



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Lambeth Council

**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 441 complaints against your Council last year, an increase of 7% over the previous year. Complaints against most service areas decreased, but there was a significant increase in complaints about housing matters, which rose by 25% from 176 in 2005/2006 to 220 last year.

Character

Housing services generated the most complaints overall (220), which was almost 50% of all complaints against your Council. The service appears to be generating an increasingly disproportionate level of complaints compared with other service areas, so you may want to examine the reasons for this. The other service areas that generated a significant number of complaints were Local Taxation (16% of complaints this year) and Benefits (14%). But benefits have maintained the improved position over 2004/05 and previous years, and that is to be welcomed.

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.

We issued one report against your Council. It concerned an Education matter. The complainant alleged that your Council failed to provide any education for her son after she removed him from secondary school where he had been a victim of violence. My investigation showed that she had taken reasonable steps to find a place for her son at a special school because she was seeking an assessment of his special needs. Officers considered that he should return to his former secondary school as it was willing to take him back, but failed to use your mediation process to deal with the bullying issues at the school. Your Council also failed to advise the complainant that she could obtain a place at other secondary schools using the appeal process, despite placing the onus on her to find an alternative school. I found your Council's actions amounted to maladministration causing an injustice to the complainant and you agreed to: apologise to the complainant and her son; pay her son £3,000 compensation for two terms of lost education and special assistance he would have received; pay the complainant £8920 compensation for loss of income, interest on debts she had incurred as a result of the lost income, childcare expenses and the time and trouble she was put to in pursuing the complaint; and review how your communications with parents are recorded and how recommendations by your SEN Panel are implemented.

Your Council also settled 122 complaints last year. Although they covered all service areas, Housing was the dominant area and generated 51% of all local settlements. In comparison, Council Tax generated 16% of local settlements and Benefits generated 15%.

In one complaint your Council failed to update the complainant's medical points on its allocations system, so the complainant stayed in a damp, crowded flat for nine months longer than she should have done. There was also a three-month delay in fitting a vent to reduce condensation to her home and she was not compensated when she lost heating and hot water due to boiler repairs there. When she moved to a new flat, the boiler needed replacing and she was without heating and hot water for over a month. Your Council agreed to pay her £1,000 compensation.

In another complaint the complainant was a Council tenant, but due to a failure to comply with the terms of a suspended possession order she was only a tolerated trespasser. She reported what turned out to be major problems with the staircase in the property and needed to be decanted for the repairs to be carried out. Your Council delayed telling her what it was going to do and that it considered her to be a tolerated trespasser so did not have repairing obligations to her. Your Council agreed to pay the complainant £500 compensation for the delay in carrying out the repairs and explaining its position regarding her tenancy.

In a complaint about housing, your Council accepted the complainant as homeless, but did not invite her to apply to go on the housing register. As a result, she stayed in unsuitable temporary accommodation for longer than was necessary. By the time of the complaint, your Council had already made her an offer of housing and I could not be sure whether the failings I had identified had caused her to wait longer than she otherwise would have done. Your Council agreed to pay the complaint £1000 for the uncertainty she had experienced and for the delay in providing my office with information to resolve the complaint.

In a complaint about housing repairs, your Council delayed for 19 months in carrying out repairs to fix loose plaster and damage to four rooms caused by a water leak. The Council carried out the repairs, agreed to set aside £1000 against the complainant's rent and to paid him a decorating allowance of £207.

In a complaint about Housing Benefit, the complainant tried to appeal against a decision to recover an overpayment, but your Council did not make it clear how it was treating her representations. There were also errors in the notification letters about her underlying entitlement and delay in crediting money to her rent account. Your Council agreed to pay her £250 compensation.

In another complaint, the Council delayed assessing the complainant's Council Tax Benefit. The Council asked the complainant to provide information he had already provided and twice removed incorrect amounts from his bank account under direct debit causing his account to go overdrawn and incur overdraft costs. Your Council agreed to pay the complainant £750 compensation for his justifiable sense of outrage, his loss of confidence in the system and general inconvenience. You also agreed to complete all assessments and send decision notices within two months of the close of the investigation.

