



The Commission for
Local Administration in England

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

The London Borough of Barking and Dagenham

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about the London Borough of Barking and Dagenham that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

In 2006/07 I received 85 complaints about your authority, almost identical to the number received in the previous year.

The distribution of complaints across the main service delivery areas remains broadly the same. Where there are differences the numbers involved are too small to draw any particular conclusions from. Concerns about housing still generate the largest group of complaints.

Decisions on complaints

During the year we made decisions on 90 complaints against your authority. We found no maladministration in 10 complaints and we exercised discretion to close a further 15 without requiring any action by the Council. I found that 12 were outside my jurisdiction.

Reports and settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I issued no reports on complaints against your authority last year. My office settled 12 complaints.

Two complaints were about housing repairs, involving delay in dealing with the consequences of a flood and in repairing a water heater. The Council agreed compensation totalling £620 and to carry out the outstanding works. In a third case affecting a leaseholder, the Council installed without consultation a security light which affected the complainant's amenity. I asked and the Council agreed to increase its proposed compensation from £100 to £200.

One complaint concerned the Council's failure to take adequate account of the history of noise nuisance at the complainant's neighbouring property. The Council agreed to consider action in respect of breach of tenancy in the event of a repeat of the noise nuisance, and promptly warned the neighbour of this in writing. The Council also introduced monthly case work meetings between officers dealing with neighbour disputes following the Police "tasking" model. I note that the Council was to review the results of this change in procedures and I would be grateful for your comments on the outcome of this.

Two complaints concerned local taxation. In one, owing to poor communication, the Council continued recovery action with bailiffs after the full balance had been paid. It also levied distress on the complainant's car without having given warning on the liability notice. The Council agreed to pay £250 compensation for the bailiffs visits in addition to £78 of costs which had not been refunded. It also agreed to revise the wording of its liability order notice. In the second, the Council took recovery action in respect of a Council tax debt of £174, which was in fact covered by an Individual Voluntary Arrangement (an IVA). The Council was not aware of the IVA but I nevertheless asked, and it agreed, to refund the £174. In a third case the Council had already agreed to write off £350 court costs in view of errors dealing with the complainant's account and make a further payment of £66.50. I felt that the Council's proposed settlement was reasonable and did not pursue the case further. I also considered a complaint about some minor delays in dealing with a housing benefit claim which the Council settled by paying compensation of £75.

One complaint concerned the Council's decision to exclude the complainant from direct contact with officers. There were failings in record keeping and no right of appeal was offered, though the complainant was not prevented from accessing Council services. The Council agreed to review its procedures as regards such exclusions and to consider the implementation of a new policy. I would be grateful for an update on what has happened as a result of the review.

Three complaints concerned highways matters. In one the Council had offered £500 compensation for errors in the way the complainant's car was removed and scrapped. I considered this a reasonable settlement. In a second case the Council's agents twice removed the complainant's car from his father's estate without good reason and the Council and its agents failed to deal properly with the subsequent complaints. The Council had already offered £400 compensation which the complainant accepted. I note that the agents no longer work for the Council. In the third case the Council failed to investigate properly a complaint against a parking attendant. The Council agreed to pay £100.

One complaint was about the way an admissions appeal panel dealt with the complainant's appeal against the Council's refusal of a place at the school of her choice. It was not clear how the panel had made its decision, the clerk's notes did not contain full information and the panel took account of an irrelevant consideration. The Council agreed to settle the complaint by offering a rehearing.

Finally I considered one complaint about the Council's failure, over a period of nearly three years, to provide the complainant's child with all the therapies identified in his statement of special educational needs. The Council had already agreed to review the way it monitors provision required by a statement. It settled the complaint by paying the complainant nearly £18,000; this being what it would have cost the Council, had it made the therapies available.

The Council paid compensation totalling nearly £20,000 as a result of the settlements I reached but the large part of this was accounted for by this last complaint.

Your Council's complaints procedure and handling of complaints

My office referred 41 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At 45% of all decisions this is well above the national average.

Four premature complaints were resubmitted to me during the period. I decided not to pursue three of these and one is not yet decided.

I am aware that the Council has recently instituted a substantial change to its complaints procedure with the effect that there will now be one main point of contact for complaints from stage 2 onwards. Complaint coordinators will be ward based and I understand it is intended that the new system will help to keep councillors better informed of complaints in their area.

This is evidence of the seriousness that the Council attaches to its complaints system. The number of re-submitted complaints and the action I take also suggests that the Council has an effective complaints system. I have noted above instances where the Council had identified an appropriate settlement prior to my involvement. The high number of cases I refer back to the Council as premature may indicate that the Council's own effective complaints procedure is not sufficiently well known. I would welcome the Council's comments on this and on how the new system is working.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

The Council's average time to respond to my enquires was little changed at 22.4 days compared with the previous year's 21.4 days, and well within my target of 28 days. I am grateful to the Council for its continuing and successful efforts to respond promptly to my office.

I am also grateful for the constructive and effective liaison between our offices. The Council's responses to my office are typically detailed and clearly presented, and backed by helpful supporting materials. The Council generally adopts a very positive approach towards my proposals for settling complaints and for considering improvements in its procedures as a result of the issues raised.

I was pleased to have the opportunity to present my 2005/06 annual letter to the Council last December. Please let me know if you would like me to make a similar presentation of this annual letter.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

Conclusions and general observations

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 Council's services.

Tony Redmond
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

| Complaints received by subject area | Adult care services | Benefits | Children and family services | Education | Housing | Other | Planning & building control | Public finance | Social Services - other | Transport and highways | Total |
|--|------------------------|----------|------------------------------------|-----------|---------|-------|-----------------------------------|-------------------|-------------------------------|------------------------------|------------|
| 01/04/2006 - 31/03/2007 | 1 | 3 | 6 | 5 | 38 | 19 | 1 | 7 | 0 | 5 | 85 |
| 2005 / 2006 | 1 | 5 | 2 | 9 | 37 | 18 | 0 | 5 | 0 | 9 | 86 |
| 2004 / 2005 | 5 | 11 | 5 | 6 | 54 | 15 | 2 | 2 | 1 | 2 | 103 |

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Premature complaints | Total excl premature | Total |
|--------------------------------|---------|----|--------|---------|--------|----------|-------------------------|-------------------------|-------------------------|------------|
| 01/04/2006 - 31/03/2007 | 0 | 12 | 0 | 0 | 10 | 15 | 12 | 41 | 49 | 90 |
| 2005 / 2006 | 0 | 19 | 0 | 0 | 14 | 19 | 7 | 33 | 59 | 92 |
| 2004 / 2005 | 0 | 10 | 0 | 0 | 19 | 22 | 7 | 49 | 58 | 107 |

See attached notes for an explanation of the headings in this table.

| Response times | FIRST ENQUIRIES | |
|--------------------------------|---------------------------|-------------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 01/04/2006 - 31/03/2007 | 20 | 22.4 |
| 2005 / 2006 | 23 | 21.4 |
| 2004 / 2005 | 37 | 26.5 |

Average local authority response times 01/04/2006 to 31/03/2007

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|-----------------|-------------------|------------------|
| District Councils | 48.9 | 23.4 | 27.7 |
| Unitary Authorities | 30.4 | 37.0 | 32.6 |
| Metropolitan Authorities | 38.9 | 41.7 | 19.4 |
| County Councils | 47.1 | 32.3 | 20.6 |
| London Boroughs | 39.4 | 33.3 | 27.3 |
| National Park Authorities | 66.7 | 33.3 | 0.0 |