

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

**London Borough of Hounslow**  
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.

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# Section 1: Complaints about the London Borough of Hounslow 2008/09

## Introduction

This annual review provides a summary of the complaints we have dealt with 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 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

Last year our Advice Team dealt with 171 enquiries and complaints about your authority. Of these, 61 related to complaints that were deemed to be premature and so were referred back to the Council for investigation. We provided advice to 36 other enquirers on a range of issues, including my jurisdiction. Our Advice Team forwarded 74 complaints to the investigative team, including 17 which had previously been referred to the Council to consider and which had then been resubmitted to my office. Housing and Transport & Highways generated the most significant numbers of enquiries and complaints, as did the Other category (which includes issues to do with antisocial behaviour, land, environmental health, licensing and waste management). These categories also accounted for the majority of the 74 complaints forwarded to the investigative team.

## Complaint outcomes

This year I made decisions on 117 complaints against your Council. There were 24 complaints where I found no or insufficient evidence of fault by the Council to justify further investigation. There were also 17 complaints which fell outside my jurisdiction. I used my discretion not to pursue investigations into 52 complaints, for instance where the injustice to the complainant was not significant enough to warrant a remedy or where a remedy already provided by the Council was considered to be adequate.

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, which were within our jurisdiction were local settlements. Of the complaints I decided against your authority, which were within my jurisdiction, 24% were local settlements. These settlements resulted in the Council paying £7,034 in compensation.

## **Complaints by service area**

### ***Adult care services***

I settled one complaint where the Council had failed to explain how it decided how much money to refund following the death of the complainant's father, whose finances had been managed by the Council. I was satisfied with the explanation provided by the Council but agreed some nominal compensation as the need to complain to me could have been avoided if it had taken the time to explain things to the complainant at an earlier stage.

### ***Benefits***

I decided eight complaints about housing benefit. I found insufficient evidence of maladministration in two complaints. One was outside my jurisdiction and I used my discretion not to pursue another.

Four complaints resulted in local settlements following:

- delay in reinstating a claim for housing benefit;
- the payment of housing benefit to the wrong landlord;
- the provision of inaccurate information in response to our enquiries and
- the payment of nearly £2,300 housing benefit to the claimant rather than to the landlord when there were arrears of over eight weeks.

The Council settled the last complaint by compensating the landlord to the value of the misdirected benefit payment. It paid compensation in each of the other complaints, giving an overall total of nearly £2,600. As a result of these complaints, the Council has also reviewed its procedures for high value housing benefit payments, revised its standard letters and provided staff training.

### ***Education admissions***

I decided seven complaints relating to education admissions. Two were outside my jurisdiction. On one there was insufficient evidence of maladministration and on another I used my discretion not to pursue an investigation.

I agreed to settle three complaints with places being offered to children or re-hearings being offered to the parents. The Council has also agreed to improve the way its cases are presented to appeal panels; to amend the information in its admissions brochure about footpaths and to ensure that the independent members of appeals panels receive training about such issues.

### ***Housing***

I decided 26 complaints about housing issues. Four were outside my jurisdiction and I found insufficient evidence of maladministration to pursue a further nine. I used my discretion not to pursue investigations into five others.

Nevertheless, one of these raised concerns about the Council's procedures for dealing with potentially dangerous gas appliances, which the Council has now addressed.

I agreed to settle eight housing complaints as follows:

- two were from homeless people where errors had been made with the priority awarded to them under the Council's choice based lettings scheme. Compensation was paid to each complainant;
- one related to poor advice on terminating a joint tenancy, which resulted in the Council agreeing to update its procedures and to pay compensation to the complainant;
- one concerned the suspension of a housing transfer application, on the basis that the complainant had become intentionally overcrowded. The Council failed to explain what steps the complainant needed to take to get the application reinstated. Although the Council was reluctant to settle this complaint, it agreed to pay compensation and to put the complainant's case to its Social Welfare & Management Transfer Panel. This resulted in additional priority being given to the transfer application;
- one concerned the Council's failure to explain to the complainant that, following a change by central Government, they would no longer be paid the same amount towards stamp duty for the sale of their flat. The Council agreed to pay compensation for the lack of communication;
- one concerned the Council's action in wrongly using compensation paid following a previous complaint to offset rent arrears, coupled with a mistake on a claim for housing benefit. The Council agreed to pay compensation for the failure to send correspondence to the right address and for issuing two notices of seeking possession;
- one concerned a Council tenant's loss of the use of a right of way to the garden as a result of the Council's errors. The Council agreed to pay compensation and to consider taking legal proceedings in order to get the right of way reinstated; and
- one concerned a complaint from a teenager about the failure to deal with problems in a Council flat. The Council inspected the property, agreed to carry out various repairs and provided advice on dealing with condensation.

