



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
London Borough of Newham
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 149 complaints against your Council, very similar to the number received the previous year.

The number of housing complaints rose slightly and as in the previous year made up the largest grouping. The number of benefit complaints fell. The distribution of complaints across the other main service delivery areas was broadly similar.

Decisions on complaints

During the year we made decisions on 162 complaints against your authority. We found no maladministration in 23 complaints and we exercised discretion to close a further 26 without requiring any action by the Council. I found that 28 were outside 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.

I issued one report against your Council. Because of the particular circumstances of the complaint I directed that it should not be published. I upheld the complaint. The Council accepted my findings and remedied matters by paying compensation and improving its procedures.

My office settled 32 complaints. I give below details of some of these.

I settled four complaints about homelessness. In one the Council delayed over seven months in providing the complainant with accommodation nearer her network of family and friends. The Council agreed to pay the complainant £700 compensation. In a second, the Council failed to deal properly with the complainant's bid for permanent accommodation, which led to her missing an offer of accommodation. The Council had already agreed to make a direct offer accommodation. It also agreed to pay the complainant £250 to recognise the delay in her receiving permanent accommodation.

In a third complaint the Council failed to refund the cost of an emergency repair to a burst pipe, having failed to explain to the complainant what to do if an emergency arose out of hours. The complainant was without heating and hot water for two to three weeks. The Council agreed to pay a total of £250, representing the refund of the cost of the repair and compensation for the loss of heating and hot water. In the fourth complaint errors by the Council led to the complainant being charged rent on two properties when she moved between temporary accommodation, resulting in the accumulation of significant arrears. The Council agreed to waive rent arrears of £3,144 and to review its procedures and standard letters relating to offers of temporary accommodation. I would be grateful to know the outcome of this.

I settled seven complaints about housing repairs. The issues involved were mostly delay and failure to honour undertakings to complete work. In one complaint, there was delay in repairing a water heater, which resulted in the complainant's family (including his pregnant wife) being without hot water for two months and unable to use the kitchen sink for three weeks. In a second, there were delays in dealing with repairs to windows and heating and a failure to act on agreements to repair damage to furnishings and the garden. In a third case, there were, for a year or more, only piecemeal efforts to remedy a catalogue of defects to a house. In a fourth case, there was delay over a ten year period in identifying the source of a leak in an upstairs flat, so that the Council's repairs to the complainant's kitchen ceiling served no purpose.

The Council settled the complaints by agreeing where appropriate to remedy defects and to pay compensation totalling £3,175 to recognise their delay and the anxiety and avoidable time and trouble complainants experienced.

I settled two complaints about waste. In one the Council failed to clear refuse from its own property, despite having agreed to do so. The Council agreed to remove the refuse and to pay £100 to recognise the effect on the complainants' amenities and their time and trouble in complaining. In the second complaint the Council failed to tell the complainant clearly the basis on which it would charge for the removal of waste from outside a block managed by agents. The Council agreed to make its leaflets and other publicity clearer, and to pay the complainant £150 to recognise her avoidable time and trouble.

I settled two complaints about housing benefit involving errors relating to overpayments. The Council quickly acknowledged it was at fault and wrote off two overpayments and agreed to treat a third as irrecoverable. In a third case the Council delayed by four months in correcting an error in the calculation of Council tax benefit. The Council agreed to pay the complainant £150 to recognise the delay, poor advice given, and the avoidable time and trouble to which he was put. I considered a fourth complaint against your Council and another London Borough concerning problems that had arisen in respect of housing benefit and Council tax following your placement of a homeless applicant outside of your borough. I did not uphold the complaint against your Council but I nevertheless suggested that it consider adopting a policy of always informing the 'host' borough of such a placement. I would be grateful to know the Council's response on this.

I settled two complaints about the Council's Parks Constabulary. One concerned apparent abuse of authority and poor record keeping about an arrest. The Council's own investigation shed little light on the events complained of. The Council apologised to the complainants and agreed to pay them £750 to recognise its faults. The Council also agreed to provide training and instruction to its officers on their conduct, and on procedures under the Police and Criminal Evidence Act. The second concerned the Council's failure to respond at the second stage of its internal complaints procedure to a complaint about the Parks Constabulary. This complaint was settled by the Council's offer of a meeting between the complainant and the Head of the Parks Constabulary. I would be grateful if you would let me know what progress the Council has made in developing the training and instruction of its officers, and in the handling of complaints about the Parks Constabulary.

I settled one complaint about the way the Council handled a cancellation of a booking of its function rooms. Its relevant terms and conditions were not clear and it delayed in refunding money which the complainant had always been entitled to. The Council paid the complainant £250 compensation and revised its terms and conditions for bookings and its record keeping.

