

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

London Borough of Greenwich
for the year ended
31 March 2009

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 reviews.

Contents of Annual Review

Section 1: Complaints about the London Borough of Greenwich Council 2008/09	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	6
Training in complaint handling.....	6
Conclusions.....	6
Section 2: LGO developments	8
Introduction.....	8
Council First.....	8
Statement of reasons: consultation.....	8
Making Experiences Count (MEC).....	8
Training in complaint handling.....	8
Adult Social Care Self-funding.....	9
Internal schools management.....	9
Further developments.....	9
Appendix 1: Notes to assist interpretation of the statistics 2008/09	10
Appendix 2: Local authority report 2008/09	

Section 1: Complaints about the London Borough of Greenwich Council 2008/09

Introduction

This annual review provides a summary of the complaints we have dealt with 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2008/09 and a note to help the interpretation of the statistics.

Changes to our way of working and statistics

A change in the way we operate means that the statistics about complaints received in 2008/09 are not directly comparable with those from 2007/08. Since 1 April 2008 the new LGO Advice Team has been the single point of contact for all enquiries and new complaints. The number of calls to our service has increased significantly since then. It handles more than 3,000 calls a month, together with written and emailed complaints. Our advisers now provide comprehensive information and advice to callers at the outset with a full explanation of the process and possible outcomes. It enables callers to make a more informed decision about whether putting their complaint to us is an appropriate course of action. Some decide to pursue their complaint direct with the council first.

It means that direct comparisons with some of the previous year's statistics are difficult and could be misleading. So this annual review focuses mainly on the 2008/09 statistics without drawing those comparisons.

Enquiries and complaints received

Our Advice Team received 158 complaints and enquiries: 66 were about housing; 11 on planning and building control; 11 transport and highways matters; nine about children and family services; nine on education; eight adult care services matters; eight relating to benefits; six about public finance including local taxation; and a further 30 which were in other categories.

We treated 84 of those complaints and enquiries as premature. In a further 28 cases advice was given (usually to make a complaint direct to the Council). The remaining 46 complaints were forwarded to the investigation team – 29 as new complaints and 17 as premature complaints that had been resubmitted.

Complaint outcomes

I decided 51 complaints during the year. In 20 of those cases (39.2%) I found no evidence of maladministration. I used my discretion not to investigate a further seven cases (13.7%). In five cases (which represents 9.8% of all my decisions made in the year) I took the view that the matters complained about were outside my jurisdiction and so they were not investigated. Fourteen cases were local settlements. The remaining five linked cases were the subject of a single report.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2008/09, 27.4% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your Council 14 were local settlements (27.5%).

The total figure paid out for local settlement of complaints this year was £4,846. This figure does not include the sum paid out in respect of the report detailed below.

Eight of the locally settled complaints related to housing and a total of £2,521 was paid.

In one housing complaint, your Council recognised that there had been errors made in dealing with a homelessness application. The Council did not make the complainant aware of the outcome of her homelessness review request and the files were incomplete. Before our involvement, your Council had offered compensation, but on investigation I took the view that the amount should be higher. The complaint was settled with a payment of £1,000. Your Council also agreed to monitor the effectiveness of measures designed to prevent similar problems regarding the Housing Needs Unit in future.

Another complaint involved both housing repairs and allocations. A private tenant endured long delays as she waited for major repairs to windows and the heating system in her property, so she applied to the Council to be rehoused. The Council accepted that the repairs had been delayed but had been pursuing the owners and property management companies involved. Ownership of the property had recently changed a number of times and this had reduced the Council's ability to exert sufficient pressure to get the repairs done. I am pleased to note that your Council gave a positive and proactive response to the complaint. You were mindful of the forthcoming winter months and the complainant's continuing problems with heating and the windows. As a settlement, your Council agreed to review the complainant's housing position with a view to granting a higher priority, allowing her to bid for appropriate Council properties before winter.

Two of the complaints related to planning and building control and a total of £1,250 was paid.

In one planning complaint, the property as built exceeded the height as granted by the permission. The resulting outrage felt by the complainant was compounded by other parts of the planning process. The first set of plans (but not as part of a formal planning application) were judged by your Council as being likely to be refused permission, partly as a result of the proposed building being too high. But if those initial plans had been built, this would have resulted in a lower development than the house as ultimately built. While the additional height of the house as built is quite minimal, I was satisfied that the matter merited a settlement of £750 for outrage, time and trouble.

The second planning matter was about the unregulated educational use of parts of a private school building in a predominantly residential area. The complainants had argued that had it not been for errors and oversights by the Council in the planning and enforcement processes over several years, the school would not have been allowed to expand its pupil numbers. They had concerns about noise nuisance from the pupils and traffic obstructions in the morning and at home time. I considered there had been procedural faults, but I could not determine that, had it not been for those errors, the school's expansion would have been inhibited. I did consider that the complainant and one other co-complainant who had spoken at a planning committee meeting, had a justified sense of outrage. Your Council agreed to pay £250 each to the main complainant and the co-complainant, to reflect their outrage, a total of £500.

