

**The Local Government Ombudsman's  
Annual Review  
London Borough of Croydon  
for the year ended  
31 March 2009**

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 reviews.

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# Section 1: Complaints about London Borough of Croydon Council 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Croydon. 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

## Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

## Enquiries and complaints received

Our Advice Team received 160 complaints and enquiries during the year. Of these 47 were about housing, 20 about public finance, 15 about adult care services, 14 about transport and highways, 12 about planning and building control, eight about education and seven about children and family services. There were 26 other contacts relating to other service areas, such as anti-social behaviour and environmental health.

We treated 55 of these complaints and enquiries as premature and in a further 25 cases we gave the complainant advice (usually to make a complaint direct to the Council). The remaining 80 complaints were forwarded to the investigative team either as new complaints or as premature complaints that had been resubmitted.

## Complaint outcomes

I decided 90 complaints against the Council during the year. In 32 cases I found no evidence of maladministration, and 14 complaints were outside my jurisdiction. In a further 10 complaints I exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the Council there is no significant injustice to the complainant.

## Reports

When we complete an investigation, we generally issue a report. I issued reports on three linked complaints during the year about a piece of land owned by the Council. Initially it was unaware that it owned the land, and when the complainants established that this was the case it did not properly consider the options for it. The council at first led the complainants to believe they would be able to buy the land but then decided to use it for something else, raising and dashing their expectations. In the end the Council reconsidered the matter and decided to sell them the land, and I recommended that it should pay £100 to each of the complainants for their time and trouble in pursuing the complaint and a further £100 to the lead complainant to cover the cost of a land search, a total of £400.

## Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 31 were local settlements, and the Council paid a total of £6293 in compensation. I refer to some of the more significant below.

### *Adult Care services*

The Council settled six complaints in this category. In one case the Council delayed in funding a client's placement with a carer, causing uncertainty and distress. The Council resolved the complaint by paying the complainant £500 and the client £100 for this and by considering a review of its carer payment scheme to help ensure that carers receive clear information. Another complaint was about a lack of assessment by the Council before withdrawing personal care for an adult. While I did not criticise the decision, the Council acknowledged that the complainant had been put to some time and trouble and offered to pay £250 for this. In another case the Council delayed in identifying day care provision for the complainant's partner, despite a review panel recommendation that it should do so. The Council put day care provision in place and paid compensation of £600.

In some cases I considered it sufficient for the Council to remedy complaints by taking action. In one case the Council delayed in making payments for the period the complainant's mother spent in a care home, and the Council remedied the complaint by making the payment. In another case the Council failed to tell the complainant that his son would be charged for home care services, and he only became aware when he received the invoice. The Council offered to write off a year's costs.

### *Children and Family Services*

The Council settled two complaints in this category. In one case the Council did not give adequate support to the complainant when her adoptive son proved to have behavioural problems and did not keep to an agreement to pay rent on her flat near to her son's residential school. The Council agreed to pay her rent, backdated to January 2006 and offer her £250 for her time and trouble. In the other case the complainant came to me because the Council did not take the agreed action following a review panel hearing. The Council agreed to do so, and I discontinued my investigation with the proviso that the complainant could make a fresh complaint to me if she remained dissatisfied.

### *Local Taxation*

The Council settled nine complaints in this category. In one case the Council sent the complainant Council Tax bills for a property for which he was not liable and pursued the debt by instructing bailiffs to recover it. It suspended recovery action while I investigated but failed to tell the bailiffs it had done so. The Council apologised to the complainant and paid a total of £800 in compensation. In another case the Council pursued recovery action although the complainant had made and kept to an agreement to repay arrears. The Council settled this complaint by paying compensation of £150 and providing an explanation of the complainant's liability going back several years. There was a further complaint where the Council agreed to withdraw the instruction to its bailiffs to recover a debt but failed to do so. As a result the complainant received a visit from the bailiffs that should not have been made, and the Council agreed to pay compensation of £150 in recognition of this.

A number of problems were caused by direct debit mandates. In one complaint the Council misdirected a mandate and failed to process it. It agreed to pay compensation of £100. In another case the complainant's bank sent a direct debit mandate, which was received by the Council but not passed to the Council Tax section because there was an error on it. The Council obtained a liability order against the complainant although it said no recovery action would be taken while it investigated the matter. The Council agreed to resolve the matter by paying the complainant £200.

In another complaint the Council failed to provide a clear statement of the complainant's Council Tax arrears and sent him a final demand when it knew he was abroad and unable to take action, which it then followed with a summons. The Council agreed to pay £200 in compensation.

