



Review of Local Government Complaints 2015-16

Contents

| | |
|--|-----------|
| At a glance | 1 |
| Introduction | 2 |
| About the statistics | |
| The Ombudsman's view | 3 |
| The future for local government complaints | |
| Making a difference | 4 |
| Remedying injustice | |
| Improving local services | |
| Local Government complaint numbers and trends | 7 |
| Adult social care | 7 |
| Benefits and tax | 10 |
| Education and children's services | 11 |
| Environmental services, public protection & regulation | 15 |
| Highways and transport | 16 |
| Housing | 17 |
| Planning and development | 19 |
| Corporate and other services | 20 |
| Supporting local scrutiny | 21 |
| Data tables | 22 |

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3,529 recommendations to put things right

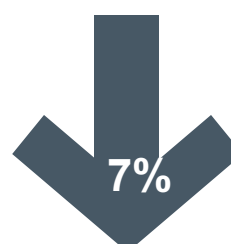


Significant changes on previous year (complaints and enquiries received):

Education &
children's services



Housing



Introduction

This report publishes the complaint statistics of the Local Government Ombudsman, for its local government jurisdiction, for the year ending 31 March 2016.

In publishing the statistics by local authority, available in data tables at the end of this report, we aim to help local authorities to analyse their complaint handling performance and provide an open resource for anyone who wishes to scrutinise local services. The report also reflects on the statistics to give our view on what they mean for the local government sector.

The headline messages from this year's statistics are:

- > we received 19,702 complaints and enquiries, which is a similar level to the previous year
- > we upheld 51% of detailed investigations, which has increased from 46% the previous year
- > the area most complained about is education and children's services
- > we also saw the biggest increase in percentage terms (13%) in complaints and enquiries about education and children's services

We know, however, that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from those complaints to improve the experience for others.

This year we are able to publish more information about the recommendations we make to

put things right when people have suffered. We made 3,529 separate recommendations to remedy injustice. These recommendations include actions for the local authority to take to remedy injustice for individuals and to prevent injustice for others by improving practice.

Our investigations can also provide local authorities with the reassurance that they have carried out a fair investigation of a complaint and satisfactorily offered to put things right, before the person decided to come to us. Our annual review letters to local authorities, published in tandem with this report, show the number of upheld cases where we were satisfied with the remedy the local authority had proposed. They also show how often each authority complied with our recommendations – we welcome that 99.9% of recommendations were complied with across all local authorities last year.

The LGO is the final stage for complaints – the person affected must have gone through their local authority's complaints process before coming to us for an independent review of the case. So in relation to the many thousands of exchanges happening daily between local authorities and people in their areas, our complaints are a relatively small proportion; however each one represents a problem that was not put right locally, or an experience that drove the person to pursue their complaint with us. This report includes examples of some of the issues we see through case studies from people who have complained.

The report concludes with advice on using the statistics to support

local scrutiny, including a set of questions to help local councillors scrutinise how their authority responds to, and learns from, complaints.

About the statistics

To reflect the changing definition of what constitutes local government services, for the purposes of this year's annual review of local government complaints we have widened the scope of the bodies classed as local government. Editions of this report from previous years counted complaint numbers for councils and national park authorities only; whereas the data in this report incorporates complaints and enquiries registered against other local bodies that fall under our jurisdiction. These include school admission appeal panels, fire authorities, transport authorities, police and crime commissioners, and some other government organisations. In this report, we use 'local authority' as an umbrella term for this larger group of organisations. The widening of the scope of bodies we have classed as local government has undoubtedly been a factor in the 6% rise in complaints and enquiries received when compared with last year's report.

The LGO also looks at complaints about independent social care providers. This includes complaints from people 'self-funding' their care without any involvement by the council. Data for independent care providers are not included in this report, but are incorporated in our annual review of social care complaints, published in the autumn.

The Ombudsman's view

The future for local government complaints

I am pleased to present the LGO's third annual review of local government complaints, which continues our commitment to openness and transparency through the publication of our complaint statistics. It adds to the suite of information we publish to help share the learning from complaints to improve local public services. I hope it will be of interest to all those working in the sector. The new statistics we include this year about our recommendations to put things right demonstrate the impact our investigations have, not just in remedying injustice for individuals but also in preventing injustice for the wider public. The review is published on the same day as LGO Annual Letters to each local authority in England. These are available on our [website](#). A combined data table is also attached to this report. During our investigations we agree that some complaints have been remedied satisfactorily by the local authority, and for the first time this year we acknowledge the number of complaints where this has happened.

This will be the last annual review of local government complaints that I present, due to my seven year term of office completing at the end of 2016. When I joined the LGO in 2010, I could not have envisaged the level of change I would witness during the period.

The role of local authority as commissioner of services has become increasingly prevalent. Nowadays service delivery typically involves a complex mix of public, private and charitable organisations working together. While local government has proven its abilities to adapt and innovate in light of budgetary challenges, these systems have inevitably changed the relationship between the citizen and public service provider. This has brought with it challenges for local authorities in retaining accountability structures and ensuring redress is accessible when things go wrong.

The devolution agenda is perhaps the biggest change to local government in a generation, and will transform the way public services are held to account. We have worked with the frontrunner combined authorities to support their thinking on developing effective and accessible complaints processes that fit the emerging new structures of local service delivery. It is important that the LGO retains its authority in the future to affect remedy in this brave new world.

The maze that people are sometimes required to navigate in order to raise a complaint about a public service has been one of my biggest concerns. It is clear that a single Public Services Ombudsman would present a more accessible and effective route to redress. Local

government can be reassured that we continue to work closely with the Cabinet Office to ensure that our 40 years plus experience of remedying local government complaints, and understanding its unique accountability structures, informs the development of any draft legislation.