One of the local settlements related to a complaint about adult care services. The complainant's mother was a vulnerable person who had died during an investigation into the role of a warden of a sheltered accommodation complex. We considered that your Council had provided a full remedy to the substantive element of the complaint. But some confusion remained about how the complaint had been dealt with under the statutory social services complaint process. The settlement we agreed was for your Council to apologise to the complainant for not fully explaining the procedure at the time, and to provide a full explanation of why the complaint had progressed the way it had.

One complaint related to transport and highways. No compensation was paid and the settlement involved the matter being referred back for further consideration by the Council.

Two local settlements were categorised as 'Other' and a total of £1,075 was paid. The complaint which resulted in the largest payment here was about the sale of a portion of a Council tenant's garden to his neighbour. The land was owned by the Council so it was within its legal rights to sell it. But the tenant complained because he had not been consulted about the sale. Your Council readily accepted there had been a failure to notify and agreed to pay £375 to the complainant, which was 25% of the price obtained from the land's sale, plus £200 to acknowledge his distress and inconvenience, a total of £575.

Reports

When we complete an investigation, we generally issue a report. This year we issued one report on five linked complaints about a single planning matter. The Council granted planning permission for a one- and two-storey extension to a school in a Conservation Area, and for works to widen the entrance in a boundary wall which was Grade II listed. In considering the application the Council did not follow the correct procedures. In particular it:

- failed to properly address notification letters to two complainants;
- failed to identify on the site notice that plans were a departure from the Council's Unitary Development Plan;
- wrongly identified one complainant's property as the school caretaker's residence;
- wrongly granted itself listed building and conservation area consents for the works;
- failed to apply for planning permission for the works to the wall; and
- failed to take proper notes of the site visit and instead relied on photographs.

The complainant whose property was wrongly identified and whose letter of notification was incorrectly addressed could not be certain that his amenity had been properly considered. Your Council paid him £1,500 in total. This complainant, and his co-complainants, had justifiable outrage at the Council's failure to follow proper process for its own development. Your Council paid £500 to each of the other four complainants to acknowledge that outrage. A total of £3,500 was paid.

In line with the report's recommendations, your Council agreed to:

- check that the development was being built in accordance with the approved plans;
- review its planning procedure where the Council is applying to itself for permissions; and
- review its policy on the recording of site visits and the use of photographs for this purpose.

Your Council wrote to me in April 2009. The recent planning consultant's report showed variations in the as-built property, but these differences were minimal and did not merit enforcement action. Your Council's review of its procedures concluded that the appropriate process was in place, but that it was not properly followed in this case. Your Council remained of the view that photographing

sites is superior to the previous system of written notes. I have reservations where any site visit is exclusively recorded using photographs, because this gives no proper indication of the Planning Officer's thoughts about what he had seen. I am pleased to note your Council's assurance that there will be adequate recording of site visits.

Liaison with the Local Government Ombudsman

Formal enquiries were made on 23 complaints during the year. Despite this total being 13 lower than in 2007/08, your Council's average response time has got longer: from 42.3 to 44.7 days. This result remains well outside the 28 days requested. I am disappointed by your Council's performance here. It marks the third consecutive year in which response times have deteriorated. I urge your Council, as I did last year, to take steps to regain the results it achieved in 2005/06 when it met the 28 day target.

I made enquiries on 13 housing complaints last year. The average response time for these cases was 59 days. I am particularly concerned about the contribution these complaints made to your Council's overall response times. Your Council met the 28 day target in just two housing cases, replying each time with only one or two days to spare. In eight cases it took your council 60 days or more to respond. In one housing repairs case, the reply took 107 days. Taken individually, or as an average, these results are poor. I recognise that housing has again received the majority of enquiries, but the number has remained the same since 2007/08. I urge your Council to consider what steps it can take to achieve improvements in response times on housing complaint enquiries.

Delay in responding to my enquiries reflects badly on the Council. It delays resolution of its citizen's complaints. I hope the Council will take steps to deal with this problem, with particular focus on the complaints about housing. If it does not, I may have to consider using my statutory powers to require the provision of information to me as part of my investigation. If it would help for the Assistant Ombudsman to visit your Council to help obtain an improvement, please let me know.

In general, the content of your Council's enquiry responses are detailed and thorough. Your Council has recently appointed a new Ombudsman link officer. My investigators look forward to working with her. The main aims should be to maintain the overall quality of your Council's replies while significantly reducing the time it takes for them to be delivered.

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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

The complaints I receive about your Council which I decide merit investigation continue to be dominated by housing matters. I recognise that your Council has taken proactive steps to engage with organisations with an interest in local housing issues. I trust this work is ongoing and that we may see this positively reflected in next year's review.

