

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

# **The London Borough of Tower Hamlets**

**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 the London Borough of Tower Hamlets 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Tower Hamlets. 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 significant majority of the 140 enquiries received by our Advice Team this year related to housing, around 30% of the total. Transport and highways, planning and building control, and education each accounted for approximately 10% of the total enquiries that were received. The remaining enquiries received related to a wide range of council services.

Of the 140 enquiries, 40 were passed on to the Council to attempt to resolve in the first instance as the complainant had yet to exhaust the Council's corporate 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 22 enquirers were content with the information they received from our Advice Team and did not want to pursue their concerns further with us at that time. The 78 remaining enquiries were passed on to an investigative team for consideration, of which 35% related to housing. As with the enquiries received the remaining complaints passed on to the investigative team were spread fairly evenly among the other main categories.

## **Complaint outcomes**

### **Decisions and 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 21 (about 26%) were local settlements.

The complaints we have closed this year have provided some interesting outcomes.

### ***Homelessness***

I settled two complaints where homeless people had faced difficulties in having their applications assessed. In the first case, there was a three month delay in making a home visit to assess an application, which meant that the applicant had to live longer than he should in grossly overcrowded conditions. In the second, the Council had lost the application and so took no action on it for two months. For some time the applicant, who was over 60 and in poor health, was spending the day on park benches and the nights on friends' sofas. We agreed compensation of £1,300 for the two complainants. Both complaints had been through the Council's complaints procedure. The Council had offered the first complainant no compensation, and the second just £100. The level of settlements I recommended in these cases will show that I consider it is a major injustice to be forced to live in unsatisfactory conditions as a result of administrative fault of the Council, and that this should be reflected in the amount of redress offered.

### ***Housing repairs***

I settled eight complaints that arose as a result of problems tenants had reported with getting timely and efficient housing repairs undertaken to their homes. The extent to which tenants were adversely affected by these difficulties varied from a case where three unannounced visits were made to tenants who did not speak English and found the experience confusing, to a case in which it had taken the Council three and a half years to resolve a problem of leaking windows.

For the eight settlements a total of £2,800 was agreed.

I am aware that the Council has been running a 100 day improvement plan to step up repairs for residents, which has included repairs days on particular estates, where residents can more easily report any items. The evidence from last year would suggest that there have been problems with completing timely repairs, and I would be interested to know more about the outcome of this initiative. I also note from the evidence provided for the Council's Draft Housing Strategy that 59% of Tower Hamlets Homes' houses did not meet the Decent Homes standard as of 1 April 2007, and that bringing them up to this standard presents a clear challenge.

Your Council's programme of transferring its properties to third party ownership has resulted in a few complaints to me from leaseholders. In one of these, the leaseholder complained that the views of leaseholders had been given insufficient weight in the consultation exercise and thereafter in the decision to transfer ownership of the housing estate. Although my investigation found there had been some misleading information in the consultation with leaseholders, I was unable to conclude that this would have had a significant effect on the outcome.

### ***Parking***

Many parking complaints are outside my jurisdiction because there is an alternative remedy available by way of appeal to a Parking Adjudicator or a Magistrate depending on the nature of the enforcement action taken. I did however settle two complaints where there were difficulties with the processing of parking permits allocated to residents and businesses in controlled parking

zones. Your officers offered to pay a small amount of compensation in each case (£100 and £150 respectively) to reflect the inconvenience the complainants had been put to. In another case, the complainant alleged that the Council was failing to take adequate steps to prevent illegal parking outside his home. The Council agreed to increase warden patrols and to introduce a new traffic management order to deal with the problem on a long term basis.

### ***Adult care services***

I settled one complaint in this category: it concerned the Council's failure to pay the full cost of care provided for the complainant when it was obliged to do so. The Council made the payment due – nearly £4,000.

### ***Planning applications***

I settled one complaint where the Council had delayed in completing a Section 106 agreement - a condition attached to the granting of planning permission. The Council agreed to waive the fees for the legal work in drawing up the agreement (amounting to £700) as a remedy.

### ***Planning enforcement***

In my letter last year, I mentioned that I understood that there was to be a review of the enforcement service. I have now had sight of the Council's revised guidance and published standards on enforcement issues, and it may be significant that I have not had to settle any new complaints about this subject in the past year.

### ***Schools admissions***

In two cases I found that the Clerk's notes of an appeal panel meeting had failed to record the voting record of panel members. In neither case was injustice caused, but I understand the Council intends to review its procedures in the light of my observations.

Another case concerned an application by twins for school places in the Borough. The application forms had not enabled the children's parents to readily make it clear they were twins, and so they were offered different schools as a result. The Council agreed to change the application form to prevent this from happening again.

### ***Land***

In one case the Council informally agreed to sell some land to a complainant. As a result the complainant instructed an architect to draw up plans. But when the Council considered the sale of the land on a formal basis it decided not to complete the sale. The Council accepted it had misled the complainant and offered to pay the fees for the abortive work of the architect.

### ***Children and family services***

I settled one complaint about the care given to the complainant's daughter, who was in foster care at the time. I found there had been failures to conduct meetings properly and breakdowns in communication. For this the Council agreed to offer the complainant £900.

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

My investigators made initial enquiries on 50 complaints this year and your average time for responding was well within my requested timescale of 28 days, for which I am grateful. Although there has been no formal liaison between my officers and yours this year, I understand there is a cooperative relationship and one of my investigators visited your office to speak to two parking service managers and found it very helpful. This is of considerable benefit in ensuring that complaints are fully understood and dealt with. More recently, I was glad that your Corporate Complaints Manager was able to attend one of our regular seminars for local authority staff who deal with our enquiries.

## **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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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

## **Conclusions**

Although the changes in this office's procedure make direct comparisons with previous years difficult in term of the numbers of complaints received, it seems to me that the previous record of your officers in providing timely and helpful responses to enquiries has been maintained. There is evidence that your officers are generally willing to identify opportunities to settle complaints appropriately, but I would repeat my suggestion that there may be a need – based on the two cases I have referred to – to encourage this in the homelessness service.

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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**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**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	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	3	4	0	12	2	2	5	4	8	40
Advice given	1	1	4	5	2	2	0	2	5	22
Forwarded to investigative team (resubmitted prematures)	1	0	1	5	0	0	2	4	5	18
Forwarded to investigative team (new)	1	2	7	22	3	4	6	5	10	60
<b>Total</b>	<b>6</b>	<b>7</b>	<b>12</b>	<b>44</b>	<b>7</b>	<b>8</b>	<b>13</b>	<b>15</b>	<b>28</b>	<b>140</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	21	0	0	29	17	15	82

**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	50	19.3
2007 / 2008	50	16.2
2006 / 2007	46	18.9

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