

Local Government OMBUDSMAN

24 June 2011

Mr R Hampson
Chief Executive
London Borough of Redbridge
22-26 Clements Road
Ilford IG1 1BD

Dear Mr Hampson

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.

During the year the ombudsman for London and the South East, Tony Redmond, retired. I have dealt with complaints against your authority pending the appointment of his successor. I 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 within the year.

Enquiries and complaints received

In 2010/11 our advice team received 146 enquiries and complaints about your authority. They passed 32 back to your council to attempt to resolve in the first instance as the complainant had yet to exhaust your complaints procedure. They dealt with a further 20 by giving advice. They forwarded the remaining 94 complaints to an investigation team. The comparative figure for the previous year was 58 complaints.

Education and children's services (25) together with housing (23) accounted for over half of the complaints forwarded for investigation. The remaining 46 complaints were across a broad range of council services.

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 59 complaints this year, your average response time was 23.8 days, which is

well within the 28 day target.

Complaint outcomes

We made decisions on 85 complaints during 2010/11. There were 10 cases that were outside our jurisdiction. In 31 cases we found no fault and in a further 20 we exercised our discretion not to pursue the complaint, for example because the injustice claimed was not sufficient to justify an investigation.

When we complete an investigation we generally issue a report. This year we issued two reports against your council. The first concerned the council's arrangements for dealing with applications for disabled parking badges, blue badges. We found a number of errors in the way the council dealt with the application and concluded that the council's procedures were inadequate. As a result of the council's errors the complainant was without a badge for some 23 weeks. The council agreed the ombudsman's recommendation that it pay the complainant £750 compensation. In the light of this investigation it also set in train a number of actions to improve its administration of blue badge applications which should ensure that the difficulties experienced by this complainant will not be repeated. We are pleased to report that since the report was published, although we have received seven other complaints concerning blue badge applications, all of them were either easily resolved or not pursued due to minimal injustice.

Although we issued a second report against your council in respect of an adult care services matter, we exercised our discretion to direct that the contents of the report should not be publicised, due to the risk that the complainant might be identified. Your council is currently considering its response to our report.

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 is a satisfactory response to the complaint. In 2010/11 of all complaints the ombudsmen decided that were in their jurisdiction 27.1% were local settlements. Of the 75 complaints against your council, which we decided and which were in our jurisdiction, 22 (29%) were local settlements.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate, 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.

Housing

In one case the council delayed for nine months in dealing with and later upholding the complainant's appeal against its decision that he was not in priority need. Although he did not miss out on any offers of suitable permanent accommodation during this time, his temporary accommodation became unsuitable when he had to start using a wheelchair due to his ill health. The council agreed to pay £500 compensation.

A second case concerned the council's failure to protect the personal possessions of a housing applicant who was unable to make suitable arrangements for their safe-keeping himself. His belongings were later destroyed by his former landlord. The council agreed to pay £876 compensation.

A third case concerned a range of problems in dealing with an application for a requested transfer including difficulties in responding to the complaint about these matters. The council reviewed its procedures for monitoring the progress of complaints and agreed to pay £250 compensation. The council also, on its own initiative and in the light of the experience of this complaint, decided to produce a fact sheet to assist in assessing the housing needs of families which contain children who have disabilities.

One housing complaint of note concerned misleading advice about an insurance claim. A second concerned delay in responding to a complaint about the council's response to an application for a housing renovation grant. The council agreed to pay a total of £500 compensation and to update the information it provides on its website about renovation grants.

The final housing complaint we would like to mention was about problems with work carried out by the council under its handy persons scheme. The council agreed to pay £400 compensation. We make mention of it here because although this complaint had initially been returned to the council to deal with under its own procedure, the complainant had to bring the matter to our attention again when it was not resolved.

Planning & development

Five complaints which were settled locally were about *planning*. In one the council charged a planning applicant excessive fees. It agreed to refund the sum in question - £75. In a second case the council kept no record of the case officer's report on which it based its delegated decision to grant planning permission. There could be no certainty that the complainant's representations were taken into account. The council agreed to pay £500 compensation and to amend its procedures to ensure that officer's reports are retained for an appropriate period after the decision is made. We note that this complaint also had initially been returned to the council to deal with and that the complainant had to bring the matter to our attention again when it was not resolved.

Three other planning complaints all concerned enforcement issues. In two cases the council gave contradictory and confusing advice as to whether or not it would take enforcement action in relation to development adjoining the complainants' homes. The council agreed to apologise and clarify the position and to pay a total of £150 compensation. In the third the council failed over several years to take enforcement action in respect of a conservatory built by the complainant's neighbour, even though it had refused retrospective planning permission for the development. The council's delay meant that it could no longer take enforcement action. The council agreed to obtain a before and after valuation to assess the loss in value to the complainant's home and to make a one-off payment to reflect this and in addition to compensate the complainant for his time and trouble.

Education and children's services

One complaint made to me concerned the way in which the council decided to hear two separate appeals against non-admission of the complainant's child to separate schools at the same time. It agreed to rehear the appeals separately – as it should have done in the first instance - and to review how it deals with such matters in future.

In a further complaint the council wrongly removed a child from its school roll. The child was

readmitted to school and the council agreed to pay £250 compensation.

In the last case the council failed to invite a specialist occupational therapist (OT) to an annual review of a child's special educational needs as a result of which the OT's views were given insufficient weight and so the review was inaccurate. The council agreed to pay compensation of £865 and to review its relevant policies to remedy the injustice this caused.

Benefits and Tax

One complaint made to me concerned confusion over the application of a single person's discount for council tax, as a result of which the complainant was summonsed for non-payment and received a bailiff's visit. The council agreed to pay £500 compensation.

A second complaint concerned problems in assessing an application for housing benefit at the time a tenant moved home. As a result he was pursued for rent arrears. The council agreed to issue new decisions with appeal rights, to review its recovery of any arrears and to pay £250 compensation. It also reminded its officers about the criteria for paying benefit in respect of two homes.

A further complaint concerned delay in dealing with a benefit claim and in advising the applicant of their right to seek a redetermination of the eligible rent from the rent officer. The council agreed to pay £100 compensation.

The last local settlement of wider public interest arose as a result of the council's failure to direct a benefit payment to a landlord after he had advised that his tenant was more than eight weeks in arrears. The complainant was unable to recover the unpaid rent as a result of this failure. The council agreed to reimburse the complainant with lost rent of £1,480 and to pay £100 compensation.

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.

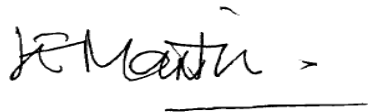
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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.

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	2	11	1	7	2	0	5	0	4	32
Advice given	1	3	1	3	4	2	1	1	4	20
Forwarded in investigative team (resubmitted)	3	0	0	0	0	2	5	0	4	14
Forwarded to investigative team (new)	3	8	3	25	4	10	18	1	8	80
Total	9	22	5	35	10	14	29	2	20	146

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	2	22	0	0	31	20	10	85

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	59	23.8
2009 / 2010	28	23.4
2008 / 2009	37	33.6

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