

Local Government OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

Lambeth Council

**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 Lambeth Council. 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 366 complaints against your Council during the year, 74 fewer than last year. At almost 17%, this represents a significant decrease.

Character

The reduction was particularly evident in complaints about benefits, housing and public finance, 43%, 20% and 65% fewer respectively. We received five complaints about education, four fewer than last year. We received three times as many complaints about transport and highways (54 compared to 18 in 2006/2007). This is no doubt due to public awareness of the right to complain, in some circumstances, about Penalty Charge Notices. We received nine complaints about adult care services, an increase of three on 2006/2007. We also received a higher number of complaints in the area of children and family services compared to last year: 13 compared to six in 2006/2007.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this year.

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 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).

Your Council settled 135 complaints last year and compensation totalling £61,303 was paid. Although they covered most service areas, housing was the dominant area.

Forty-eight housing repair complaints were settled locally. I welcome the Council's co-operation in agreeing what I consider to be fair and proportionate remedies in these cases. In one case where the Council's delays meant that the complainant was living in unsuitable accommodation the Council agreed to pay £3,000 compensation plus a further £200 per month from 1 May 2007 until suitable accommodation was provided. In that case my officers had difficulty in obtaining relevant records from the Council. A threat of subpoena had to be made in another case before a response was provided to my enquiries and when that response was provided it lacked detail. Compensation of £1,200 was agreed in that case. I am pleased to say that the quality of the Council's responses to

repairs complaints has improved in recent months.

In another case there was a two-year delay in bringing a property into repair and the family had to live apart due to conditions at the property. The Council's overall approach was ineffective and there was a failure to provide a point of contact for the complainant. The Council agreed to pay £4,000 compensation. In a case about a housing transfer, the Council agreed to pay £3,000 for the complainant's poor living conditions and time and trouble pursuing the complaint to replace a drainpipe and redecorate the living room.

A recurrent theme in housing repair cases was a failure to identify the cause of leaks and dampness in complainants' homes. For example in one case there was a one-year delay in taking reasonable action to find the source of a leak into the complainant's living room. The Council agreed to take action to find the source of the leak, pay £1,000 compensation plus a further £25 per month after three months until the problem was resolved.

In some cases complainants contacted us because the Council had failed to carry out actions it had previously agreed. In one example the complainant contacted me again because the Council had not carried out repairs or paid the compensation agreed after a previous complaint had been made. The Council paid increased compensation of £1,200 and carried out repairs.

In another housing case the complainant had exercised his Right to Buy. He had been wrongly advised by the Council that the roof space formed part of his property and was misinformed about the relevant policies for carrying out a roof space conversion. As a result the complainant incurred abortive planning costs and consultancy fees. The Council agreed to reimburse these costs which amounted to some £3,500 and agreed a further £2,500 to take account of the complainant's lost opportunity and time and trouble.

In a complaint about antisocial behaviour the Council failed to carry out a proper investigation into allegations of noise nuisance, rejecting the complainant's statement that she shared the party wall with a neighbour. In order to establish the true position my investigator visited the site and it was apparent that the two properties did have a wall in common. This was a remarkable failure to establish a basic fact critical to any proper noise nuisance investigation. The Council undertook to carry out a prompt and proper investigation of the allegations, and to pay compensation of £500.

In a second complaint about antisocial behaviour the complainants had been advised by the police that it was unsafe for them to remain in their family home because they were in danger from local youths. The Council recognised that the family was homeless but failed to arrange the provision of temporary accommodation. Members of the complainants' family had to rely on help from friends and relatives for the first six nights and for two nights the complainant had to sleep rough. In my view the Council let this family down at a time of great distress. It agreed to my suggestion that £2,000 compensation should be paid.

One complaint about children and family services was from the father of a teenager who has Downs Syndrome and who was assessed as requiring 15 hours' care per week. The Council was unable to say how the figure of 15 hours per week had been arrived at. The complaint was considered by the Council at all three stages of the complaints procedure, a process which had taken some eight months. At stage three it was noted that, on the question of how 15 hours per week had been arrived at, "the files were silent". The Council had however made no move to put matters right and so the complainant referred his complaint to me. The Council agreed to reassess the complainant's son's needs and he was subsequently assessed as requiring 35 hours care per week. This complaint demonstrates shortcomings in the complaints procedure. It should have been apparent, as soon as the complaint had been made, that there was no basis for the figure of 15 hours, and this should have triggered some action on the Council's part. However the complainant was put to time and trouble in having to exhaust the Council's complaints procedure, and then having to complain to me, before the Council took any action to resolve the complaint. The Council agreed to backdate the needs assessment, it apologised to the complainant and paid £250 compensation.

Other findings

Ninety-one complaints were treated as premature and referred back to your Council so that they could first be considered through the Council's complaints procedure.

In a further 70 cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 131 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Last year I drew to your attention that the percentage of complaints against your Council which we treated as premature was, at 32%, higher than the national average (which now stands at 27%). In the year 2007/2008 the percentage of premature complaints has reduced very significantly to 21%. This is a considerable achievement which is no doubt due to the concerted efforts of the complaints unit.

Thirty-two complaints that had been determined as premature were resubmitted. Six of these resulted in local settlements, four were outside my jurisdiction, five were still under consideration at the end of the year, and the remaining 17 were not pursued either because no evidence of maladministration was seen or because it was decided not to pursue them for other reasons. The number resubmitted which were then upheld by my office may indicate that further work is needed to ensure that issues are effectively challenged by the corporate complaints team and dealt with constructively even when they differ from the departmental position already adopted.

Liaison with the Local Government Ombudsman

Enquiries were made on 161 complaints during the year. Your Council's average response time of just over 40 days, while a significant improvement on the previous year's figure of just over 56 days, remains well outside the target timescale of 28 days. The 28 day timescale was achieved in just 73 cases, less than half of the total, and in five cases it took 14 weeks or more before the response was received. However I am aware that the staff within the complaints unit are working hard to address this issue and I am hopeful that a much better performance will be recorded next year.

The quality of responses is generally satisfactory although comments tend to be brief and on occasions require further enquiries. My officers have commented favourably on the work carried out by staff within the corporate complaints unit who have the difficult task of obtaining all the necessary information from the various departments, then putting this into an appropriate format and sending it to me. I recognise that this is not an easy task where officers are working in a difficult and stressful environment and I am grateful for the contribution of all those involved.

My Assistant Ombudsman, Mrs Hedley, was pleased to have had the opportunity to meet officers and some of the senior housing staff involved in dealing with complaints during a visit to your office last November. It was helpful to be so fully briefed about the organisational and service delivery changes that are underway. It was apparent that the Council has determined to improve its relationship with its service users as well as its performance in complaint handling. My staff would be pleased to offer assistance where appropriate as the new arrangements bed down.

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, have 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'. 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.

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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	9	33	13	5	177	37	14	24	0	54	366
2006 / 2007	6	58	6	9	221	43	10	69	0	18	440
2005 / 2006	10	65	4	11	176	38	5	63	3	36	411

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	135	0	0	75	55	70	91	335	426
2006 / 2007	1	121	0	0	72	36	46	132	276	408
2005 / 2006	2	110	0	0	65	30	48	161	255	416

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	161	40.6
2006 / 2007	206	56.2
2005 / 2006	147	40.7

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