

Local Government
OMBUDSMAN

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

**London Borough of Wandsworth
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 London Borough of Wandsworth. 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 107 complaints against your Council during the year, 25 fewer than last year. We expect to see fluctuations year on year.

Character

Forty eight complaints were received about housing, eleven more than the previous year.

We received twenty one complaints about transport and highways, a reduction of ten from the previous year. We also received fewer complaints about planning and building control, nine compared to 19 in 2006/7.

We received fewer complaints than in previous years in the areas of adult care services (three), children and family services (four), public finance (six) and education (two). We received seven complaints about benefits, the same number as last year.

The remaining seven complaints were recorded in the 'other' category. They included complaints about antisocial behaviour, employment and pensions, environmental health, land, leisure and culture and two miscellaneous matters.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no 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).

Ten complaints were settled locally and compensation totalling £7,268 was paid.

In one complaint about adult care services, the complainant alleged that there were failings and delay in the way the Council dealt with care arrangements and a request for financial assistance made on behalf of her mother. She also alleged that the Council failed to deal with a complaint about the matter. The complainant believed that as a result of these failings, her mother was forced to sell her home to meet care costs that should have been paid for by the Council. My officer found that the Council had delayed in the investigation of the complaint through the complaints procedure, taking over three months to complete Stage One. The complainant had requested, in November 2003,

information about direct payments but the Council did not provide this until February 2004. There was also a further delay in processing the application and it was passed to an agency to deal with when it need not have been; the agency than itself delayed in processing the application. By way of remedy, the Council agreed to reduce the amount of recoverable overpayments by £2,563.17 to reflect the period when the complainant may have been eligible for direct payments. It also agreed to pay the complainant £400 compensation for its errors and delays.

The Council also resolved a complaint about the flat allocated to a complainant. It had recently been created in the basement and was frequently flooded. It was also alleged that there was delay in carrying out repairs and maintenance, such as clearing out rubbish outside the windows. My officer found that the Council had properly dealt with the flooding from a technical point of view but also found that the complainant had suffered some avoidable inconvenience. Although the complainant felt it should never have been made into a flat in the first place, it was evident that all building regulations requirements were in place. Furthermore, the complainant had declined the offer of alternative accommodation. Council paid compensation of £1,500 to cover the losses the complainant sustained during the flood.

In a complaint about parking, the Council failed to correspond with the complainant at the address in Australia that he had provided to the Council when he expressed his intention to make representations against a Penalty Charge Notice. He had also stated he would be out of the country for nine months. He therefore lost the chance to make representations, and incurred bailiffs' fees. He also incurred solicitor's costs because they had to act for him in his absence. The Council offered to refund the costs of the PCN, the costs of the bailiffs' fees and solicitor's bill and provided compensation for the time and trouble and inconvenience caused, making a total of £1,225. It also stated it would revise its procedures to ensure the situation would not occur again. The Council made this proposal as soon as it had received my letter of enquiry.

The Council also resolved a number of other complaints which I do not think raised issues of particular significance

Other findings

One hundred and nine complaints were decided during the year.

Forty six of the complaints decided were premature, a similar number to last year. These were referred back to your Council so that they could be first considered through your Council's complaints procedure.

In a further 21 cases, I took the view that the matters complained about were outside my jurisdiction. The remaining 32 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

The number of premature complaints represents 42% of the complaints determined. The number is similar to last year and is significantly higher than the national average. I notice from the Council's website that it is relatively easy to submit a complaint "online" but I am concerned that it seems that complainants in your area are not aware at an earlier stage of the Council's complaints procedure. I would be grateful if the Council could consider whether it could take any steps to give greater publicity to the complaints procedure at the earliest opportunity. However, of the 46 premature complaints received, only nine were resubmitted. This indicates to me that once a complaint has been referred to the Council by me, it deals with it effectively, and most complainants do not feel the need to resubmit their complaint to me.

Liaison with the Local Government Ombudsman

Inquiries were made on 32 complaints during the year. The Council's average response time of just under 25 days is a great improvement on last year's (35 days) and is within the target timescale of 28 days. I very much appreciate the Council's efforts here to improve the service to its complainants by responding quickly to my officers' enquiries.

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, 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
The Oaks No2
Westwood Way
Westwood Business Park
Coventry CV4 8JB**

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 | Social Services - other | Transport and highways | Total |
|--|----------------------------|-----------------|-------------------------------------|------------------|----------------|--------------|--|-----------------------|--------------------------------|-------------------------------|--------------|
| 01/04/2007 - 31/03/2008 | 3 | 7 | 4 | 2 | 48 | 7 | 9 | 6 | 0 | 21 | 107 |
| 2006 / 2007 | 5 | 7 | 8 | 5 | 37 | 12 | 19 | 8 | 0 | 31 | 132 |
| 2005 / 2006 | 7 | 12 | 5 | 7 | 41 | 10 | 11 | 3 | 2 | 23 | 121 |

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 | 10 | 0 | 0 | 27 | 5 | 21 | 46 | 63 | 109 |
| 2006 / 2007 | 2 | 16 | 0 | 0 | 32 | 16 | 18 | 45 | 84 | 129 |
| 2005 / 2006 | 0 | 17 | 0 | 0 | 37 | 8 | 10 | 54 | 72 | 126 |

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 | 32 | 24.8 |
| 2006 / 2007 | 43 | 35.5 |
| 2005 / 2006 | 44 | 31.0 |

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 |