

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

**The London Borough of
Harrow**

**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 London Borough of Harrow 2009/10

Introduction

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

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 117 enquiries and contacts relating to your council. Of these 28 were about public finance, 23 about housing, 13 each about planning and building control and transport and highways; 10 concerned education, eight were about adult care services and three about children and family services and another three about benefits. There were 16 about other areas such as antisocial behaviour and environmental health.

A total of 47 were passed to the investigative team (35 new complaints and 12 resubmitted premature complaints). We treated 38 complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further 32 cases we gave the complainant advice.

This compares to 119 complaints and enquiries in 2008/09, of which 44 were forwarded to the investigative team. We expect to see slight fluctuations of this kind over time.

Complaint outcomes

We decided 52 complaints against the council during the year. In 24 we found no evidence of maladministration, and ten complaints were outside jurisdiction. In a further six complaints we exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant.

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. Of the complaints we decided against your authority 12 were local settlements, 23% of the total decisions made. I recommended that the council pay a total of £3,725 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

Education

We received three complaints about the way in which the council applied its schools merger and amalgamation policy. The council made errors in the information it published in its policy on the amalgamation and mergers of schools. In reporting the matter to members the council also failed to ensure that all the information was correct, which gave rise to a perception of bias against the complainants. My predecessor upheld the complaint that the process was flawed and that the review panel which considered the complaint before it came to my predecessor had been reasonable in drawing the conclusion that the council had shown bias. The council agreed to the recommendation that members consider my predecessor's concerns about the process and pay the complainants a sum of £250 in recognition of the additional time and inconvenience caused to them as a result of the failings in the process.

Anti social behaviour

We frequently receive complaints from neighbours of people who cause nuisance and disturbance to those around them. In one complaint the council had not considered its anti social behaviour powers or its powers as a landlord swiftly enough and once it did it was able to take action which removed the problem. The council called officers together to discuss what lessons it could learn from the circumstances of this complaint and agreed to pay £1,000 in recognition, that but for the delay, the complainant may not have had to experience the behaviour for so long.

Planning

Of the five complaints investigated about planning and building control, only one resulted in a local settlement. The council had not taken and retained appropriate records of enforcement investigations undertaken some years ago and that created confusion when it came to consider further enforcement action and an application for a certificate of lawfulness of use. The complainant was put to considerable trouble in pursuing the matter which they would not have experienced had appropriate records been kept. The council agreed to pay £300 in recognition of that time and inconvenience in pursuing the matter with it and with me.

Homelessness

Not all complaints which are settled locally result in a payment of compensation. Often the council can resolve the matter by taking action and I welcome such an approach. In one complaint the council recognised that it had been unreasonable in not accepting the complainant's reasons for refusing an offer of accommodation. To resolve the situation it allowed a further offer to be made and the complainant was successful in applying for an appropriate property. I welcomed the council's positive approach as a way of settling this complaint.

Public finance - Council Tax

We received 28 enquiries and complaints about public finance, the majority concerning council tax accounts and benefits. Of the nine complaints forwarded for investigation, a local settlement was reached on one where the council recognised that it had made an error when posting payments to a complainant's account. The error was compounded by the council then removing the posting and pursuing the complainant for failure to pay his account with repeated demands for payment.

The problem had been caused by automated systems and the council agreed to the recommendation that it should ensure a manual check was made of the account. It accepted that checks should have been more vigorous to ensure that repeat notices were not sent. For the inconvenience and distress caused it agreed to pay £500. The council held a learning meeting to consider lessons from the experience of this complaint so it could improve its systems and I commend it for its use of such meetings to gain knowledge from the complaints it receives.

In another complaint there was confusion over which council tax discounts and allowances had been applied to the complainant's council tax account resulting in arrears appearing on the account. This led to confusion over the exact amount needed to balance the account. The council accepted that the information provided had not clarified the issue and agreed to reduce the bailiff charges applied to the account, and submit further clearer information. This enabled the complainant to see clearly what discounts or allowances she had been awarded and what she needed to pay.

Trees

It is important for councils to signpost members of the public to the correct contact point for pursuing a complaint. In one case the council failed to direct the complainant to its insurance section to pursue a claim for damage caused by a council owned tree. That created some confusion as to which section should resolve the matter and deal with the complainant. In turn that created delay. To remedy the complaint the council accepted our recommendation that it pay a contribution of £900 towards the cost of rectifying the damage caused and £150 in recognition of the time spent on pursuing the complaint and the inconvenience this caused to the complainant.

Public transport

Information provided for the public's benefit has to be clear and written in a way that can be easily understood. The council accepted in one complaint that the information given to a complainant about what was needed in support of an application for a freedom travel pass had been unclear and this had resulted in the complainant making journeys to the council's offices which were not necessary. The council agreed to the recommendation that it pay £25 as a contribution to the costs of the unnecessary journeys and acknowledged that it had contributed to the confusion experienced by the complainant.

Housing sales/leaseholds

In the only complaint we received in this area the council made errors in the service charge accounts it sent to residents and took far too long to remedy those errors. Unfortunately the same mistake was then repeated in the next year's accounts. The council readily agreed to our recommendation that the complainant be paid £100 in recognition of the inconvenience to the complainant in resolving the problem.

Liaison with the Local Government Ombudsman

We made formal enquiries into 30 complaints during the year. In the annual review for 2008/09, my predecessor congratulated the council on its efforts to improve the council's response times which had averaged 26.8 days. For 2009/10 the council has again improved its times to 25.3 days and I commend it for those efforts. I have noted that within the groups of complaints, planning and building control are taking longer than the target time of 28 days to respond to my enquiries and I would urge the council to take appropriate steps to improve this.

The complaints officer has been very helpful in acting as our link officer and has helped to ensure that the responses we receive from the council meet our requirements. In particular the council's willingness to learn lessons and reach local settlements is much valued. It is noted that officers from your council have also taken part in some of our initiatives during the year such as the Making Experiences Count seminars and we have found that involvement valuable.

Training in complaint handling

I would like to take this opportunity to remind the council that 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 authority's services.

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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/

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

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.

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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	9	0	12	3	5	4	38
Advice given	3	0	1	4	2	7	5	2	8	32
Forwarded to investigative team (resubmitted prematures)	0	1	0	2	1	4	1	1	2	12
Forwarded to investigative team (new)	2	0	9	8	0	5	4	5	2	35
Total	8	3	10	23	3	28	13	13	16	117

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	12	0	0	24	6	10	52

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	25.3
2008 / 2009	35	26.5
2007 / 2008	29	28.3

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