Finally, I express my appreciation to those that have brought complaints to us – you can be reassured that in doing so you have helped to make services better for others. And I wish to credit those in local authorities that have worked constructively with us, sometimes in challenging situations, to ensure complaints are resolved.

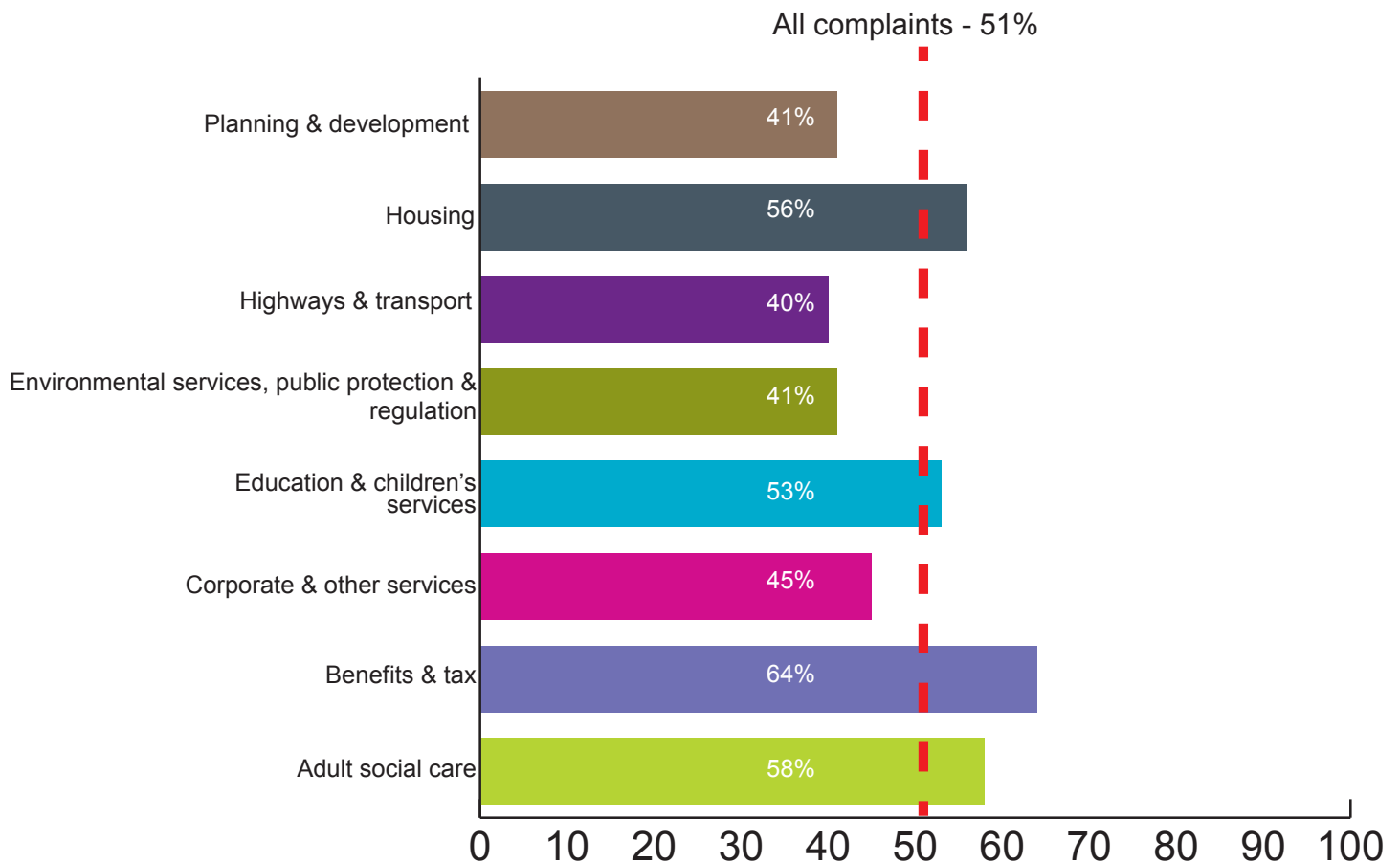
Jane Martin
Local Government Ombudsman

Making a difference

Remedying injustice

Experience tells us that the most effective and timely way to resolve a complaint is for it to be put right at the local level before the issue escalates to the Ombudsman. However, our casework tells us that a significant amount of complaints are not resolved satisfactorily locally, leaving people to ask us for an independent review. We carried out 4,464 detailed investigations, and upheld 51% of these (2,260 in number) last year.

