



The Commission for  
Local Administration in England

# **The Local Government Ombudsman's Annual Letter London Borough of Waltham Forest 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**

In my letter to you last year I noted that there had been a fall in the number of complaints received against your Council to 161 (from 179 in the previous year). This year there has been a further significant fall to 138.

This year the highest number of complaints fell in the housing category (37). Within this category, 14 complaints were about housing allocation, eight were about repairs, seven were about homelessness, and the rest covered other housing service areas.

Complaints about services provided by the Council's Revenues and Benefits service are those we categorize as benefits (including housing benefit and council tax benefit) and public finance (including council tax). Complaints about housing benefit halved and there was an even greater reduction in the number of complaints we received about council tax. Taken together, complaints about the Revenues and Benefits service reduced from 62 to 25.

In the category now called transport and highways, most of the 20 complaints are about parking enforcement including the issue of penalty charge notices and recovery of unpaid charges. But there were also complaints about highway repairs and management.

Of the complaints about social services, two complaints were about adult care, and 13 were about children and families. Six of the 10 complaints about education concerned school admissions.

In the area of planning and building control I received 12 complaints, all about either planning applications or planning enforcement.

Included in the "other" category were eight complaints about anti-social behaviour.

## **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. This year I issued one report and settled 32 complaints. The remedies for the complainants included payments of compensation totalling in excess of £10,000.

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### **Special educational needs**

I issued one report against your Council, in the area of special educational needs. Among other things, it illustrated some concerns about partnership working with your contractor, EduAction. You have explained that, while your Council accepts my recommendations EduAction does not, and you share some of its concerns. Nevertheless, you are implementing my recommendations, including the compensation payment of £3,250 to the complainant, and have asked EduAction, in the light of the report, to review all alternative education provision for children who are not attending school. In addition, you are reviewing the provisions in the current contract in relation to cooperation with my office. I should welcome an update on your progress in these areas, and on the approach to complaints now being taken by your Council and EduAction (in connection both with the report and complaint I refer to below).

One other special educational needs case was decided as a local settlement. It concerned a primary age child who was placed at a pupil referral unit where the parents alleged he was injured. The matter was not dealt with properly through the complaints procedure, and there were continuing difficulties in identifying a suitable school place for the child. One outcome of this complaint was an agreement that Lifelong Learning and EduAction would review together how to deal with complaints, clarifying the responsibilities of each party.

### **Transport and highways**

Six of the settled complaints were in the category of transport and highways. Three of these were about parking enforcement and all involved a failure to consider properly representations from the complainant, or a loss of correspondence. There was also a complaint about a significant delay in installing a disabled parking bay, a complaint which led the Council to review its procedures in this area and to pay compensation of £500 to reflect the difficulties caused to the complainant's disabled relative.

In a complaint which I did not uphold, I considered that the Council's advice about appeals against penalty charge notices was unduly restrictive. The Council agreed to review the wording of the information it provides, to reflect the guidance provided in our Special Report on Parking Enforcement.

### **Services for children and families**

There were four settlements on complaints about services for children and families, two of which demonstrated significant fault which caused injustice. In one case there was a failure to deal properly with a community care assessment for the complainant's son, who has Down's Syndrome, or to take account of her needs as a carer. The settlement involved compensation of £250 and the completion of the assessment. In another case, you agreed to pay £550 compensation to a foster carer, from whom a child had been removed in an unsatisfactory way.

### **Housing**

Five housing complaints were decided as local settlements. Three of them were about housing allocations, two of which involved allegations of failure to provide appropriate additional preference. They were settled by the offer of a suitable property in one case and a further panel hearing in another. I should be grateful for details of your policy on housing allocations following the review which was undertaken after the court judgement in February 2006.

Two complaints were about problems with tenancy succession. In one case the Council paid compensation for its delay in clarifying the position with the complainant. It also agreed to alter the information on succession on its website.

