

24 June 2011

Mr Tim Shields
Chief Executive
London Borough of Hackney
Room 133, Town Hall
Mare Street
Hackney E8 1EA

Dear Mr Shields

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

Last year we received 247 enquiries and complaints about your council, up from 210 the year before. Advice was given in 54 cases and 81 were treated as premature because it did not appear the council had first been given an opportunity to deal with the matter. The remaining 112 contacts resulted in complaints being passed to my investigation team to consider. Of these almost half (54) concerned housing: repairs (22) and allocations (13) made up the majority.

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 62 complaints this year, your average response time was 22.8 days, which is within the 28 day target and a further improvement on last year's already good figure.

Complaint outcomes

This year we made 112 decisions on complaints against your council. Of these, 25 were that the complaint was outside our jurisdiction and we closed a further 46 because there was either no or insufficient evidence of fault to warrant further investigation, or insufficient injustice, or an investigation would not produce a worthwhile outcome.

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. Last year 49.4% (41) of those we decided, and which were within my jurisdiction, were local settlements. This compares with 27.1% across England. The settlements resulted in the council paying about £15,000 in compensation, almost exactly half the figure for the year before.

Housing

This area produced the largest numbers of complaints and the largest number of local settlements (23). Below are some examples of the settlements reached:

Four complaints involved delays in addressing problems from water leaks to complainants' homes, which resulted in settlements. In one case the council delayed in taking effective action for a year to address water ingress from the flat above which soaked the complainant's bathroom and hall and caused damp. It agreed to pay compensation and to redecorate the affected areas. In a second case, the council missed two appointments which had been made to remedy separate leaks at the complainant's home and the council quickly agreed to pay compensation. In a third case, while the council had initially taken remedial action to remove mould from the complainant's flat, when it reoccurred it was not pro-active in identifying the source of the problem or to carry out repairs. The level of customer service in responding to the complainant's queries was also poor and the complainant had to live with the mould, which escalated to a flooding, for over two and a half years. The council agreed to pay £1,200 compensation and to carry out the repairs to stop the leak and to re-plaster. In the fourth case the council agreed to pay £1,000 compensation for its delay in taking action against a leaseholder for failing to stop a leak into the complainant's flat.

Four complaints involved delay in carrying out repairs. In one the council failed to carry out the necessary repairs, including repairs to the roof, guttering, pathway and drains, which had been outstanding for a number of years. A complaint made in 2009 had not been addressed properly. In this case, despite the fault identified, no compensation was considered appropriate because the council had failed to make the complainant liable for rent, or to seek to collect it or council tax for a number of years. In another, the council paid £300 for its delay in carrying out numerous repairs, some of a major nature, which the complainant discovered having carried out a mutual exchange. Earlier work which had been carried out had been of poor quality and had damaged the complainant's home.

Another settlement involved the council paying compensation for its actions in obtaining a warrant and forcing entry into the complainant's flat to carry out a gas inspection prior to the date of a pre-arranged appointment.

Adult care services

Two local settlements in this area concerned the same family. The council had failed to deal properly with a complainant over matters relating to his adult brother who has learning difficulties and lives in a care home. The council apologised for not consulting with him about his brother's move to a care home and paid him a total of £1,700 compensation for a false allegation made against him by a social worker, banning him from seeing his brother during the summer of 2009, asking him to supply money for his brother following his move to a residential home and repeating unsubstantiated allegations about his designs on his brother's money. His sister also complained that the council had prevented her from seeing her brother for no justified reason, and she received

an apology and £300 compensation.

Benefits and tax

A local settlement involving benefits concerned incorrect advice about a complainant's local housing allowance (LHA) entitlement. This resulted in a £90 per week shortfall between her rent liability and the LHA payments. Compensation was agreed to reflect the amount paid by the complainant to cover the shortfall between the LHA she received and her rent, taking account of discretionary housing payments awarded to her during the period in question.

Education and children's services

One complaint was about the council stopping payments of £55 per week to the complainant for the care of her grand-daughter, although she continued to be her main carer for a period. The council agreed to backdate payments for the time until the child had been placed back in her mother's care, and to pay for taxi fares paid to take the child to and from school while the complainant had been unable to do so herself because of her disabilities.

Environmental services and public protection and regulation

Complaints about anti-social behaviour fall under this category and two cases were settled locally. In one, the council paid compensation and agreed to reopen an investigation into a noise complaint, to contact the neighbour about possible mental health issues and to consider the possibility of transferring the neighbour to alternative accommodation. In the second, the council initially took reasonable steps to address the noise and anti-social behaviour but accepted that it failed to consider the installation of noise monitoring equipment when this should reasonably have been done. It paid £150 compensation to reflect uncertainty about whether such equipment could have recorded sufficient evidence for the council to have taken action against the neighbour.

Highways and transport

One complaint concerned the council's pursuit of an unpaid penalty charge notice (PCN) which it had already cancelled. In another case, the complainant had submitted a statutory declaration to confirm he had appealed against a PCN but did not get a response. Instead of restarting the process at the point of appeal, the council sent the complainant a letter claiming that it had evidence he had not appealed and that it would take contempt of court proceedings against him if he did not pay up within 14 days. The PCN was cancelled at my Investigator's request. In a third case, the council failed to respond adequately to queries about the conduct of council's bailiffs used to recover an unpaid PCN. The complainant had not been notified that the debt had been passed on to bailiffs and had to pay the bailiff costs as well as the outstanding charge. The council agreed to meet the bailiff's payments.

Planning and development

The only local settlement in this area involved the council's failure to take enforcement action against a synagogue below the complainant's flat. There were various planning breaches which the complainant had brought to the council's attention in June 2008: including the installation of noisy roller shutters, use of the premises outside the permitted hours and the sound proofing

required before the use commenced still being outstanding. The case was not well handled. Between June 2008 and January 2009 the council had written to the synagogue about the out of hours use but appeared to be distracted by a succession of invalid applications to vary the hours of use. In January 2009 the council told the complainant it would be taking legal action against the failure to discharge the sound proofing pre-condition but it did nothing. The council agreed to pay the complainant £1,000 to recognise the injustice caused by its failure to take action.

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. The increasing number of people who arrange and pay for their own social care now have 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 1,351.

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. 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. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 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.

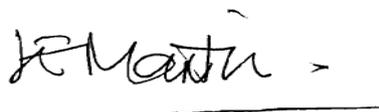
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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 would be helpful to your council we should 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 it.

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	7	0	6	12	10	43	0	1	81
Advice given	3	8	1	2	4	8	21	3	4	54
Forwarded in investigative team (resubmitted)	0	3	0	1	1	0	13	0	3	21
Forwarded to investigative team (new)	8	10	3	6	6	11	42	3	3	92
Total	13	28	4	15	23	29	119	6	11	248

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	0	39	0	0	24	20	25	108

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, other	Total
2010 - 2011	4	4

*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	59	22.8
2009 / 2010	53	23.6
2008 / 2009	80	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

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	23.0