

22 June 2012

By email

Mr Derrick Anderson
Chief Executive
London Borough of Lambeth

Dear Mr Anderson

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. 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 forwarded by the Advice Team to my office and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries. It is important to deal with complaints as quickly as possible and council response times are a significant factor in achieving timely outcomes. We made formal enquiries on 94 complaints this year and your average response time was 28 days which meets our target exactly. Response times on complaints about Adult Social Care were 55 days on average. Of the nine ASC cases on which we made first enquiries the 28 day target was met in only three of these cases. In one case the council took 115 days to respond, and 91 and 87 days in two others. I would ask you to consider what steps you can take to improve your council's performance in this area.

Complaint outcomes

We decided 166 complaints during the year. We did not investigate 48 cases as they were outside jurisdiction or did not warrant an investigation. Of the 118 cases we did investigate, we found insufficient evidence of fault in 48 cases; insufficient injustice in 10 cases; the council agreed to settle 57 cases and I issued three reports.

Repairs

The three issued reports were about housing repairs. In each case I found maladministration causing injustice.

In the first complaint the tenant received a very poor service, even after raising her concerns with me. There were clear shortcomings in communication and the tenant experienced significant delays and inconvenience. The council agreed compensation of £1,000.

In the second complaint there was excessive delay in repairing windows. The tenant was given misleading information, there was a series of missed appointments and regular failure to return calls and take follow up action. The council agreed compensation of £500.

In the third case the tenant was affected by a number of leaks affecting her property. There was no strategy for identifying the cause of the leaks. The tenant's frustration was compounded by the council's lack of customer service and failure to keep her up to date. She had continually to chase the council to progress matters. The council agreed compensation of £1,000.

In the council's formal response to these three reports I was advised that valuable lessons would be learned from an internal review of these cases. I regret to say that our experience of subsequent and current cases does not suggest that there has been any improvement, or that the level of customer service to tenants is any better.

In my review of 2010/11 and also in 2009/10 I highlighted concerns about the organisation and delivery of the repairs service to tenants. I am raising this again because on the evidence of the complaints made to me since I issued the three reports referred to above the problem remains. Before I accept a complaint it will have been through your own complaints procedure. As you know this is a three stage process, and so the matter will have been considered by three officers. By the time the complaint comes to me the tenant will already have been put to time, trouble and frustration as a result of the complaints process, as well as having to deal with whatever disrepair caused them to complain in the first place. Typically the outstanding repair is not contentious in that the council is not disputing responsibility to put matters right. But it may take months, in some cases years, before the outstanding matters are resolved. It seems to me that there are clear failures in the administration of the repair service, and a failure to grasp opportunities to settle these complaints at a much earlier stage.

Tenants also complain about failure to keep appointments, and/or visits made without appointments. On occasions, in response to my enquiries, it is reported that the tenant refused access when this was not the case. Tenants have been asked to contact officers whose phone appears not to be answered, and whose voice mail facility is full. Another complaint concerns contractors calling without the appropriate materials, or with a specification that covers only a small part of the overall repair. Tenants have complained about repeat visits to measure up and/or carry out inspections, and that they are given conflicting information from contractors and council surveyors. The most frequent complaint is that it is the tenant who has continually to chase the council in order to make progress.

Complaints about matters other than repairs include the following:-

In one case I found that the council failed to make adequate interim provision for a child with special educational needs whose residential school placement had broken down. The council failed also to regularly review the provision it did make, so his education was inadequate for about a year, during which he was studying for his GCSE's. The council accepted my findings and agreed to remedy inadequate provision by paying compensation of £3,250.

In another case the complainant's son was out of school for two terms after the council allocated a school that was inappropriate for his defined needs and failed to make interim provision. The

council agreed compensation of £2,500.

In a complaint about housing transfers the complainant had two children with disabilities who had to share a bedroom. There was a risk that they could fall from a balcony. Children's services and housing did not communicate effectively and the appropriate priority for a transfer was not awarded. The council accepted that the family was housed in the flat for too long, and awarded compensation of £3,500.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink that reads "J Martin" with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

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	Planning & Development	Total
Advice given	5	10	4	6	6	15	28	1	75
Premature complaints	6	51	2	16	20	19	78	2	194
Forwarded to Investigative team (resubmitted)	4	4	1	3	2	1	17	2	34
Forwarded to Investigative team (new)	10	6	4	26	7	20	64	4	141
Total	25	71	11	51	35	55	187	9	444

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
7	31	10	48	10	57	3	166

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	94	28.6