## **Revenues and benefits**

Five complaints about housing benefit were settled locally. Compensation totalling £1,325 was agreed. The main faults were delay in dealing with a claim and in referring a case to the rent officer; mistakenly cancelling a claim; ignoring letters about errors in a claim; and delay in dealing with an appeal.

Five complaints about council tax were settled, with compensation totalling £1,800. The faults included: unreasonably obtaining liability orders in two cases; a delay in responding to a request for an exemption; referring recovery to bailiffs without allowing the person an opportunity to pay; and using bailiffs after the complainant had moved and no longer had liability. The highest level of compensation, £750, was paid in a case where recovery action had been pursued, including bailiffs, during a period of delay in assessing council tax benefit. Your comments on any lessons for recovery procedures would be welcome.

## **Planning**

In a complaint where it failed to notify the complainant of amended plans to a neighbouring extension, the Council remedied the injustice by paying compensation of £600. In two other complaints the Council paid compensation totalling £400 in connection with faults in its handling of planning enforcement issues. The Council also agreed to review its enforcement procedures, particularly in regard to response times to enquiries, record keeping, cross referencing of enforcement files and handover of work when staff leave the Council. I should be grateful for details of the outcome of that review.

## **Your Council's complaints procedure and handling of complaints**

Your Council has accepted the need for improvement in the complaints' handling arrangements for education complaints, defining clearly the role of EduAction in relation to the Council's complaints' procedure.

In other respects, the complaints procedure would appear to be working satisfactorily, and I welcome the additional resources which have been made available to deal with this area of work. The decrease in the number of complaints referred to me may indicate an improved capacity by your Council to deal with matters through the complaints procedure.

During the year my office referred 33 complaints back to the Council to be dealt with under its complaints procedure. At 23% of all complaints we received, this is less than the average for all authorities (28%).

We decided eight complaints which had previously been referred back to the Council but where the complainants resubmitted them to us. I did not uphold five of them. The other three were decided as local settlements and are referred to above.

## **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.

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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 run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

I am delighted that your Council has taken up these training opportunities. Seven sessions on effective complaint handling were provided between September and November 2006, attended by a wide cross section of staff from different Council departments. I hope the training has been useful. It may even have contributed to the reduction in the number of complaints which I have received this year.

### **Liaison with the Local Government Ombudsman**

I was pleased to attend the Governance Committee in September to present last year's annual letter. At that meeting I learned that the Council takes complaints handling very seriously and would be looking at further improvement.

The average time taken by the Council to respond to our written enquiries has improved considerably, from 34.7 days in 2005/2006 to just under 25 days this year. This is comfortably within the target timescale of 28 days which I set.

I should like to thank your staff in the complaints team for their help during the year. Generally, the liaison with my staff has been good and the general standard of response has been satisfactory or better. Your complaints team has been consistently helpful and there is an effective working relationship with my office.

In June last year two of my officers attended a meeting with your Revenues and Benefits team to learn about their plans for developing and improving the service. If complaints to my office are anything to go by, some of those improvements may already have achieved.

### **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.

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## **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. In terms of complaints to my office the picture is an encouraging one: the number of complaints received has decreased for the second year running and your response times have improved considerably. I have referred above to some remaining areas of concern in the area of complaints handling and I look forward to receiving your further comments.

I should like to take this opportunity to thank you and your staff for your cooperation and help in dealing with complaints this year.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> floor, Millbank Tower**  
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**June 2007**

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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	2	15	13	10	37	19	12	10	20	<b>138</b>
<b>2005 / 2006</b>	3	33	9	16	33	14	10	29	13	<b>160</b>
<b>2004 / 2005</b>	3	42	8	2	46	24	10	27	17	<b>179</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	1	32	0	0	39	18	21	33	111	<b>144</b>
<b>2005 / 2006</b>	2	36	0	0	39	34	31	34	142	<b>176</b>
<b>2004 / 2005</b>	1	48	0	0	26	33	35	39	143	<b>182</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	59	24.4
<b>2005 / 2006</b>	78	34.7
<b>2004 / 2005</b>	76	29.1

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
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