

Local Government
OMBUDSMAN

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

**The London Borough of Bromley
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 Bromley. 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

We received 79 complaints against your Council during the year, a significant fall from the 136 complaints received in 2006/2007 and six fewer than in 2005-2006. We expect to see these fluctuations year on year.

Character

Fourteen complaints were about children and family services, a rise of more than 50%, while complaints about adult care services fell from twelve to eight.

Complaints about planning and building control decreased dramatically from 64 in 2006/2007 to 13 this year, but the figures for 2006/2007 were inflated by 36 complaints about one issue. Six complaints were made about housing matters and this also represents a fall compared to last year (11).

We received a similar number of complaints to previous years in the areas of benefits, education, public finance and transport and highways.

Ten complaints were received about other matters, which included complaints about antisocial behaviour (1), consumer affairs (2), employment and pensions (1), environmental health (2), land (2) and waste management (2).

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this year.

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 some 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).

Nine complaints were settled locally this year, and the Council paid a total of £9,100 in compensation.

In one complaint I criticised the Council for failing to deliver part of a statement of special educational needs for a child with very complex needs. I also criticised the Council for failing to provide alternative educational provision for a period of 18 months when the child was unable to attend school for medical reasons and for failing to draw up a reintegration plan during that period. In addition, I

criticised the Council for delay in carrying out a review of the child's statement. The Council agreed to pay the complainant £3,000 compensation immediately and pay a further £3,000 to meet any needs identified by the complainant for her son. The Council also agreed to mediation to attempt to improve the relationship between the complainant and the Council.

In a second complaint about special educational needs I criticised the Council for unreasonable delay in setting up a meeting requested by the complainant which delayed a final statement being issued. In that case the Council agreed to pay £400 compensation.

In a complaint about planning enforcement I criticised the Council for a number of delays in pursuing a breach of planning control. I was particularly concerned that the complainant had not been kept up to date during that period and there had been a number of occasions when the Council said it would take action but failed to follow up on its promises. This meant that five years after the breach was brought to the Council's attention nothing had been achieved, although during my consideration of the complaint the Council agreed a timetable for completion of the required works with the applicant. The Council agreed to pay the complainant £750 compensation.

A further complaint about enforcement resulted in the Council agreeing to pay the complainant £150 compensation and to carry out an inspection of a diseased tree to ensure that pruning had been carried out properly. In that case I criticised the Council for delays in dealing with the complaint and failure to keep the complainant up to date with what was happening.

One complaint about children and family services was settled locally. In that case the Council had already upheld the majority of the complainant's complaints and had offered £1,500 compensation. A complaint was made to me because the complainant was unhappy with the amount offered. The Council agreed that it had failed to assess a father's capability to take responsibility for his daughter following her mother's death, failed to provide support for him to make the placement work, failed to consider the child's concerns prior to being placed with her father and failed to ensure that the situation was monitored. In addition I criticised the Council for failing to inform the Royal Borough of Kingston-upon-Thames when the child moved into its area and for failing to accept responsibility for her when it was identified that the case had been closed prematurely. In that case I agreed that compensation of £1,500, in addition to the Council's commitment to carry out a management review to ensure clear procedures are in place for when children in care move between areas, was a reasonable outcome for the complaint.

No specific learning points were raised by the remaining complaints.

Other findings

In 15 cases the matters complained of were outside my jurisdiction. The remaining 23 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Twenty-eight complaints were treated as premature and referred back to your Council so that they could first be considered through your complaints procedure.

Last year I suggested that the Council's complaint process may not be sufficiently visible to customers given the increase in premature complaints. I am pleased to note that there has been a significant reduction in the number of premature complaints this year, but these, at 37% of the total number of complaints determined remain higher than the national average of 27%. The Council could still do more in this area, I feel.

This is borne out by the Council's handling of the complaints I referred to it. Fourteen complaints referred back to the Council were resubmitted to me and three resulted in local settlements. It was

disappointing that the Council did not itself identify that things had gone wrong in these cases and resolve matters without the need for my involvement.

Liaison with the Local Government Ombudsman

Enquiries were made on 26 complaints during the year. Your Council's average response time of 45.8 days, while a slight improvement on last year's average, reflects once more a disappointing picture in respect of response times. Only five responses – fewer than a quarter - were received with the target timescale of 28 days.

In seven cases it took more than 50 days for a response to be received, including four planning cases where we did not receive a response for 71, 80, 100 and 102 days, two adult care services complaints which took 66 and 56 days and a school admissions complaint which took 65 days. I consider this to be unacceptable, particularly in cases where complainants are vulnerable or have an ongoing injustice and or, as with complaints about school admissions, where speed is of the essence. I hope that your Council will make a determined effort in the coming year to effect improvements.

The quality of responses is generally satisfactory. But, in relation to one of the enforcement case cited earlier the Council was slow to agree the settlement and my staff had to chase the Council on many occasions. The Council needs to improve its efficiency in this important area of customer satisfaction.

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, have 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'. 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.

J R White
Local Government Ombudsman

The Oaks No 2
Westwood Way
Westwood Business Park
COVENTRY CV4 8JB

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	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	8	6	14	11	6	10	13	2	0	9	79
2006 / 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

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	9	0	0	15	8	15	28	47	75
2006 / 2007	0	14	0	0	29	10	19	73	72	145
2005 / 2006	0	23	0	0	28	6	9	28	66	94

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	26	45.8
2006 / 2007	30	48.6
2005 / 2006	37	42.3

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