

Local Government
OMBUDSMAN

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

London Borough of Haringey
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 Haringey. 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

Complaints against the Council increased to 248 during 2007/08, up a third compared to the previous year which itself had shown a rise of over a quarter compared to 2005/06. While there were fewer complaints about planning and building control, and adult care services, there were significant increases in complaints about housing, benefits, local taxation and education.

Complaints about housing increased by 46% and now account for one third of all complaints received against the Council. In your response to my letter last year you pointed out that it was to be expected that complaints would increase following greater awareness and increased expectations around the introduction of the new Home Connections lettings scheme and the creation of Homes for Haringey in 2006. In 2007/08 complaints about housing repairs rose to 31 from ten in the previous year and complaints about housing allocation increased to 20 from 17.

Other complaints received about housing concerned homelessness, tenancy management, sales and leaseholds, private housing grants and regeneration and improvement.

Complaints about benefits rose from 19 to 30 and most of these were about housing benefit. There was also a significant rise in complaints about local taxation, up from 16 to 28.

Complaints about education increased from nine to 17 and these included school admissions (four), exclusions (three), special educational needs (three), student support (two) and school transport (one).

In the transport and highways category, two in every three complaints were about parking, with the remainder about highway management and traffic management. Last year you commented on the impact of traffic calming and road safety measures together with the Council's new powers to remove untaxed and abandoned vehicles from the highway. I should be interested to know what the Council has learned from its handling of the complaints it has received in relation to these local activities.

Of the 38 complaints in the "other" category; 16 were about antisocial behaviour, an increase from nine in the previous year, and six were about waste management. The remaining complaints in this category related to environmental health, leisure and culture, drainage, contracts, and employment and pensions.

The overall increase in complaints we received against the Council continues to go against the national picture which shows a reduction in complaints to the Ombudsman of about 3.8%. So I would be interested to know how the Council interprets the statistics, particularly with regard to the operation of Homes for Haringey, and the areas of benefits and local taxation.

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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).

I issued one report against the Council which was about the failure to properly investigate and consider substantial evidence provided by a landlord that his tenant was unlikely to pay him rent, before allowing payment of housing benefit direct to the tenant (where it had previously been paid to the landlord). The tenant failed to pay the landlord the rent. I recommended that the Council should make up the shortfall in rent (£700) and pay an additional £150. I also asked the Council to issue guidance on dealing with disputes between landlords and tenants about payment of housing benefit. I was satisfied with the Council's response to my report, but I should be grateful if the Council would send me a copy of any revised guidance that the Council has issued following the introduction of the Local Housing Allowance in April 2008.

I decided 55 complaints as local settlements. Excluding complaints which were premature or outside my jurisdiction, the proportion of complaints decided as settlements and reports was just under 40%, significantly more than the average for all authorities (28%) and a much higher proportion than last year. The settlements included compensation totalling over £24,000 which was four times the amount paid out by the Council in the previous year. I set out below a summary of the main settlements.

Housing Benefit

In addition to the report, four complaints were decided as local settlements. One made by a supported housing provider uncovered delays of up to 18 months in dealing with housing benefit appeals. In this case the Council paid over £3,400 in compensation to the landlord. An action plan was produced showing how the Council intended dealing with something like 200 housing benefit appeal submissions that were outstanding. I understand that by October 2007 the backlog had been reduced to 150 and I would be interested to know what further progress the Council has made since then.

Other complaints about housing benefit revealed delays, failure to identify what evidence was needed to assess claims, poor communication with applicants and landlords, and difficulties in dealing with claims from self-employed applicants. On the last issue, I welcome the fact that the Council has subsequently improved its training and procedures for dealing with claims from the self-employed.

Local taxation

I settled nine complaints about council tax. One of these arose from retrospective cancellation of the Single Person's Discount. This complaint revealed a systematic suppression of letters to taxpayers about resulting changes to council tax benefit. The Council ran a report which showed more than 700 instances of letters being suppressed.

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The above complaint and others have also raised concerns about council tax arrears recovery, and in particular the Council's approach to recovering debts from vulnerable people and those who have difficulty repaying within the current tax year. The Council has sent my office copies of its procedures on these matters; but the complaints to me raise questions about how well these are being applied in practice. This is something which my officers will be continuing to discuss with the Council.

Housing repairs and managing tenancies

There were eight local settlements of housing repair complaints, mainly concerning delays in dealing with repairs. Remedies included the payment of over £3,000 in compensation. Two settlements were in relation to complaints about tenancy management: one case involved the giving of incorrect information about a grant and the other was about delay in terminating a tenancy and continuing to send letters addressed to a deceased tenant.

