

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

# **The London Borough of Greenwich**

**for the year ended  
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use 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 Greenwich 2009/10

## 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 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

We received 135 complaints and enquiries about your council this year. Fifty-eight of the matters were about housing; 12 related to benefit issues; 10 were about public finance; nine matters concerned planning and building control; there were seven matters about education; three were on transport and highways; three each about adult care services and children and family services; and the thirty remaining matters were categorised as other. Of those in the other category, there were three about land, and three regarding antisocial behaviour.

We treated 54 complaints as premature and in 22 further cases advice was given (usually to make a complaint direct to your council). The remaining 59 complaints were forwarded to the investigative team – 46 as new complaints and 13 as premature complaints which had been resubmitted.

## Complaint outcomes

We decided 64 complaints during the year. In 21 of those cases [32.8%] we found no evidence of maladministration. We exercised discretion not to investigate in a further 15 cases [23.4%]. Thirteen cases [20.3%] were determined to be outside jurisdiction and so they were not investigated.

## 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 2009/10, 26.9% of all complaints we decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority, 15 of them [23.4%] were resolved in this way. Across the 12 matters where compensation formed part of the local settlement, a total of £10,105 was paid by your council.

Five of the locally settled complaints related to housing and a total of £1,021 was paid.

## Homelessness

One complaint about homelessness was brought to us twice within the relevant time period. When the matter first came to us, it was clear that the situation had not been concluded. We could not

determine whether there had been any injustice to the complainant. As initial settlement of the matter, your council agreed to conduct a review of its decision that the complainant should not be considered as homeless. However, the case then went to court and a judge ruled that the council's decision had been incorrect. The complainant came back to us with this ruling. We were then in a position to form a view on injustice, and determined that there had been two significant periods of delay by the council, amounting to seven and a half months, when processing the homelessness application. The complainant was able to stay with friends and family for half of this additional time, but was unable to do this when their mental health issues worsened. Therefore, they were most likely to be sleeping rough at times when their health made them most vulnerable. A local settlement remedy of £2,000 was paid, which included some offset of debts.

In another homelessness case, we determined that the complainant lost their opportunity to follow the proper appeal route in 2007 because the council had declined to make a formal homelessness decision at that time. £100 was paid in compensation.

## **Housing**

In a housing repairs matter, there was a delay to the repair of the complainant's flat roof. We factored in the complexity of the required repairs, but came to the view that there was still an avoidable delay of 30 months. The resulting leaks meant the complainant could not use one bedroom for its usual purpose. £350 was paid for this loss of amenity and a further £150 for the complainant's time and trouble.

## **Benefits**

In one housing benefit case, your council accepted that it wrongly paid arrears of housing benefit to the tenant and not the landlord, following its decision to backdate the benefit. The local settlement saw the full arrears amount of £1,929 being paid to the complainant. We are pleased that after negotiations on this matter, agreement could be reached that the remedy was payable to the complainant here.

## **Adult Care Services**

One adult care service complaint resulted in a £750 local settlement. The complainant's daughter was housed in supported accommodation. She had specific medical and social needs which the complainant did not feel were being fully met. In particular, she had epilepsy. During the investigation, an incident occurred which resulted in the hospitalisation of the daughter who had shown indications of the onset of a significant epileptic seizure. Your council's review of the incident acknowledged that the processes in place at the accommodation to deal with the daughter's epilepsy were in part unclear, and had not been followed correctly by staff. We determined that the lapse in process was the major cause of the daughter's hospitalisation. To reflect the distress and inconvenience caused, we recommended payment of £500 to the daughter and £250 to her mother, the complainant.

## **Antisocial Behaviour**

One antisocial behaviour complaint was settled by your council taking action, and making a payment of £3,426. The complainants endured anti-social behaviour, especially noise, from their new neighbours. By the time the matter was referred to the Ombudsman, you had been negotiating with both sets of neighbours for several months but both had refused to move. You had also initiated legal action against the neighbour. The Ombudsman found there had been delays in referring the complaints to your council's noise team, and once referred, there were further delays. Ultimately, your council came to an agreement with the complainant for them to move to a new house, and to pay £3,000 for the time and trouble, plus £426 in respect of new carpets and furnishings recently bought for their previous home. We were pleased with your council's flexible

and proactive approach in coming to this solution.

