

**The Local Government Ombudsman's
Annual Review
London Borough of Harrow
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 London Borough of Harrow Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about London Borough of Harrow. 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

The Advice Team received 119 complaints and enquiries during the year. Of these three were about adult care services; one concerned children and family services; 10 related to education; 28 were about housing; four concerned benefits; 19 related to public finance matters; 14 were about planning and building control; 14 concerned transport and highways and 26 related to issues that fall under the category Other.

We treated 50 of those complaints and enquiries as premature and in a further 25 cases advice was given (usually to pursue the matter through the Council's complaints process). The remaining 44 complaints were forwarded to the investigative team; 33 as new complaints and 11 as premature complaints that had been resubmitted.

Complaint outcomes

I decided 43 complaints during the year. In 10 of those cases (23%) I found no evidence of maladministration. I used my discretion not to investigate a further case which I treated as withdrawn when the complainant failed to provide information about his complaint. In 10 cases (which represents 23% of all decisions made in the year) I took the view that the matters complained about were outside my jurisdiction and so they were not investigated.

Local settlements

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. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 22 (or 18%) were decided as local settlements and you agreed to pay compensation of £12, 905 in total.

Local Settlements by service area

Adult Care Services

I decided two complaints about Adult Care Services during the year, and in both of these a settlement was agreed.

In one the Council failed to provide a place at a day care centre for six months resulting in the loss of that much needed service to the complainant. The complainant was an adult with severe learning difficulties and when the officer dealing with him left the Council it failed to ensure that the work was allocated to another officer. The placement found at an adult day centre by the previous officer was thus lost and the complainant had to remain at home without the services he needed. Although other placements were offered they were not acceptable to the complainant and he waited a period of 73 weeks before obtaining a placement. The Council initially offered the complainant £3000 in response to the complaint made directly to the Council. This was not accepted and the Council agreed the matter should be decided by me. It would have taken time for the Council to identify provision and I allowed time for that. But it had taken far too long and based on the costs that the Council would have incurred but for the delay in providing this placement I recommended compensation of £6000. The Council accepted that errors had occurred, reviewed the procedures it was using, apologised and agreed to pay the sum of £6000 in compensation.

In the other complaint the Council had failed to reassess the complainant's support needs after he was diagnosed as having Asperger's syndrome which resulted in him not receiving services that might otherwise have benefited him. The Council accepted that there had been a fault in its procedures, apologised and agreed to pay £500 in compensation.

Other- Antisocial Behaviour

I decided one complaint about Antisocial Behaviour and this led to a settlement.

The Council had failed to adequately respond to the concerns of neighbours about antisocial behaviour in their area and to take action to reduce this behaviour. The Council agreed to review how it co-ordinated its response to concerns in the locality, set up working groups to liaise with residents and took action to remove the buildings the cause of much of the problems. It was action that the residents wanted and in my view the Council's response was sufficient to settle the complaint.

Other – Environmental Health

I decided one complaint about environmental health. A company had allowed children to drive fork lift trucks and the Council apologised for its poor initial investigation into the complaint about this practice. The Council accepted that it should have been more rigorous in its initial investigation and it agreed that it would pursue with the firm concerned improvements in practices and procedures to ensure that all visitors, and especially those under 18, were accompanied while on the company premises to ensure they did not gain access to any of its machinery or equipment and to prevent them being operated by children or anyone other than a member of staff.

Other – Land

During the year I decided one complaint concerning land. The Council had failed to take action over cars parked on grass areas it owned outside the complainant's home. It apologised for its lack of action and agreed it would take enforcement action where cars were improperly parked on the grass area, and remind drivers of refuse lorries not to drive over the grass.

Other- Miscellaneous

I decided one complaint under this heading during the year.

The Council had failed to restore communal TV services within its own prescribed timescales on two occasions. The Council agreed to settle this by apologising for the delay and it paid £50 to the complainant in compensation for the loss of service.

Other – Waste Management

I decided two complaints about waste management. One I decided did not show any maladministration and in the second a settlement was agreed.

The Council had failed to collect the complainant's bins and then failed to respond to the complaint made about that failure. The Council apologised and paid £25 in compensation for the inconvenience caused.

Benefits

I decided two cases concerning housing and council tax benefits. One I decided was outside my jurisdiction.

In the other case, the Council had in error sent to two people living in the same household details of the benefit claims of the other. The Council apologised for the error and amended its procedures to ensure that the information being sent to each resident at the address was correct and related only to that individual.

Education

Three complaints concerning education were decided this year. I found one to be outside my jurisdiction and another I was satisfied there had been no maladministration.

In the third complaint the Council had not offered the complainant a place at the school applied for but during the investigation a place was offered and so the matter was settled without having to be taken further.

Housing

I decided 12 complaints about housing ranging from complaints about homelessness, housing allocation, repairs, repairs notices, the management of tenancies and sales.

In respect of those 12 complaints there were five local settlements.

