

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

The London Borough of Enfield
for the year ended
31 March 2008

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about the London Borough of Enfield. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

Last year I received 113 complaints against the Council, a slight increase on the previous year's 109 complaints. Their make up was very similar to previous years, with the largest group of complaints being about housing (24); followed by local taxation (21) and our 'Other' classification (14). Of the latter cases, five concerned anti social behaviour. Significant numbers of complaints concerning planning and building control (six about planning applications, five about enforcement and two about building control) and housing benefit (13) were also received.

Decisions on complaints

I made 109 decisions on complaints last year.

Reports and local settlements

None of the complaints we investigated last year justified the issue of a report.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). In your Council's case, 33% of complaints were local settlements. This was the same number (19) as in 2006/07.

Most local settlements concerned local taxation (five), housing (four) or planning and building control (three).

The local taxation settlements involved complaints about delays in responding to the complainant's correspondence; pursuing a complainant for arrears when there had been a genuine mistake by the bank in failing to honour a standing order; failing to withdraw its referral of a debt to bailiffs when it became clear that the complainant's status as a student reduced her liability; and delays in amending its bills to show appropriate discounts. The Council accepted errors promptly and took action to resolve the complaints.

One housing case involved delays in amending the complainant's rehousing application and in carrying out a medical assessment, and in another delays in dealing with a management transfer following domestic violence. In another case the Council delayed in addressing water leaks: the Council did not have proper guidance on how to gain access to properties in the leaseholders' absence, and there was poor communication with the complainant. Finally, there were problems with providing information on a complaint about improving flats to the 'Decent Homes' standard. The Council agreed to review its consultation procedures and the standard information provided to tenants. I chased an update in February, but do not appear to have received a response. It would be helpful if you could let me know what has changed.

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One planning enforcement case concerned the granting of a lawful development certificate (for an outbuilding in the complainant's neighbour's garden). Prior to my involvement, the Council had commissioned an independent report which highlighted a number of faults in the way its enforcement officers had acted. The Council, as a result, had agreed to review its work practices, to offer training to its enforcement officers and to ensure that the enforcement notice served on the complainant's neighbour had been complied with. Following my involvement, the Council also agreed to pay the complainant £500 for his time and trouble and so that he could purchase adequate screening. I asked the Council to inform me of any changes to work practices which arose from this complaint but, again, I have not heard further. It would be helpful to have a copy of the Council's revised procedures.

The Council acted promptly to resolve a complaint where the complainants had not been provided with sufficient information about payments to be made to them for looking after their three step grandchildren. The Council apologised, provided the required information, agreed to make payments fortnightly and also agreed not to take action to recover an overpayment which had been made to the complainants. With another children and family services' complaint, the Council apologised for wrongly sending a letter meant for the complainant to his neighbour, about whom he was complaining, and agreed compensation of £100.

In one case, the Council failed to provide suitable education for the complainant's son over four terms when attendance at the school named in their son's special educational needs statement became untenable. The Council did then find a suitable specialist school with very personal provision and the son is now doing well. The Council agreed compensation of £2,000.

In total the Council paid £2,400 in compensation as well as apologising for the injustice caused to complainants by its faults. It is to the Council's credit that it is willing to settle complaints where I have decided that there is some fault causing an injustice.

Other findings

There were 24 complaints where I decided there was insufficient evidence of administrative fault to warrant my involvement. A children and family services complaint concerned the lack of provision for the complainant's severely disabled daughter over a long period of time. The matter had been considered under the social services statutory complaint's procedure and the Council had offered a settlement which the complainant thought was insufficient. I did not agree and I commend the Council for the care and attention it had given to this complaint.

18 complaints were outside my jurisdiction and I was unable to pursue one complaint, about conduct in a school, an issue which I am currently discussing with the Department for Children, Schools and Family Services.

15 complaints were closed under my general discretion.

Your Council's complaints procedure and handling of complaints

In 33 cases I considered my involvement would be premature, because the Council had not been given a reasonable opportunity to consider the matter first, and the complaints were sent to the Council to address. To date, although complainants are invited to get back to me, none of these have done so. There could be a number of reasons for this and I should therefore be grateful if the Council would send me a copy of any report it produces on its complaint handling.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was 24.7, so was within my target. However, there were a few complaints (about leisure and culture, local taxation and housing) where it took the Council over 50 days to respond. It would be helpful if the Council could address such delays in order to further improve its response times.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Local Government Ombudsman developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond
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June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)