

24 June 2011

Mr K Crompton
Chief Executive
London Borough of Haringey
7th floor, River Park House
225 High Road
Wood Green N22 8HQ

Dear Mr Crompton

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 240 enquiries and complaints this year, an increase of around a third on the previous year. Half of the enquiries and complaints were passed on to our investigation team: 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.

Thirty seven complaints about housing were forwarded to the investigation team. The largest single category was housing allocations. And of the 28 transport and highways complaints passed for investigation, 26 concerned parking. This was twice as many parking complaints as in the previous year.

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 74 complaints this year, your average response time was 19.3 days, which is within the 28 day target and a continuation of your excellent response times of previous years.

Complaint outcomes

The statistics show that of the 124 decisions made by my investigation team, 36 were '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. Across all authorities, local settlements comprised 27.1% of the decisions the Ombudsmen made on complaints which were within our jurisdiction. The relevant figure for your Council is 33%.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate. In 2010/11 your Council paid compensation of almost £15,000 in total. But often there is more to a local settlement than just the payment of money. Here are some examples of the settlements obtained during the year.

Housing

Many complaints involved delay in completing repairs or improvements:

- a delay in completing repairs to a property delayed the complainant moving in. The council credited her rent account for the three weeks she could not occupy the property, and also paid her £100 for her avoidable time and trouble;
- one complaint arose because the contractors scheduling improvements had not been told about a previous complaint outcome where it had been agreed that his rear doors would be either replaced or repaired. The replacement of the doors was added to the scheduled works;
- there were delays in getting a landlord to carry out repairs to accommodation that had been leased by the council as temporary accommodation. The council paid £600 to recognise the trouble the complainant had in getting the repairs carried out;
- the council had failed to issue a boiler installation certificate when it installed a new boiler in a property it had leased from a private landlord to house homeless families. As a result the complainant, the owner, had to buy indemnity insurance for £50. The council agreed to reimburse the insurance premium and pay extra to recognise the complainant's time and trouble;
- delay in dealing with repairs to a light fitting, dampness in the bathroom and repair to a garden gate, as well as delays in dealing with the complaint itself led to the council apologising and paying £500;
- a leak from a council property caused dampness in the adjoining kitchen wall of one complainant's home, which was only revealed when she removed her units to renovate her kitchen. The delay in repairing the leaks prevented her from completing a re-fit to her kitchen and left her without a working kitchen. The council had paid her £250 in recognition of the delay, but as a result of our investigation, the council agreed to pay a further £750;
- two separate complaints about water penetration, from complainants in blocks of flats in the same vicinity, appeared to be connected to pirate radio activity on the roofs of the blocks. In one case the leak was a long standing one which had already been the subject of a previous complaint to the ombudsman. The council made patch repairs but delayed by

12 months in investigating the pirate radio activity on the roof; the council paid £500 to recognise the delay. In the other case, the complainant had complained about anti-social behaviour, pirate radio activity on the roof, a leak, and disrepair to common areas of the block. The council paid £750 to recognise the effects of its delay in dealing with the repairs, and the complainant's time and trouble in pursuing the matter. In both cases the council acknowledged that there was a problem with pirate radio in its area. It says in Haringey it has about 20% of the 100 or so pirate radio stations operating across London. It has launched a multi-agency operation with the Metropolitan Police and OFCOM to try and deal with the problem. It is also looking at increased security measures to try to prevent unauthorised access to the roofs of the two blocks;

- a complainant had been led to believe her home would be extended because the bathroom and kitchen were too small to carry out decent homes improvements. However when the funding for this could not be found, the council delayed in pursuing other options, and failed to explain these clearly to the complainant; which led to her living in unsatisfactory conditions for about a year more than should have been necessary. The council agreed to pay the complainant £1,000.

There were also local settlements of complaints about housing allocations and homelessness. In one, the council had wrongly restricted the complainant to bidding for three bedroom properties when they should have been able to bid for four bedroom properties. They did not lose an opportunity to be re-housed, but were caused anxiety and put to avoidable time and trouble to have the matter put right. The distress was the more acute because the council had made a similar mistake in the past. The policy was not clear, but has subsequently been replaced by a new allocation policy in January 2011. The council paid £350 to recognise the injustice to the complainant. Another complainant was wrongly treated as homeless when he was agreed for a management transfer to another home. When the council moved him to temporary accommodation outside the borough it removed his entitlement to a management transfer. As a settlement the council reinstated his right to a transfer, and he has subsequently been housed. In another complaint, the council had failed to take a homelessness application or to make a statutory decision. This meant that temporary accommodation was not considered, and the complainant did not have the opportunity to appeal. While it is not certain that in the absence of fault he would have been accommodated, or have made an appeal, there was some scope for uncertainty about his situation which caused him anxiety, and the council agreed to pay £250 to recognise this.

Benefits & tax

There was serial fault in the council's handling of an application for housing benefit from a vulnerable person. When the benefit was paid it was wrongly sent to the complainant, rather than his landlord. The matter was complex and due to his vulnerability the complainant was represented by an advocate. The council agreed to put the matter right by making another payment to the landlord.

In response to a council tax recovery dispute about bailiffs' charges for a levy on a car that did not belong to the complainant, and excessive "waiting time" charges for a visit by the bailiffs, the Council had already agreed to refund the levy fee and half of the "waiting time" charges; but my investigation revealed that the bailiffs had also made charges for an un-certificated bailiff and for two "broken arrangement" fees which they were not entitled to do. In settlement of the complaint the council agreed to refund a further £65 for the unlawful charges.