I settled two complaints about the way admissions appeal panels dealt with appeals against the Council's refusal to admit children to the complainants' chosen schools. The Council had not explained in writing its reasons for not admitting the complainants' children and the panels' reasons for their decisions were not apparent, particularly in the absence of proper notes by their Clerks. The Council agreed to arrange rehearings of the appeals by panels consisting of completely different members, with a different Clerk.

I considered a complaint about the Council's delay in processing a student loan application and in investigating the complaint about the loss of the signed application. The Council apologised, undertook to take steps to avoid a recurrence, and agreed to pay £400 to recognise its fault.

I settled one complaint about the Council's delay in explaining the procedure for an emergency housing transfer sought on the grounds of anti-social behaviour, which led to the complainant's expectations being unreasonably raised. The Council also lost photographic evidence of the harassment. The Council agreed to pay £250 to recognise its faults. I settled a second complaint about three years' delay in the Council's taking effective action to prevent antisocial behaviour following the partial collapse of a wall between the complainant's home and a block of flats owned by the Council. The absence of an effective boundary compromised the elderly complainant's security. The Council agreed to rebuild the wall and provide security grilles. The Council apologised to the complainant and paid £750 to recognise the delay and reimburse his expenditure on glazing broken windows in his shed.

I settled another complaint about delay by the Council in clearing an obstruction from a footpath used by a complainant with a disability. The Council apologised for the delay and cleared the obstruction.

Finally I received a complaint about the Council's failure properly to supervise restoration works to a privately owned cemetery in accordance with the terms of an agreement between the Council and the owners of the cemetery. The body of a relative of the complainant is buried in a Commonwealth War Grave there. The Council took steps to improve its supervision of the works. It agreed to make a donation of £250 to the Commonwealth War Graves Commission to acknowledge its previous failings. The Council also undertook to monitor progress in completing the restoration of the site and report back to me by September 2007.

Your Council's action to settle complaints included the payment of compensation totalling over £11,700.

Other decisions

I considered one complaint against your Council and another London Borough concerning problems that had arisen in respect of Council tax and housing benefit following your placement of a homeless applicant outside of the borough. The Council had not told the other Borough of the placement. I considered that some of the problems that had arisen might have been avoided if the Council had informed the 'host' borough of the placement. I asked the Council to consider adopting such a policy. I would be grateful to know the Council's response on this.

I received one complaint about a penalty charge notice (a parking ticket) which was not in fact within my jurisdiction. I was pleased to note that nevertheless the Council made considerable efforts to resolve the matter and in the event cancelled the notice.

Your Council's complaints procedure and handling of complaints

My office referred 52 '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 32% of all decisions this is slightly above the national average.

Ten premature complaints were resubmitted to me during the period. Of these, I decided not to pursue six but I secured settlements of the remaining four. The Council has a well established complaints procedure. It signposts complainants to the second and third stages of its own procedure and then to my office. This evidence suggests however that the Council is not resolving all the complaints it might through its own procedure and this may be something it wishes to review.

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.

In December 2006, 13 officers from your Council took part in training provided by this office on effective complaints handling. I hope your staff found this useful. 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 Council replies promptly to my first enquiries about complaints. Last year, the Council's average time responding to first enquiries was 24.5 days (23.7 days in the previous year), which is within my target of 28 days.

The Council has provided helpful responses, including suggested settlements and proposed procedural changes. I am aware that there are examples of the Council acting quickly and positively in response to my proposed settlements. I am grateful for the Council's assistance in resolving these cases. I note however that the Council's replies to enquiries and suggested settlements have been less helpful in some instances.

We appreciate the regular contact between our offices by telephone, email and fax, as well as occasional visits. This contact saves the time of both our offices and assists complainants.

During the year, two of my investigators participated in training for Governors, officers, school staff, Appeal Panel members and their Clerks about admission appeals and exclusion appeals. The training was provided for the Council by an external agency. I welcome the opportunity for my staff to be involved in such initiatives and I understand that their participation was valued by the Council and the trainer.

In March 2007, two of my staff held a useful meeting with officers of your Council, at which they reviewed in some detail the handling of complaints within the Council and the Council's liaison with my office. I look forward to maintaining this constructive relationship.

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.

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	Transport and highways	Total
01/04/2006 - 31/03/2007	2	9	8	6	68	23	8	10	15	149
2005 / 2006	7	23	3	8	53	23	8	4	19	148
2004 / 2005	2	15	2	12	69	16	16	15	17	164

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	32	0	0	23	26	28	52	110	162
2005 / 2006	0	29	0	0	24	26	30	38	109	147
2004 / 2005	0	20	0	0	30	26	23	51	99	150

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	50	24.5
2005 / 2006	56	23.7
2004 / 2005	45	23.3

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