

**The Local Government Ombudsman's  
Annual Review  
London Borough of Islington  
for the year ended  
31 March 2009**

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 reviews.

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# Section 1: Complaints about London Borough of Islington Council 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Islington. 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

## Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

## Enquiries and complaints received

A total of 173 enquiries was received about your Council in 2008/09. Almost half of these related to housing matters with the remainder spread across a wide range of different local authority services.

Of the 173 enquiries, 60 were referred on to the Council to attempt to resolve in the first instance as the complainant had yet to exhaust your complaints procedure, and it seemed that they would not be disadvantaged by doing so before complaining to me if they remained dissatisfied at the end of that process. A further 40 enquiries were dealt with by providing advice, and the remaining 73 were treated as formal complaints and passed on to an investigation team to consider.

Of the 73 complaints that were forwarded to the investigative team for investigation, 37 were about housing matters of which 18 were specifically about housing repairs. To put this in context the next two largest areas of complaint were about transport and highways (7) and benefits (6).

## Complaint outcomes

Last year we decided 101 complaints in total.

## **Reports**

When we complete an investigation, we generally issue a report. This year we issued one report against the Council. The complaint concerned the Council's failure to take account of the Disability Discrimination Act 1995 (as amended) before installing a new front entrance door to the complainant's block which was too heavy for the complainant – who relied on a wheelchair for mobility outdoors – to open. There was a delay of eight months in the Council finding a solution to this problem. The complaint also concerned a delay of 15 months in finding a way in which the complainant could open and close her windows, and a delay of two years in finding a way for the complainant to be able to open her flat door automatically without having to go to the door.

I found the above to be evidence of maladministration which affected the complainant's health and quality of life. The Council agreed to pay compensation of £2,000 to the complainant. It also reviewed its procedure for commissioning and installing communal entry doors and identifying tenants who may have special needs as a result of difficulties with mobility. It also agreed to improve the liaison between Occupational Therapists and housing staff in such instances, and to develop action plans on more complex cases.

## **Local settlements**

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 38, or 37.6% of the complaints I decided during the year, were local settlements. As a result of these the Council paid compensation of £22,412 in addition to taking specific action to remedy complaints.

Of the remaining complaints I found no maladministration in 31 cases; 13 complaints were outside my jurisdiction and so I was unable to consider them; and I used my discretion not to pursue an investigation in 18 complaints usually because I could not conclude that any significant injustice had arisen as the result of any wrongdoing on the Council's part.

## **Complaints by service areas**

### **Housing**

#### *Housing Disrepair*

I decided 22 complaints about disrepair and found the Council to be at fault in 16 of them. The Council agreed to pay compensation of £9,721 to settle these complaints in addition to undertaking the requisite repairs where they were still outstanding.

Five of these complaints concerned dampness or water ingress from roof leaks. In one case there was a delay from June 2006 to February 2008 in dealing with a roof leak into a bedroom. The complainant was unable to use the bedroom as a result. The Council agreed to repair the roof, to give a redecoration allowance for the room, and to pay compensation of £1,500.

In another case the complainant was moved out so that a damp problem could be resolved. However it re-occurred shortly after she moved back in. The damp problem was first reported in January 2006, the complainant moved out in May 2007 for a short period to facilitate the solving of the problem yet the dampness was not finally resolved until 2008. The Council agreed to pay compensation of £2,500. It also agreed to visit two months after completion of work to ensure that the dampness had not recurred again.

In my annual letter for 2007/2008 I mentioned a report I had issued about the Council's failure to deal effectively with a dampness problem. The Council told me at that time that it was improving its training procedures for surveyors in how to identify the different causes of dampness. While I still receive complaints about the time taken by the Council to resolve dampness problems I am pleased to note that the Council is still looking at ways to improve its response. I was told that a new initiative started in November 2008 whereby the Council's Legal Disrepair Team has convened a group that is looking at how the Council can improve its contractors' diagnosis and remedying of reported damp problems. The Council has introduced a new diagnosis and reporting form which is audited by the Technical Quality Team. Any damp problems which have not been resolved within three months will be considered by a panel of officers and the contractor will have to explain why the matter has not been resolved and what it intends to do. If the dampness is still not resolved after six months the Council will consider whether to move the tenant to alternative accommodation. I welcome this initiative and hope that it improves the Council's service to its tenants in this area.

### *Housing Leaseholds*

I decided eight complaints on behalf of leaseholders and found the Council to be at fault in five of them. The Council agreed to pay compensation of £7,941 to settle these complaints.

In one case the Council had failed to reinstate a 12ft high brick boundary wall which had collapsed during storm damage in 2000. It took over seven years for the garden to be cleared and the wall rebuilt. The collapse of the wall enabled fly tippers to gain access to the garden and dump refuse and builders' rubble. Rats nested in the debris. Intruders were able to gain entry to the back of the building. The complainant's children lost the use of the garden whilst they were young as it was unsafe for them to play in it. As well as undertaking the repair the Council paid compensation of £5,313.

