

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

**The London Borough of
Croydon
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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 The London Borough of Croydon 2009/10

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 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 156 enquiries and contacts relating to the council, compared with 160 complaints and enquiries in 2008/09. A total of 43 of these were about housing, 24 about public finance, 14 about benefits, 13 about transport and highways, 12 about children and family services, 10 about planning and building control, nine about education, eight about adult care services and 23 others, including areas such as anti-social behaviour and environmental health.

A total of 94 were passed to the investigative team (72 new complaints and 22 resubmitted premature complaints). We treated 43 complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further 19 cases we gave the complainant advice.

Complaint outcomes

We decided 96 complaints against the council during 2009/10. In 37 cases I found no evidence of maladministration, and 14 complaints were outside jurisdiction. In a further 18 cases we 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. This year we issued reports about two linked complaints where the council failed to provide a residential place for the complainant's son, who has autism, despite professional support for the need to do so. This would have provided respite care for the family from the impact of the son's behaviour, which affected his sister particularly severely. We found that there was insufficient liaison between education and social care services and the council failed to consider the impact on the family. This situation persisted for four years without proper assessment for either sibling. My predecessor recommended that the council should pay the family £20,000 to compensate them for the serious impact on them of four years without proper assessment and provision for their son and daughter, and review its procedures. I am pleased that we were able to issue the report having agreed the remedy.

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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 23 were local settlements, representing 24% of complaints decided. We recommended that the council should pay a total of £8,375 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

Children and family services

In addition to the report to which I refer above, one complaint concerned two children placed with a family with a view to adoption. The complainants were not given any advice about child benefits and as a result made a late application, losing three months' benefit. If the council had given them an adoption pack they would have been aware of the need to make the application. The council also delayed in paying adoption allowance and other expenses, and we recommended compensation of £1,000 for the delay in paying adoption allowance and other introductory expenses, and for their time and trouble in making the complaint.

In another case we found delay in complying with the recommendations of a children's services complaints review panel and asked the council to complete its report addressing the issues, and pay compensation of £200 for time and trouble.

Housing

I frequently receive complaints when someone is made homeless that the council has failed to protect their property when they are evicted. In one case I recommended that the council should apologise and pay £100 for the lost opportunity to make representations, as the council failed to act appropriately when it knew there was a risk to the complainant's goods. In another homelessness complaint the council gave the complainant and the private landlord incorrect advice as to the level of housing benefit they would receive. There was confusion as to the council's intentions, which led to uncertainty and distress. The council apologised and paid the complainant £1,875 towards the shortfall in rent and agreed to review its arrangements relating to housing benefit.

There is government guidance on homelessness and in another case I found that the council failed to follow it. It failed to take a homeless application from the complainant when it was clear she was threatened with homelessness and in priority need, and only discussed the option of pursuing private rented accommodation. If the information had been full and correct the complainant would not have pursued that route, as she could have been provided with accommodation by the council. The council agreed to settle this complaint by paying compensation of £250 for loss of opportunity and by carrying out a homeless assessment of the complainant. In another complaint about housing allocations, the council gave inadequate consideration to information about the complainant's medical needs, and there was confusion and delay in dealing with a claim for housing benefit. The council compensated the complainant by paying £500 for the delay and time and trouble, apologised and reviewed its procedures.

I dealt with a number of complaints about housing repairs. In one case the council delayed for almost two years in fixing a newly installed boiler, with leaks recurring during this time. To remedy this complaint the council agreed to carry out a full inspection to identify outstanding issues and paid a total of £1,000 to compensate the complainant for the inconvenience of having unreliable hot water and heating, and for his time and trouble in getting the matter put right.

I upheld another complaint that the council failed repeatedly to repair properly a WC specially installed for the complainant's disability. The council paid £650 to remedy this complaint. In another case, where the tenant had a disability, the council delayed in establishing that a leak from the flat above was not an isolated incident and delayed in arranging and completing the repairs. To remedy the situation a payment to the complainant of £600 for the severe impact and inconvenience was agreed.

I also receive a number of complaints about housing allocations. In one case the council did not consider adequately medical information about the complainant's housing needs and there was delay and confusion in dealing with a claim for housing benefit. I recommended that the council should apologise and pay the complainant £500 to recognise the delay and the confusion that was caused. It also agreed to review its procedures in these areas.

Local taxation

There was uncertainty about the information about responsibility for payment of council tax one complainant was given when agreeing to house three tenants leaving care. She was told that the tenants were full-time students and therefore exempt from council tax, which was incorrect. She was also led to believe that she would not be liable for council tax, if payable, and set the rent at a level that did not cover it. As a result she incurred costs that she was led to believe would not be incurred and may not have rented the property to the three tenants if she had been aware of the true position. The council agreed to pay compensation of £250 for time and trouble, write off council tax for 2008/09 and refund any payments made.

Many of the complaints we receive are about simple administrative fault. One such complaint was where the council wrongly issued three summonses, one where the extent of liability was under dispute and two where the complainant had told the council he did not own the property. This resulted in significant time and trouble in resolving the problem. The council agreed to pay compensation of £200 and to review its processes so that it can fast track the correction of simple errors. In another case the council failed to suspend recovery of weekly deductions of arrears from the complainant's housing benefit once the decision was appealed, issued a summons and threatened the complainant with eviction. In this case we recommended compensation of £325 for distress.

Liaison with the Local Government Ombudsman

We made formal enquiries on 68 complaints this year. In the annual review for 2009, my predecessor congratulated the council on its efforts to improve the council's response times to my enquiries. In 2009/10 the council took an average of 23.9 days to reply to my enquiries, which is a further improvement on the time in 2008/09, and well within the 28 day target I set for councils. I am pleased that the council has in recent years placed much greater emphasis on replying to my enquiries in a timely way and hope that it will maintain this high level of performance in 2010/11. In October 2009 my Assistant Ombudsman visited the council to discuss last year's annual review with your senior management team and he was able to report positively on relations between your council and this office. I am pleased that the council's corporate arrangements for handling complaints are well supported within the council, which may have been reflected in a reduction in the percentage of premature complaints we referred to you.

Training in complaint handling

I would like to take this opportunity to remind the council that 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.

In previous years we have provided training in effective complaint handling and in complaint handling for social care 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 authority's services.

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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

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.

Premature complaints: 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10

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	0	6	2	11	6	8	4	1	4	42
Advice given	1	0	2	3	1	5	1	3	2	18
Forwarded to investigative team (resubmitted prematures)	0	2	0	6	1	4	1	3	5	22
Forwarded to investigative team (new)	7	4	4	22	6	7	4	5	12	71
Total	8	12	8	42	14	24	10	12	23	153

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	2	23	0	0	37	18	16	96

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	69	23.9
2008 / 2009	62	26.5
2007 / 2008	71	45.9

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20