Detailed investigations upheld

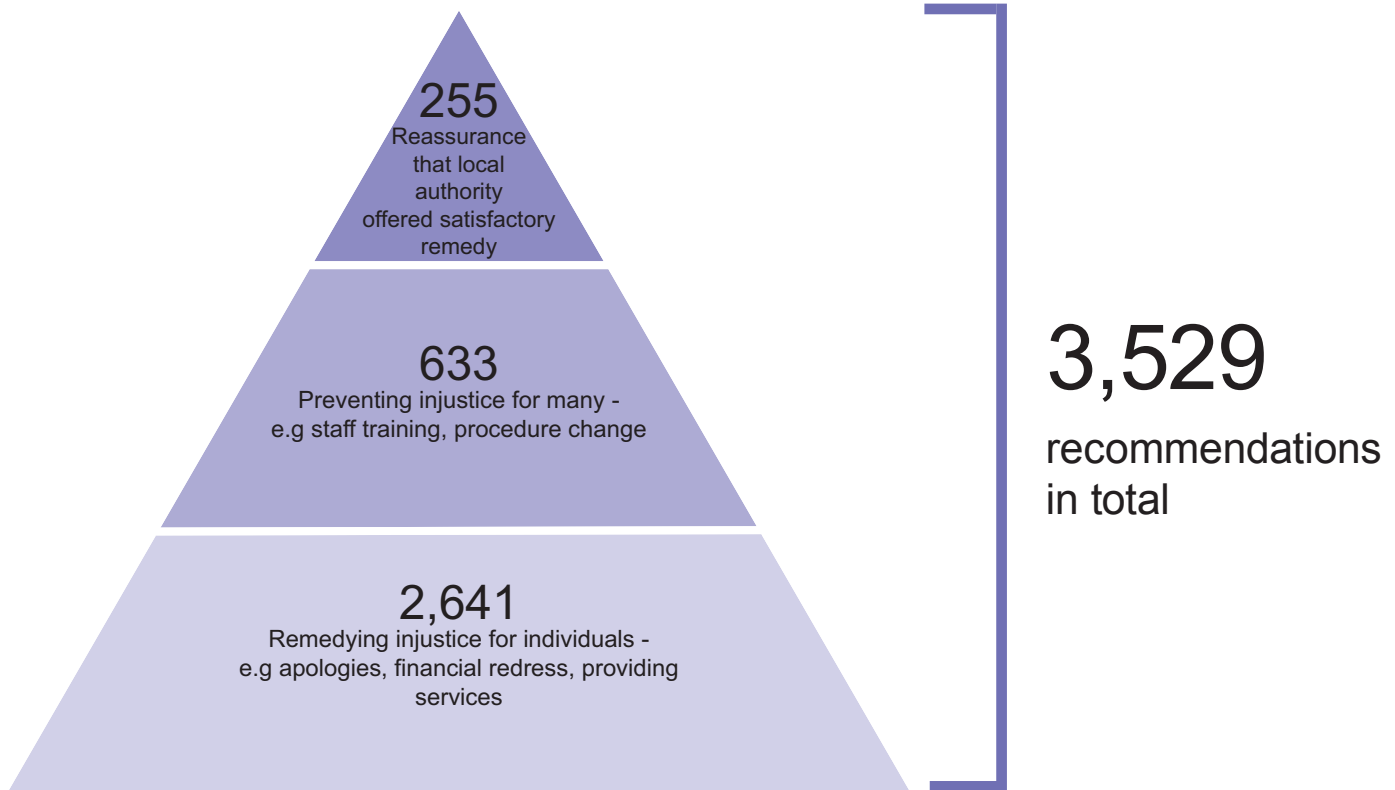


We are most likely to find fault in complaints about benefits and tax (64%), and least likely to find fault in complaints about highways and transport (40%).

We class a complaint as upheld when we find some fault in the way the local authority acted. This includes complaints where a local authority acknowledged fault in their local investigation and offered to take action to put it right, but the person still wanted an independent review of the complaint by us.

Making a difference

Recommendations to put things right



Types of remedies

If we decide the local authority has acted with fault, and the fault caused an injustice, we will make recommendations for the local authority to put things right to remedy the fault. Our recommendations are designed to place people back in the position they were in before the fault happened.

We will recommend an apology where the local authority has not already done so. A common phrase we hear is: "I simply want somebody to take responsibility for what happened".

We look to see whether remedial action needs to be taken to restore a person's situation. This may include reinstating or providing a service, making a decision on something under the right grounds, or providing information.

If the injustice cannot be remedied through remedial action we may recommend a financial payment. This may be a specific and quantifiable value, for example a tax that somebody should not have paid. But often it represents a loss that is more difficult to value, such as the impact of the loss of care services. We also make recommendations for a payment to recognise the distress that somebody has suffered as a result of the authority's errors, as well as the time and trouble someone is put to in having to pursue their complaint with us.

Impact of recommendations

Our powers allow us to investigate matters that come to our attention during an investigation if we think other people, who have not complained to us, may have suffered. We can then make recommendations to remedy the injustice to those others. In addition when we find faults with a policy decision that may have affected multiple people, we can recommend the local authority reviews its files and puts things right for other individuals similarly affected.

Making a difference

Stories we heard

Remedying injustice – putting things right for others

Katrina and her younger brother George became involved with the council's children's services department when the council became concerned about a potential risk to their safety. Following a meeting with the different agencies involved, the council placed the children on child protection plans.

Katrina complained to us that she had suffered significant distress during the period because of the way the council treated her through the process.

We did not criticise the council for initiating the child protection meeting, but found that it did not properly involve Katrina in the meeting as it should have done according to local guidance, and she was unnecessarily denied contact with one of her parents for a number of months. It also did not properly inform all the agencies involved once it had found no risk and closed the case.

Only Katrina had complained to us, but we recognised that the council's faults had also caused injustice to her brother George. The council agreed to our recommendations to put things right for both children. This included written apologies and offers of counselling for the siblings, as well as financial payments to recognise the distress caused and their uncertainty about how events may have panned out differently but for the council's faults.



Improving services

We always consider whether the issues uncovered in an investigation may affect other local people in a similar manner, and whether we can make practical recommendations to avoid that happening. Examples of this include recommendations to review council policies, change procedures, or provide staff training. We are particularly likely to recommend this type of action if we find faults with a local authority policy, standard procedure or especially poor administrative practice.

An integral part of our work is sharing our intelligence and experience from complaints to encourage better services for all. We regularly publish 'Focus Reports' that look at systemic issues found in our complaints. These feedback good practice to local authorities and raise public awareness where there is clear evidence of a public interest. We publish all of our decisions (except where there is a risk to the anonymity of those involved) and complaints data as a resource for people to interrogate. The identity of the complainant is not revealed in our decisions, but we do name the body in jurisdiction.

