

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

**The London Borough of  
Waltham Forest**

**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

<b>Section 1: Complaints about the London Borough of Waltham Forest 2008/09</b> .....	<b>3</b>
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	4
Liaison with the Local Government Ombudsman.....	8
Training in complaint handling.....	8
Conclusions.....	9
<b>Section 2: LGO developments</b> .....	<b>10</b>
Introduction.....	10
Council First.....	10
Statement of reasons: consultation.....	10
Making Experiences Count (MEC).....	10
Training in complaint handling.....	10
Adult Social Care Self-funding.....	11
Internal schools management.....	11
Further developments.....	11
<b>Appendix 1: Notes to assist interpretation of the statistics 2008/09</b> .....	<b>12</b>
<b>Appendix 2: Local authority report 2008/09</b>	

# Section 1: Complaints about the London Borough of Waltham Forest 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with 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 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 a total of 162 complaints and enquiries about your Council over the year. More than half of these were considered to be premature: we sent 49 to the Council to be dealt with through your complaints procedure and in 39 other cases the enquirers/complainants were advised of your procedure.

A total of 74 complaints were sent on to the investigative team, 11 of which we had previously referred to the Council but where the complainants remained dissatisfied with the Council's response.

The complaints passed for investigation covered a range of service areas, the single largest of which was housing. The subject of the housing complaints included repairs (6), allocations (4), tenancy management (3), homelessness (2), private grants (2) and sales/leaseholds (1). Complaints about education included school admissions (8), special educational needs (3) and school exclusions (2). Of the planning complaints referred for investigation, most were about the way the Council has dealt with applications for planning permission and a few were about enforcement. The transport and highways category includes complaints about highway management, traffic management and parking. The "other" category includes six complaints about antisocial behaviour.

## **Complaint outcomes**

Over the year we decided 85 complaints against your Council. In a third of cases I found no or insufficient evidence of maladministration. Nine complaints were found to be outside my jurisdiction. In 14 complaints an investigation was not pursued for a variety reasons, including lack of evidence of injustice to the complainant.

### **Local settlements and other complaint outcomes by service area**

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 there were 34 local settlements, almost 45% of decisions on complaints which fell within my jurisdiction.

#### **Adult care services**

I decided three complaints about the care of adults. One was a local settlement in which the Council agreed to pay £1,000 for shortcomings by the contractor in caring for the complainant's elderly mother. Your Council accepted there had been fault and agreed to review the policy on handling medication. Details of the outcome were sent to me and the complainant.

#### **Children and family services**

I decided four complaints about the care of children and support of families. Three were local settlements.

In one case a young person in foster care was moved to another placement without taking sufficient account of his wishes or providing an advocate. The complaint was upheld in part through your own complaints' procedure, and an apology and compensation of £250 for time and trouble was offered to the complainant. I felt that the Council had not acknowledged the full impact of the faults on the complainant and I am pleased that the Council agreed to settle the complaint by paying an additional sum of £750 for distress and anxiety.

Another complaint was about the treatment of a young person who formerly had been an unaccompanied child asylum seeker. There was a delay in pathway planning and the young person was not offered housing, which your Council accepted was wrong. The complainant was provided with a flat and has received £750 compensation. My investigator commented that your Council's approach to the complaint had been efficient and helpful.

The third local settlement was the case of a foster carer who took on the care of a teenage boy, who shortly afterwards was excluded from school. The young person received no full time education for four months, which meant it was difficult for the complainant to continue to run his business from home. He asked for extra help but was not considered eligible for enhanced payments. I found that the complainant had suffered an injustice because the Council had not fulfilled its statutory responsibility to provide full time education for the foster child. Your Council agreed to pay compensation assessed on the basis of fostering enhanced payments for the weeks that he was not attending school, which amounted to almost £5,000.

#### **Housing**

Of the 22 complaints about housing which were decided, half were local settlements.

## ***Homelessness***

One complaint about homelessness was settled locally. A delay in dealing with enquiries meant that the decision, that the complainant was intentionally homeless, was delayed. She was in the late stages of pregnancy and therefore making alternative arrangements for accommodation was more difficult for her. Your Council agreed to pay compensation of £250.

## ***Housing allocations***

I decided four complaints about housing allocations. In two of them I found no evidence of maladministration. The other two were local settlements. In one case the complainant had sought help from social services with a number of matters, including a transfer, but was not registered on the transfer scheme until over two years later. It was clear that the complainant would not have made a successful bid if they had been in a position to do so in the intervening period, but your Council agreed to backdate the application and pay compensation of £150 for their time and trouble.

In a more serious case your Council accepted that a series of fundamental errors had been made. These included a failure to investigate reports of racial harassment over two years; not accepting the complainant's medical factors and delay in referring the case to the social needs panel. There was also inadequate record keeping. The complainant received £500 compensation.

