

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

**The London Borough of  
Hackney  
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.

# Contents of Annual Review

<b>Section 1: Complaints about the London Borough of Hackney 2008/09.</b>	<b>3</b>
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	12
Training in complaint handling.....	12
Conclusions.....	12
<b>Section 2: LGO developments.....</b>	<b>13</b>
Introduction.....	13
Council First.....	13
Statement of reasons: consultation.....	13
Making Experiences Count (MEC).....	13
Training in complaint handling.....	13
Adult Social Care Self-funding.....	14
Internal schools management.....	14
Further developments.....	14
<b>Appendix 1: Notes to assist interpretation of the statistics 2008/09.....</b>	<b>15</b>
<b>Appendix 2: Local authority report 2008/09</b>	

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

## Introduction

This annual review provides a summary of the complaints we have dealt with 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 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

Our Advice Team received a total of 249 enquiries and complaints about your Council in 2008/09, of which 42% (104) concerned housing. The next largest general area of contacts concerned matters within our 'other' category (notably antisocial behaviour), followed by transport and highways.

These contacts led to 131 complaints which were passed to the investigative team, the greatest number (53) of which concerned housing issues. Almost half of these (26) were about repairs. The other main area for complaints was antisocial behaviour: there were 13 of these cases.

## Complaint outcomes

Decisions were made on 144 complaints (including some received during the preceding year).

I did not publish any formal reports into complaints against your Council but I did conclude 53 'local settlements'. These are complaints 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. This can include such things as reconsideration of a decision, repairs carried out, policies reviewed, benefit paid, an apology or some other action. In addition I may ask the Council to pay compensation.

In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. In your case local settlements were 44.2% of such complaints, so this was much higher than the norm. These local settlements included the payment of a total of over £35,000 in compensation.

Sometimes, though the Council may be at fault, I use my discretion not to pursue an investigation because there is no significant injustice to the complainant which would warrant the expenditure of further public funds. But there still may be lessons for the Council to draw from such cases. This year I closed 41 cases using my discretion. There were 26 complaints where I found no or insufficient evidence of fault by the Council to justify further investigation and a further 24 cases fell outside my jurisdiction.

## **Complaints by service area**

### ***Housing***

I came to 64 decisions on housing cases; half (32) were repairs complaints, 13 were about housing sales/leaseholds, eight concerned allocations, six related to the management of tenancies and, finally, there were five about homelessness.

Hackney Homes, an arm's length management organisation set up by the Council, runs the Council's housing stock on its behalf. As such, any fault by Hackney Homes is fault by the Council.

### ***Housing Repairs***

Two housing repairs cases were passed back to give your Council a reasonable opportunity to respond before I became involved and three were not within my jurisdiction. In five of the remaining cases I found no or insufficient evidence of maladministration to justify an investigation, and in a further three I concluded any injustice did not warrant the further expenditure of public funds.

The 19 remaining repairs complaints were settled locally. The most common concern was delay by the Council in carrying out necessary repairs, particularly to address water leaks which was a recurrent feature. These cases of delay included:

- delays of up to three years in properly addressing leaking down pipes, water penetration and damp patches in the complainant's home. For about two years the Council was also at fault for failing to be more proactive in resolving a recurrent problem with blocked drains causing flooding around the complainant's flat. As a result of this delay, the complainant suffered uncomfortable housing conditions, additional expense and unnecessary inconvenience in pursuing matters. In recognition of its fault here the Council agreed to pay £2,000 compensation.
- delay in resolving a disrepair problem caused by leaks from an upstairs leasehold flat. The Council failed to keep the complainant informed about its action during the few months the repairs were outstanding. The complaint was settled by the Council ensuring the repairs were carried out by the leaseholder and by undertaking to make good any decoration.
- a four year delay in resolving the problems caused by a water leak which manifested itself particularly during periods of heavy rainfall. Following my investigation the Council made repairs to the felt roof top and undertook to make another inspection to ensure the repairs were successful. The complainant was also paid £1,000 in recognition of their distress.

