



The Commission for
Local Administration in England

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

In 2006/07 I received 222 complaints against your authority, a reduction of 32 on the previous year.

Complaints about benefits dropped from 48 to 27. The distribution of other complaints was broadly similar to the previous year.

Decisions on complaints

During the year my office made decisions on 225 complaints against your authority. We found no maladministration in 39 complaints and we exercised discretion to close a further 29 without requiring any action by the Council. I found that 20 were outside my jurisdiction.

Reports and local settlements

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

Report

I issued one report against your authority last year about a planning matter. The Council issued a Lawful Development Certificate for a roof extension even though permitted development rights had already been used up which meant the development required planning permission. If the matter had been handled properly the Council would have been able to ensure that the roof extension complied with its planning policies. The Council then granted planning permission for an earlier extension, without recognising that it was an application for retrospective planning permission.

The Council agreed with my proposal that it should pay the complainant £300 compensation, and to review its procedures for the determination of applications for Lawful Development Certificates. I am grateful for the copy of the new Procedure Note which deals with such applications.

Local settlements

My office settled 60 complaints resulting in compensation totalling over £16,000 being paid to complainants. Not all settlements led to a payment of compensation. I have given details of some of the settlements below.

a) *Adult care services*

We settled two adult care complaints. One was about the Council's failure to take a complainant's needs and disability into account when offering to pay for a replacement curtain rail damaged by a home carer, while the other was about the Council's delay in dealing with an application for sheltered housing. Each resulted in compensation of £200 being paid.

b) *Anti-social behaviour*

We settled three complaints about delays in dealing with anti-social behaviour which resulted in a total of £400 compensation being paid. In one case the Council delayed in moving a family from unsuitable temporary accommodation, so causing the complainant to suffer noise and threats for longer than was necessary.

c) *Highways*

We settled six highways complaints with a total of £400 compensation being paid. These included complaints about the way the Council responded to correspondence; dealt with hedges overhanging a pavement; dealt with a new zebra crossing; reviewed a refusal of a vehicle crossover and handled a request for a controlled parking zone. In the sixth complaint, the Council delayed in responding to a complainant whose car was removed by contractors during road works. The complainant's car went missing for six months. She received compensation directly from the contractors for the costs to her of this plus additional compensation from the Council for its failure to respond to her complaint.

d) *Planning*

We settled nine planning complaints with a total of £3,300 compensation being paid. Three of these concerned delay in taking enforcement action for breaches of planning control. When I wrote last year I expressed concern about the Council's handling of enforcement issues. This remains a concern, and it would be helpful if the Council could confirm whether its staffing problems have been resolved.

Other planning complaints concerned the Council's failure to seek comments from a conservation officer about a development in a conservation area; its granting of a certificate of lawful development for a proposed extension to a house which no longer had permitted development rights (a similar issue as in the case I reported on) and its failure to respond on time to an application for a telephone mast.

e) *Housing*

We settled eighteen housing related complaints, seven about homelessness, four about allocations, three about repairs and two about sales and leaseholds. The Council paid compensation totalling £6,225 for these complaints.

In one homelessness complaint, the Council delayed in accepting a homeless application from a third party. In this case, there was some confusion over what form of authority would be acceptable to the Council in support of such an application. As a result, the Council revised its procedure for dealing with applicants who cannot attend the office or for applications made by third parties. We suggested that the Council draw up a pro-forma for providing the necessary confirmation from third parties. I should be grateful if you could confirm whether this has been done and, if so, provide me with a copy of the pro-forma.

In another homelessness complaint the Council gave the complainant incorrect information for bidding on its choice based lettings system. It also failed to provide emergency accommodation when the complainant reported domestic violence, to follow its domestic violence procedure and to keep proper records. In this case the Council agreed to give training to its Temporary Accommodation and Homeless Persons Unit staff and to stress the importance of keeping proper records. The Council also agreed to do random file monitoring to ensure that proper records are being kept. I welcome these improvements.

Other homelessness cases included complaints about the Council's failure to carry out a review of the suitability of temporary accommodation; a delay in providing suitable temporary accommodation; a failure to provide interim accommodation; a failure to assess the needs of a family with children who had physical and learning disabilities; and a failure to notify an applicant of her right to seek a review of the suitability of her temporary accommodation.

One of the allocations complaints concerned the Council's insistence that a complainant obtain a residency order for the children who had come to live with him, contrary to the Homelessness Code of Guidance. As a result, the Council refused to validate the transfer application. The Council has now revised its procedure note such that applicants are no longer required to obtain a residency order, which I welcome.

In a second allocations complaint the Council gave temporary accommodation to the wrong person because of its failure to check that person's identity. A third complaint was about the Council's failure to consider a vulnerable person as homeless following assaults which meant he could not return home for fear of violence. This resulted in the complainant being assaulted twice more and a delay of one month in him being given temporary accommodation. Compensation was paid in both cases.

Two repairs complaints resulted in compensation being paid for the Council's delay in doing repairs and settling a claim for flood damage. In a third complaint the Council agreed to implement improvements to a communal heating system to reduce the noise made by radiators.

One sales and leaseholds complaint involved the Council's handling of subsidence, repairs, insurance claims and service charges. It failed to tell the complainant about the Leasehold Valuation Tribunal. The second complaint was about the Council's handing-over of a leasehold property following major structural works. This resulted in additional temporary accommodation costs which the Council agreed to pay.

f) Benefits

We settled 11 housing and council tax benefit complaints resulting in a total of £5,314 compensation being paid.

