

24 June 2011

Mr Martin Esom
Chief Executive
London Borough of Waltham Forest
Town Hall, Forest Road
Walthamstow
LONDON E17 4JF

Dear Mr Esom

Annual Review letter

We are writing with our annual summary of statistics on the complaints made to us about your authority for the year ending 31 March 2011. We 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.

Enquiries and complaints received

Over the course of the year our advice team received 182 complaints and enquiries, an increase of around one fifth on the previous year. In total, 99 complaints were forwarded for investigation and of these, 15 were complaints which had previously been forwarded to the council to consider but the complainant remained unhappy with the outcome.

For the last two years the service area which attracted the largest number of complaints was housing and that remained the case this year. Once again, repairs attracted the largest number of complaints.

As you know, 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. From formal enquiries made on 62 complaints this year, your average response time was 21 days, which is well within the 28 day target.

Complaint outcomes

Over the year we decided 104 complaints against your council which is 22 more than last year. No reports were issued but there were 26 '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 2010/11, 27.1% of all complaints the

ombudsman decided and which were within our jurisdiction were local settlements. For your council the relevant figure is 27.4%.

Set out below are some examples of the complaints which were local settlements during 2010/11.

Adult care services

One complaint was settled quite simply by the council agreeing to provide the complainant with a copy of a carers assessment which had been completed some months earlier. In another case, a woman experienced delays in obtaining adaptations for her disabled son because she was not advised that she needed to obtain permission from her landlord for self-funded works. There was some confusion because the complainant was a council tenant and it is not common for council tenants to fund the work. Your council agreed to review its procedures to ensure this issue is not overlooked in the future.

Education and children's services

Two school admission complaints revealed poor quality note taking by the clerk to the admissions appeal panel, in one case the notes were virtually impossible to follow. The council agreed to offer fresh appeals.

A foster carer who was deregistered following an allegation made by a previous foster child complained about the way the council had investigated the allegation and she appealed to the independent review mechanism (IRM) against the decision to deregister. The IRM recommended the complainant be re-registered, which the council accepted, but the council refused to investigate the complaint about the investigation because it said this had been done by the IRM. However, the IRM could only look at the registration issues. After discussions the council agreed to fully investigate all the complainant's concerns and we settled the complaint on that basis.

In another complaint we found there had been a long delay in dealing with a child protection issue, that confidential information had been released to a school and that there was a failure to deal properly with the complaints made. To remedy the injustice the council apologised and paid compensation.

Housing

A complainant had been reporting various repair problems since 2006 and had claimed there were delays in starting decent homes work. She complained about a number of issues including making good the area surrounding new windows which had been outstanding since 2006, leaks, a broken fence, electrical works and missed appointments. We decided there had been some delay and the council agreed to pay £200 to the complainant. You also agreed to complete a number of repairs. However, there was no evidence that the decent homes work had been delayed.

The council had agreed a complainant's property needed new windows but there was a delay in installing them. The complaint revealed some problems with a particular contractor. The council says it has taken steps to improve compliance with the standards set out in the contract. The windows were installed but it took over six months. The council had already awarded some compensation to the complainant, but agreed to increase it as a result of our investigation.

Another complaint involved the interaction between the register of potentially violent people and the need to do repairs. The complainant previously had been placed on the register and had been required to stay away from contractors working at his home. The complainant was then removed

from the register but when further repairs were required the council still tried to impose an exclusion zone. This led to a delay in the repairs being completed because the complainant was unwilling to accept the exclusion. We decided that although it was reasonable for the council to impose restrictions whilst the complainant was on the register, the same restrictions could not be justified once the complainant had been removed from the register. We recommended the council consider future restrictions carefully and only impose conditions that are necessary to protect staff. We also said that appeals about the inclusion on the register should be concluded as soon as possible.