Local Government complaint numbers & trends ¹³⁵



Adult social care

We received 2,584 complaints and enquiries about the responsibilities of councils for adult social care, which is a 4% increase on the previous year. We upheld 58% of complaints investigated in detail.

In our role as Local Government and Social Care Ombudsman, we can provide redress for people with unresolved complaints about any aspect of adult social care, regardless of whether or not the council funds or commissions the services. We can investigate any independent social care providers registered with the regulator, the Care Quality Commission (CQC).

This report only includes the statistics for complaints about the responsibilities of councils, and touches on the most significant themes. We publish an annual review of social care complaints every autumn, which analyses the trends across the whole sector in more depth.

Assessment and care planning

We received the most complaints within adult social care about the assessment and care planning process, at 601. We also upheld 70% of detailed investigations that were specifically about care planning.

Assessment and care planning are at the heart of any council's social care responsibilities. Councils have a statutory duty to carry out an assessment for anyone in their area who appears to need care and support. If eligible, they must draw up a care plan to meet agreed outcomes which is regularly reviewed. Some of the common faults we find in this area are:

- > poor communication
- > not involving families adequately
- > delays in assessing and reviewing, and
- > inadequate information to enable people to make the right choices.

If we identify faults in the assessment and care planning process, we will look to see if direct action could restore the situation, such as carrying out an assessment or review, putting in place a service or involving the family in the process. Typically it can be difficult to quantify the impact of not providing support, but we may recommend a payment to recognise avoidable distress.

Local Government complaint numbers & trends



Adult social care

Charging

We registered 278 complaints and enquiries about charging for care, and upheld 62% of detailed investigations.

The social care system can be complex for people to understand, and it is often at a time of crisis when people first encounter the need for support. Many of the cases we see about charging relate to information being given which is inconsistent or out of line with current guidance.

Our recent Focus Report on charging explains some of the ways we typically remedy injustice in this area.

Focus Report – providing the right information on fees



Our cases show that many people are not being given the right information about charging for social care, meaning they often pay too much. People can choose to pay for more expensive care, but it must be a genuine choice.

We published a Focus Report, [Counting the cost of care](#), showing some of the common issues around care 'top-up' fees.

We told some of the stories of people who come to us for help. These included people who had been given confusing or incorrect advice by their council, or those who were not offered a genuine choice of affordable care home that did not require a top-up fee. Other stories included peoples' finances being assessed before their care needs, and councils abdicating responsibility for the top-up to the care home.

To put things right we can recommend action such as an apology, a refund of top-up fees that should not have been charged or a reassessment of needs. We often make recommendations to review procedures to ensure others are not affected.

The report provides insight from our complaints to help councils (and care providers) implement best practice. We also provide questions for councillors to help them scrutinise services locally. By achieving significant publicity for the report we raised public awareness of the right to sound information to enable informed decisions about care.

Local Government complaint numbers & trends



Adult social care

Home care

People may prefer to have their care needs met in their own home to have a level of independence and maintain familiarity with their surroundings.

We experienced a 29% increase in the number of complaints and enquiries received about councils' provision of home care (also known as domiciliary care) from 218 the previous year to 281 this year. This contrasts with a steady decline in the number of people receiving home care funded by local authorities – it fell by 20% between 2009 and 2015¹.

This means that, as a proportion of all people receiving home care with local authority involvement, more are bringing a complaint to us.

There could be a number of reasons for this. However, the outcome may be seen positively: that more people are coming forward to make their concerns

heard. On the other hand, we upheld a high level of complaints (67%), which would indicate councils are often getting it wrong in this area.

Common faults include failure to provide services, such as cancelled or short visits, inaccurate invoicing for and recording of visits, poor communication between the commissioning council and the home care provider and not seeking timely medical assistance.

Some of our complaints reflect issues that have been highlighted by the sector. The Care Quality Commission's (CQC) report *Not just a number* found common issues were undermining the majority of good home care².

These included a lack of consistency of care workers and missed or late visits, amongst others. More recently, a study by UNISON found that 74% of local authorities in England were

limiting some home care visits to 15 minutes³. Guidance by the National Institute for Health and Care Excellence (NICE), introduced in September 2015 advises that home care visits should be no shorter than half an hour unless they are for basic tasks and part of a wider support package or to check someone is safe and well⁴.

¹ [United Kingdom Homecare Association \(UKHCA\) Summary: An Overview of the domiciliary care market in the UK Homecare – May 2016](#)

² [Care Quality Commission - February 2013](#)

³ [Suffering alone at home, Unison, 2014](#)

⁴ Home care: delivering personal care and practical support to older people living in their own homes (NICE guidelines NG21), September 2015

Local Government complaint numbers & trends



Benefits and tax

We received 2,562 complaints and enquiries about benefits and tax. We upheld 64% of those cases we investigated.

Council tax

We registered 1,511 complaints and enquiries in this area. Where we completed an investigation, 61% of cases resulted in complaints being upheld.

Some of the common issues we find include problems with the administration of individuals' council tax accounts, delays in responding to complainants and providing inaccurate information. We receive a number of complaints and enquiries about changes to discount schemes on council tax for empty properties, after councils were given additional powers to manage these schemes locally.

Enforcement agents (bailiffs)

There has been an increase in the amount of complaints and enquiries received about the actions of bailiffs recovering council tax. The increase was at 46% on the previous year (86 received this year and 59 the previous year).

As councils take more action to recover debts the use of bailiffs will undoubtedly increase. While bailiff action can be an unpleasant experience we upheld very few complaints this year about the

actions of a bailiff using their 'Taking Control of Goods' powers.

