

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

Section 1: Complaints about the London Borough of Newham 2008/09	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	6
Training in complaint handling.....	7
Conclusions.....	7
Section 2: LGO developments	8
Introduction.....	8
Council First.....	8
Statement of reasons: consultation.....	8
Making Experiences Count (MEC).....	8
Training in complaint handling.....	8
Adult Social Care Self-funding.....	9
Internal schools management.....	9
Further developments.....	9
Appendix 1: Notes to assist interpretation of the statistics 2008/09	10
Appendix 2: Local authority report 2008/09	

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

Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Newham. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the 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

Last year, our Advice Team handled 181 enquiries about your Council. Of these enquiries, 46 related to complaints which we considered were premature, and we referred them to your Council for investigation. We gave advice to 25 other enquirers on a variety of matters, including my jurisdiction. 110 complaints were passed to the investigative team. The issues which prompted the most significant numbers of enquiries were Housing, Transport and Highways, Benefits and Education. These subjects also accounted for the majority of the complaints forwarded to the investigative team.

Complaint outcomes

This year, I made decisions on 104 complaints against your Council. There were 22 complaints in which I found no, or insufficient, evidence of fault by the Council to warrant further investigation. I used my discretion not to pursue investigations into 23 complaints, for example where the injustice to the complainant was not significant enough to warrant a remedy, or where the remedy which the Council had provided was adequate. I found that 20 complaints were outside my jurisdiction.

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 I decided against your authority, which were within my jurisdiction, 39 (46.4%) were local settlements. These settlements resulted in the Council making payments totalling £12,188. Of these payments, £3,340 arose from three complaints about housing benefit, £5,429 from 11 complaints (two of which were related) about housing repairs, and £1,025 from four complaints about the management of housing tenancies.

Complaints by service area

Adult care services

I decided two complaints about social care services for adults. In one complaint, there was no, or insufficient, evidence of maladministration and, in the other, I used my discretion not to pursue an investigation.

In the latter case, the Council had failed to communicate with the complainant while his mother was the subject of a guardianship order and refused to let him visit his mother in private. I did not seek a remedy, as I considered the complainant had contributed to the difficulties that had arisen. Other proceedings led to the complainant being offered accommodation where his mother could visit him. The Council nevertheless agreed to review its procedures to ensure adequate communication in the event of a breakdown of relationships, and to undertake a risk assessment, which it would share with all parties, before seeking to restrict access to a person.

Antisocial behaviour

I decided five complaints about antisocial behaviour. In three complaints, I found no, or insufficient, evidence of maladministration and, in one, I used my discretion not to pursue an investigation.

I agreed to settle one complaint, in which the Council had failed adequately to assess conflicting claims of antisocial behaviour prior to taking legal proceedings. The Council agreed to pay the complainant £750. I recommended that the Council should review its procedures in the light of the concerns identified. It would be helpful to know the outcome of this.

Homelessness

I decided eight complaints about homelessness. In two I found there was no, or insufficient, evidence of maladministration and, in two others, I used my discretion not to pursue an investigation.

I agreed to settle four complaints. In one case, the Council agreed to make arrangements for an occupational therapist from another Borough in which it had temporarily accommodated a homeless person to make an assessment of their needs. The Council also agreed to review its procedures for assessing the occupational therapy needs of people in temporary accommodation, particularly if housed outside Newham. The way in which the Council will implement this recommendation remains to be settled.

In a second case, the Council failed to ensure that the gas supply was connected before it moved a homeless family into temporary accommodation. There was delay in arranging a new meter once the gas had been connected. The overall delay was four months. The Council agreed to increase the offered compensation from just over £200 to £500. The Council offered to settle a third complaint about a gas supply by resolving problems over the allocation of meters to the wrong flats.

The last complaint concerned the time taken by the Council in offering suitable one bedroom accommodation to a homeless wheelchair user living in unsuitable temporary accommodation. The offer of rehousing had been delayed by outstanding arrears of rent. During my investigation, the Council offered the complainant a flat suitable for wheelchair use, which the complainant considered resolved matters.

Housing Benefit

I decided 11 complaints about Housing Benefit. One complaint was outside my jurisdiction. I used my discretion not to pursue three cases.

I agreed to settle seven complaints. The Council offered to settle one complaint by paying the complainant £100 to recognise its delay in passing an appeal to the appeal service, and its failure to prevent the recovery of an overpayment, while the appeal was pending. The Council settled a second by recognising that it had failed to send a decision letter, and agreed to send the letter in such a way as to preserve the complainant's right to appeal against the decision. The Council settled two other complaints by taking action to correct faults in the way in which it had treated applicants who wished to appeal against Housing Benefit decisions.

