

**The Local Government Ombudsman's  
Annual Review  
London Borough of  
Wandsworth  
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 London Borough of Wandsworth 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about London Borough of Wandsworth. 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

In 2009/10 we received 110 enquiries and contacts relating to the council compared to 135 complaints and enquiries in 2008/09. A total of 38 of these were about housing, 19 about transport and highways, nine about public finance, eight about planning and building control, six about children and family services, five about adult care service, three about education, three about benefits and 19 others, including areas such as anti-social behaviour and environmental health.

A total of 63 were passed to the investigative team (54 new complaints and nine resubmitted premature complaints). We treated 33 complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further 14 cases we gave the complainant advice.

This compares with 160 complaints and enquiries in 2008/09, 80 of which were forwarded to the investigative team. We expect to see slight fluctuations of this kind over time.

## Complaint outcomes

We decided 57 complaints against the council during the year. In 20 cases I found no evidence of maladministration, and 10 complaints were outside jurisdiction. In a further nine cases we exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant.

## 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. Of the complaints we decided against your authority 18 were local settlements, representing just over 31% of complaints decided. We recommended that the council should pay a total of £12,050 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

## **Housing**

In one case the complainant alleged that he was living in a property which was uninhabitable. We recommended that the council pay him £1,500 for the lost opportunity to seek a review of the council's decision that his family was not homeless due to the condition of the property and in recognition of the family having to endure poor living conditions for longer than necessary. We recognised that the council considered that informal action had been taken to remedy the disrepair. We nevertheless recommended compensation and for the council to review its procedures for dealing with cases like this given that it has a statutory duty to serve notices where category one hazards have been identified.

In a complaint concerning housing allocations we found that the council offered the complainant a first floor flat with no lift when medical advice was that the complainant required a ground floor flat or lifted property. In that case we recommended reinstatement of the complainant's housing application so that a further offer could be made.

We dealt with a number of complaints about housing repairs. In one case the council delayed for five months in completing works to resolve damp and mould in the complainant's property. In that case we recommended £150 compensation. In another case we criticised the council for failing to make an appointment to deal with a rodent problem reported by the complainant. In that case the council agreed to pay £150 compensation. It had already apologised to the complainant for the delay.

We upheld another complaint that the council was at fault because of incomplete initial advice regarding the implications of a pilot scheme to investigate problems with water ingress affecting the complainant's property. We also criticised the council for at least three months delay in reinstating an access panel in the complainant's bedroom and for restoring the affected wall to an acceptable standard. To remedy this complaint the council agreed to carry out further remedial works and pay £250 compensation for the inconvenience caused by this delay.

## **Local taxation**

In one case where the council commenced bankruptcy proceedings against an elderly complainant we criticised it for failing to document the reasons why a charging order was not considered appropriate, and for failing to check bailiff records which identified the complainant as a pensioner. We were particularly concerned as the council's policy states that bankruptcy is not appropriate for pensioners and therefore the complainant had been caused an injustice by having to experience unnecessary bankruptcy proceedings. The council agreed to ensure that records are kept in future to document the reasons why alternative methods of recovery are not considered suitable and to ensure that bailiff responses are checked in each case to identify any relevant information. The council also agreed not to oppose the application for an annulment of the bankruptcy order and to pay the £250 annulment fee. We considered that to be a satisfactory outcome given that the complainant had failed to respond to numerous communications about the possibility of bankruptcy proceedings

## **Adult Care Services**

In one case we criticised the council for fettering its discretion when it considered the complainant's disability related expenditure. The council had restricted the amount allowable on the basis that it had a maximum level. In doing so, it failed to take into account a report my predecessor issued which stated that discretion can be applied in exceptional circumstances. As remedy for the complaint the council agreed to reconsider the complainant's request for additional disability

related expenditure to be taken into account and to inform him of the outcome. It also agreed to remind officers of the need to consider whether an additional amount should be awarded when a

service user indicates that their expenditure is higher than the council would normally allow. It was agreed to pay £100 compensation in recognition of the time and trouble the complainant had to go to in order to pursue his complaint.

## **Benefits**

We criticised the council on one complaint about council tax benefit. In that case there was a delay in processing two benefit applications. We were particularly concerned about the effects of those delays because the complainant was served with two notices of seeking possession during the period when his claims had not been processed. As remedy for the complaint the council agreed to pay £625 compensation, to be deducted from the amount of council tax outstanding, and to remove £95 costs from his arrears. We welcome the council's willingness to concede when it is at fault and offer a settlement in response to enquiries.

In another case concerning housing benefit, the council failed to pay all the tenant's benefit to the complaint, as landlord, when housing benefit was reinstated. In response to our enquiries the council agreed to pay the complainant what was owed, which amounted to £6,225, along with £1,000 compensation for the inconvenience. It also agreed to apologise.

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

We made formal enquiries on 37 complaints this year. In the annual review for 2009, my predecessor expressed concern that the council's response time has slopped and was outside the 28 days requested. In 2009/10 the council took an average of 29.9 days to reply to my enquiries, which is an improvement on the time in 2008/09, although still outside the 28 day target. I hope the council will be able to improve on its response times again this year in order to meet the target.

## **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 note that the council sent a delegate to one of those open courses during the year and I hope that it was found to be useful.

We have extended the range of courses we provide and 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.

**Dr Jane Martin**  
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**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry**  
**CV4 8JB**

**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.

**Dr Jane Martin**  
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**The Oaks No 2**  
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**Westwood Business Park**  
**Coventry**  
**CV4 8JB**

**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**

<b>Enquiries and complaints received</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Benefits</b>	<b>Public Finance inc. Local Taxation</b>	<b>Planning and building control</b>	<b>Transport and highways</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	1	2	0	11	0	7	3	3	6	33
Advice given	0	2	2	3	0	1	0	1	5	14
Forwarded to investigative team (resubmitted prematures)	0	0	0	3	1	0	1	1	3	9
Forwarded to investigative team (new)	4	2	1	21	2	1	4	14	5	54
<b>Total</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>38</b>	<b>3</b>	<b>9</b>	<b>8</b>	<b>19</b>	<b>19</b>	<b>110</b>

**Investigative Team**

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Total</b>
<b>2009 / 2010</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>9</b>	<b>10</b>	<b>57</b>

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	37	29.9
2008 / 2009	40	31.0
2007 / 2008	32	24.8

**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