In one complaint about benefits, your Council took six and a half months to refer an appeal to the Appeals Service. This caused the complainant stress and uncertainty in knowing when his appeal would be determined and its outcome. Your Council acknowledged the delay and quickly agreed to pay the complainant £125.

In a complaint about parking, your Council failed to properly complete the forms recording the reason for clamping and removing the complainant's car. Your Council had the right to impound the car, but its failure to record the reasons for the car's removal meant that it did not fulfil the requirements of the parking enforcement regime. Your Council agreed to repay half the release fee to the complainant.

In a similar complaint, your Council correctly towed away the complainant's car, but failed to put in on TRACE, so the complainant reported it to the Police as stolen. Your Council also delayed telling the complainant that the car was in its pound, so that her insurers had paid her compensation. The insurers also took possession of her car and increased her insurance premium. Your Council agreed to reimburse the complainant's travel costs, compensate her for her time and trouble in having to complain to me and reimburse the higher insurance premium she was required to pay.

The total amount paid in compensation by your Council last year was £69,386.

Other findings

In all we determined 409 complaints against your Council last year. Apart from the report and the local settlements mentioned above, we found no maladministration in 72 cases, discontinued 36 under our general discretions, did not investigate 46 because they were outside our jurisdiction and referred 132 back to your Council as premature.

Your Council's complaints procedure and handling of complaints

Last year, the average percentage of complaints we treated as premature nationally was 27%. In the case of your Council, the figure was 32%. This is relatively high and suggests that your Council's complaints process may not be sufficiently visible to customers or that staff, when dealing with requests for assistance, do not signpost the complaints process for those who remain unhappy with what the Council has done.

The services that generated the highest percentage of premature complaints were Council Tax (45%), Housing (32%) and Benefits (30%), so you may want to pay particular attention to these areas in assessing the effectiveness of your complaints procedures.

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. 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 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.

Liaison with the Local Government Ombudsman

We made enquiries on 208 complaints last year, an increase of 41% over the previous year. The average time for responding was 56 days, which is a significant increase on the 40 days it took the previous year. This is poor in comparison with the majority of councils.

Most service areas exceeded the 28 day target for replying to our enquiries, with Housing taking the longest (63.7 days). The Council Tax (45 days) and Benefits services (44.4 days) also routinely took

an inordinate amount of time to respond. Such delays are unfair to complainants, many of whom have justified complaints and have already been through your internal complaints processes before complaining to us. This is most regrettable and I trust your Council will take urgent steps to improve its response times. If this does not happen, then formal action may be taken to summons officers to be interviewed here in Coventry.

Where we do receive responses to our enquiries, they are often incomplete and do not provide all the information requested. This creates an additional burden for investigators, who visited your offices in a disproportionately high number of cases to examine files and obtain information that was not provided at all or was incomplete. This has increased the cost and time taken to determine complaints against your Council. You may want to consider whether your Council is adequately resourced to respond to complaints.

I regret to say that delay and error also found their way into your Council's implementation of an agreed remedy in respect of a report I issued in February 2006. The Council agreed to make a payment of some £5,970 to my complainant and, having received that commitment, I declared myself satisfied with its response on 21 July 2006. Unfortunately, through a series of mishaps which required further intervention from my office, payment was only made on 13 December 2006.

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
Westwood Way
Westwood Business Park
Coventry CV4 8JB

June 2007

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

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	6	60	6	9	220	43	11	69	0	18	442
2005 / 2006	10	65	4	11	176	38	5	63	3	36	411
2004 / 2005	9	156	8	12	165	38	17	120	2	41	568

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	1	122	0	0	72	36	46	132	277	409
2005 / 2006	2	110	0	0	65	30	48	161	255	416
2004 / 2005	7	184	0	0	83	80	67	218	421	639

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	208	56.0
2005 / 2006	147	40.7
2004 / 2005	263	47.9

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