



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
the London Borough of
Lewisham
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 the London Borough of Lewisham 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 207 complaints during the year – 25 fewer than in 2005/6 and 42 fewer than the previous year. This year on year reduction in complaints is a good sign and may reflect the fact that your Council is dealing effectively with more complaints under its own complaints process to the satisfaction of complainants. Whatever the reason, I welcome this further sustained decrease in the complaints coming to me.

Character

The number of complaints about adult care services and children and family services more than doubled this year – from three to eight and three to ten respectively. This is still not a significant number of complaints in what are key areas of the Council's work and the reason for the increase is unclear. However, this might be something for the Council to monitor for the future.

There were also increases in planning and building control complaints (from nine to 14), education complaints (one), and those about transport and highways (two). I see no significance in these increases because we expect fluctuations from year to year.

As in previous years, the highest number of complaints we received were about housing – mainly about the way properties are allocated or the way the Council responds to repairs. This is not surprising for an inner London authority which was still in control of much of its housing stock until recently. But there was a significant decrease in housing complaints from 130 to 101 and I welcome this and the reduction in complaints about public finance – down from 21 to 12, complaints about benefits down from 13 to 12 and complaints about other matters such as anti-social behaviour and waste management – down from 38 to 32.

Decisions on complaints

Reports and 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.

Thirty-six complaints were settled locally and compensation payments totalling £13,616 were made.

Four of these 36 complaints were about homelessness. In one case, a social worker failed to follow up a referral to supported housing and, as a consequence, the complainant – who was 16 – was

denied an offer of suitable accommodation. There were also failings and delays by social services in working with the young man. I asked the Council to pay him £3000. In another case about a 16 year old, the Council failed to assess his needs properly and so he was housed in unsuitable accommodation with little or no support for eight months. Here, I asked for £1,000 compensation.

In a third case the Council wrongly determined it could not accept the complainant's identity card as proof of eligibility for housing (she was Portuguese) and so delayed the offer of interim accommodation and a decision on her homelessness application. The Council also offered interim accommodation that was unsuitable to her needs and there were delays carrying out repairs. To recognise these failings, the Council agreed to pay the complainant £400 compensation and it increased her housing priority to the top band. In a fourth case, the Council made a premature decision on a homelessness application and determined that the complainant had no priority. However, it quickly changed that decision with my intervention and paid the complainant £500 compensation for its mistake.

There was one complaint about children and family services where the Council failed to consider the impact of a change in the type of care a young woman was receiving. It failed to explain to the complainant and her carers that the move from foster to kinship care would result in lower allowances. It also failed to provide the complainant with a laptop computer as part of its commitment to provide every looked-after child with a computer. To recognise these errors the Council paid the complainant £1,426.24 (equivalent to a year's allowance for clothes and pocket money) and her carers £250.

Two complaints about environmental health were settled locally. In one of them, the Council failed to follow up a Building Act 1984 notice by either enforcing it or carrying out works in default. As a result, the complainant suffered the uncertainty of not knowing if he would be affected again by the serious drainage problem he had previously experienced from the property next door. To remedy this, the Council paid him £3,000 and agreed to secure a CCTV survey of the drains and the work necessary to solve any defects it identified. In another case, the Council failed to offer the complainant noise monitoring equipment to monitor the nuisance she said she was experiencing at the time from her neighbour. Although I did not believe that installing the machine would help now, I did consider that the service given by the Council to the complainant fell short of what I would expect in the circumstances. It was also my view that the complainant suffered the uncertainty of not knowing what would have happened if the machine had been installed at the right time. To address this, I asked the Council to pay her £500.

The Council paid £500, too, in a linked complaint about anti-social behaviour and failure to carry out repairs to the complainant's home. It had taken a long time to deal with the nuisance the complainant was experiencing from her neighbour and there was work outstanding on her property. The Council agreed to do some of the works and refer others to the Private Finance Initiative (PFI) that is now responsible for this address. The Council also wrote to the neighbour about the nuisance and agreed to keep the complainant informed about any action it took against him.

