

Local Government  
**OMBUDSMAN**

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

**London Borough of Hounslow**  
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 Hounslow. 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 with the interpretation of the statistics.

## Complaints received

I received 218 complaints against your authority during 2007/08, an increase of 69 over the previous year. That increase is largely accounted for by the fact that I have received 52 *planning and building control* complaints about one large development.

However, with 60 complaints, 23 more than in the previous year, *housing* remained the category which generated the largest number of complaints. The numbers of complaints relating to the other categories were broadly in line with previous years.

## Decisions on complaints

Last year we made decisions on 186 complaints against your Council. We found no maladministration in 45 complaints. We found that 19 complaints were outside my jurisdiction and we exercised discretion to close a further 31 complaints without requiring any action by the Council.

## 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 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).

I issued two reports against your authority last year. One report related to a *planning and building control* complaint resulting from failings by the Heston and Cranford Area Planning Committee when reaching a decision not to take enforcement action over an unauthorised development. As a result of my report the Council:

- paid each of the joint complainants £500 in compensation;
- arranged for its Sustainable Development Committee to review the issue, as a result of which a decision was taken to pursue enforcement action;
- reviewed the arrangements for devolving planning decisions.

The other report related to a *housing* complaint and resulted from the Council's failure to follow its Allocations Policy when assigning priority dates within the Locata Scheme to homeless applicants who had previously been on the general housing waiting list. As a result of my report, the Council has:

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- amended its Allocations Policy to bring it into line with the claimed practice;
- paid the complainant £500 in compensation;
- revised its procedures and provided training for the relevant officers; and
- amended the priority dates of 612 other homeless applicants which had been recorded incorrectly.

My office settled 39 complaints last year. This relates to 33.3% of complaints decided (excluding 'premature' complaints and those outside our jurisdiction). This is lower than the previous year when 43.7% of complaints were settled, although it remains higher than the national average of 27%. The complaints settled last year resulted in compensation totalling nearly £25,500 being paid to complainants. I give details of some of these settlements below.

We settled one complaint about *adult care services*. The Council delayed offering direct payments and did not assess the complainant's care needs properly. This resulted in him paying for additional care out of his benefits. The Council agreed to make payments totalling just under £5,000 to reimburse him for the costs he had incurred and for the inconvenience he had been put to.

We settled three *benefits* complaints relating to delays in assessing Housing Benefit claims. The Council agreed to pay between £150 and £400 to the complainants.

We settled five complaints about *planning and building control*, three of which related to the same development. As in the previous year, each of the complaints related to delays in taking enforcement action or in responding to complaints about the possibility of taking enforcement action. I understand such delays were caused by staff changes in the Council's Enforcement Team. I hope the position will improve over the current year.

We settled 15 *housing* complaints. Details of some of these complaints are as follows.

We settled two complaints about housing allocations resulting from a failure to inform one applicant of the right to appeal against a decision on a medical assessment, and the provision of incorrect information about bedroom eligibility for another applicant.

We settled five complaints about problems with housing repairs. One complaint related to a delay of six months in establishing the cause of damp in the home of an elderly tenant. Two complaints related to the failure to communicate with tenants about the timescale for carrying out works and another related to the failure of the Corporate Complaints Unit to communicate with Hounslow Homes, resulting in a significant delay in carrying out some relatively minor repairs. The Council agreed to pay compensation of between £50 and £500 to settle these complaints. Such complaints reinforce the need for effective communication both within the Council and between the Council and its customers.

Three complaints related to problems with the way the Council dealt with homeless people living in temporary accommodation. In one case a family of 5 were left living in one room for over two years. Although the Council claimed they had refused offers of permanent accommodation its records relating to the offers were inconsistent. The Council has agreed to review the way in which such information is recorded and I look forward to receiving the outcome of this review. The Council responded flexibly to a second complaint by facilitating a direct arrangement with a private landlord. This enabled a family to stay in their current temporary accommodation, even though the housing association which had been managing it had cancelled its lease with the owner.

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Two complaints resulted from a lack of communication within the Council over rent arrears for people living in temporary accommodation which had been caused by delays in paying Housing Benefit. I understand new procedures are being put in place aimed at preventing such problems from reoccurring.

