

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

London Borough of Haringey
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 Haringey Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Haringey. 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

The number of enquiries and complaints received by our Advice Team this year was 180, considerably lower than the 235 we received in 2008/09. The largest proportion of these concerned housing (65). transport and highways (which includes parking) generated 20 enquiries and complaints. Other service areas for which enquiries and complaints reached double figures were public finance (including local taxation) (19), children and family services (11), planning and building control (14), and benefits (10).

Just over half of these enquiries and complaints were passed on to our investigation team, which was a higher proportion than the previous year. The rest were either considered to be premature and sent back to the Council to be dealt with under its complaints procedure, or were the subject of advice.

Housing comprised the highest number of complaints (35) forwarded to the investigation team; slightly fewer than in the previous year (39). The bulk of these were fairly evenly divided between disrepair, allocations, and tenancy management; with a few about homelessness, and one each about private housing grants and regeneration.

All but two of the 15 transport and highways complaints passed for investigation concerned parking, the remainder being about highway management. Other service areas which were the subject of more than one complaint passed for investigation were planning and building control (11), local taxation (nine), children and family services (six), education (four), contracts and business matters (three), antisocial behaviour (three), and adult care (two).

Complaint outcomes

This year, there were 20 complaints where I found no or insufficient evidence of fault by the Council to justify further investigation. There were also 11 complaints which fell outside my jurisdiction.

Sometimes, although the Council may be at fault, I use my discretion not to pursue an investigation because there is no significant injustice to the complainant. But there still may be lessons for the Council to draw from such cases. This year I closed 18 cases using my discretion. In one of them, which was about homelessness and where the complainant was a carer for a relative who had

mental health problems, although we found no evidence of injustice arising from fault by the Council, the investigation of the complaint led to the Council developing its procedures for safeguarding vulnerable adults.

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. This can include such things as reconsideration of a decision, repairs carried out, policies reviewed, an apology or other action. In addition, I may ask the Council to pay compensation. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints within our jurisdiction I decided against your Authority, just over 50% were local settlements and you agreed to pay compensation of almost £19,000 in total. And seven of these settlements were in relation to complaints which we had previously sent to the Council to be dealt with under its complaints procedure, but where the complainants had come back to us, dissatisfied with the outcome.

Complaints by service area

Housing

Disrepair

I decided 10 complaints about council house repairs, of which eight resulted in local settlements. In addition to ensuring that any outstanding works were done, the Council paid £2,750 in compensation for housing disrepair complaints.

Most of these complaints involved delay in completing repairs. In one case a leak in the complainant's home had still not been repaired after two years. This complaint highlighted problems with failures by Homes for Haringey (the organisation that manages the Council's housing) to monitor completion of repairs, and was settled by the Council paying £1,200 in addition to £310 it had paid through its own complaint process. In another case where the Council had already recognised that there had been delays in dealing with leaks and paid £700 as a result of a complaint to it, there were further delays in dealing with the repair, resulting in the complaint coming to me and a further £400 being agreed once the leak had finally been repaired.

One complaint about delay of a year in repairing a boiler, and a window, revealed that the repair had been repeatedly referred to the wrong tradesman. There were delays arising from the need to order parts which has resulted in Homes for Haringey trying to improve its stock of components. Another complaint about central heating repairs revealed problems with the contractor failing to keep records of gas safety checks. A total of £650 was paid for these two complaints.

In one disrepair case where a local settlement of £150 was agreed, the Council sent the payment to the wrong address. Despite the complainant and my investigator chasing it up, it took the investigation of a further complaint to get the Council to re-issue the cheque. The replacement cheque was also sent to the wrong address and again had to be re-issued. The compensation was increased to £200 to recognise this. I also decided one other complaint which was about delay in paying compensation that had been agreed in the previous year. The Council agreed to pay £15 to recognise the further delay. The Council told my investigator that it was reviewing the way that it processes compensation payments. I would be interested to know the outcome of that review.

Housing allocations

I decided two local settlements about the allocation of housing. In one case the Council had

allocated unsuitable temporary accommodation with internal stairs, and an upstairs bathroom, to a complainant who had a disability and was a wheelchair user. The Council agreed to pay £1,400 and was asked to review its procedures to ensure that offers of accommodation took account of medical problems. I would be grateful to hear what resulted from that review.

