

24 June 2011

Ms C Coppell  
Chief Executive  
London Borough of Havering  
Town Hall  
ROMFORD RM1 3BD

Dear Ms Coppell

### **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 there were 112 enquiries and complaints about your council, very similar to previous years. Of these, 47 complaints were regarded as premature because the council had not yet had an opportunity to deal with the matter itself, and in 15 cases enquirers were given advice. The remaining 50 complaints were forwarded to my investigative team to consider. The service areas with the highest numbers of forwarded complaints were housing (13), education and children's services (10), and planning and development (9).

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 24 complaints this year, your average response time was 21.7 days, which is within the 28 day target and an improvement on last year's figure.

### ***Complaint outcomes***

We came to decisions on 42 complaints against your council. We closed 27 complaints because there was either no or insufficient evidence of fault to justify further investigation or where we exercised our general discretion not to pursue an investigation, generally because the level of injustice claimed was insufficient to justify expending further resources. We found another seven

complaints were outside our jurisdiction.

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, 23% (8) of the complaints we decided against your authority which were within our jurisdiction were local settlements. Across England this figure was 27.1%, so the council's figure is close to the norm.

### *Housing*

Three of the settlements involved housing repairs. In one case the council delayed in acting on various minor items of disrepair and other works needed by a tenant who was known to be vulnerable. Once this fault had been identified, the council was proactive in addressing the outstanding issues, agreeing to apologise and to pay compensation for the injustice caused. In another the council made a welcome offer of compensation after it had delayed for about 18 months in responding to a complaint from a property owner affected by a leak from the roof shared by her home and a council owned property. The council agreed to pay half the complainant's repair costs and compensation for its delay.

With a complaint from a homeless man with mental health problems we found the council had delayed for around two months in taking a homelessness application. It then placed the man in substandard temporary accommodation for ten weeks without properly addressing his concerns about poor conditions and disrepair there. Compensation was agreed to reflect the distress and uncertainty caused to the complainant.

### *Education & children's services*

Two settlements related to education complaints. In one, the council delayed in carrying out a review at secondary school age of a statement of special educational needs for a boy whose place at a special school it had been funding. The council considered his needs could be met at a mainstream school, but his parents wanted him to remain at the special school. His parents kept him at the special school and were subsequently successful in their appeal for him to remain, but by then they had been liable for the school's fees. In the circumstances the council agreed to reimburse these.

### *Highways & transport*

Another settlement came in a parking case where the council had issued a penalty charge notice and the complainant was incorrectly told he could pay the fine and still contest the validity of the notice. In response to the complaint, the council agreed he could restart the appeal process. The subsequent appeal to the parking adjudicator was successful, and the penalty was cancelled.

### **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/](http://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](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

| <b>Enquiries and complaints received</b>      | 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          | 1                   | 7              | 0                          | 4                              | 7   | 4                    | 22        | 0        | 2                      | 47         |
| Advice given                                  | 0                   | 1              | 0                          | 6                              | 1   | 1                    | 5         | 1        | 0                      | 15         |
| Forwarded in investigative team (resubmitted) | 0                   | 2              | 1                          | 2                              | 1   | 0                    | 3         | 1        | 2                      | 12         |
| Forwarded to investigative team (new)         | 3                   | 2              | 2                          | 8                              | 1   | 3                    | 10        | 2        | 7                      | 38         |
| <b>Total</b>                                  | <b>4</b>            | <b>12</b>      | <b>3</b>                   | <b>20</b>                      | <b>10</b>   | <b>8</b>             | <b>40</b> | <b>4</b> | <b>11</b>              | <b>112</b> |

## Investigative Team

| <b>Decisions</b>   | 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     |
|--------------------|--|-------------------------------|---|-------------------------------|----------------------------------|------------------------------------|----------------------|-----------|
| <b>2010 / 2011</b> | <b>0</b>                                 | <b>8</b>                      | <b>0</b>                                | <b>0</b>                      | <b>12</b>                        | <b>13</b>                          | <b>7</b>             | <b>40</b> |

## Adult social care decisions made from 1 Oct 2010\*

|             | Not to initiate an investigation | Total |
|-------------|----------------------------------|-------|
| 2010 - 2011 | 2                                | 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 | 24                    | 21.7                      |
| 2009 / 2010             | 31                    | 29.7                      |
| 2008 / 2009             | 32                    | 24.2                      |

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

| Types of authority         | <= 28 days<br>% | 29 - 35 days<br>% | > = 36 days<br>% |
|----------------------------|-----------------|-------------------|------------------|
| 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                |