In a complaint about housing allocations the Council erroneously suspended the complainant's family from the housing waiting list and also delayed in carrying out repairs to the complainant's existing home. The Council backdated the priority on the housing register to rectify its mistake, apologised, carried out the repairs, replaced damaged curtains and paid £650 in compensation.

In a complaint about housing repairs the Council had failed to repair a defective drain causing a backflow into the complainant's kitchen for over a year, causing damage to the kitchen and the washing machine. The Council apologised and paid £1800 in compensation.

In another complaint about housing repairs the Council had taken too long to repair a faulty central heating boiler and missed its target date of seven working days by three days. It apologised and paid £75 in compensation.

In a complaint where the Council was replacing bathrooms and kitchens under its Decent Homes programme it delayed upgrading the complainant's home because of the time taken to resolve a leak from another property. The Council apologised, agreed to replace the kitchen and bathroom and paid £1000 in compensation.

In another complaint the Council asked the complainant to obtain a gas compliance certificate when he already had one, and the complainant had to pay £180 for another certificate. The Council accepted it was in error, apologised, and paid £180 for the certificate plus £100 in recognition of the inconvenience caused.

Planning and Building Control

I decided six complaints about planning and building control; of that number three resulted in local settlements, two were outside jurisdiction and one was a premature complaint.

Enforcement

I decided two complaints concerning enforcement and both resulted in a settlement.

In the first, the Council had failed to comply with a committee recommendation that it inspect a junction where lorries were obstructing access to the highway. The Council apologised and agreed to set up regular inspections to see if there was sufficient evidence to take enforcement action.

In the other complaint the Council took over eight months to investigate a complaint that a parapet had been constructed higher than in the approved plans, adversely affecting the complainant's light. The Council apologised and agreed to pay £250 compensation.

Planning Applications

Of the four complaints I decided concerning planning applications, one was premature, two were outside jurisdiction and one resulted in a local settlement.

The Council had led the complainants to believe that it would take enforcement action over an unauthorised roof extension when in fact it had not intended to do so. The Council apologised and agreed to pay each of the four complainants £250 giving a total on this complaint of £1000.

Public Finance

I decided four cases about public finance during the year; one I found to be premature and on the other three local settlements were agreed with the Council.

In one complaint the Council's records had incorrect information about ownership of the complainant's flat and sent notices to the wrong address, resulting in visits from the bailiff. The Council apologised, agreed to have the court judgement set aside, cancelled the bailiff's fees and paid the complainant £200 in compensation.

In another complaint the Council wrongly pursued the complainant for Council Tax resulting in a court summons. The Council apologised and paid the court costs of £125 incurred by the complainant.

In another complaint about Council Tax the Council pursued the complainant to a court summons when it had failed to give the complainant the true figure for the debt being claimed. The Council apologised, rectified the mistake, agreed to allow more time for the debt to be paid and paid the complainant £200.

Transport and Highways

Parking

Two of the three decisions under this heading resulted in a local settlement. In the first complaint the Council failed to remove a clamp from the complainant's vehicle after the fine had been paid. The Council apologised and paid the complainant £750 in compensation for the considerable delay and inconvenience caused.

In the other complaint the Council pursued the complainant for parking penalty charges without taking into account the complainant's financial difficulties. The Council apologised and agreed to cancel the bailiff charges and to consider the details of the complainant's financial situation so agreement could be reached on a suitable schedule for repayment.

Resubmitted complaints

Of the 43 complaints that I decided in the year 10 were resubmitted after initially being referred to your Council as premature. Of those resubmitted complaints I pursued investigations into seven, leading to local settlements. It is most disappointing that the Council did not take the opportunity to resolve the complaints for which I subsequently recommended a remedy.

Liaison with the Local Government Ombudsman

Formal enquiries were made on 34 complaints during the year. Your Council's average response time has reduced from last year's 28.3 days to 26.8 days which is a continued improvement and means that the Council now responds within the 28 days requested. This is commendable given that the number of enquiries has increased year on year from 2006/2007 and I appreciate the effort that has clearly been made to improve response times.

My officers continue to appreciate the readiness of your staff to consider taking early action to resolve complaints in response to their enquiries and I note that the use of Lessons Learned meetings has assisted you in reaching settlements with us and offering improvements in services to the public.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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

Conclusions

The improvement in response times and the Council's willingness to learn lessons from complaints is commendable. I am pleased to note the high level of settlements that we have been able to achieve and the Council's willingness to resolve complaints for complainants.

The Council has approached my office for advice and assistance in resolving complaints before they reach us which shows that the Council is committed to putting things right and I welcome that approach.

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**J R White
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB**

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.

**J R White
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB**

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	1	0	1	14	1	9	5	5	14	50
Advice given	0	1	2	4	2	6	4	3	3	25
Forwarded to investigative team (resubmitted prematures)	1	0	1	0	0	3	1	0	5	11
Forwarded to investigative team (new)	1	0	6	10	1	1	4	6	4	33
Total	3	1	10	28	4	19	14	14	26	119

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	22	0	0	10	1	10	43

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	26.8
2007 / 2008	29	28.3
2006 / 2007	24	31.0

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