A woman complained about the way the council treated her application to succeed to her late father's tenancy. The complainant had no statutory right to succeed but there was a failure to consider her request for a discretionary succession under its carer's policy. We found there had been a failure by the council to provide full and accurate advice about her options. We were also critical of the fact that a notice to quit was sent before she had received a decision on her succession request. After she received the notice to quit the complainant tried to contact the council but was unable to get a reply. The whole situation was complicated by the fact that your council suggested she had not actually been living with her father. You formed this view because council tax records showed her father had been granted a single person's discount. However, there was a lack of records to show how the decision to award this discount was made and there was a failure to take into account other information which showed the complainant had been living in the property. Following a meeting with a local councillor the council agreed to offer accommodation but it refused to withdraw the legal proceedings. The court adjourned the case but by this time the complainant had incurred legal costs. In this case we found your council was reluctant to agree a local settlement. However, the complaint was settled on the basis that the council agreed to pay compensation to reflect her avoidable legal costs, distress and time and trouble. The council also agreed to change the succession application form to include information about caring responsibilities; and not to initiate possession proceedings before a succession decision has been communicated to the applicant.

Benefits and tax

A complainant who was a private landlord initially accepted a tenant on the basis that the housing benefit would be paid directly to him. The council decided to pay the landlord on discretionary grounds as it seemed likely the tenant would otherwise fall into arrears. The council was aware the tenant had a history of arrears with other landlords. However, one month into the tenancy the tenant asked for the housing benefit to be paid to her. Officers took the view that it was obliged to grant her request because she was not eight weeks in arrears, the point at which the benefit must be paid to the landlord. The tenant failed to use the benefit to pay her rent. The housing benefit continued to be paid to the tenant for over ten weeks, in which time substantial arrears accrued. We found there had been a failure by the council to review its initial decision that there were good reasons not to pay the housing benefit direct to the tenant. We also took the view that there had been a failure to understand the discretionary powers about who housing benefit can be paid to. To settle the complaint the council agreed to pay the landlord the equivalent of ten weeks rent.

There were no local settlements in relation to local taxation although in one case we noted there was a lack of proper notes to explain why the council thought it was reasonable to use bankruptcy as a means of recovering a council tax debt. We are pleased to see the council has since confirmed that the policy has been changed to make sure it keeps notes to show how, and why, decisions are made.

Environmental Services and Public Protection and Regulation

A woman had been reporting general nuisance since July 2009 and she complained that the council had failed to take any action. We found no fault for the first seven months; the council had attended on numerous occasions but did not witness a statutory nuisance. However, a statutory nuisance was witnessed in February 2010 and a noise abatement notice served. But the council failed to tell the complainant the notice had been served and it did not tell her that she needed to call out the noise team to witness a breach of the notice. After the notice had been served there were two occasions when the complainant could have asked for a noise visit but she did not because she had given up. The council very quickly agreed to our request to make a small payment to reflect the uncertainty about what might have happened if the complainant had called out the team on those two occasions. We are also pleased to learn that you had introduced a range of letters explaining exactly what will happen if an abatement notice is issued.

Other services

A complainant had been banned from all the council's libraries in August 2009. Our investigation found there had been various faults including problems obtaining witness statements, a lack of a formal procedure for library bans, a six week delay in dealing with his appeal against the ban, a failure to remove the ban in relation to one library he was allowed to use and a failure to allow use of a public computer after the ban had been lifted. There had also been a delay in responding to his stage two complaint. The council had already paid compensation for various delays and we asked for an additional sum to reflect the other issues. You promptly agreed to our proposal and also agreed to introduce a formal policy regarding library bans and reviews.

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. Our 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 89 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.

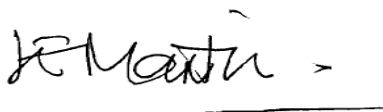
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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 we should be pleased to arrange for a senior manager to meet and explain our work in greater detail.

Yours sincerely



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	1	12	1	4	9	5	9	0	6	47
Advice given	2	4	1	4	5	5	11	0	4	36
Forwarded in investigative team (resubmitted)	1	1	0	2	0	1	7	1	2	15
Forwarded to investigative team (new)	6	11	2	14	11	6	28	1	5	84
Total	10	28	4	24	25	17	55	2	17	182

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	25	0	0	37	29	11	102

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	1	1	2

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Provisional comparative response times 01/04/2010 to 31/03/2011

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	61	21.3
2009 / 2010	45	21.1
2008 / 2009	46	20.4

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

Response times adult social care 1/10/10 - 31/3/11

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	1.0