



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
London Borough of Sutton
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

In the year to 31 March 2007 my office received 49 complaints against the Council. This is a significant fall compared to the 63 complaints we received in the previous year and I note that figures for the last few years have consistently been in excess of 60.

Character

The complaints remain evenly spread across the various categories, though I note that complaints about social services matters increased from one to five while highways complaints halved. It is difficult to draw any general conclusions however, given that the numbers in each category are so small.

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.

I am pleased that, once again, I had no cause to issue a report against the Council.

Eleven complaints were remedied by way of a local settlement. Three of these concerned errors and delays in the administration of Council Tax and Council Tax Benefit. In one case, failure to act on notification of a change of address led the Council to take recovery action which could have been avoided if its records had been updated. To remedy the complaint the Council agreed to pay the complainant £422, which represented a refund on the bailiff charges and costs incurred as well as an element in recognition of her time and trouble in pursuing the complaint.

Two complaints concerned housing allocations. In one of these, misleading information on the Council's website led a complainant to believe that he had successfully bid for a Council property when the property had been offered to another applicant. The Council recognised the fact that the information was misleading and has taken steps to address the problem. In addition, it agreed to pay £100 to complainant in recognition of his disappointment.

The remaining six complaints concerned anti-social behaviour, highways, enforcement, planning, school admissions and special educational needs. My investigation of the complaint about school admissions found that the Council's appeal panel had failed to give proper weight to evidence provided by the complainant. As a result, it unreasonably failed to uphold the appeal. Although the Council did not agree with my findings, I am grateful that it accepted my recommendation to admit the complainant's son to the school concerned.

The Council acted very quickly to settle a complaint about anti-social behaviour. The complainant had reported threats to set fire to her home but the Council had failed for two months to offer her assistance with security measures. The Council recognised its fault and offered to settle the complaint in response to my initial enquiries. It subsequently paid £150 to the complainant, which I regarded as a reasonable outcome in the circumstances.

In all, the Council paid compensation totalling £1322 in settlement of these complaints.

Other findings

We made 50 decisions on complaints in 2007/07. In addition to the eleven local settlements set out above, four complaints were outside my jurisdiction, we found no or insufficient evidence of maladministration in 14 and I used my discretion to discontinue the investigation of 11 more. The remaining 10 were referred back to you to be considered through the Council's own complaints procedure.

Your Council's complaints procedure and handling of complaints

As has been the case in recent years, the number of complaints referred back to be considered through your complaints procedure remains relatively small. At 20%, the proportion is significantly below the national figure of 28.2%, and indicates that your complaints procedure continues to be accessible and effective. I appreciate the work you have done this year to update the Council's website and the extra publicity you have given to complaints. The production of a new complaints leaflet is particularly welcome.

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 note that we delivered four courses on complaint handling to your staff in April and May 2006, which I hope they found enjoyable and informative.

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 29 complaints in the last year and. After an improvement in the previous year, the average length of time it took the Council to respond to my enquiries increased to 32.4 days. As you know, we ask that councils try to respond to our initial enquiries with 28 days. While a number of responses were made within this timescale, it is regrettable that most were not. Many of those which exceeded the target concerned planning, highways or anti-social behaviour. I recognise that enquiries about such complaints can ask for a significant amount of information, but I would welcome any action the Council can take to secure an improvement in response times.

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
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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	4	2	1	5	10	7	10	4	0	6	49
2005 / 2006	0	5	0	6	11	9	10	8	1	13	63
2004 / 2005	4	6	2	2	9	15	8	10	0	10	66

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	11	0	0	14	11	4	10	40	50
2005 / 2006	0	8	0	0	15	19	10	13	52	65
2004 / 2005	2	5	0	0	13	15	10	16	45	61

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	29	32.4
2005 / 2006	33	27.9
2004 / 2005	28	32.4

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