

24 June 2011

Mr M Smith
Chief Executive
London Borough of Ealing
Perceval House
14/16 Uxbridge Road
London W5 2HL

Dear Mr Smith

Annual Review Letter

We are writing with our annual summary of statistics on the complaints made to us about your authority for the year ending 31 March 2011. We hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our advice team, the number that the advice team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

We have decided to add a commentary to the attached statistics in view of the number and range of complaints against your council that my office dealt with in the year and the wider public interest in some of the outcomes.

Enquiries and complaints received

Our advice team received 251 enquiries about your council in 2010/11, a similar number to previous years. Of these, 85 related to complaints that were considered to be premature as the council had not had a chance to consider them. We referred these back to the council for investigation when it seemed the enquirers would not be disadvantaged by us doing so. Our advisers dealt with a further 51 enquirers by providing advice.

115 complaints were forwarded to the investigative team, a decrease on the previous year (135). Of those forwarded for investigation, 23 had previously been referred to the council and had then been resubmitted to my office as the complainant remained dissatisfied with the outcome. As in previous years, housing (90), highways and transport (45), and planning and development (27) remained the categories that accounted for the majority of the enquiries and complaints we received.

As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 67 complaints this year, your average response time was 26.4 days. This is an improvement on last year and within my requested timescale of 28 days.

Complaint outcomes

This year we made 129 decisions against your council. In 42 cases we found no or insufficient evidence of fault to warrant further investigation; we exercised discretion not to pursue 27 complaints where, for example, the injustice was very minor. There were 24 complaints that were outside my jurisdiction. Whilst we issued no reports against your council we did uphold 36 complaints which were settled when, during the course of the investigation, the council took or agreed to take some action that we considered to be a satisfactory response to the complaint. In 2010/11 27.1% of all complaints the ombudsmen decided and which were within our jurisdiction were settled in this way. The comparative figure for your authority was 34.3%.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate. In 2010/11 your council paid compensation of £14,300 in total. But often there is more to a local settlement than just the payment of money. Here are some examples of the settlements obtained during the year.

Adult care services

One complaint concerned delay in responding to a request to cancel domiciliary care. This resulted in the complainant being overcharged for 10 days care. The council also initially failed to act on the complainant's request that the complaint be escalated to stage two of its corporate complaints procedure and, having decided there had been fault, it then referred the matter to another team to decide whether compensation should be paid. In this case, the council paid £350 compensation and agreed to review the guidance it issues to its managers about complaints handling. It would be helpful to know whether this has now been done.

A separate complaint was made to me by someone who as a result of ill health was frequently hospitalised and needed additional care on being discharged. The council delayed in paying outstanding direct payments to the complainant to meet these additional care costs. At the heart of the matter was that the complainant's needs on discharge from hospital had never been properly assessed. An independent investigation in July 2009 recommended that a proper assessment be carried out as soon as possible, but at the time of my investigation in 2010 this had not been done, partly due to the difficulties presented by the complainant's frequent hospitalisation. In this case, we asked that some specific action now be taken and that the council pay the complainant £250 for the difficulties caused by its delays.

Benefits and tax

We reached local settlements in two such cases, both involving claims for housing benefit. In the first case, the council delayed by three months in dealing with the complainant's request for an appeal. When the council did look at the appeal it realised it was unsigned and so invalid which resulted in a further delay. The council agreed to pay £150 compensation, to ensure that appeals are checked for signatures on receipt in future, and to ensure that this appeal was considered as

soon as possible.

In the second case, the council failed to properly consider making direct payments of housing benefit to a landlord when there was sufficient evidence that their tenant was more than eight weeks in rent arrears. The tenant absconded and the landlord had no way of recovering the outstanding rent arrears. The council agreed to pay a total of £2,000 compensation, which included two months' housing benefit payments that should have been paid direct to the landlord in the first instance.

Education and children's services

In one complaint we dealt with, the complainant's child had been permanently excluded from his school. The council failed to tell the complainant that she had a right to apply for a school place for her child, despite her MP's approach to the council on her behalf. The council agreed to apologise for this failure and to review its policies to ensure that parents in a similar situation are advised of their rights regarding applying for school places.

Housing

We dealt with a number of complaints about homelessness this year including a case where the council delayed unreasonably in making enquiries after taking a homelessness application from a single parent who had been asked to leave her parents' home. The application was made in October 2009 but the council gave the applicant no assistance until the following January. The council paid £750 in compensation to remedy the distress this caused.

In another case the council's homelessness decision letter contained inaccurate information. The council thereby agreed to extend the deadline for the complainant to request a review of the decision that had been made.

Several complaints related to housing allocations. One case was about the offers of accommodation made to a woman in areas where she said she would be at risk of violence from an ex-partner. This was because the council had failed to clarify with her which areas of the borough she considered she would feel safe. The council has now made her a suitable offer and paid £150 compensation.

A further case involved the council's delay in placing the complainant in a higher band for re-housing when the lease on her temporary accommodation was due to expire. This meant the complainant missed out on the opportunity to bid successfully for properties advertised via the council's choice based lettings scheme. The council gave the complainant five months to bid as a Band A applicant instead of the usual three but then made a direct offer of accommodation before the five months had expired and so disregarded a bid she had made immediately before the direct offer was made. The council paid £500 in compensation.

