

Local Government OMBUDSMAN

24 June 2011

Mr Nick Walkley
Chief Executive
London Borough of Barnet
North London Business Park
Oakleigh Road South
London N11 1NP

Dear Mr Walkley

Annual Review Letter

We are writing with our annual summary of statistics on the complaints made to us about your authority for the year ending 31 March 2011. We hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our advice team, the number that the advice team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Enquiries and complaints received

We received over 200 enquiries and complaints about your authority, an increase of over a third since 2009/10. Although housing continues to be the single largest category, there were notable increases in enquiries and complaints about adult care services, education and children's services and highways and transport.

As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 41 complaints this year, your average response time was 28.9 days, which is just above the 28 day target and is an improvement on last year's figure.

Complaint outcomes

We decided 95 complaints, one of which was a published report. In that case, the council had unreasonably failed to provide a child who had been excluded from school with suitable education for a six month period and there had been a five week unreasonable delay in responding to a request for an assessment of the child's special educational needs. The council implemented my recommendation that it pay £1,750 compensation for the child's lost education plus £750

compensation to the child's mother for her distress and the time and trouble in pursuing the complaint.

In a number of the other cases we decided, the council took some action that we considered to be a satisfactory response to the complaint. Some examples are set out below, by service area.

Benefits and Tax

In one case, the council had already cancelled a claim for recovery of overpaid housing benefit and an administrative penalty for fraud after discovering an error in its assessment of the complainant's application. In response to our investigation it also agreed to reimburse the complainant's bank charges and to destroy the records of the interview that had resulted in the incorrect penalty.

A complainant had asked the council to communicate by email because he was abroad most of the time. The council sent council tax bills, reminders and summonses to his postal address even though it knew he was abroad and had his email address. The council settled the complaint by recalling the debt from the bailiffs, waiving all fees and collection costs and the complainant paid the outstanding council tax.

There was delay in responding to a request to transfer liability for council tax. This was referred to the valuation tribunal but the council agreed to pay £70 in recognition of the complainant's time, trouble and distress caused by a bailiff's visit.

Haringey refused to honour a commitment to pay the complainant's council tax owed to Barnet because it said Barnet had not supplied the necessary information and Barnet took recovery action against the complainant. The problem was resolved swiftly when we commenced our investigation but the councils acknowledged that they should have been able to resolve the problem without our involvement. Both councils agreed to pay £125 in recognition of the complainant's time, trouble and distress.

Education and children's services

In two complaints, delay by the council in its assessment of special educational needs caused injustice which required a remedy. In one case where there had been delay in issuing the child's final statement, which in turn had delayed the complainant's appeal which was upheld, the council agreed to pay school fees and reasonable travel costs. In the other case the loss of educational provision was remedied by the payment of compensation and an undertaking to review its published information.

Three complaints about school admissions illustrate different types of errors which can happen:

- an error in an acceptance slip meant the parents thought their child had qualified for a place at their first choice school. The error was quickly corrected and we were satisfied the place had been refused correctly but the council paid £50 compensation for unfairly raising their expectations;
- there was an inadequate admissions statement and incomplete records of the decision to refuse a place. The council offered a fresh appeal but was then able to offer a place to the child;

- the council mistakenly believed a child was “a child in need” and so would automatically qualify for a place at the first choice of school so no application was made for a school place. The council agreed to offer an appeal for a place at the first choice school and offered a place at another school if the appeal was unsuccessful.

Environmental services and public protection and regulation

The council paid £350 to a leaseholder for delays in dealing with repair issues and allegations of anti-social behaviour by a neighbour; and for inadvertently disclosing a sensitive allegation against the complainant without prior warning. The compensation might have been higher but for the fact that the complainant had not taken action to pursue the complaint for a long time.

Highways and transport

In one case there was unnecessary delay in implementing the council’s promise to deal with damage to a property caused by a tree on the pavement and foliage from an adjoining council owned car park. Even contact by the citizens advice bureau failed to achieve progress. The council agreed to carry out extensive work and to pay £400 for the delay and the complainant’s time and trouble pursuing the complaint. In another case, the council agreed to clear and reopen an overgrown footpath that had made it difficult for a complainant to maintain his garden fence.

In a parking complaint, the council refunded a penalty charge notice (PCN) and enforcement costs and paid compensation for the complainant’s time and trouble because it had not responded appropriately to the complainant’s attempt to challenge the PCN. And in another case, the council unreasonably delayed issuing a parking permit for almost 21 months, but remedied the injustice by issuing a permit and not charging for nine months of the permit.

Housing

The council told a complainant that she qualified for 500 housing points for trading down from a three bedroom property to a two bedroom property but after she made a successful bid the council stopped the move saying it could not be sure if the property had three or two bedrooms. It admitted fault and the complainant subsequently moved to another two bedroom property and the council paid £500 compensation for her lost opportunity and distress.

Several complaints concerned the council’s handling of repairs to its properties. In one case it paid £300 for delays in repair work and its failure to take robust action to deal with a recurring leak from the upstairs property. In another, it paid £500 for a year’s delay in dealing with a damp/condensation problem. The council also changed the procedure for dealing with structural problems so they are prioritised on the basis of all relevant factors rather than just the health and safety risk to the occupier. And in another case the council paid £500 for delays in repairing a leaking roof and replacing a boiler and it also agreed to redecorate the complainant’s bedroom and hallway.

The council also failed to implement what had been agreed in a previous complaint. The situation had been made more difficult because the council’s contractor went into administration but the council agreed to complete the repairs and increased the offer of compensation.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. Our next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. Anyone who arranges and pays for their own social care now has the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas but not to your council. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. Your council has used this service for its adult social care staff during 2010/11. We regard supporting good complaint handling in councils as an important part of our work. During 2010/2011 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

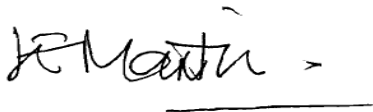
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it will be helpful to your council we shall be pleased to arrange for a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	2	11	3	3	5	4	18	2	5	53
Advice given	4	3	1	13	8	10	9	1	5	54
Forwarded in investigative team (resubmitted)	2	3	1	0	3	3	4	0	2	18
Forwarded to investigative team (new)	13	7	1	16	3	16	19	0	5	80
Total	21	24	6	32	19	33	50	3	17	205

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	1	23	0	0	32	18	18	93

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	1	1	2

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	38	29.3
2009 / 2010	40	31.4
2008 / 2009	67	31.6

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	3	24.0

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0