

Local Government
OMBUDSMAN

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

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

Volume

Last year we received 170 complains against your Council. This was a significant increase on the figure for 2006/7 (123) and for 2005/6 (108).

Character

There were higher levels of complaints in a number of categories. In 2007/8 we received ten complaints about adult care services, compared to three in 2006/7. We received 25 complaints about benefits, up from 14 in 2006/7. Complaints about housing increased from 26 to 34 and those about public finance from 25 to 39. Complaints in other categories remained fairly similar to the figures in previous years. Longer term trends show that it is in the areas of benefits and public finance where complaints have increased most sharply over the past three years. Together these complaints accounted for 38% of all the complaints we received against your Council.

Decisions on complaints

Reports and local settlements

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 2007/8 the Local Government Ombudsmen determined some 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). When we completed an investigation we issued a report. I issued one report against your Council in 2007/8.

In that complaint there were two years delay by the Council in recognising that a development next to the complainant's home required planning permission. This caused her to commence costly party wall proceedings which may not have been necessary if the Council had acted in a timely way. The Council paid a total of £6268 to remedy this complaint.

The Council agreed to settle five complains relating to Housing Benefit. In two cases the Council delayed in completing a review of its decision, leading to uncertainty on the part of the complainant and delay in being able to make an appeal. In one case the delay amounted to 18 months. In another case there were errors in the calculation of benefits, leading to an underpayment. In all I recommended that the Council should pay compensation of £950 in these complaints.

In seven cases the Council agreed to settle complaints about public finance. In one case the Council sent the complainant a bill for Council Tax on a property he had never owned, despite being previously informed that this was the case. I recommended a time and trouble payment in this case. In another, the Council failed to reply to the complainant's letters asking why the Council was recovering Council Tax arrears. Here the Council agreed to pay compensation to offset the arrears and write off

the court costs. In my view the Council could have resolved this matter itself if it had dealt properly with the complainant's letters. In another case the Council did not share information between its student support and Council Tax sections and wrongly pursued the complainant for unpaid Council Tax from which he was exempt. In addition to paying compensation the Council agreed to review its procedures. The Council paid a total of almost £1000 in compensation for these complaints.

The Council agreed to settle a number of complaints related to housing. In one case the Council failed adequately to consider an application for rehousing, lost the complainant's homelessness file and failed to tell him the results of medical priority assessments. It also failed to carry out repairs. The Council agreed to carry out the repairs, review its medical priority procedures and pay the complainant £1,000. In another case the Council left a disabled tenant with four children without a gas supply for eight days when moving to a new tenancy. The Council agreed to pay £200 to be offset against rechargeable works to the property.

The Council settled one case where a young person was due to be released early from prison, but the Council failed to arrange a release placement, which meant that the complainant spent an extra month in prison. There was then unacceptable delay in progressing the matter through the social services complaints procedure. The Council had already agreed to offer the complainant some compensation but as a result of my intervention this was increased to £1000.

In other cases I considered it sufficient for the Council to remedy complaints by taking action. In one case it withdrew school transport for the complainant's child as a result of an error. The Council rectified its error promptly and reinstated transport. In another case the Council refused to provide a wheeled refuse bin free of charge, even though it had done so to other residents in the street. The Council rectified this by providing a free bin promptly.

The Council paid a total of £11,051.30 in compensation as well as writing of court and other recovery costs.

Other findings

In 31 cases I found no or insufficient evidence of maladministration, and a further 35 complaints were outside my jurisdiction. I exercised discretion not to investigate in 18 cases, generally because there was insufficient evidence that the complainant had suffered injustice.

Your Council's complaints procedure and handling of complaints

In 2007/8 I determined 51 premature complaints, just under one-third of the total I received. This is a significant increase on the figure for previous years, which was around 20%. Ten of these complaints were resubmitted to me for investigation. In three cases the Council agreed to settle the complaint, which I would have expected the Council would do when I referred the complaints back to it. Two cases are still open and I discontinued my investigation into the remaining complaints. I am aware that the Council is making changes to its complaints procedure and I hope that the accompanying publicity will make it more visible to residents in order to reduce the number of premature complaints received in this office.

Liaison with the Local Government Ombudsman

Enquiries were made on 70 complaints in 2007/8. Your Council's response times averaged 44.6 days to respond, against the target of 28 days. The only area of my work in which the Council met our target was Transport and Highways. In my annual letter for 2006/7 I said that the position for that year was unsatisfactory and called on the Council to make improvements in 2007/8. However, the Council's response times worsened significantly in 2007/8, which is very disappointing. I shall highlight the scale of the problem.

In Adult Care Services the average response time was 54.7 days, and the Council took 83 days to

reply to one complaint and 78 days to another. In Benefits the average response time was 43.3 days and the longest was 57 days. In Children and Family Services the average was 54.3 days, and in Education the average was 35.7 days, but in one case it took the Council 63 days to reply. In Planning and Building Control the average was 62.4 days, with two complaints where the Council took 93 and 92 days and a further two where it took over 70 days. In Public Finance the average response time was 38.8 days, but this masks complaints where the Council took 79 and 60 days, with a further five complaints over 50 days. Finally, I received two complaints about consumer affairs. The Council's response times were 65 and 126 days respectively.

One of the Commission's business goals is to provide our complainants with a service that meets their reasonable needs and expectations. One of our complainants' reasonable expectations is that we deal with their complaints in a timely way, which depends on councils meeting the targets we set them for response. These delays by your Council in 2007/8 mean that we have not been able to provide our complainants with an acceptable level of service. And they can only reinforce the sense of frustration that complainants feel as a result of their experiences at the hands of your Council.

I know, having met with you in May 2008, that these problems are giving you cause for concern and that you are taking a close personal interest in how the Council as a whole is responding to complaints. The Council has recently outlined its proposals to reorganise its complaints procedure and monitor response times for internal complaints, as well as complaints to me. I very much welcome these proposals and I hope they will ensure improvements in response times in the year to come.

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.

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. I am pleased to note that your Council has booked a number of courses for 2008/9.

LGO developments

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'. 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.

**J R White
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June 2008

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	Transport and highways	Total
01/04/2007 - 31/03/2008	10	25	5	8	34	18	17	39	14	170
2006 / 2007	3	14	5	9	26	15	15	25	11	123
2005 / 2006	8	8	7	7	31	10	10	16	11	108

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
01/04/2007 - 31/03/2008	1	23	0	0	31	18	35	51	108	159
2006 / 2007	2	25	0	0	29	22	27	23	105	128
2005 / 2006	0	19	0	0	23	13	20	19	75	94

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
01/04/2007 - 31/03/2008	70	44.6
2006 / 2007	64	37.4
2005 / 2006	39	33.9

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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