Another complaint raised concerns about a lack of clarity and transparency about how an allocation of housing as a direct offer, outside of the usual choice based lettings process, might be made. In this case there were also disrepair issues and compensation of £100 was agreed largely to recognise these.

Homelessness

I decided one complaint which was about failure to provide interim accommodation to a family who were homeless. For a month the complainant's pregnant wife and one year old son were sleeping in a car in a friend's garage. The complainant was turned away by the Council a number of times before eventually being provided with interim accommodation about a month after it should have been offered. The Council was initially reluctant to accept that it had done something wrong, but eventually agreed to pay £3,800 to settle this complaint.

Other housing complaints

There were four complaints about tenancy management that were decided as local settlements. One was from the head of a residents' association about delay in doing repairs on the estate and poor communication. A settlement of £100 was agreed to recognise the complainant's inconvenience and time. Another complaint from a landlord was about delays in getting started on the Council's Direct Landlord Letting Scheme, including delays in paying the incentive payments due under the scheme. In this case the Council had already offered the complainant £300 to settle the complaint but increased this to £400 at my investigator's suggestion.

In another case a vulnerable tenant who had been burgled was having difficulty in getting the Council to provide additional security to her home. The Council did not agree the tenant's request for security grilles because of the need for emergency services to be able to access the property. But following the involvement of my investigator, a settlement was reached whereby other security measures for her doors and locks were fitted.

There was also a leaseholder complaint about a failure to answer residents' letters requesting information about works being done to their flats. The Council agreed to pay a total of £500 as a local settlement, divided between the five complainants, to recognise the avoidable time and trouble to which they had been put.

Public finance (local taxation)

The two local taxation complaints decided about council tax were both about action by bailiffs to recover council tax arrears when the complainant had asked to pay by instalments on grounds of financial hardship. In one case the complainant's financial statements were filed without having been considered and although the Council was unlikely to have agreed her repayment proposal, it agreed to pay £25 to recognise the complainant's time and trouble. In another case, where an elderly complainant who was in ill health was pursued by bailiffs for a council tax debt, the Council agreed to settle the matter by agreeing her repayment proposal. However although the Council had initially suspended the recovery action while I was investigating the matter, the recovery was re-started and the bailiffs made a further visit during the course of the investigation. Following this the Council accepted that the recovery action should have remained suspended until I had decided the complaint.

Adult care services

I settled one complaint about delay of about two months in assessing care needs and agreeing residential care. The Council paid £250 to settle this complaint. In another complaint about adult care that had gone to a review panel, the Council had refused to accept one of the panel's recommendations without giving adequate reasons for doing so. There was little injustice as the Council had implemented the recommendation despite refusing to accept it. But some confusion was caused by this. The case was settled when the Council apologised to the complainant and agreed that in future it will ensure that such decisions are based on evidence and sound reasoning.

Children and family services

A complainant who moved from Haringey to another area experienced delays of over two months in getting her son's direct care payments transferred because of delays by the Council in passing information to the new local authority. The Council agreed to pay £150 to settle this complaint.

Education

There were two local settlements of complaints about appeals against school admissions decisions. In one, the appeal panel could not show that it had considered the complainant's arguments properly and had not explained its decision in the rejection letter. A new appeal hearing was offered as a settlement. The investigation revealed that the Council's statement to the appeal panel was not fully compliant with the relevant Appeals Code. The Council has changed the way that it makes its appeal submission statements in line with our suggestions, and has arranged training for appeal panel members and clerks.

In another case there was evidence that the appeal panel had not followed the proper decision making process for considering whether the application had met the criteria for admission on grounds of exceptional social and medical needs. The Council agreed to offer a fresh appeal and to review the way that social and medical needs are considered.

In a complaint about a student child care grant, the Council refused to process the complainant's application because she could not provide the required supporting evidence. It took some time for the Council to accept my investigator's point that the complainant could not reasonably be expected to provide evidence in the form requested. Eventually the Council agreed to process the application using alternative supporting evidence and it paid compensation of £500. The Council also reviewed its records and confirmed that no other students had been affected in a similar way.

