

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

**The London Borough of Enfield  
for the year ended  
31 March 2009**

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 reviews.

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# Section 1: Complaints about the London Borough of Enfield 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Enfield. 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

## Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

## Enquiries and complaints received

We received a total of 123 enquiries and complaints about your council in 2008/09. The main areas addressed were housing and public finance, although there were a full range of other matters also.

There were 52 complaints which were forwarded to the investigative team. The greatest number concerned housing (14, of which six were about homelessness), followed by our 'other' classification (12, of which six concerned anti-social behaviour and three leisure and culture), and education (six about school admissions and one concerning special educational needs).

## Complaint outcomes

This year I decided 61 complaints against your Council, of which six were not within my jurisdiction. This was generally because an alternative remedy is or was available, such as an appeal to the Appeals Service on a claim for housing benefit, which it was reasonable to expect the complainant to pursue.

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. This may include such things as reconsideration of a decision, repairs carried out, policies reviewed, benefit paid, an apology or other action. In addition I may ask the Council to pay compensation. I agreed 15 local settlements with your Council and as part of these I asked the Council to pay compensation of about £20,000 in total. Nationally, and for your Council, 27.4% of all complaints the Ombudsmen decided and which were within my jurisdiction were local settlements.

Sometimes, although the Council may be at fault, I use my discretion not to pursue an investigation because there is no significant injustice to the complainant. This year I closed 18 cases using my discretion.

## **Complaints by service area**

### ***Housing***

#### Homelessness

I decided four complainants about homelessness. In two of these I concluded the complaint was about the merits of decisions taken without fault, and in one case I used my discretion to discontinue the investigation because if the Council had been at fault I nevertheless did not see the complainant had suffered injustice as a result.

I reached a local settlement in one case. Here there was a delay of around 10 months in deciding on the complainant's homelessness application. The complainant was left in overcrowded conditions with their family for an unnecessary and substantial period of time, during which they were uncertain what the outcome would be. I asked the Council to meet with the complainant to resolve the issues raised, to write off some costs and to pay £1,050 compensation.

#### Housing allocations

I decided 2 complaints about housing allocations. In neither case did I find evidence of fault in the Council's actions.

#### Managing tenancies

In one case there was unreasonable delay by the Council in finding an alternative housing support service for the complainant, who was vulnerable. The complainant was left without a service for 15 months and I concluded this had caused the complainant avoidable distress and time and trouble. The Council agreed to a payment of £500 in compensation, in addition to facilitating the alternative support provision.

#### Housing repairs

I decided four complaints about housing repairs. I did not find fault with the Council's actions in three cases. In the fourth, following a meeting with the complainant and Council officers at which the Council addressed various of the complainant's concerns, I used my discretion to discontinue the investigation.

## ***Planning & building control***

I decided seven complaints about planning and building control matters. Two involved complaints about enforcement. In one of these, I agreed a local settlement on a long standing complaint about noise from a supermarket. There was an enforcement investigation which established a term which had been used in a planning condition was unenforceable, yet it was then repeated in a concurrent planning permission. I found that the complaint was justified in pursuing concerns about this and so the Council agreed to compensate the complainant for the time and trouble they had gone to in pursuit of the matter.

One of the five complaints about planning applications was a local settlement where a number of errors in dealing with an extension abutting the complainant's home were identified. The planning officer failed to conduct a site visit, as should have happened and despite requests made by the complainant. I concluded that, if the officer had done so, problems with the impact on the neighbour's property would have been noted which would have led to a recommendation to refuse the application, or at least to suggest significant changes. Problems were not identified by a senior officer and planning permission was granted and the extension was built. The development blocked the outlook from the only window in a ground floor bedroom, the window to which could not now open properly.

The Council had already admitted its fault when the complaint was made to me, but the complainant would not accept its offer of compensation. After my investigation, the Council agreed to an independent valuation and the Council eventually paid £12,650 in compensation.

In the other four complaints about planning applications I found no fault in two cases and in the others I used my discretion to discontinue the investigation on the grounds of insignificant personal injustice to the complainant to warrant my involvement.

## ***Education***

I reached two settlements in complaints about school admissions. In one case, the admissions appeal panel had considered matters which should not have been considered at all: the Council agreed a fresh appeal which the parents won. This case also identified an apparent breach of the statutory Admissions Code, which requires a waiting list for a school to be ranked using the published oversubscription criteria for the school in question. The Council put late applicants to the bottom of the list, which did not appear to accord with the Code, so I asked the Council to consider changes to its arrangements. I understand following this the Council did review its procedures and would welcome further information on the outcome.

In the other settlement case, the admissions appeal panel had failed to give reasons for its decision that the difficulties expressed by the parents in getting to the current school were not sufficient to outweigh prejudice to others. This was fundamental to their case that their circumstances outweighed prejudice to education which would be caused by admitting their child, so I could not say that the panel's decision was reasonable. The Council agreed to provide a fresh appeal hearing.

There were five other complaints about school admissions. In three I found no fault in the Council's actions, in one I discontinued the investigation because of insufficient injustice to the complainant and the other was outside my jurisdiction. There was also an education complaint concerning special education needs, but this was outside my jurisdiction.

