

Local Government  
**OMBUDSMAN**

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

In the twelve months to 31 March 2008, my office received 43 complaints against your Council. This is a reduction on the 49 complaints received last year and continues the downward trend of the last few years.

### ***Character***

Complaints covered a wide range of service areas, as has been the case in previous years. The number of complaints in each area showed some change from 2006-07. We received fifteen complaints about housing matters this year compared with ten last year and complaints about children and family services increased from one to four. Complaints about planning and building control matters fell from ten in 2006-07 to just two this year. However I expect to see some fluctuation from year to year and these figures do not in themselves suggest any particular cause for concern.

## **Decisions on complaints**

### ***Reports and local settlements***

When we complete an investigation we issue a report. I am pleased to note that, once again, I had no need to issue any 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).

Seven complaints resulted in a local settlement, four fewer than last year. One complaint concerned long-running allegations of anti-social behaviour by the complainant's neighbours. The Council had concluded that it should not take any legal action against the neighbours but had not properly explained its position to the complainant. This caused the complainant some uncertainty. I did not criticise the decision itself but I found that the Council should have communicated better with the complainant. In view of the long-running and entrenched nature of the matter, my officers convened a meeting where the complainant, Council officers and officers from Sutton Housing Partnership were able to explain their respective positions. This was a constructive outcome and I am very grateful for the Council's willingness to take part in the meeting.

In another case, the Council delayed for two years in inspecting and carrying out repairs to a tenant's home. It settled the complaint by agreeing to pay £2,000 and to complete the outstanding works within four weeks. Housing repairs were also a factor in another complaint, where a tenant complained about a rat infestation and subsidence at her home. Drainage problems were identified,

which were thought to be allowing rats to enter the property, but the Council failed to progress matters and did not keep the complainant properly informed. The Council also identified that works were necessary to deal with the subsidence and the complainant would have to move out temporarily to allow the works to take place. However, there was six months' delay in awarding the complainant the correct priority on the Council's housing register, during which she missed two opportunities to bid successfully for suitable properties. In recognition of its failings here, the Council agreed to pay the complainant £1,250 and to keep her properly informed in future.

Another complaint concerned the closure of a right of way near the complainant's home. The Council had failed to keep the definitive map updated. So when the complainant told the Council that the landowner had closed the right of way, the Council wrongly denied that a public right of way existed. Once the Council realised its error, it decided to seek an Extinguishment Order to close the right of way. Ultimately a Public Inquiry decided that the right of way should remain open. I did not criticise the Council for seeking to extinguish the right of way. However, I concluded that, had the Council's information been accurate at the outset, the matter would have been resolved and the right of way reopened around a year earlier than in fact happened. In recognition of this delay and the complainant's time and trouble pursuing the matter, the Council paid the complainant £250 and undertook to review the definitive map appropriately in future.

In total, the Council paid £4,485 to settle complaints to my office.

### ***Other findings***

My office made decisions on 50 complaints against your Council in 2007-08, exactly the same number as last year. As well as the seven local settlements, there were nine complaints where we found no or insufficient evidence of maladministration, six complaints were outside my jurisdiction and I used my discretion not to uphold 11. We referred the remaining 17 complaints back to you so that the Council could deal with them through its own complaints procedures.

### **Your Council's complaints procedure and handling of complaints**

This year we referred 34% of complaints back to you as the Council had not already had a reasonable opportunity to deal with them. This was an increase on the proportion for the previous two years (20%) and is higher than the national average of 27%. As I mentioned above, some fluctuation in the pattern of complaints over time is to be expected. Nevertheless, your Council might wish to look in more detail at the complaints referred back to see if any conclusions can be reached about the accessibility of the Council's own complaints procedure.

Five complaints that we had referred back to the Council were later resubmitted to my office. Only one of these was upheld, which suggests that, for the most part, the Council deals effectively with complaints itself once they are in its complaints procedures.

### **Liaison with the Local Government Ombudsman**

We made enquiries of the Council on 16 complaints, far fewer than in the two previous years. The Council took, on average, 31.3 days to respond to these enquiries. This is a slight improvement on last year, which I welcome. However, it remains outside the 28 days in which we ask councils to try to respond. The Council sent a number of responses within 28 days but others took longer. It took 32.8 days on average to respond to enquiries about housing complaints and 37.8 days for complaints about transport and highways. Of course, some complaints are complex and compiling a response can be time-consuming, but I would urge the Council to seek to improve its response times further.

My staff report that the Council's responses are of good quality and that your link officer is very helpful. They have also found other Council officers willing to provide information or comments quickly by telephone, which in turn helps my staff to respond promptly to our complainants. Please pass on my gratitude to your staff for their co-operation.

## **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. I note that we provided a Good Complaints Handling course for staff at Sutton Housing Partnership this year and I hope they found it useful.

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 2008, 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 2007, which also came into force in April 2008. 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**  
**Local Government Ombudsman**  
**The Oaks No2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2008**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	2	1	4	3	15	9	2	3	0	4	<b>43</b>
<b>2006 / 2007</b>	4	2	1	5	10	7	10	4	0	6	<b>49</b>
<b>2005 / 2006</b>	0	5	0	6	11	9	10	8	1	13	<b>63</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	0	7	0	0	9	11	6	17	33	<b>50</b>
<b>2006 / 2007</b>	0	11	0	0	14	11	4	10	40	<b>50</b>
<b>2005 / 2006</b>	0	8	0	0	15	19	10	13	52	<b>65</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2007 - 31/03/2008</b>	16	31.3
<b>2006 / 2007</b>	29	32.4
<b>2005 / 2006</b>	33	27.9

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

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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