

20 June 2007



The Commission for
Local Administration in England

Mr N Johnson
Chief Executive
London Borough of Bexley
DX 31807
Bexleyheath

Jerry White
Local Government Ombudsman

Neville Jones
Deputy Ombudsman

Our ref: JRW/B1/TC
(Please quote our reference when contacting us)

If telephoning contact: Stephen Purser on 024 7682 0000
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Dear Mr Johnson

Annual Letter 2006/07

I am writing to give you a summary of the complaints about your authority that my office has dealt with over the past year and to draw any lessons learned on your authority's performance and complaint-handling arrangements. I hope you find this letter a useful addition to other information you have on how people experience or perceive your services.

The format of the annual letter is slightly different to last year and is set out as a separate document attached. I would again very much welcome any comments you may have on the form and content of the letter.

We will publish all the annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission, as we did last year. We will again wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any material factual inaccuracy we will reissue it.

I would again be happy to consider requests for me or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely

J R White
Local Government Ombudsman

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The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

The London Borough of Bexley

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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

We received 28 complaints against your Council during the year, seventeen fewer last year.

Character

The highest number of complaints (six) concerned Housing matters. For the previous two years Planning had attracted more complaints, but last year's surge in Planning complaints (18) has not been maintained. Given the generally low numbers of complaints across all services I do not consider the fluctuations significant.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

Local settlements were agreed on five complaints.

Two separate complaints concerned children with Statements of Special Educational Needs who lost education because the Council had not acted expeditiously to ensure that appropriate school places were available for them. In both cases the Council had addressed the problems decisively only after the complaints were made to me. In the first case, where the child had been out of school for two terms, the Council had already offered £500 for costs incurred on educating the child while out of school. The Council accepted the recommendation for additional compensation of £3,000 to reflect the loss of education, the stress suffered by the complainant and her child, and her time and trouble in pursuing the complaint. In the other case the child was out of school for a term at the start of his GCSE course and compensation of £2,000 was agreed. The Council has since made improvements to its procedures and staffing in that department to ensure that these problems do not recur.

On a complaint concerning Adult Care Services compensation of £500 was agreed to reflect anxiety and distress caused by failure to ensure that sensitive records were retained, for delay in securing replacement records and for a delay of almost six months in arranging a Review Panel for the third stage of the Social Services Complaints Procedure.

A complaint about Housing Benefit was settled by agreement to support the request to hear a late appeal against a benefit decision and by the offer of compensation of £100 to recognise the

complainant's time and trouble. A complaint on Local Taxation was settled without the offer of compensation by agreement to consider an appeal against the loss of empty property discount.

I did not issue any reports during the year on complaints against the Council.

A total of £5,600 was paid in compensation. I am grateful for the Council's constant willingness to respond well to local settlement suggestions when things have gone wrong.

Other findings

Decisions were made on 32 cases (including the five described above). This included nine premature cases referred to the Council to be considered under its own complaints procedures and three cases which concerned matters outside my jurisdiction. Twelve cases were closed because no or insufficient evidence of maladministration was found and investigation on three cases was discontinued for other reasons.

Your Council's complaints procedure and handling of complaints

Nationally, premature complaints as a percentage of all decisions made average 27.7%. The figure for your authority (nine out of 32 decisions) is in line with this. The Council's complaints procedure is visible and accessible to citizens. Of the nine premature complaints referred back to the Council only two were resubmitted to me during the year which indicates that the Council deals effectively with complaints through its own complaints procedure.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from different 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.

Liaison with the Local Government Ombudsman

Your Council's link officers are helpful and effective in dealing with enquiries from my officers and replies are generally comprehensive and accurate. Where local settlements are recommended we have received prompt and positive responses. In one case where investigation had been discontinued the Council responded positively to confirm that lessons learnt would be taken into account when relevant published information was reviewed, to ensure that the misunderstanding which prompted the complaint was not repeated. This was a helpful response.

Formal enquiries were made on only four complaints during the year. It is sad therefore to note that the average response time was almost 34 days against our target of 28 days. I hope the Council will strive to improve on this for the future.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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.

J R White
Local Government Ombudsman
The Oaks No 2
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June 2007

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

Notes to assist interpretation of the LGO's local authority statistics

1. Local authority report

This information forms an integral part of the Annual Letter to your council. Again this year, the Annual Letter will be published on our website, at www.lgo.org.uk

The detailed information in the printouts is confidential.

2. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we refer back to the council for consideration. The figures may include some complaints that we have received but where we have not yet contacted the council.

3. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

/...

Premature complaints: decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint to the council as 'premature'.

4. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

5. Average local authority response times 2006/07

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

6. Categories of complaint

From 1 April 2007 we have amended our complaint category system, and you may notice some changes in the descriptions used in our decision letters and on the printouts attached.

The major change is that we now split social services cases between 'adult care services' and 'children and family services', in order that complaints relating to children and young people can be easily identified.

7. Complaints about personnel matters (employment and pensions)

We receive some complaints from members of council staff about personnel matters. These are usually outside our jurisdiction, and our practice is now to advise you that we have received the complaint without informing you of who made it.

For that reason, any such complaints on the attached printouts will show a blank space for the complainant's name.

LOCAL AUTHORITY REPORT - Bexley LB

For the period ending 31/03/2007

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	2	3	1	3	6	1	3	4	0	5	28
2005 / 2006	1	2	2	3	2	6	18	4	0	7	45
2004 / 2005	2	1	3	1	3	8	9	0	1	2	30

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	5	0	0	12	3	3	9	23	32
2005 / 2006	0	3	0	0	16	7	8	12	34	46
2004 / 2005	0	7	0	0	8	3	5	8	23	31

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	4	33.8
2005 / 2006	11	30.8
2004 / 2005	12	35.8

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0