



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
London Borough of Brent  
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**

I received 187 complaints against your Council in 2006/07. This is lower than the 197 complaints received during 2005/06, but more than in 2004/05 when it was 173. As in previous years, most complaints were about housing (63), housing benefit and/or council tax benefit (36) and local taxation (24). No particular category of complaint has increased or decreased significantly over the past two years, although there has been a slight upward trend in complaints about benefits, from 27 to 36.

The type of housing complaint made against your Council continues to be fairly evenly spread across our different categories although those about housing allocations/housing register make up the greatest number, closely followed by Council house repairs, homelessness, sales and leaseholds and managing tenancies.

## **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.

For the first time for some years I needed to issue two reports against the Council last year. This was because I felt the faults found with its Revenues and Benefits Department's approach to debt recovery were a matter of public interest. While I understand why authorities take a robust approach to the recovery of debt, deficiencies in the benefits system or in debt recovery can cause great distress to the most vulnerable people.

The first report concerned the Council taking recovery action against a woman for a council tax debt which she did not owe. She claimed housing and council tax benefits and had a number of changes in her circumstances. The Council delayed before properly assessing her underlying entitlement to benefit for a seven month period and, as a result, her account wrongly showed arrears of council tax. The Council referred the matter to bailiffs and their approaches caused the complainant worry and distress. She asked for help from two advice agencies before the matter was resolved. I recommended that the Council pay her £500 compensation and let me know the outcome of its Anti-Poverty Strategy review.

/...

My second report was about the Council's failure to consider its Anti-Poverty Strategy when seeking recovery of underpaid council tax from a pensioner, after finding in 2004 that it had wrongly granted him a council tax discount for many years before. The Council had wrongly awarded him a 50 per cent empty property council tax discount, although he was living in his home. After discovering its error it issued him with a retrospective bill. He was unable to meet the proposed arrangements for payment and the Council took recovery action against him. I found fault because the Council:

- wrongly awarded the discount in the first place;
- failed to consider its own policy when proposing recovery arrangements;
- failed to enquire into his means after he accepted responsibility for making repayments; and
- failed to take his complaint to the next stage of its procedure in response to his solicitor's letter.

I did not recommend payment of financial compensation in this case, as the Council had already written off nearly £1,500 of the total council tax arrears as a remedy to the complaint.

I am pleased that the Council accepted my findings and agreed to the recommendations I made in both these cases.

The Council also agreed to settle 25 other complaints in 2006/07, which is more than in previous years. However, this number is in line with the national picture: local settlements and reports made up 28% of decisions on all complaints in Brent, which were not premature or outside my jurisdiction, which is almost the same as the percentage for all Local Authorities in England (29%).

Many of the 25 local settlements agreed by the Council related to complaints about Housing Benefit (9) and Housing (7). The Council paid compensation in eight Housing Benefit cases which it settled, the overall total amounting to over £900 (excluding the £500 paid as a result of the report). The faults found were mainly unreasonable delay in reaching a decision on claims or appeals, or wrongfully starting recovery of benefit payments.

There were also two other settlements agreed on complaints about Local Taxation, one of which raised similar issues to those in the reports referred to above. This was about the Council's decision to take recovery action of Council Tax debt, where none existed, and subsequent action by the bailiffs. The Council agreed to make some administrative changes and to pay £1,100 compensation to the complainant.

Four settlements involved complaints about council house repairs and mainly concerned delays. The most serious involved a long delay by the Council in deciding on its insurance obligations before carrying out the necessary repairs to a property damaged in a fire. It agreed to pay £4,400 to the resident and to do the repairs.

One complaint about homelessness concerned delay by the Council in dealing with an approach by a family living in overcrowded conditions. As a result of our proposal, the Council agreed to increase the amount of compensation it had offered to the family, as it accepted that the approach should have been dealt with as a homelessness application at a much earlier date and thus that its housing duty toward the family would have been accepted earlier. I am aware of the intense pressures councils face in dealing with homelessness applications and your Council's efforts to prevent homelessness. But councils operate within the legal framework of Part VII of the Housing Act 1996, and potentially homeless applicants have rights and legitimate expectations about the service which councils should provide when they are homeless.

