



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

The London Borough of Enfield

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume and Character

In 2006/7 I received 109 complaints against the Council, 16% more than the 94 I received in the previous year.

The main area of complaint remains housing. I received 28 complaints in 2006/07: nine concerning allocations (four from the same two people), six about homelessness (two from one person), five about repairs, four relating to managing tenancies, three concerning housing sales/leaseholds and one about regeneration and improvement. This mix broadly reflects previous years.

The second main area of complaint was public finance (local taxation), where I received 18 complaints (including four from two people). These increased from 10 in the previous year: I am unaware of any reason for this increase. Our 'other' category, which includes a range of subject areas including anti-social behaviour (of which there were four complaints), also increased.

With the exceptions of planning and building control (largely concerning planning applications and enforcement), down from 18 to 12, and children and family services, which increased from 2 complaints to 8, other service areas were fairly static.

Decisions on complaints

I made 108 decisions on complaints against your Council. Thirty of these complaints were referred back to the Council because I was not satisfied that the Council had had a reasonable opportunity to consider them before I became involved. Of these complaints, 13 concerned housing and 7 were about local taxation.

There were nine complaints which were outside my jurisdiction to investigate and 27 cases where I found no or insufficient evidence of fault to warrant my involvement. In a further 21 cases I decided not to pursue the matter further, generally because the injustice was insufficient. In four cases, however, it was because the complaints were withdrawn. One of these was an adult social care complaint concerning services to a severely disabled adult, cared for at home by her parents. The complainant wanted to give the Council a further opportunity to settle his complaints as the Council had offered. I commend the Council's efforts on this matter. In a children and family complaint, the Council offered to meet the complainant to discuss her concerns about the way in which she had been treated by the social worker, who had contacted her at work. The Council agreed that social work staff should not make telephone calls to a work number, unless it was an emergency, and that calls of a personal and upsetting nature should be made to home numbers unless requested otherwise.

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Reports and local settlements

I 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 I determine. When I complete an investigation I must issue a report. I issued 2 reports against the Council and 19 complaints were closed as local settlements.

The two reports were on complaints from one complainant and concerned related issues. (We have since changed the way we classify complaints and this would now have been registered under the main subject area only.) The issued reports were not for publication because there was a possibility that the persons involved could be identified. But there was an important lesson for the Council: that it should ensure all referrals to the children and family service which concern child protection matters should be considered fully, and that assessments must be carried out within the statutory procedures. I am pleased to report that the Council accepted my recommendations, despite some reservations about my initial findings. Compensation was also paid to the complainants.

The 19 local settlements covered a wide range of subject areas; three were local taxation, three were children and family services, two concerned education, two were about housing issues, two concerned planning, two were highways, and there was one each about anti-social behaviour, adult care services, housing benefit and waste management. One was miscellaneous.

One of the local settlements in adult social care involved the payment of compensation to the complainant because the Council had instigated an investigation concerning possible neglect of the complainant's mother without proper reason or recording of reasons. The Council also arranged a workshop for relevant officers based on the lessons learned from this complaint. I commend such an approach; it adds value to the investigation of a complaint if lessons learned can be used to inform and improve future practice.

Another local settlement involved the payment of compensation, through the Council's insurers, to a complainant who had been adversely affected by the Council's failure to carry out a proper child protection investigation. While I appreciate that the Council is one of many agencies involved in these investigations, the effect on an individual can be serious if they are not carried out properly. It may be that the Council might consider that there are lessons to be learnt from this complaint as well.

In a planning complaint, there was a significant injustice caused to the complainant by the Council's failure to take enforcement action for an unauthorised building within the required time. As a result the building became immune from enforcement action, although the Council accepted that it would not have granted permission if the matter had been considered properly. I recommended a before and after valuation of the complainant's property to address any reduction in its value; the Council was initially reluctant to accept this recommendation but did so after further discussion.

Another local settlement concerned the Council's actions after a pupil had been excluded from school. The appeal panel did not uphold the exclusion but nonetheless considered that it was not in the pupil's best interests to return to that school. The school accordingly took the pupil's name off its school roll. But rather than make out of school provision, the Council still relied on the school to set work for the pupil; in effect he was receiving less education than if his exclusion had been confirmed. The Council agreed to a payment of compensation to reflect the pupil's loss of education and it also agreed to review its procedures for dealing with these situations. I should be grateful if the Council would let me have details of the outcome.

In a complaint involving the Council's failure to notify the complainant of a planning application, as it should have done, and in a complaint concerning a school admissions panel, the Council was quick to accept fault and it offered an appropriate remedy; compensation in the first case and a fresh appeal in the second.

In total the Council has paid approximately £11, 350 in compensation. It also reviewed procedures, took action and, importantly, apologised for injustice caused.

Your Council's complaints procedure and handling of complaints

There were nine complaints which were resubmitted to me after the Council had investigated them because the complainant remained dissatisfied. In no case did I consider I needed to take further action.

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.

The Council has already made full use of our training courses and in particular the Council has been keen to ensure that it has a larger pool of officers who can investigate complaints at stage 3 of your procedure. I welcome this initiative because it shows a commitment to the complaints process and a willingness by the Council to try to resolve matters without the need for the complainant to refer the matter to me.

Liaison with the Local Government Ombudsman

The time in responding to our enquiries has again improved: the average number of days is now 24.7 compared with 26.6 days previously. Both met my 28 calendar day target. Greater use of email has helped and this is my preferred means of correspondence on complaints. The Council should be congratulated on this achievement on response times. This has been secured despite there being more social services complaints, which can take longer than normal to deal with.

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I attended a meeting with senior officers of the Council in January 2007. We discussed the before and after valuation approach in planning cases where I considered a planning decision would have been different but for the fault by the Council. While I recognise the concern that this might result in a large financial payment to the complainant, I still consider that this is the appropriate remedy in these cases. I also recognise the concern, particularly with regard to social services complaints, that by publishing the remedies I may secure, I am providing information which may be used by other complainants pursuing a settlement. But I remain of the view that it is right and proper that this information is in the public domain; however I will always look at cases on their individual merits.

Your staff continue to be helpful in providing all the information requested on complaints.

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
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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	4	6	8	7	28	16	12	18	0	10	109
2005 / 2006	4	6	2	8	24	12	18	10	2	8	94
2004 / 2005	4	10	4	9	26	13	29	10	2	6	113

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	2	19	0	0	27	21	9	30	78	108
2005 / 2006	0	12	0	0	23	11	19	36	65	101
2004 / 2005	0	12	0	0	43	14	17	26	86	112

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	45	24.7
2005 / 2006	35	26.6
2004 / 2005	46	48.2

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