Planning and building control

Enforcement

There was a complex planning complaint involving multiple breaches of planning control at one property backing onto the complainant's home. Although the Council had decided to take enforcement action against the developer, successive delays and faults in preparing enforcement notices led eventually to the developments being immune from enforcement. The investigation revealed that the Council had been using an unofficial and unwritten planning policy for roof extensions in one part of its area, which was not in line with its adopted planning policy. In response to the complaint the Council is consulting on new supplementary planning guidance for such extensions in an area that has now been clearly defined on a map. It also agreed to pay the complainant £2,700.

Two other complaints were about delays in taking planning enforcement action. In one the Council compounded this by sending letters to the complainant at the wrong address, and in the other there were delays in dealing with correspondence. The Council agreed a total of £1,350 for these

two complaints and confirmed that incoming correspondence to its development control service would now be logged and allocated to a case officer.

Planning Applications

When dealing with one planning application, the Council failed to carry out checks which would have established that a mature tree on the site was subject to a tree preservation order (TPO). The tree was felled and the development was larger than it could have been if the tree had been preserved. The Council agreed to pay £3,000 to recognise the loss of amenity to the complainant who was a neighbour to the development. The Council told my investigator that it was computerising its TPO records to help to prevent a recurrence of this type of mistake. But since then the Council has said that the computerisation project is unlikely to progress in the current financial climate, though it has introduced a new procedure to improve the way checks are made for protected trees.

In dealing with another development the Council failed to include a tennis court when drawing up a section 106 planning agreement. The Council agreed to pay the complainant £200 to recognise that his expectations had been raised and then disappointed.

Transport and Highways

When processing a complainant's application for a crossover from the highway to his home, the Council first refused, then approved, and then again refused the application, on safety grounds. During the period it was approved, costs varying from £3,500 to £5,000 were quoted to the complainant. There were delays in responding to correspondence. The Council accepted that the application had not been dealt with properly and agreed to pay the complainant £750 to recognise his time and trouble and his disappointment at being told he could have the crossover and then being refused.

In another case there was a delay of about 10 months in providing a disabled parking bay that had been agreed. The complainant, who was disabled, was paid £100 to recognise the difficulties this caused him in parking.

Parking control

Three complaints that were settled concerned faults in the administration of parking penalties. The faults included: failure to respond to representations; intervention by a Councillor making promises that were not kept and which led to the complainant not using a right of appeal; and continuing to take enforcement action (including sending bailiffs and taking bankruptcy proceedings) after it had been agreed that the enforcement would be put on hold. A total of £275 compensation was agreed for these three complaints and in each case a penalty charge was withdrawn.

Other

Antisocial behaviour

The Council agreed to pay one complainant £500 to recognise fault in the way that it had dealt with his concerns about noise arising from an upstairs neighbour fitting laminate flooring without adequate underlay. The complaint revealed difficulties taking enforcement action, for example in relation to the inspection of underlay and also in terms of getting residents to take steps to reduce the likelihood of noise transmission.

Environmental protection

There were delays in taking enforcement action to mitigate noise problems caused through the installation, without planning approval, of refrigeration units in a supermarket. Eventually the Council negotiated with the developer who agreed to install an acoustic barrier. The Council agreed to settle the complaint, paying the complainant £500.

Liaison with the Local Government Ombudsman

The Council took an average of 19 days to reply to written enquiries from my office. This is similar to your excellent response times of previous years. In dealing with local settlements my investigators have again noted occasions where the Council has made a quick and helpful response; but, as in the previous year, on other occasions it has taken time and protracted discussion to reach a settlement.

I was pleased that one of your officers attended seminars we held in July 2009 and March this year on the new adult care complaints procedures.

Training in complaint handling

I would like to take this opportunity to remind the Council that 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

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	2	0	22	4	7	2	3	4	46
Advice given	2	3	3	8	5	3	1	3	10	38
Forwarded to investigative team (resubmitted prematures)	0	1	0	9	0	1	5	4	1	21
Forwarded to investigative team (new)	2	5	4	26	1	8	6	11	13	76
Total	6	11	7	65	10	19	14	21	28	181

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	39	0	0	20	18	11	88

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	58	19.0
2008 / 2009	76	17.2
2007 / 2008	110	18.4

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

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