



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
London Borough of Barnet  
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 your authority 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**

### ***Volume and Character***

I received 135 complaints against your Council in the previous year, slightly lower than in the preceding two years when I received 155 and 152 complaints respectively. As with previous years a large proportion of complaints – 30% - were about housing, almost 14% about transport and highways, and 13% about planning and building control. The largest changes from 2005/6 were in education (40% fewer complaints, although the actual numbers here and in the other categories were quite small), and planning and building control (over 30% fewer complaints than last year). Complaints about other council services were similar in numbers to those received in previous years.

## **Decisions on complaints**

### ***Reports and local 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.

My office decided 156 complaints against your Council. The measure of administrative fault causing injustice is not the total number of decisions by my office but the number of settlements and formal reports which found maladministration and injustice. This year there were 22 settlements and one report. This amounts to 24% of all decisions (excluding complaints outside my jurisdiction and those referred back to your Council), just below the national average of 28%, and well below last year's figure of 35%.

Your Council paid a total of £14,947 in compensation. Just over a third of this involved complaints about housing allocations, including a payment of £4,750 where a complainant's priority transfer had not been properly handled since 1999. A further third concerned homelessness complaints, including the payment of £2,750 described in the report referred to below. I note that there was a total of seven local settlements in this category and I would hope that the Council is making some use of my decisions to effect changes in procedures to prevent similar problems occurring in future.

The report I issued concerned a complainant with physical and mental health problems who was living in accommodation that exacerbated her mental ill health. The Council failed to recognise that she had made a homelessness application when completing her application to join the housing register. It also delayed in dealing with her medical assessment form. The complainant was forced to shuttle between people she knew - often sleeping on their floors - and eventually felt she had no choice but to move out of the borough to find more suitable accommodation with friends. Consequently she lost

her support network and had to re-establish it in the place where she had moved. The Council agreed to pay the complainant £2,750 compensation for the distress, anxiety and uncertainty caused by its actions.

Another settlement involved the Council paying £3,080 to reimburse a complainant for having to transport her daughter to the out of borough school that had been named in her Statement of Special Educational Needs, because it had not made it clear at the time that the placement was agreed that it expected her to transport her daughter there as it considered that there were other suitable schools which were nearer. During the period when the complainant had been taking her daughter to and from school she had not been able to seek work.

Also of interest was a complaint by a young person who was making the transition from Council care to semi independent living who had requested support in moving out of the borough to an area where she had lived as a child. Although the Council had agreed to support her in this move it later changed its mind which prompted her to make a complaint with the help of an advocate. The Council agreed to put its decision on hold and later found suitable accommodation for her where she wished to live.

There were two settlements in respect of complaints made about Council Tax administration. In one case the Council pursued the complainant for Council Tax arrears even though it accepted that he was not the liable person. It went on to seek a Liability Order in the courts which it should not have done. In the second complaint someone who informed the Council that he was moving away from the borough and gave them a forwarding address was owed a small refund of Council Tax which he had overpaid. There was unreasonable delay on the part of the Council in refunding this amount which was later compounded by an administrative error which resulted in the cheque being sent to the wrong address.

### **Your Council's complaints procedure and handling of complaints**

Of the total complaints decided in the 2006/07 period we referred 30 back to the Council because I considered them to be 'premature' as the Council had not had sufficient time to consider them before the complainants referred them to my office. As a percentage this is 19% of the total decisions taken, and is therefore below the national average of 28%. This is often a good indication that people are aware of how to access a council's complaints procedure should they wish to raise a concern.

### **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**

On average your Council has responded to enquiries from my office in just under 32 days. This is a significant reduction from 42 days in 2005/6 and 41 days in 2004/5 and one which I very much welcome. As you may be aware I set a challenging target of 28 calendar days from the receipt of our enquiry letter for responses to be provided which currently 39% of London Boroughs achieve. Our preferred method of communication is now email and we aim to send all of our initial enquiries using this method which may in turn assist the Council in achieving this standard next year.

## **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.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

Last year I had occasion to give you my reflections about the complaints my office had dealt with over the past year. This year I am pleased to note that the Council's performance appears more encouraging. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> Floor Millbank Tower**  
**Millbank**  
**LONDON SW1P 4QP**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

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
<b>01/04/2006 - 31/03/2007</b>	5	14	7	6	41	16	18	8	0	20	<b>135</b>
<b>2005 / 2006</b>	3	12	6	15	51	19	26	3	0	20	<b>155</b>
<b>2004 / 2005</b>	6	14	4	21	34	17	22	7	1	26	<b>152</b>

**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
<b>01/04/2006 - 31/03/2007</b>	1	22	0	0	51	20	32	30	126	<b>156</b>
<b>2005 / 2006</b>	1	32	0	0	44	17	34	34	128	<b>162</b>
<b>2004 / 2005</b>	0	11	0	0	39	26	29	21	105	<b>126</b>

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
<b>01/04/2006 - 31/03/2007</b>	58	31.8
<b>2005 / 2006</b>	69	41.9
<b>2004 / 2005</b>	62	41.4

### 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