

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

**The London Borough of
Islington
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 Islington Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Islington 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

Our advice team received 164 complaints and enquiries during the year, a slight reduction from last year. Just over 40% of these related to housing matters, with the rest being spread across the range of services provided by the Council.

Of these complaints and enquiries, 30 were dealt with by giving advice. Another 35 were referred on to the Council to be dealt with under its own complaints procedure. The remaining 99 complaints were passed to the investigation team. This figure includes 24 complaints which had previously been referred back to the Council but where the complainants had resubmitted their complaints to us, dissatisfied with the Council's response.

The housing complaints which were referred to the investigation team covered the range of housing services: repairs (13), allocations (nine), homelessness (seven), sales/leaseholds (five) and tenancy management (three). All of the planning complaints were about the way the Council had handled applications for planning permission. All but one of the transport and highways complaints were about parking.

Complaint outcomes

In 2009/10 we decided 80 complaints. In 26 cases I did not find the Council to be at fault. In 20 cases I had no jurisdiction to investigate, usually because there was a right of appeal to another body which had either been used, or I felt it was reasonable to expect the complainant to use it. Such alternative remedies may be through an application to a court, an appeal to a government minister or through referral to a statutory tribunal such as the Leasehold Valuation Tribunal, the Parking Adjudicator or the Information Commissioner.

In 11 cases I used my discretion to not investigate. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant.

I decided the remaining 23 cases as '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. Of the complaints within jurisdiction which we decided against your authority, 38.3% were local settlements. As a result of these settlements the Council paid compensation of over £15,000 in addition to taking specific action to remedy the complaints.

Six of the local settlements were made on complaints which had been resubmitted to us after we had given the Council the opportunity to deal with them under its complaints procedures.

Outcomes of complaints by service area

Housing

I decided 34 complaints about housing issues. There were 13 local settlements, almost half of which involved disrepair.

Housing disrepair

Three complaints involved delay by the Council in dealing with damp. In all three cases there were also problems with the way the Council dealt with the complaints made to it:

- damp had affected one complainant's home for a long time and the Council paid compensation to reflect the lost enjoyment of the home and the loss of or damage to possessions. But there were other problems too, such as a delay in repairing the toilet. And although the Council did eventually provide alternative accommodation, it did not inform the complainant that they could claim for new floor coverings. The Council also delayed in responding to complaints. The complaint was settled by the Council paying compensation of over £4,000;
- in another case it took 16 months to deal with a leak, and then several months to resolve the issues of compensation. That complainant received £4,000 for the damage, inconvenience and delay;
- in the third case part of the delay was due to the handover between the Council and its ALMO, Homes for Islington (HFI). HFI readily acknowledged fault and offered £1,000 in response to my enquiries. Part of this was to reflect failures at Stage 3 of the Council's complaints process.

Two other complaints illustrated problems with the Council's complaints system. In one case, neither the Council nor HFI replied to the complaint at the third stage of the process; the Council paid £200 for this failing. In another case the Council had not delivered on a previously agreed local settlement and so I asked it to pay an additional sum of compensation as well as implementing the original agreement.

The Decent Homes programme featured in two complaints. In one, the Council delayed in offering a disabled person a move to temporary or permanent accommodation, so that necessary work could be done on the property. The Council had already decided to try and find a permanent move before I received the complaint, and shortly after I made enquires a permanent move was agreed. The complainant and I were happy to settle the complaint on this basis. In the other complaint the complainant, who in 2006 had moved into a studio flat with a very small kitchen, said that the Council had reneged on an undertaking that it would be able to improve the kitchen. The Council said that this work did not qualify under the Decent Homes programme. I was not able to establish what the complainant was told in 2006, but the information on the Council's website implied that the kitchen would qualify. The Council agreed to see what it could do to improve the kitchen and also paid £200 for the delay and £50 for decoration. It has also agreed to change the information on the website.

Housing allocations

There were two local settlements on complaints about housing allocations. Both complaints had been resubmitted to me when the Council did not resolve them through its complaints procedure.

An applicant's request to be included on the housing register was delayed for a year as the Council's policy did not deal with their particular circumstance. The result was that the woman had to continue living with her ex-partner, in difficult circumstances. The Council paid £1,000 compensation for the delay.

In another case an applicant was offered a flat which was damp and not fit to occupy. This led to a wait of four months before they could move in. The Council agreed to pay £300 in compensation for this delay, as well as installing the cooker, stripping all the walls, decorating all the rooms and providing decorating vouchers for the other rooms.

Homelessness

In three of the complaints I decided concerning homelessness, I found fault by the Council.

The case of a young person who was homeless was handled badly. The housing officer acted in an unprofessional way and the Council's policy for dealing with homeless 16 and 17 year olds was incorrect. To settle the complaint, the Council agreed to provide the correct level of support to the young person, review the case to see if bids could be made for properties as an exception to the normal policy (and, if so, to provide assistance with the bidding process). The young person was also paid £500 for the avoidable distress, time and trouble. The Council was redrafting its allocation policy and I asked that the information provided for those under 18 be unambiguous and clear. I also asked that clear guidance should be provided to all relevant housing officers and to staff in hostels and supported accommodation.

