

Local Government  
**OMBUDSMAN**

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

I received 85 complaints against your Council during 2007/2008. This was over 20% fewer than in the previous year. In terms of service areas, the largest group of complaints remained housing (22), but the number was almost half that received in 2006/07.

Of the housing cases, I received six complaints about each of allocations and managing tenancies, three each about homelessness, housing sales/leaseholds and repairs, and one about a private housing grant. I am encouraged by the marked reduction in the number of complaints about housing. Those about allocations and about repairs both went down from 13 in the previous year. I note that the Council's housing service was given a three star rating in the Audit Commission's latest Comprehensive Performance Assessment, and its January 2008 Inspection Report on Homes in Havering also found strengths and improvements in many housing service areas. Previously housing had been performing poorly. So it appears the decrease in housing complaints may reflect the Council's generally better performance in this area. I trust the Council's adoption of the Audit Commission's recommendations for further service improvements, and lessons learnt from the complaints I have received, will maintain the downward trend.

Planning was the next largest category, up from seven in 2005/06 and 12 in 2006/07, to 17 complaints. Eight were about planning applications, four about trees, three about enforcement and two about advice. I am not aware of any recurrent themes. Education complaints increased (to 11, of which eight concerned school admissions and which may reflect the rising national trend in such complaints) and local taxation (nine), were the other main areas. It is however notable that there were also six complaints concerning antisocial behaviour (in our 'Other' category).

## **Decisions on complaints**

### ***General comments***

Decisions were made on 89 complaints last year. In 37 cases I found no or insufficient evidence of maladministration, or insufficient injustice, to warrant my further involvement. I was unable to consider another 15 complaints because they fell outside my jurisdiction.

### ***Reports***

I issued one report of maladministration causing injustice against your Council in 2007/2008. This was a tragic and serious case concerning a frail, disabled and elderly lady and her family.

I found the Council's delay had meant that this vulnerable lady had to live, trapped on an upper floor without a lift, in completely unsuitable accommodation for at least five years longer than necessary. The Council fettered its discretion by sticking rigidly to its policy of prioritising families with children for homes with gardens, when this meant there was no reasonable likelihood of it ever finding her the ground floor accommodation she needed. Officers knew the problem which applying the policy was causing, but did nothing. They failed properly to consider her human rights. The Council also failed to keep adequate records, provided me with inaccurate information and some of the relevant documentation was altered after I became involved.

I was satisfied when the Council accepted my recommendation to pay the family compensation of £10,000 and to review all re-housing applications over the last five years to see whether other applicants had been affected in a similar way. The Council also allocated a suitable property to the family. Sadly, however, the elderly lady died before this remedy was provided.

### ***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). In Havering's case, there were 20 local settlements. This was 29% of the total, so was close to the national average.

The local settlements concerned different service areas:

- local taxation (4)
- managing tenancies (4)
- planning applications (2)
- school admissions (2)
- housing allocations (2)
- housing repairs (1)
- homelessness (1)
- housing benefit (1)
- children and family services (1)
- anti-social behaviour (1)
- miscellaneous (1)

In one of the local taxation cases, the complainant was twice wrongly summonsed for a council tax debt that had already been repaid. The Council agreed to pay £250 compensation in recognition of the distress caused by its actions.

In one school admissions case, the panel which refused the complainant's appeal for a school place for their daughter did not give a reasoned decision why to admit her would cause prejudice to education and in another the wrong child was admitted to a place which became vacant. The Council did not consider it could then admit the complainant's child, because the 30 pupil infant class size limit would be breached. In the first case the Council agreed to a fresh appeal and in the second, although it did not accept my legal advice or the advice of the Department for Children, Schools and Families, that the circumstances meant she was an 'excepted child' and so could be admitted, it agreed to do so on pragmatic grounds.

In the anti-social behaviour complaint, which involved allegations of neighbour nuisance, it came to light that the Council had failed to carry out visits or install noise monitoring in line with its policy. The Council agreed to remedy matters by undertaking a proper investigation into the alleged nuisance and by paying the complainant £500 compensation.

A number of local settlements in other cases resulted in modest compensation payments in respect of various deficiencies on the Council's part, including unreasonable delays, poor record keeping and communication failures. In all, the Council paid a total of £1,445 to complainants.

### **Other findings**

Part of my role is to identify general issues of fault that arise from my investigation of complaints and to give guidance on good administrative practice. In this respect I am grateful for the Council's agreement to review the general application of its policy for allocating homes with gardens. I also welcome the Council's agreement to review the information it publishes for parents on how school waiting lists operate and to review your school admission appeal documentation. I should be grateful if you would let me have details of the outcome of these decisions.

### **Your Council's complaints procedure and handling of complaints**

I referred 16 complaints back to the Council in 2007/2008 as it had not been given a reasonable chance to deal with them before I became involved. The proportion of premature complaint decisions for your Council is slightly lower than the average for all authorities. I am not aware of any issues that give cause for concern in this respect

### **Liaison with the Local Government Ombudsman**

I ask that councils reply to my initial enquiries about complaints within 28 calendar days. On average, the Council's responses last year took 26 days. This is a marked improvement on the average of almost 33 days for the preceding year. I note, however, that the Council has still taken a considerable time to respond in certain instances and that, in particular planning and building control and housing responses are the slowest. But it met my target response time in the majority of cases and I commend the Council's generally improved performance in this respect as it assists us in providing a prompt service for complainants.

I had cause to raise serious concerns about deficiencies in the Council's response to my enquires in the housing case on which I reported: there were delays and inaccuracies in the information provided, and, while the intention may have been innocent, I cannot accept the alteration of records. There was also a failure to grasp the point that the Council was fettering its discretion and had failed to consider human rights issues. There was also some initial reluctance to accept my recommendations in other cases. But I note that my Investigators have also made numerous positive comments about the promptness of responses and the Council's willingness to take action to resolve complaints.

In general, I consider we have a positive working relationship with your officers, and I hope we can build on this in the coming year.

### **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. I note that my staff gave a presentation as part of your training for school admission appeal panel members in February 2008, so I hope this proved useful.

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**  
**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)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	5	2	4	11	22	11	17	9	0	4	<b>85</b>
<b>2006 / 2007</b>	6	6	2	2	42	19	12	10	0	9	<b>108</b>
<b>2005 / 2006</b>	3	6	1	7	28	13	7	9	1	10	<b>85</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	20	0	0	20	17	15	16	73	<b>89</b>
<b>2006 / 2007</b>	14	15	0	0	25	16	9	31	79	<b>110</b>
<b>2005 / 2006</b>	0	12	0	0	20	7	20	29	59	<b>88</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	33	25.9
<b>2006 / 2007</b>	40	32.7
<b>2005 / 2006</b>	30	26.0

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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