Business rates

We registered 143 complaints and enquiries about business rates. While we carried out proportionately fewer detailed investigations than in previous years, we upheld a higher percentage of them. On issues of rating the liability for business rates, there is a specific route to redress through the courts. However we find some common issues around delays in dealing with information, as well as councils' discretionary decisions on business rate reliefs.

Complaints about council tax and business rates are often about how councils take action to recover debts. Despite a tax being properly due, we sometimes find a council unreasonably delayed in billing someone, resulting in them receiving a sudden and unexpected demand for a large debt. In these cases we may recommend some of the debt is waived.

In some cases we help people that come to us by advising on the best way to get their problem resolved. This may be to a Valuation Tribunal if the dispute is about liability to pay tax. We

have found councils at fault for not making the appeal route clear to complainants and for incorrectly dealing with liability issues through the corporate complaints process rather than the correct appeal process.

Housing benefit

The majority of our benefits-related complaints are about housing benefit. We registered 752 complaints and enquiries and upheld 68% of investigations. We look at the way councils deal with the claims and how they advise of appeal rights. We also consider landlord complaints that councils have not made a direct payment of housing benefit to them.

If we find that an unnecessary delay by a council caused an injustice, we may recommend it make a payment to reflect this. We can also recommend councils pay landlords for sums lost if we find fault in this area. We may also recommend a council reviews its administrative processes.

Local Government complaint numbers & trends



Benefits & tax

Council tax support and council tax benefit

Council tax benefit was abolished in April 2013, but we still receive some complaints about council tax benefit overpayments. We registered 119 complaints and enquiries last year. Common faults we find in this area include when a council delays in dealing with a claim or passing a case to appeal. If a council is taking steps to recover tax, but we find fault in the way the original claim was handled, we can consider how the person has been affected and make a suitable recommendation to put this right. For example, we can recommend the council determines a claim without delay or reimburses costs incurred by the complainant caused by the delay in determining a claim.

Stories we heard

Council tax - unreasonably late billing

Between 2003 and 2006 Angela shared a rented flat with three other tenants. They believed the landlord was responsible for paying the council tax. Neither the tenants nor the landlord told the council they were renting the flat.

The previous owner of the flat had died, and between 2002 and 2010 the council sent bills to his representative. The bills were not paid, but the council did nothing about chasing this up until July 2010 when it was told the flat had been sold. It billed the new owner, who told the council about Angela and her co-tenants. The council sent the four tenants bills for more than £4,600 to the only address it had – the property. No payments were received. In 2011 the council instructed bailiffs who were unable to find Angela or the other tenants and passed the debt back to the council in mid 2012. In early 2014 the council found Angela's current address; it could not find the address of the other tenants. It wrote to Angela asking her to either pay the debt in full or make an arrangement to do so.



Angela complained about being asked to pay such a large sum so long after she had left the property. She said she had no addresses for her former flat mates.

We found the council was right to say Angela and her co-tenants were all liable for the debt. But we also found the council was at fault in having delayed for so long in checking if the late owner had sold the property. It was also at fault in its delays in trying to contact Angela after it billed her; there were long periods when no action was taken to find Angela's new address. The council agreed to our recommendations to reduce Angela's debt to 25% of the total, which is what she should have paid if she had been billed in time, and then to halve this total because of the further delays in contacting her.

Local Government complaint numbers & trends

140



Education and children's services

During this period, we received 3,438 complaints and enquiries about education and children's services. This is the highest volume of complaints we deal with in comparison with other subject areas. We upheld 53% of those cases we investigated.

Child protection

We registered 903 complaints and enquiries in this area. Where we completed an investigation, 68% of cases resulted in complaints being upheld. This is considerably higher than the average for all complaints (51%).

Child protection complaints relate to safeguarding procedures which are intended to protect children from the risk of neglect or abuse. Often complaints are made by parents or family members, about or on behalf of a child or young person. They may consider that something has gone wrong in the process and the child or young person has been left at risk of harm as a result. We also receive complaints from people who have been investigated due to child protection concerns being raised. By their nature these complaints require sensitive handling and sometimes the outcome the complainant desires is something that only the courts could decide – for example revoking a decision to remove a child from the family.

Where we find fault in child protection complaints, recommendations to review safeguarding procedures is particularly important to avoid the likelihood of other children being similarly affected.

Children's statutory complaints procedure

Many complaints we receive are about or involve councils' application of the statutory children's social care complaints process. This is designed to ensure the rights and needs of the child are at the heart of the process and that young people's voices are heard. Once a complaint has been accepted via this procedure, complainants have a right to progress through each stage: local resolution; investigation; and independent review. We regularly see instances where councils fail to follow the process, or its guiding principles. In these cases we may recommend a financial payment if failures have caused or compounded the person's distress.

Child sexual exploitation

Recent inquiries into the failures to prevent child sexual exploitation in some areas are well publicised. We have only received a small number of complaints on the subject. But, we have seen some instances where a council has taken a lack of consent from a young person to justify not investigating a complaint or for failing to take safeguarding action. This is of concern given the young person may not perceive themselves to be a victim or vulnerable to potential exploitation and do not therefore recognise they may be in need of protection. A failure to properly consider and assess a young person when such concerns have been raised may leave them at continued risk.



Education and children's services

School admission appeals

We registered 654 complaints and enquiries in this area. We investigated fewer complaints than in previous years but upheld significantly more cases, 43% in 2015-16 compared to 26% 2014-15. We do not have jurisdiction to consider complaints about Academies and Free Schools and so the number of complaints we are able to consider has reduced significantly as more schools have converted to Academy status.

Common themes in the complaints we uphold are poor administrative practices such as insufficient information provided or new information presented on the day of the appeal; inadequate recording of the decision making process; panels taking into account irrelevant information and poorly communicated decisions leaving appellants with no understanding of how the decision was reached.

