



The Commission for  
Local Administration in England

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

**London Borough of Southwark**  
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 to 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**

In 2006/7 I received 286 complaints against your authority, one fewer than the previous year. Once again the complaints covered a wide range of Council services with similar numbers of complaints in each category as last year. Complaints about Housing matters (excluding Benefits) still give rise to the largest number of complaints accounting for just over half the total number received. Complaints about Planning and Building Control matters fell back to 19 from the 40 received last year. This brings the number back to that seen in previous years following the large multiple complaint I received about a single planning issue last year.

## **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. I did not issue any reports against your Council this year.

During 2006/7 I made decisions on 296 complaints.

Eighty five complaints were upheld wholly or in part and remedied by way of local settlement. Excluding complaints that were outside my jurisdiction and complaints that were referred back to the Council for investigation, this accounted for 50% of the total complaints determined and represented a slight increase on last year (47%).

My officers continue to find your Council very helpful in agreeing to settle complaints often suggesting remedies itself or promptly accepting our recommendations. But we have noticed an increase in the number of cases where there is an unacceptable delay in implementing the terms of a local settlement. I raised this issue in my letter to your Council last year and the problem appears to be continuing. Recent examples include delays of more than 10 weeks in paying compensation and taking the agreed remedial action. I also note we opened two new complaints in Housing Repairs cases where the Council had failed to implement the terms of the local settlement. In your response to last year's letter you outlined improvements to the complaints procedure to ensure that Ombudsman complaints were tracked from the initial enquiry through to the implementation of any recommendations. Unfortunately, this system does not appear to be working effectively. If this

unacceptable situation continues I will consider asking the Council to pay interest at the County Court rate where there are unacceptable delays in paying compensation. I would be grateful if you could inform me of the steps the Council will now take to address this problem.

Housing matters (excluding benefits) remain the largest group of settled complaints, with complaints about Housing repairs accounting for over half of this category.

In one case the Council delayed for three months in responding to a complaint about the failure to complete repairs in the complainant's property, the failure to compensate her for missed appointments and the failure to repair a leak from the upstairs flat. The complainant was elderly and in ill health. She had to live in very damp conditions. The Council agreed to move the complainant to temporary accommodation and to look for sheltered accommodation for her on a permanent basis. It also paid her £300 compensation.

In a further four complaints about Housing repairs the Council had delayed in carrying out the decision of the Council's Arbitration Tribunal. I raised this issue in my letter to your Council last year but unfortunately improvements do not yet appear to have taken effect. It would be helpful to know how the Council intends to address this continuing problem.

In a complaint about antisocial behaviour the Council delayed in taking effective action against an upstairs neighbour who was causing significant noise nuisance on a regular basis. There was evidence of a statutory nuisance since 2001 when a previous tenant had complained. The complainant moved into the property in January 2003 but a Notice of Seeking Possession was not served on the neighbour until January 2005 despite immediate and continuous complaints. The perpetrator then bought her property before the Council obtained a court hearing for possession. The complainant had endured over three years of nuisance because the Council delayed legal action and will now have more difficulty selling her property on the open market. The Council agreed to pay the complainant £5,000 compensation and to keep her informed of its progress with any further action against the neighbour.

I determined an increasing number of complaints about parking matters this year. In five complaints the Council was at fault in not properly considering mitigating circumstances raised by complainants in response to Penalty Charge Notices. In each case the Council agreed to refund the fine. I would like to remind you of the Ombudsmen's Special Report on Parking Enforcement, issued in December 2004 which sets out our understanding of how the Council should deal with mitigating circumstances.

In total the Council paid £73,204 to complainants as a result of complaints to my office. The large increase on last year's total (£39,632) is partly due to a settlement of £25,500 in respect of one complaint. Here the Council failed for five and a half years to provide appropriate education for a looked after child with a Statement of Special Educational Needs for emotional and behavioural difficulties. I am grateful for the Council's willingness to arrange for redress when things have gone wrong.

In 49 of the remaining complaints I found no or insufficient maladministration by the Council causing injustice. In another 35 complaints I exercised my discretion to discontinue my investigation and 44 complaints were outside my jurisdiction.

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

Thank you for your comments on the proposed improvements to your complaints procedures particularly in respect of Housing and Social Services matters. My officers have noted in some cases delays in the internal complaints process which have led to a complaint being made to me. I hope these improvements may lessen the recurrence of these complaints.

In 2006-07 I referred 83 premature complaints to the Council to deal with through its own complaints procedure, a slight increase on the previous year. This represents 28% of the complaints determined and is in line with the national average.

## **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**

My staff continued to have a positive working relationship with the Council's officers during the year and find them in general very co-operative and approachable, and ready to use email and telephone where appropriate.

I made enquiries on 126 complaints this year and the average response time to our first enquiries was 39.4 days. I commend the Council for achieving an improvement on the previous year (41.3) but note that many responses are still well outside our target time of 28 days. Thank you for your efforts in this respect but I would be grateful if further improvements could be made.

Once again last December you kindly invited my Assistant Ombudsman, Ms Jones and my investigator, Mrs Holman to talk to some of your complaints officers about the work of the Ombudsman's office. I understand the day went well and I am pleased to be able to assist the Council in this way.

## **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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**West wood Business Park**  
**Coventry CV4 8JB**

**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>	5	18	10	11	150	32	19	17	0	24	<b>286</b>
<b>2005 / 2006</b>	2	19	10	11	143	33	40	17	1	11	<b>287</b>
<b>2004 / 2005</b>	2	19	5	8	172	40	24	16	3	19	<b>308</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	85	0	0	49	35	44	83	213	<b>296</b>
<b>2005 / 2006</b>	13	77	0	0	35	38	53	77	216	<b>293</b>
<b>2004 / 2005</b>	1	51	0	0	48	41	51	93	192	<b>285</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>	126	39.4
<b>2005 / 2006</b>	150	41.3
<b>2004 / 2005</b>	105	40.2

**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