

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
London Borough of Islington
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 Islington over the past year (1 April 2007 to 31 March 2008). 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 170 complaints against your authority this year. This was eight fewer complaints than last year. As in previous years the largest area of complaints related to housing, although the number fell from 91 complaints received in 2006/07 to 78 in 2007/08. There were also eight complaints made about anti-social behaviour and the majority of these would have involved housing issues.

In other service areas the number of complaints made was broadly similar to the previous year: Benefits 12 (13); Children and family services five (seven); Education one (three); Planning and Building Control ten (13) and Local Taxation four (five).

There has however been an increase in complaints received in two service areas. We received six complaints about Adult Care services as compared with just one in the year before, and 35 complaints about Transport and Highways (23 previous year). 30 of these were about parking.

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).

Last year we decided 179 complaints in total. 25 of these were referred back to your Council as premature as you had not had a reasonable chance to respond to them before they were sent to me. I found no maladministration in 49 of the complaints on which I made a decision and 35 of them were outside my jurisdiction. I exercised my discretion to discontinue my involvement in a further 21 complaints, predominantly because there was insufficient evidence of injustice which would merit my continued involvement.

Of the remaining 49 complaints, I issued one report which was about a housing complaint, and upheld a further 48 complaints which were closed as local settlements. The percentage of settlements of all decisions (excluding those complaints that were referred back as premature or outside my jurisdiction) was 41%. This compares with the national average of 27%. I am grateful for the Council's co-operation in settling complaints but I continue to have concerns as to whether more could not be done at local level to resolve the complaints before they came to me. Good local complaints handling should identify fault and provide a suitable remedy.

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The Report

The complaint which resulted in the report concerned the Council's failure to deal with a problem of dampness in the complainant's flat from January 2005. It took the Council 18 months to settle her insurance claim for belongings damaged by the dampness. There was also some confusion over the use of storage areas in her basement as to whether they were "habitable" rooms. I found there had been maladministration by the Council, and that because of it, the complainant's health had suffered, she had had to give up her job and she had to live longer than necessary in poor conditions. The Council agreed to pay compensation of £5,000 to the complainant.

During my investigation the Council told me it accepted that work done in the flat before the complainant moved in, and the works done while she moved out temporarily, had not been successful. The Council said that it is not always easy to identify clearly the source of damp.

As a result of my investigation the Council has introduced a training programme for housing surveyors to help them to identify different causes of dampness. It has also added information to a document for tenants entitled "Your new home – The standard you can expect" about the use of storage areas. The Council has introduced a new procedure for dealing with insurance claims so that they are dealt with promptly and a named person is made responsible for providing any necessary information to the insurers.

Local Settlements

Although I often ask local authorities to take some specific action to remedy a complaint, such as carrying out outstanding repairs or reviewing its procedure, I also make recommendations that compensation should be paid where it is appropriate to do so. In total the Council paid out £15,524 (excluding the £5,000 paid as a result of the above report). This was lower than last year when £24,123 was paid. Just over half of this (£8,326) related to housing issues where I had identified fault and felt that financial compensation was appropriate. Compensation of £1,993 was paid out for complaints about Housing Benefit; £1,050 for complaints about Children and Family Services; and £3,500 for complaints about Planning and Building Control.

Housing

Of the 48 complaints we settled 26 of them were about Housing. Of those 26, 16 were about housing repairs. The complaint that was made in the majority of these cases was delay in agreed works being completed. In one case similar issues arose to those I found in the report I detail above in that the complainant suffered dampness in the property, was moved out temporarily while work was done, but this did not solve the problem. The Council believed that in the end it found the cause of the damp but the complainant remains unsure. The Council agreed to pay compensation of £500.

In another case the complainant had had to move out of her property after a gas explosion. The Council delayed for five months in completing the works and there was a lack of communication with the complainant at a particularly stressful time for her. The Council agreed to pay compensation of £1,500 and assist the complainant in moving back as soon as possible.

Two of the complaints concerned a delay in the Council finishing works to bring its properties up to the government's Decent Homes Standard. While the bulk of the work was done within agreed timescales, contractors were then moved on to other jobs before small outstanding repairs (such as making good damage) were completed. I am aware that a "snagging" visit is carried out by the Council to try to prevent this happening but it might be useful for the Council to consult the tenant as part of this process to prevent such complaints arising in future.

