

21 June 2006

FIRST CLASS

Mr Rob Whiteman  
Chief Executive  
London Borough of Barking & Dagenham  
Civic Centre  
DAGENHAM  
Essex RM10 7BN



**The Commission for  
Local Administration in England**

**Tony Redmond**  
Local Government Ombudsman

**Peter MacMahon**  
Deputy Ombudsman

Our ref: TR/JS  
(Please quote our reference when contacting us)

**If telephoning please contact: Frank Edwards' Personal Assistant,  
Candya Farmer, on 020 7217 4693. Or e-mail: c.farmer@lgo.org.uk**

Dear Mr Whiteman

**Annual Letter 2005/06**

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish all our annual letters on our website ([www.lgo.org.uk](http://www.lgo.org.uk)) and share them with the Audit Commission. There is widespread support from authorities for us to do this. We will 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 factual inaccuracy we will reissue it.

In addition to the narrative below 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**

I received 86 complaints about your Council during the year, a reduction both from last year's total of 103, and from the previous year's 133.

The most significant trend was a fall in Housing (not Housing Benefit) complaints from 60 to 42, which may represent a reduction in the problems experienced in the Council's 'Shape Up' programme.

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Housing Benefit and Social Services complaints also fell. There were small increases in Highways and Education complaints. I note that there were no Planning complaints at all last year and only one in the year before (nationally such complaints account for 24% of the Ombudsman's work). This suggests to me that planning issues are dealt with effectively within your Council.

### **Decisions on complaints**

I made decisions on 92 complaints in the year.

I returned 33 of these complaints (some 36% of the total) to your authority as 'premature' as I did not consider that you had had sufficient opportunity to deal with them through your own procedures.

Last year I returned 49 complaints (some 46% of the total) as 'premature'. I questioned whether the Council's complaints procedure could be better publicised. I am pleased to note the reduction in the number of complaints dealt with in this way (closer to the national average of 27%). I am aware that the Council has moved towards centralising its handling of first stage complaints through its call centre, and this may have contributed to this reduction.

Of the remaining 59 complaints, I found no maladministration in 14 and used my discretion to close a further 19. Seven complaints were outside my jurisdiction.

### **Reports and Local settlements**

When we complete an investigation we must issue a report. There is a significant proportion of investigations that do not reach this stage. This is because we settle the complaint during the course of our investigation. We call these decisions 'local settlements'.

Last year I again issued no formal reports against your Council. I settled 19 complaints. This represented 32% of all decisions (excluding premature complaints), a substantial increase on last year's 17% and higher than the national average of 21%. I give below details of some of these settlements.

The largest single settlement was for a complaint that the Council had failed to follow its adult protection procedures, resulting in a family's visits to their elderly relative being observed, despite the fact that consent had not been obtained for this. In addition to the payment of compensation, the Council made a number of changes to its procedures and introduced a training programme for staff involved in adult protection issues.

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In a second complaint the Council agreed to install as a priority a level-access shower for a person with limited mobility. In response to this complaint, the Council also took immediate steps to amend its procedures to ensure that 'critical' care assessments are signed off at managerial levels and that interim measures are put in place following such assessments.

I settled seven complaints relating to housing repairs or improvements. Most of these complaints related to delay in carrying out works. Two of the complaints involved delay under the 'Shape Up' programme.

I settled two Education Admissions complaints. In one the Council agreed to offer a fresh appeal. In the second the Council agreed to provide clearer comments on the oversubscription criteria when the new admissions booklet for 2007 is printed.

I settled three complaints about Housing Benefit. Two cases involved delay; the Council agreed to write off an overpayment in one instance and pay compensation in the other. In the third case the Council failed to backdate a claim but, after the complaint was investigated, promptly agreed not to recover the repayment.

I settled one complaint about unclear wording on a parking permit. The Council has reviewed the parking arrangements in the area concerned and made changes to ensure that similar problems do not happen again.

Lastly, one complaint concerned poor maintenance, disrespect for visitors and other management failures at a Council cemetery. The Council responded helpfully to my enquiries by implementing changes to the management of the cemetery.

The Council paid a total of £1,660 compensation in local settlements.

### **Training in complaint handling**

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced courses in complaint handling for front line staff and in handling social services complaints.

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

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I am pleased that we were able to provide the Council with an Effective Complaint Handling course in July 2005. I hope that those who attended the course found it useful.

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

### **Liaison with LGO**

Your average response time to my first enquiries was 21.6 days. This is an improvement on the previous year's average time of last year's 26.5 days and well within my requested timescale of 28 days. I am very grateful for that. Only four complaints were over the 28 day threshold and none of these substantially so.

I would also like to thank the Council for its helpful response earlier in the year when our office made a number of general enquiries on complaints. This occurred at a time when there was substantial backlog in complaints at our office, and I realise that this resulted in additional work for your officers. I am grateful for their assistance in responding to these enquiries and note that, despite this being additional pressure placed on them, your staff maintained its excellent response time to complaints.

Relations between our offices are effective. The Council's responses to my office are generally prompt and detailed, and accompanied by appropriate supporting paperwork. In the main arrangements for visiting your offices have also been helpful.

My investigators have noted the Council's willingness, in general, to respond constructively to settlement proposals and on a number of occasions to make its own proposals.

However, on occasions, such as in some of the housing repairs complaints, there has been a lack of clarity in some of the Council's earlier responses through its own procedure and a concern that some of the cases might have been settled at an earlier stage had compensation payments been made. This may partly account for the higher than average number of complaints referred to me which are subsequently settled.

The Assistant Ombudsman and one of my investigators had a useful meeting with your Complaints Unit in November 2005, at which your officers provided an update on developments in the Council's complaints system.

I understand that proposed changes to centralise the complaints system further and to provide input into complaints from the Complaints Unit at an earlier stage are under discussion. I welcome this proactive approach by the Council and will be interested to hear of the results of these changes once they are finalised.

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**Conclusions/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. I would again very much welcome any comments you may have on the form and content of the letter.

I would again be happy to consider requests for myself 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

A handwritten signature in black ink that reads "Tony Redmond". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tony Redmond