- at least a year's delay in responding to a leaseholder's concerns about damage to their property caused by a leak from the Council flat above. There was some confusion with another separate case which contributed to the delay in addressing this case but the Council made a reasonable offer of £850 to settle the complaint.
- a one month delay in repairing the complainant's boiler leaving them with no heating and hot water. The Council fixed the boiler and carried out some other repairs in the kitchen and paid the complainant £175 compensation to reflect the inconvenience to which they were put.
- a three month delay in carrying out repairs in respect of faulty kitchen electrics which caused the complainant unnecessary inconvenience. A compensation payment of £150 was paid by the Council.
- delay in carrying out repairs to the complainant's cracked ceiling caused by work by contractors working in the block. (I will hold the Council responsible for faults by its contractors and others working on the Council's behalf.) As the complainant had made clear their dissatisfaction with the contractors' work, the Council sensibly offered the complainant the option of deciding whether to allow the contractors to do the repair work or of accepting a £1,300 payment and arranging for the works themselves.

Further repairs local settlements included a case involving the Council's management transfer of a tenant into a damp flat. The property had a history of problems with damp and a dehumidifier had been used to dry the flat out before it had been let. Despite the history of problems, and the transfer of a neighbouring tenant out for major works because of similar problems to their home, only superficial means were used to address the problems. The cause was never located or properly investigated. I concluded that the property should never have been let. Following my involvement, the Council agreed to make the complainant a direct offer of accommodation and to pay £750 compensation. The Council also agreed to pay the complainant's relocation costs to their new property and to refund approximately £300 to cover the money they had spent improving their garden.

Faulty communal doors led to problems for two complainants. In one case the key fob door entry system did not work properly and in the other, over an 18 month period, the complainant had to keep bringing to the Council's attention the problems with the communal door. No-one took charge of the problem and the complainant was continually left to chase up the matter. Repairs were carried out to both doors and in the latter case the complainant was also paid £150 compensation for their time and trouble.

In a further three settled cases the complainants had problems with their Tenant Management Organisation (TMO). Two involved minor issues which should have been quickly dealt with without my involvement. In one, the TMO unreasonably refused to replace defective kitchen taps or reimburse the complainant for the cost of their own replacements. The Council delayed for over two months in resolving matters but the complaint was settled by an apology and a refund of the cost of the taps. In the second, the TMO refused to replace broken parts to window handles in the complainant's flat and the complainant was caused inconvenience in opening the windows as a result. The complainant was satisfied when it was agreed that new window parts would be supplied and fitted.

The third case addressed issues of principle concerning the running of the TMO and the way complaints about these issues were investigated. The concerns were eventually recognised by the Council and contributed to its decision to commission a complete review of the TMO's operations.

The complainant had been put to considerable trouble and expense in continuing to pursue matters and had been caused injustice because of the Council's delay in addressing particular repairs and management matters. Compensation of £300 was paid and the Council agreed to take action in respect of outstanding repairs and maintenance issues, and to improve notification practices.

#### *Housing sales/leaseholds*

I decided 13 complaints in this area. A significant number (eight) were not within my jurisdiction because of the availability of appeal rights to the Leasehold Valuation Tribunal, which I considered the complainants might reasonably use. One of these cases involved invoicing for works which the complainants said had not been carried out, and making errors within bills for works actually completed. These were serious issues, but I considered they were best addressed by the specialist statutory tribunal set up to consider such matters.

Two complaints were resolved by local settlement. Both these cases involved unreasonable delay by the Council in addressing and rectifying leaks above the leaseholders' flats: the Council's leaseholders appear to suffer from problems similar to those suffered by its (Hackney Homes') tenants. To address problems, repairs were carried out or scheduled and compensation paid to reflect the delay and the complainants' time and trouble.

#### *Housing Allocations*

I decided eight complaints about the application of the Council's housing allocations system. In two cases I found no or insufficient evidence of maladministration and three were closed using my discretion because I did not consider that any injustice arising from fault warranted my further involvement. There were three local settlements.