### ***Other findings***

I am pleased that the Council agreed to carry out service improvements following our consideration of a complaint about how it dealt with an elderly woman's admission to a nursing home for respite care. I know that it has already dealt with one point, regarding travel arrangements for visiting relatives, but I would welcome confirmation that it is now standard practice for people being considered for admission to residential care, and their nearest relatives, to be asked for their views and that these views are recorded. The Council also said it would introduce a new and more sensitive template letter to be sent to next of kin by its Finance service when a service user has died.

Following a complaint about one section of your Revenues and Benefits Department writing to a claimant's previous address, when the person concerned had already informed another section of the Department about her new address, the Council told us that it hoped to introduce a single client computerised index during 2007. This would mean that a change in circumstances would automatically be reported to all relevant sections. I would be interested to know what progress has been made on this matter.

### **Your Council's complaints procedure and handling of complaints**

Your Council has had an effective three stage complaints procedure in place for some years now and I note that it presents its own detailed Annual Report on handling complaints to its Corporate management team, which is available on its web-site. The Council dealt with over 4,000 complaints through its complaints procedure in 2005/06, most of which never got as far as my office, although it acknowledges that the highest number reached the final stage of its procedure in that year (223). I am glad to see that the Council continues to hold complaint review panels on the outcome of both its own Stage 3 and my office's investigations and that it is working to develop a common complaints reporting system across every Department.

During 2006/07 my office referred 61 complaints back to the Council as being premature – as the Council had not yet had a reasonable opportunity to deal with them. This represents around a third of all decisions we reached last year on complaints about Brent. It is a little higher than our national average of 28%, but lower than the 44% of complaints against your Council which we found to be premature the year before.

During the same time my office decided 19 complaints which had previously been referred back to the Council to be dealt with under its complaints procedure but where the complainants had resubmitted the complaints to us. We upheld four of those complaints, issuing a report on one and obtaining compensation totalling £300 together with procedural improvements in the other three. This rate of justified complaint following resubmission is similar to the average for all authorities (22%).

### **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 am aware that the Council delivers its own training programmes to many of its staff, but for your information I have enclosed some information on the full range of courses available together with contact details.

### **Liaison with the Local Government Ombudsman**

The Council is generally prompt with its responses to enquiries from my staff. Our target response time is 28 days and the average time taken last year by the Council was 27 days. That is not quite as good as the Council achieved during the previous two years, but it is positive nonetheless. The only service area which took longer than the target time was Housing, with an average of 35 days. Six responses about Housing Repairs complaints made up most of those which were significantly beyond the target time, plus two about tenancy management. As I understand it, both these service areas are provided by Brent Housing Partnership.

The responses from the Council are usually thorough and helpful. Its Officers seem open to discussing remedies which my Investigators suggest, and I note from our records that they often act promptly to resolve a complaint.

I was pleased that one of the Council's officers attended a Link Officer seminar which we held in November. I hope that he found the day 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.

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.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

**June 2007**

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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	3	36	5	4	63	20	16	24	16	<b>187</b>
<b>2005 / 2006</b>	9	31	1	1	75	14	22	27	17	<b>197</b>
<b>2004 / 2005</b>	4	27	0	2	60	13	15	24	28	<b>173</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	25	0	0	41	30	33	61	131	<b>192</b>
<b>2005 / 2006</b>	0	6	0	0	45	26	27	82	104	<b>186</b>
<b>2004 / 2005</b>	0	13	0	0	37	35	25	72	110	<b>182</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	55	27.0
<b>2005 / 2006</b>	46	21.1
<b>2004 / 2005</b>	28	22.4

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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