### ***Housing benefit***

I decided seven complaints about housing benefit over the year and I reached one local settlement. Here, there had been an error in the assessment of the complainant's housing benefit claim which the Council did not correct for three months with the result that no benefit was paid. The Council swiftly addressed matters and agreed to pay the outstanding benefit and compensation for the inconvenience caused.

### ***Public finance***

One of the six complaints concerning Council Tax led to a local settlement. In this case, there was a delay of two months by the Council in responding to a letter from the complainant which clarified the nature of their liability. Meantime, bailiffs appointed by the Council had called upon the complainant a number of times. In its response, the Council accepted the information provided by the complainant and apologised for the delay in responding to the complainant. I was of the view that the apology was a sufficient remedy for the complaint. In the other cases, I used my discretion to discontinue my investigation on four complaints. One was outside my jurisdiction.

### ***Transport and highways***

There was one local settlement reached with the Council in a total of four complaints in this area. In this complaint, I found that the Council had mishandled an application for a vehicle crossover, leading the complainant to believe he could install a crossover where there was insufficient space to do so. The Council agreed a modest payment of compensation to reflect the identified fault. In the other complaints, I used my discretion to discontinue the investigation in two cases and one complaint was outside my jurisdiction.

### ***Other***

There were five antisocial behaviour complaints under the category 'other': three led to local settlements.

One case involved a dispute over the height of trees bordering the complainant's property. A Planning Inspector decided that a hedge should be reduced in height, but there was only partial compliance: one tree was not reduced. The Council did not feel this had a significant impact on the complainant and decided not to take further action. This did not seem unreasonable, but the Council had failed to deal decisively with the complaint at the outset and there was then a lengthy delay in pursuing compliance. The Council agreed to pay the complainant £500 to reflect the injustice caused.

The second case involved a complaint about noise nuisance: a tenant had laid laminate flooring in the property above the complainant's without the Council's agreement. The tenants moved out and the property was not checked properly before being relet with the flooring in place. The Council's own procedures identify laminate flooring as a potential source of noise nuisance, and it should have taken steps to address the matter before reletting the property. The Council agreed to provide rugs to be laid over the flooring to abate the noise.

The third case also involved a complaint about noise nuisance from a neighbour. The noise was caused primarily by the neighbour's child, who had severe special needs. A settlement was achieved based on the Council arranging a transfer for the neighbouring family to more suitable accommodation.

Of the remaining complaints in this category, four concerned leisure and culture services, two were about miscellaneous matters and one each involving land and consumer affairs.

## **Adult care services**

Two complaints were decided in this area, both of which were local settlements.

The first case involved an elderly complainant who was known to adult care services but who had not received an assessment of their needs for two years. I could not conclude that this was because of fault by the Council, as the complainant's difficult behaviour had led it to withdraw services. However, the Council agreed to provide a new needs assessment if the complainant was co-operative.

The other case involved a delay by the Council in responding to a complaint about a nursing home where the complainant's mother had been staying. The complainant wanted a meeting with the Council to air all grievances. The Council agreed to the meeting.

## **Children and family services**

Here, there were two complaints: in one I found no fault in the Council's actions, but in the other I agreed a local settlement. In that case I found significant evidence of fault by the Council in its handling of fostering arrangements with the complainants. It failed to conduct a thorough financial assessment in 2004, when the complainants enquired about adopting a child they had previously fostered. This led to the complainants being misled for a long period about the financial support they would receive for the child, and their distress was compounded by further delay in reviewing the decision. The complainants suffered financial hardship as a result and I found that the injustice they suffered was considerable. After my investigation, the Council agreed to pay the complainants £5,000 in recognition of the financial hardship which they were caused.

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

We ask Councils to respond to our enquiries within 28 days. The average response time for the 34 enquiries made to your Council was 24.3 days which is less than the suggested limit.

## **Training in complaint handling**

I am pleased that during 2008/09 we provided five training courses for your staff in Effective Complaint Handling, and three courses in Good Complaint Handling. I note that the Council wants to increase the number of people who are able to conduct the latter stages of complaint investigations and I hope the training will have an effect on the efforts of your officers.

We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

## **Conclusions**

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.

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**June 2009**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

### Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

### Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

### Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

### Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.



### **Adult Social Care Self-funding**

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

### **Internal schools management**

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

### **Further developments**

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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**June 2009**

# Appendix 1: Notes to assist interpretation of the statistics 2008/09

## Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

### Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Formal/informal prematures:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

**Forwarded to the investigative team (resubmitted prematures):** These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

**Forwarded to the investigative team (new):** These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

## Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.-

## Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

**LGO Advice Team**

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	6	2	0	10	5	13	2	3	8	49
Advice given	0	1	2	6	0	6	1	1	5	22
Forwarded to investigative team (resubmitted prematures)	3	0	1	1	1	1	0	0	5	12
Forwarded to investigative team (new)	3	1	6	13	3	1	4	2	7	40
<b>Total</b>	<b>12</b>	<b>4</b>	<b>9</b>	<b>30</b>	<b>9</b>	<b>21</b>	<b>7</b>	<b>6</b>	<b>25</b>	<b>123</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	15	0	0	20	18	6	59

**Average local authority response times 01/04/2008 to 31/03/2009**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	34	24.3
2007 / 2008	33	24.5
2006 / 2007	45	24.7

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0