The Council offered to settle a complaint that it had failed to honour the settlement (made in 2004) of a complaint about the overpayment of Housing Benefit. The Council agreed to pay the complainant £2,000 to recognise its prolonged delay in implementing the earlier settlement.

Finally, the Council settled a complaint about its failure to pay £1,260 of Housing Benefit directly to a landlord. It agreed to pay the landlord an amount equivalent to the Housing Benefit which the landlord had been unable to recover, together with £75 compensation.

Housing repairs

I decided 24 complaints about repairs to accommodation for which the Council is responsible. In two complaints, there was no, or insufficient, evidence of maladministration and, in six others, I used my discretion not to pursue an investigation. Three complaints were outside my jurisdiction. I agreed to settle 13 complaints.

Two complaints arose from the Council's persistent failure to honour the settlement of an earlier complaint about delay in undertaking a range of outstanding repairs to a Council house, and missed appointments. The Council eventually undertook the outstanding repairs and paid the complainant a total of £1,500 to recognise its faults. The Council also ensured that its housing contractor paid the complainant an outstanding decorations allowance.

I settled two other complaints about delays and missed appointments by the completion of the work and the payment of a total of £400. The Council also made an outstanding payment, arising from the settlement of an earlier complaint by one of the complainants.

One complaint concerned the Council's failure to inspect two sets of temporary accommodation before a family moved in, so that they lived in damp conditions for 19 months. There was also delay in undertaking the inspection. The Council paid £1,500 and undertook to ensure that accommodation would be inspected in future, and the resulting reports retained.

In three cases, the Council delayed unreasonably in tackling internal leaks in the complainants' homes and in replying to their complaints about it. The Council agreed to complete the outstanding remedial work. It also agreed to pay a total of £1,725 to recognise its faults.

One complaint concerned damage by the Council's contractors to a door. The door was replaced at the complainant's expense in the first instance. The contractor, on the Council's behalf, refunded the complainant's expenditure of £100. The Council settled a similar complaint about damage to a complainant's fence caused by a tree falling from the Council's property. It replaced the fence and paid a total of £250 for its delay in doing so.

Managing tenancies

I decided eight complaints about the management of the tenancies. Two complaints were outside my jurisdiction. In one complaint, there was no, or insufficient, evidence of maladministration and, in two others, I used my discretion not to pursue an investigation.

I agreed to settle three complaints. Two complaints about responsibility for and the standards of maintenance of communal areas were settled by payments totalling £175 to acknowledge the Council's delay and by the Council undertaking to clarify its procedures. The Council also undertook to remove waste as soon as possible.

In the third case, the Council failed to give the complainants sufficient notice of a substantial rent increase, so that they had been unaware of the need to exercise a preference, which was available to them, for rehousing. The Council agreed to waive the rent increase for three months (amounting to £500), by which time the complainants had secured permanent accommodation. The Council also paid £250 to recognise the time and trouble of a member of the complainants' family, who had acted as their advocate.

Other decisions

I settled 10 other complaints across a range of service areas, including education, highways and parking, housing allocations and local taxation. The Council paid compensation totalling nearly £1,300.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to our written enquiries about complaints was 22.4 days. This represents a significant improvement, compared with the time taken last year (27.7 days) to respond to our enquiries. This is well within the target (28 days) which we set for responding to our first written enquiries.

However the Council's responses to our first enquiries can sometimes not represent full answers to the questions raised or be out of date, which can lead to the need to make further enquiries. Sometimes, Council departments can be reluctant to offer to settle complaints. There are examples of cases where agreed settlements have not been implemented. I also note that during the year, of the 23 cases I decided which had previously been referred to the Council and which had then been resubmitted, eight were local settlements. This indicates that the Council may need to do more to ensure that it is more effective in responding to and resolving complaints.

My officers have kept in regular contact with your Council's Corporate Complaints Manager and my officers visit your Council's offices from time to time. We find these contacts helpful. We also appreciate the efforts made by the Corporate Complaints staff to assist us in resolving matters. I am sure it will be useful for our staff to meet again in the coming year to discuss some of the points I have expressed above.

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

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

**Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London SW1P 4QP**

June 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
10th 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	1	2	2	23	2	2	2	3	9	46
Advice given	1	1	4	10	1	1	1	1	4	24
Forwarded to investigative team (resubmitted prematures)	0	0	1	18	2	2	2	3	6	34
Forwarded to investigative team (new)	1	4	7	32	11	4	7	6	5	77
Total	3	7	14	83	16	9	12	13	24	181

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	39	0	0	22	23	20	104

Average local authority resp 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	64	22.4
2007 / 2008	42	27.7
2006 / 2007	49	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 Parks Authorities	100	0	0