

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Westminster City Council
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 Westminster City Council. 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 and Character

I received 214 complaints against your Council in 2007/08, maintaining the downward trend for a third successive year (from 353 complaints in 2004/2005). As in previous years, most complaints were about transport and highways (83), housing (60) and benefits (26).

Complaints about transport and highways in Westminster increased by almost 30%, more than three times the average rise for all authorities. All but seven of the complaints were about the Council's parking services. I understand that the Council's own complaints systems have also recorded an increase in complaints about parking.

Housing complaints cover a range of service areas including repairs, tenancy management, allocations, homelessness, sales and leaseholds. Complaints about benefits continued to fall and were at their lowest level for many years.

Complaints in the "other" category included those about antisocial behaviour and environmental health.

Decisions on complaints

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).

This year my office made 222 decisions on complaints about your authority. None of the complaints we investigated this year justified the issue of a report. We decided 51 complaints as local settlements. Excluding complaints which were outside my jurisdiction or which I returned to the Council to be dealt with under its complaints procedure, local settlements accounted for around 40% of all complaints I decided. This represents a slight increase on last year and it is significantly above the average for all authorities (28%). I have set out below some points arising from these settled complaints.

Parking

Almost half of the local settlements involved parking complaints. Like last year, a common fault was delay in responding to representations made following the issue of penalty charge notices. There were also examples of wrongful recovery action being taken in relation to penalty charge notices. The settlements included compensation payments totalling around £3,700 and a range of actions such as the cancellation of charge notices, the refund of fines, the rewording of charge certificates and a review of procedures to prevent recovery action being taken where the identity of the liable person is being investigated.

Housing disrepair

Nine complaints involving disrepair were settled and compensation of over £2,000 in total was paid to the complainants. These complaints involved disruption to the tenants' home and family life arising from prolonged disrepair. In one case the complainant had been left without power to the first floor electrical sockets for several months; two others involved water ingress into the complainants' homes.

Other housing complaints

One case involved a broken agreement to sell the complainant a residential property including misinformation about the purchase price. Thereafter the Council failed to adopt a clear and consistent approach to the sale of the property and eventually decided to sell it on the open market. I found that the complainant's expectations had been raised; that avoidable legal fees were incurred, and that the complainant had lost the opportunity to buy the property. I am pleased that the Council agreed to pay compensation of over £20,000 to remedy the injustice.

In a complaint about homelessness, the Council did not deal promptly with the complainant's request for a review of the suitability of accommodation. In another complaint, the Council delayed for a year in providing suitable temporary accommodation.

Antisocial behaviour

Three complaints about antisocial behaviour revealed a number of faults: failure to keep complainants informed about action being taken, poor record keeping, inadequate investigation and general delay in taking action. In one case the Council failed properly to record an event as a racial incident. The Council paid compensation of £700 for these complaints and agreed to give training to its staff on record keeping.

Benefits

There were far fewer local settlements on complaints about benefits, just eight this year. Delays in dealing with claims for housing and council tax benefit resulted in the Council paying compensation of just under £2,000 in total.

Your Council's complaints procedure and handling of complaints

We passed 51 complaints to the Council to be dealt with under its own complaints procedure. At 22% of all decisions, this is considerably lower than the average for all authorities (27%).

We decided 14 complaints which had previously been sent to the Council in this way, but where the complainants came back to us, dissatisfied with the Council's reply. Although we did not uphold eight of them, the other six were decided as local settlements: three were complaints about parking, two were about benefits and one was about housing. Across all authorities, we decide about 21% of these resubmitted complaints as settlements or reports: for your authority this year the figure is over 42%, higher still than the 39% I referred to in last year's letter. I should be interested to know how the Council explains this, and whether it can take action to help resolve more complaints under its own procedures.

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I am aware that the Council's Corporate Management Board and the Overview and Scrutiny Committee receive annual reports on complaints performance. I look forward to seeing the next report and to learn more about the areas which are felt to require some attention.

Liaison with the Local Government Ombudsman

The average time taken by the Council to reply to our written enquiries was just over 30 days, which exceeds the time target we set of 28 days. Most of these enquiries were in relation to complaints about housing and parking and so improvements in these two areas would seem to be the key to ensuring better performance on this front.

In March an Assistant Ombudsman met with the Council's Corporate Complaints Manager and others. There was a positive discussion about various issues including the Parking Service and the Benefits Service.

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, has 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'. 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
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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	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	3	26	3	3	58	25	6	5	0	83	212
2006 / 2007	2	40	3	3	75	19	5	17	0	64	228
2005 / 2006	5	67	2	1	74	20	12	17	2	71	271

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	51	0	0	49	24	47	51	171	222
2006 / 2007	1	55	0	0	48	35	57	57	196	253
2005 / 2006	0	87	0	0	41	25	64	71	217	288

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	84	29.9
2006 / 2007	72	25.9
2005 / 2006	110	29.1

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