

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

**London Borough of Hounslow
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 Hounslow 2009/10

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

Enquiries and complaints received

Last year I received 166 enquiries and complaints about your Council; there were 172 in the previous year, so there was little change. Advice was given in 38 cases and 41 were considered to be premature, because the Council had not yet been given a reasonable opportunity to deal with them.

As in the previous year, the subject area generating the largest number of contacts was housing, with 50 enquiries and complaints (48 in 2008/09, so again very stable). The subject of our contact with complainants was also similar the previous year. There were 33 transport and highways enquiries and complaints, 18 about public finance /local taxation. Our 'other' category also generated significant numbers of contacts (24: including contacts about antisocial behaviour, environmental health, cemeteries/crematoria, contracts/business matters and employment issues).

Eighty seven complaints were passed on to my investigation team to consider. The complaints covered a broad range of services, but housing complaints were the most common (25 complaints, including 12 about housing allocations and five about homelessness). Transport and highways complaints were the second most numerous (19, with 17 about parking) and there were nine about school admissions. Within our 'other' category there were six complaints about antisocial behaviour.

Complaint outcomes

This year I made decisions on 86 complaints against your Council. I closed 26 because there was either no or insufficient evidence of fault to warrant further investigation. A further 17 complaints were outside my jurisdiction, generally because there was an alternative remedy which it was reasonable to have expected the complainant to pursue. I exercised my discretion not to pursue investigations into a further 14 complaints, including cases where the Council had already agreed to take sufficient action to remedy any injustice to the complainants, or where the level of injustice claimed was insufficient to justify expending further resources on investigating the matter.

When we complete an investigation, we generally issue a report. This year I issued one report against your Council, resulting from a delay in providing temporary accommodation to a homeless couple. The injustice was not significant, as the Council subsequently discharged its duty towards the couple under the homelessness legislation when they turned down an offer of accommodation. However, when the couple made a general housing register application, the Council failed to award

them appropriate priority in accordance with the terms of its published allocations policy. I had previously reported on a similar failing. I recommended that the Council: pay compensation of £750 to the couple; amend its allocation policy; consider preparing an advice sheet for homeless people on the likely impact of refusing temporary accommodation on any subsequent application for housing; and remind its staff of the need to keep accurate records. The Council has failed to deal with my report in the appropriate way and I have therefore published a further report on this complaint in the current year.

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. Of the 70 complaints within my jurisdiction which we decided against your Council, 41.4% (29) resulted in local settlements. This is significantly higher than both the national average and the level during the previous year (24%).

The settlements we agreed resulted in the Council paying £12,450 in compensation.

Complaints by subject area

Adult care services

I decided four complaints about adult care services, two of which were local settlements. One of these resulted in the Council reissuing an approvals notice for a Disabled Facilities Grant, in order to allow the applicant more time to identify a builder to carry out the desired works within the funds offered by the Council. The other related to the failure to carry out a proper assessment before deciding to withdraw school transport for the child of a disabled parent. This resulted in the Council carrying out a risk assessment, which confirmed the original decision. However, the Council had delayed so it agreed to pay the complainant £50 in compensation.

Benefits

I made decisions on two complaints about benefits, one of which resulted in a local settlement. The case involved a delay of two years in deciding to recover an overpayment of housing benefit. By this time the complainant had moved, and did not therefore receive the Council's letter telling them of their right of appeal. To address the injustice caused, the Council agreed to pay £100 in compensation and to offer a fresh right of appeal to the Appeals Service.

Children & family services

I made decisions on eight complaints about children & family services. Two of these resulted in local settlements.

One local settlement stemmed from the Council's confusion and failure to amend an agreement about the care which the complainant's older children might provide for the younger children in the family. The agreement precluded care by the older children, but a subsequent report by the Council identified the benefits of such an arrangement. The Council repeatedly misquoted its report in responding to the complainant's requests to amend the agreement. But it responded constructively to our proposal and agreed to pay the complainant £1,500 and to review the agreement. This has now been amended to reflect the level of care the older children can provide.

