

Local Government
OMBUDSMAN

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

**London Borough of
Waltham Forest**

**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 Waltham Forest. 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

We received 135 complaints against your Council. This is a slight decrease on the year before when we received 138 and a sustained reduction from two preceding years when we received 160 and 179 respectively.

The largest number of complaints we received this year was in the housing category. Of the 42 complaints about housing there were 15 about repairs, 13 about allocations, six about the management of tenancies, six about homelessness, and two others.

We received 16 complaints about benefits, around the same level as last year. A further eight complaints were received about local taxation. Overall, complaints about the revenues and benefits service reduced marginally.

There were 13 complaints about transport and highways, all but two of which were about parking. Eleven complaints were received about education, including three complaints about school admissions. Ten complaints were received about planning and building control, nearly all about the Council's handling of planning applications.

Complaints about adult care services increased slightly while those about children and family services almost halved.

A further 24 complaints are listed under the heading 'other', most of which were about waste management and anti-social behaviour.

Decisions on complaints

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% per cent nationally 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).

None of the complaints we investigated this year justified the issue of a report. We decided 32 complaints as local settlements which, at over 37% of all decisions excluding premature complaints and those outside our jurisdiction, is higher than the average for all authorities. I summarise below the main issues arising from this year's local settlements, which involved payments of compensation totalling around £20,000.

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Housing

Nearly half of the settlements concerned housing complaints. Seven were about housing repairs. Many of these included delay which caused limited injustice. In one case which resulted in more significant injustice, there was an unreasonable delay of around 17 months in repairing sewer pipes for which £600 was paid in compensation. In another case, involving a succession of leaks from the flat above, the Tenant Management Organisation agreed to pay £500 compensation.

In a complaint where the complainant was homeless and awaiting rehousing she was treated as having failed to attend an appointment to view a property, although she had taken reasonable steps to inform the Council that she was unable to attend. As a result, the homelessness duty was ended. Although it was reinstated following her complaint, we were concerned that she may have missed an opportunity to bid for suitable accommodation in the meantime. Your Council agreed to pay her compensation of £200 and to review the procedure. I should be grateful for an update on the position.

There were three complaints about private housing grants, all involving very substantial delay. In one case the complainant applied for a discretionary renovation grant in 2001, and was given no advice or information until late 2006. The property deteriorated, and had no heating or hot water supply for over a year. Your Council agreed to pay compensation of £500, and to deal with this application and 60 others outstanding. In a second case where the injustice was not so great, the Council paid compensation. You confirmed in August 2007 that a new policy had been approved and the position had been explained to all waiting applicants. In the third complaint, there had been a failure to arrange for completion of the grant works in accordance with the local settlement of a previous complaint in 2004. Compensation of £3,000 was agreed for the substantial further delay.

Benefits

Five complaints were decided as local settlements and one other, while it was not pursued, gave rise to some questions about the Council's procedure. In that case the complaint was about Supporting People subsidy payments which replaced housing benefit for some service charges in December 2004. The complainant had missed out because his claim was made late, in May 2005. The Council was invited to review the procedure, and you confirmed that the Supporting People Team was seeking to develop an appeal protocol with reference to the housing benefit appeal procedure, and in liaison with colleagues in other Councils.

Most of the other benefit complaints were about delay. However, I would like to mention two complaints where higher levels of compensation were paid for accepted procedural failures. In one case there was a failure to assess underlying entitlement for a period for which an overpayment had been recovered. It meant that the complainant, who was in poor health, was put to considerable time and trouble in trying to resolve the matter, for which compensation of £500 was agreed. In another case the housing benefit was paid to the tenant although the landlord had written several times to inform the Council of rent arrears. To settle your complaint, your Council agreed to pay the landlord a sum of compensation equivalent to the housing benefit of over £2,000 paid to the tenant.