### *Housing*

The Council settled six complaints in this category. One involved an application for homelessness from a man with a wife and young baby. The Council failed to give him a decision on his application in a timely way and the complainant had to live apart from his family with friends for six months. The Council agreed to review its procedures and pay him £1000.

Several complaints involved housing repairs. In one case the complainant made a second complaint to me because the Council did not implement the settlement of his previous complaint as it had agreed to do. I asked the Council to pay compensation of £500 and to carry out the repairs as a matter of urgency. In another case the Council agreed to pay £150 for damage to a complainant's washing machine caused by its contractors, after initial reluctance to do so. In some cases compensation was not required and it was sufficient for the Council to take action to resolve a complaint. In one case the Council could not show it had carried out repairs while a property was empty and the complainants claimed that these repairs had not been carried out. There was a lack of evidence on both sides and I considered it sufficient for the Council to inspect the property, agree a list of repairs and carry them out within three months.

### *Housing Benefit*

The Council agreed to settle three complaints in this category. One was from a landlord who provides rental accommodation for vulnerable adults. Although her tenants requested that the Council pay Housing Benefit direct to her the Council paid it direct to the tenants and the landlord did not receive it. The Council settled this complaint by paying the landlord some £500, equivalent to the shortfall. In another case the Council agreed to pay £100 to compensate a complainant for delay in making payments of Housing Benefit when it sent letters to the wrong address and failed to ask for all the information it needed in one go. In another case the Council believed it had overpaid benefit but delayed in recovering it. It found that the original notification was defective and agreed to pay £250 in compensation.

## *Planning*

Only one complaint was settled in this category. This was a complicated enforcement case where the Council believed the construction of a neighbour's balcony was permitted development but did not initially establish the sequence of events to show that this was correct. Although this finally proved to be the case I considered that the Council should pay compensation of £200 to reflect the complainant's time and trouble, and it subsequently amended its planning guidance to prevent balconies being added to properties in this conservation area.

## *School Admissions*

The Council agreed to settle one complaint in this category. It failed to measure the shortest home to school distance properly and, as a result, the complainant's daughter was denied a place at the school for which she qualified. I am pleased to say that the Council re-measured the route with the complainant and offered the girl a place.

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

In last year's annual review I was critical of the Council's response times to my enquiries and highlighted some areas in which its performance was particularly poor. I expect councils to reply to my enquiries within 28 days and I am very pleased to say that last year the Council's exceeded this target, taking an average of just 26.6 days to reply. I congratulate the Council on the steps it has taken to improve its performance in this area. I know that the Chief Executive has taken a personal interest in the Council's efforts here and I am very grateful to him.

In January 2009 my Acting Assistant Ombudsman visited the Council and met staff involved in complaints handling, including new appointments to the Council's complaints unit. I am pleased that the Council has streamlined its complaints procedure and is placing greater emphasis on customer satisfaction. I hope that the Council will give a high level of publicity to its new arrangements so that the number of premature complaints I receive is reduced.

## **Training in complaint handling**

I am pleased that during 2008/09 we provided one training course in Effective Complaint Handling and two courses in Good Complaint Handling to staff from your authority. We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

## **Conclusions**

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. In particular I am pleased to be able to reflect upon an improvement in the Council's liaison with my office during 2008-9. I hope that the training we provided, the changes to the Council's complaints procedure and the establishment of the Council's complaints unit will all contribute to continuing progress in 2009-10. I hope that you find the information and assessment provided useful when seeking further improvements to your Council's services.

**J R White  
Local Government Ombudsman  
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Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB**

**June 2009**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

### Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

### Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

### Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

### Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.



### **Adult Social Care Self-funding**

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

### **Internal schools management**

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

### **Further developments**

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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**June 2009**

# Appendix 1: Notes to assist interpretation of the statistics 2008/09

## Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

### Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Formal/informal prematures:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

**Forwarded to the investigative team (resubmitted prematures):** These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

**Forwarded to the investigative team (new):** These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the Ombudsman's jurisdiction.

## Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.-

## Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

**LGO Advice Team**

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	3	3	2	19	4	9	4	5	6	55
Advice given	3	2	1	4	0	2	2	3	8	25
Forwarded to investigative team (resubmitted prematures)	1	0	1	9	0	4	2	3	5	25
Forwarded to investigative team (new)	8	2	4	15	7	5	4	3	7	55
<b>Total</b>	<b>15</b>	<b>7</b>	<b>8</b>	<b>47</b>	<b>11</b>	<b>20</b>	<b>12</b>	<b>14</b>	<b>26</b>	<b>160</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	3	31	0	0	32	10	14	90

**Average local authority response times 01/04/2008 to 31/03/2009**

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	63	26.6
2007 / 2008	71	45.9
2006 / 2007	64	37.4

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0