The compensation paid in respect of these eight complaints came to just over £3,000.

### ***Planning & building control***

I decided 43 complaints on planning issues. Of these, 39 were from a group of 46 complaints about the Council's handling of planning permission for the Blenheim Centre, which have been closed on the understanding that any injustice the complainants may have been caused as a result of fault by the Council will be remedied when I make decisions on the remaining seven complaints. I used my discretion not to pursue investigations into two other complaints and another two were outside my jurisdiction.

### ***Transport & highways***

I decided 15 complaints about transport and highway issues. Of these 12 related to parking issues. Most of these were outside my jurisdiction. I found insufficient evidence of maladministration to pursue three complaints and I used my discretion not to pursue another. I found no maladministration in two other complaints and agreed to settle one. The latter resulted from the Council's attempts to recover the cost of putting barriers and lamps around a delivery of builder's material which had been left on the footway, contrary to the complainant's request. The Council agreed to increase its offer of compensation from £100 to £400 to reflect the fact that bailiffs had been instructed to recover the charges which it had been wrong to impose in the first place.

### **Local taxation**

I decided 10 complaints about local taxation. One complaint was outside my jurisdiction and I used my discretion not to pursue four others. I agreed to settle five complaints relating mainly to delays and processing errors. One complaint identified the fact that the Council had no policy in place for considering applications for reductions in council tax, an omission which has now been corrected.

### **Other**

I decided seven complaints on a range of other issues. There was insufficient evidence of maladministration to pursue three of these complaints and I used my discretion to close three others. I settled one complaint when the Council agreed to pay £100 in compensation for a 10 month delay in dealing with a complaint about disruption caused by work to a bridge close to the complainant's home.

During the year I decided 13 complaints that had previously been referred to the Council to consider through its own procedures and had then been resubmitted to me. I upheld just one of these – the Transport and Highways complaint referred to above.

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

The average time taken by the Council to reply to our written enquiries was 85.6 days. However, this figure was adversely affected by the time taken (141 days) to provide a response on the 46 complaints about the handling of the planning application for the Blenheim Centre, (which the Council had handled as a single complaint when dealing with the issues via its own complaints procedure). Setting aside the time taken to respond on this group of complaints, the average time taken to reply to our written enquiries was 26.3 days for the other 43 complaints. If the Council is able to achieve this level of performance next year, it will be within the time target we have set.

My officers have kept in regular contact with your Head of Customer Services and one of my Investigators visited the Council's offices in March 2009 to discuss, amongst other things, progress with the Council's complaints procedure which was introduced in 2007/08. I am aware that there have been delays in dealing with complaints at the final stage of that procedure (a panel of Members). However, these delays appear to have been well managed, by keeping complainants informed, and, apart from a few exceptions, have not resulted in complaints to me. Although, for the reasons I have already explained, it is difficult to make comparisons with the previous year's statistics, we appear to have received significantly fewer complaints against your Council for investigation during 2008/09 than in the previous year. This, together with my decisions on complaints resubmitted to me suggests that the Council's procedures have been successful in encouraging earlier resolution of complaints.

### **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**

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	2	2	0	25	2	10	4	6	10	61
Advice given	1	1	3	4	2	5	1	6	14	37
Forwarded to investigative team (resubmitted prematures)	0	2	0	6	2	2	1	3	1	17
Forwarded to investigative team (new)	1	2	7	13	5	1	4	12	12	57
<b>Total</b>	<b>4</b>	<b>7</b>	<b>10</b>	<b>48</b>	<b>11</b>	<b>18</b>	<b>10</b>	<b>27</b>	<b>37</b>	<b>172</b>

**Investigative Team**

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
01/04/2008 / 31/03/2009	0	24	0	0	24	52	17	117

**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	89	85.6
2007 / 2008	56	32.1
2006 / 2007	50	26.2

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