



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
London Borough of Hillingdon  
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**

The number of complaints received in 2006/07, at 70, was broadly the same as the year before, but higher than previous years. Complaints about housing have continued to rise, doubling to 22 over a two-year period. These have been across a range of housing services, the most numerous being about housing allocations (6) and managing tenancies (5). The other main areas of complaint were planning and building control (15, which was fewer than in previous years, with 11 relating to planning applications) and transport and highways (7).

## **Decisions on complaints**

### **General**

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.

### **Issued reports**

I issued one report on a complaint against your Council in 2006/07. I concluded that there had been fault in how the Council had dealt with a 'certificate of lawfulness', which wrongly gave a binding determination that a three-storey extension to a two storey house did not require planning permission. There was a brief window of time, when the decision might have been challenged, but the Council acted on incorrect legal advice which let this window close. The extension, which was past eaves height when my investigator visited, was contrary to the Council's policies and I was satisfied that, but for human error, it would not have been agreed. The complainant was then misled about the lawfulness of the development and about enforcement action being taken.

To remedy the injustice caused to the complainant, I recommended that the Council reimburse to the complainant any loss in the value of his home (which subsequently came to £20,000, and which was paid) and pay him compensation to reflect the time, trouble and outrage he had suffered. Not only did the Council accept my recommendation, but it decided he should receive £5,000 rather than the £3,500 I had recommended. I am grateful for your Council's positive response in this regard. The Council also accepted, and implemented, my recommendation to review various procedures.

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### **Local settlements**

As last year, I discontinued the investigation in 10 complaints because I considered a suitable settlement had been reached. In one case, works of repair should have been undertaken before a tenant moved into a house. They were not done because, the Council said, it was important that properties are let as soon as possible. That is undoubtedly so, but it seemed reasonable to expect a stairlift and urine soaked floorboards to be dealt with beforehand. It took almost a year, and 60 visits, to deal with all the problems including dealing with faulty electrics and central heating, crumbling plaster and leaks.

Two of the settled complaints related to harassment. In one, there was delay in dealing with a request for an urgent housing transfer from a tenant being threatened by his ex-partner. The other concerned someone being moved to a property which was too close to the violent ex-partner from whom they were seeking refuge.

Two more cases involved complaints of anti-social behaviour. In one, concerning noise nuisance, the Council said its legal advice was not to use DAT machines (noise recorders) because this would be the use of intrusive covert surveillance. But there was no evidence of such advice: an article in a professional journal had been misunderstood. Eventually, the Council's legal advice confirmed DAT machines could be used if the neighbours were alerted to the possibility of noise monitoring. The Council agreed to use DAT machines if necessary. In another case about nuisance from a neighbour, I concluded the Council should have been more pro-active and provided better information to the complainant, who was also given misleading advice about eligibility to participate in the Cash Incentive Scheme to enable a move to another property.

In total, remedies included payments of compensation of £2,450, a change to clarify the wording of the Council's housing allocations policy, and apologies. Others included simple remedial action, such as the replacement of a new communal gate at a sheltered housing scheme which caused difficulties for a disabled resident who found it too narrow to use in his mobility scooter without the risk of injuring his elbows.

### **Other decisions**

Of the remaining complaints decided in 2006/07, 15 were referred back to your council because you had not had sufficient prior opportunity to consider them. A further 10 were not within my jurisdiction to investigate. In the other 34 cases, I exercised my discretion not to pursue the matter further. This was mainly because there was little or no evidence of fault, or because the potential injustice caused by any fault did not justify further investigation. One such case related to the complainant's concerns that a footpath crossing a park which she occasionally used did not follow the correct line.

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

The average response time on providing information to our enquiries is very slightly above our target of 28 days. I am aware that one complaint, where the Council took 44 days to respond, was particularly complex. In another case, an extension to the normal period was requested and agreed by this office. Without these two cases, the average response time would meet our target.

### **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.

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**

As you know, I seek to visit all councils in my jurisdiction periodically. The last time a senior member of my staff visited your Council was in November 2005.

We have been conducting a pilot scheme giving my staff direct access to your Council's computerised complaints system. The main purpose was to identify quickly those 'premature' complaints which should be referred back to your Council consideration. This work is continuing and has not yet been evaluated. I am grateful to those of your staff who have been involved for their efforts in this area. We hope to begin an evaluation shortly.

### **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.

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## **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  
10<sup>th</sup> floor, Millbank Tower  
Millbank  
LONDON  
SW1P 4QP**

**June 2007**

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

| Complaints received by subject area | Adult care services | Benefits | Children and family services | Education | Housing | Other | Planning & building control | Public finance | Social Services - other | Transport and highways | Total |
|-------------------------------------|---------------------|----------|------------------------------|-----------|---------|-------|-----------------------------|----------------|-------------------------|------------------------|-------|
| 01/04/2006 - 31/03/2007             | 4                   | 4        | 2                            | 4         | 22      | 8     | 15                          | 4              | 0                       | 7                      | 70    |
| 2005 / 2006                         | 4                   | 4        | 5                            | 1         | 19      | 11    | 21                          | 1              | 1                       | 6                      | 73    |
| 2004 / 2005                         | 3                   | 4        | 3                            | 2         | 11      | 7     | 18                          | 4              | 0                       | 7                      | 59    |

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

| Decisions               | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Premature complaints | Total excl premature | Total |
|-------------------------|---------|----|--------|---------|--------|----------|----------------------|----------------------|----------------------|-------|
| 01/04/2006 - 31/03/2007 | 1       | 10 | 0      | 0       | 19     | 15       | 10                   | 15                   | 55                   | 70    |
| 2005 / 2006             | 0       | 10 | 0      | 0       | 21     | 14       | 10                   | 15                   | 55                   | 70    |
| 2004 / 2005             | 0       | 3  | 0      | 0       | 14     | 12       | 11                   | 15                   | 40                   | 55    |

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

| Response times          | FIRST ENQUIRIES        |                            |
|-------------------------|------------------------|----------------------------|
|                         | No. of First Enquiries | Avg no. of days to respond |
| 01/04/2006 - 31/03/2007 | 24                     | 29.7                       |
| 2005 / 2006             | 31                     | 32.7                       |
| 2004 / 2005             | 25                     | 28.9                       |

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

| Types of authority        | <= 28 days % | 29 - 35 days % | >= 36 days % |
|---------------------------|--------------|----------------|--------------|
| 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          |