When we find fault and are satisfied it has caused an injustice we usually recommend the admission authority holds a fresh appeal with a different panel, to restore faith that the parents' appeal is heard impartially and fairly. We may also recommend it reviews its admission criteria or appeals procedure.

Special Educational Needs

We registered 355 complaints and enquiries about special educational needs (SEN). We upheld 70% of those cases we investigated. Again this is considerably higher than the average across all subject areas (51%). Where we do find fault, the impact on the individual and their family can be particularly acute. Cases can be complex, and we often see complaints where the relationship between the family and the council has broken down.

Delays in the process are one of the overriding features of SEN complaints we uphold. In addition we tend to find problems where there has been no holistic and timely approach to planning for future needs – particularly around the key transition points between stages of schooling and post-16 education.

Where we find fault, we can recommend a financial payment to recognise the lack of provision or ask that relevant assessments or reviews take place promptly. Unfortunately we regularly see cases where a child is left without suitable education for prolonged periods, which requires careful consideration to recommend a remedy that addresses all the issues of missing out for such time.

New arrangements for education, health and care plans (EHCPs) to replace statements of SEN came into force in September 2014. Due to the timescales of this process it is too early for us to have seen enough complaints about EHCPs to identify systemic trends. But some initial concerns are councils failing to arrange transition meetings for transfer from statements to EHCPs, or using the 20 weeks timescale as a deadline rather than aiming to complete the process as quickly as possible.

School transport

We received a significant increase in the number of complaints and enquiries about councils' provision of school transport. We have seen some emerging issues where school transport has been withdrawn without there having been any changes to the transport policy or the person's circumstances. We have also seen a number of complaints where changes to longstanding transport policies have been made without parents being informed or provided with clear and timely information about them. These type of changes often affect many families in the council areas. In some of the cases we received, the catalyst for the local changes affecting people have been the council reviewing its transport policy, or how they apply their existing policy, in light of a need to reduce costs.

Local Government complaint numbers & trends ¹⁴²



Education and children's services

Stories we heard

Child protection – not following the children's complaints process

Petra became the adopted mother of two young girls, aged four and five. The children told her that their former foster carer had smacked them.

Petra approached the council with the allegations. It, and the council failed to convene the correct planning meetings and social workers recorded the concern as 'unsubstantiated'.

Petra later raised further concerns made by the children. She also claimed that some of the children's belongings and memory boxes were not passed on from the foster carer.

The council held a meeting chaired by an independent officer to look at whether the council had investigated the allegations properly. The meeting decided that any investigation could be traumatic for the children and doubted whether sufficient evidence would be gained.

Petra tried to pursue her complaint with the council, but it refused progress it to the second stage, so she approached us.

We found the council at fault for not following the statutory children's social care complaints process. And while the council claimed it did weigh up the evidence it may get from interviewing the children over the potential harm it may cause, it also failed to follow its own policy which said that any child or adult that reports a concern must be consulted.

The council agreed to our recommendations to apologise and agree a clear plan for interviewing the children. It also agreed to train staff, and review its procedures for how it investigates allegations, how it progresses complaints through the statutory process quickly, and how it works with foster carers to impress the importance of keeping photographs and possessions safe.

We also recommended a small financial payment to Petra and her two daughters to recognise the avoidable frustration and distress they were caused.



Local Government complaint numbers & trends

143



Environmental services, public protection and regulation

We received 1,714 complaints and enquiries in this area. We upheld 41% of detailed investigations.

Refuse and recycling

The highest number of complaints and enquiries were about refuse and recycling, at 487. For many people the collection of their waste is one of the most visible functions of a local authority. Failure to properly collect waste can be a serious health hazard. A common complaint is that collections have been missed, although we often find during these investigations that councils have taken satisfactory steps to remedy this locally. When we find fault in refuse complaints, there are sometimes issues with how the council handles the initial complaint. We upheld 59% of detailed investigations in this area.

Noise

We received 188 complaints and enquiries about noise nuisance. Complaints are usually about noise from a neighbouring house or business. Councils have a responsibility to investigate cases of alleged noise nuisance and to come to a decision on whether action needs to be taken to manage it. They will usually monitor the noise to determine whether it is classed as statutory nuisance. A common issue we find is delay in the process; either in taking action to assess whether the noise amounted to a nuisance, in taking action to reduce the noise or in informing the people involved on progress of the issue.

To put things right we may recommend that action is taken to address a statutory noise nuisance, such as acoustic works. If it is clear that proper action would have led to a reduction in the nuisance sooner, we will recommend a payment to recognise a loss of amenity.

Anti-social behaviour

We received 203 complaints and enquiries about anti-social behaviour. Sometimes people complaining about these issues also experience problems with noise nuisance. Similar to noise complaints, the common faults we see include delays in taking action when action was promised, and failing to keep people informed effectively. If we find fault, we can recommend the council re-evaluates the issues and may include interviewing witnesses or reviewing with the police practical measures to control anti-social behaviour. We can recommend a payment to recognise avoidable distress. If a person's complaint is about a neighbour who is a social housing tenant, then we will signpost to the Housing Ombudsman who is the correct ombudsman to handle their unresolved complaint.

Local Government complaint numbers & trends



Highways and transport

We received 2,110 complaints and enquiries about highways and transport. We upheld 40% of detailed investigations, which is the lowest of all areas of our work.

Fines

The area in which we received the most complaints and enquiries, at 751, was parking and traffic fines. For most issues related to this subject, there is a statutory process for challenging fines through a tribunal. Despite this, we still find a number of common issues, and because of the millions of penalties issued each year any improvement by councils in this area could benefit many people. We find cases where councils have not correctly informed people of their rights, particularly when making an informal challenge to a penalty charge notice. We also investigate complaints about how councils have taken recovery action on unpaid penalty charges.