The second local settlement resulted from the loss of files relating to a four year period whilst a complainant, a young person, was in the Council's care. The Council agreed to provide the complainant with a copy of a file which had not been misplaced, to continue searching for the missing files for a further two months and to pay £1,750 for the distress caused by the loss of the

files. If the Council is unable to find them, the complainant has been advised to raise the matter with the Information Commissioner, who has specific responsibility for overseeing compliance with the Data Protection Act 1998.

Education

All nine decisions on education complaints related to school admissions. The Council agreed to settle two of these complaints, following failings in the appeals process, by offering re-hearings and re-wording its distance criterion. As a result of two other complaints, I asked the Council to remind members of appeal panels of the need to consider whether the admissions criteria have been properly applied as part of the first stage of the appeals process. But in these cases I did not consider the complainants had been caused substantive injustice.

Housing

In addition to my report, which I have already mentioned, I decided 19 complaints about housing issues. There was either no or insufficient evidence of fault to pursue investigations into eight complaints, one was outside my jurisdiction and I exercised my discretion not to pursue a further two complaints.

I agreed to settle eight housing complaints as follows:

- Two complaints concerned failings in the way the termination of temporary accommodation for homeless people was handled. In one case, the complaint was settled by withdrawing a Notice to Quit and, in the other, compensation was paid for the problems caused by having to make alternative accommodation arrangements at short notice;
- A complaint about the failure to provide advice and assistance, as required by the Housing Act 1996, to someone found to be intentionally homeless, was settled when the Council agreed to ensure that letters informing people they are intentionally homeless also invite them to get in contact if they want advice and assistance on securing housing;
- A complaint about the failure to make enquiries on a homeless application or provide interim accommodation was settled when the complainant agreed to accept assistance with a rent deposit for accommodation in the private sector. The Council also took steps to ensure that the processing of homeless applications is not delayed in future.
- A complaint about the failure to accurately record the number of bedrooms needed when transferring to alternative accommodation, which resulted in an offer of accommodation being withdrawn, was settled when the Council agreed to pay compensation for raising the complainant's expectations and the effort they put into preparing for a move which never came about;
- The Council helpfully agreed to settle another complaint about an application for social housing by agreeing to contact the complainant, whose first language was not English, to review the application in the light of their current circumstances;
- A delay of several months in carrying out an assessment under the Housing Health & Safety Rating System, recommended in settlement of a previous complaint, was remedied when the assessment was finally carried out - identifying the work needed to improve security and remedy the causes of damp. The Council agreed to pay compensation for the delay;
- Despite the fact that a complaint had been pursued through all three stages of its complaints procedure, the Council failed to recognise the complainant should not have been charged for grounds maintenance. This was settled when the Council agreed to refund the charges and to pay compensation for the trouble the complainant had been put to meantime.

Planning & building control

I decided three complaints on planning issues. There was no or insufficient evidence of fault to justify pursuing investigations into complaints about the handling of a planning application or about the decision not to remove a tree in front of a complainant's home. A complaint about the misrepresentation of evidence in relation to an enforcement matter was outside my jurisdiction, as it is not within my remit to investigate the actions before a court of law.

Public finance

I decided three complaints relating to local taxation. One was settled when the Council agreed to pay compensation for delays in responding to correspondence about business rates liability and empty property relief, which was subsequently awarded. In another, the Council had taken appropriate action to address its fault and I considered a third was outside my jurisdiction because of appeal rights it was reasonable for the complainant to have pursued.

Transport & highways

I made decisions on 19 complaints relating to transport & highways issues. Three related to highway management issues: one was outside my jurisdiction as the complainant had a legal remedy over a claim for damage to property and there was insufficient evidence of fault to justify pursuing the other two.

