

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

London Borough of Redbridge
for the year ended
31 March 2009

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about the London Borough of Redbridge

Introduction

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

I hope that the 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

Of the 124 enquiries and complaints received by our Advice Team in 2008/09, 46 were passed back to the Council to attempt to resolve in the first instance as the complainant had yet to exhaust your complaints procedure, and it seemed that they would not be disadvantaged by doing so before complaining to me if they remained dissatisfied at the end of that process. A further 25 enquiries were dealt with by the provision of advice. The 53 remaining enquiries were treated as investigable complaints and passed on to an investigative team for consideration.

Nearly half of these (22) concerned education matters and, specifically, school admissions (20). We forwarded 11 complaints for investigation about transport and highways (including parking complaints) and six complaints were about housing matters. The remainder were across a broad range of Council services.

Complaint outcomes

Reports

When we complete an investigation, we generally issue a report. This year I issued one report against your Council about a complaint from a profoundly deaf complainant whose housing application was not handled correctly for over a year. This was partly a result of the repeated failure of officers to read his file properly and identify that he was deaf and make the relevant adjustments to facilitate effective communication with him. When attempting to arrange interviews to assess his housing needs the Council failed to advise him of a textphone facility in its letter to him so that he could request an alternative date if needed, and when he did visit the Council's Housing Advice Centre to provide information and discuss his housing application, he was not provided with a British Sign Language interpreter.

It was my view that these faults demonstrated a failure to comply with the requirement of the Disability Discrimination Act 1995. I was pleased to note that the Council has accepted these findings and agreed to pay £500 compensation for the two years the complainant spent in nightly-let accommodation longer than he should have. This was in addition to the £750 the Council had already offered. It has also already reviewed its arrangements for dealing with people with sensory impairments. A dedicated officer within the Tenancy Sustainment Team now acts as a link worker for any client accessing the service with a sensory impairment whilst their case is being considered and a dedicated mobile phone is held by this officer for text messaging applicants who are deaf or hard of hearing. The complainant was invited to attend a meeting with senior officers and the Housing Department Cabinet Member, and these measures were discussed with him. He has also been invited to come back to the Housing Service in three months to see how these measures have taken effect, and offer any further comments for improving the service.

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 67 complaints I decided against your authority which were within my jurisdiction, 11 (or 16%) were settled locally – five concerned housing matters, three related to planning and building control services (although all three concerned the same issue), and one each in the categories of adult care service, benefits, and education.

Complaints by service area

When considering complaints made to us by local authority service users, we learn a lot from both the complaints we settle locally as well as those where I exercise my discretion to discontinue my involvement usually because of a lack of significant injustice to the complainant. I will go on to highlight some of the key points which have been identified from the decisions we have made in the past year by service area.

Planning and building control

The complaints about planning and building control which were settled locally concerned the Council's failure to take enforcement action within a reasonable time period once it became aware that a development had not been completed in accordance with the approved drawings. Part of the problem was that the Council had lost the relevant planning file. Following my intervention the Council agreed to serve a Breach of Condition Notice. The complaints I received were from three adjoining neighbours. Whilst I could not see that their amenity was significantly affected by this

delay, they were each caused some time and trouble in attempting to have their concerns addressed. The Council agreed to pay them £250 each in addition to taking the enforcement action.

During the course investigating another complaint about planning enforcement I learnt that on 1 September 2008 the Council had 1,086 outstanding planning enforcement enquiries, 619 of which were in excess of a year old. I understand that a senior officer was appointed to deal with this issue for six months with a target of reducing the backlog to no more than 200 outstanding cases by 31 March 2009. I understand that although this target has not been met, the number of enforcement cases over one year old was down to 340 by 31 March 2009 which remains a significant achievement. I would welcome an update on the current situation.

Housing

I dealt with two complaints about housing sales/leaseholds this year which were eventually settled locally, but the Council was initially very reluctant to accept fault and agree a remedy.

The first concerned delay by the Council in dealing with queries about right to buy applications, where the Council wrote to the complainant's Member of Parliament but failed to copy the complainant in to these responses. The Council only provided the complainant with the information they had asked for after repeated requests. This caused them a degree of stress, as well as unnecessary expense in photocopying and postage charges. Through persistence on our part over a period of some four months, the Council eventually agreed to pay the complainant £100 for their time and trouble and £30 for the costs they had incurred.

