

24 June 2011

Mr K Bromley-Derry
Chief Executive
London Borough of Newham
Newham Dockside
1000 Dockside Road
London E16 2QU

Dear Mr Bromley-Derry

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

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

Enquiries and complaints received

We received 233 enquiries and complaints this year, an increase on the 191 we received in the previous year. Just over half (119) of the enquiries were treated as complaints and were passed on to our investigation team: the rest were either considered to be premature and sent back to the council to be dealt with under its complaints procedure, or were the subject of advice.

Forty four complaints made to us concerned housing matters including those made about homelessness, housing allocations, repairs, complaints from leaseholders, and complaints about regeneration issues. The second most prevalent subject of complaint concerned highways. This category includes complaints about the issuing and enforcement of penalty charge notices. Education and children's services accounted for the third largest area of complaint, the majority of which related to complaints made about school admissions.

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 80 complaints this year, your average response time was 23.3 days, which is within the 28 day target and a further improvement on last year's already good figure.

Complaint outcomes

The statistics show that of the 112 decisions made by our investigation team, we issued one report and agreed 48 'local settlements'.

The report we issued concerned the wrong advice that was given by officers to a single parent about the local housing allowance she would be eligible to receive should she accept a prospective private tenancy. The advice was factually incorrect and left her with a shortfall in her rent for the duration of her 12 month tenancy. We asked the council to make up this shortfall, as well as provide the complainant with £250 for the time and trouble she would be put to in moving somewhere more affordable once the tenancy had come to an end.

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. Across all authorities, local settlements comprised 27.1% of the decisions the ombudsmen made on complaints which were within our jurisdiction. The relevant figure for your council is 55%. This is an increase on the 45.6% of complaints that were settled in the previous year.

Environmental services, public protection & regulation

We settled a number of complaints about how the council had dealt with reports of antisocial behaviour this year. A common theme in all of the complaints was delay in acting on the initial report and inadequate record keeping. In one case the harassment had been so severe that in addition to the £1,250 compensation we proposed, the council also offered to re-house the complainant under its emergency transfer procedure.

Housing

Many complaints concerned the way in which the council dealt with applications from people who reported that they were homeless, or faced with homelessness and in priority need. Other people complained about the way in which housing had been allocated within the Borough.

In two cases we found that there had been unreasonable delay in completing enquiries and arriving at decisions. A third complaint came from someone who had been housed in temporary accommodation by the council whose home was subject to repeated incidents of water penetration and flooding. We asked the council to move her as soon as it could, and to provide her £1,500 compensation for the distress she had been caused in having to live in an unfit property, and the damage that had been caused to her personal possessions.

We settled 15 complaints about housing repairs issues. As well as the completion of the outstanding repairs, financial compensation paid to those affected by delays or a poor standard of repairs ranged from £50 where the inconvenience was relatively minor to £2,000. Common to all of these complaints was a failure to deal with the problems when they were initially reported, or thereafter when they were escalated by tenants to become formal complaints.

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. 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.

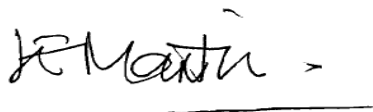
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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, 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	4	11	1	4	11	8	29	0	3	71
Advice given	1	2	4	8	2	8	17	0	1	43
Forwarded in investigative team (resubmitted)	0	1	0	0	6	2	13	0	0	22
Forwarded to investigative team (new)	5	5	2	22	8	20	31	1	3	97
Total	10	19	7	34	27	38	90	1	7	233

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	1	48	0	0	27	13	23	112

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	78	23.2
2009 / 2010	67	26.2
2008 / 2009	64	22.4

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	28.5