## ***Housing repairs***

I decided eight complaints about housing repairs, half of which were settled locally. Of the others, there was one case where there had been delay in fixing leaks to the complainant's bathroom but the compensation offered by your Council was in line with what I would normally recommend, so I exercised my discretion not to pursue the matter.

In the first local settlement, there was delay in completing a number of repairs to the complainant's home. Initially compensation of £150 was agreed, but this was increased to £200 when further delays occurred. In the second case there were a number of issues linked to decent homes works. None was upheld except for a delay in completing an electrical repair, for which £50 was agreed. In the third case there had been a failure to carry out repairs to communal areas agreed in June 2008. Your Council agreed to complete the repairs, fit locks to the main entrance door and pay compensation of £100.

The final complaint was more serious. The complainants moved into a house which was structurally unsound even though it had been inspected. The work had not been completed and they had to move out to temporary accommodation. When they moved back there was still outstanding work to be completed. The complainants alleged damage to their possessions (which I did not uphold) and that unfair and intemperate comments had been made about them by an officer to their MP. Your Council accepted fault, apologised and offered compensation of over £2,000. The Council's ALMO, Ascham Homes, conducted an internal investigation to ensure similar mistakes are avoided in future. It was clear to me that the relationship between the complainants and Council had broken down. My investigator conducted a site visit and suggested that the Council should increase the compensation, which it agreed to do. Despite the difficulty of the case my investigator remarked that officers acted helpfully and appropriately.

## ***Managing tenancies and housing sales***

There was one local settlement of a complaint about tenancy management.. There had been some confusion about service charges after the introduction of a rent pooling system across all tenancies. Although the Council did not accept that the complainant had been wrongly charged, it

agreed to pay compensation for the confusion caused and the time and trouble to which the complainant had been put.

In a complaint about right to buy matters, the Council had told the complainant wrongly in 2002 that he had no right to buy because his home was being sold to a housing association and was due to be demolished. The complainant found out recently that he could have bought the property at the time, and so had missed a considerable amount of discount owing to a change in the rules. We decided that he had lost an opportunity to exercise his right to buy at the time, but could not speculate on whether he would have done so. The loss did not meet the amount of the decrease in discount, but the complaint was settled on the basis of £500 for loss of opportunity.

### ***Private housing grants***

One complainant made two complaints about housing grants, and these followed on from another earlier complaint. One was settled on the basis of compensation of £240 for three months of unreasonable delay and a failure to communicate properly with the agent. A further complaint was received about continuing delay. Your Council agreed to pay a further £300 and to reinstate some items that were removed from the approved list of works.

### ***Antisocial behaviour***

There were various complaints, some linked to other related matters, which involved antisocial behaviour. One of the complaints was linked to the housing allocations case, involving racial harassment and other matters, referred to above. Another local settlement was obtained in a complaint involving disputes about parking on a grass verge. In two complaints, there was a long history in each of the allegations against a neighbour of harassment and other unacceptable conduct, but we found that your Council had dealt with matters reasonably.

### ***Planning and building control***

Almost half of the complaints about planning and building control which I decided were local settlements. Three were about the same matter, a telecommunications mast. Your Council failed to inform the applicant of the decision to refuse planning permission within the required time limit and so the application went ahead by default. You accepted fault and agreed to pay compensation of £250 to each of the complainants who objected to the siting of the mast near their homes.

The other local settlements were about planning permission given for buildings and extensions. In one case the complainant objected to a large two storey extension on grounds of overlooking and loss of light, and questioned whether the decision should have been made by committee rather than under delegated powers. We questioned whether the delegation scheme was sufficiently clear and your Council agreed to review it. The complaint was closed on that basis in October 2008 and I understand the review is not yet complete. The investigator noted some difficulty in dealing with this case, and specifically referred to a reluctance by officers to acknowledge that any problems had occurred.

Another case involved the development of a block of flats. There was a mistake in the plans which had the effect of underestimating the effect on the complainant's property. Officers did not notice the error in the plans and the application was approved. The complaint was settled on the basis of compensation of £500, although it was not possible to tell if the outcome would have been different if the mistake had not occurred.

In another complaint, the officer at a site inspection failed to notice a flank window in the complainant's home and the planning permission allowed building directly over it. Your Council did not accept that the decision would have been different if the window had been taken into account, but apologised for the error and agreed to pay £2,000 compensation.

## **Local taxation and benefits**

In a complaint about council tax, the Council issued a summons after the complainant's cheque 'bounced', without the complainant having been informed. The Council then lost the complainant's complaint about the matter. The Council agreed to cancel the summons and the associated costs.