The second complaint was about the Council's unreasonable delay for over two years in agreeing to sell a domestic garage to the complainant. As a result of the delay the complainant was offered the garage at its value in 2007, even though it was £500 more than its value in 2005 when he first attempted to purchase it. After initially refusing to settle the complaint and referring the matter to a senior officer, the Council agreed to sell the garage to the complainant at the 2005 value rather than the greater 2007 value.

Education

One complaint about school admissions was settled locally, where the Council offered the child a place at the school. I did not pursue a further two complaints due to a lack of injustice to the complainants, but I voiced some concerns about the Council's admissions and appeals procedures which had arisen from the cases.

In the first, I had serious misgivings about the way the Council and the Independent Appeal Panel is convened to deal with appeals against decisions to refuse children places at the school in question. I was concerned that the Council thought the Panel would not consider medical or psychological evidence presented to it by appellants as part of their appeal because it was not competent to do so, and so had advised appellants of this in advance of the appeal. This advice may have had the affect of stopping the complainants presenting such evidence, when the appellants can present any evidence they think is relevant to their appeal. It is for the Independent Appeal Panels to consider such evidence and make their own judgement about what weight to attach to it. I was also concerned that the Panel told the appellants that it could not consider new evidence submitted on the day of the appeal, but the Panel should have considered an adjournment so the new evidence could be taken into account.

The second complaint in respect of education admissions concerned the arrangements in place for pupils to return the form that sets out their secondary school preference to their primary school teacher to pass on to the Council. The Council did not receive the form and the parents did not learn of this until after their first preference school which they would have successfully applied to

was full. The Council took the pragmatic step of offering the child a place at the school and so I discontinued my investigation. But I was concerned that a system that relies on primary school pupils to return forms to their teachers to forward to the Council did leave itself open to incidents of this nature.

Adult care services

I discontinued an investigation into one of the complaints about adult care services under Ombudsman's discretion, but during the investigation I discovered clear errors in the note recording the core assessment. The complainant argued that the Council should use a pro-forma to ensure it collects the information that it needs and avoid such errors in future and I put this to the Council. I was pleased to note that the Council has a standard process for the collection of data and that it actively encourages users to verify the information gathered.

Other

I closed a complaint last year (2007/08) as a local settlement which concerned someone being banned from certain leisure facilities owned by the Council. I decided that both the process and procedure for initiating such bans, and thereafter reviewing them periodically and allowing an affected individual a mechanism for appeal were flawed. Although the Council paid the recommended amount of compensation to reflect the injustice this had caused the individual complainant, it did not carry out the review of its procedures as was agreed. The Council has since taken steps to rectify this.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to my written enquiries was 33.3 days, which is a slight improvement on last year (35.5 days) but still below the target of 28 days. This is particularly concerning when nearly half of the complaints we investigated concerned school admissions, where a prompt response is particularly important.

I note that your Performance Manager attended one of our regular seminars for local authority staff who co-ordinate responses to our enquiries. I hope that the seminar proved useful in updating the Officer on recent developments in our service and forthcoming initiatives.

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 am a little concerned that the Council has initially resisted some of my proposals to settle complaints this year. I would also like to see response times to my enquiries improve and come within the 28 day target I set. It was particularly concerning during the investigation of the complaint on which I issued a report this year that when a senior officer was absent for a long period, no one else was seemingly able to answer my queries.

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

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June 2009

Section 2: LGO developments

Introduction

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

Council First

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

Statement of reasons: consultation

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

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

Making Experiences Count (MEC)

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

Training in complaint handling

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

Adult Social Care Self-funding

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

Internal schools management

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

Further developments

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

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June 2009

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

Introduction

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

Table 1. LGO Advice Team: Enquiries and complaints received

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

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

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

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

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

Table 2. Investigative Team: Decisions

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

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

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

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

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

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

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

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

Table 3. Response times

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

Table 4. Average local authority response times 2008/09

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

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	2	1	10	9	6	2	3	12	46
Advice given	1	1	0	6	3	2	0	0	12	25
Forwarded to investigative team (resubmitted prematures)	0	0	0	3	0	0	1	0	0	4
Forwarded to investigative team (new)	1	3	22	3	1	2	2	11	4	49
Total	3	6	23	22	13	10	5	14	28	124

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	1	11	0	0	36	19	10	77

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	37	33.3
2007 / 2008	81	35.5
2006 / 2007	51	34.4

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

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