By far, the biggest number of settlements (14) was in housing complaints, both allocations and repairs, and four complaints stand out. In one of them, the Council failed to complete works to the complainant's flat and so it paid her £500 compensation and appointed a new contractor to finish the repairs. In another, the Council failed to repair the complainant's heating and hot water system and again paid £500. In a third complaint, there was delay in replacing the complainant's windows and so it paid him £600 and carried out the work. In the fourth, there were delays in carrying out repairs and the Council agreed to do them and pay the complainant £300. Remedies were agreed on the remaining 10 complaints but, with the exception of one (where £100 compensation was paid), they comprised the Council taking practical action to correct the disrepair and no compensation was considered necessary.

In a number of these repairs complaints, the Council was amenable to its officers inspecting the complainants' homes with my Investigator to determine what work was necessary and to agree what would be done. I appreciate this approach to dealing with complaints which often results in a speedy and satisfactory outcome for the complainant.

In another housing case, the Council failed to re-prioritise the complainant's housing needs when her child was born and to address this it promptly re-banded her application and offered her a priority card. In respect of one housing complaint, even though I found no evidence of maladministration, it asked its officers to visit a very vulnerable complainant who had asked to be moved to a bigger property and whose current home was in disrepair. As a result, the complainant's housing priority was increased and some works were identified and completed (others were left at her request). The Council explained to her how its allocations system works and it offered telephone support to the complainant if she continued to be concerned about her housing. In a third case, the Council cleared rubbish from the complainant's garden and in a fourth, it provided draught proofing to windows and doors.

I commend the Council for its help in providing appropriate redress to complainants once it can be shown that things have gone wrong - in some instances, without any prompting from me. And the Council is often prepared to take additional action even though there have been no failings. I referred to a housing case above where this happened. There was also a case where there was no maladministration in dealing with a parking ticket but the Council agreed to refund the fine that had already been paid and allow the complainant to trigger the appeals process. The Council's responsiveness to customer care in these cases was excellent.

I issued no reports against the Council during the year.

Service improvements

In some of the complaints, not only did the Council provide a remedy, it also reviewed its procedures to determine if there were lessons to be learned and improvements to be made to prevent the same problems occurring in the future.

So, as a result of the homelessness case involving the Portuguese complainant, the Council has ensured that officers will always wear their identity badges and give their names. They have also been briefed about the need to follow the Code of Practice on Homelessness and advised to consult senior officers if they are unsure about what to do. Such consultation is now included in departmental procedures. In addition, officers have been told to make sure that homelessness applicants know they can ask for basic equipment when they move into an unfurnished property and they are advised that they – and not the Council – are responsible for utilities.

In the noise monitoring complaint, I asked the Council to review how long it takes to offer machines and to ensure there is sufficient equipment to avoid unreasonable delay. I am pleased to note that the Council can now fit noise monitoring devices within two months.

I am also pleased to note that the Council has upgraded its housing benefit computer system, that the slight backlog this caused temporarily has been cleared and that the service offered to customers will be enhanced as a result.

In an adult care services complaint, the Council reviewed the information available to the public about how care assessments are carried out. In a complaint about children and family services, it updated the address on its children's social care website for making complaints to me and to refer in relevant leaflets to the availability of advocates to work with young clients. In a public finance complaint, it ensured that staff are briefed about the evidence required to prove student status. As a result of complaints about a failure to repair central heating, the Council has taken on more contractors to deal with repairs and they now have to provide daily reports about what has happened with each appointment.

I welcome the steps the Council has taken here and also its willingness to review and improve its policies and procedures.

In my letter last year, I said I hoped to see much needed improvements in the Council's arrangements for administering special educational needs. I have seen that improvement this year and I made no findings of maladministration causing injustice in this area.

Other findings

Two hundred and seven complaints were decided during the year. Of these 16 were outside my jurisdiction for a variety of reasons, 86 were premature and, as I mentioned earlier, 36 were settled locally. The remaining 69 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

I note that 86 or 41.5% of complaints this year were considered premature against a national average for all Councils of 28.2%. Even though this figure includes those complaints we closed as Ombudsman's Discretion - where some work had been done by the Council under some stages of its complaints process but not all - it is still high and is an increase of proportion compared to last year.