The remaining 16 decisions related to parking issues. Of these, seven were outside my jurisdiction because statutory appeal rights were available which I considered it would have been reasonable for the complainants to pursue, or which had been used. One of these highlighted some issues about the Council's administration of Penalty Charge Notices (PCNs) which I brought to the Council's attention. I exercised my discretion not to pursue one complaint, and there was insufficient evidence of fault to justify pursuing investigations in a further four cases. Nevertheless, as a result of one I asked the Council to ensure that it deals with telephone enquiries about PCNs in line with the statutory guidance.

I agreed to settle a further four complaints as follows:

- The Council agreed to visit the parent of an elderly complainant with a disabled child to provide advice on applying for a disabled parking bay. This resulted in an application being approved;
- The failure to implement a decision issued by the Parking & Traffic Appeals Service was remedied by the Council cancelling a PCN and paying compensation for the trouble the complainant had been put to in pursuing the complaint;
- The failure to deal with representations made against a PCN and the poor handling of complaints made after the charge had been paid were remedied when the Council agreed to refund the money which had been paid and to reinstate the complainant's statutory appeal rights;
- The failure to respond to a complainant, who reported that an alleged contravention had occurred whilst someone else had been driving the vehicle, was remedied when the Council agreed to refund the money which had been paid, thus drawing the matter to a close.

Other

I made decisions on 18 complaints relating to 'other' matters. Three were outside my jurisdiction and I exercised my discretion not to pursue investigations into another three. There was insufficient evidence of fault on a further three complaints to justify investigating them further. Nevertheless, two separate complaints about anti-social behaviour identified a number of failings by the Council, and the Council agreed to make changes to its procedures to bring them in line with actual practice and to improving the handling of such matters in the future.

I agreed to settle eight complaints. Six were from complainants living in the same street, which had been under the threat of compulsory purchase orders for many years. The Council agreed to pay each complainant £1,000 as the owner of neighbouring properties which had been allowed to fall into a state of disrepair, thus failing to fulfil its obligations as a good neighbour and attracting anti-social behaviour. The Council also agreed to visit the area regularly to identify any problems and to take steps to improve the visual amenity of the area, including the properties it owns.

The remaining two settlements related to complaints about antisocial behaviour by others.

- In one case, the Council's complaints review panel had led the complainant to understand the alleged perpetrator would be moved, and the complainant was not kept informed of subsequent developments. The Council agreed to apologise, to keep the complainant informed in future, to take a more co-ordinated approach over the problems, and to pay compensation.
- The other case involved the Council's failure to address allegations of racism; carry out promised visits; take account of internal advice on taking eviction proceedings against the perpetrator or keep adequate records. To settle the complaint the Council agreed to liaise with the police; provide the complainant with a single point of contact; ensure that all incidents are properly recorded; and give proper consideration to taking further action against the perpetrator.

Liaison with the Local Government Ombudsman

We ask councils to respond to our enquiries within 28 days. The Council's average response time was 31 days, a welcome improvement on the previous year, although still outside my target. The areas which have brought the Council's performance down are housing, with an average response time of 34.8 days and the 'other' category with an average of 37.9 days. These related to complaints about anti-social behaviour and environmental health.

Your Head of Customer Services and my officers have kept in regular contact throughout the year, on individual complaints and more general issues.

I am pleased that one of your officers was able to attend one of our seminars on *Making Experience Count* for Adult Social Care complaint officers, and trust she found it useful.

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.

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.

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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/

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.

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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	2	0	16	4	7	1	4	6	41
Advice given	1	0	2	9	2	6	2	10	6	38
Forwarded to investigative team (resubmitted prematures)	0	1	0	5	0	1	0	2	3	12
Forwarded to investigative team (new)	6	5	9	20	2	4	3	17	9	75
Total	8	8	11	50	8	18	6	33	24	166

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	29	0	0	26	14	16	86

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

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	49	31.0
2008 / 2009	90	85.1
2007 / 2008	56	32.1

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