

Local Government OMBUDSMAN

22 June 2012

By email

Mr Graham Farrant
Interim Chief Executive
London Borough of Barking & Dagenham
Civic Centre
Rainham Road North
Dagenham, Essex RM10 7BN

Dear Mr Farrant

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I 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 forwarded by the Advice Team to my office and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

Complaint Outcomes

We decided 85 complaints during the year. Eight were outside my jurisdiction to investigate and an investigation was not warranted in another 16. We found injustice which the Council agreed to remedy during the course of 33 of the remaining complaints. This was 42.9% of the complaints in my jurisdiction. In total the Council paid compensation of £12,472 and five cases involved payments of £1,000 or more. I comment on three of the settled cases below.

One notable case involved a complainant with a number of health issues who was living in private rented accommodation with her children. One of the children is severely autistic. I found that the Council delayed for more than 18 months in arranging a carer's assessment and failed to provide respite care for over six months. The Council's inadequate records were also a source of concern. In all, I asked the Council to pay the complainant £2,000 compensation for the injustice caused.

In another case the Council failed for more than two years to deal with damp problems and the poor condition of the kitchen in the complainant's home. This was partly because it did not

establish an effective way to communicate with the complainant who is hearing impaired. I asked the Council to pay the complainant £2,000 for the significant distress caused by the delay, and to provide a private sector decant while the works were completed.

An education case involved fault by an exclusion panel appointed by the Council. I found several faults: the clerk was not independent; a secondary reason for exclusion was wrongly introduced on appeal; there was a lack of proper investigation of the evidence against the pupil; and he was treated unfairly compared with other pupils. As a result of my investigation, the Council (and the school) agreed to rescind the exclusion and remove all related records from the school file. The Council also agreed a payment of £750 to the complainant.

Complaints about schools

For the year 2011/12, we received 235 complaints about schools in 14 pilot areas. This included eight complaints in your area. Three related to bullying issues, and one each was about behaviour and discipline, exclusion, staffing levels and pupil safety, and there was one about another issue.

In this period we have closed 202 complaints. Six were in your area. In four cases the schools agreed to investigate, in one case no fault was found and one case was closed at the discretion of the Ombudsman during the investigation.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This includes your area so you will be aware that this was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013. We intend to produce a report on the common themes and lessons that have emerged from our work in this area.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on our [website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

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

Dr Jane Martin
Local Government Ombudsman

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 | Planning & Development | Total |
|---|---------------------|----------------|----------------------------|--------------------------------|---|----------------------|---------|------------------------|-------|
| Advice given | 3 | 0 | 0 | 8 | 2 | 7 | 7 | 1 | 28 |
| Premature complaints | 2 | 11 | 1 | 7 | 10 | 7 | 25 | 0 | 63 |
| Forwarded to Investigative team (resubmitted) | 2 | 2 | 0 | 0 | 2 | 3 | 3 | 1 | 13 |
| Forwarded to Investigative team (new) | 3 | 10 | 2 | 15 | 6 | 11 | 16 | 2 | 65 |
| Total | 10 | 23 | 3 | 30 | 20 | 28 | 51 | 4 | 169 |

Investigative team - Decisions

| Not investigated | | | Investigated | | | Report | Total |
|-------------------------|---|-------------------------------------|------------------------------|-------------------------------|-------------------------------------|--------|-------|
| No power to investigate | No reason to use exceptional power to investigate | Investigation not justified & Other | Not enough evidence of fault | No or minor injustice & Other | Injustice remedied during enquiries | | |
| 1 | 7 | 16 | 20 | 8 | 33 | 0 | 85 |

| Response times to first enquiries | No of first enquiries | Avg no of days to respond |
|-----------------------------------|-----------------------|---------------------------|
| | 32 | 24.8 |