

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

The London Borough of Harrow
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 Harrow Council. 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

We received 99 complaints during the year, a reduction on the figure of 109 in the previous year. We expect to see fluctuations like this from year to year.

Character

The largest numbers of complaints were about housing and about planning and building control. Complaints about planning rose from 11 in the previous two years to 19 this, and 12 of these concerned planning applications. After last year's large increase, complaints about public finance fell from 22 to 14. I expressed my concern last year about the increase in council tax complaints and I am pleased to see the number has fallen although it is still higher than in 2005/6. In the "Other" category there were eight complaints about waste management and this was another area I referred to in last year's letter. The number of such complaints was 18 last year and this suggests there has been some improvement in the service following the change of collection arrangements during 2006/7.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your council in 2007-8

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 some 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).

Fourteen complaints were settled locally last year and the total paid in compensation was £1375. This was higher than the previous year but it is still not a high figure for an authority of your size.

In one case involving housing benefits the Council failed to explain to a complainant whether it accepted her as the occupant of a council property under the terms of a court order when she was not the named tenant. This resulted in her father's rent account going into arrears and she was threatened with eviction even though the Council had not checked its legal right to do so. The Council's actions caused a good deal of stress and worry for the complainant. The Council paid £450 to the complainant for delays and failing to check that its threatened actions were within its powers.

In another housing case I determined that the Council's allocations policy gave officers the power to make decisions based on medical evidence without being qualified to do so. The Council agreed to

change its policy and procedures and paid compensation of £200 to the complainant.

In a case involving delays in repairing a heating system the Council offered compensation of £100 to the tenant but readily agreed to pay £250 when we explained that this latter sum was more in line with our guidance on remedies for similar complaints.

In another complaint involving adult care services, a complainant wished to complain about his late mother's treatment in a care home. The Council wrongly advised him to complain to the Commission for Social Care Inspection when the complaint should have been investigated through its own social services complaints procedures. The Council arranged a mediation meeting and paid the complainant compensation of £200. Once the error was accepted the Council went out of its way to find a satisfactory resolution for the complainant.

In several cases I note that the Council has shown a positive attitude over local settlements and our records indicate a willingness to put things right. The Council has been prepared to accept fault where it has been identified and has shown flexibility in its consideration of settlements.

Other findings

In total 101 complaints were decided during the year. Of these, 18 were outside my jurisdiction for various reasons. There were 42 complaints which were returned to the Council as premature and we asked for them to be considered through the complaints procedures. In 21 cases I decided there was no evidence of maladministration or there were other reasons why I should not pursue an investigation. In six cases I exercised my discretion not to investigate.

Your Council's complaints procedure and handling of complaints

I wrote in some detail last year about my concern over the number of premature complaints we had received and I expressed my hope that the Council would look at ways to help customers submit complaints through its own procedures and particularly through its website. I am pleased to note that the website now has a very clear link to the complaint section and is easily accessible. However, the number of premature complaints has only fallen from 47 to 42 and this still represents almost 42% of the total complaints determined. The national average for premature complaints is 27%. I hope that the Council will continue to address this by publicising its complaints procedures and that the number and proportion of premature complaints will be reduced during the next year. As an example, it may now be helpful to look at signposting service users to the procedures once it becomes clear they have a grievance.

Twelve premature complaints were resubmitted to me. Five of these then resulted in local settlements and that indicates to me that more robust complaint handling may be needed to check that a denial of fault is truly justified. Six more were discontinued as there was no evidence of maladministration or for other reasons and one is still open.

Liaison with the Local Government Ombudsman

We made enquiries on 29 complaints this year and the average time taken to respond was 28.3 days. This was an improvement on the previous year and very nearly met our target time of 28 days. I am pleased to note the trend is one of continuing improvement. Three enquiries were made about adult care services and the average time to reply was 14.7 days. This was an excellent performance. Responses from public finance and transport and highways were also well within the target time. However, the average time to send responses about planning and building control complaints was 38 days and I hope this area can be addressed in order to provide responses within our target time.

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.

I was pleased to welcome your Committee Administrator to our seminar in Coventry last November and I hope she found this useful in her work providing information for my investigators. We will hold a similar event in November 2008. Please let David Pollard, Acting Assistant Ombudsman, know if you would like an invitation to be sent to your Link Officer.

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, have 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'. 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.

**J R White
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18 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	Transport and highways	Total
01/04/2007 - 31/03/2008	6	6	2	1	21	20	19	14	10	99
2006 / 2007	2	7	4	2	20	32	11	22	9	109
2005 / 2006	0	3	3	3	16	5	11	4	12	57

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	14	0	0	21	6	18	42	59	101
2006 / 2007	0	15	0	0	16	5	16	47	52	99
2005 / 2006	0	9	0	0	20	4	11	21	44	65

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	29	28.3
2006 / 2007	24	31.0
2005 / 2006	17	33.1

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