

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

**London Borough of
Hammersmith and Fulham
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.

Contents of Annual Review

Section 1: Complaints about the London Borough of Hammersmith and Fulham 2008/09	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	5
Training in complaint handling.....	5
Conclusions.....	5
Section 2: LGO developments	6
Introduction.....	6
Council First.....	6
Statement of reasons: consultation.....	6
Making Experiences Count (MEC).....	6
Training in complaint handling.....	6
Adult Social Care Self-funding.....	7
Internal schools management.....	7
Further developments.....	7
Appendix 1: Notes to assist interpretation of the statistics 2008/09	8
Appendix 2: Local authority report 2008/09	

Section 1: Complaints about the London Borough of Hammersmith and Fulham 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with about the London Borough of Hammersmith and Fulham. 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

Of the 107 enquiries and complaints received by the Advice Team, 42 were deemed to be premature complaints and so they were referred back to the Council for investigation. Advice was given in a further 16 cases and 49 complaints were forwarded to the investigative team.

The majority of the enquiries received by our Advice Team concerned housing (54) and planning and building control (12). These two subjects also formed the largest proportion of complaints forwarded to the investigative team.

Complaint outcomes

I made decisions on 66 complaints against your Council this year. Nine of these were about matters not within jurisdiction and so I could not pursue them further. In 13 cases I exercised my discretion not to pursue an investigation usually because there was no evidence of significant injustice to the complainant. In 29 complaints, I found no or insufficient evidence of fault by the Council to justify further investigation. I upheld the remaining 15 complaints which were settled locally with the Council.

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. The percentage of complaints received against your Council that were within my jurisdiction which were local settlements was 26.3%, just below the national average.

I agreed 15 local settlements with your Council and asked you to pay compensation of £5,576 in total. But not all the local settlements involved the Council making a payment of compensation to the complainant. Two housing complaints and one parking complaint were satisfactorily settled without the provision of compensation when the Council took specific action to resolve them.

The complaints we have closed this year have provided some interesting outcomes.

Housing Repairs

I settled seven complaints made about housing repairs. Unreasonable delay in carrying out the repairs was a feature in five of these complaints. Problems were also caused by contractors who failed to keep appointments, or who made unnecessary visits, and caused tenants and leaseholders some inconvenience.

Six of the seven housing repair complaints I settled were made by tenants whose homes are in the W12 area. Whilst I appreciate that most of the Council's housing stock is concentrated in the north of the Borough, and so we would expect it to generate most of the housing repair complaints, it may be worth considering whether there are any underlying performance issues in that area which need to be addressed.

In two settlements, there were also delays in replying to the tenants' complaints about repairs issues which led us to recommend compensation for their unnecessary time and trouble in having to escalate their complaint to me when they should have been resolved earlier.

Homelessness

One complaint about the levels of service afforded to those presenting as homeless and in need of assistance with their housing was resolved when the Council took steps to review its original decision, and thereafter accepted that the complainant was indeed homeless.

Another complaint I investigated was made by a young woman who had found that she was homeless following her release from prison. She was also vulnerable due to mental health difficulties. I found that the Council had not made adequate enquiries when she first presented as homeless to establish whether she was in priority need as a vulnerable person. She was not provided with interim accommodation initially by the Council and so she slept rough for six nights during the winter months. Following representations from her solicitor, the Council accommodated her in a hostel while it made further inquiries. The Council agreed to pay £1,200 compensation to settle the complaint and, during the course of my investigation, she made a successful bid for permanent Council accommodation and was re-housed.

Children and family services

There was only one settlement this year but it was a case where the fault and the injustice to the complainant was significant. It involved unreasonable delay in dealing with a request made by a parent for direct payments to meet the personal care needs of his disabled son. As a consequence of the delay, the complainant lost out on payments amounting to £2,000 because it was not

possible for them to be backdated. The Council agreed to pay £2,000 compensation (the equivalent of the lost entitlement to direct payments) and a further £500 for the complainant's time and trouble in pursuing the complaint.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to our written enquiries was 24.4 days, which is a reduction from last year's average of 26.7 days and comfortably within our target time of 28 days.

I am glad that your Corporate Complaints Officer was able to attend one of our seminars for council link officers in March 2009. I hope he found the session useful and that it gave him some insight into recent developments in our service and forthcoming initiatives.

Many of my investigative staff have made favourable comments on your Council's adoption of a template for structuring your officers' written responses to our enquiries on complaints. They say it produces a comprehensive and high quality response to our enquiries. Investigators have also commented on the Council's willingness to settle complaints at an early stage in our investigations and officers' proactive approach to offering settlements rather than waiting for us to identify fault and propose a settlement.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

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. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

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

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.

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

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	2	0	0	20	1	4	6	3	6	42
Advice given	1	0	1	6	1	1	1	0	5	16
Forwarded to investigative team (resubmitted prematures)	0	0	0	7	0	0	1	0	4	12
Forwarded to investigative team (new)	1	1	1	21	1	0	4	3	5	37
Total	4	1	2	54	3	5	12	6	20	107

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	15	0	0	29	13	9	66

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	41	24.4
2007 / 2008	43	26.7
2006 / 2007	47	27.6

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