

Local Government
OMBUDSMAN

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

**London Borough of Lewisham
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 Lewisham. 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

In 2007-8 we received 186 complaints against your Council, a reduction of 19 over the figure for 2006-7. This continues the downward trend since 2004 in incoming complaints on which I commented in my annual letter last year.

Character

In 2007-8 over half the complaints we received (97) were about housing, a very similar figure to that of the previous year. We received slightly higher numbers of complaints in planning and building control and public finance, and slightly lower numbers in other service areas, but not more than 20 in any case. We expect to see fluctuations of this kind from year to year and I do not draw any conclusions from them.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. In 2007-8 I issued no reports against your Council.

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). In 2007-8 your Council agreed to settle 24 complaints and I was pleased to see the proactive approach your officers adopted in some of these cases. Your Council paid a total of £10,159 in compensation in 2007-08.

In one case the Council delayed in investigating a complaint about what happened when the complainant's son was in respite care, and in implementing the recommendations of the investigating officer, and failed to provide services for him for over a year. Council officers took part in two round table meetings with my investigator to establish a way forward and agreed to pay the complainant £250 and provide a range of services for her son.

In another case the Council used an independent investigator to investigate a complaint about delay in assessing a homelessness application. Although the investigator judged that the application would almost certainly have been rejected, the Council agreed to give the complainant exceptional priority and a better chance of an early offer of housing than she would otherwise have had.

In another housing allocations complaint the Council failed to move the complainant into a higher priority band after the birth of her baby. There was a delay of five months during which she was unable to apply for properties. The Council apologised and agreed to pay £500 in compensation.

In a housing repairs complaint the Council delayed in carrying out structural work it had agreed to do. In response to my enquiries it apologised, engaged contractors and proactively offered reasonable compensation of £1500. In another case a Council contractor failed to repair a water pipe correctly, which caused flooding to the complainant's property. The contractor had by this time gone into liquidation and the Council apologised and paid £1250, as the complainant could no longer claim against the contractor. In another complaint, the Council delayed in dealing with repairs to the complainant's home following work under a group repair scheme. To settle the complaint the Council agreed to carry out the repairs and pay the complainant £3000 for loss of amenity for three years. In another case, there was a delay in repairing the complainant's heating system, and the Council agreed to inspect it, carry out repairs and pay the complainant £500 for loss of amenity. Finally, I received a complaint that the Council had failed to carry out repairs to cracks caused by subsidence and damp, which meant that one room in the property could not be used. The Council agreed to reimburse a proportion of the rent to compensate for this loss of amenity and paid the complainant £1038.

In a complaint about anti-social behaviour the Council failed to deal promptly with complaints of racial abuse and noise nuisance. It settled the complaint by paying £500 and awarding the complainant priority for a transfer. In another complaint my investigator identified a delay in dealing with an application for homelessness. In addition to paying compensation to the complainant of £50, the Council realised that there was a backlog and appointed a team of contractors to deal with it.

Other findings

In addition to the 24 local settlements, I found no or insufficient evidence of maladministration by the Council in 38 cases, and I exercised discretion to discontinue my investigation in a further 18 complaints. Twenty-eight complaints were outside my jurisdiction and a further 81 were premature.

Your Council's complaints procedure and handling of complaints

The high number of premature complaints (42.5% of the total we received) was quite similar to last year, but considerably higher than the average of 27% for all councils. In my annual letter for 2006-7 I said it was difficult to establish the reasons for this, because the Council's complaints procedure is well signposted on its website. But there may be other steps the Council can take to publicise it more vigorously for citizens who do not have internet access. I look forward to a reduction in the proportion of premature complaints from your Council in 2008-9.

When I refer a complaint back to a council as premature, complainants who remain dissatisfied can resubmit their complaints to me. In 2007-8 30 complaints were resubmitted (up from 19 in 2006-7), half of which related to housing. Four complaints resulted in local settlements, in 12 cases I found no evidence of maladministration, in six cases I exercised discretion to discontinue my investigation and two were outside my jurisdiction. Six complaints are still open.

Liaison with the Local Government Ombudsman

When we make enquiries of councils we request a reply within 28 days, so that we can provide a timely service to our complainants. We made enquiries of your Council on 71 complaints in 2007-8 and the average response time was 42.3 days, slightly higher than in the two previous years. This is a point I commented on in my letter for 2006-7 and it is disappointing that the Council has not been able to reduce the time it takes to respond. This average time masks some very lengthy delays in providing a response and you may find it helpful in addressing this point if I provide greater analysis.

The success story here was Education, where the average time to respond was 15 days and the Council easily met the 28 day target in all five cases. Perhaps there are lessons here for other service areas. Numbers of complaints were small in Adult Care services and Children and Family services

(four) but the average response time was 52.5 days, with one complaint where the Council took 83 days to reply. In benefits the average time was 35.3 days, although the Council would have met the target but for one complaint on which it took 75 days to reply. In Housing we received replies on 29 complaints, with an average of 48.7 days to reply. But in one case the Council took 119 days, in another 91 and in a third 87 days. The Council took over 70 days to reply in a further four cases and between 60 and 70 days in another four cases. In planning and building control the average response time was 36.3 days for 11 complaints, but this figure is distorted by one complaint where the Council took 90 days to reply. In transport and highways the average time was 38 days and in public finance it was 34.3 days. But we received seven complaints about anti-social behaviour and in one case the Council took 101 days to reply and in another 74 days. These complaints have been through the Council's complaints procedure and the information my investigators require should be readily available. So I hope that the Council will make a real effort in 2008-9 to improve its response times here.

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

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.

**J R White
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18 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	4	9	3	8	97	25	18	17	6	187
2006 / 2007	7	12	9	10	99	32	15	12	9	205
2005 / 2006	3	13	3	8	130	38	9	21	7	232

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	24	0	0	39	18	28	81	109	190
2006 / 2007	0	35	0	0	43	26	16	86	120	206
2005 / 2006	0	49	0	0	63	30	27	76	169	245

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	72	42.0
2006 / 2007	60	40.6
2005 / 2006	104	39.3

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