

22 June 2012

By email

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

Dear Ms Coppell

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. Your average response time to my enquiries was 23.6 days, so was within the 28 day target. But the average response time for housing complaints was 35 days.

Complaint Outcomes

We decided 56 complaints during the year. Ten were outside my jurisdiction to investigate, in 14 cases we found no evidence of maladministration, and in another 19 cases we decided to discontinue investigation for other reasons.

I issued a report this year on a housing allocations case concerning the rehousing of a family with a disabled daughter in a suitable property. The family had a three bedroom need, but the disabled daughter required a ground floor room. A three-bedroom property with two ground floor reception rooms became available, and the family made a bid for it, intending to use a reception room as a bedroom. They had the highest priority for the property, but the Council decided not to offer it to them. The Council said, if the family used a ground floor reception room as a bedroom, there would be four bedrooms and they were only assessed as needing three. The Council confirmed the bid

would have been successful if the daughter had not needed to use a ground floor room as a bedroom.

I concluded that the family would have been rehoused had it not been for the daughter's disability. I considered the Council's decision was unfair and illogical. The Council did not give due consideration to the family's circumstances and its obligations under the Disability Discrimination Act 2005, and failed to follow its own Equalities and Diversity Policy. I also found that the Council's lettings policy was ambiguous and had not been applied fairly and properly. To remedy the complaint I recommended the Council make the complainant a suitable offer of accommodation without delay, pay her family £4,000 compensation, arrange and fund a week of respite care for her daughter, and review the wording of its lettings policy.

The Council agreed to implement my remedy and I am aware it is reviewing its Housing Allocations Scheme and drafting a new Tenancy Strategy in the light of the Localism Act 2011. I am pleased to note that the Council has involved my staff in the consultation process regarding these matters.

In 12 other cases the Council agreed to settle the complaint, and I give details of two of these cases below.

I criticised the Council in another housing allocations case where the Council boarded up a property after the family concerned had to flee their home. It later left a Notice of Seeking Possession on the doorstep and sent another important letter there, despite knowing the family was living elsewhere. The Council also wrongly continued charging rent for the property, and took six months to correct this error. In addition, it incorrectly gave the complainant's transfer application band B instead of the higher band A priority and, as a result, she missed offers of at least two properties. The Council resolved matters by agreeing to pay £2,300 compensation for the distress and inconvenience the family suffered. It also made a procedural change to ensure that a senior officer now checks assessments of cases where a band A or B priority for rehousing is being awarded.

Another notable case involved a neighbour nuisance issue. The Council was at fault in failing to properly investigate and take effective action to address anti-social behaviour by the complainant's neighbour. As a result, she unnecessarily suffered noise nuisance and harassment over a number of years. I considered the Council's existing offer of £2,750 compensation was appropriate. Since the Council also agreed to take further action to address the nuisance issues, I considered the complaint had been suitably remedied.

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 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.

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

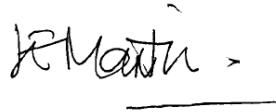
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance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

Handwritten signature of Jane Martin in black ink, consisting of the letters 'J', 'M', and 'a', followed by a horizontal line.

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	1	4	3	4	0	2	11	1	26
Premature complaints	3	10	2	2	2	5	16	8	48
Forwarded to Investigative team (resubmitted)	0	2	0	1	0	2	3	3	11
Forwarded to Investigative team (new)	3	2	2	8	4	3	8	14	44
Total	7	18	7	15	6	12	38	26	129

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		
4	6	12	14	7	12	1	56

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	38	23.6