Homelessness and housing allocations

The Council paid £5,000 to settle one complaint where it had delayed in reviewing the suitability of housing after being asked to do so. This left the complainant, who had significant mobility problems and suffered with incontinence, without access to a bathroom and toilet for two years. In discussing this complaint the Council drew attention to the difficulty in finding suitable accommodation to meet the unusual housing needs of this applicant.

Other complaints revealed delays in dealing with homelessness and transfer applications; in two cases this resulted from documents being lost by the Council.

Housing Sales

One complaint was settled when the Council agreed to pay compensation to include the avoidable legal fees incurred by the complainant as a result of the Council's error in dealing with his application under the right to buy scheme. The complaint raised issues about how the Council deals with under-occupation of properties where there are succession rights. The Council amended its succession claim form to make it clear that smaller accommodation may be offered in such cases.

Private housing grants

The Council paid £350 compensation to reflect distress caused to a complainant by its delay in dealing with her application for a grant to adapt her home.

Planning and building control

Three local settlements arose from complaints about delays in investigating breaches of development control.

Education

In one case, the Council delayed in starting a statutory assessment of the complainant's daughter which led to a delay in the making of a statement of Special Educational Need (SEN). The Council later lapsed the statement, on the grounds that the daughter had made her own alternative arrangements by attending college, without checking the situation with the complainant or the daughter. Following this complaint the Council redrafted its standard letter to warn parents that their child's statement will lapse if the child decides to leave school and go to college. The Council paid £1,500 to the daughter and £250 to the complainant.

In another case, a child with an SEN statement was left without suitable educational provision for three school terms through the Council's failure to apply to the Secretary of State to compel a school named in the statement to take the child. The Council agreed to pay £3,300.

In a school admissions complaint the Council offered a new appeal hearing when it was unable to produce the clerk's notes of the complainant's appeal and meeting of the panel following adjournment.

Transport and Highways

The Council treated a complainant's car as an abandoned vehicle although it was taxed and parked on the complainant's own street. Contrary to its own policy the Council towed the vehicle away without having checked the owner's details and writing to the complainant first. The Council refunded the £250 charge the complainant had paid to have the vehicle released and paid a further £150 in compensation.

Three settled complaints were about parking penalties. Two of these were about delays in dealing with refunds of parking penalty charges which had been deemed refundable, and in the third case the Council continued to pursue the complainant after she had paid the penalty because the payment had not been registered against the correct account. A total of £150 compensation was paid for these three complaints.

Your Council's complaints procedure and handling of complaints

We referred 76 premature complaints to the Council to deal with because it had not previously had a reasonable opportunity to do so. This was about 30% of the total complaints decided which, although similar to the previous year, is above the average for all authorities (27%).

We decided 19 complaints which had previously been referred back to the Council but where the complainants resubmitted their complaints to us, dissatisfied with the Council's reply. When these resubmitted complaints were decided, 11 resulted in local settlements. At 58%, that is well above the average for all authorities (21%). Five of the settlements were on housing complaints. The Council may wish to consider whether there is some identifiable factor that is leading to the relatively high proportion of resubmitted housing complaints that I have upheld.

I am aware that the Council has a well established system for reporting on its handling of complaints and customer feedback which includes a summary of complaints dealt with by my office. The Council's reports also refer to service improvements made as a result of the various types of feedback. I welcome this positive approach to learning from complaints and I look forward later this year to seeing the Council's next report for 2007/08.

Liaison with the Local Government Ombudsman

My office made written enquiries on 110 complaints, far more than the 63 in the previous year. The Council took an average of 18.4 days to respond to these enquiries, continuing the excellent response times of previous years. Once again my staff have noted examples of quick and helpful responses to settlement proposals, although on occasions there have been differing viewpoints which have taken some discussion to resolve.

I was pleased that an officer of the Council was able to attend our seminar for link officers in November. I hope that he found the day useful.

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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.

Where councils have set up Arms Length Management Organisations that run their own complaints procedures we can run courses for these organisations as well.

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	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	8	30	5	17	82	38	10	28	0	30	248
2006 / 2007	11	19	2	9	56	29	15	16	0	29	186
2005 / 2006	9	18	8	7	38	23	10	14	2	17	146

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	1	55	0	0	48	39	34	76	177	253
2006 / 2007	0	28	0	0	42	30	25	54	125	179
2005 / 2006	0	25	0	0	34	23	23	43	105	148

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	110	18.4
2006 / 2007	63	18.4
2005 / 2006	44	18.1

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