Student Support

Two complaints about student support were decided as local settlements. In one case, the Council compensated the complainant for the confusion, distress and time and trouble caused by its misleading information about his entitlement to financial support when he started at university. In the other case the Council asked the Student Loan Company to recover grants paid to a student in

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2005/2006 amounting to £6,000, having interpreted the regulations wrongly to mean that the student's child was dependent on her parents, rather than the student herself. The student also should have received a supplementary grant for the period. Your Council agreed to settle the complaint by paying compensation, cancelling debt and awarding grant with a combined monetary value of over £10,000. We asked the Council to check whether others had been affected by the same errors but no other similar cases came to light. We noted that EduAction, who were contracted to manage the Council's education service, gave very limited information, and without the help and persistence of the Council's own complaints' staff it would have been difficult to investigate the matter and achieve a local settlement.

Environmental Health

The Council and Ascham Homes were unable to remedy a problem of nuisance due to noise and heat from a boiler room under the complainant's home. The local settlement included the council offering: to buy back the property from the leaseholder; pay compensation for noise nuisance experienced since 2002; award additional preference under the choice based lettings scheme for six months, and thereafter, if necessary, to make a direct offer.

In another complaint, the Council decided to issue a remediation notice for contaminated land, but then after a delay, decided not to do so because the land did not meet the criteria for contamination. The complainant, with an adjoining business, was worried for the health and safety of herself and her employees. Finally, the Council and the Environment Agency liaised and agreed with the owner to carry out remediation works. The complainant was paid £2,000 compensation for the worry and time and trouble caused to her.

Children and Family Services

Errors in the occupational therapy assessment resulted in the application for a new bathroom being refused. It was needed for the complainant's disabled son. The matter was reviewed and remedied in the light of the complaint, and compensation of £250 paid for delay.

Other local settlements

Three complaints were settled about parking penalty charge notices. Your Council agreed to look at how it communicates with the Parking Adjudicator.

Three complaints were settled in the category of waste management, all concerned with refuse collection. In one of the complaints there was a discussion of the value of having contractual relationships which specify that a contractor should pay compensation when its performance to individual households is unsatisfactory.

Your Council's complaints procedure and handling of complaints

We referred 32 complaints back to the Council to be dealt with under its complaints procedure. At 22% of all decisions, that is less than the average for all authorities (27%). I have confidence in your Council's capacity to deal with complaints through your own complaints procedure and have evidence of full and thorough responses to complaints at stages 1 and 2 of the procedure.

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I decided nine complaints which had previously been sent back to the Council but where the complainants came back to us, dissatisfied with the Council's reply. I did not uphold seven of those resubmitted complaints, but the remaining two were decided as local settlements, one a disrepair complaint and the other about private housing grants (both mentioned above).

An Assistant Ombudsman visited the Council in November. He was informed about the changes which affected the management of the complaints team and he learned about the quarterly reports to members on complaints performance. I very much welcome the Council's interest in ensuring that complaints are used to produce real improvements in service delivery.

Liaison with the Local Government Ombudsman

I am grateful to your Council for the assistance provided by the complaints team. The average response time to our written enquiries on complaints has been just over 21 days this year, an improvement on last year and well within the target timescale which we set. Generally, the responses to our enquiries have been helpful and sufficiently detailed, and your Council has been willing to consider local settlements where appropriate.

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 (including yours) 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. 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.

My view, overall, is that your Council is dealing effectively with complaints at the local level and that complaints to me are steady, with a slight fall. The times taken to respond to our enquiries have improved, and the responses generally are satisfactory or better. The highest complaint category is housing, which is in line with that for other Councils serving urban areas. I am grateful for your Council's willingness to settle complaints where appropriate. I have not identified trends in complaints which indicate a significant service failure, although I recognize there have been problems in dealing with housing grants in the past. I have asked for information on the current position. Finally, I should like to thank you and your staff for your help in dealing with complaints this year.

Tony Redmond
Local Government Ombudsman
10th floor, Millbank Tower
Millbank
LONDON SW1P 4QP

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	16	7	11	42	24	10	8	13	135
2006 / 2007	2	15	13	10	37	19	12	10	20	138
2005 / 2006	3	33	9	16	33	14	10	29	13	160

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	32	0	0	30	23	25	32	110	142
2006 / 2007	1	32	0	0	39	18	21	33	111	144
2005 / 2006	2	36	0	0	39	34	31	34	142	176

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	44	21.3
2006 / 2007	59	24.4
2005 / 2006	78	34.7

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