In one local settlement the complainant missed out on two successful bids for properties under the choice-based lettings system because the Council failed to tell them their bids were successful. The Council's initial response to my enquiries was that it had been unable to notify the complainant because it did not have the complainant's address or telephone number. But I found that, at the relevant time, the Council did have a number for a mobile phone which was up to date. Once the fault had been identified the Council was quick to agree a settlement: to make a direct offer of housing, which the complainant accepted, together with a compensation payment of £1,400 representing £100 compensation per month from the time an offer should have been made.

In the second case the complainant had been asking for a transfer for several years on many different grounds. The Council decided to provide the three bedroom garden property they wanted following a medical assessment in the course of my investigation.

In the third case the Council took very prompt action to determine a housing application which had previously been affected by delays and lost information. There was a dispute about what information the complainant had provided: once this was resubmitted the Council quickly determined the complainant's priority for housing: they had too few points for a successful bid.

#### *Managing tenancies*

I decided six complaints about the Council's management of tenancies. One was outside my jurisdiction and three were closed using my discretion.

There were two local settlements. In one the Council delayed for around eight months in responding to the complainant's request to waive the rent charge for three weeks at the start of their tenancy, when it was not safe to move in: the Council had failed to check for gas safety and the gas meter was faulty. During the course of the investigation the Council apologised and agreed to waive the rent for the period in question.

The second case involved the Council's failure to send a reminder letter to local residents warning about fouling by dogs within an estate, despite many requests by the complainant and the Council's agreement that it would do so. I asked the Council to send the reminder letters which it did. It also erected warning signs not to allow dogs to foul the communal areas.

### *Homelessness*

I decided five complaints about homelessness. In two cases I found no or insufficient evidence of maladministration and a third complaint was closed using my discretion.

There were two local settlements. In the first case there was a month's unreasonable delay by the Council before it dealt with a homelessness application. The application was considered and the applicant was given temporary accommodation meantime, and working practices improved to prevent any similar problems in the future.

The second case involved more serious fault. The Council's Social Services Department had agreed to pay the complainant's rent arrears, but failed to do so. This resulted in a warrant for possession and the complainant losing their home. Also, having confirmed they had a set date to remove their possessions, the Council removed and destroyed the possessions beforehand. Recognising its fault, the Council made a comprehensive offer to settle the complaint at an early stage. It agreed to pay £2,000 for its failure to make the rent arrears payment, its lack of support, stress and the removal of the complainant's possessions, together with a further £250 for their time and trouble. A discretionary payment of £1,238.84 was also made to clear the rent arrears and the Council accepted a main housing duty to the complainant so that they were able to begin bidding for permanent accommodation.

### **Education**

#### *School admissions*

I decided nine complaints about the Council's handling of school admissions, closing six using my discretion. Three of these concerned infant class size prejudice and the failure of the Council to provide information to the complainants within the required timescale. There were no grounds to conclude the outcome for any of the three complainants would have been different had the timescale been adhered to. Nevertheless the timescales are set out in a statutory code and school appeals are particularly trying for those involved. I therefore urge the Council to ensure that timescales set out in the Appeals Code are met in future years.

The three further complaints were linked and concerned another breach of the Appeals Code. The Council failed to give sufficient advance notice of the appeal date and its case statement although the complainants here were not significantly disadvantaged. (A complaint from the 2009/10 school admissions round suggests that this sort of problem may be continuing.) I again urge the Council to review its working practices to ensure compliance with the Code in future.

In the three remaining complaints I found injustice as well as fault and proposed local settlements for them. In two cases there was delay in organising the appeal hearings. In one of these cases this meant that a place at another school was missed. Compensation payments totalling £450 were made in the first two cases. In the third, I proposed a fresh appeal which was agreed by the Council.

### ***Special educational needs***

I decided four complaints involving special educational needs. In one case no maladministration was involved and two cases were closed using my discretion.

