

24 June 2011

*By email*

Ms A Shepperd  
Chief Executive  
Southwark Council

Dear Ms Shepperd

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

### ***Complaints received during 2010-11***

We received 417 enquiries and complaints about the council in 2010/11, 205 of which were referred for investigation. As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 142 complaints this year, your average response time was 29.2 days. This is a continued improvement on previous years and only just outside our 28 day target. I am particularly pleased to note that in the housing category, the largest category of enquiries (77 complaints) the average response time was exactly 28 days. I welcome the council's efforts in this area and hope it is maintained over the coming year.

### ***Complaint outcomes***

We decided 195 complaints during the year. In 63 cases we found no evidence of maladministration and in 31 cases we decided to discontinue the investigation as we considered that there was insufficient injustice caused to the complainant to warrant further investigation. 34 cases were considered to be outside my jurisdiction. I would like to thank the council for agreeing to settle 67 complaints. This represents 41.6% of complaints within jurisdiction. I would again like

to thank your staff for their helpful responses and their readiness to cooperate. During 2010/11 the council paid a total of £48,921 to complainants as a result of complaints to my office. In most cases payments were made within several weeks.

Complaints to us covered a range of areas of the council. Housing once again formed the largest category of settled complaints (73%) with the council paying a total of £43,809 compensation in these cases. In one of four cases concerning homelessness and housing benefit the council agreed to pay compensation totalling £4000 to the complainant. This was to acknowledge the significant distress caused to her by the council's failure to provide adequate support to resolve housing benefit problems. She was a vulnerable person in temporary accommodation with a young son and the council evicted her due to the resultant rent arrears. When the housing benefit claim was finally resolved all her arrears were cleared. But following the eviction the council re-housed her twice in unsuitable temporary accommodation and she was separated from her son. The council also suspended her from the housing register to ensure she could sustain a tenancy without identifying that the problems were caused by housing benefit. The suspension was outside the council's policy and lasted for seven months denying the complainant the opportunity to move to permanent accommodation at a much earlier point. The council agreed to review its suspension policy within four months and to ensure that all reasons for suspension are explicitly included in the policy, in addition to taking steps to improve the identification of vulnerable people.

In another case involving allocations the council delayed for two years in adding the complainant's children to her housing application. You also failed to advise the complainant that her application had lapsed and so she missed the opportunity to register on the council's choice-based lettings scheme. If she had done so, she could have moved as early as September 2006. As it was she did not move to larger accommodation until October 2010. The council agreed to make a compensation payment of £2000 to recognise the fact that the complainant had lived in over-crowded conditions with her mother-in-law for much longer than was necessary.

In one of 32 housing repairs cases, the council failed to take effective actions to repair leaks into the complainant's flat from the flat above. She reported the problem in August and the council carried out a temporary repair but said that if the leak recurred major works would be required. The leak recurred in September. The council ordered tests for asbestos but failed to raise works orders to repair the leak. The complainant chased the council but it was not until she contacted my Advice Team in November that the council took steps to repair the leak. The adviser had been able to hear water dripping into various containers in her flat. Even then the council took until 6 January to carry out an urgent repair order. Her flat was then in a poor condition due to the damage to the decorations in the kitchen and hall and she was without lights for almost three weeks as the leak had affected the electrics. The council recognised fault, completed the repair and agreed to redecorate the flat. You apologised and offered to pay her £860. You also agreed to review your procedures for raising necessary and urgent works orders.

In another case concerning local taxation the council wrongly pursued the complainant for council tax for over two and a half years when the council had information showing that the complainant was not liable. The complainant received eight summonses, went to court five times (including on one occasion when he had to return home from a holiday abroad), and received a liability order and two bailiffs' letters. The council had already apologised and offered £950 compensation before the complainant came to me. You then agreed to pay a further £550 for the considerable distress, inconvenience and time and trouble the complainant had experienced.

In one case involving the councils children's services department the stage three panel had concluded that the complainant should be able to have contact with children she had previously fostered, a meeting to discuss this and an opportunity to have letterbox contact and contribute to their Life pack. Nearly five months later the council wrote to the complainant to say it would not allow her contact with the children or letterbox contact. You did not give reasons for this or explain why the meeting could not go ahead. The council agreed to review and amend its procedures, pay £250 for the complainant's continued distress (she had made a previous complaint to me about delays in the complaints process) and her time and trouble. You also agreed to have a meeting with the complainant to discuss the possibility of writing to the children and contributing to their files in other ways.

### ***Communicating decisions***

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

### ***Extended powers***

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new

rights.

### ***Assisting councils to improve***

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin  
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

| <b>Enquiries and complaints received</b>      | Adult Care Services | Benefits & Tax | Corporate & Other Services | Education & Childrens Services | Environmental Services & Public Protection & Regulation | Highways & Transport | Housing    | Other    | Planning & Development | Total      |
|---|---------------------|----------------|----------------------------|--------------------------------|---|----------------------|------------|----------|------------------------|------------|
| Formal/informal premature complaints          | 2                   | 33             | 0                          | 8                              | 13  | 13                   | 58         | 0        | 2                      | 129        |
| Advice given                                  | 5                   | 10             | 1                          | 9                              | 3   | 11                   | 36         | 4        | 3                      | 82         |
| Forwarded in investigative team (resubmitted) | 1                   | 1              | 1                          | 1                              | 3   | 5                    | 20         | 2        | 0                      | 34         |
| Forwarded to investigative team (new)         | 8                   | 15             | 4                          | 9                              | 12  | 15                   | 86         | 2        | 20                     | 171        |
| <b>Total</b>                                  | <b>16</b>           | <b>59</b>      | <b>6</b>                   | <b>27</b>                      | <b>31</b>   | <b>44</b>            | <b>200</b> | <b>8</b> | <b>25</b>              | <b>416</b> |

## Investigative Team

| <b>Decisions</b>   | Reports: maladministration and injustice | Local settlements (no report) | Reports: Maladministration no injustice | Reports: no Maladministration | No Maladministration (no report) | Ombudsman's discretion (no report) | Outside jurisdiction | Total      |
|--------------------|--|-------------------------------|---|-------------------------------|----------------------------------|------------------------------------|----------------------|------------|
| <b>2010 / 2011</b> | <b>0</b>                                 | <b>67</b>                     | <b>0</b>                                | <b>0</b>                      | <b>63</b>                        | <b>31</b>                          | <b>34</b>            | <b>195</b> |

## Adult social care decisions made from 1 Oct 2010\*

|             | Out of jurisdiction | Total |
|-------------|---------------------|-------|
| 2010 - 2011 | 1                   | 1     |

\*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

| Response times          | First enquiries       |                           |
|-------------------------|-----------------------|---------------------------|
|                         | No of first Enquiries | Avg no of days to respond |
| 01/04/2010 / 31/03/2011 | 142                   | 29.2                      |
| 2009 / 2010             | 95                    | 32.5                      |
| 2008 / 2009             | 121                   | 44.0                      |

## Provisional comparative response times 01/04/2010 to 31/03/2011

| Types of authority         | <= 28 days<br>% | 29 - 35 days<br>% | > = 36 days<br>% |
|----------------------------|-----------------|-------------------|------------------|
| District councils          | 65              | 23                | 12               |
| Unitary authorities        | 59              | 28                | 13               |
| Metropolitan authorities   | 64              | 19                | 17               |
| County councils            | 66              | 17                | 17               |
| London boroughs            | 64              | 30                | 6                |
| National parks authorities | 75              | 25                | 0                |