In another case, the Council failed to pass a message to its Out of Hours service to book the homeless applicant into a hostel, resulting in him sleeping rough for three nights. The Council agreed to pay the complainant £300 for this failing.

In a third case, officers failed to take a homelessness application, failed to consider the provision of interim accommodation and did not record the interview with the applicant or what advice was given. As a result the complainant was left without accommodation for a period. Although eventually deemed to be not in priority need, they have now been helped to find housing in the private sector and the Council has paid compensation of £500.

Other housing issues

The Council failed to follow its policy for dealing with items left in properties after vacation. In this case, photographs taken were not of good quality and the inventory was not signed by a senior officer as it should have been. The Council considered the possessions were worth less than £300 so destroyed them. The complainant alleged they were worth much more, but there was no evidence to prove this. The Council agreed to pay £300 for not following its policy.

Adult Care Services

I decided one local settlement in a case where the complainant's husband needed to use a chairlift, which had previously been installed by the Council. The chairlift kept breaking down, but the Council's repair efforts were inadequate. The Council acknowledged this, apologised for the inadequate level of service, repaired the chairlift, reviewed its procedures to ensure this did not happen again and also paid £750 for the delay and distress caused. The offer of settlement was made in response to my enquiries and was an excellent response.

Education

A 17 year old child with a statement of special educational needs wished to move on to a particular school. This was dependent on the Council funding the placement and transport to the school. The Council's Transitions Team failed to follow the appropriate procedure and make a formal request for school transport to the education department. As a result, a decision (which was not to fund the transport) was delayed and the child, who had been looking forward to joining the new school, was very disappointed. The Council agreed to a payment of £325 for the unnecessary time and trouble to which the child's family had been put, and for the unnecessarily raised expectations. Officers were also reminded about the need to know and follow procedures.

Local taxation

Two cases about local taxation resulted in local settlements. In a resubmitted complaint, the Council agreed to pay £100 for errors when dealing with a council tax account, following the death of one of the complainant's parents, which had resulted in the incorrect issue of a summons.

Another case involved a delay of 18 months in issuing a business rates bill after the Council had been notified of an increase in the rates payable. The result of the delay was that the firm received a demand for over £17,000 arrears to be paid in one go, rather than being able to pay the sum by instalments. The Council agreed to pay 8% of the difference between the old and new liability, plus 2% for the firm's unnecessary time and trouble in dealing with the complaint. This came to £633 in total.

Parking and Public Transport

I decided three parking complaints as local settlements. In one, the Council did not have a record keeping process to show when the bailiffs released cars from the car pound. As a result of this, a car was kept two months longer than it should have been. The Council agreed to pay the complainant £450 for the delay and their time and trouble, and also to set up procedures to log when a car was released.

The two other parking complaints were resubmitted to us. A complainant had overpaid for their parking vouchers and was due a refund. The Council took six months to send this. It agreed to pay £180 compensation for the delay. And in a complaint about entitlement to a parking permit, the Council acknowledged some delay and so made a small compensation payment.

Other complaints

In a resubmitted complaint, a resident in a flat was suffering from noise from the flat upstairs, which had a laminate floor. The Council slightly delayed in visiting to assess the situation and relied on a noise testing machine rather than discussing the problem and describing what could and could not be done. The visit and tests did not show any noise on which the Council could take action, but the Council agreed to pay £50 to the resident for the delay.

In a complaint about waste management, the Council broke an undertaking given to pay compensation. The complainant spent nearly 12 months trying to get the payment. Following my involvement, the Council paid the money, apologised and agreed additional compensation of £200.

Liaison with the Local Government Ombudsman

During the year I made written enquiries on 48 complaints and the average time taken by the Council to reply was 25.3 days. This is a very welcome improvement on previous years and is within my target of 28 days.

The Council's performance in dealing with my enquiries is mixed. In some cases a prompt and appropriate response is received; I refer to some cases in the section on complaint outcomes. But in other cases there are delays in replies and incomplete information provided. In one case a meeting between my investigator, the complainant and a Council officer was agreed; only for the officer to cancel the meeting without telling the complainant.

In two cases, previously agreed local settlements were not fulfilled. Proper follow up of agreed actions would have prevented such complaints.

I am glad that two of your officers were able to attend seminars we held in July 2009 and March this year about the new adult social care complaints procedures.

Training in complaint handling

The complaints this year have revealed a number of shortcomings in the way the Council's complaints procedures operate. Therefore I am particularly pleased that during 2009/10 we provided training courses in Effective Complaint Handling to staff from your authority. We are due to provide further training during 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	1	0	0	14	2	3	3	4	6	33
Advice given	0	0	0	15	1	3	1	2	8	30
Forwarded to investigative team (resubmitted prematures)	1	0	0	11	2	1	2	3	5	25
Forwarded to investigative team (new)	6	3	3	26	2	5	11	10	8	74
Total	8	3	3	66	7	12	17	19	27	162

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	23	0	0	26	11	20	80

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	48	25.3
2008 / 2009	51	31.7
2007 / 2008	75	29.6

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