One complaint was settled locally. This case involved fault by the Council in failing to arrange Special Educational Need provision for the complainant's daughter. As a result, she missed out on the speech and language therapy sessions she needed. To address this, the Council agreed to arrange for catch up sessions and to pay the complainant £100 compensation for time and trouble in pursuing the matter.

### ***Planning and Building Control***

Half the planning and building control decisions concerned planning applications. Two were from the same complainant. In none of these cases did I find fault or injustice which warranted my involvement. I did not pursue either of the complaints concerning trees.

I decided four complaints about planning enforcement. One complaint was outside my jurisdiction and two were withdrawn.

The remaining case was settled locally. It involved the Council's failure to provide proper information about its decision not to take enforcement action in relation to noise from a synagogue and residential college near to the complainant's home. Parts of the site had different planning permissions, and the Council did not fully explain the history which only became clear as a result of further enquiries by my investigator. The Council's stance on enforcement did not seem unreasonable, but the Council agreed to pay £100 to the complainant for the uncertainty caused by the confusion.

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

#### ***Parking***

I decided 10 complaints about parking issues. Four of these fell outside my jurisdiction because of appeal rights to the Parking Appeals Service. Of those six I did investigate I found no maladministration in one case and settled five complaints locally.

Two of the settled cases concerned the towing away of the complainants' vehicles. In one case the Council failed to respond properly to the complainant's request to appeal and then told them they were too late to appeal. The Council acted promptly to refund the £260 recovery costs and agreed to tighten its procedures regarding non-standard appeals. In the second case the complainant's vehicle was incorrectly towed away just before they were due to take their family abroad on holiday. This caused a great deal of inconvenience and expense. The Council also delayed in repaying the £240 recovery fee originally paid. To settle the complaint the Council agreed to pay a total of £550 compensation and did so quickly, having accepted things had gone wrong.

Two further settled complaints concerned parking permits. In one case the Council issued parking tickets on successive days when the complainant's parking permit had expired. They had not realised and, unlike other neighbours, they had not been sent a reminder letter to renew their permit. I considered neighbours should have been treated alike and the complainant should have been sent a reminder: the Council refunded the cost of the two parking fines. In the other case the complainant was given incorrect information by the Council and was unaware of an imminent change to policy regarding parking permits, so that when they produced their documentation for a permit they were no longer entitled to one. As the complainant had incurred costs in altering and obtaining the documentation the Council offered a permit to resolve matters.



The final locally settled parking complaint concerned the Council's failure to investigate claims that Penalty Charge Notices (PCN) were incorrectly being sent to the complainant's property, addressed to someone who had never lived there and who was unknown to the complainant. Thirteen PCNs were issued. The matter was passed to bailiffs and the complainant was told goods would be seized from their property. The Council was reluctant to accept my view that the matter should have been investigated more fully given the action taken by the complainant in returning the notices and pointing out the circumstances, but in the end it did agree to pay the £500 compensation I proposed. It also agreed to amend its procedures to include residence checks before sending a 'Notice to Owner'.

### *Highway management*

I decided two complaints about the Council's management of highways, both of which resulted in local settlements for the complainants. In the first case there were delays of 40 and 24 weeks in responding to the complainant's solicitor's letters about the adoption of a road. The Council agreed to pay £200 compensation for its extraordinary delay, and the time and trouble of the complainant.

In the second case the complaint concerned inadequate consultation about night time highways works which ran over four nights until 02.30 hours. There were good reasons why the works had to be done then, so I did not conclude the complainant had suffered a substantive injustice warranting a remedy. But the Council agreed to send out individual notification letters in future, to draw up criteria against which proposals for night time working would be considered in the future, and to ensure that there was a proper record of the discussions and decisions.

### **Public Finance**

I decided 10 complaints about local taxation. I found no maladministration in four cases, one complaint was outside my jurisdiction and two were closed using my discretion.

