

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

**London Borough of Greenwich**  
for the year ended  
**31 March 2008**

**The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction**

This annual letter provides a summary of the complaints we have received about the London Borough of Greenwich. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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 131 complaints against your Council during the year, 28 more than last year. This is a significant increase because the rise can be attributed to just one particular subject area, housing.

### ***Character***

Sixty-two complaints, just under half of all complaints, were about housing. This figure is almost twice as many as last year (34).

There were other small increases in the numbers of complaints about adult care services (five), public finance (nine) and transport and highways (ten). But I do not consider those rises represent other than normal fluctuations year on year.

Some types of complaint decreased. We received nine complaints about planning and building control, almost half the number received last year. The number of complaints received about education (three) also fell from eight last year. Children and family services complaints fell from eight to five, and benefits complaints went down from five to three. As with the smaller increases in other categories, I do not consider these reductions to be significant, given the small numbers of complaints in each category year on year.

The remaining 25 complaints were recorded in the 'other' category. They included eight complaints about environmental health, five about anti-social behaviour, and three each about land and waste management.

## **Decisions on complaints**

A total of 125 decisions were reached last year.

### ***Reports and local settlements***

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). When we complete an investigation we issue a report.

I issued a report on two cases this year about the way in which environmental health had disposed of vehicles.

The more serious of these resulted from the Council's actions in removing the complainant's car from outside her home and destroying it because the Council had decided that the car had been abandoned. I found that the Council had failed to recognise that the car was parked outside the registered keeper's home. It had made no reasonable effort to contact her to discuss its concerns. I considered that the Council's actions had deprived the complainant of her car, caused her unnecessary distress and put her to time and trouble in pursuing the complaint. The Council agreed to remedy the injustice by reviewing its policy and making a payment of £1,100 in compensation.

Seventeen complaints were settled locally, and a total of £5,977.24 paid in compensation.

An adult care services complaint concerned the consequences of misdating a letter from the Council which led to the Department of Work and Pensions pursuing the complainant for a supposed overpayment of benefits. The Council accepted the error and to remedy the complaint it made an apology and a payment of £500.

I received a complaint from an individual whom the Council had placed under a lifetime ban from a local market where his family ran two stalls. I took the view that a lifetime ban without review was unduly harsh. I am pleased that the Council agreed to settle the complaint by agreeing to review the ban after a set period and to consider the possibility of the complainant's return on the basis of a good behaviour contract.

A further complaint about the destruction of a car without notice was settled by the Council making a payment of £1,000 as compensation for the value of the car and a further £250 for time and trouble. It has also now agreed to hold vehicles for 28 days before destruction.

As in previous years, housing repairs account for the majority of local settlements (seven). Six complaints featured delay in carrying out works or in providing information and were resolved by works being carried out and compensation payments of £150, £2,000 and £250 being made. The final complaint in this group arose because the Council sought payment in full for a replacement kitchen door. There was no evidence either way to establish whether or not a door was there when the complainant moved into the property. The complaint was settled by the Council agreeing to accept half the cost of the door (£84) rather than the full amount.

In a complaint about land, the complainant was given the wrong information about whether she owned the loft above her flat; the Council delayed in considering her request to purchase it and made its decision without full information. The Council accepted its failings, promptly apologised and agreed to reconsider the application for purchase, waiving the usual surveyor's fee of £110.

Three complaints about recovery action for council tax arrears resulted in the waiving of some costs, the offsetting of additional payments against outstanding arrears and compensation totalling £300.

The remaining cases did not raise issues of significance.

Several complaints were received during last year regarding your Council's procedures for dealing with homelessness. The events appear to have occurred in 2005/06. One such complaint was settled locally in the sum of £1,000.

Two other similar complaints were not pursued by the complainants because they had been housed within Greenwich, or had moved to another authority area. There are currently three further complaints which are being investigated.

The main issues in these cases are:

- the recording and retention of advice given by your Council to people who present to the Council with housing needs;
- your Council's recording of the decision about its statutory duties to each applicant;
- concerns regarding your Council's use of its private sector housing allocation system, where applicants allege their circumstances invoked your Council's statutory duty to consider them as homeless.

In response to these complaints, your Council wrote to the organisation which had represented a number of complainants detailing the actions taken to address the concerns raised. I am pleased to note that your Council has recognised where flaws in practice and procedures occurred and reviewed its processes in the light of these complaints. You have also set up quarterly liaison meetings with relevant housing advice organisations in order that any future concerns can be drawn to your attention and resolved.

I also received three complaints about housing repairs relating to work under the Decent Homes scheme. These complaints arose because the Council's contractor's surveyors for one schedule of works indicated to some residents that kitchen replacements would take place before the Decent Homes standard had been applied to that survey data. I am satisfied that the Council has put in place procedures to avoid any recurrence of this problem.

### ***Other findings***

Fifty-six complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further 12 cases I took the view that the matters being complained about were outside my jurisdiction.

The remaining 38 complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

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

I note that 56 or 45% of complaints received this year were premature, considerably higher than the national average of 27%. While your complaints procedure appears to be visible and readily accessible, your Council may wish to consider whether further publicity would be helpful, especially for staff who are dealing with residents' grievances at an earlier stage in the service delivery process.

Of the 56 complaints referred back to you as premature, only 12 were resubmitted to me. Two of these were then settled locally. These figures suggest that when complaints reach the appropriate people in the organisation they work hard to resolve them.

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

Enquiries were made on 36 complaints during the year. Your Council's average response time was 42 days. This is a disappointing result and marks an increase on last year's figure of 38 days. It is particularly regrettable because in 2005/2006, your Council was meeting my office's 28 day target. Your Council's response times have worsened two years in a row. The Council should now consider what steps it will take to achieve the response times of two years ago.

The average response time includes some cases which suffered long delays. In nine cases it took 60

days or more to respond. In two, both about housing, the response took 90 and 91 days. The average response time for all 13 housing enquiries was 57 days, a key contributor to the increase in your Council's overall response time. Given the rise in the Council's number of complaints received about housing, you may wish to focus in how housing complaints can receive swifter responses over the coming year.

On a positive note, your Ombudsman link officer is efficient, helpful and proactive in seeking or collating responses from the Council's departments.

### **Training in complaint handling**

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

We provided your Council with an Effective Complaint Handling (investigation and resolution) course in November 2007 and I hope that the course participants found this beneficial to their complaint handling work.

### **LGO developments**

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

## **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  
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**June 2008**

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>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	5	3	5	3	62	25	9	9	10	<b>131</b>
<b>2006 / 2007</b>	3	5	8	8	34	15	17	7	6	<b>103</b>
<b>2005 / 2006</b>	2	4	4	5	42	20	15	5	11	<b>108</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>01/04/2007 - 31/03/2008</b>	2	17	0	0	25	13	12	56	69	<b>125</b>
<b>2006 / 2007</b>	0	22	0	0	21	21	8	30	72	<b>102</b>
<b>2005 / 2006</b>	1	21	0	0	30	16	17	33	85	<b>118</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>01/04/2007 - 31/03/2008</b>	36	42.1
<b>2006 / 2007</b>	36	37.6
<b>2005 / 2006</b>	53	25.9

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0