

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
the London Borough of
Hammersmith and Fulham
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 Hammersmith and Fulham. 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

We received 85 complaints against your Council in 2007/08 which is almost exactly the same as last year when we received 86 complaints. I would be interested to know if the number of complaints the Council has dealt with under its corporate complaints procedure are similar to last year, or whether it is simply the case that the number of complaints which escalate to me remain the same irrespective of fluctuations in the numbers dealt with locally.

Character

As in previous years, housing complaints account for just over half of all the complaints we received. This is in keeping with other London Boroughs where the demand for affordable housing far outstrips the available supply.

The next largest subject category is Transport and Highways (11) which includes complaints made about Penalty Charge Notices. Thereafter there are small numbers of complaints made about Social Services for both children and families as well as adults, the administration of Benefits, Education, Local Taxation, and Planning and Building Control. Of the miscellaneous complaints categorised as 'Other' (eight) in the accompanying statistics, four of these were about the Council's investigation of reported incidents of anti-social behaviour.

Decisions on complaints

We reached a decision on 72 complaints this year. Of these, we found that 16 complaints were premature which means the Council had not yet had a reasonable opportunity to investigate and reply to them and so we referred them to the Council to be put through its complaints procedure in the first instance. Of the remaining 56 complaints, 11 complaints were outside our jurisdiction. Of the decisions we made on the 45 complaints we accepted for investigation, we found no evidence of administrative fault in 22 cases, felt that there was insufficient evidence of injustice to merit our involvement in seven cases, and upheld the remaining 16.

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 2007/08 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).

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None of the complaints we investigated this year justified the issue of a report. We agreed a local settlement of 16 complaints (just over one third of all the decisions made on complaints that were accepted for investigation). That figure exceeds the national average of 27% for all authorities but it is broadly similar to last year's settlement rate for your Council (36%). The total amount of compensation paid by the Council to settle these complaints was £6,739. That is a considerable reduction from last year's figure of £31,836 when substantial compensation payments were made to settle two complaints about adult care services.

It is also worth noting that some complaints were settled without the payment of compensation as it was not merited. In these cases, the Council agreed to take specific action to deal with outstanding issues or it offered to write off costs and/or charges.

Ten of the 16 complaints we settled were about housing issues. Five of these were made by Council tenants who complained about housing repairs. The issues covered unreasonable delay in carrying out repairs, contractors failing to attend appointments to carry out works and a failure to honour previous undertakings given to the Ombudsman to ensure repairs would be completed. In these cases the tenants experienced some inconvenience and had to live for longer than was necessary in unsatisfactory housing conditions.

Of the remaining complaints about housing, we found that the Council had delayed unreasonably in providing someone with a decision on their application for help with housing as they considered themselves to be homeless and in priority need.

We also dealt with a complaint from a housing applicant who had had an offer of a property withdrawn two days before they were due to move when it became clear that they had incorrectly been given a higher priority than they should have been due to a computer error. This undoubtedly caused the complainant a great deal of upset but it would not have been appropriate for the move to be sanctioned ahead of those with a more pressing need for housing. In the event the Council apologised unreservedly and paid £500 in compensation. It also took steps to contact a large number of other people who had mistakenly been informed their priority for housing was higher than it should have been.

Although we received only five complaints about the Council's administration of claims for Housing Benefit and Council Tax Benefit, we agreed local settlements in two of these cases. In one case there was an excessive delay in referring an appeal to the Appeals Service due to an ongoing fraud investigation. In the other there was a failure to process a claim for backdated Housing Benefit. In both cases the complainants incurred rent arrears due to the delays.

Your Council's complaints procedure and handling of complaints

My investigators have commented positively about the readiness of many Council Officers to accept fault when things have gone wrong and to make constructive proposals for a local settlement in order to quickly resolve the complaint. Where we have not been able to reach an agreement on the appropriate level of compensation, Officers have kept an open mind and been willing to reconsider enhanced payments when we have requested them. Investigators have also noted the Council's pro-active willingness to offer a settlement when it first responds to our initial enquiries on a complaint. I welcome this.

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Liaison with the Local Government Ombudsman

Your average time for responding to our first enquiries on complaints was just under 27 days which betters our target timescale of 28 days. In the previous two years the Council has also managed to meet our target in keeping with 45% of all London Boroughs. The priority the Council affords to producing timely responses to our enquiries is welcomed as it undoubtedly enables us to provide faster decisions for those who raise a concern with us.

One of my investigators met your Corporate Complaints Officer shortly after he took up his post with the Council. I hope he found the meeting useful and that it gave him some insights into our working practices and our expectations of councils.

Your Corporate Complaints Officer has been piloting a new pro forma for Council officers to use when they prepare responses to our enquiry letters. The feedback from my investigators is that this template is useful and it should lead to further improvements in the quality and comprehensiveness of responses. I hope that this will reduce the need for us to make further enquiries on complaints where we need to seek clarification on certain issues which are unclear.

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.

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. Again 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.

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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
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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	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	3	4	2	5	45	8	5	2	0	11	85
2006 / 2007	2	9	4	2	43	11	1	5	0	9	86
2005 / 2006	5	5	6	7	35	16	7	8	1	13	103

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	0	16	0	0	22	7	11	16	56	72
2006 / 2007	0	22	0	0	29	10	18	24	79	103
2005 / 2006	0	21	0	0	24	10	18	23	73	96

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	43	26.7
2006 / 2007	47	27.6
2005 / 2006	45	25.6

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