

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

**London Borough of
Hammersmith and Fulham
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 Hammersmith and Fulham Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Hammersmith and Fulham 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 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

I received 127 enquiries and complaints about your Council in 2009/10 (an increase from 107 in 2008/09). We sent 24 cases to the Council to be dealt with under its complaint procedures. In 28 cases we provided advice to the enquirer. The remaining 75 complaints were passed to the investigation team. This included 14 cases where we had previously asked the Council to deal with the matter but the complainants were dissatisfied with the outcome and so resubmitted their complaints to us.

As last year, the majority of enquiries and complaints concerned housing with 57 contacts in total of which 34 were forwarded for investigation. Fourteen of these were about disrepair, 11 were about housing allocations and the remainder covered homelessness, tenancy management, sales/leaseholds and regeneration/improvement.

Other notable service areas were transport and highways with 14 contacts of which nine complaints were passed for investigation. All but one of these were about parking. Planning and building control generated 19 contacts of which six were forwarded for investigation. The remaining enquiries and complaints were spread across the Council's other service areas and resulted in 26 complaints being sent for investigation. They included adult care (five complaints), anti social behaviour (five), and environmental health (four).

Complaint outcomes

We decided 62 complaints during the year. In 25 cases we found no or insufficient evidence of administrative fault to justify continuing our investigation. In a further 13 cases, we exercised our general discretion to not continue our investigation. Another nine cases were outside my jurisdiction for a range of reasons, for example where the complainant could appeal to the Parking Adjudicator about the service of a penalty charge notice.

Reports

When we complete an investigation we generally issue a report. I issued one report against your Council concerning homelessness involving the payment of £750 compensation. Details of this case are set out below under the heading 'housing'.

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 the Ombudsmen decided and which were within our jurisdiction were local settlements. In 2009/10 we agreed 14 local settlements for your Council, that is 24.6% of the decisions on complaints within jurisdiction. Of these, seven related to housing services (six repairs cases and one about managing tenancies) and total compensation of £2,800 was paid by the Council. The other seven local settlements covered a range of service areas and involved compensation of £3,277 in total. Details of some of these local settlements appear below in the relevant service area commentary.

Complaint outcome by service areas

Housing

We decided 29 cases in this category. In 11 of these cases we found no or insufficient evidence of administrative fault; seven were not pursued using our general discretion; and three were outside jurisdiction.

The report I issued concerned a vulnerable complainant who had left private rented accommodation after suffering abuse. I found that the Council had not provided temporary accommodation, leaving the complainant to sleep rough for four nights until its 'out of hours' service arranged emergency accommodation; it had failed to follow its own procedures in cases involving abuse; liaison and communication between departments was ineffective; and the complainant was not told about making a homelessness application but encouraged to find accommodation in the private rented sector. Overall, I found the complainant had not received the reasonable level of support and assistance to be expected by someone homeless and in priority need. My own investigation into the complaint was also hindered due to the poor standard of record keeping by housing officers. I recommended that the Council apologise to the complainant and pay £750 compensation; review its systems for information sharing between departments about vulnerable service users; ensure it followed its established procedures when dealing with abuse cases; ensure that forms are dated and that records of 'out of hours' emergency placements are passed to the housing case officer. I also reminded the Council of the need to maintain accurate and detailed records. The Council accepted my recommendations.

Six of the housing local settlements concerned disrepair. In one case the Council delayed fitting new UPVC windows in a house in a conservation area. The complainant had suggested that UPVC might not be suitable for the area and subsequently the Council agreed the new windows breached planning control and must be replaced with wood frame windows. The Council paid £900 compensation for the delay and agreed to minimise disruption caused by fitting the wood frame windows.

There was also a delay (nine months) in dealing with water penetration and condensation in another complainant's home. The Council agreed to pay £1,000 compensation for the significant distress and inconvenience caused and to make progress with the outstanding repair work. And, in another case there was delay (nearly a year) in repairing a complainant's boiler. The boiler was repaired during my investigation and the Council paid £300 compensation. (Both of these complaints had previously been referred to the Council to be dealt with under its complaints procedure but the complainants resubmitted their complaints, dissatisfied with the outcome.)