## **Education**

One locally settled education complaint related to school transport. The complainant's daughter had special educational needs and went to a school outside Greenwich Borough. The placement had been agreed on the basis that the parents would provide her transport to and from school. But in January 2009, the mother fell ill and required an operation. She could not take her daughter to school for the rest of 2009 as a result. The parents asked your council for help on a temporary basis but it was refused. The daughter missed many school days and her attendance was raised as an issue by the school. When the complaint was referred to your council by my staff, you were swift to acknowledge that you could have taken a more flexible approach to the matter. The local settlement of £500 in compensation was agreed willingly and quickly.

In another education complaint, the complainant's son was excluded from school. There was confusion as to whether the exclusion was temporary or permanent, and whether that information had been conveyed to the complainant. We came to the view the council's involvement in making the decision meant it shared that role with the school. The lack of advice to the complainant led to the son losing two months of education. We recommended a remedy of £150 for the anxiety, distress and inconvenience caused by the lack of communication. Independently, your council also put in place additional tuition for the son, to make up for his earlier loss of schooling. We are again grateful for your council's positive approach in resolving this complaint. However, this was somewhat marred by your council's delay in responding to our formal enquiries as the reply took 109 days.

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

Formal enquiries were made on 38 complaints during the year. This is a significant increase of 15 over last year.

Your council's average response time of 51.4 days marks the fourth consecutive year that your council's response times have deteriorated. Last year's average response time was 44.7 days, which was already significantly higher than the requested 28 day response time.

Last year, we raised particular concerns about your response times on housing complaints, which was 59 days. Over the 18 enquiries made this year, there has been a small improvement in average response time, which is now 54.2 days. Similar to last year, nine responses took 60 days or more, four of those took over 70 days. Only two of the 18 responses were received within the requested 28 days. In one exceptional case, the response was received within just six days. We remain concerned about the performance of your council here. Housing continues to receive the largest proportion of complaint enquiries, and that number has increased by five this year. But it is clear that your council should consider taking further steps to achieve improvements in its response times on housing complaint enquiries.

We also made three enquiries about education complaints last year. None of the three matters received a reply within the requested 28 days, and as noted above, one response took 109 days. The average response time was 62.7 days, more than double the target time. There were a further one example, dealt with by other departments, where the response took over 90 days to be received.

These delays continue to reflect badly on the council, because they delay resolution of complaints. We recognise that there has been some improvement in the overall average in comparison with last year's response time figure, while there has been a small increase in enquiry numbers. We should also acknowledge that the majority of your council's responses are thorough and helpful. But last year, we explained that I have statutory powers to require the provision of information to

this office on every complaint received and this remains the case.

I hope that you will consider what steps could be taken to improve your response time as a matter of urgency. If a visit from an Assistant Ombudsman to meet with relevant staff would be helpful I would be pleased to arrange this.

### **Training in complaint handling**

I would like to take this opportunity to remind the council that 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.

I am pleased that you took up our offer of a visit from an Assistant Ombudsman and an Investigator, to explain more about our processes and role. They enjoyed speaking with your Officers, and I trust your staff found the event to be useful and of interest.

### **Conclusions**

There has been a small reduction in the number of complaints and enquiries received by us regarding housing matters in Greenwich. Of those which we consider merit investigation, they make up almost half of all such matters. So we would urge your council to continue its work with relevant organisations in this area.

We welcome this opportunity to give you our reflections about the complaints this office has dealt with over the past year. We hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

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**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)



### **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

### **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

### **Delivering public value**

We 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 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.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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**June 2010**

# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## 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.

**Premature complaints:** 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 either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to 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 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 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 LGO 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 LGO'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 LGO'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 2009/10**

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	1	1	1	25	4	9	2	2	9	54
Advice given	1	1	2	9	3	1	1	0	4	22
Forwarded to investigative team (resubmitted prematures)	1	0	0	5	3	0	2	0	2	13
Forwarded to investigative team (new)	0	1	4	19	2	0	4	1	15	46
<b>Total</b>	<b>3</b>	<b>3</b>	<b>7</b>	<b>58</b>	<b>12</b>	<b>10</b>	<b>9</b>	<b>3</b>	<b>30</b>	<b>135</b>

## Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	15	0	0	21	15	13	64

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	38	51.4
2008 / 2009	23	44.7
2007 / 2008	35	42.3

**Average local authority resp times 01/04/2009 to 31/03/2010**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20