



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
London Borough of Islington
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 178 complaints this year. This was 49 fewer complaints than last year which is very encouraging. As with previous years the largest area of complaints related to housing. Although the statistical data attached to this letter shows that the number of complaints about housing fell from 108 to 91, the way we categorise complaints has changed this year and so complaints about anti-social behaviour are now included in the category entitled "Other". There were 13 complaints made about anti-social behaviour and the majority of these would have involved housing staff. So, overall, the number of complaints about housing related matters remains about the same as last year. There has however been a reduction in complaints about Housing Benefit and Council Tax (classified within the "public finance" category) which almost halved from last year. Complaints about transport and highways also fell by about 20% whilst complaints made about other service areas were similar to last year.

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.

We decided 191 complaints in total. However the measure of administrative fault causing injustice is not the number of complaints received or the decisions made, but the number of local settlements and reports issued finding maladministration causing injustice. Of the 191 decided 41 were referred back to your Council as premature as you had not had a reasonable chance to respond to them before they were sent to me. Thirty three complaints were outside jurisdiction and so I was not able to consider them.

I issued no reports. Fifty-seven complaints were closed as local settlements. The percentage of settlements of all decisions (excluding those complaints that were referred back as premature or outside my jurisdiction) was almost 49%. This compares with the national average of 29%. Although I am grateful to the Council for its co-operation in settling complaints, I wonder if more could not be done to remedy the complaints at a local level. Good local complaints handling arrangements should identify fault and provide a suitable remedy.

In one complaint to my office the Council proposed a remedy even though no fault had been found. The complainant wanted to move to larger accommodation so that there would be an extra room for a son who was a carer to his father, mother, and disabled sister. The Council had sought advice from its Medical Adviser who did not consider that an extra room was needed. My investigator did not consider the Council had done anything wrong, but asked it if there was any way it could help the family. As a result, the Council agreed that the son could be included on the transfer application on welfare grounds. I am grateful to the Council for its approach here.

Although I often ask local authorities to take some specific action to remedy a complaint, such as carrying out outstanding repairs, determining an application for benefit or assessing an individual's housing or care needs, I also make recommendations that compensation should be paid where it is appropriate to do so. In total the Council paid out a total of £24,123 in compensation, slightly lower than last year when £28,868 was paid. The bulk of this sum related to housing issues where I had identified fault and felt that financial compensation was appropriate. Compensation of £11,850 was paid out for complaints about anti-social behaviour and £9,113 for complaints about issues relating to council housing – predominantly repairs.

Anti-Social Behaviour

A common theme among the complaints we received about anti-social behaviour was the failure by officers to follow the Council's own policy and procedures which set out how its staff should handle reports of such behaviour which often has a severe impact on people's lives. One of the anti-social behaviour settlements concerned the failure by a total of 5 separate housing officers to investigate complaints of homophobic harassment over a four year period. The Council's harassment procedures were seemingly ignored and no notes were made by officers when they visited the complainant. The Council also failed for over 19 months to deal with the complainant's housing transfer request which he had made in a bid to escape the harassment he was experiencing. As a result of this, the complainant was forced out of his home and had to sleep rough in a local park for 20 nights, including over the Christmas period during which time he has said that his mental health was affected. Initially the Council was unwilling to accept the settlement we proposed, but after some discussion it agreed to it. As a result, the Council apologised to the complainant, and it paid him compensation of £7,800. It also agreed to ask Stonewall to help in raising awareness of homophobic abuse and harassment issues amongst its staff.

Another anti-social behaviour settlement concerned a failure to deal properly with complaints of both harassment and neighbour nuisance. There was confusion as to whether the complaint should be dealt with under the Council's harassment policy or its anti-social behaviour policy. When the neighbour made counter allegations against the complainant, no attempt was made to investigate the validity of these allegations, and the original complaint was not acted upon. This caused the complainant considerable distress and his health was affected. The Council agreed to transfer him, and paid him compensation of £2,500. It also agreed to give additional training to officers in the anti-social behaviour team.

Repairs

Ten of the housing settlements involved complaints about housing repairs. Of these ten settlements, seven involved delays in repairs being completed. In one complaint where there had been delay in completing repairs and damp proofing the Council reacted in a very positive way to the complaint by providing a detailed report together with a list of recommendations. It apologised to the complainant and paid compensation worth £1,269 (this included the cost of a new carpet).