Two complaints were about the Council's error in making Discretionary Housing Payments (DHP) which created overpayments. The Council started to recover the overpayments without telling the complainants or advising them of their appeal rights. The DHP was then wrongly recovered from ongoing housing benefit entitlement.

The majority of these complaints involved delay in the Council taking action. This included delay in dealing with revision requests and appeals; in paying housing benefit arrears; in assessing claims; in forwarding appeals to the Appeals Service and in refunding payments to a complainant who had won his appeal. In several cases the Council started recovery action (for overpayments of housing benefit and outstanding council tax) whilst appeals were outstanding.

I have seen the Benefit Fraud Inspectorate's (BFI) report from October 2006 which said that the Council's benefit claims handling fell below minimum requirements. The BFI report indicated that the Council was taking, on average, 85 days to process new claims and 30 or more days to process changes of circumstances. It is surprising, therefore, that the number of benefits complaints to my office fell last year and I understand that the Council does not receive many complaints through its own procedure. I would be grateful if the Council could ensure that its complaints procedure is well advertised and sign-posted for claimants as is their option to complain to me if not satisfied with the Council's response. I am aware of the action the Council is taking in response to the BFI report; it would be helpful if my staff could be kept updated of progress here.

g) School admissions

We settled three such complaints. Two involved casual admissions to schools outside the normal admission time. In one the Council delayed in offering an appeal against the refusal of a place at a community school. However, it offered a place in an acceptable school before the appeal was heard. It was unclear what had happened in the second case because of the school's poor record-keeping. Nevertheless, the Council agreed to improve its procedures for ensuring casual applicants are told of their right of appeal should they be refused a school place.

In the third case, the Council wrongly told a parent to contact her own local authority about Ealing's refusal of her application. The Council agreed that schools, to whom it delegates decisions on casual admissions, should give disappointed applicants written decisions on their applications and signpost them to Appeal Panels.

h) Waste management

We settled four such complaints. Two involved the Council's failure to identify that it owned pieces of land and to clear them of rubbish. One of the complaints was about the Council's failure to cleanse streets in accordance with its own standards. The Council now has monitoring in place. The final complaint was about the Council's failure to consult over the siting of recycling bins, which caused noise and nuisance for the complainant. In this case, the Council agreed to visit the complainant and discuss possible re-siting of the bins.

i) Miscellaneous

We dealt with one complaint about the Environmental Health Department's failure to follow up reports of a cockroach infestation resulting in a delay in a Public Health Act Notice being served. Compensation of £100 was paid in this case.

We also dealt with a complex complaint about the Council's ineffective consideration of an application for an alcohol licence. The Council agreed to a refund of the application fees and to consider the complainant's fresh application.

Two council tax complaints resulted in settlements. In one case the Council agreed to write off outstanding council tax because it had made unjustified additional charges. In the second case the Council failed to respond to a request for Business Rates Hardship relief. Again, the Council wrote off the outstanding debt.

Your Council's complaints procedure and handling of complaints

My office referred 76 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At nearly 34% of all decisions this is slightly above the national average. I have discussed the possible reasons for this with the Council including a lack of awareness of, or confidence in, the Council's own procedure.

Twenty one premature complaints were resubmitted to me during the period. One was outside my jurisdiction, we found no maladministration in eight, and we reached settlements in two. The remaining ten are yet to be decided.

I welcome the Council's general willingness to agree to settlements and to implement changes to procedures. In an adult care services complaint the Council reached an agreement for a way forward with the complainant without my Investigator having to make enquiries or suggest a settlement. Such initiatives are very positive.

But I am concerned about the number of times my investigators see evidence of delays or failures by the Council to deal with complaints, and the poor quality of responses when they are dealt with. Letters do not always identify the writer and signatures are illegible. There is also some evidence which suggests that complainants are not always sign-posted to the next stage of the Council's complaints procedure.

The Council's closure of the Members Enquiries Unit at the end of October 2006 might have made it difficult for the Council to maintain a corporate overview of complaints. However, I welcome the creation of the Corporate Complaints Improvement Group (CCIG) with its monitoring role. I am aware of some of the initiatives underway to improve the Council's own complaints handling and look forward to receiving updates on the Group's progress.

Training in complaint handling

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

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

The target time for councils to respond when we make enquiries is 28 days. Your Council's average response time to enquiries was nearly 34 days, an increase on last year. The only service areas to respond to our enquiries within 28 days were Children and Family Services, Education, and Public Finance. The quality of the responses we receive is not always good. In one homelessness complaint the information given to my investigator was misleading and, as a result, he had to visit the Council to obtain the information he needed. In two housing benefit complaints my investigator had to make several attempts to get the information she requested, and the Council changed its explanation twice.

However, three of my officers visited the Council at the end of March to discuss complaints handling in general and a number of the issues referred to in this letter. This was a very useful visit during which Council officers explained how complaints are now dealt with when we make our enquiries. The Council updated my staff on the creation of the CCIG (mentioned above). I hope that as well as improving the Council's own handling of complaints the Group will be able to tackle the problems leading to delays in replying to my office and the sometimes poor responses.

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.

Conclusion

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.

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June 2007

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

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	10	27	6	8	71	32	31	7	0	30	222
2005 / 2006	4	48	6	9	74	34	35	5	2	37	254
2004 / 2005	9	41	7	8	91	39	16	4	1	36	252

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	1	60	0	0	39	29	20	76	149	225
2005 / 2006	0	69	0	0	49	36	37	64	191	255
2004 / 2005	4	77	0	0	48	43	30	52	202	254

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	86	33.8
2005 / 2006	130	29.5
2004 / 2005	126	38.7

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