

Local Government
OMBUDSMAN

22 June 2012

By email

Mr B Rowland
Chief Executive
Newcastle-upon-Tyne City Council
Civic Centre
Barras Bridge
NEWCASTLE UPON TYNE
NE99 2BN

Dear Mr Rowland

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. I am pleased to say that I have no concerns about your authority's response times.

I will generally not continue an investigation when a council accepts that it has been at fault and agrees to remedy any injustice caused to the person affected. I want to draw attention to one such investigation that raised serious concerns about the way Your Homes Newcastle responded to the needs of a couple living in very difficult circumstances. The woman was physically disabled and suffered from dementia. Her partner was in poor health and provided most of her care. They rented their home from the Council. It had some adaptations and was due to be improved under a Decent Homes programme. Her partner was concerned about the impact the disturbance of the improvement work would have on the woman. He discussed this with a housing officer who advised them to apply for permanent re-housing.

The couple were then told that they were ineligible for re-housing because of the condition of their property. The letter telling them this mentioned redecoration, a cupboard door handle, tidying the gardens, replacing doors with cat flaps and removing a fireplace and surround. The couple complained. A senior officer confirmed the decision and said that the property was not ready to let and '...a substantial award of decoration vouchers...' would be needed. The senior officer also said the couple were being considered for a management let because of their medical needs.

An occupational therapist assessed the couple as needing a bungalow or a flat on the ground floor or with a lift. They were offered a flat in a high rise block where they could not take their dog and cat. Officers told the couple that their medical needs took priority and they should re-home their pets. They were also told that they would not be offered any other properties if they refused the flat. This decision was confirmed after a review and then by the Chief Executive of Your Homes Newcastle.

My investigator visited the couples' home and viewed photographs taken by the housing officer. He said the decision to make them ineligible for housing because of the condition of the property was 'unreasonable to the point of being perverse', outside the Council's policies, and did not meet the test in the Housing Act 1996. If that decision had not been made the couple would not have been restricted to a 'management let'.

The Council agreed to offer the couple the next available bungalow with level access, to apologise to them, pay £500 for their outrage at the unjustified criticism of the condition of their home and £250 for the stress and anxiety caused to them.

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



Anne Seex
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	1	0	2	1	2	7	1	17
Premature complaints	3	8	0	2	5	0	7	3	28
Forwarded to Investigative team (resubmitted)	0	1	0	0	1	0	2	1	5
Forwarded to Investigative team (new)	4	7	3	9	1	2	14	6	46
Total	10	17	3	13	8	4	30	11	96

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		
2	8	10	9	6	12	1	48

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	12	21.3