

24 June 2011

Dr Kevan Collins
Chief Executive
London Borough of Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2BG

Dear Dr Collins

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. We have decided to add a commentary to the attached statistics in view of the number and range of complaints against your council that my office dealt with in the year.

Enquiries and complaints received

Our advice team dealt with 119 enquiries about your council in 2010/11. Of these, 29 were considered to be complaints but were passed back to the council for further investigation as the complainants had not exhausted all the stages in the council's complaints procedure, and it seemed that they would not be disadvantaged by doing so. They were told they could resubmit their complaint to the ombudsman if they were dissatisfied with the outcome of their complaint after it had been considered by the council. The advice team forwarded 66 complaints to an investigative team.

As in previous years, housing made up the largest single category and accounted for nearly half of the total contacts with the advice team. Environmental services and public protection and regulation was the next largest category and accounted for 16 enquiries and complaints received by the advice team. A similar number concerned benefits and tax, five of which were forwarded on for investigation. Of the 13 enquiries and complaints received about transport and highways, nine were forwarded for investigation.

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 32 complaints this year, your average response time was 19 days, which is well within the 28 day target and a further improvement on last year's already good figure.

Complaint outcomes

The statistics show that of the 67 decisions made by my investigation team, 12 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 23%.

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 £3,500 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.

Adult care services

We received a complaint about the provision of care services for a woman who has a moderate to severe learning disability. She was assessed as needing a care package to assist her with personal and practical care at home, as well as assistance with leaving the house, amounting to 37 hours per week. Her husband complained to me because the care arrangements had broken down.

My Investigator found that, although there were gaps in care provision, many of these gaps were the result of the complainant deciding on occasion to turn certain carers away. The council responded by attempting to make alternative arrangements, but due to the woman's very specific requirements including her inability to speak English, this took some time and resulted in gaps in provision, some of which amounted to fault. The council was also found to be at fault for failing to maintain an effective system for monitoring agency care so that aborted visits were properly reported to it so that remedial action could be taken.

In order to resolve the complaint locally, the council agreed to pay £1,800 compensation to reflect the gaps in care provision. It also apologised to the complainant and his wife; and undertook to consider whether a direct payments arrangement could be set up to help facilitate the provision of care.

Highways & transport

Many parking complaints are outside my jurisdiction because there is a prescribed right of appeal to a parking adjudicator or a magistrate which I would normally expect appellants to use. However, in one complaint I received this year, we exercised our discretion to investigate it. The complaint concerned the issuing of a penalty charge notice (PCN) where the motorist was adamant that he had been displaying a valid parking permit at the time the PCN was issued. Although the motorist protested, he paid the fine of £180 and so was no longer able to appeal to the parking adjudicator.

He then complained to me. In responding to our enquiries about this complaint, the council agreed that the PCN had been wrongly issued and refunded the money.

In another parking complaint, my investigator identified that the wording of the council's PCN template did not make it clear that motorists should not pay the fine if they wanted to contest the matter by way of an appeal. This was contrary to the guidance provided by London Councils to its members on parking issues. In this case, the complainant had paid and then made representations which the council rejected on the basis that he had already elected to pay the fine. During the investigation, the council acknowledged that the complainant had raised a pertinent point and very reasonably agreed to give him three weeks to decide if he wanted his money refunded and a notice to owner issued - that would trigger his right to make formal representations to the council and, thereafter, to appeal to a parking adjudicator. We are pleased to note that the council has now altered the wording of its PCNs.

Complaints about the removal or clamping of cars parked on council-owned housing estates are in our jurisdiction, since there is no right of appeal available to a tribunal. We settled one such complaint in 2010/11. The complaint concerned the removal of a car parked on a housing estate. The complainant made representations to the council to the effect that the signage notifying motorists of the parking restrictions were inadequate. The council refused these representations on the basis that it felt that the signage was clear. My Investigator found this decision to be unreasonable, since there was no sign at the entrance to the estate warning motorists of parking restrictions, there was no line marking the end of the public highway and the start of the estate road, and the parking bay lines were indistinct. In order to resolve the complaint, the council agreed to reimburse the cost to the complainant of releasing the vehicle.

Housing

In one case we dealt with this year the complaint was from someone who had wrongly been refused an opportunity to exercise his right to buy his home. The council agreed to either backdate his application to the date it was received – which would entail valuing the property as at that time and applying the relevant discount - or to enable him to re-apply and accept a current valuation and relevant discount. It also agreed to refund the difference between the rent he had paid and the service charge that he would have paid for the period in question as a leaseholder. In addition, the council offered £500 compensation for the distress and time and trouble he had been caused.

Education & children's services

The council took action to resolve a complaint about a child being taken off the school roll. The child had been absent due to an illness in the family, but the council was unaware that the child had been out of school and so did not make reasonable enquiries to ascertain where the child was. The council only became aware of the situation when it received an application from the complainant for a new school place for his child. It then failed to take immediate action to address the issue and it took several weeks before the council offered the child a school place. The council apologised for this delay and recommended to the school that the child be reinstated, which she was.

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. 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 2010/2011 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 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	0	5	0	1	4	2	14	1	2	29
Advice given	0	5	0	3	2	2	9	1	2	24
Forwarded in investigative team (resubmitted)	0	2	0	1	1	1	2	0	0	7
Forwarded to investigative team (new)	4	3	1	4	9	8	24	2	3	58
Total	4	15	1	9	16	13	49	4	7	118

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	12	0	0	27	14	13	66

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, other	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.

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	31	19.0
2009 / 2010	55	19.5
2008 / 2009	50	19.3

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

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	20.0