



The Commission for
Local Administration in England

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

In 2006/2007 I received 109 complaints against your Council. This was about a quarter more than in the previous two years. As before, housing complaints were by far the most numerous. They increased by 50% to 42 and were 38% of the total number against the Council. Nationally, housing complaints are 21% of the total, so this is noticeably higher than the norm. Thirteen of the housing complaints were about repairs and another 13 concerned allocations. Other complaints related to managing tenancies and homelessness.

Our 'other' category covers a range of services. Complaints here have gone from 7 in 2004/05 to 19 last year. Six of these concerned the well publicised problem connected to weddings at the registry office at Langtons House, to which I refer below. A further five complaints related to anti-social behaviour and five more concerned environmental health issues. (In each of these areas, the numbers include two complaints made by a single complainant.) The other main areas of complaint were planning and transport and highways.

I note that the Audit Commission's most recent Corporate Assessment Report commented on a significant improvement in previously poorly performing areas such as planning, housing and social services. These improvements do not seem to correlate, however, with the level of complaints to me, particularly in relation to housing matters.

Decisions on complaints

General

I made 110 decisions on complaints against your Council last year. In 25 cases I found no or insufficient evidence of fault to warrant my involvement, and in another 16 cases I exercised my discretion not to pursue matters further. This was mostly because the level of injustice caused to the complainants did not justify further investigation. I was unable to consider a further nine complaints because they fell outside of my jurisdiction.

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. I issued formal reports in respect of 14 complaints against your Council in 2006/2007, and I concluded local settlements in 15 other cases.

/...

Reports

I issued a report finding maladministration causing injustice in respect of 13 complaints I received about the Council's registry service at Langtons House. The Council failed to renew a premises licence for wedding rooms. This cast doubt on the validity of 193 marriages conducted in 2004 and 2005. I found the failure to renew the licence was wholly avoidable. The Council eventually agreed to fund a test case in the High Court which established that the marriages were lawful. But I recommended it should pay £150 compensation, not just to the 13 complainants who had come to me, but to each of the 193 couples because they had been caused unnecessary distress and had been uncertain about their legal status for some time. The Council also agreed to make procedural changes to ensure that premises licences are renewed on time in future.

The other report I issued in 2006/2007 concerned a complaint about the Council's decision to grant planning permission for a block of flats. The complainant was a neighbouring resident who said the development had adversely affected her amenity. Planning consent was given after the Committee Chair used his casting vote. But I concluded that the Chair should not have taken part in the decision making in view of his prior involvement with the developer, and he should have stood down before the vote was taken. This breach of the Council's Protocol meant the decision was flawed. I could not say that the application would not have been approved in any case, but I considered the complainant had suffered some distress from what happened and had to take time and trouble in pursuing the matter. I recommended that the Council should pay the complainant £200 compensation and should consider periodically reminding councillors dealing with planning applications about their responsibilities.

Local settlements

I concluded 15 local settlements in 2006/2007. 12 of these were in housing cases, including six relating to allocations issues. The other three settlements involved adult care services, planning, and transport and highways complaints.

In a case involving a housing sales issue, I endorsed the Council's finding under its own complaints procedure that it had given wrong advice to the complainants about their Right to Buy. I agreed that the Council's offer of £1,000 compensation was not unreasonable in light of the distress caused by this. The other housing settlements involved a range of faults such as delays and failures in communications or record keeping.

The adult care case involved a complaint about the Council's decision that top up fees should be paid towards the residential care of an elderly man. They did this without proper consultation. The Council agreed to pay the full cost of the placement and refund the £2,870 fees already paid. It also agreed to review its practices in the light of the case.

Other findings

I am grateful to the Council for agreeing to review various aspects of its policies and procedures in response to my findings in 2006/2007. I am aware that the Council has already amended its procedures regarding the renewal of premises licences for marriages. The Council also said it would review its procedures and consult with other authorities about the issue of top up fees for residential care. So I should be grateful to know the outcome of that review. Eleven of the settlements involved the payment of compensation. Importantly, in addition to procedural changes and refunds, the Council gave its apologies.

Your Council's complaints procedure and handling of complaints

I referred 31 complaints back to the Council in 2006/2007 as it had not had a reasonable opportunity to deal with them before I became involved. I note that in eight cases the complainant remained dissatisfied and resubmitted the complaint after the Council had considered matters. I found there was no maladministration in six of these cases but I concluded a local settlement in one case. The other re-submitted complaint is still under investigation.

The overall proportion of premature complaint decisions for your Council is close to the average for all authorities. But I note that 6 out of 10 public finance (council tax) complaints we received were considered as premature. So the Council may wish to consider if there is any reason for the number of people coming to me before the Council has dealt with their complaints about council tax matters.

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 we provide 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

I ask for responses to my initial requests for information to be provided within 28 calendar days. On average, the Council's responses in 2006/2007 took over 32 days, which is longer than the average for the previous two years. I am aware that the Council has generally replied to me in a reasonable timescale. But there have been some wide fluctuations in performance. For instance, three housing responses took over 50 days, and three out of four transport responses took more than 40 days. It would help us in providing a prompt service to complainants if the Council could endeavour to meet our target response time more consistently.

I am pleased that my staff report generally good working relationships with your officers. I note that the Council has usually responded positively to our enquiries and has been willing to agree suitable settlements as appropriate. I hope that we can continue to work together to secure further improvements in complaint handling in future.

As you know, I seek to visit all councils in my jurisdiction periodically and I was pleased to meet with the Council's Management Board earlier this year to discuss issues raised by complaints. I found this meeting to be helpful and hope that Board members shared this sentiment.

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.

Tony Redmond
Local Government Ombudsman
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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 | 6 | 6 | 2 | 2 | 42 | 19 | 12 | 10 | 0 | 10 | 109 |
| 2005 / 2006 | 3 | 6 | 1 | 7 | 28 | 13 | 7 | 9 | 1 | 10 | 85 |
| 2004 / 2005 | 4 | 0 | 4 | 10 | 25 | 7 | 16 | 7 | 2 | 9 | 84 |

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 | 14 | 15 | 0 | 0 | 25 | 16 | 9 | 31 | 79 | 110 |
| 2005 / 2006 | 0 | 12 | 0 | 0 | 20 | 7 | 20 | 29 | 59 | 88 |
| 2004 / 2005 | 2 | 10 | 0 | 0 | 25 | 11 | 9 | 18 | 57 | 75 |

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 | 40 | 32.7 |
| 2005 / 2006 | 30 | 26.0 |
| 2004 / 2005 | 32 | 28.1 |

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 |