I have previously reflected on this and can find no clear reason for why we receive so many premature complaints. The Council's on-line complaints procedure and link to my website are readily available and it is particularly easy to find upon entering the Council's homepage. So I have no criticism here. It may be, however, that Lewisham's complaints process is not sufficiently visible elsewhere to customers or that staff, when dealing with requests for assistance, do not signpost the procedures for customers who remain unhappy with what the Council has done. Whatever the reason, I understand that work is underway on this matter and I look forward to seeing the results.

Of course, greater visibility (if this is a problem here) will no doubt help the Council achieve early resolution of citizens' grievances. I say this because, of those complaints that were premature, only 19 were re-submitted after investigation by your Council. In seven of them I found no or insufficient evidence of maladministration, four of them were settled, in four I exercised discretion not to pursue them further and two cases were outside my jurisdiction. Two complaints are still open.

It seems to me that the low number of re-submissions (less than a quarter) reflects the robustness of your internal complaints process and suggests that when complaints reach the appropriate people in the organisation they work hard to resolve them.

I understand that your complaint process still comprises three stages but in November 2006 the Council moved from final consideration of a complaint being made by you to it being considered by an Independent Adjudicator. I note the protocol to which he operates and I also note that he has authority to make recommendations for remedies where he upholds complaints, and reports annually to the Council with a summary of cases dealt with during the year. In my view, all this provides the Borough with the opportunity of determining the robustness of its complaints process and possible failings in any of its departments that generate a high number of complaints.

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 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.

In May 2006, Mrs Hedley, an Assistant Ombudsman, and Ms Banks, one of my Investigators, met planning officers informally to talk about complaints handling and, in March 2007, we delivered training to 45 managers in Adult Services. I am told that the Council wanted to improve its complaints handling in this area and that the course was very productive. Hopefully, as the lessons learned here are cascaded down to all staff, it will lead to a decrease in the number of complaints about this department which, as I have noted above, have increased somewhat this year.

One of the issues that came up during the training was a lack of clarity within the Council about how to deal with unreasonably persistent complainants. My Investigator has already referred your office to guidance I have issued on this subject and which is available on our website – we can provide more information if you require this. We are also considering training in this area and we will keep all Councils updated about this.

We have not delivered any other formal training courses to your Council this year and I know that my officers are currently in contact with you about this especially the link officer seminars we run. These seminars provide a forum for those officers who act as our liaison point with the Council to learn more about our processes. They also give me an opportunity to listen to officers' experience of dealing with my office.

If we can provide further training or your staff are interested in attending the next seminar in November 2007 please let Reynold Stephen, Assistant Ombudsman, know.

Liaison with the Local Government Ombudsman

We made enquiries on 60 complaints this year, and the average time for responding was 40.4 days, a very small increase on the 39.3 days it took last year. Our target is 28 days and an increasing number of Councils are achieving it.

The average time taken to respond to our enquiries by your Council about housing complaints – by far the majority of complaints on which we ask for comments - was 42.9 days and, although this is the same as last year, we made enquiries on fewer complaints (25 as opposed to 74). In one complaint the Council took 82 days to reply and in another seven, over 50 days. There were seven complaints where the reply was received between 40 and 50 days after we made enquiries. Delayed responses can add to a complainant's sense of grievance and reflect poorly on the Council.

This average was also affected by the 122 days taken to comment on a complaint against children and family services (although this was a very complex case and subject to discussion with my Investigator throughout), 51 days in an adult services complaint, 72 days in a planning complaint (but again a complex case and one that was being addressed) and excessive times in other complaints.

I appreciate that the Council receives a large number of complaints, but most of the complaints I refer to you have already been through your complaints procedure and a good deal of information should have been collected on them. Nearly four out of ten London Boroughs achieve our target and I see no reason why your Council should not be among them. Please now take steps to ensure that it is.

If it would help for Reynold Stephen to visit the Council to give a presentation about how we investigate complaints I would be happy to arrange this.

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 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.

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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	8	12	10	9	101	32	14	12	9	207
2005 / 2006	3	13	3	8	130	38	9	21	7	232
2004 / 2005	5	11	8	12	138	26	13	21	15	249

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	36	0	0	43	26	16	86	121	207
2005 / 2006	0	49	0	0	63	30	27	76	169	245
2004 / 2005	0	42	0	0	66	37	19	77	164	241

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	60	40.4
2005 / 2006	104	39.3
2004 / 2005	98	51.0

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