

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
London Borough of Camden  
for the year ended  
31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about the London Borough of Camden. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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. I am pleased to see that last year's letter was provided to the Council's Executive and has also been made available on your website.

Two attachments 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 2007/08 I received 189 complaints against your Council, 23 fewer than the previous year and continuing the downward trend of recent years. The breakdown of complaints into main subject areas has remained stable.

There was a fall of around 18% in housing complaints although, as in previous years, these comprised around four in ten of complaints received. Housing repairs remained the main focus with 31 complaints, similar to the year before (but representing a higher proportion of the overall total). There were 17 complaints about housing sales/leaseholds and 13 relating to managing tenancies. Both these figures were slightly lower than in 2006/07. There were also falls in complaints about housing allocations (from 17 to 11) and homelessness (from 11 to 5).

There were 44 transport and highways complaints. As in previous years, the vast majority concerned parking.

Planning and building control complaints rose from 12 to 18. All but three of these were about planning applications.

Within our 'Other' category, 14 of the 30 complaints concerned antisocial behaviour. Other main areas of complaint were environmental health (8) and children and family services (5).

## **Decisions on complaints**

I made 194 decisions on complaints against your Council last year.

### ***Reports and local settlements***

None of the complaints we investigated this year justified the issue of a report.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). With your Council I agreed 44 local settlements, which was a local settlement rate of 36%. The number was less than in the previous year, and the proportion was less also. Last year I expressed concern about the increasing proportion of such findings. I am pleased that the proportion of local settlements has declined, but it nevertheless continues to be more common than normal for me to recommend action to remedy a complaint against your Council than for councils generally.

Action taken by the Council to remedy injustice as part of local settlements included the payment of approximately £8,000 compensation. This is significantly less than in the previous year. As part of the settlement, the Council also agreed to review procedures and put in place additional training for staff. It has also apologised for failings.

In last year's Annual Letter I expressed concern about a rise from four to 14 in the number of settlements related to housing repairs, and I said that I would monitor the situation. In 2007/08 the Council settled 17 complaints relating to problems with repairs to its own housing stock, so the number has risen further. In one case the Council took over three years to deal with drainage problems and in another it took a year to repair a faulty boiler which left the complainant with an interrupted heating and hot water supply. Many of the other cases concerned leaks, drainage and plumbing issues. Delay in responding to reported problems represented a recurring theme. I note that the Council's housing performance was found by the Audit Commission in its last audit letter to have deteriorated. No improvement in housing repairs has been evident to me. I would encourage the Council to explore action to improve performance. I will, of course, continue to monitor matters closely.

There were eight transport and highways local settlements, all relating to parking. In three cases the Council either had not properly considered representations put forward by the complainants against the issue of a Penalty Charge Notice (PCN), or could not show it had done so. In one case this meant it proceeded with enforcement action against the complainant. To settle the complaints the Council agreed to refund charges for some of the PCNs and also make a payment for distress caused by the enforcement issue. I welcome its agreement in future to make specific reference to how mitigating circumstances have been taken into account in deciding whether to pursue a penalty.

There were a variety of other settlements. In a children, schools and families services complaint the complainant was deaf and had difficulty in understanding written English. This caused problems in providing her with an agreed record of the complaint she wished to progress through the statutory social services complaints procedure. Following my intervention the Council agreed to provide a signed summary of the complaint on a DVD. I very much welcome the Council's agreement to resolve the matter in this way.

In a leaseholder case the Council delayed in providing information to a leaseholder about charges being made under their lease. While the level of charges is a matter for the Leasehold Valuation Tribunal, unless proper information is provided to a leaseholder they cannot reasonably consider whether they have good grounds for appeal. In this case I was pleased the Council agreed to provide the information and to pay the complainant compensation to reflect their time and trouble in pursuing the matter.

Finally, in another case there was delay by the Council in carrying out works to allow a disabled complainant easy access to a property she had rented. Initial confusion arose because the Council was the freeholder of the block of flats, but she rented privately from a leaseholder and so it had no direct relationship with her. But the works were for her benefit and could be carried out by the Council following an Occupational Therapy assessment. The Council accepted that matters should have been better handled at the outset and, as well as agreeing compensation, said it would ensure training is provided to relevant staff on addressing the needs of disabled residents.

### ***Other findings***

Of the other findings I made last year, 38 were that there was no or insufficient evidence of fault by the Council to warrant my involvement. This was two more than in the previous year. In 41 cases, the same as the previous year, I used my discretion to discontinue the investigation. This was generally because there was insufficient injustice to the complainant to justify pursuing matters.

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In one case relating to a request from a leaseholder for consent to extend and alter their flat I did not find fault by the Council. But I did conclude the Council could clarify its procedures for dealing with such disputes. The Council did not have a formal procedure for dealing with appeals against refusal of consent, but instead addressed such issues through the complaints process. I suggested the Council clarify the position, and made clear that those dissatisfied with its decision could ultimately approach the courts. I would be grateful if you could let me know what action has been taken in response to this suggestion.

In another case, involving a case conference for children on the child protection register, I did not pursue the complaint because the children were removed from the register and the Council was putting the complaint through the complaints procedure. However, the complaint did appear to reveal a lack of linkage between the London Wide Child Protection Procedure and the complaints procedure. I suggested the Council might wish to review its procedures for dealing with complaints where this was the case and would be interested to learn of any improvements that have been made.

I concluded that 33 cases were outside my jurisdiction, a third less than the year before. In almost all cases this was because the complainant had an alternative means of resolving their complaint which I considered it reasonable for them use.

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

38 complaints were referred back to your Council because it had not been given a reasonable opportunity to deal with them before they came to me. This was fewer than in 2006/07 and continues a downward trend. In ten of these cases the complainant remained dissatisfied once the Council had completed its investigation and referred the matter back to me. In one case I agreed a local settlement. Two cases were still open at the end of the year.

I know the Council is now trialling different response styles for decision letters at Stage 3 of its complaints process and I am pleased the Council agreed to ask for feedback on these through its customer satisfaction form. I understand that feedback to date has been limited, but would be interested to learn more when further information is available.

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

As you know I ask councils to respond to my inquiries within 28 calendar days. Last year the Council's average time was 29.8 days. This is slightly outside my target, but is also a slight improvement on the previous year's figure of 31.6 days.

Responses on a number of housing complaints took significantly longer. One took 71 days. Housing complaints are the most numerous so if the Council was able to improve performance in this area it would meet my target in the coming year.

I note that many positive comments have been made by my staff about the assistance provided both by the Central Complaints Unit and other council officers. I also note quick responses to my settlement proposals and a proactive attitude by your staff to resolving matters. I would like to take this opportunity to commend those involved.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

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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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

### **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.

**Tony Redmond**  
**Local Government Ombudsman**  
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**Millbank**  
**London**  
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**June 2008**

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>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	1	1	5	1	77	30	18	12	0	44	<b>189</b>
<b>2006 / 2007</b>	4	2	11	2	94	33	12	8	0	46	<b>212</b>
<b>2005 / 2006</b>	5	6	5	9	90	26	20	11	1	49	<b>222</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>01/04/2007 - 31/03/2008</b>	0	44	0	0	38	41	33	38	156	<b>194</b>
<b>2006 / 2007</b>	0	58	0	0	36	41	49	44	184	<b>228</b>
<b>2005 / 2006</b>	0	49	0	0	36	49	41	52	175	<b>227</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>01/04/2007 - 31/03/2008</b>	48	29.8
<b>2006 / 2007</b>	86	31.6
<b>2005 / 2006</b>	86	31.8

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0