

Local Government OMBUDSMAN

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

**The London Borough of
Redbridge**
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 Redbridge. 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 139 complaints, a marked increase from last year when we received 106 complaints and the year before when we received 85. This may be of some concern to the Council. I would be interested to know the Council's views as to the possible reasons for this increase.

Character

The increase in the total number of complaints received was reflected in most categories. Of significance was a marked increase in the administration of means tested benefits, from five last year to 17 this year. The number of complaints we received about transport and highways doubled from nine last year to 18 this year, and those made about local taxation increased from ten last year to 18 this year. Another noticeable rise was in complaints about children and family services, eight this year compared to just three last year.

More encouragingly, the number of complaints received about education reduced significantly, from 22 last year to just 14 this year. In addition only two of the 14 complaints I received (which are categorised in the accompanying statistics as "Other"; the complaints made about residual service areas), concerned the way in which the Council had responded to reports of anti-social behaviour – a significant reduction from the 11 complaints we received about this issue last year.

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 complaints in this way (excluding 'premature' complaints - where councils have not had a proper chance to deal with them before they have been put to me - and those outside our jurisdiction).

In 2007/08 the Local Government Ombudsmen decided 140 complaints made against the London Borough of Redbridge. None of the complaints we investigated this year justified the issue of a report, but I did agree 28 local settlements with the Council. Excluding the 17 'premature' complaints I received – which I passed back to you to deal with in the first instance - and the 25 complaints I received which were outside jurisdiction, 28.6% of the complaints I was able to consider were resolved by local settlement, which is just above the national average.

/...

In terms of the local settlements we agreed, they spanned a broad range of issues but a significant minority concerned the administration of benefits by the Council – seven of the 17 complaints determined in this category area were resolved by local settlement. None of these highlighted what I would consider to have been evidence of systemic failures, but rather tended to be where things had simply – for a variety of different reasons in each case – gone wrong. I would urge the Council to learn what it can from these complaints as any delay in processing claims for either Housing Benefit or Council Tax Benefit can be extremely detrimental to the claimant.

Of the 20 complaints decided about local taxation, eight were settled locally. One concerned outstanding non-domestic rates for which a Liability Order was obtained thereby enabling the Council to take steps to recover the money owed. Bailiffs were instructed and fees levied for visits which were allegedly made to the complainant's business premises. When the complainant asked for proof that bailiffs had visited on the specified dates, no evidence could be provided despite the requirement set out in the Council's Code of Practice to keep full reports of visits for 12 months. The Council agreed to write off fees for two visits and reduce the van charge from £450 to £200, and remind the bailiffs it uses to comply with its Code of Practice.

Another complaint relating to Council Tax, identified a failure by the Council to notify the complainant of his right of appeal to the Valuation Tribunal against the Council's refusal to grant a Council Tax exemption for his property. This failure to advise the complainant of his appeal rights was not noticed when the complaint was put through the Council's corporate complaints procedure. When questioned by my investigator, it was justified on the basis that there was no need to explain appeal rights because the property had been charged correctly. This goes against the advice given in my guidance on Good Administrative Practice, to which my investigator referred the Council.

In a complaint about housing allocations, one of my investigators raised concerns (which we had raised in the past and were referred to in last year's annual letter). These were about the way in which the Council's Allocations Scheme was applied by housing officers and the amount of preference given to applicants with a 'local connection'. This involved a potential breach of Part 6 of the Housing Act 1996 and the associated Code of Guidance. I welcome the Council's decision to slightly change the wording of its Policy and, more importantly, change the way it is applied by officers.

As well as taking specific action to remedy complaints and improve procedures where necessary I asked the Council to pay a small amount of compensation where I felt it was merited. The total compensation paid to complainants this year was £5,854. This compares to a total of £3,300 compensation last year.

Your Council's complaints procedure and handling of complaints

I referred 17 complaints back to the Council last year as "premature" as the Council had not had a sufficient opportunity to respond to them and attempt to resolve them to the complainants' satisfaction. This represents just 12% of the total decisions I made, which is a significant reduction on 23% last year and lower than the national average of 27%.

I was however concerned to note that two complaints which we received appeared to have been dealt with under the Council's corporate complaints procedure in the first instance but the complainants had not been told of their right to complain to me should they remain dissatisfied. In both instances the complainant was told to contact a named Council Officer to discuss the matter should they be dissatisfied with the response to their complaint. They were not told how to escalate their complaint either by requesting a more senior review within the Council, or by referring the matter to me. My clear expectation is that a dissatisfied complainant is signposted to me if the Council decides that the complaint does not merit further consideration at a local level.

/...

Liaison with the Local Government Ombudsman

The target time we set for all local authorities in England to respond to our enquiries is 28 days. The average response time for your Council is 35.5 days, which is outside the target time and an increase on last year's average of 34.4 days. One of the main reasons for the failure to adhere to the 28 day target time appears to be that responses to enquiries made about planning and building control complaints took – on average – 50 days, although this figure was skewed by a response time of 80 days for three complaints relating to the same planning enforcement matter.

I note that you have new arrangements in place for liaising with this office. While we have generally found these arrangements to be productive, sometimes my investigators have found it necessary to make repeated requests for information they had asked for at the outset. It would be helpful in future if a check could be made that the information requested in one of our enquiry letters has been supplied by the relevant department before being forwarded on to this office. If – for any reason – your Officers feel we are asking for information which you do not feel is necessary to make a decision on a complaint, I would urge you to contact us to discuss this.

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. We delivered two such courses for the London Borough of Redbridge in May 2007, and I hope that those who attended found them useful in enabling them to deal with complaints which they are asked to resolve.

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.

As you are aware, 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	Transport and highways	Total
01/04/2007 - 31/03/2008	8	17	8	14	30	14	12	18	18	139
2006 / 2007	5	5	3	22	21	24	7	10	9	106
2005 / 2006	0	4	1	13	27	10	18	5	7	85

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	28	0	0	46	24	25	17	123	140
2006 / 2007	0	17	0	0	34	15	7	25	73	98
2005 / 2006	1	14	0	0	18	9	15	20	57	77

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	81	35.5
2006 / 2007	51	34.4
2005 / 2006	40	34.1

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