Repairs and traffic management

Most other highways and transport complaints and enquiries are about traffic management, and highway repairs and maintenance. Typically these include complaints about potholes, injury to people and damage to vehicles, parking permits and issues like road closures, speed restrictions or pavement obstructions.

Where we do find fault, many recommendations will include a financial element – either cancelling fines or fees, or a payment for the time and trouble in having to pursue the issue with us.

Stories we heard

Traffic fines - failure to reverse fine

Dan and Kirsty received a penalty charge notice by post from the council for a moving traffic contravention. It contained a photograph of the car involved, but its vehicle registration was not the same as that on the notice itself. The council had clearly sent the notice to the couple in error and they wrote to point this out.

Although it was correctly addressed, Dan and Kirsty's letter to the council was returned marked 'addressee gone away'. Despite several letters and phone calls, the couple could not resolve the matter with the council and complained to us.

At our intervention, the council accepted it had been at fault and cancelled the penalty charge. It agreed to pay Dan and Kirsty £25 to recognise their time and trouble. However, this complaint should have been resolved earlier. The council's error was readily apparent and it should not have required the couple to come to us to get things sorted.



Local Government complaint numbers & trends

145



Housing

During the year we received 2,325 complaints and enquiries about housing, which is 7% fewer than in the previous year. Most were either about how councils allocate social housing, or their homelessness services. A smaller number were about the different ways authorities are involved with private sector housing, including licensing, enforcement activity in relation to disrepair and improvement, and other issues to do with the landlord/tenant relationship. We upheld 56% of housing investigations.

Although the responsibility for complaints about the provision and management of social housing passed to the Housing Ombudsman in April 2013, we still receive many enquiries from people who want to complain about these matters. We continue to work with the Housing Ombudsman in providing information about our respective roles, but we also urge councils to improve the advice about which Ombudsman people should complain to when they have made a final decision their complaints.

Housing allocations

We received 916 complaints and enquiries about housing allocations and we upheld 51% of detailed investigations. Using our experience of those complaints we published a Focus Report, which highlighted some of the common failures in this area and acted as a timely reminder to councils of the need to ensure their allocation policies do not exclude certain vulnerable groups. Some of the recurring problems include poor handling of requests for medical priority, not updating housing applications following a change in circumstances, and failures in how exceptional circumstances are considered by applying blanket policies.

Homelessness

We received 467 complaints and enquiries about homelessness, which is an 8% increase on the previous year. We also upheld 71% of detailed investigations.

Latest government statistics for England show that around a third of all households accepted as homeless, and around three quarters of all households placed in temporary accommodation, are in London⁵. 68% (317 out of 467) of our complaints and enquiries about homelessness were against London authorities. Recently we have seen complaints about council decisions – often but not only London boroughs – to offer accommodation outside the council's area.

We have also dealt with complaints about the way councils deal with private tenants who seek assistance when served with a notice to quit from their landlord. We have also seen evidence of 'gatekeeping', where councils

delay or avoid altogether taking a homelessness application. We continue to receive complaints that offers of temporary accommodation are unsuitable and that councils take too long to carry out reviews of the suitability of such accommodation.

In complaints about housing allocations and homelessness, injustice may be suffered by vulnerable individuals or by families. Sometimes it is clear what is needed to remedy the injustice, for example by the council making an offer of suitable accommodation or by giving additional priority to a housing application. Often the remedy will include some financial redress. Procedural change recommendations may include such things as reviewing standard processes to meet government guidance and improving the information given to local people.

⁵ Statutory Homelessness: October to December Quarter 2015

Local Government complaint numbers & trends ¹⁴⁶



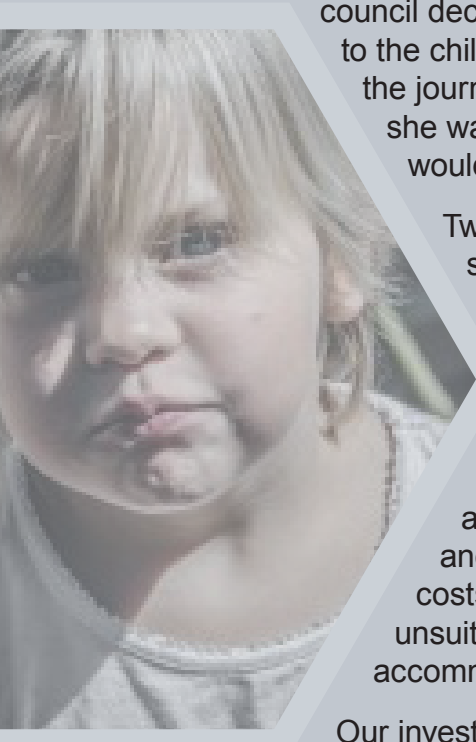
Housing

Stories we heard

Homelessness - housed out of area in unsuitable home

Anita is a single parent to three teenagers. She is on a low income and gets tax credit and Child Benefit support. The family were evicted from their London home when the landlord wanted the property back, and she applied to the council as homeless.

They were offered a three-bedroom home in a town in Essex as temporary accommodation while the council decided her homeless application. Anita was concerned about the distance to the children's schools and colleges and her job. These were in East London and the journey would take up to two hours. However she reluctantly accepted because she was advised it was the only property available and if she refused the council would consider its duty to her discharged.



Two months later Anita tried to request a review of the accommodation, stating she could not afford the significant additional transport costs; had the family been placed in London, the children would have been entitled to free bus travel. A homeless applicant, however, does not have a right to request a review of the suitability of the accommodation until a council has made a decision to accept a housing duty.

