

24 June 2011

Ms L Seary
Chief Executive
London Borough of Islington
Town Hall
Upper Street
LONDON N1 2UD

Dear Ms Seary

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.

Enquiries and complaints received

Our advice team received 227 complaints and enquiries during the year, an increase of over one third on the previous year. Just over 40% of complaints and enquiries related to housing matters.

Just over 100 of the complaints and enquiries were passed on to our investigation team. This included 20 complaints which had previously been referred back to the council but where the complainants had resubmitted their complaints to us, dissatisfied with the council's response.

Housing complaints referred to the investigation team concerned mainly housing repairs (19), sales and leaseholds (8) or tenancy management (5). All but two of the 20 transport and highways complaints referred to the investigation team were about parking.

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 71 complaints this year, your average response time was 28.4 days, which is within the 28 day target.

Complaint outcomes

In 2010/11 we decided 104 complaints. Thirty three cases were classed as '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 2010/11 27.1% of all complaints the ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints within jurisdiction which we decided against your authority, 36% were local settlements. As a result of these settlements the council paid compensation of over £15,000 in addition to taking specific action to remedy the complaints. I set out below some examples of the local settlements which you provided for complainants.

Housing

Most of the settlements of housing complaints involved disrepair:

- the council added another £100 to £900 it had already offered the complainant for an eight month delay in fixing defective radiators;
- delay in repairing a leaking skylight was remedied by fixing the leak and paying £100 for the complainant's time and trouble;
- delay in carrying out roof repairs; the council's contractor said there was a backlog in scaffolding jobs and this was settled by a payment of £300;
- a family, who were vulnerable due to various health problems, had been living in a property which they said had been damp for several years. In 2008 a senior officer had recommended a move, but nothing happened. The council considered the dampness was due to condensation, although it admitted this may have been exacerbated by the design of the property. To resolve the matter the council agreed to move the family and it paid over £2,500 compensation;
- delay in identifying structural defects meant the complainant accepted a tenancy unaware of the likely need for her to be decanted while the remedial works took place. The council's offer to pay £500 provided an acceptable remedy.

In a homelessness complaint, a person with mental health problems applied for help and provided details of his psychiatrist. The council took over a month to contact the psychiatrist and then lost the reply. It also took over a month to visit the complainant who had been sleeping on a sofa. A further month passed before the council provided accommodation. The council had offered compensation but agreed to increase it at our request. The complaint revealed poor record keeping and the council agreed a number of measures to improve, including sampling of cases by managers. In another case the council failed to take a homelessness application or consider providing emergency accommodation when approached by the complainant. There were no interview notes to support the council's claim she said she could stay with a friend that night. The complainant, who was seven months pregnant, and her family had to spend 10 days on a friend's floor before the council provided temporary accommodation. The council agreed to pay compensation.

Adult Care Services

The council broke an agreement to draw up plans regarding the support needs of a complainant's adult son and delayed in reviewing the care plan. It was not clear whether the son was deprived of any actual support services as a result of the delay, but the complainant's time and trouble merited some compensation. In another complaint, the council acknowledged that the standard of care for the complainant's relative had not been adequate and it produced an action plan for the care home

in question. The council agreed to monitor progress made with the action plan, to share the lessons learned from the complaint with relevant officers, to offer to meet the complainant and to pay compensation for time, trouble and distress caused.

Education and children's services

A school admission appeal panel failed to properly address the issue of distance and its measurement as no map was provided to the panel. Distance and its measurement was a central part of the appellant's case. The council agreed to a fresh appeal with a different panel.

As a result of a delay of five months by the council in finalising a statement of special educational needs, the complainant's child missed one term of fully appropriate provision. The council agreed to pay £500 to compensate for this and a further £100 for the time and trouble in having to pursue the matter.

The council readily accepted that because of its failure to submit an application to secure funding for a school place, the complainant's disabled child missed one year of education. The council paid £3,000 to remedy the injustice and offered to meet the complainant to resolve any additional issues.

