

Local Government OMBUDSMAN

24 June 2011

Mr M More
Chief Executive
Westminster City Council
Westminster City Hall
64 Victoria Street
LONDON SW1E 6QP

Dear Mr More

Annual Review Letter

We are writing with our annual summary of statistics on the complaints made to us about your authority for the year ending 31 March 2011. We 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.

Enquiries and complaints received

Our advice team received 203 enquiries and complaints about your council, an increase of around 15% since 2009/10. Just under half were passed to our investigation team.

The single largest category of complaint passed to the investigation team was housing, 35 in all and covering the range of housing services. The next largest category was transport and highways, in which 12 of the 18 complaints passed to the investigation team concerned parking.

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 55 complaints this year, your average response time was 23 days, which is within the 28 day target and a further improvement on last year's already good figure.

Complaint outcomes

Of the 103 complaints that we decided during the year, 32 were 'local settlements'. A 'local settlement' is a complaint where, during the course of our investigation, a council either takes or agrees to take some action that we consider to be a satisfactory response to the complaint. The local settlement rate for all authorities was 27.1% of complaints which were within the jurisdiction of the ombudsmen. The corresponding figure for your authority was 36.5%. I set out below some examples of the local settlements obtained during the year.

Housing

We decided eight cases about disrepair as local settlements. In one, before the complainant had moved into a property, the council had installed a kitchen and bedroom in the basement. The complainant immediately experienced problems with damp and severe cold. Several investigations were made which revealed various problems including damp and a lack of insulation. When it dealt with the matter under its complaints procedure, the council had offered compensation of £500. It agreed to my investigator's proposal to increase its offer to £2,750 and to carry out all the work identified by an independent survey. In a complaint about delay in dealing with works under the decent homes programme, the council's initial offer of compensation was inadequate and it agreed to pay almost £600 to remedy the complainant's injustice.

In another case, the council delayed from October 2009 to January 2011 before forwarding a claim to its insurers following a flood. The complainant had been pursuing the matter throughout the delay and could have taken the matter to court. Nevertheless, the council agreed to proceed with the claim and to pay compensation of £250 in recognition of its delay.

In a complaint from a leaseholder, vacant possession was needed so a damp proof course could be installed and the complainant promptly moved out and rented somewhere else to live. But it took two years to complete the works, in part because of delay in obtaining a party wall agreement with neighbouring properties. Personnel changes within City West Homes meant that no one took responsibility for a long period. The complaint was resolved when the council agreed to pay compensation of over £3,000.

The council delayed in reaching a decision on a complainant's request to have his cousin's tenancy assigned to him. The cousin had returned the keys to the council but the complainant maintained that his own possessions were still there and he could not gain access to them. For a period the property was occupied by squatters and when the council obtained entry the complainant's possessions were not there. The council was not responsible for the loss of possessions but its delays caused inconvenience and uncertainty which was remedied by a payment of £500.

Planning and development

The council failed to recognise that a planning application made by a neighbour included projecting balconies and large windows which would affect the complainants' amenity. The council also delayed in inspecting the site and in investigating the complaint. The council had already offered compensation of £15,000 and it agreed to my investigator's suggestion that it should be increased to £25,000 to reflect the complainant's avoidable legal and surveyor costs.

Adult care services

A resident of a voluntary sector hostel which was monitored by the council under the supporting people programme complained that both the hostel and the council failed to consider several complaints she raised about her treatment within the hostel, including being bullied by staff. We have no jurisdiction over the hostel but we can consider the actions of the council with regard to monitoring the contract it has with the hostel. The council accepted there had been several faults by the hostel including refusing to allow the complainant's advocate to attend a risk assessment meeting. The council agreed to pay compensation for the time and trouble to which the complainant had been put and for the injustice arising from the faults by the hostel.

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. Our 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 89 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.

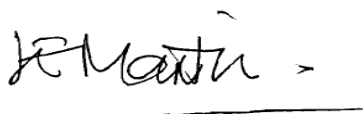
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

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 we should be pleased to arrange for 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.

Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	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	16	0	5	6	15	18	3	2	67
Advice given	2	8	0	3	0	13	14	2	2	44
Forwarded in investigative team (resubmitted)	1	5	0	0	3	4	5	0	0	18
Forwarded to investigative team (new)	8	7	0	5	3	14	30	3	4	74
Total	13	36	0	13	12	46	67	8	8	203

Investigative Team

Decisions	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
2010 / 2011	0	32	0	0	27	27	16	102

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	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	53	22.7
2009 / 2010	49	28.6
2008 / 2009	68	28.1

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	2	30.5