

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

**The London Borough of Enfield  
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.

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# Section 1: Complaints about the London Borough of Enfield 2009/10

## Introduction

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

In 2009/10 there were 137 enquiries and complaints about your Council, fairly similar to the 123 in 2008/09. Forty one complaints were premature (because the Council had not yet had an opportunity to deal with the matter itself), and in 35 cases enquirers were given advice.

The contacts this year were fairly spread across the range of the Council's services. The majority of the complaints fall within the following categories: housing (26), our complaint category 'other', which includes environmental health and contracts and business matters (25), local taxation (19), education (16), and benefits (14).

Sixty one complaints were forwarded to my investigative team to consider (against 52 in 2008/09). The complaints were again fairly spread across service areas, although education (13) and housing (11) had the highest numbers.

## Complaint outcomes

This year I came to a decision on 60 complaints against your Council.

### Reports

When we complete an investigation, we generally issue a report. This year I issued a joint report with the Health Service Ombudsman against your council. In this case, the complainant's brother was discharged home from hospital but sadly died a few days later. I found that failing to record whether a hospital admission form had been sent home with the complainant's brother, and failing to update a tenant risk assessment after his return home was maladministration. But I could not conclude these failings led to an injustice as they did not contribute to the complainant's brother's death.

### 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, 11 of the complaints I decided against your authority (23.4% of those within my jurisdiction) comprised local settlements. Nationally, 26.9% of such decisions are local settlements, so the Council's figure is close to the norm.

Five of the settlements involved housing matters and of these, three were about housing repairs.

In the first of the housing repairs cases, there was a delay by the Council in identifying the cause of a damp and condensation problem in the complainant's property and a consequential delay in addressing the problem. When the Council eventually identified the problem, it decided to decant the complainant while the damp problem was being addressed. I concluded that the complainant was left in a damp property for up to a year longer than was necessary. The Council agreed to a payment of compensation in addition to completing the necessary repairs.

The second housing repairs complaint involved an unreasonable delay of around nine months in completing a major refurbishment of the complainant's property. The complainant was decanted to temporary accommodation elsewhere but it was unfortunate that the Council unreasonably delayed completing minor repairs at that property too. To address the injustice to the complainant, the Council agreed to accelerate the progress on the refurbishment works and to make a payment of £1,000 in compensation.

The third housing repairs complaint again featured unreasonable delay by the Council. There was delay in carrying out repairs to the heating system within the complainant's flat. The complainant also alleged they had only accepted the property because the Council misleadingly advertised the property, when they bid for it, as having underfloor heating throughout. The underfloor heating was only available in the flat's hallway and living room. The Council agreed to pay compensation and to arrange the complainant's transfer to another property.

The other local settlements within the housing area concerned leasehold service charges and homelessness. A complaint about service charges identified a discrepancy between the maintenance charge levied upon the complainant and those of the neighbouring properties. The difference amounted to £147 and was originally levied in the 2004/5 financial year. As the Council could not adequately explain why there was a difference, it agreed to waive the charge in recognition of the time and trouble the complainant had been put to.

A homelessness complaint involved the complainant being evicted from temporary accommodation because of rent arrears. The complainant claimed arrears were due to failings in the processing of a housing benefit claim. I could not establish there had been fault in handling the claim, but the Council did review it and subsequently awarded additional housing benefit to the complainant. This had the consequence of reducing the rent arrears owed by the complainant.

Two of the settlements involved complaints about planning applications. In the first complaint, I found the Council failed to notify the complainant of the submission of their neighbour's planning application, so the complainant was denied the opportunity to comment on it. The Council agreed to a payment of compensation of £250 for the injustice caused, and to amend its working practices. The second complaint about planning involved an unreasonable delay before enforcement action was taken against an unauthorised development. The Council again agreed a payment of £250, to reflect the time and trouble taken by the complainant.

The other settlements involved parking, council tax and street lighting. In the parking complaint, the Council towed away a vehicle displaying a blue badge, because its officers had been wrongly informed that the blue badge was not genuine. The Council agreed to a refund of all costs incurred by the complainant including taxi fares. In the council tax case, there was unreasonable delay before the Council resolved a dispute about liability, for which it made a payment of compensation. And in the street lighting complaint there was a delay in responding to the complainant's concerns about deficient street lights. The complainant raised concerns about this issue over a two year period before the matter was eventually resolved. The Council settled the complaint with an apology and payment of compensation.

## **Other decisions**

I exercised my discretion not to pursue investigations into 12 complaints, including cases where the level of injustice was insufficient to warrant further investigation of the matter or the claimed injustice did not occur as a direct consequence of any fault on the part of the Council. I closed 23 complaints because there was either no or insufficient evidence of fault to warrant further investigation.

At other times the substantive matter of the complaint may be outside my power to investigate. This year, I found that 13 cases were outside my jurisdiction. These included complaints where the complainant had an alternative remedy (such as a right of appeal to a statutory tribunal) and I considered it reasonable for the complainant to use the alternative remedy.

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

We ask councils to respond to our enquiries within 28 days. The Council's average response time was 17.4 days. I thank you for your co-operation in this area.

I am pleased that I had the opportunity to meet with the Council's senior management team in October last year. A point that emerged from the meeting was the Council's concern about my approach to pursuing valuation as a remedy for planning complaints. A further meeting was suggested to discuss this matter but the Council has yet to contact my office about this.

## **Training in complaint handling**

I am pleased that during 2009/10 we provided training in our Effective Complaint Handling and Good Complaint Handling courses to staff from your authority.

We have extended the range of courses we provide and 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 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	3	2	0	10	8	9	0	4	6	42
Advice given	1	0	2	5	3	3	5	4	12	35
Forwarded to investigative team (resubmitted prematures)	0	0	0	3	1	0	3	2	1	10
Forwarded to investigative team (new)	3	3	14	8	3	7	4	3	6	51
<b>Total</b>	<b>7</b>	<b>5</b>	<b>16</b>	<b>26</b>	<b>15</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>25</b>	<b>138</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	11	1	0	23	12	13	60

**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	28	17.4
2008 / 2009	34	24.3
2007 / 2008	33	24.5

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