One complaint concerned both disrepair and housing allocations. The property the complainant lived in suffered from extensive damp. Due to the reorganisation of the local housing office there was a delay in considering a request for the complainant to be moved out. Then when her application was recorded on the Choice Homes database, her mobile phone number was input incorrectly. The complainant missed being invited to view three properties for which she had been short-listed. This led to a serious injustice as the property she and her child continued to occupy was unfit and prejudicial to health. The Council awarded the complainant 20 discretionary points which enabled her to make a successful bid for an alternative property. It also paid her compensation of £1,000.

Children and Family Services

Three of the four complaints investigated concerned delay by the Council. In one of them there was a delay of around seven months in dealing with the actual complaint. In the other two there was a delay in paying the agreed compensation. In one of them the Council had agreed under the statutory complaint procedure to pay compensation of £10,000 to a looked after child who had suffered abuse in foster care. A complaint was made to me because the Council failed to implement the agreed settlement of the complaint. The Council was asked to pay a further £250 in recognition of the delay. In the other complaint the Council delayed in providing the remedy it had agreed with me about an earlier complaint and so once again I asked the Council to provide an additional payment of £250.

Your Council's complaints procedure and handling of complaints

We referred 25 complaints back to your Council this year as it did not seem that you had yet had a reasonable opportunity to attempt to resolve them under your own complaints procedure. This amounts to just under 14% of all complaints decided compared with the national average of 27%.

Five of these complaints were resubmitted to my office during the year as the complainants were not satisfied by your Council's response. We have closed two of them on the grounds that there was no evidence of fault. We have not yet decided the other three.

Liaison with the Local Government Ombudsman

We have made first enquiries to your Council on 76 complaints during the year. The average response time was 29.6 days which is an improvement of almost seven days from last year when the average response time was 36.1 days. I am grateful to the Council for its efforts here although the target I set for responses is 28 days. The average response times were highest for complaints about Planning and Building Control (36 days) and Housing (32.9 days). Children and family services responded the quickest (15 days).

In addition to the improvement in response times, my investigators have also made some positive comments about your Officers' responses to complaints as follows:

- An Officer in Revenues was particularly helpful and doggedly persevered in resolving technical difficulties to get accounts sorted out.
- The Council was proactive in offering a reasonable settlement. Its response to enquiries was detailed and helpful.
- An officer in Benefits answered all the Investigator's questions. The response was well structured and thoroughly researched, and relevant documents were attached.
- An excellent response from an Officer who had visited the complainant and sought to resolve the complaint and offer redress.

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But there were also some critical comments which the Council may wish to note:

- There was delay in providing comments on a complaint between October 2006 and April 2007. At first the Investigator was told that the difficulty was in establishing who was responsible, as the property had passed from Homes for Islington to Partners. The Investigator was then told the files had been lost, before being informed that this was not the case.
- A very poor response. It was not comprehensive and failed to address several of the numbered paragraphs in the Investigator's letter of enquiry.
- In a letter dated May 2007 the Council was still telling complainants to write to the Local Government Ombudsman at our previous address (we moved in 2003).

In my Annual Letter last year I recognised that the Council had been through a period of change with an Arms Length Management Organisation (Homes for Islington) being established and street properties being managed by 'Partners for Improvement in Islington'. It is unfortunate that the Council still seems to be having problems with co-ordinating its various partners in dealing with complaints effectively.

I asked last year what the Council had done to improve the quality of responses and to improve the liaison within the Council. I have not had a response from the Council on this and I am concerned that my investigators still continue to express concerns about the time taken and the poor quality of some of the responses. Again, I would ask the Council to comment on this.

I also have concerns about continuing to get complaints where the Council has not provided an agreed remedy or has delayed in doing so. I would be interested to know what arrangements the Council has made to ensure that this does not happen in future as failure to implement remedies in a timely fashion inevitably undermines a complainant's confidence in my office, as well as adding to their frustration.

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. I note that you received two training courses this year; one in Effective Complaints Handling and one in handling complaints about social care. I would be interested to know if you feel this has improved the way you handle complaints.

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.

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.

It may be helpful if I summarise the points on which I have invited you to comment:

- What has been done to improve the quality of responses and to improve liaison between the Council's partners?
- How the Council intends to ensure through its own procedures that remedies are provided promptly?
- Whether the Council considers that complaint handling training is making a difference in the quality of its responses.

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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	6	12	5	1	78	19	10	4	35	170
2006 / 2007	1	13	7	3	91	22	13	5	23	178
2005 / 2006	4	25	4	1	108	32	14	10	29	227

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	48	0	0	49	21	35	25	154	179
2006 / 2007	0	57	0	0	41	19	33	41	150	191
2005 / 2006	0	47	0	0	47	26	56	44	176	220

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	76	29.6
2006 / 2007	96	36.1
2005 / 2006	86	29.0

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