

Local Government OMBUDSMAN

The Local Government Ombudsman's Annual Letter London Borough of Barnet 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 Barnet. 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

Volume

I received 135 complaints against your Council, exactly the same number as in the previous year.

Character

As with previous years – and in keeping with many other local authorities where demand for affordable housing far outstrips supply – housing complaints made up a quarter of the complaints I received against the your Council this year (34 complaints, or 25%). It is worth noting however, that complaints about housing fell by seven from the 2006/07 total of 41, which was itself a reduction of ten from the 2005/06 total of 51 complaints which at that time amounted to almost one third of all the complaints I received against your Council in that year.

Of the remaining complaints, there were small increases in complaints regarding adult care services, education, local taxation and the category marked “other” which we use for complaints of a more miscellaneous nature the most prevalent of which usually relate to how a local authority has responded to complaints of anti-social behaviour. There were small decreases in the number of complaints I received about the administration of benefits, children and family social services, planning and building control, and transport and highways matters. The numbers are however broadly consistent with previous years and I do not think that much can be drawn from the small reductions or increases about any one Council service this year.

Decisions on complaints

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). When we completed an investigation we issued a report.

In 2007/08 the Local Government Ombudsmen determined 87 complaints against your Council (excluding ‘premature’ complaints and those outside jurisdiction). This was a slight decrease of seven from the previous year's total of 94 determinations. None of the complaints we investigated this year justified the issue of a report, whereas I had issued one report in each of the two previous years. I agreed 25 local settlements (28.7% of those complaints, slightly higher than the national average, and a 4.3% increase on the previous year). Ten of the local settlements concerned housing related matters.

As well as asking a local authority to undertake a specific action – such as completing an assessment or carrying out a repair etc. – I may also recommend the payment of financial compensation where I think it is merited. This year the Council paid a total of £7,087 in compensation – approximately half that which I asked it to pay last year (£14,947).

It paid £1,200 to a complainant for its delay in having a plan to meet her foster daughter's transition to adulthood, and in failing to arrange contact with her sibling who was also in local authority care.

It paid £2,050 in four complaints which concerned the way in which it dealt with people who asked for assistance because they were either homeless, or threatened with homelessness, and in a fifth complaint about the same issue the Council offered permanent accommodation to the complainant by way of redress.

The Council also paid £1,450 in two complaints concerning housing repairs, following unreasonable delays in carrying out works and in progressing a compensation claim.

Other findings

The Council agreed a number of suggestions to improve its services:

- In a complaint concerning building control it agreed to revise its procedures for logging and storing complaints, and advised its staff of the importance of providing updates.
- In a complaint concerning children and family services it agreed to work with the complainant to learn the lessons from what had happened and to put new measures in place.
- Arising from five separate homelessness complaints it agreed to improve various procedures and to provide appropriate training for its staff in the department.
- It agreed to review its procedures for dealing with applications for planning permission for telecommunications masts, and in another complaint relating to planning it agreed to take steps to ensure that its procedures about notifying neighbours of applications were adhered to more fully and to provide guidance notes or training to relevant staff.
- It also agreed also to keep complainants fully informed about its complaints process at all appropriate times.

I am pleased that the Council is willing to act on these suggestions, and would be interested to learn how these are implemented.

Your Council's complaints procedure and handling of complaints

I referred 24 complaints back to the Council last year as "premature" as the Council had not had a sufficient opportunity to respond to them. This represents 19% of the total decisions made, which is the same percentage as last year, but is lower in real numbers and also less than the national average of 27%. I also dealt with nine complaints which I had previously referred to the Council to deal with under its corporate complaints procedure which were later re-submitted to me as the complainants remained dissatisfied. Although four of these complaints are still being considered, I did not uphold the remaining five.

Liaison with the Local Government Ombudsman

In October 2007, a member of your staff tasked with overseeing complaints attended a Link Officer Seminar at our offices where we explain what we are looking for in terms of responses to our enquiries and effective liaison in order to assist us arrive at robust and fair decisions on complaints in a timely fashion. I am also aware that following this seminar one of my Assistant Ombudsmen attended a liaison meeting with the Council to discuss response times, and any other areas which could perhaps be improved.

The target time for councils to respond to enquiries is 28 days. The average response time for your Council is 34.9 days, which is outside the target time and is an increase of three days from the previous year. In only two of the nine categories of complaints was the target reached. The average times for London boroughs show that 45.5% meet the 28 day target, and a further 27.3% reply within 29 to 35 days. I would welcome it if the Council could find a way to adhere to the target timescale for responses as delays undoubtedly result in frustration for complainants who look to us for a timely decision on the merits of their complaint.

In six complaints which led to local settlements my investigators noted particularly helpful or speedy contributions by the Council's staff. In just one complaint my investigator raised some concern about the quality of the Council's response. It seems therefore that it is within the Council's ability to respond within the stipulated time period.

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 run open courses for groups of staff from different 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.

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.

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The team handles complaints submitted by telephone, email or text, as well as in writing. Again, 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
Local Government Ombudsman
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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	8	11	6	10	34	22	16	10	18	135
2006 / 2007	5	14	7	6	41	16	18	8	20	135
2005 / 2006	3	12	6	15	51	19	26	3	20	155

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	25	0	0	46	16	15	24	102	126
2006 / 2007	1	22	0	0	51	20	32	30	126	156
2005 / 2006	1	32	0	0	44	17	34	34	128	162

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	62	34.9
2006 / 2007	58	31.8
2005 / 2006	69	41.9

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