

**The Local Government Ombudsman's
Annual Letter**

**The London Borough of
Barking and Dagenham**
for the year ended
31 March 2008

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about the London Borough of Barking and Dagenham. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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

Last year I received 80 complaints about your authority, a small reduction on the number received in the previous year.

The distribution of complaints remains broadly the same as the previous year. Housing-related issues continue to produce the largest group of complaints. Complaints about education rose from five to ten. I note that as in previous years there were very few complaints about transport and highways, planning and building control, benefits and adult care and children and family services.

Decisions on complaints

My office made decisions on 73 complaints during the year.

We found no maladministration in six complaints and exercised discretion to close a further 14 without requiring any action by the Council. We found that 11 complaints were outside my jurisdiction. We referred 24 complaints to your authority as 'premature' as we did not consider you had had sufficient opportunity to deal with them through your own procedures.

Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report.

My office settled 18 complaints. The Council paid compensation totalling a little over £8,000 as a result of the settlements reached.

At some 47% of all decisions, excluding premature complaints and those outside my jurisdiction, this is significantly above the national average.

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Education

Of the 18 settlements, seven concerned education matters. Four complaints concerned applications and appeals for places in schools. Some of the issues involved were similar to ones I drew attention to in last year's letter. The apparent faults were both by the Council in its capacity as the admissions authority for Community schools and by various Admissions Appeal Panels.

The Council's case opposing one appeal failed to explain satisfactorily why the parent's application for the child's admission to the school had been unsuccessful. In two cases, the notes of the Clerk to the Admissions Appeal Panel were inadequate. In one case, there was no note of the names of the panellists and no note of the arguments deployed by the appellant. In two cases there was no note of whether the Panel had satisfied itself that the Council had correctly applied its admissions arrangements or whether the school was really full. It was thus not clear how either Panel had reached its decision. In at least one case, it was apparent that the Panel had taken account of irrelevant factors, including anecdotal information about the locality and its schools.

I welcomed the Council's offers to arrange rehearings of some of these appeals and, in one case, to offer a place at the school in question. I also welcomed the Council's decision to review its arrangements for the consideration of school admissions appeals, as these complaints suggest that the Council's arrangements for hearing last year's round of appeals were not always sufficiently independent and rigorous. I would be grateful if the Council would report back on its findings.

I also had concerns in three cases relating to exclusion from schools.

One case concerned an Appeal Panel Hearing against exclusion, where the Chair of the Panel discovered a conflict of interest. The Council agreed to pay the complainant £200 for her time and trouble in attending the abortive hearing and in pursuing her complaint. It also agreed to review its procedures on conflict of interests and on advising pupils who have only been excluded once that they may apply to schools and appeal through the usual procedures.

Two cases concerned the lack of educational provision following exclusion. In one case where a complainant's son was permanently excluded from school, the Council delayed in carrying out a proper risk assessment to enable the continuation of the boy's education, and failed to make any education provision in the meantime. In responding to my enquiries the Council proposed compensation for the loss of two terms schooling, and subsequently agreed to increase the compensation offered to £2,750. In the second case the Council delayed in providing education to the complainant's son following exclusion. The Council offered compensation of £1,000 which I considered reasonable.

Adult care services

We settled one complaint about adult care services. In this case, the Council agreed with a Housing Association to provide accommodation for an adult with Down's syndrome. However, it failed to put in place a proper inspection and signing off regime for adaptations to the property which was to be sold to it by the Housing Association. As a result, the works were of a poor standard and had to be rectified by starting the grant process afresh. The Council was prompt and helpful in its response to the complaint, agreeing to pay £750 compensation and to extend the timeframe for the grant to take account of the carer's personal circumstances.

Housing

We settled four housing-related complaints.

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Two settlements concerned housing repairs; a reduction on earlier years. In one case, an adapted property was offered in an unsuitable state to the complainant's late mother. The complaint revealed failings in record keeping and transfer of information and deficiencies in the Council's response to the complaint. The Council agreed to pay the complainant £500 for the distress experienced, and produced a strategy document on communication and information sharing.

In the second case the complainant had no heating or hot water for three weeks. The Council delayed for three months in fitting a bath. The Council had already offered compensation of £245; it agreed to increase this to just over £500.