Three complaints were settled locally. One was a very unusual case involving Jobcentre Plus, which was deducting money from the complainant for a council tax debt owed to the Council. But the complainant did not live, and had never lived, in the Borough. While the main fault appeared to lay with Jobcentre Plus, which had given your Council the complainant's national insurance number rather than the debtor's, the Council might have noted the error and should have addressed matters when approached by the complainant. On contact from my office it took immediate action to stop and refund the deductions, and paid £100 compensation for the distress and inconvenience.

The second case involved council tax liability orders being sent to the wrong address. The Council paid £300 compensation for the distress and inconvenience caused by the issue of summonses and liability orders. The Council also made an application to the Magistrates Court to discharge the liability orders.

In the third case the Council incorrectly served a summons on the complainant for unpaid council tax. Following my involvement the Council cancelled the summons, withdrew the costs and agreed to pay the complainant £50 for the distress.

### **Benefits**

I decided seven complaints about housing benefit and one about council tax benefit. Three were outside my jurisdiction because the complainants had a right of appeal it was reasonable for them to use or have used and there was no fault in a fourth and insufficient injustice to warrant my involvement in a further three.

There was one local settlement; of a housing benefit complaint. With this case the complainant had been overpaid housing benefit and had come to an agreement to repay the money, but did not keep to the repayments and so court action was threatened. At my request the Council reviewed the repayment arrangement and the parties agreed a revised figure.

### ***Adult care services***

I decided four complaints about the service adult care users are provided with by the Council. Two of these involved local settlements for the complainants, and I closed a third case using my discretion because I did not consider injustice to the complainant warranted my continued involvement.

One case involved the complainant's sibling, who has severe disabilities and was being supported in independent living by the Council. The Council did not provide support in reapplying for benefits for the complainant's sibling when it should have done. The complainant was seeking the payment of outstanding benefits, compensation and answers to a request for information about payments made. By the time the complaint had been referred to me all the outstanding benefit had been applied for and the requested information provided. To settle the complaint the Council agreed to pay £150 compensation to the service user and £50 to their sibling for their time and trouble spent in pursuing the complaint.

The second case too revolved around payments, this time of rent. The complainant was a private landlord who was providing accommodation for an adult with mental health difficulties by agreement with the Council. The Council was paying rent but there was a substantial shortfall at the beginning of the tenancy, even though the complainant had been told they would receive rent to cover the whole period of occupation. The Council was very quick to respond to my enquiries and settled the complaint within 10 days by paying the outstanding rent of £6,240.

In another case there was a dispute about matters including how the complainant was using direct payments from the Council for the care of their partner. The Council decided to reduce the care hours it was funding even though there was a discrepancy of facts, but before it did so the complainant's partner sadly died. In these circumstances I closed the case using my discretion, but the Council agreed with me that changes in its procedures were required. The Council now has a standard letter for service users explaining the purposes of assessments/reassessments and standard letters to express concerns about how direct payments are being used. It also confirmed that wherever possible and appropriate it will arrange for occupational therapy assessments to be undertaken by a member of staff of the same sex as the client. I also asked the Council to ensure that a proper record is made of the medical advice received when making decisions to change care hours.

### ***Children and family services***

There were three decisions on complaints about the service the Council provides to children and families. One complaint was closed using my discretion and two were settled locally.

In one case the Council had failed to offer the complainant an independent investigation at stage two of the statutory complaints procedure, as was required. This was simply and promptly addressed following my intervention.

The second case concerned long standing and multiple faults in the way the Council dealt with the complainant's requests for assistance with the care of two of their large family of children, both of whom had learning difficulties and special educational needs. The failures ran over three years during which time the complainant was left without assistance: when an assessment was made it was found that the Council should provide a total of 22 hours of care per week for the children.

Meantime, the complainant had been providing and paying for care and had run into debt. The Council had already offered £5,000 to settle the complaint, but then offered a meeting with the complainant to discuss a settlement, with me to adjudicate if there was disagreement. At this meeting, the parties agreed that the Council should pay £10,000, plus £500 for the complainant's time and trouble. I commend the Council for this approach.

