



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
The London Borough of Bexley
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

We received 28 complaints against your Council during the year, seventeen fewer last year.

Character

The highest number of complaints (six) concerned Housing matters. For the previous two years Planning had attracted more complaints, but last year's surge in Planning complaints (18) has not been maintained. Given the generally low numbers of complaints across all services I do not consider the fluctuations significant.

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.

Local settlements were agreed on five complaints.

Two separate complaints concerned children with Statements of Special Educational Needs who lost education because the Council had not acted expeditiously to ensure that appropriate school places were available for them. In both cases the Council had addressed the problems decisively only after the complaints were made to me. In the first case, where the child had been out of school for two terms, the Council had already offered £500 for costs incurred on educating the child while out of school. The Council accepted the recommendation for additional compensation of £3,000 to reflect the loss of education, the stress suffered by the complainant and her child, and her time and trouble in pursuing the complaint. In the other case the child was out of school for a term at the start of his GSCE course and compensation of £2,000 was agreed. The Council has since made improvements to its procedures and staffing in that department to ensure that these problems do not recur.

On a complaint concerning Adult Care Services compensation of £500 was agreed to reflect anxiety and distress caused by failure to ensure that sensitive records were retained, for delay in securing replacement records and for a delay of almost six months in arranging a Review Panel for the third stage of the Social Services Complaints Procedure.

A complaint about Housing Benefit was settled by agreement to support the request to hear a late appeal against a benefit decision and by the offer of compensation of £100 to recognise the

complainant's time and trouble. A complaint on Local Taxation was settled without the offer of compensation by agreement to consider an appeal against the loss of empty property discount.

I did not issue any reports during the year on complaints against the Council.

A total of £5,600 was paid in compensation. I am grateful for the Council's constant willingness to respond well to local settlement suggestions when things have gone wrong.

Other findings

Decisions were made on 32 cases (including the five described above). This included nine premature cases referred to the Council to be considered under its own complaints procedures and three cases which concerned matters outside my jurisdiction. Twelve cases were closed because no or insufficient evidence of maladministration was found and investigation on three cases was discontinued for other reasons.

Your Council's complaints procedure and handling of complaints

Nationally, premature complaints as a percentage of all decisions made average 27.7%. The figure for your authority (nine out of 32 decisions) is in line with this. The Council's complaints procedure is visible and accessible to citizens. Of the nine premature complaints referred back to the Council only two were resubmitted to me during the year which indicates that the Council deals effectively with complaints through its own complaints procedure.

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 different 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

Your Council's link officers are helpful and effective in dealing with enquiries from my officers and replies are generally comprehensive and accurate. Where local settlements are recommended we have received prompt and positive responses. In one case where investigation had been discontinued the Council responded positively to confirm that lessons learnt would be taken into account when relevant published information was reviewed, to ensure that the misunderstanding which prompted the complaint was not repeated. This was a helpful response.

Formal enquiries were made on only four complaints during the year. It is sad therefore to note that the average response time was almost 34 days against our target of 28 days. I hope the Council will strive to improve on this for the future.

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

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.

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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 |
|--|----------------------------|-----------------|-------------------------------------|------------------|----------------|--------------|--|-----------------------|--------------------------------|-------------------------------|--------------|
| 01/04/2006 - 31/03/2007 | 2 | 3 | 1 | 3 | 6 | 1 | 3 | 4 | 0 | 5 | 28 |
| 2005 / 2006 | 1 | 2 | 2 | 3 | 2 | 6 | 18 | 4 | 0 | 7 | 45 |
| 2004 / 2005 | 2 | 1 | 3 | 1 | 3 | 8 | 9 | 0 | 1 | 2 | 30 |

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 | 5 | 0 | 0 | 12 | 3 | 3 | 9 | 23 | 32 |
| 2005 / 2006 | 0 | 3 | 0 | 0 | 16 | 7 | 8 | 12 | 34 | 46 |
| 2004 / 2005 | 0 | 7 | 0 | 0 | 8 | 3 | 5 | 8 | 23 | 31 |

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 | 4 | 33.8 |
| 2005 / 2006 | 11 | 30.8 |
| 2004 / 2005 | 12 | 35.8 |

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 |