

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

London Borough of Redbridge
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 Redbridge 2009/10

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 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Of the 110 enquiries and complaints received by our Advice Team in 2009/10, 25 were passed back to the Council to attempt to resolve in the first instance as the complainant had yet to exhaust your complaints procedure. A further 27 enquiries were dealt with by giving advice. The 58 remaining enquiries were passed on to an investigative team for consideration.

The category with the highest number of complaints forwarded for investigation was education, with 13 such complaints. This was, however, almost half the number we received in that category in 2008/09. A number of complaints forwarded for investigation related to housing matters (nine) and complaints about planning and building control matters (12). We forwarded seven complaints for investigation about transport and highways (the vast majority of which were about parking). The remaining 17 complaints were across a broad range of Council services.

Complaint outcomes

I made decisions on 50 complaints against your Council during 2009/10. There were 10 cases that were outside my jurisdiction. In 16 cases I found no fault and in 14 I exercised my discretion not to pursue the complaint, often because the injustice suffered was not sufficient to justify an investigation. I issued one report against your Council and I agreed nine local settlements.

Reports

When we complete an investigation, we generally issue a report. This year I issued one report against your Council about a complaint regarding the failure to provide the specialist Occupational Therapy (OT) provision set out in a child's statement of special educational needs. The child in question has autism and, following an appeal to the Special Educational Needs and Disability Tribunal (now known as the First Tier Tribunal), the Council agreed to provide sessions of specialist OT provision for the child. The appeal hearing was in July 2008 and the statement made it clear that these sessions should start by the middle of October 2008.

However, by the end of 2008 this timeframe had not been met and the complainants complained to me. The Council said that it was experiencing difficulties recruiting a specialist OT with the required skills and experience. It said this was partly due to changes in the rules about working visas for people from outside the European Union, which meant it was much more difficult to recruit OTs

from South Africa and Australia - previously a significant source of recruitment for the Council.

My view was that these difficulties did not excuse the Council from its statutory duty to provide the special educational provision set out in a child's statement. If the Council relied upon overseas nationals to provide much of the OT resource it used, then it should have kept up-to-date with developments in employment rules and planned accordingly.

The absence of these OT sessions for nearly a year affected the child's educational development and caused his parents considerable time and trouble and distress. In order to remedy this, the Council agreed to commence the provision by the start of September 2009. It also agreed to pay: £1,000 for the effect of the lack of provision; £250 for the distress this caused his parents; and £250 for their time and trouble.

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 40 complaints I decided against your authority which were within my jurisdiction, almost a quarter (nine) were resolved in this manner, and overall the Council appeared to be willing to settle complaints in this way where appropriate. Of these nine complaints, two related to housing; three concerned planning and building control; and one each in the categories of benefits, public finance, transport and highways, and other.

Complaints by service area

When considering complaints made to us by local authority service users, we learn a lot from the complaints we settle locally. I will 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 all related to enforcement, which I note was the same as last year. In one of these complaints, the Council delayed for eight months in responding to a reported breach of planning control. The breach itself – regarding a porch – did not have a significant effect on the complainant's amenity, but the Council's failure to investigate meant that the complainant was put to some time and trouble in having to write a further three letters to the Council during that eight month period. The Council only acted when I became involved. It agreed to pay the complainant £100 compensation to recognise the time and trouble he was caused by the delay.

The other two complaints in this category which were settled locally were not about the failure to investigate reported planning breaches, but the failure to notify the complainants of the outcome of its investigations. In both cases, the Council investigated the alleged breaches promptly and decided that the development was Permitted Development – which does not require planning permission. However, on both occasions the Council failed to notify the complainant of this decision, for which it agreed to send a written apology.

I hope that the Council recognises these issues as being important to complainants, but relatively simple to address, and takes action to avoid any recurrence.

Housing

I dealt with two complaints about housing matters this year which were settled locally. The first was an interesting complaint about a housing transfer applicant who said that she needed to move to accommodation adapted for the use of a wheelchair. There were some conflicting medical reports about whether or not she would be a long-term wheelchair user – which she would need to be to qualify for such a property. A number of factors, including conflicting reports from medical professionals and the time it took to obtain a definitive and up-to-date report, meant that much of the six month delay was either reasonable or beyond the Council's control. However, there was a one month gap when nothing seemed to happen, during which time the complainant was living in a property that was not accessible to a wheelchair user. I note that the Council tried to mitigate the effect of the delay on her by offering temporary accommodation in a more suitable property, which she refused. Nonetheless, I still thought it appropriate for the Council to pay her £100 compensation for the effect of living there longer than necessary.

The second complaint related to the management of a Council tenancy. The Council included a charge for communal heating in the complainant's rent, even though the system had been changed to individual metering for the complainant's flat some time ago. The Council took a long time to reach a decision on this matter and in the interim the complainant arranged for his own electrician to do an inspection of the situation. It was agreed that the Council would refund the electricity charges to the complainant's rent account and pay him £250 for the time and trouble he was caused by the delay.

Public finance

One complaint about local taxation was settled locally. This related to the Council's failure to amend its records when notified of the complainant's change of address. The Council also failed to contact the Valuation Office and so the new property was not given a council tax band. There was a three year delay before the Council resolved the matter and began sending bills to the new address and, as a result, also a three year delay in assessing the complainant's council tax benefit claim. By the time I became involved, the Council accepted it was at fault and had offered £400 compensation. Eventually it was agreed that compensation totalling £600 should be paid to recognise the distress caused by receiving a court summons, a liability order and a bailiff's letter, and the complainant's time and trouble over the course of the three years. I am pleased to note that the Council has already introduced a new method of dealing with such amendments to council tax accounts, which includes a way of linking accounts by a unique PIN.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to my written enquiries was 23.4 days, which is a significant improvement on last year (33.6 days). It is also well within the target time of 28 days, which I am grateful for.

I note that two of your Complaints Managers attended one of our regular seminars for local authority staff who co-ordinate responses to our enquiries. I also note that your Complaints Investigation Manager for Adult Social Services attended our seminar for local authority staff who have been involved in the new Adult Social Care statutory complaints procedure. I hope that these seminars proved useful in updating your officers on recent developments in our service and forthcoming initiatives.

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

Overall, there has been a significant reduction in the number of complaints about school admissions, which is notable given the importance of the school admissions process to the future of children and young people, and the distress caused to parents by any problems with it. I welcome the huge improvement in the time taken to respond to my enquiries, and the Council's willingness to agree settlement promptly, both of which make a considerable difference to the complainant experience during an investigation,.

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	1	9	2	1	1	2	4	25
Advice given	2	1	4	4	3	3	3	1	6	27
Forwarded to investigative team (resubmitted prematures)	0	0	0	3	1	3	3	0	1	11
Forwarded to investigative team (new)	3	2	13	6	3	2	9	7	2	47
Total	8	5	18	22	9	9	16	10	13	110

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	9	0	0	16	14	10	50

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	23.4
2008 / 2009	37	33.6
2007 / 2008	81	35.5

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