

Local Government
OMBUDSMAN

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

Volume

In 2007/08 I received 229 complaints against your Council. This was virtually identical to the number in 2006/07.

Character

As before, the largest overall complaint category was housing. I received 97 such complaints. The number was similar to previous years, but there were more about housing repairs (up from 33 to 42). 22 complaints were about managing tenancies and 14 concerned housing allocations.

The next two largest categories, well below housing, were planning and building control with 25 complaints and benefits with 20. Planning complaints had increased on previous years. The vast majority (18) concerned planning applications. All the benefits complaints were about housing benefit. The number of these complaints continued to fall.

We categorised 27 complaints as 'other'. Such complaints cover a wide range of subjects, but, as with last year, the greatest number (13) concerned anti-social behaviour.

Decisions on complaints

During 2007/08 I made decisions on 233 cases. In 52 cases the complaint was referred back to the Council because it had not had a reasonable opportunity of considering the matter before I became involved. A further 46 complaints were outside my jurisdiction and in 30 cases I found there had been no or insufficient fault by the Council to warrant my involvement. In a further 44 cases I found there had been insufficient injustice caused to the complainant to pursue an investigation, or the complaint was withdrawn.

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 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 but I did agree local settlements in 61 cases. This was 18 more than in the previous year and 45% of cases I could pursue. So I was substantially more likely to conclude a settlement on complaints against your Council than was the norm.

/...

Local Settlement of housing complaints

Nearly half (27) of the settlements related to housing issues, and housing complaints were much more likely to result in local settlements than complaints generally. In particular, decisions on 11 of 18 housing repairs cases I could investigate were local settlements, and seven of 13 managing tenancies cases I could investigate were local settlements.

Delay in undertaking works and carrying out inspections was the most common problem with housing repairs. For example, a nine month delay occurred in installing ventilation equipment and a ten month delay in carrying out repairs to the complainant's bathroom, a three month delay occurred before the Council carried out an electrical safety check following flooding caused by a storm, and a five month delay occurred before the Council carried out an inspection for damp and mould.

Amongst other housing issues raised were:

- the failure to clean hostel accommodation properly or deal with a mice infestation problem before the complainant moved in.
- the failure to take proper steps to investigate allegations of domestic violence and initiate a homeless person interview in line with Council policy.
- the failure to take the complainant's reasons into account as to why a room was unable to be used as a bedroom when the Council changed her banding level and took into account the presence of the room.
- the failure to process and approve an A social priority banding
- a two year delay in properly dealing with a leak from the flat above the complainant's property and a one year delay in cleaning stains from the wall to his property.
- the Council indicated to the complainants that they could arrange to install their own windows in their property and opt out of the Council's window replacement scheme but then changed its mind and told the complainants this option was not available to them.

Besides payments to complainants of £2,775 to compensate them for injustice caused by its fault, the Council undertook works, carried out inspections and assessments, reviewed procedures and arranged training for its officers.

Local settlement of planning and building control

There were eight planning and building control local settlements out of the 15 cases I could consider. A theme common to some cases was the Council's failure properly to publicise planning applications and take account of objections. In one case the Council failed to take account of all objections to a planning application, failed to have plans available for viewing at its offices and failed to make available the plans on its website during some or all of the publicity period.

Besides compensation of £575, and apologies, the Council agreed to carry out further monitoring and investigation.

/...

Other local settlements

Other cases which resulted in local settlements included:

- unreasonable delay of approximately a year in concluding the level of subsistence Social Services were liable to pay the complainant under the National Assistance Act 1948 and the Children Act 1989.
- the provision of misleading information to the complainant about who would be liable to pay for her psychotherapy
- the failure to address all the concerns a mother had about the care of her severely disabled adult son living in a home outside London.
- the failure to carry out a proper assessment when reducing and then withdrawing the complainant's extensive care package.
- the failure to take appropriate formal action to resolve the anti-social behaviour problems the complainant was experiencing from their neighbour (when informal means had failed).
- a three month delay by the Council in identifying and responding to a complaint of racial harassment and a failure to carry out follow up action to monitor the situation.
- unreasonable delay in making alternative education provision for a boy excluded from school.
- the failure to support the complainant, who had taken on responsibility for her niece as a result of child protection concerns by the Council. It failed to inform her of the available financial assistance, which meant she had met all the legal costs and costs of the upkeep of the child since 2001. In this case, another Council was also involved. To its credit, your Council agreed a settlement of approximately £10,000.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was comfortably under this target at 24 days which was the same as last year. While this figure is to be commended, I note that there were a substantial number of responses in relation to housing complaints which took over 28 days. One took seven weeks.

My Assistant Ombudsman and my complaint investigators commented positively on the co-operation of staff in the Corporate Complaints Unit and the Council's prompt response to local settlement proposals.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. 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.

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
10th Floor, Millbank Tower
Millbank
London
SW1P 4QP

June 2008

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
01/04/2007 - 31/03/2008	5	20	11	13	97	27	25	16	0	15	229
2006 / 2007	8	26	7	2	84	26	17	24	0	33	227
2005 / 2006	7	42	5	4	92	26	19	42	1	20	258

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
01/04/2007 - 31/03/2008	0	61	0	0	30	44	46	52	181	233
2006 / 2007	3	43	0	0	61	32	34	60	173	233
2005 / 2006	0	79	0	0	46	34	53	68	212	280

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
01/04/2007 - 31/03/2008	86	23.8
2006 / 2007	88	23.9
2005 / 2006	111	26.7

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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