

**The Local Government Ombudsman's  
Annual Review  
London Borough of Brent  
for the year ended  
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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 Brent Council 2009/10.....</b>	<b>3</b>
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	6
Training in complaint handling.....	6
Conclusions.....	6
<b>Section 2: LGO developments.....</b>	<b>7</b>
Introduction.....	7
New schools complaints service launched.....	7
Adult social care: new powers from October.....	7
Council first.....	7
Training in complaint handling.....	8
Statements of reasons.....	8
Delivering public value.....	8
<b>Appendix 1: Notes to assist interpretation of the statistics 2009/10.....</b>	<b>9</b>
<b>Appendix 2: Local authority report 2009/10</b>	

# Section 1: Complaints about Brent Council 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about Brent Council. 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 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

Over a third of the 147 enquiries and complaints received by our Advice Team about Brent concerned housing matters: there were 50 in all and 32 of them were passed to the investigation team, including 12 about housing allocations and nine about repairs. The remaining enquiries were considered to be either premature (12) - and so were referred back to the Council to be dealt with under its complaints procedure - or some general advice was provided (six).

The next most common subjects of enquiries we received were benefits (16), public finance - mainly local taxation (16), transport and highways (10) and adult care services (10). Of these, 10 complaints about local taxation, seven about housing benefit, seven about highways (mainly parking) and five about adult social care were passed on to the investigation team.

In the 'other' category, 17 complaints were sent to the investigation team and these included five about anti social behaviour.

These figures are broadly similar to the number and type of enquiries and complaints we dealt with in 2008/09. The only notable difference is that a higher number of complaints were passed on for investigation by my office in 2009/10: 89 compared with 62 in 2008/09. But those figures conceal a reduction in the number of complaints which were resubmitted to us by complainants who had already been through the Council's complaints procedure as a result of our earlier referral. In 2008/09 there were 18 while this year, there were just 15.

## Complaint outcomes

I reached decisions on 77 complaints in 2009/10, exactly the same number as in the previous year. There were 33 cases where I found no or insufficient evidence of fault by the Council to justify further investigation and 14 of the complaints fell outside my jurisdiction.

Sometimes I use my discretion not to pursue an investigation, although the Council may have been at fault. This is usually where any injustice caused by the fault has already been adequately remedied by the Council concerned. There were 23 such cases in Brent. The remaining complaints we investigated resulted in a local settlement.

## **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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. The corresponding proportion of the complaints we decided against your authority was just over 11%.

## **Outcomes of complaints by service area**

### ***Housing***

#### *Housing allocations and homelessness*

I decided 12 complaints about the Council's housing allocation system, the same number as last year. Unlike last year, none of these resulted in a local settlement. There was no evidence of fault in five cases and I used my discretion in six cases; the other was outside my jurisdiction. One case I closed on grounds of discretion related to a computer software problem which resulted in a particular applicant's housing application date changing - following some unusual and complex circumstances. The Council had tried to rectify the problem at the time and there was no significant injustice to the individual, as they had not lost an opportunity to move during the time the application date was wrongly set back.

I decided three complaints relating to homelessness, one of which resulted in a local settlement. This complaint was from a resident who approached the Council as homeless just before going into hospital, saying they would be homeless when they came out. It involved other related issues, some of which the Council had already considered and remedied. The outstanding issue was whether the Council at the outset should have treated the person as being homeless and potentially in priority need. The Council changed its response to this aspect of the complaint, having acknowledged fault at stage 2, but then saying at stage 3 that the person was not homeless at that point as they said they could stay with friends. My investigation found no record of that latter statement and the complainant denied making it. We concluded that the Council should have decided the person was homeless and in priority need and thus offered them interim accommodation. The Council had reviewed its processes for dealing with homeless applicants and has now introduced some new procedures, including new interview and letter templates. We also asked it to remind officers of the need to ensure its housing options and homeless prevention approach did not stand in the way of them making formal homeless assessments where there was reason to believe the person may be homeless or threatened with homelessness. The Council also paid compensation of £300 to the complainant.

#### *Disrepair*

I found no fault in the way the Council had dealt with three of the six complaints we investigated about housing repairs and in one case I used my discretion to not investigate. The remaining two resulted in local settlements. In one of these there had been a delay of about 65 weeks in mending a leak to a complainant's home. The repairs were completed and the Council had already offered £580 compensation, as well as offering £350 on the complainant's insurance claim for damage to personal goods. The complainant was not satisfied with that amount and the Council promptly agreed to my recommendation that it increase the sum from £580 to £750. This was to remedy the distress caused by the person being in temporary accommodation longer than necessary and towards their time and trouble. A key reason for the delay in dealing with the leak was that the Council introduced a new repairs data base in September 2008 and it seems that the complainant's case was overlooked in the transition. I told the complainant that I would not get involved in the insurance aspect or question the offer made by the Council's insurers.

