



The Commission for  
Local Administration in England

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

# **The London Borough of Hammersmith and Fulham**

**for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 letters.**

## **Annual Letter 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

## **Complaints received**

### **Volume**

We received 86 complaints against your Council this year. That is a significant decrease from the previous year's figure of 103 and marks a return to 2004/05 complaint levels.

Housing complaints accounted for 50% of the complaints we received which continues the trend from previous years. The next two highest subject categories are Benefits (9) and Transport and Highways (9). There were no significant changes in the number of complaints we received about other Council services. Of the 12 complaints categorised as "Other" in the attached statistical table, six were complaints about the Council's handling of reported incidents of anti-social behaviour. But we found no evidence of administrative fault in the complaints we accepted for investigation.

## **Decisions on complaints**

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

The measure of administrative fault causing injustice is not the total number of decisions by my office but the number of settlements and formal reports which found maladministration and injustice. I did not issue any reports against your Council this year. We reached a decision on 103 complaints and agreed a local settlement in 22 of these cases (36% of all the complaints we decided excluding those that were premature – as the Council had not yet had a reasonable opportunity of dealing with them - or outside jurisdiction). That figure exceeds the national average of 27% for all authorities. The total amount of compensation paid by the Council this year is £31,836 albeit it is worth noting that two complaints about adult care services accounted for £22,000 of this sum.

The largest category of complaints we settled were those made by Council tenants about problems with housing repairs. These accounted for six of the 22 local settlements. In investigating these complaints we identified the following shortcomings:

- poor record-keeping and logging of repairs leading to a delay in carrying out the necessary works;
- works not given the correct priority when the order was raised;
- delays in carrying out works caused by the contractor's failure to attend and poor co-ordination of the works;
- poor standard of work carried out by contractors;

- repeated broken appointments by one contractor;
- confusion about the precise extent of works required.

As well as paying compensation to the tenants affected by these failings, the Council also agreed to undertake a major review of one contractor's performance because of its widespread failure to meet targets. It also undertook to review and make the requisite improvements to its repairs reporting system. I would be grateful for an update on the outcome of both these reviews.

Three of the complaints we settled were about the Council's handling of Housing Benefit claims. Claimants are particularly vulnerable if their claims are not determined swiftly and correctly because landlords can put them under pressure to clear rent arrears and may take steps to start possession proceedings. In all three of the complaints we settled, there was either a delay in making a decision on the claim, or in telling the claimant what further information was required or in dealing with a request made by the claimant for a re-determination by the Rent Officer.

In the two complaints we settled this year about adult care services, the Council offered compensation at stage three of the statutory social services complaints procedure, but the complainants were not satisfied with the amount offered and so they made a complaint to my office. In both these cases we recommended a substantial increase in the amount of compensation to reflect the serious injustice suffered by the complainants. One case involved a breakdown in the day care service provided to a young adult with autism and very complex and challenging behaviour. The burden on his mother – a single parent and his sole carer – was intolerable. For 12 months no day care service was provided for her son and so she had to care for him full-time with no respite. Even when a new day care package was put in place, the provision remained patchy for several months. The Council had previously offered to pay £7,000 compensation at stage three of the social services complaints procedure. But we considered the injustice in this case was so serious, and the complainant suffered for such a long time, that the offer should be increased to £18,000. I am glad to say that the Council readily accepted this proposal.

The other case involved a vulnerable young person living in a foster care placement. She received an inadequate level of care and spent 21 months in a placement that was clearly unsuitable and did not meet her needs. The Council failed to monitor the case and it did not follow up or investigate her complaints about the placement. The Council agreed to pay the young person £4,000 compensation, provided her with a computer to help in her studies and arranged counselling sessions for her.

### ***Other findings***

We found no evidence of administrative fault in 29 of the 103 complaints (28%) we decided this year. 18 complaints were outside my jurisdiction and 24 were premature which means the complainants had not given the Council a reasonable opportunity to investigate and reply to them before making their complaint to me. In such circumstances I forward the complaints to a local authority with a request that they are dealt with appropriately and that I am copied into the response. I then check with the complainant whether or not they are satisfied and invite them to complain once again to me if they are not.

### **Your Council's complaints procedure and handling of complaints**

We are aware that you have recently overhauled your arrangements for handling Ombudsman complaints. The transition seems to have gone smoothly as I am not aware of any difficulties my staff have experienced in terms of liaison with your office.

Your average time for responding to our first enquiries on complaints is 27.6 days which is just within our target time of 28 days. This level of performance places you in the top 39% of London Boroughs.

## **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive. I am glad to note that some of your staff attended our course on Effective Complaint Handling this year.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

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

My investigative staff recorded several positive comments about your officers' responses to complaints and proposals for local settlements. In particular, my staff commented on your pro-active approach and your willingness to propose a local settlement at an early stage in our investigation of a complaint when it is clear that something has gone wrong. Other comments were made about the speed of your response and your helpful and thorough replies to our enquiry letters.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **Conclusions and general observations**

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**  
**Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Benefits</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Public finance</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	3	9	3	2	43	12	1	4	0	9	<b>86</b>
<b>2005 / 2006</b>	5	5	6	7	35	16	7	8	1	13	<b>103</b>
<b>2004 / 2005</b>	4	8	6	2	45	10	4	2	2	6	<b>89</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	0	22	0	0	29	10	18	24	79	<b>103</b>
<b>2005 / 2006</b>	0	21	0	0	24	10	18	23	73	<b>96</b>
<b>2004 / 2005</b>	1	15	0	0	25	17	17	17	75	<b>92</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	47	27.6
<b>2005 / 2006</b>	45	25.6
<b>2004 / 2005</b>	40	24.4

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0