Two complaints about benefits were decided as local settlements. In one, a landlord had informed the Council of a change of address but the Council wrote to him at his old address to tell him that his tenant had requested that housing benefit payments should in future be made to her directly. The tenant then failed to pay her rent and the landlord was unable to recover two months' owed to him. Your Council agreed to pay £600, which was in recognition of the injustice caused by its failure to update records, but this did not meet the whole shortfall in rent.

In the second case the complainant advised the Council in good time about a change to his earnings but his claim was not amended in time to prevent an overpayment. Some aspects, such as the recoverability of the overpayment, were outside my jurisdiction, but the Council paid compensation of £50 for the time and trouble to which the complainant had been put.

## **Transport and highways**

Two complaints about highway management were decided as local settlements. One was about fly tipping and dog fouling of a footpath. Your Council agreed to install a new litter bin and signs, and paid £100 compensation. In the other case the complainant, who has a blue badge on account of her disability, complained that others parked regularly in the disabled parking bay provided, and there was no provision for enforcement. Your Council agreed to review policy on disabled parking bays and to discuss possible options with the complainant. I should be grateful to learn the outcome of that review in due course.

## **Education**

I decided 14 complaints about education of which six concerned school admissions and four school exclusions. Three complaints were about special educational needs and one was about another aspect of education.

### ***School admissions***

Two of the school admission complaints were local settlements. The outcome in each case was an offer of a fresh appeal. In one case the complainant did not receive the required 10 day notice of the appeal hearing; in the other case the Council sent the notification of the appeal but the complainant did not receive it and so did not attend the panel hearing.

In another school admissions complaint, the complainant had moved into the area recently and had been unable to find a place in a nearby school for her child, to whom the rules on infant class size applied. Although the complaint was not pursued after a place was offered in one of the complainant's preferred schools, there was a question about how casual admissions are dealt with and, in particular, whether in these circumstances parents can express a preference for more than one school at a time.

### ***School exclusions***

There were two local settlements of complaints about school exclusions. One concerned a child being looked after by the Council and where there were shortcomings in planning for the child's education for a period that she had returned home. Your Council quickly responded and agreed a local settlement: which involved the purchase of a laptop computer to assist her studies.

In the other case, the young person was referred to the Council's 'hard to place' panel. There was a 10 week delay from the exclusion being confirmed until a suitable placement was found. Another aspect of the complaint was about information contained in the panel minutes which was inaccurate and detrimental to the family. Your Council agreed a local settlement on the basis of compensation of £800.

### ***Special educational needs***

Finally, one complaint about special educational needs was locally settled. It was about the reassessment of a child for whom a home programme had been provided but which was to be reduced, with support being transferred to the school. I am unable to comment on decisions about provision, about which the complainant could go to a Special Educational Needs and Disability Tribunal, but the way the matter was handled led to the school having insufficient time to make the necessary arrangements. Your Council agreed to reimburse the complainants for the cost of tutors in the transition period.

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

I visited your Council in March this year and was pleased to have the opportunity for a constructive discussion with your Leadership Group. I drew attention to the high rate of local settlements. I also mentioned the good response times to my enquiries. Over the year the time has averaged 20.4 days which is slight improvement on last year's average and well within the target I set (28 days).

Members of my staff have commented favourably on the helpful attitude of your complaints' team. One member of your staff attended a link officer seminar recently and I hope that she found it an informative and helpful session.

I should like to commend your Council for the excellent quality of your response letters. These generally deal fully and effectively with the issues, explaining the events and providing a chronology where appropriate. They are written in plain English in a way that is accessible to complainants as well as dealing with sometimes complex issues. Where fault has occurred it is often identified at the initial stage which allows complaints to be resolved promptly and appropriately. At their best the letters provided by your staff are exemplary.

### **Training in complaint handling**

In previous years we have provided training in Good/Effective 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. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services. My view is that, overall your Council is dealing appropriately and competently with complaints and has shown a willingness to settle them where there are grounds to do so, and to learn lessons when things have gone wrong. Liaison with my office is effective, response times are good and your responses to complaints are generally good or excellent. I look forward to continuing to build on this successful foundation in the future.

**Tony Redmond  
Local Government Ombudsman  
10<sup>th</sup> 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**  
**10<sup>th</sup> 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	4	2	1	16	2	8	6	2	8	49
Advice given	2	2	1	11	2	3	5	2	11	39
Forwarded to investigative team (resubmitted prematures)	0	1	0	2	0	2	1	4	1	11
Forwarded to investigative team (new)	2	2	12	17	3	1	12	4	11	64
<b>Total</b>	<b>8</b>	<b>7</b>	<b>14</b>	<b>46</b>	<b>7</b>	<b>14</b>	<b>24</b>	<b>12</b>	<b>31</b>	<b>163</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	34	0	0	28	14	9	85

**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	46	20.4
2007 / 2008	44	21.3
2006 / 2007	59	24.4

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