One complaint concerned housing allocations. The Council was pro-active in agreeing to make a further offer of a property, where a complainant had lost the opportunity to bid due to a cancelled viewing.

One complaint concerned the Council's arrangements for interviews for its Community Housing Partnership Board. The Council was not able to provide papers relating to the complainant's interview and so could not provide evidence of the impartiality of the process. The Council was again positive in agreeing to re-interview the complainant and other candidates, to pay him £150 compensation and to make improvements to its record-keeping.

Local Taxation

We considered two local taxation complaints. In the first case, the Council offered £100 for incorrectly issuing two summonses. I considered this to be reasonable. In the second case involving a number of complaints about Council Tax and Council Tax Benefit, the Council agreed to reconsider the complainant's claim and advise her of her appeal rights.

Other

We settled two complaints about antisocial behaviour. In one case the Council failed to deal effectively over a two year period with damp problems, noise nuisance, and a mice infestation which all appeared to come from a neighbour's property. It agreed an increase in compensation to £1,600 and to take action to resolve the outstanding problems.

In the other case, the Council did not act quickly or effectively enough to deal with complaints of nuisance and harassment by the complainant's neighbours and associates. The complainant's concerns were ultimately resolved by the neighbour being allowed a mutual exchange. But this did not appear to address the way the Council had dealt with the complaints about the neighbours' actions. The Council's response was prompt and helpful; it agreed to pay £800 compensation and to ensure that the findings of our investigation were discussed with Estate Officers.

One complaint concerned refuse collection. The Council paid £100 for failures in collecting refuse and in monitoring the service. I note that following the complaint the Council introduced a system of area managers, improved monitoring and written procedures to cover missed collections.

Lastly a complaint was received from a service user where special arrangements had been put in place to deal with large volumes of correspondence. The Council agreed to review the arrangement annually, and to inform the complainant if any changes were to be made following the review.

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Your Council's complaints procedure and handling of complaints

My office referred 24 "premature complaints" to your authority for consideration. This is a considerable reduction on the previous year when 41 premature complaints were referred back to your authority. I am aware that the Council's new complaints procedure was in place for the whole of last year, and I would be interested in the Council's view as to whether this has helped contribute to the fall in premature complaints.

Just three premature complaints were resubmitted to me during the 2007/08 period. We found no maladministration in one; my discretion was exercised to discontinue one; and one was outside my jurisdiction.

Overall the level of complaints made to my office about your Council remains low relative to similar London Boroughs. This may reflect the Council's improved performance which received public recognition when it secured the award of the 'Most Improved Council of the Year'. But the low level of complaints may also reflect the emphasis placed by the Council in responding effectively to complaints through its own procedures. In this regard, I note the Council's achievement in securing the award of a BSI accreditation (Kite Mark) for its complaints management system.

The settled cases I have discussed above also illustrate the proactive approach which the complaint department takes both towards resolving complaints and to addressing underlying service issues.

Liaison with the Local Government Ombudsman

The Council's average time to respond to my enquiries was little changed at 24.3 days compared with the previous year's 22.4 days, and is well within my target of 28 days. I am grateful to the Council for its continuing and successful efforts to respond promptly to my office.

The Council's complaints responses remain thorough and evidence based, and I am grateful for the Council's continuing positive approach towards settling complaints.

The liaison between our offices also remains both constructive and effective. I am pleased to note the two meetings held with the Council's Corporate Complaints Manager and the Complaints Manager for Children & Adult Services, which my colleagues found useful.

I was also pleased again to have the opportunity to present the previous year's annual letter to the Council. Please let me know if you would like me to make a similar presentation of this annual letter.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can also customise courses to meet your Council's specific requirements.

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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.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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
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June 2008

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	Transport and highways	Total
01/04/2007 - 31/03/2008	2	4	4	10	34	12	1	10	3	80
2006 / 2007	1	3	6	5	38	19	1	7	5	85
2005 / 2006	1	5	2	9	37	18	0	5	9	86

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
01/04/2007 - 31/03/2008	0	18	0	0	6	14	11	24	49	73
2006 / 2007	0	12	0	0	10	15	12	41	49	90
2005 / 2006	0	19	0	0	14	19	7	33	59	92

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
01/04/2007 - 31/03/2008	19	24.3
2006 / 2007	20	22.4
2005 / 2006	23	21.4

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0