

Local Government
OMBUDSMAN

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

London Borough of Southwark
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 Southwark. 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 283 complaints against your Council during the year, very much in line with numbers received over the previous two years.

Character

We received similar numbers of complaints across all categories, except for Education with a drop from ten complaints last year to four this, and the Other category which saw a rise from 33 to 50 complaints. This was due to a significant rise in the number of complaints about antisocial behaviour from eight last year to 40 this year. Although there was a multiple of 14 complaints about the same matter, the number of complaints more than tripled. This may be an area the Council could consider further. Once again the largest number of complaints (133) was received in the housing category (excluding benefits), representing 47% of the total.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I did not issue any reports against your Council this year.

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).

Seventy three complaints were settled this year. Excluding complaints that were outside my jurisdiction and complaints that were referred back to the Council for investigation, this accounted for 53% of the total complaints determined and continued the slight upward trend from 50% last year and 47% the year before that.

My officers continue to find your Council very willing to settle complaints when things have gone wrong, and increasingly able to recognise fault and suggest good remedies itself. But we are still re-opening a number of complaints where the local settlement has not been implemented, and spending a significant amount of time chasing up the Council to ensure that local settlements are implemented properly. I raised this issue in my letters to your Council over the past two years and the problem has not been resolved. Recent examples include two delays of more than three months in paying compensation and taking the agreed remedial action. I am aware the Council experienced problems late last year with receipt of our decision letters and we are now emailing copies of the decision to you as well as sending a copy by post to help improve this problem.

Housing matters (excluding benefits) remain the largest group of settled complaints (61%), with

complaints about Housing repairs once again accounting for over half of this category. In 20 out of the 23 housing repairs complaints the Council had delayed for significant periods of time in completing or investigating a variety of repairs. In many cases it had agreed to complete the repairs as the result of its internal complaints process but then failed to carry them out within a reasonable time.

In one case the Council had delayed for six months in replacing a boiler and removing old water tanks which it had agreed to do in responding to the complaint at stage two of its process. The Council agreed to complete the work immediately and pay the complainant £200 compensation. In another case the Council delayed for more than a year in carrying out works to the complainant's windows, hall floor and kitchen door which it had previously agreed to carry out. In a third case the Council had failed to resolve long-standing water ingress from the flat above the complainants. This was partly a repair issue and partly due to the neighbour's behaviour. The Council gave the complainant Band A priority on the housing register during the course of the investigation. He was successful in bidding for an alternative property. The Council offered to pay him a disturbance allowance of £3500 and his removal costs.

In a complaint about antisocial behaviour the complainant had been assaulted by a neighbour in the housing office. The Council had called the Police but delayed in referring the matter to its Anti-Social Behaviour Unit and in keeping the complainant informed. It also wrote to the complainant after the assault stating he had been involved in a 'fight' rather than being a victim of an assault. The Council apologised for the failures. It paid compensation of £500 to the complainant, agreed to review its security and CCTV arrangements and to write a letter of apology to the complainant for its reference to a 'fight'.

Thank you for telling me about the steps the Council has taken to improve the consideration of mitigating circumstances in parking matters. I note that although I settled four complaints about parking matters this year only one related to this issue. I am pleased to see this improvement.

I settled two complaints about children and family services. In one of these the Council had failed to provide education to the complainant's son for most of his time at secondary school. It also failed to support the complainant through this difficult period and delayed in responding to her formal complaint. The Council offered to pay the complainant's son £10,000 compensation and the complainant £1500.

In total the Council paid £47,350 to complainants as a result of complaints to my office. I am grateful for the Council's willingness to arrange for redress when things have gone wrong.

Other findings

Eighty-seven complaints were treated as premature and referred back to your Council so that they could be considered through your Council's complaints procedure. This was a slight increase on last year but six of these were about the same planning matter.

In a further 43 cases I took the view that the matters complained about were outside my jurisdiction.

Of the remaining 66 complaints, 36 were not pursued because I found no or insufficient maladministration causing injustice and 30 were not pursued for other reasons, mainly because no significant injustice flowed from the alleged fault.

Your Council's complaints procedure and handling of complaints

In the response to last year's letter your Deputy Chief Executive outlined the wholesale review of the Council's complaints system and you have since consulted with my staff on the review itself. Thank you for involving us in this process. I understand the resultant new structure is currently being implemented. I commend the Council for taking positive steps to improve its service in this area and look forward to the benefits this will hopefully bring.

The proportion of premature complaints has decreased from 28% last year to 24% this year, around 3% less than the national average.

Twenty five complaints that had been determined as premature were resubmitted. Twelve of these were settled but five were about the same planning matter. The other seven settled complaints were about housing matters. Three of the remainder were not pursued because there was no evidence of maladministration, four were not pursued for other reasons and one was referred back as premature again, and five are still open.

Liaison with the Local Government Ombudsman

Enquiries were made on 119 complaints during the year. Your Council's average response time of just over 40 days is disappointing, given the improvements last year. I am particularly concerned that the average response time for housing complaints, which amount to nearly half of all enquiries made, is an unacceptable 47.6 days. I am aware that my staff have noted particular problems in responding to complaints about housing repairs and that a new system is currently being introduced as part of the review of your complaints structure. I hope in the coming year to see significant improvements.

I welcome the comprehensive review of the complaints process and service which your Council has been undertaking this year. The investment the Council has made in this process shows a strong and positive commitment to achieving improvements in this area. My Assistant Ombudsman, Vereena Jones, was pleased to be consulted on the final review report and invited to a meeting with senior officers to discuss its implementation. I share your hope that this will have a positive effect on complaints management across the Council in the coming year, and strengthen the mechanisms for monitoring the implementation of our recommendations. I would also like to commend your Council on its responses to complaints about benefits. Although the average response time was still too long at 37.7 days, the quality of the responses is excellent and they often contain very good local settlement proposals.

I have been pleased to welcome several of your complaints staff to my link officer seminar over recent years. I hope they found it 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, 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 2007, 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'. 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.

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June 2008

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	Transport and highways	Total
01/04/2007 - 31/03/2008	2	20	11	4	133	50	21	22	20	283
2006 / 2007	5	18	10	10	149	33	19	17	24	285
2005 / 2006	2	19	11	11	143	33	40	17	11	287

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
01/04/2007 - 31/03/2008	0	73	0	0	36	30	43	87	182	269
2006 / 2007	0	85	0	0	49	35	44	83	213	296
2005 / 2006	13	77	0	0	35	38	53	77	216	293

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
01/04/2007 - 31/03/2008	119	40.2
2006 / 2007	126	39.4
2005 / 2006	150	41.3

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

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