

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

In 2007/08, I received 146 complaints against your Council. This represents a slight reduction on the 148 complaints I received in the previous year.

Housing concerns continued to produce the largest number of complaints, although their number fell from 68 to 63. The distribution of complaints across the other service areas remained broadly similar to the previous year.

## **Decisions on complaints**

During the year, we made decisions on 145 complaints against your authority. We found no maladministration in 19 complaints, and we exercised discretion to close a further ten without requiring action by the Council. We found that 37 complaints were outside my jurisdiction.

## **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. My office settled 37 complaints. The Council's action to settle complaints included the payment of compensation totalling £8,500. I give below details of some of the settlements.

### *Social services*

One complaint concerned the Council's failure to follow adult protection procedures when responding to the complainant's concerns about his mother's care. The Council apologised and paid £500 to the complainant in recognition of its failings.

### *School admissions*

Three complaints concerned problems with the handling of admission appeals. The Council's written cases opposing the appeals gave only general information about the school in question, without prior written reasons for refusing admission to the school. The reasons for refusal were presented orally at the appeal hearings and the appellants were unable to prepare their cases in support of their appeals. It was not clear how the Panels could satisfy themselves that the Council had correctly applied its admission arrangements and criteria to the applications in question. The Clerk to one Panel had made no notes of the Panel's decision making after it had heard the appeal. The Council settled the complaints promptly by offering to arrange rehearings of appeals by Panels consisting of completely different members and with a different Clerk, and agreeing to be bound by the outcome.

/...

### *Student support*

One complaint concerned the Council's acknowledged failure to give the complainant correct advice about his eligibility for student support. He then had to repay a substantial overpayment. While I could not conclude that the Council's actions had led to the complainant's abandoning his course, the Council paid him £500 in recognition of its fault.

### *Antisocial behaviour*

One complaint concerned the way the Council wrote to the complainant about a high hedge at premises where she might have had a legal interest. The Council apologised and agreed to pay the complainant £250 to recognise that the letter should have been expressed in a less threatening way.

### *Environmental health*

One complaint concerned the Council's removal of an abandoned car and its refusal to allow the complainant to retrieve his possessions from it. I found no fault in the Council's decision to impound the car. But the Council delayed in responding to the complaint and the complainant's requests to obtain his possessions. The Council helpfully waived its substantial storage charges and allowed the complainant access to his possessions.

### *Homelessness*

In two complaints about homelessness, the Council was initially slow to recognise the complainants' needs, but did so quickly after intervention by my office. In one case, the Council paid £300 to recognise the distress caused to the complainant and his daughter by their having to sleep on a relative's floor for two weeks until the Council could provide temporary accommodation.

In another case, the Council failed to check that the complainant's temporary accommodation was free from damp and met minimum standards. It also failed to respond to his solicitor's complaint about his health and damage to his belongings. The Council had moved the complainant to alternative temporary accommodation, and then responded quickly by paying £750 to compensate him for his unnecessarily poor living conditions and £675 towards the replacement of his damaged possessions.

In a fourth case, the complainant's possessions were destroyed while she was housed in temporary accommodation. The Council accepted that it had been at fault and apologised. After intervention by my office, it constructively increased its offer of compensation from £750 to £1,250.

We also settled a complaint from a Council tenant whose possessions had been removed and destroyed by the Council without reference to him. The Council agreed to pay compensation of £500 and referred the tenant's claim to its insurers.

### *Housing Benefit*

Two complaints concerned errors and delay by the Council in considering applications for Housing Benefit. The Council provided proper explanations of its decisions and paid a total of £575 compensation to the complainants.

### *Housing repairs*

We settled five cases in which the Council delayed in undertaking repairs or adaptations to Council homes. In all these cases, the Council agreed to undertake the outstanding work as a matter of priority and to pay compensation totalling £1,500. The Council's responses to my enquiries about these complaints were rapid and positive. In one instance, an officer from the Central Complaints Unit visited the property with my investigator and agreed the necessary works the same day.

### *Managing tenancies*

One complaint concerned the Council's failure to pay the complainant £1,200 in respect of the loss of his home due to a fire in 1996. The Council readily agreed to make the overdue payment, and pay a further £500 to recognise the delay and the complainant's time and trouble in pursuing the matter.

### *Local taxation*

One complaint concerned the Council's pursuit of arrears of Council Tax from 1999/2000, amounting to just over £250. The Council no longer had full records of payments made at the time. The Council agreed to write off the arrears. In a second complaint the Council refunded unjustified bailiffs' fees to the complainant. The Council no longer uses the bailiffs in question.

### *Parking*

One complaint concerned the Council's failure to respond to a complainant's informal representations about a penalty charge notice. That failure was followed by bailiffs' action (which was inappropriate). The Council also failed to reply to the complainant's formal representations within three months. The Council readily apologised and paid £250 compensation.

### *Waste management*

Three complaints concerned the location of communal refuse bins outside the complainants' homes. The Council offered to reposition the bins so that they were no longer reached from the paths leading to the complainants' homes.

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

Your Council has a complaints procedure with three stages. The first two stages are based in the service department about which the complaint is made. A complaint at the third stage is made to the Council's Corporate Complaints Manager, acting on your behalf, independently of the service complained of. The Council does not always signpost complainants to the second and third stages of its own procedure, and then to my office.

During the past year, my office referred 44 'premature complaints' to your Council for consideration, as we did not believe that you had had a full opportunity to deal with them through your own procedures. At 30% of all decisions, this was slightly above the national average.

During that period, 12 premature complaints were resubmitted to me. I pursued two of these complaints, which the Council agreed to settle. Three complaints are still under investigation, and no further action was required by the Council in respect of the other seven.

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

The Council's average time for responding to first enquiries was 27.7 days. This was slightly longer than the average in the previous year but is still just inside my target of 28 days. I note that on occasion the Council, in responding to our enquiries, does not consider as fully as it might whether it has been at fault and if so how it might resolve matters. I would encourage the Council to be more proactive in dealing with my enquiries and in identifying settlements where appropriate.

Against this the Council responds positively and helpfully to my suggested settlements. My staff appreciate the regular contact between our offices by telephone, email, fax, and through meetings. This contact saves the time of both our offices and assists complainants.

One of my investigators has taken part in the training which the Council has helpfully arranged for Members and Clerks of Education Appeal Panels. I welcome this positive development, which has been coupled with the Council's efforts to increase the diversity of those responsible for hearing and considering appeals, principally against the refusal of admission to schools.

### **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**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

Enc: Statistical data  
Note on interpretation of statistics

**June 2008**

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	3	11	5	9	63	26	3	7	19	146
2006 / 2007	2	9	9	5	68	23	8	10	14	148
2005 / 2006	7	23	3	8	53	23	8	4	19	148

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	35	0	0	19	10	37	44	101	145
2006 / 2007	1	32	0	0	23	26	28	52	110	162
2005 / 2006	0	29	0	0	24	26	30	38	109	147

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	42	27.7
2006 / 2007	49	24.7
2005 / 2006	56	23.7

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