



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
The London Borough of
Bromley
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 136 complaints during the year, a significant increase on the 85 received in the previous year. However, 36 of those concerned one planning application and all of these were premature complaints that were not resubmitted to me. When these are removed the increase is not so great and complaints are broadly in line with the numbers received in the preceding two years.

Character

We received 64 complaints about planning, including 36 complaints about one issue mentioned above. Apart from these, complaints concerning adult care services have experienced the largest increase this year, with an increase in the number received from one to 12. The Council may want to consider whether it is able to identify any improvements it could make to the handling of those complaints. I am pleased though to note that following my comments in last year's letter the number of complaints about education has fallen from 14 to 10.

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.

Fourteen complaints were settled locally. The total amount paid in compensation this year was £4,100, a significant reduction on the previous year.

In one complaint about a planning application for a house extension I identified numerous failings on the part of the Council, including a failure to notify the complainants of the application when they were most affected by it, failure to properly assess the impact the development would have on them, failure to consider whether a condition could have been imposed to protect their amenity and failure to keep proper records. The Council agreed to pay £1,250 compensation in recognition of the complainants' loss of amenity and opportunity to comment on the planning application along with the time and trouble they were put to in pursuing their complaint.

In another case concerning planning enforcement action over an unauthorised flue close to the complainant's window, I identified considerable delay in the Council's consideration of its enforcement options and a failure to keep the complainant up-to-date with what was happening during that time. In addition, I found that his complaints about noise and smoke from the flue in the intervening period were not investigated by environmental health. In that case the Council agreed to pay £250

compensation and has since authorised enforcement action to ensure the flue is removed. It also agreed to remind its staff to update complainants when there is a delay. While this is to be welcomed I am concerned to note that there were considerable delays in Council responses to my investigator, which necessitated a number of chasing emails and telephone calls, many of which were not returned. I am sure you can understand how frustrating this was for the complainant, whose complaint to me had been instigated by the Council's failure to respond to his complaints. A delayed response to my staff is unlikely to encourage complainants to believe that their complaints are being taken seriously by the Council.

In a third case concerning housing benefit, the Council failed to respond to the complainant's requests for information about how his allowable rent had been determined, failed to put the new benefit rate into effect, delayed acting on the complainant's request for backdating for 16 months and delayed putting the backdating decision into effect for a further 15 months. In that case the Council offered £600 compensation on response to my enquiries. I consider that timely approach to be particularly helpful.

In another case the Council unreasonably delayed arranging education provision for a child with special educational needs when he was withdrawn from the school named on his statement by his parent. As a result he was out of education for eight months and did not receive the support specified in his statement. As remedy for this complaint the Council agreed to pay £1,000 for the benefit of the complainant's son's education. Again, however, I note that there was a delay of almost three months in responding to my officer's suggestion of a settlement for this complaint.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

Other findings

A total of 145 complaints were decided during the year. Of these 19 were outside my jurisdiction for a variety of reasons, 73 complaints were premature and, as I mentioned earlier, 14 were settled locally. The remaining 39 were not pursued because no evidence of maladministration was seen or because it was decided, mainly due to lack of evidence of any injustice to the complainants, not to pursue them.

Your Council's complaints procedure and handling of complaints

The number of premature complaints has increased dramatically in the past year, although this is partly explained by the multiple complaint referred to earlier. Even when these are discounted, though, the number of premature complaints received is significantly higher than the previous year. That suggests that the Council's complaints process may not be sufficiently visible to customers or that staff, when dealing with requests for assistance, do not signpost the complaints process for those who remain unhappy with what the Council has done. I hope the Council will look to see if it can improve its performance here.

As mentioned earlier in my comments about local settlements, I am concerned at the Council's delay in responding to suggestions for settlement of complaints. I hope that the Council will investigate to see why these delays occurred and whether this is a question of efficiency or of a resistance on the part of officers to accept responsibility when things go wrong.

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. I note though that your Council booked four training courses last year and has booked a further five courses for the coming year. I hope that staff that have attended these courses have found them to be helpful. If we can provide any further training for you please let Stephen Purser, the Assistant Ombudsman, know.

Liaison with the Local Government Ombudsman

We made enquiries on 30 complaints this year, and the average time for responding was 48.6 days, an increase on the 42.3 days it took last year and considerably in excess of our 28 day target. I am particularly concerned to note that the Council took in excess of 70 days to respond in seven cases, with one environmental health complaint and one planning complaint taking in excess of 100 days for a first response to be sent. I am sure you will agree that these times are unacceptable and I am especially concerned that my investigators have experienced difficulties obtaining updates on a number of those cases. I came very close in several of these cases to using my legal powers to require officers to attend at my office to provide the evidence requested. This is a step I would take reluctantly and I hope the Council will now consider carefully how to improve its very poor performance here. I hope the recent training undertaken and planned will prove helpful in this regard.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Stephen Purser know and he will arrange for an invitation to be sent.

In addition, if it would help for Mr Purser to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this.

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.

J R White
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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	12	6	9	10	11	16	64	1	0	7	136
2005 / 2006	1	6	8	14	11	16	17	5	1	6	85
2004 / 2005	3	9	0	7	5	5	56	8	2	14	109

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	14	0	0	29	10	19	73	72	145
2005 / 2006	0	23	0	0	28	6	9	28	66	94
2004 / 2005	1	16	0	0	21	52	10	16	100	116

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	30	48.6
2005 / 2006	37	42.3
2004 / 2005	76	38.4

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