In a further case a complainant returned to me because the Council had failed to follow through on a previously agreed local settlement. The Council accepted that it was at fault and paid £200 compensation for the further time and trouble caused to the complainant.

There were two complaints about the standard of works carried out under the Decent Homes programme. In both cases the Council paid compensation.

I also agreed a local settlement on a complaint that came to us about how a tenancy was managed. I did not find administrative fault or injustice in relation to the main complaint. But, the complainant had also complained about disrepair, which the Council had responded to before we became involved. During our investigation it became apparent that the Council had not actually completed the repairs. The Council agreed to complete the outstanding work within 28 days and to pay a further £50 compensation for delay (in addition to the £250 it had previously offered).

Transport and highways

One local settlement under this category concerned parking. The Council had towed the complainant's car away from a private estate. The Council had investigated and provided thorough responses to the complainant, saying signs were installed in accordance with the British Parking Association Code of Practice on signage. But, no sign had been installed at the estate entrance as suggested by the Code. So, although not obliged to follow the Code, having referred to it in dealing with the complaint the Council agreed to review the case taking account of the Code.

Planning and building control

I recorded one local settlement in a building control case concerning delay and the misdirection of a letter. The Council paid £200 compensation.

Education

There were two local settlements. In one case, the Council had changed the school transport provision for a disabled child which caused difficulties. The Council agreed to reinstate the previous arrangements.

The second case involved a child with special educational needs. We found delay in carrying out a transport risk assessment for the child; and a failure to make it clear to the family that the child could not start school until works were completed to address risk. The family's expectations were raised and they then had to wait six months for work to be completed. There were also problems with poor communication between the school and the complainants. The Council agreed to pay £500 compensation for the delay and distress; to share the lessons learnt from the case with officers; and to look at improving its internal communication.

Children and family services

There was one local settlement in a complaint concerning the adoption process. There was clear evidence of administrative fault with badly minuted meetings and a failure to keep the complainant fully informed. The placement broke down and while I could not say whether this was entirely due to the Council, it left the complainant with the uncertainty about whether the placement might have succeeded. The Council had offered £1,000 compensation but agreed to my recommendation to pay a total of £2,500 compensation for delay and distress to the complainant. The Council also agreed to place details of the complaint on file so if the child requested access in the future, it would be clear that the complainant had not abandoned the adoption process.

Public finance

I agreed a local settlement on a complaint about the recovery of council tax arrears. The complainant had emailed the Council seeking a repayment agreement for the arrears. The Council did not reply and continued with recovery action. The Council accepted it was at fault in not replying to the email but I saw no evidence that it or its bailiffs acted incorrectly in recovering the debt. The complainant paid the arrears but not the bailiffs' fees. I could not say whether recovery action would have been avoided if the Council had replied to the email and I agreed that the Council writing off half the bailiffs' costs was a reasonable result for the complaint.

Other

The remaining local settlement was an anti social behaviour case which involved delay in taking action to deal with a neighbour's overgrown garden. It was settled by the Council carrying out work to the complainant's fence and guttering which had been damaged.

Liaison with the Local Government Ombudsman

I ask councils to reply to my written enquiries on complaints within 28 days. In 2009/10 I made such enquiries on 35 complaints and the Council's average response time was 30.3 days, an increase from the 24.4 days in the previous year. I should be grateful if the Council will take steps to ensure that in future my enquiries receive speedier responses.

We were pleased to meet two of your officers at our 'making experiences count' seminar in July 2009 and again in March 2010.

Training in complaint handling

I am also pleased that during 2009/10 we provided training in Effective Complaint Handling in Social Care/Adult Social Care to staff from your authority.

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 authority's services.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

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/

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

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.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP

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	0	0	15	0	0	4	1	3	24
Advice given	0	1	1	7	1	2	8	4	3	27
Forwarded to investigative team (resubmitted prematures)	2	1	0	5	0	0	1	2	3	14
Forwarded to investigative team (new)	3	2	2	29	2	3	5	7	8	61
Total	6	4	3	56	3	5	18	14	17	126

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	14	0	0	25	13	9	62

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	35	30.3
2008 / 2009	41	24.4
2007 / 2008	43	26.7

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