high when set against the number of incoming complaints (38) and amounts to 34.2%. This compares to the national average of 28.2%. However the number of premature complaints is similar to last year, and as I commented then, it appears the Council advertises its complaints process effectively on its website. It may be, though, that staff are not signposting complainants to the procedure as readily as they might.

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. 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

We made enquiries on 21 complaints this year, and the average time for responding was 31.8 days, about the same as last year. I hope the Council will take steps to ensure its response times continue to improve in order to meet the target of 28 days next year. Although the Council has not met our target response time, in general the responses received have been comprehensive and helpful.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Reynold Stephen know and he will arrange for an invitation to be sent. In addition, if it would help for Mr Stephen to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

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.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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.

J R White
Local Government Ombudsman

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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

LOCAL AUTHORITY REPORT - Luton BC

For the period ending 31/03/2007

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
01/04/2006 - 31/03/2007	1	3	9	6	7	3	4	6	0	3	42
2005 / 2006	2	4	8	5	4	8	2	9	1	2	45
2004 / 2005	5	1	5	2	13	7	2	3	0	4	42

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
01/04/2006 - 31/03/2007	0	8	0	0	7	3	7	13	25	38
2005 / 2006	0	7	0	0	17	9	3	14	36	50
2004 / 2005	0	5	0	0	17	6	5	7	33	40

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
01/04/2006 - 31/03/2007	21	31.8
2005 / 2006	17	32.4
2004 / 2005	19	25.8

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0

Notes to assist interpretation of the LGO's local authority statistics

1. Local authority report

This information forms an integral part of the Annual Letter to your council. Again this year, the Annual Letter will be published on our website, at www.lgo.org.uk

The detailed information in the printouts is confidential.

2. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

3. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. 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.

/...

Premature complaints: decisions that the complaint is premature. 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 to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint to the council as 'premature'.

4. 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.

5. Average local authority response times 2006/07

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

6. Categories of complaint

From 1 April 2007 we have amended our complaint category system, and you may notice some changes in the descriptions used in our decision letters and on the printouts attached.

The major change is that we now split social services cases between 'adult care services' and 'children and family services', in order that complaints relating to children and young people can be easily identified.

7. Complaints about personnel matters (employment and pensions)

We receive some complaints from members of council staff about personnel matters. These are usually outside our jurisdiction, and our practice is now to advise you that we have received the complaint without informing you of who made it.

For that reason, any such complaints on the attached printouts will show a blank space for the complainant's name.