

Local Government & Social Care OMBUDSMAN

18 July 2018

By email

Alison Broom
Chief Executive
Maidstone Borough Council

Dear Alison Broom,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

We issued a public report about your Council last year, concerning the treatment of a homeless family. The family, with two small children, gave the Council warning with evidence from a government agency that they would be made homeless on a specific date. This met the low threshold in law to start enquiries, but the Council took no action. This was fault. The

Council could then have contacted the family shortly before the date to check what was happening and make an appointment if necessary. Its lack of action here was also fault and led to them arriving at the Council's offices in the afternoon and having to wait outside when they closed before they were later placed in bed and breakfast accommodation.

The Council accepted a duty to secure accommodation for the family and they were moved to a privately owned flat as temporary accommodation. The Council had no written agreement with the landlord. The agreement the family and the Council's caseworker signed said they might have to move immediately as a result of failing to abide by the rules of the accommodation. However, the Council and the landlord failed to show it made the complainants aware of these rules and so it was at fault.

The Council subsequently warned the family that they might be evicted by the landlord and then told the family to leave. The Council subsequently told the complainants that it had discharged its duties towards them, though this was not in writing as required. The complainants complained and said that they had been evicted unlawfully. About a week later the Council took over paying for the new accommodation they had secured and about 9 weeks later the Council decided the family were not intentionally homeless and reinstated its duties towards them. A few days after this, the family accepted permanent housing from the Council.

In addition to remedying the injustice to the family, including payments for damaged belongings, storage and removal costs, the additional costs of food which would be incurred while staying in bed and breakfast accommodation, and for distress, we recommended the Council should review and formalise its relationship with the landlord. We were very disappointed the Council felt we had exceeded our jurisdiction, and that it failed to accept all of our findings of fact and to accept all of our recommendations. We considered the Council's response and consideration was flawed, reflected a misunderstanding of our role and failed to provide proper reasons to reject the full remedy. I understand, however, following fresh legal advice, that the Council now accepts we had jurisdiction to investigate, that our legal position was correct. I also understand the Council will now comply with our recommendations in full and that it has made the recommended payments to the complainants and that it is working on a service level agreement with temporary accommodation owners to ensure that they fully comply with the Protection from Eviction Act 1977. I am pleased that it may not therefore be necessary for me to issue a further report on this matter.

In contrast to the Council's initial response to the public report, we were very pleased with the Council's response on a planning complaint which we closed with a statement of reasons and which concerned overlooking of a house and garden from a new development. Senior Council officers and the ward member visited the site and told the complainant that the "impact on your garden and house could be clearly seen and it is for this reason and the shortcoming set out by the Ombudsman's report that the Council accepted it was at fault." To seek to prevent a recurrence, training to planning officers was reviewed and this case was highlighted as part of that learning process. The training has raised awareness of officers not only to consider the impact on property owners arising from such matters but also to consider the implications arising from not discharging conditions appropriately in the first instance. We welcome this sort of positive learning response.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new [corporate strategy](#) for 2018-21 which commits us to more

comprehensibly publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny. I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the [reports](#) and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Maidstone Borough Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	12	5	0	7	5	2	7	1	39

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
3	0	13	14	7	5	42%	42

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
2	1