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 2009

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments – current and proposed – in the LGO and to seek feedback. It includes our proposal to introduce a ‘statement of reasons’ for Ombudsmen decisions.

Council First

From 1 April 2009, the LGO has considered complaints only where the council’s own complaints procedure has been completed. Local authorities have been informed of these new arrangements, including some notable exceptions. We will carefully monitor the impact of this change during the course of the year.

Statement of reasons: consultation

The Local Government and Public Involvement in Health Act 2007 made provision for the LGO to publish statements of reasons relating to the individual decisions of an Ombudsman following the investigation of a complaint. The Ombudsmen are now consulting local government on their proposal to use statements of reasons. The proposal is that these will comprise a short summary (about one page of A4) of the complaint, the investigation, the findings and the recommended remedy. The statement, naming the council but not the complainant, would usually be published on our website.

We plan to consult local authorities on the detail of these statements with a view to implementing them from October 2009.

Making Experiences Count (MEC)

The new formal, one stage complaint handling arrangement for adult social care was also introduced from 1 April 2009. The LGO is looking to ensure that this formal stage is observed by complainants before the Ombudsmen will consider any such complaint, although some may be treated as exceptions under the Council First approach. The LGO also recognises that during the transition from the existing scheme to the new scheme there is going to be a mixed approach to considering complaints as some may have originated before 1 April 2009. The LGO will endeavour to provide support, as necessary, through dedicated events for complaints-handling staff in adult social care departments.

Training in complaint handling

Effective Complaint Handling in Adult Social Care is the latest addition to our range of training courses for local authority staff. This adds to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution), and courses for social care staff at both of these levels. Demand for our training in complaint handling remains high. A total of 129 courses were delivered in 2008/09. Feedback from participants shows that they find it stimulating, challenging and beneficial in their work in dealing with complaints.

Adult Social Care Self-funding

The Health Bill 2009 proposes for the LGO to extend its jurisdiction to cover an independent complaints-handling role in respect of self-funded adult social care. The new service will commence in 2010.

Internal schools management

The Apprenticeship, Skills, Children and Learning Bill (ASCL) 2009 proposes making the LGO the host for a new independent complaints-handling function for schools. In essence, we would consider the complaint after the governing body of the school had considered it. Subject to legislation, the new service would be introduced, in pilot form, probably in September 2010.

Further developments

I hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your local authority. We will keep you up to date through LGO Link as each development progresses but if there is anything you wish to discuss in the meantime please let me know.

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June 2009

Appendix 1: Notes to assist interpretation of the statistics 2008/09

Introduction

This year, the annual review only shows 2008/09 figures for enquiries and complaints received, and for decisions taken. This is because the change in the way we operate (explained in the introduction to the review) means that these statistics are not directly comparable with statistics from previous years.

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Formal/informal prematures: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter. These are 'formal premature complaints'. We now also include 'informal' premature complaints here, where advice is given to the complainant making an enquiry that their complaint is premature. The total of premature complaints shown in this line *does not include* the number of resubmitted premature complaints (see below).

Advice given: These are enquiries where the LGO Advice Team has given advice on why the Ombudsman would not be able to consider the complaint, other than the complaint being premature. For example, the complaint may clearly be outside the Ombudsman's jurisdiction. It also includes cases where the complainant has not given enough information for clear advice to be given, but they have, in any case, decided not to pursue the complaint.

Forwarded to the investigative team (resubmitted prematures): These are cases where there was either a formal premature decision, or the complainant was given informal advice that their case was premature, and the complainant has resubmitted their complaint to the Ombudsman after it has been put to the council. *These figures need to be added to the numbers for formal/informal premature complaints (see above) to get the full total number of premature complaints. They also needed to be added to the 'forwarded to the investigative team (new)' to get the total number of forwarded complaints.*

Forwarded to the investigative team (new): These are the complaints that have been forwarded from the LGO Advice Team to the Investigative Team for further consideration. The figures may include some complaints that the Investigative Team has received but where we have not yet contacted the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2008/09 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2008/09 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.-

Table 4. Average local authority response times 2008/09

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	3	5	1	40	3	4	8	5	15	84
Advice given	1	3	2	8	2	0	1	3	8	28
Forwarded to investigative team (resubmitted prematures)	2	1	0	7	2	1	0	1	3	17
Forwarded to investigative team (new)	2	0	6	11	1	1	2	2	4	29
Total	8	9	9	66	8	6	11	11	30	158

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	5	14	0	0	20	7	5	51

Average local authority response times 01/04/2008 to 31/03/2009

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2008 / 31/03/2009	23	44.7
2007 / 2008	35	42.3
2006 / 2007	36	37.6

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	60	20	20
Unitary authorities	56	35	9
Metropolitan authorities	67	19	14
County councils	62	32	6
London boroughs	58	27	15
National park authorities	100	0	0