



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
the London Borough of Merton
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 Merton 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 84 complaints during the year, a very similar number to those received in the previous year.

Character

The number of complaints about planning and local taxation increased significantly this year but the number of complaints about highways, adult care services, children and family services, education, housing benefit and housing have decreased. Three planning complaints were about development on the same site. We expect numbers of complaints to vary from year to year.

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.

During the year 21 complaints were settled locally and compensation payments totalling £13,945 were made.

Two of these 21 complaints were about adult care services. In one complaint about a failure to support hospital discharge arrangements, the Council agreed to make a payment of £7,795 to reflect care costs that would not have been incurred but for an emergency admission to residential care. This was needed when the discharge arrangements did not materialise. In the other complaint the Council wrote off more than four years' community care charges because of delay in letting the complainant know definitively what he would have to pay. The Council also offered a fresh review of the complainant's needs.

There was one complaint about payment for care. The Council wrongly took the service user's house into account when determining how much she should pay for her care and continued to send out invoices after accepting that a complaint had been made. The Council agreed to amend its invoices so that they appear less threatening and to look at the way it communicates with the public if fees are not paid and there is a dispute.

Two complaints about children and family services were settled locally. In one of these cases the Council agreed to pay £250 legal costs that were directly attributable to delay in providing minutes of the Adoption Panel. In the other case, which was about an adoption allowance and the lack of an assessment of the child's needs, the Council took appropriate action to resolve the complaint and agreed four hours of respite care a week.

The Council agreed to settle four complaints about housing repairs. There was a delay by the Council in taking action in all these cases. Compensation totalling £700 was agreed in three cases and in the fourth case the Council agreed to visit the complainant's property with one of the Commission's officers to determine what work was required.

Four complaints about housing management and tenancy issues were settled by the Council. These cases involved a variety of issues. The Council took appropriate action to resolve these complaints and compensation totalling £1,500 was agreed.

Two complaints about council tax recovery action were settled locally. In one of these the complainant incurred costs which it is likely he could have avoided had there been no shortcomings in the Council's recovery action. The Council agreed to pay £390 (£300 compensation and £90 costs refund) to the complainant. I understand that the Council is going to implement a new council tax system which will have the facility to send documents to more than one address and produce copies of system generated letters and bills. This should help to minimise the possibility of similar complaints being made in the future.

One complaint concerned advice given by two building control officers. The first officer told the complainants that the stairs to their loft conversion would be acceptable with amendments but the second officer disagreed. They also disagreed about a kitchen door. The Council apologised to the complainant and offered to pay £2200 compensation. The Council reviewed training needs and all building control officers now have mobile telephones so that they can call a senior officer if they have any concerns while on site.

One planning complaint was settled by the Council. The Council failed to attach a condition to minimise possible overlooking from a back door and window. The Council agreed to pay £500 compensation to the complainant.

I am grateful to the Council for its help in providing appropriate redress to complainants once it can be shown that things have gone wrong.

I issued no reports against the Council during the year.

Other findings

Eighty-eight complaints were decided during the year. Of these six were outside my jurisdiction for a variety of reasons. Twenty four were premature and, as I mentioned earlier, 21 were settled locally. The remaining 37 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

An education complaint arose from an incident involving the complainant and a school pupil. Complaints about internal school matters are outside my jurisdiction but, as the complainant was not made fully aware of the limits to the Council's powers in such cases, the Commission's officer invited the Council to review its procedures to improve the information it gives to complainants.

I am pleased to note that in a housing benefit case no maladministration was found but the Council agreed to review its determination as a gesture of goodwill.

Your Council's complaints procedure and handling of complaints

The number of premature complaints (24) is broadly in line with national figures but has increased from last year (18). You may wish to review whether the Council's complaints process is sufficiently visible to service users or whether staff, when dealing with requests for assistance, are signposting the complaints process for those who remain unhappy with what the Council has done.

In last year's letter I said:

"I note that complaints can be made via your website, but there is no complaint form on-line so citizens have no guidance as to what information is useful when making a complaint. Nor is there a central address for complaints which means that residents of the Borough have to know which Department is responsible for the service about which they wish to complain. Improvements in these areas could probably reduce the number of cases put prematurely to me."

I am pleased to note that there is now a complaint form on-line so that service users can now make complaints quickly and effectively via the Council's web site. This facility is clearly signposted from the home page and provides an electronic complaint form.

Of the 24 complaints referred back to you as premature, only six were resubmitted to me. Two of these were then settled locally. These figures suggest that when complaints reach the appropriate people in the organisation they work hard to resolve them.

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.

We have not delivered any formal training courses to your Council this year although my investigators and support staff have participated in two informal meetings to discuss complaints handling. I hope this was useful. If we can provide any further training for you please let Barbara Hedley, Assistant Ombudsman, know.

Liaison with the Local Government Ombudsman

We made enquiries on 37 complaints this year, and the average time for responding was 39.2 days, a very small increase on the 39 days it took last year. Our target is 28 days and an increasing number of Councils are achieving it. Last year I said that the Council should take action to improve its response times in the coming months and it is very disappointing that there has been no improvement this year. I have no doubt that response times can be improved so I hope the Council will now take appropriate steps to improve matters.

When responses are received the quality is good and your staff have been willing to deal with subsequent enquiries by email and telephone. This has helped us to reach decisions more quickly than would otherwise be the case.

If it would help for Barbara Hedley to visit the Council to present this letter or 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	1	2	4	2	24	9	24	14	4	84
2005 / 2006	4	5	7	8	24	5	15	4	11	83
2004 / 2005	1	8	2	1	16	8	20	13	7	76

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	21	0	0	18	19	6	24	64	88
2005 / 2006	1	9	0	0	20	19	5	18	54	72
2004 / 2005	0	17	0	0	17	12	10	13	56	69

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	37	39.2
2005 / 2006	45	39.0
2004 / 2005	45	33.0

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