

22 June 2012

*By email*

Ms E Kelly  
Acting Chief Executive  
The London Borough of Southwark

Dear Ms Kelly

### **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.

### ***Complaints received during 2011-12***

During 2011-12 we received 368 enquiries and complaints against the Council. 179 of these were referred for investigation. This is a reduction from the numbers in the previous year which were 417 and 205 respectively.

We made formal enquiries on 121 complaints this year. 29 of these complaints were re-submitted to us after we had referred them to the Council for consideration under the complaints procedure. This was because the complainants were dissatisfied with the outcome of their complaint or because of delay in the Council's complaint process.

The Council's average response time to our formal enquiries was 31.7 days which is outside our 28 day target. This is disappointing as the Council's response times for 2010/11 had shown some improvement and had almost met the 28 day target. This year 11 responses were in excess of 50 days. 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. May I request that the Council takes whatever steps it can to improve its performance to meet the target. The Council's responses to our formal enquiries are usually thorough and provide the information we have asked for. My staff have found the Council's officers to be very helpful when responding to our informal enquiries.

As has been the case in previous years, the highest number of enquiries was made in housing cases (64). The average response time for this group of enquiries was 32.6 days.

### ***Complaint outcomes***

We decided 196 complaints during the year. 20 cases were considered to be outside jurisdiction. In eight cases it was considered that an investigation should not be initiated for one of the following reasons:

- no worthwhile outcome was achievable by investigating;
- it was not warranted by the alleged maladministration;
- the complainant requested this; or
- the injustice had been remedied.

In 49 investigated cases we found that there was insufficient evidence of maladministration by the Council. In 25 cases we considered further investigation was not warranted. This was in the main because we considered the complainant had not suffered sufficient injustice. In 94 of the 179 cases in the year which were considered to be within jurisdiction the investigation was discontinued because we considered that the injustice to the complainant had been remedied. I thank the Council for agreeing to settle these 94 complaints which represent almost 50% of the cases decided.

Forty one of the cases which the Council settled were about failure to carry out or complete council house repairs. In one of those cases a tenant had to wait 16 months for kitchen units and floor tiles to be replaced and 19 months for heating to be repaired. The Council agreed to pay her £900 compensation. In another case we considered that the Council had delayed unreasonably in carrying out substantial repairs to leaking guttering. The complainants said that scaffolding had been left outside their home for over 18 months. They had to live in damp conditions longer than should have been necessary. The Council had already awarded £495 compensation to the complainants and then agreed to pay a further £505.

In another case we considered that the Council delayed for a year in investigating and assessing a housing benefit claim, leading to the issue of a wrong overpayment notification of £6448. The complainant had a year of frustration, distress and uncertainty. He had only been overpaid £156.17. The Council agreed to write off this overpayment and pay £500 compensation.

I issued no reports against the Council during the year.

### ***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. There has already been a helpful meeting between my Assistant Ombudsman and the Council to discuss the year's performance. I should be pleased to arrange a further meeting for myself or a senior

manager to discuss any of the issues arising from this letter or of wider concern.

Yours sincerely

A handwritten signature in black ink that reads "J Martin". The signature is written in a cursive style and is positioned above a horizontal line.

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	3	12	2	3	6	11	45	5	87
Premature complaints	3	21	1	4	11	10	46	6	102
Forwarded to Investigative team (resubmitted)	3	4	0	2	2	4	13	1	29
Forwarded to Investigative team (new)	10	16	5	10	12	19	71	7	150
<b>Total</b>	<b>19</b>	<b>53</b>	<b>8</b>	<b>19</b>	<b>31</b>	<b>44</b>	<b>175</b>	<b>19</b>	<b>368</b>

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		
6	14	8	49	25	94	0	196

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	121	31.7