



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
London Borough of
Wandsworth
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 132 complaints during the year, an increase on the 121 received in the previous year. The rise in the number this year is mainly accounted for by the increase in complaints about Transport and Highways (largely about car parking).

Character

Thirty-seven complaints were received about housing, a slight reduction on the previous year. Thirty-one complaints were about Transport and Highways, primarily reflecting the number of complaints about fixed penalty notices given to motorists. This may be due to an increased level of activity in this area but the Council may wish to consider whether its procedure for dealing with citizens who receive such notices makes them sufficiently aware of the options open to them if they wish to contest the penalty, for example by appealing to the adjudicator or by use of the complaints process. Nineteen complaints were received about planning, an increase of eight on last year but similar to 2004/2005. We received six complaints about adult care services, seven about child and family services and five about education. Of the twelve complaints received in the "other" category, four were about antisocial behaviour, three about environmental health and two about drainage. Of the remaining three, two were about miscellaneous issues and the other about land.

Decisions on complaints

Reports and local settlements

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 issued two reports during the year.

One concerned special educational needs. The complainant's son was taken out of school and his mother complained that the Council failed to take action over the lack of education for a child not in school. The child received no education at all for about two and a half years followed by a further period of six months when the child received insufficient education. The Council agreed to assess the child's educational needs and make additional provision so that he could sit the GCSE exams of his choice. It also made available a sum of £10,000 to be invested in his education to be controlled by the Council and spent in discussion with the child's mother. In addition to this, £500 was paid to both the complainant and her son in recognition of anxiety and uncertainty and consequent inconvenience. The Council also agreed to review its procedures concerning the education welfare service and the tracking of children out of school to ensure that this could not happen again.

The other report was about adult care services where the Council's assessments of the care needs of the complainant's elderly mother over a period of five months were flawed by maladministration. The complainant suffered substantial injustice in that she had to pay over £27,000 for unnecessary nursing care so that her mother could return to the residential care home where she had lived for many years. I recommended that the Council reimburse the sum together with interest and pay £500 as recompense for her time and trouble in bringing her complaint to both the Council and to me. In total, the amount I recommended was £34,004. I am pleased to record that the Council accepted and implemented my recommendations with exemplary speed.

Sixteen complaints were resolved locally without the need for me to report.

In one complaint, the Council failed to assess properly the complainant's application to become a foster carer; it did not adequately consider her concerns about a dispute with her Social Worker and the application was not reported to the Fostering Panel as required by the Fostering Service Regulations 2002. This meant there was no mechanism for the complainant to address inaccurate information provided in medical records that were over 20 years old. Your officers were quick to grasp the core issues and assisted my investigator in reaching a suitable resolution. This was to review the Council's procedures in order to bring them in line with legislation and to offer the complainant a fresh assessment by an independent Social Worker.

Of particular note is a complaint received about anti-social behaviour. The complainant was placed in a block of flats where he suffered harassment and, on occasion, was attacked. He requested that he be moved away for the sake of his health and because he feared for his safety. But his real complaint was that he had been obliged to accept unsuitable accommodation from the Council which had failed to take into consideration his very serious health problems when assessing his housing needs. After discussion with my investigator, the Council discussed the situation with the complainant and the Head of Housing personally intervened to secure an urgent transfer.

In a complaint about housing repairs, the Council took 22 months to complete repairs to the complainant's flat; the complainant was in poor health and considered to be vulnerable and frail. Before the complaint was referred to us, the Council had offered £400 compensation which the complainants' solicitors considered to be too low. My investigator considered that there had been 12 months' avoidable delay in the 22 month period and so the compensation was adjusted to £765 which represented a rebate of the complainant's weekly rent for her loss of enjoyment of her home.

One complaint concerned the purchase of a long lease on a former public toilet; the complainant wanted to lease an area adjacent to it for a business venture, as did a nearby public house. There followed a series of bidding exercises that continued for over three years. My investigator found that the Council was at fault in failing to explain important details in its communications which resulted in the complainants experiencing uncertainty and frustration. I recommended that the Council pay the complainant £1000.

Other complaints were also resolved locally but did not raise any significant issues. In total, the Council paid a total of £47,309 compensation in respect of complaints brought to me.

Other findings

One hundred and twenty-nine complaints were decided during the year. Of these, eighteen were outside my jurisdiction for a variety of reasons. Forty five complaints were premature and, as I mentioned earlier, sixteen were settled locally. Two were resolved after I issued reports. The remaining 48 were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

The number of premature complaints represents over a third of the number of incoming complaints. This is an improvement on last year and is still above the national average. But it is possible that the Council's complaint process is still not always sufficiently visible to customers who remain unhappy with what the Council has done. It is particularly important that officers signpost the complaints process at an early stage. Nine of the premature complaints were resubmitted, a very low number, which suggests that when complaints reach the Council it does work hard to try to resolve them.

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

We made inquiries on 43 complaints this year and the average time for responding was 35.5 days and an increase on the 31 days it took last year. I hope the Council will look for ways to improve its response times here, and so meet our target of 28 days.

As you know we offer training for link officers at annual seminars and you may wish to consider sending someone to the seminar to be held later in November, particularly as the Council has in the last year appointed an officer to assist in the handling of premature complaints. If so please let my Assistant Ombudsman, Stephen Purser, know and he will arrange for an invitation to be sent. In addition if it would help for Mr Purser to visit the Council and give a presentation about how we investigate complaints he would be happy to arrange this.

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
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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	6	7	7	5	37	12	19	8	0	31	132
2005 / 2006	7	12	5	7	41	10	11	3	2	23	121
2004 / 2005	8	12	2	5	40	8	18	4	1	12	110

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	2	16	0	0	32	16	18	45	84	129
2005 / 2006	0	17	0	0	37	8	10	54	72	126
2004 / 2005	0	20	0	0	30	16	20	27	86	113

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	43	35.5
2005 / 2006	44	31.0
2004 / 2005	44	29.6

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