We also settled two complaints about delays in taking effective action to tackle anti-social behaviour which resulted in payments of £400 and £3,500 to the respective complainants. The larger payment was to a woman living next door to someone housed by the Council in temporary accommodation and was therefore linked to the more general problems with the management of such accommodation.

As a result of these various complaints I am aware that the Council is developing new procedures for its Temporary Accommodation team. I look forward to receiving confirmation that this work has been completed and I hope that these new procedures will enable the Council to address the problems I have identified.

We settled seven complaints about *public finance* all of which related to the handling of Council Tax. The issues raised by these complaints included: delays in applying exemptions; poor information on student exemptions; a wrongly issued summons; and a delay in issuing a refund for an overpayment. The Council agreed to pay the complainants between £50 and £500 in order to settle these complaints. My Investigators have commented favourably on the Council's willingness to propose settlements for such complaints without the need to be prompted.

We settled five *education* complaints. Three related to school admissions and identified: a failure to explain why a child had not been offered a place in a school; a failure to arrange an appeal hearing; and failings in the handling of an appeal hearing. Two complaints related to children with special educational needs. In one case the Council failed to review a child's annual statement resulting in a lack of appropriate education for four terms. This complaint was settled by the Council issuing a final statement and paying £6,600 in compensation. In the other case, the two children of a family housed by the Council in temporary accommodation had their education disrupted when they were moved to alternative accommodation and the Council failed to take into account the implications of the move on their education. This complaint was settled when the Council agreed to provide additional education for the two children up to a value of £2,500 per child and to pay £500 in compensation.

As in previous years, my Investigators have commented on the Council's willingness to settle complaints and on several occasions it has been possible to resolve matters without the need for formal enquiries. However, I am aware that Hounslow Homes has questioned proposed settlements and, in particular, the need for time and trouble payments. We are always happy to explain the basis of a settlement proposal and, where appropriate, will revise it when new information is provided by either the Council or the complainant. With regard to time and trouble payments, these will be appropriate when a complainant has been put to some unnecessary trouble in pursuing a complaint even though the substantive injustice is not great.

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

Last year my office referred 50 premature complaints back to you so that they could be considered through your corporate complaints procedure, as we did not think your Council had yet been given a reasonable opportunity to deal with them.

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The Council introduced changes to its corporate complaints procedure for complaints which it received from 1 April 2007. The amended procedure provides for the third stage to be dealt with by a panel of Members with the aim of encouraging early resolution of complaints. Such an aim is to be welcomed. This year a significant proportion of the complaints we received were dealt with under the old complaints procedure. By next year I should be in a better position to assess the impact of the new procedure on the complaints received by my office.

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

My target for receiving councils' responses to my enquiries is 28 days. During 2007/08 I made enquiries on 56 complaints against your Council. The Council's average response time increased from 26.2 days to 32.1 days and is therefore outside my target. I hope the Council will be able to improve its response time over the coming year as the new complaints procedure beds in and departmental complaints officers get used to providing the information my Investigators request.

One of my Assistant Ombudsmen and an Investigator have had regular contacts with your Head of Customer Services during the year, including meetings in October 2007 and March 2008. In particular, they have discussed the implementation of the new corporate complaints procedure. They were also able to meet some of your departmental complaints officers. I value this regular liaison. Two officers from Hounslow Homes also attended one of the seminars we run from time to time for staff who deal with my office. I trust they found the experience useful.

### **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.

### **LGO developments**

We launched the LGO Advice Team in April 2008, 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, has dealt with many thousands of calls since the service started.

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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 2008. 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'. Again, 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.

**Tony Redmond**  
**Local Government Ombudsman**  
**10<sup>th</sup> Floor**  
**Millbank Tower**  
**Millbank**  
**LONDON SW1P 4QP**

**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>	4	22	4	5	60	15	59	25	24	<b>218</b>
<b>2006 / 2007</b>	6	17	7	8	37	15	17	21	21	<b>149</b>
<b>2005 / 2006</b>	3	21	6	6	49	27	15	10	14	<b>151</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	39	0	0	45	31	19	50	136	<b>186</b>
<b>2006 / 2007</b>	0	38	0	0	26	23	17	50	104	<b>154</b>
<b>2005 / 2006</b>	0	26	0	0	30	31	15	48	102	<b>150</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>	56	32.1
<b>2006 / 2007</b>	50	26.2
<b>2005 / 2006</b>	59	21.1

**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