It took another month for the council to make a decision and accept a full housing duty as a homeless family in priority need. Anita lodged another review request, reiterating her concerns about the distance and costs. Ten weeks later the council concluded the temporary Essex home was unsuitable and placed the family on the transfer list for a move to more suitable accommodation.

Our investigation found the council took too long to decide the homeless application – no work happened on the case for around five months. Although the family would likely still have been placed in Essex because it was the only three-bedroom home available at the time, if the council had properly assessed the suitability of the home at the outset, taking into account the educational needs of the children, it would have recognised the need to transfer them nearer much sooner.

The council agreed to our recommendations to apologise and refund Anita the £3,000 spent on train fares over the period and pay her £500 to recognise the inconvenience and distress caused. It also offered suitable temporary accommodation in London around the time our investigation was completed.

Local Government complaint numbers & trends



Planning and development

We received 2,528 complaints and enquiries in this area and upheld 41% of investigations.

Planning applications

A large proportion of complaints and enquiries we get in planning are about planning applications – there were 1,617 received in the year. The majority are from people who object to a planning application or a council's decision to grant planning permission.

Objectors do not have a right of an appeal about a planning decision; they can take independent action in court, but with the costs usually prohibitive, we are the only realistic way for people affected by a council's planning decision to get redress. We provide individuals with redress if council administrative faults have caused them a personal injustice. However, we do receive complaints from objectors not directly affected by a development.

In the complaints where we find fault, some of the common issues are failures around publicising applications or properly considering objections to applications, explaining the reasons for decisions and considering the impact on neighbouring properties.

If we find fault causing injustice, we can recommend action to lessen the impact of development, like changes to gardens or properties to reduce overlooking, access or noise issues. In some

cases, if the application was unlikely to have been approved but for the faults identified, we may recommend a financial payment to recognise the loss of value to a property. We may recommend procedural changes or training for staff, and members of the planning committee.

Planning enforcement

We received 498 complaints and enquiries about planning enforcement. Once it is satisfied a planning contravention has taken place, a council must decide whether it is appropriate and practical to take enforcement action. There are time limits after which unauthorised development becomes immune from enforcement action, so we expect councils to investigate alleged contraventions within a reasonable timeframe. Enforcement action is discretionary, and any action taken should be proportionate to the breach identified. This means that formal action should not normally be taken unless informal negotiation fails.

A common issue raised in planning enforcement is a lack of communication. Even if we find no fault in the way a council handles the contravention itself, the failure to regularly update someone on progress invariably adds to their sense of frustration. Delays during which local people may

be suffering the consequences of unauthorised development are another problem, and on occasion result in the council losing planning control and the ability to take enforcement action.

As in planning application complaints, we would look to see if action can be taken to put right planning breaches. This may involve recommending the council takes appropriate formal enforcement action. If a council, through fault, loses planning control, we may recommend a payment to recognise a loss of amenity or value of property.

Local Government complaint numbers & trends



Planning and development

Planning enforcement - failure to retain planning control



Johan complained that a neighbour's large terrace balcony affected his privacy by overlooking his garden.

The council approved the neighbour's planning application, subject to a condition requiring him to submit detailed plans of screening measures, and build according to those plans. The council had intended the condition to also reserve the right for it to decide whether the screening was satisfactory, but failed to do this. It had assured Johan that a 1.8 metre high screen would protect his privacy.

The neighbour submitted plans that the council found unsatisfactory. After it chased the neighbour for revised plans and got no response, it decided to start enforcement action. It was at this point, that it realised the planning condition was not worded as intended and the council had lost planning control. The neighbour had met its obligations by submitting plans and building to them.

Johan decided to plant a large number of trees in an effort to protect his privacy. It is estimated it would take 3 to 5 years for them to grow to the 6 metres needed to begin to screen the impact of the balcony.

The council agreed to our recommendations. These were to make a payment to Johan for the cost of planting the trees, for the impact of the balcony on his amenities until the trees provide screening, and for his time and trouble in pursuing the complaint.

Corporate and other services



We received 988 complaints and enquiries registered about corporate and other services. We upheld 45% of detailed investigations.

Complaints in this area include: council contracts and business matters, leisure and culture, council land (when not related to planning), access to information and standards committees.

Complaints and enquiries about elections more than doubled on the previous year (from 30 to 62). This is likely due to the 2015 general election, although a number of complaints in this area were signposted to the Electoral Commission as the more appropriate body to investigate.

Supporting local scrutiny

We encourage the use of our statistics to help inform scrutiny of local public services. This report publishes our statistics for all local authorities in one place so they can easily be compared with other areas. We also publish the data in spreadsheet format on our website together with annual review letters to local authorities.

It is important to remember, however, that these statistics should be a starting point for discussion on how complaints are dealt with in an area. Different levels of complaint numbers to the Ombudsman can be caused by many factors; it is too simplistic to imply they are connected directly to good or bad services in an area. For example, low numbers may reflect poor signposting to the Ombudsman and an inaccessible complaints procedure, or it may reflect good complaint handling locally.

Local councillors have an important part to play in scrutinising local services. Many local authorities tell us they share their information about complaints with councillors, and we encourage those authorities not already doing so to start. Below are some questions councillors may consider asking to get a picture of how complaints are handled locally.

Questions for councillors

How does your council:

- > actively welcome feedback from service users about how it manages complaints?
- > report the outcomes and lessons learned from complaints to all members?
- > provide similar information that is easily accessible for the public?
- > consider how commissioned partners implement an effective complaints handling service?
- > clearly signpost its complaints procedure, including the right to come to the LGO, within all access points?

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