My staff also considered two complaints regarding the prospective purchase of sections of communal gardens by leaseholders where there were issues about whether or not it was appropriate to parcel off sections of the garden. In one case the occupant of the ground floor flat was told that she could buy the garden, but after she had instructed solicitors, the Council changed its mind and said the garden was a communal asset and so the part she wished to buy was not for sale. The Council agreed to meet the complainant with a view to considering whether to sell part of the garden nearest to her ground floor flat. It also agreed to refund the complainant's legal fees and pay compensation totalling £1,353.

In the other case the Council sold part of the garden to the middle floor tenant of three flats in a street property. The garden had been previously split by a council officer many years before and the tenant of the ground floor flat had been allocated the use of a small patio area. The Council sold this patio area to the middle tenant. The Council agreed to pay compensation to the ground floor tenant of £1,000 for the loss of its use.

### **Adult Care Services**

I decided three complaints about Adult Care matters and found the Council to be at fault in two of them.

In one case there was a delay of eight months in building a storage shed for the complainant's mobility scooter. This meant that the complainant had to dismantle the scooter and carry it indoors each time they returned home after using it. The Council agreed to pay compensation of £150.

In the other case there was a flawed annual assessment of the disabled complainant's care needs which resulted in the erroneous termination of domiciliary care which had previously been provided (housework and laundry services). The complainant had to pay for this service privately until such

time as the Council agreed to appoint an independent Occupational Therapist to conduct a new care assessment which resulted in the reinstatement of the original care package. In addition to reinstating the service the Council also paid compensation of £500.

### **Housing/Council Tax Benefit**

I decided eight complaints about the administration of Housing Benefit and Council Tax Benefit. I found the Council to be at fault in two of them.

In one case there was an error by the Council in recovering overpaid Council Tax Benefit of £245.24 from a pensioner in poor health when the overpayment was due to an officer error. The attempt to recover the overpayment was not made until eight years after it was alleged to have been made. A bill was sent to the complainant out of the blue demanding repayment with no accompanying letter to explain the reasons for this.

This complaint was referred to the Council to be dealt with under its complaint procedure but it failed to deal with it appropriately and so the complaint was resubmitted to my office. We suggested to the Council that it write off the overpayment and pay £100 compensation. To its credit this local settlement proposal was agreed by the Council within three days.

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

We have made first enquiries to your Council on 51 complaints during the year. The average response time was 31.7 days which is a slight slippage from last year (29.6 days). The average response times were highest for complaints about Housing (36.4 days); Transport and Highways (33.2 days); and Planning and Building Control (32 days). The responses to two particular housing complaints took 106 and 128 days respectively. I know my officers have discussed these complaints with your staff. The complaints required comments from different sections of the Council and not all the comments were co-ordinated before being sent on to my office.

In October 2008 two members of my investigative teams met with your officers to discuss mutual concerns. My staff were pleased to note a number of initiatives being adopted by the Council to improve complaint handling including: training to improve the standard of written communication; regular meetings to discuss complex complaints and to review the progress on complaints; responses being 'quality' checked before leaving the relevant department; and monthly meetings of all complaints officers to discuss lessons that have been learnt from complaints.

I was pleased to note that one of your officers recently attended a seminar at my office when we were able to update Council officers who co-ordinate the responses to our enquiries on recent developments in our service, and the way in which we conduct our investigations. I hope that they found the seminar useful

### **Training in complaint handling**

I am pleased that during 2008/09 we provided training in Effective Complaint Handling in Social Care to staff from your authority.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

### **Conclusions**

I note that the Council's Arms Length Management Organisation, Homes for Islington was inspected by the Audit Commission in 2008. The assessment concluded that Homes for Islington is

providing an 'excellent' three star service which has excellent prospects for improvement. However the Audit Commission expressed concerns about several matters which are also reflected in the type of complaints I have received. In particular the Audit Commission said:

“The quality of customer care and file keeping is mixed, issues raised by the snagging process for major works are not reliably dealt with, repair monitoring is misleading and the cyclical decorations programme is inflexible. The quality of void properties is not always high and no standards are set out for aids and adaptations.”

The Audit Commission made several recommendations about how the service could be improved and, if adopted, I believe this could also have an affect on the number of complaints I receive in future about housing repair issues.

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.

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**June 2009**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

### Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

### Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

### Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

### Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.



### **Adult Social Care Self-funding**

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

### **Internal schools management**

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

### **Further developments**

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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**June 2009**

# Appendix 1: Notes to assist interpretation of the statistics 2008/09

## Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

### Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Formal/informal prematures:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

**Forwarded to the investigative team (resubmitted prematures):** These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

**Forwarded to the investigative team (new):** These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

## Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.–

## Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

## LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	2	1	28	4	7	1	3	14	60
Advice given	2	1	15	4	1	1	8	8	40
Forwarded to investigative team (resubmitted prematures)	1	1	9	2	2	2	0	4	21
Forwarded to investigative team (new)	1	4	28	4	1	2	7	5	52
<b>Total</b>	<b>6</b>	<b>7</b>	<b>80</b>	<b>14</b>	<b>11</b>	<b>6</b>	<b>18</b>	<b>31</b>	<b>173</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	1	38	0	0	31	18	13	101

## Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	51	31.7
2007 / 2008	75	29.6
2006 / 2007	96	36.1

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0