### ***Other***

The final area of complaints is my catch-all 'other' category. Complaints here involved antisocial behaviour, environmental health, employment and pensions, leisure and culture and miscellaneous matters, but only the first two raised issues of note.

#### *Antisocial behaviour*

I decided 13 complaints about antisocial behaviour. In six cases no or insufficient evidence of maladministration was found for me to investigate and a further four were closed using my discretion. The three complaints which resulted in local settlements all involved the Council's failure to take appropriate and timely action to deal with antisocial behaviour. Such failings can have a very serious impact on those suffering from the behaviour.

In one case the complainant was assaulted and their neighbour was convicted of causing actual bodily harm. Threats were made to the complainant's family and there was intimidation and harassment. The Council resolved to take action, but this decision was not followed through.

The complainant had made a request for a transfer. The Council accepted it was at fault and as part of the settlement it granted the complainant priority transfer status backdated to the date of the incident (which led to immediate successful bids for accommodation). It also provided training to staff and introduced a new case management system to deal with antisocial behaviour, and paid the complainant £2,000 compensation. It said it was also considering serving an ASBO on the assailant, limiting their movements. The complainant was happy with this outcome.

In another case the Council was proactive in suggesting a local settlement for six months of distress. It paid £600 compensation for its failure to take action in response to complaints of anti-social behaviour and drew up an action plan which included a referral to the mediation service which the complainant wanted. In the third case there was a history of incidents with a neighbour. Most of the incidents complained of were not witnessed or were of short duration, but there were incidents which were not followed up and which might have led to action being taken six months sooner than happened. As part of the remedy, the Council referred the anti-social behaviour to its Legal Section and served a Notice of Seeking Possession on the neighbour. Its apology to the complainant was accompanied by a compensation payment of £500.

#### *Environmental health*

I decided three complaints about environmental health matters. One of these was closed using my discretion and two were settled locally. The first of the settled complaints concerned the Council's failure to take effective action against residents failing to clear up after their dogs. The Council had already visited residents with dogs and informed them of penalties for not clearing up after their dogs. The Council then banned dogs from the communal area and confirmed it would be considering tenancy demotions and Acceptable Behaviour Agreements.

The second settled complaint concerned noise from air conditioning units on a building near to the complainant's home which had already been the subject of two earlier complaints to me. The building is occupied by the Council but is privately owned. The Council attempted to resolve matters by negotiations with the landlord and drew up and costed plans to upgrade the units, but could not obtain the landlord's agreement. Meantime it witnessed a statutory noise nuisance from the units. To remedy matters, the Council served an Abatement Notice and was considering action for breach of planning conditions. It also made its own adaptations to the air conditioning system to alleviate the problem. Additionally, it agreed to pay £200 compensation for its delay of 2 to 3 months in resolving matters and in checking the units' settings.

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

The average time taken by the Council to reply to our written enquiries was 24 days, within our target time.

I have noted the many positive comments that have been made by my staff about the assistance provided by the Corporate Complaints team. There are many references to a proactive approach to resolving complaints which I would like to commend.

### **Training in complaint handling**

I am pleased that during 2008/09 we provided a number of training courses in Good Complaint Handling for Hackney Homes, and in Effective Complaint Handling for staff from your authority.

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.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> floor**  
**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**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.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> floor**  
**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**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	2	4	0	35	5	7	5	10	16	84
Advice given	1	1	1	16	4	2	0	7	2	34
Forwarded to investigative team (resubmitted prematures)	1	0	0	15	2	3	1	1	7	30
Forwarded to investigative team (new)	5	4	11	39	6	3	6	13	15	102
<b>Total</b>	<b>9</b>	<b>9</b>	<b>12</b>	<b>105</b>	<b>17</b>	<b>15</b>	<b>12</b>	<b>31</b>	<b>40</b>	<b>250</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	53	0	0	26	41	24	144

**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	80	24.0
2007 / 2008	86	23.8
2006 / 2007	88	23.9

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