Benefits & tax

The council paid £100 for starting to recover overpaid housing benefit when an appeal was in progress, and for its delay in implementing the appeal decision, which found the benefit was not owed, refunded the money it had recovered.

A business found itself owing rates when its bank cancelled its direct debit. The council said it would hold action while the business tried to find out from the bank why this had happened, but then passed the debt to bailiffs who called, levied charges and then refused to give any details of what they had charged for. Throughout the council's own complaints procedure it did not acknowledge any major fault despite the obvious evidence. As a result of our involvement, it agreed to refund the bailiff fees and pay £350 for the distress caused by the bailiff visit and the time and trouble to which the complainant had been put. It also reminded the bailiff firm of its own code of conduct and asked it to make any charges clearer in future.

One of three tenants in a property was billed for the whole council tax due. The council did not explain how she could appeal against the decision on her liability. Despite telling the council that she had left the property, the council took legal action in relation to a period after she had left. The council did not respond properly to her complaints. After considerable delays in responding to our enquiries, the council agreed to refund the overpaid council tax to pay £250 for the complainant's time and trouble.

Highways & transport

A complainant's car was removed because, according to the council, it was parked on double yellow lines and not showing a parking permit. The complainant said there were no lines; the council relied on the photographs taken by the enforcement officer. My investigator visited the site and found that there were no yellow lines present. When the council received this information it promptly accepted that because of this and other circumstances it was appropriate for the clamp release fee to be refunded and an additional payment made for time and trouble.

Another complainant's car was towed away for not displaying a permit while parked on an estate

where she cares for an elderly disabled friend. She said she had the correct permit but it had fallen from the dashboard. She had to pay £150 and then complained that council unreasonably refused to refund this. In response to our enquiries the council agreed to a refund.

Bailiffs acting for the council were asked to recover unpaid parking charges. After sending a letter, the bailiffs knew that the complainant had moved, but they did not update their records. They found the complainant's car and clamped it, so the complainant had to pay a release fee. The bailiffs accepted that they should have started the process afresh once they found the new address, and so agreed to reimburse the charges.

A complainant asked the council if he would be entitled to a residents parking permit if he bought a new home. He was told he was entitled, but because the list of non qualifying properties had not been updated he purchased the property not knowing there was a restriction preventing residents from having a parking permit. The council had already apologised and granted a temporary permit but when it refused to extend the permit he complained to me. The council agreed to treat him as entitled to a residents permit.

Other complaints

A complainant was separated from his partner, but had joint parental responsibility for their children. On the basis of a letter from the ex-partner, on three occasions he was refused contact with them at an adventure playground. The council accepted that there was no basis to refuse contact without evidence of a court order. It apologised, reviewed its procedure and staff training and made a payment for the distress and inconvenience caused.

The council failed to consider a letter from the police about anti-social behaviour affecting the complainant. When the letter was considered, the complainant's re-housing priority was increased. It was not clear that an opportunity to be re-housed had been missed, but the remedy included a payment for the anxiety caused and for their time and trouble.

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. The increasing number of people who arrange and pay for their

own social care now have 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 1,351.

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. We are particularly pleased that during 2010/11 we provided 12 training courses in good or effective complaint handling to staff from your authority and are due to provide further training during 2011/12.

During 2010/11 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.

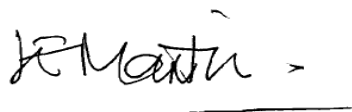
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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 that reads "J Martin". The signature is written in a cursive style with a small flourish above the 'i' and a horizontal line underneath the entire signature.

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	14	0	3	7	8	27	1	4	65
Advice given	2	6	3	3	2	12	19	1	0	48
Forwarded in investigative team (resubmitted)	2	3	1	0	2	5	7	0	0	20
Forwarded to investigative team (new)	12	6	4	5	8	15	38	1	5	94
Total	17	29	8	11	19	40	91	3	9	227

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	33	0	0	35	23	13	104

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	69	28.4
2009 / 2010	48	25.3
2008 / 2009	51	31.7

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	2	29.5