

**The Local Government Ombudsman's
Annual Review
London Borough of Barnet
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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 Barnet Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Barnet Council . 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 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

We received 147 enquiries and complaints about the Council during the year. This is a reduction of about a quarter since last year. The most noticeable reductions are in education, benefits and planning and building control.

We referred 41 complaints to the Council to be dealt with under its complaints procedure. And in 30 cases we provided advice to the enquirer. The remaining 76 complaints were passed on to our investigation team.

Housing was once again the largest category of complaint. This year 26 housing complaints were passed to the investigation team. There were 10 complaints about repairs and several complaints each about homelessness, allocations, tenancy management and sales/leaseholds.

Other categories passed for investigation included eight complaints about parking, seven about planning, six each about adult care and education, four each about anti social behaviour and local taxation, and several about a range of other service areas.

Complaint outcomes

During the year we decided 76 complaints. There were 17 local settlements which included compensation payments totalling almost £15,000. In 26 complaints we decided there was no or insufficient fault to justify continuing the investigation and in 22 cases we exercised discretion not to continue the investigation (in most cases this was because we felt the injustice was insufficient to justify further investigation). The remaining 11 complaints fell outside our jurisdiction.

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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. The 17 local settlements to which I have referred comprised 26.1% of the decisions we made on complaints which were within jurisdiction.

Complaint outcome by service areas

Adult care services

We decided six complaints in this category: in two cases there was no or insufficient evidence of fault, we exercised discretion not to continue two investigations and two complaints resulted in local settlements. In one settlement there had been unreasonable delay in issuing invoices for residential care and so the Council agreed to discount the fees by 25% (reducing them from £8,255 to £6,884) and to review its procedures for issuing invoices. In the other complaint the Council accepted it should have given more notice of its intention to terminate a vehicle leasing arrangement and so the disabled person should have had more time to make alternative transport arrangements. The Council apologised and offered £250 compensation.

Education

There were two local settlements both relating to delay in dealing with statements of special educational needs. One complaint involved approximately five months unreasonable delay in issuing a statement and was settled on the basis that the Council met the cost of provision of applied behavioural analysis therapy for one term. The other settlement was for a complaint where there had been two years unreasonable delay in providing speech and language therapy for a child with a statement of special educational needs. The Council apologised and paid £9,569 compensation representing the cost of two years' speech and language therapy and recognition of the distress caused to the child and his parents.

Housing

As in previous years, housing complaints resulted in the largest number of local settlements and there were nine such decisions this year.

Three settlements related to the way the Council dealt with temporary accommodation: in one case the Council agreed to credit £463 compensation against rent arrears after problems arose with the supply of breakfast to a family in bed and breakfast accommodation; in another the Council agreed to pay £400 compensation for delays in carrying out minor repair work; and the other settlement involved the payment of £1,250 for placing a family in unsuitable temporary accommodation which they occupied for 14 months before the opportunity to move became available.

There were local settlements of four complaints about unreasonable delays in dealing with repairs to council housing. The Council paid £500 to recognise the effect upon a disabled tenant of its delay in repairing a side access gate. It paid a similar sum to compensate a complainant for delay in completing Decent Homes work. It agreed to pay £700 for delays in replacing a front door and installing roof insulation. And when a complainant had a radiator leak which saturated her carpet and left her without heating for over two weeks, the Council agreed to pay £350.

In one case, the Council failed to honour an undertaking that the complainant could succeed to a tenancy if they moved to a smaller home. To settle the complaint the Council agreed to grant a tenancy. Another settlement involved the actions of an agent to whom the Council had contracted out services to provide advice and assistance. The agent had failed to consider the complainant's case for receiving a payment under the terms of a rent deposit scheme. The Council seemed unaware that it was responsible for the actions of the agent but eventually it agreed to instruct the agent to reconsider the matter. The Council also paid compensation of £100 to the complainant for the time and trouble involved in pursuing the complaint.

Public finance including local taxation

One complaint was settled when the Council agreed to waive court fees and suspend recovery action by bailiffs if the complainant agreed to pay the arrears in instalments by direct debit.

Planning and building control

The Council agreed to settle one complaint by paying £150 compensation for the complainant's time and trouble in making the complaint. The Council had not adequately responded to reports about breaches of planning control.

Transport and highways

One local settlement involved the Council apologising for failing to inform the complainant of actions taken in response to reports of dangerous paving. The Council also paid £50 compensation in recognition of the time and trouble involved in pursuing the complaint.

Other

I agreed a local settlement on a complaint where the Council had broken an undertaking to take action over an unkempt garden. The Council took action to improve the condition of the garden, agreed to monitor the situation and paid £300 compensation to the complainant.

Liaison with the Local Government Ombudsman

The Council took an average of 31.4 days to reply to the written enquiries we made during the year on 40 complaints. This is a marginal improvement on the previous year but we expect councils to reply to our enquiries within 28 days. The Council needs to do more to ensure it meets the timescales we set.

I was pleased that an officer from the Council attended the seminars we held in July 2009 and March this year on the new adult care complaints procedure.

Training in complaint handling

I am also pleased that we provided training in Effective Complaint Handling in adult social care to staff from your authority during July and September 2009. The feedback we received was very positive and I hope it has improved the officers' complaint handling skills. The Council has also booked training for 2010/11.

Conclusions

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 authority's services.

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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

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.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10

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	2	4	0	15	1	4	4	5	6	41
Advice given	3	2	0	5	4	5	4	4	4	31
Forwarded to investigative team (resubmitted prematures)	1	0	0	5	0	0	4	1	5	16
Forwarded to investigative team (new)	5	1	6	22	3	4	4	10	7	62
Total	11	7	6	47	8	13	16	20	22	150

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	17	0	0	26	22	11	76

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	40	31.4
2008 / 2009	67	31.6
2007 / 2008	62	34.9

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20