

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

Seventy-nine complaints were received against your Council this year, five fewer than last year. We expect to see these fluctuations year on year.

Character

We received 19 complaints about housing, 14 about planning and building control (a marked reduction on the previous year), 10 about public finance, seven about transport and highways, six about benefits, five each about adult care services, children and family services and education and eight about other matters.

Decisions on complaints

Reports and local settlements

When we need to complete an investigation we issue a report. I issued a report on three complaints about the same enforcement matter this year.

The Council had accepted inaccurate site plans and later delayed in taking enforcement action when it was established that the building varied significantly from the approved plans. The complainants reported statutory noise nuisance during construction but there was a delay in referring this element of the complaint to environmental health. The Council's response to the formal complaints was poor and slow. To remedy the injustice caused the Council accepted my recommendations that it should apologise, review its enforcement and complaint handling functions and make compensation payments to the three complainants of £1,250, £1,000 and £250, a total payment of £2,500.

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).

Nineteen complaints were settled locally, and compensation totalling £17,725 (excluding the financial remedy agreed for the report) was paid. I have highlighted those that I consider to be the most significant.

Three complaints concerned children and family services. In the first, the Council gave a complainant misleading information about his birth family. The Council paid compensation of £2,000 to refund fees and counselling costs incurred as a result of the errors.

In the second complaint, concerning a young person who had been voluntarily accommodated, the

Council failed to conduct a core assessment with the result that planning and decision-making was not well informed or clear. It can never be known whether or not other services to meet his needs might have been identified but the Council also failed to make a referral to a service which it had identified. The young person's mother experienced anxiety, distress and frustration. The Council apologised and made her a payment of £1,000.

The final complaint in this group resulted from the Council's failure to provide services and support to a child and his parents which was remedied by the Council making a payment in compensation totalling £5,200.

In addition to the report I issued on enforcement matters, a further two complaints about another enforcement issue, where delay in taking action featured, were settled locally. The Council made improvements in communication with the complainants and a payment of £500 to each. A third complaint was about delay in taking action against unauthorised use of a car park at licensed premises over a four year period. The Council agreed a compensation payment of £1,000. I am pleased to note that the Council has now established an enforcement review group which meets monthly to consider cases and I hope this will prove beneficial in future.

Three complaints about housing benefit were settled locally. One was settled by arranging a benefit review and responding to letters. The other two complaints identified failings and delays in dealing with claims and interim payments. The Council agreed to pay £100 and £125 respectively to settle the complaints.

Housing repairs complaints accounted for four local settlements. Two of these related to delay in responding to requests to have gas meters relocated. The Council readily volunteered to make a payment of £750 in compensation to each of the complainants.

Two complaints were prompted by unresolved problems with water ingress from upstairs properties. I am pleased that the Council took a proactive approach to resolving these complaints by identifying the source of the problem and agreeing to undertake remedial works. In one case it agreed to make a payment of £750 and in the other it undertook to agree a compensation payment with the complainant privately.

In a complaint about Council-owned land subject to fly tipping, the Council advised the complainant that he could clear and fence the land and incorporate it into his garden. It then required him to return the land to the Council's management. To resolve the complaint the Council undertook to clear the land again and transfer it to the complainant's ownership.

A further complaint about land was made when the Council wrongly sold a piece of land to the complainant's neighbour. The Council agreed to buy the land back and to make the complainant a payment of £100.

A complaint about local taxation was settled when the Council made a payment of £900 and apologised for wrongly selling goods seized from the complainant's home to pay outstanding council tax debts. It also wrote off court and bailiff's costs.

Other findings

We decided 95 complaints against your Council this year. Twenty-seven of those were referred back as premature to allow them to be considered through your complaints process. Ten cases were outside my jurisdiction and the 36 remaining cases were not pursued either because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because there was no significant injustice flowing from the fault alleged.

Your Council's complaints procedure and handling of complaints

The 27 complaints referred back to your Council as premature is just above the national average of 27% of decisions made. Eight complaints were resubmitted to me during the year. Two of those resulted in local settlements, two were outside my jurisdiction and four were not pursued further.

Liaison with the Local Government Ombudsman

I made enquiries on 29 complaints this year and your Council's average response time was 35.8 days. I welcome the reduction from last year's average response time of 39.2 days but the Council is still not meeting our target of 28 days. Most responses on housing and planning complaints were received outside this 28 day period. I hope that the Council will renew its efforts to meet the 28 day target this year.

The quality of responses is generally satisfactory and I am pleased to note that my officers have had cause to comment favourably on some proactive and helpful responses from your officers which have resulted in speedy resolutions and good outcomes for the complainants.

I was pleased to give a seminar in December 2007 to officers of authorities in South London. I hope the representative from your authority who was able to attend found it useful.

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 how useful you have found these reports, particularly on any complaints protocols

put in place as part of the overall governance arrangements for partnerships involving your Council.

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	5	6	5	5	19	8	14	10	7	79
2006 / 2007	1	2	4	2	24	9	24	14	4	84
2005 / 2006	4	5	7	8	24	5	15	4	11	83

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	3	19	0	0	20	16	10	27	68	95
2006 / 2007	0	21	0	0	18	19	6	24	64	88
2005 / 2006	1	9	0	0	20	19	5	18	54	72

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	29	35.8
2006 / 2007	37	39.2
2005 / 2006	45	39.0

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