One complaint concerned a tenant who believed that his council tax was included in his rent; but the landlord had paid very little over five years. The council decided that the tenant was liable for the council tax and thus for the arrears of over £1,000. The tenant could have appealed to the valuation tribunal if he wished to challenge his liability. But the council had been sending the correspondence, including bills, summons and liability order, to the landlord. So the tenant did not know he needed to appeal. The council did not alert the tenant to the accumulating arrears. In settling the complaint the council stopped all recovery action, and withdrew the recovery costs, awarded a 25% single person discount (worth £300) that the tenant was entitled to but had not claimed, and waived £150 of the arrears. It also re-issued the bills so that the tenant could appeal to the valuation tribunal if he so wished.

In another case the council had confused the complainant's records with someone else and suspended his council tax benefit. This led to arrears on the council tax account which the council started to take action to recover. To settle the complaint the council corrected his benefit award, putting his council tax account into credit, and agreed to pay a further £250 as compensation.

In a complaint also involving another authority, your council failed to honour a commitment to pay council tax in relation to the complainant's former home in Barnet. The council blamed Barnet for not providing information. Barnet took action to recover the council tax from the complainant's benefits. Both councils contributed to the fault, and the settlement involved both apologising in writing and paying compensation of £125. Haringey also agreed to honour its commitment and to pay the council tax for the relevant period.

Adult care services

A complainant's father paid about £350 towards a disabled facilities grant. But he died before any work had been started. The complainant contacted the council to enquire about a refund and she was told someone would be in touch to explain what she needed to do. The complainant was not contacted but a cheque was issued in her late father's name and sent to his address. The council agreed that the correct process for dealing with a refund request was not followed because officers were not aware of the procedure and that it failed to communicate effectively with the complainant. The council also apologised for the insensitive way it handled this matter, particularly for the distress caused by the way the cheque was issued, and a false claim that the cheque had been cashed. The council agreed to pay compensation of £150 and that it would send out guidance notes explaining the procedure.

In another case, there was an overpayment of care fees following the complainant's mother's death. The council did not deal properly with the complainant's enquiries about this and other matters relating to her late mother's affairs. As a settlement, the council agreed to refund the overpaid fees to the complainant and to pay a further £400 as compensation for the complainant's time and trouble, distress and inconvenience.

Education & children's services

Because of a disagreement about the home at which respite care was to be provided, as part of the outcome of a previous complaint, the council decided that direct payments should be made instead. But there was about two years delay in providing the respite care, and the evidence for the

council's funding decisions was not clear. The council agreed to pay further compensation and to ensure that minutes would be taken of panel meetings so that there would be clear evidence of how the council had reached funding decisions.

Another complaint concerned a child who, for about three years, had been accommodated by the council without the council having taken care proceedings or having any legal basis to accommodate her. When care proceedings were taken they were not opposed. But there were also failures to involve the complainant properly in her daughter's care while she still had parental responsibility, or to give her information. Parts of her complaint that could have been dealt with despite other issues being before the court were not. In order to respond to my investigation, the council appointed an independent person to review the files and identify poor practice. This formed part of a remedy for the complainant, but in addition the council agreed to pay some compensation to the complainant whose own conduct had contributed to the events. Since the time of the events covered in this complaint, a number of improvements have also been made to the council's procedures.

The investigation into the conduct of school admission appeal panels often involves the inspection of notes made by the clerk to the appeal panel. In two school admission complaints decided during 2010/11, the council was unable to provide the notes of the clerk. So for each complainant a new appeal hearing was agreed.

Highways & transport

Parking enforcement action was the subject of several local settlements:

- the council failed to send an appeal form despite repeated requests from the complainant, and instead threatened legal proceedings. The penalty charge notice (PCN) was cancelled after a Councillor became involved. The council paid compensation of £75 to recognise the unnecessary time and trouble to which the complainant was put;
- the council failed, despite repeated requests, to supply photographic evidence of a PCN before going to court. To settle the complaint, the PCN was cancelled and the lessons learnt were to be incorporated into a training programme for officers;
- a complainant whose car had been impounded wrote to appeal, but the council failed to tell her that she needed to pay to release the car first. Instead it wrote saying the PCN would be put on hold and no further charges would accrue, which the complainant took to also include storage charges. By the time correct advice had been given by the council, the storage charges had risen to £2,000. To settle the complaint the council agreed to pay compensation equivalent to the storage charges that had accumulated after she wrote to appeal;
- the council had failed to issue the complainant with the correct parking permit; it also failed to answer his correspondence about this, and about 14 associated and a further eight unconnected PCNs. To settle the complaint the council agreed to pay £300 to recognise the effects of its faulty administration of the permit and PCNs.

Anti social behaviour

A complainant in supported housing was unhappy that the scheme manager had posted an assessment, which contained sensitive information about her mental health, through the post box of a neighbour with whom she had a long running dispute. The scheme manager had also failed to carry out some assessments when they were due, and turned up for others without having made an appointment. The council agreed to pay compensation to the complainant and to provide training to the scheme manager.

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.

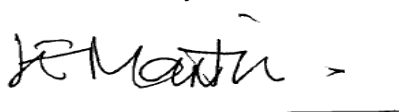
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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.

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	3	24	2	8	7	4	29	1	4	82
Advice given	0	5	2	3	2	7	15	3	1	38
Forwarded in investigative team (resubmitted)	1	4	2	0	5	5	7	0	1	25
Forwarded to investigative team (new)	5	10	3	17	4	23	30	0	3	95
Total	9	43	9	28	18	39	81	4	9	240

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	35	0	0	39	31	18	123

Adult social care decisions made from 1 Oct 2010*

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

*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	73	19.4
2009 / 2010	57	19.0
2008 / 2009	76	17.2

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	1	13.0