

Local Government OMBUDSMAN

24 June 2011

Mr Derrick Anderson
Chief Executive
London Borough of Lambeth

Dear Mr Anderson

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Complaints received during 2010-2011

As you will see, we received 415 complaints about the council in 2010/2011, 210 of which were referred for investigation. Of the 210 complaints that were passed to an investigative team, as in previous years, the largest number (98) were about housing. At 46% this is a slight increase over the 44% received last year. 42 were about highways and transport, 24 were about education and children services, 18 were about benefits and public finance (including council tax) 9 were about adult care services. The remainder were spread across various other areas of council activity.

We consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. Formal enquiries were made on 136 complaints this year, your average response times was 23.9 days which is slightly higher than the 21.1 days which you achieved last year. Nevertheless this is in line with our target and represents good performance.

Complaint outcomes

We decided 211 complaints during the year. In 55 cases we found no evidence of maladministration and in 33 cases discretion was exercised not to pursue the complaint further. 50 cases were outside my jurisdiction. I issued no reports against your council this year.

Of the 211 decisions made in the year 73 were settled by the council which at 35% is above the national average of 27.1%. The settlements this year were spread across a number of the Council's functions and not all cases involved a compensation payment. In total the Council paid compensation totalling £31,679. In some complaints the Council has put forward proposals to carry out additional work, in lieu of financial compensation. Tenants have been appreciative of this approach which in my view represents a more constructive use of public money.

A summary of some of these settlements is set out below.

In a complaint about housing and social services the council failed to provide appropriate accommodation to a wheelchair user, on his discharge from hospital. This left him housebound for a number of months. He then moved twice before receiving accommodation that met his needs. In addition the complainant did not receive appropriate practical support within his home and when being moved. The council agreed compensation of £2,620 and apologised to the complainant.

A complaint about children's services was made by the father of a child who had been looked after by the council. The complaint had been through the statutory complaints procedure and had been largely upheld. In particular the council accepted that it had failed to engage with the complainant in matters to do with his son. The council paid compensation of £500 and agreed to arrange mediation to improve the relationship between the parties.

In a complaint about special educational needs the council delayed in the completion of the SEN statement, failed to put in place the provision identified, and failed to investigate the formal complaint about the statementing process. £1,250 compensation was paid.

We settled a number of housing repairs complaints. In one complaint about repairs the council had failed to carry out adequate work prior to the tenant taking up the tenancy. Compensation of £686 was paid. In two similar complaints about delays in identifying the cause of damp, compensation totalling £2,085 was paid. In another complaint about damage to the property as a result of a roof leak compensation of £1,100 was paid.

In last year's annual review I highlighted my increasing concerns about the organisation and delivery of the repairs service to tenants. I received a number of complaints where appointments were not kept, or visits made without appointments. This theme has unfortunately continued and in a number of complaints the Council's failure to communicate with tenants has added immeasurably to their frustration. I appreciate that major changes have recently been introduced. You have entered into new contracts covering repair, maintenance and refurbishment, you are focusing on training for staff and I understand that housing management and repairs teams are now located in the same offices. I hope that the resources devoted to this very key area of service delivery will bring about improvements in due course.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial

and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the

survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	3	17	3	9	13	26	59	1	1	132
Advice given	2	10	0	7	7	17	27	3	0	73
Forwarded in investigative team (resubmitted)	1	3	0	0	2	5	25	0	1	37
Forwarded to investigative team (new)	8	15	1	24	12	37	73	2	1	173
Total	14	45	4	40	34	85	184	6	3	415

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	73	0	0	55	33	50	211

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	135	23.9
2009 / 2010	121	21.1
2008 / 2009	131	29.0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	33.0

Provisional comparative response times 01/04/2010 to 31/03/20 11

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0