Five of the local settlements agreed this year could have been avoided. They concerned complaints I had already decided in the complainant's favour and agreed a settlement with the Council whereby I had ended my involvement. The Council then failed to enact the settlement within a reasonable time frame which meant that the complainants then had to complain once again to me. This must have caused them a great deal of annoyance and aggravation. The Council had to pay compensation of a further £800 as a result. This may be an issue that you would want to look at to ensure that you have administrative practices available which track the outcome of a complaint so that any settlement is fully addressed.

Your Council's complaints procedure and handling of complaints

We referred 41 complaints back to your Council as they appeared to be premature as it did not seem that you had yet had a reasonable opportunity to attempt to resolve them under your own complaints procedure. This amounts to almost 21.5% of all complaints decided compared with the national average of 28.2%.

Eleven of these complaints were resubmitted to my office during the year as the complainants were not satisfied by your Council's response. We have closed seven of them on the grounds that there was no evidence of fault, one complaint was withdrawn by the complainant and two were settled (although we did not find fault on one of them as detailed earlier in the letter). We have not yet decided the final complaint. This shows that in only one of those complaints where complainants were dissatisfied with your Council's response was there sufficient evidence of fault to justify a settlement. It seems therefore that where complaints are referred to the Council from my office they are being handled appropriately. This seems to be in contrast to those that come to us direct where we are satisfied that the Council has already had a reasonable opportunity of dealing with them as we identify fault in almost half of these cases. I would be interested to know what the Council feels is the reason for this discrepancy.

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

We have made first enquiries to your Council on 96 complaints during the year. The average response time was 36.1 days which is an increase of 7 days from last year. The target for responses is 28 days. Nationally 39.4% of London boroughs respond to first enquiries within this target period. The average response times were highest for complaints about local taxation (42.4 days) and housing (38.9 days).

My investigators have made some positive comments about your officers' responses to complaints as follows:

- They have sometimes taken the initiative and suggested a means of redress at the outset.
- When this is not the case they have generally responded positively to local settlement proposals.

But there were also some critical comments which the Council may wish to note:

- Responses to our enquiries were sometimes poor and occasionally sought to pre-judge the outcome.
- Files were sometimes lost or mislaid which caused both difficulties and delays.
- Where it was necessary to make additional enquiries there had been some unreasonable delays in responding.

I note that when I sent you the draft annual statistical data and invited you to comment you expressed disappointment that the average number of days to respond had increased. You said that this was due to a number of reasons, including a reorganisation within the Arms Length Management Organisation looking after your housing stock, which caused considerable delays, and staffing problems within the Council's Central Complaints Unit.

Because of the concerns expressed by my staff, two meetings were held during the year with officers from the Council. The first meeting was with both the Head and the Deputy Head of Complaints. Issues around response times and quality of responses were raised with concerns expressed about incomplete replies and even wrong information having been given. It was recognised by the Council officers who attended that it was the role of the Central Complaints Unit to address these issues and that they would work with their partners ("Homes for Islington" and "Partners for Improvement in Islington" or "Partners" for short) to deal with these concerns.

I would be interested to know what has been done to improve the quality of responses and to improve the liaison within the Council and whether you feel that the quality of comments has improved because my investigators continue to express concerns about this. We would be very willing to help with training if you feel that this is an issue for staff.

The other meeting which took place was between a member of my staff, "Partners", and the Deputy Head of Complaints. An explanation was given to "Partners" about how we deal with complaints and what we expect to see in responses we receive to our enquiries. There was also discussion about how to identify a complaint when it is first made and how to prevent it escalating, as well as how to ensure promises that are made to put things right are acted upon.

I understand that "Partners" intended to carry out an audit of previous complaints to see if they could have taken action to prevent the complaint escalating to the point at which it was sent to my office and to check whether settlements had been followed through. I would be interested to hear about any lessons that were found from this exercise.

Finally, I would like to express my appreciation for the time taken by your office to comment on the draft special report on Governance in Partnerships. Your response has proved to be very helpful in finalising the report which will be issued in July.

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

It may be helpful for me to summarise the points on which I have invited you to comment:

- how you track the outcome of a complaint to ensure that any settlement agreed with this office is fully addressed;
- what has been done to improve the quality of responses and to improve the liaison between those organisations which discharge housing functions within the Council;
- what lessons were learned from the audit carried out by "Partners".

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	1	13	7	3	91	22	13	5	0	23	178
2005 / 2006	4	25	4	1	108	32	14	10	0	29	227
2004 / 2005	6	32	2	1	82	44	11	13	2	27	220

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	57	0	0	41	19	33	41	150	191
2005 / 2006	0	47	0	0	47	26	56	44	176	220
2004 / 2005	3	49	0	0	65	29	60	43	206	249

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	96	36.1
2005 / 2006	86	29.0
2004 / 2005	84	31.3

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