The other local settlement related to a similar case, about the Council's refusal to pay compensation for damage to goods following a leak from a central heating system. The Council denied responsibility for the damage, but it accepted that there had been some delay in carrying out part of the refurbishment works. It offered to replace the carpets and install vinyl flooring in the kitchen as a gesture of good will. That was an acceptable outcome to the complainant and to my office.

### **Housing benefit**

I found no fault in two of the five complaints about housing benefit which I investigated and two were outside my jurisdiction, as the complainants had a statutory right of appeal to an Appeals Tribunal. The remaining case resulted in a local settlement, where the Council failed to send the complainant a payment for £750, which represented several months of housing benefit for his tenant. The Council made the payment, accepted it had been at fault, apologised and agreed compensation of £50 for lost interest and time and trouble.

### **Local taxation**

I decided 10 complaints about council tax, two of which resulted in a local settlement - both involving the payment of arrears. In both cases the Council failed to deal with the complainants' requests for repayment by instalments, which was not in accordance with its anti-poverty strategy. The Council's strategy is a good one, but I have previously reported in 2007 that it had not considered its own strategy when taking action against a woman for a council tax debt - which she did not owe.

In one of the cases this year the Council accepted that it had continued to take council tax recovery action against the complainant and agreed to pay £300 compensation, mainly for the bailiff's letters which were sent on its behalf; it had already agreed to waive the bailiff's fees. It also agreed instalment arrangements and to merge the person's two outstanding debts.

In the other case the Council failed to reply to the complainant's requests for advice and for payment by reasonable instalments. It also delayed assessing the benefit claim, failed to consider a backdating request and delayed dealing with this complaint at stage 3 of its procedure. It had already awarded the complainant compensation of £350. I asked it to consider an additional payment of £50, because the complainant had received a bailiff's letter for which no compensation had been paid, and the Council agreed to this. (Where compensation is awarded in such cases, the Council usually deducts it from the outstanding council tax debt.)

The Council said that the Revenue and Benefits Service would arrange a briefing session for staff about the anti-poverty strategy.

### **Adult care services**

We made three decisions in this area, one of which was a local settlement. The complainant had been going through a serious crisis several years ago and the Council agreed to store their possessions at one of its offices. However it had no proper policy in place and no inventory was taken. The Council had investigated the complaint about a lot of possessions being lost and agreed to offer £500 compensation to the complainant a year earlier. They refused that as being insufficient, but were still in crisis at that time. The Council agreed our proposal to make the offer of compensation again.

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

I am pleased to see that the Council has maintained its good response times. The average time taken to reply to our written enquiries was just under 22 days. This is well within our target time of 28 days and represents a further improvement on its performance in the previous two years (of around 23 and 24 days). Your responses are generally both prompt and thorough.

One of your Corporate Complaints Officers attended a general seminar we held for link officers in May 2009 and your Complaints Manager in Community Care attended our seminar on Making Experiences Count in July 2009; the latter related to the new statutory approach to dealing with complaints about Health and Adult Social Care. The Council's Corporate Complaints Manager attended a further seminar we held on the same subject in March 2010.

## **Training in complaint handling**

I am pleased that during 2009/10 we provided training in Effective Complaint Handling in Adult Social Care to two groups of staff from your authority. This is one of the more recent courses we now offer to Local Authorities.

In previous years we have provided training in Good Complaint Handling to your staff. I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

## **Conclusions**

The Council continues to respond well to our enquiries on complaints and we obtain local settlements at a rate far below the average across all authorities. It is my view that this reflects very well on the Council's complaints handling arrangements. In support of this view, I have noted that none of the 'resubmitted' complaints which I decided during the year resulted in a local settlement.

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 authority's services.

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

**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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

**June 2010**



# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## 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.

**Premature complaints:** 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10**

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	0	0	1	12	9	5	0	0	8	35
Advice given	5	0	0	6	0	1	2	3	7	24
Forwarded to investigative team (resubmitted prematures)	0	0	0	6	3	2	3	1	0	15
Forwarded to investigative team (new)	5	2	4	26	4	8	2	6	17	74
<b>Total</b>	<b>10</b>	<b>2</b>	<b>5</b>	<b>50</b>	<b>16</b>	<b>16</b>	<b>7</b>	<b>10</b>	<b>32</b>	<b>148</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	7	0	0	33	23	14	77

**Average local authority resp times 01/04/2009 to 31/03/2010**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	30	21.9
2008 / 2009	30	22.6
2007 / 2008	38	23.5

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20