The final housing allocations case of wider interest concerned the council's failure to make appropriate enquiries to establish whether the complainant had legal guardianship of her younger brother. The council failed to specify what information she needed to provide it with to satisfy this point. This meant the complainant was not given the appropriate priority for a move to a larger property where she could provide an adequate home for her younger brother. The council paid

£150 compensation and backdated the complainant's priority to the correct date.

Several housing complaints involved delays in undertaking repairs or dealing with reported difficulties. The most serious case involved a wheelchair user whose personal door entry system was rendered useless when the council installed a new system for the whole block. This meant that he was unable to let visitors into his flat and or leave his home to go out unaided. There is no doubt the problem was very difficult to resolve. Nevertheless, even allowing for the difficulties, the council delayed for over two years in coming up with possible solutions. The council has now agreed a solution to the problem and offered £2,000 compensation for the difficulties caused by the delay.

Planning and development

We reached local settlements in several cases about planning. One case involved planning enforcement and the way the council dealt with various breaches of conditions attached to a planning approval for a manufacturing company located to the rear of the complainant's home. There was some delay by the council in taking action and it agreed to pay £300 compensation for the inconvenience and disturbance the complainant was caused as a result of this.

A separate complaint concerned the council's decision to grant a certificate of lawful development for extensions to the complainant's neighbour's home, which had already been the subject of an enforcement notice. The council ignored the fact that a change in the law did not permit it to authorise work that had already been identified as unlawful. Although the complainant had moved house since making the complaint to us, and so was no longer troubled by the development that had taken place, the council paid him £250 compensation to reflect the time and trouble he had been put to.

Highways and transport

We reached local settlements in a number of complaints about transport and highways. One of these was about a penalty charge notice. The council tried to enforce at an old address even though it had been notified by the complainant that he had moved to a different address. The complainant had to pay over £1,000 in charges and bailiff fees when he could have paid £400 had the correspondence been sent to the correct address. The council refunded the additional £600 the complainant had been charged.

A further complaint was about a controlled parking zone. The complainant said cars from a mini cab firm across the road from where she lived parked illegally and that the council did nothing about this. The council said that it was difficult to take enforcement action as drivers drove off before penalty charge notices could be issued. As a result, the council installed a CCTV camera to monitor the parking and to enable it to issue tickets without having to affix them to the vehicles as a means of resolving the problem.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has

complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. Our next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. Anyone who arranges and pays for their own social care now has the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/2011 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.


These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council we should be pleased to arrange for a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath it.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

| Enquiries and complaints received | Adult Care Services | Benefits & Tax | Corporate & Other Services | Education & Childrens Services | Environmental Services & Public Protection & Regulation | Highways & Transport | Housing | Other | Planning & Development | Total |
|---|---------------------|----------------|----------------------------|--------------------------------|---|----------------------|-----------|----------|------------------------|------------|
| Formal/informal premature complaints | 1 | 8 | 0 | 4 | 10 | 13 | 40 | 2 | 7 | 85 |
| Advice given | 4 | 4 | 0 | 5 | 2 | 12 | 16 | 1 | 7 | 51 |
| Forwarded in investigative team (resubmitted) | 0 | 2 | 1 | 1 | 5 | 2 | 7 | 0 | 5 | 23 |
| Forwarded to investigative team (new) | 9 | 5 | 1 | 16 | 8 | 18 | 27 | 0 | 8 | 92 |
| Total | 14 | 19 | 2 | 26 | 25 | 45 | 90 | 3 | 27 | 251 |

Investigative Team

| Decisions | Reports: maladministration and injustice | Local settlements (no report) | Reports: Maladministration no injustice | Reports: no Maladministration | No Maladministration (no report) | Ombudsman's discretion (no report) | Outside jurisdiction | Total |
|--------------------|--|-------------------------------|---|-------------------------------|----------------------------------|------------------------------------|----------------------|------------|
| 2010 / 2011 | 0 | 36 | 0 | 0 | 42 | 27 | 24 | 129 |

No adult social care decisions were made in the period

| Response times | First enquiries | |
|-------------------------|-----------------------|---------------------------|
| | No of first Enquiries | Avg no of days to respond |
| 01/04/2010 / 31/03/2011 | 62 | 26.0 |
| 2009 / 2010 | 75 | 36.2 |
| 2008 / 2009 | 59 | 32.6 |

Provisional comparative response times 01/04/2010 to 31/03/2011

| Types of authority | <= 28 days % | 29 - 35 days % | >= 36 days % |
|----------------------------|--------------|----------------|--------------|
| District councils | 65 | 23 | 12 |
| Unitary authorities | 59 | 28 | 13 |
| Metropolitan authorities | 64 | 19 | 17 |
| County councils | 66 | 17 | 17 |
| London boroughs | 64 | 30 | 6 |
| National parks authorities | 75 | 25 | 0 |

| Response times adult social care 1/10/10 - 31/3/11 | First enquiries | |
|--|-----------------------|---------------------------|
| | No of first Enquiries | Avg no of days to respond |
| 2010/2011 | 5 | 31.2 |