

**The Local Government Ombudsman's  
Annual Letter  
Brent Council  
for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about the London Borough of Brent. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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**

My office received 164 complaints against Brent Council in 2007/08, which was less than the 187 and 197 we received in the previous two years. The fall in the last year is somewhat higher than the general decline in complaints we received about local authorities across the country since 2006/07.

I note there has been a significant fall in the number of complaints we received about the Council's Benefits Service and its Housing Service. The only subject areas which have shown an increase in numbers in Brent are Social Services, both Adult and Children and Family Services, and Planning and Building Control. The increases are not large, but an increase in complaints about Adult Care Services and Planning and Building Control go against the national downward trend in such complaints being made to my office.

The housing category reveals a spread of complaints received about different aspects of the service, including those about allocations (19), repairs (nine), managing tenancies (eight), sales/leaseholds (six) and homelessness (four). The planning complaints are mostly about the Council's handling of applications for planning permission but there are a few about enforcement too. Almost half of the "other" category is made up of complaints about antisocial behaviour.

## **Decisions on complaints**

### ***Reports and local settlements***

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of all complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report. I decided 20 complaints as local settlements. This is around a quarter of those complaints which we decided (and which were not premature or outside my jurisdiction), which is slightly less than the national average.

Most of the local settlements concerned complaints made about benefits (seven) and housing (seven), which is similar to the numbers it settled on those matters in the previous year. The settlements relating to housing benefit mainly involved unreasonable delay by the Council in dealing with a claim or an appeal. Overall compensation for these complaints came to over £1,200.

Five of the housing complaints related to delay in getting housing repair work carried out, including two cases where the delay was particularly long. The total compensation paid by the Council in these five cases was over £2,000.

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Two settlements involved social services complaints, the first where the Council failed to assess the needs of an adult with disabilities on his discharge from hospital and the second where it delayed in carrying out a child protection investigation. Compensation totalling £1,000 was paid.

### ***Other findings***

In one complaint made by a tenant about anti-social behaviour by a neighbour, Brent Housing Partnership recognised that opportunities to identify statutory noise nuisance might possibly have been missed. Only Environmental Health Officers have the power to identify when a noise amounts to a nuisance in law and thus potentially enable the Council to take legal action in the form of a Noise Abatement Notice against the perpetrator. The existing protocol on dealing with noise cases between the Council's Environmental Health Department and Brent Housing Partnership was being reviewed at the time.

In another case we found that the Council's review of its policy on second vehicular footway crossings (dropped kerbs to provide residents with an "in-out" drive at the front of their properties) had not been done by the end of 2007, although it had undertaken to complete it by spring 2007 as part of its stage 3 investigation into a complaint about it removing a second footway crossing. As part of the agreed settlement the Council aimed to complete the review by Spring 2008.

I would be interested to see a copy of the new protocol on noise nuisance and the new policy on footway crossings which the Council has since agreed.

I am pleased that, following our enquiries into a recent complaint about parking enforcement, the Council agreed to change the wording of its letter to make it clear to vehicle owners who have received a Penalty Charge Notice that formal representations can include mitigating circumstances.

I thank the Council for letting me know about progress on a number of service improvements identified in my annual letter of last year. It has confirmed 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. It has introduced a new, and more sensitive, template letter to be sent to next of kin by its Finance service when a service user has died. The promised introduction of a Single Client computerised index was due to go live at the end of 2007, although the Council expects that it would take six to nine months before the system was working comprehensively. This will mean that a change in circumstances reported by a resident to one part of the Council will automatically be reported to all relevant sections.

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

The Council has a three stage complaints procedure and continues to present a detailed Annual Report on handling complaints to its Corporate Management Team, which is also available on its website. Its overall aim is to make it as easy as possible for people to voice their concerns. I note that the Council dealt with over 3,500 complaints through the first stage of its own complaints procedure in 2006/07. The great majority of these never got as far as my office and only 184 reached the final stage of the Council's own procedure.

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This suggests that the Council is dealing in an effective way with most complaints through its own procedure. However, it noted with some concern in its Annual Report that a high proportion of complaints which had reached the final stage had still been upheld, or partly upheld, after managers in service areas had generally had two opportunities to put things right. The rate was particularly high in housing and in benefits complaints. Your annual report ended with a work plan to deal with the issues identified. It may be that "complainant fatigue" means some people are giving up before getting a fair and reasonable outcome to their complaint from the Council. I will look with interest at the next annual report, due out later in 2008.

During 2007/08 my office referred 63 complaints back to the Council as being premature, as it had not yet had a reasonable opportunity to deal with them. This represents 36% of all decisions we reached about Brent Council and is higher than our national average of 27%.

During the same time we decided 18 complaints which we had previously referred back to the Council for it to consider under its own complaints procedure. We upheld and achieved a local settlement in three of these complaints: two on housing and one on housing benefit.

When making enquiries into the complaint about its removal of a footway crossing, the Council seemed unaware that part of the action it had offered to take at the final stage of the complaint some months before had not been progressed. If it has not already done so, the Council may wish to consider how best to monitor closed complaints where outstanding matters remain to be put in place, so it can ensure that the agreed remedy is completed within a reasonable time or, where appropriate, an explanation and update is provided to the complainant.

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

The Council is generally both prompt and thorough when providing a response to enquiries from my staff. I am pleased to note that the average time it took last year to send a first response was 24 days, which is well within our target response time. It is also an improvement on the Council's average of 27 days in the previous year. The average would have been even better, but for three cases where its response took over 38 days (each from a different department).

The Council's Corporate Complaints Manager attended a seminar we held for link officers in November 2007. I hope she found the day informative.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. As you know, we offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

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

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

### **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 2008**

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>01/04/2007 - 31/03/2008</b>	8	25	9	3	48	20	18	17	16	<b>164</b>
<b>2006 / 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>

**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>01/04/2007 - 31/03/2008</b>	0	20	0	0	35	35	22	63	112	<b>175</b>
<b>2006 / 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>

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>01/04/2007 - 31/03/2008</b>	37	24.0
<b>2006 / 2007</b>	55	27.0
<b>2005 / 2006</b>	46	21.1

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0