



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Royal Borough of Kingston
upon Thames
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

There are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

We received 35 complaints during the year, four fewer than last year, but we expect to see these fluctuations over time.

Character

Seven complaints were about housing and a further seven about education. Four complaints were about transport/highways and four about public finance. Three complaints were about planning, two each about benefits and adult care services and one was about children and family services. The pattern of complaints has been broadly similar for the past three years.

Decisions on complaints

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. Five complaints were settled locally.

I considered two complaints about school admissions. In one of these complaints I identified shortcomings in the manner in which the appeal against the decision not to admit the complainant's daughter to a particular school was handled. The Council agreed to offer a fresh appeal.

In the second, I identified shortcomings identical to those which I referred to in my letter to you last year. I criticised the waiting list arrangements at a selective school in the light of the co-ordinated admission arrangements which had been introduced. I am concerned to note that the same failures were a feature of this further complaint. The complaint was settled by the Council's offer of a place at the preferred selective school, but there was a considerable delay in concluding the settlement. In last year's letter I expressed my concern at the length of time taken to achieve a settlement in similar complaints to this which, as school admissions complaints, I normally expect to be dealt with promptly. I shall return to this point later in this letter in my observations about liaison between your Council and my office.

I considered two complaints about delays in the assessment of housing benefit. In one of these, the Council agreed to write off outstanding arrears of £1149.68 and reviewed the complainant's entitlement, further reducing the remaining debt. The Council agreed to accept payment of the balance by instalments which the complainant could afford. In the second complaint the Council withdrew a demand for the cost of the summons which had been served, and agreed to pay compensation of £150.

Overall a total of £350 was paid in compensation, in addition to the debt write-off.

When we complete an investigation we must issue a report. I issued no reports against the Council during the year.

Other findings

Thirty three complaints were decided during the year. Of these, three were outside my jurisdiction. One was about a decision to change a course offered by a local adult education college. I have no jurisdiction to investigate complaints about the curriculum offered in a school or college. Another complaint was from a homeless applicant who had a right of appeal against the Council's decision, and therefore had an alternative remedy, and the third was about a personnel matter. As I mentioned earlier, five were settled locally. Twenty complaints were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

In one of those 20 complaints I identified serious failings but I could not conclude that they caused injustice to the complainant. The complaint was about the manner in which an appeal against the decision not to admit the complainant's child to a particular school was dealt with. In this case, because the complaint was about admission to an infant school, the rule on infant class-size prejudice applied. There were two appeals which were considered by the appeal panel. I identified no shortcomings in the manner in which the complainant's appeal had been dealt with, but the information provided by the Council demonstrated serious failures in the second appeal. The head teacher had written a letter in support of this child. The panel concluded from this that the infant class-size rule could not apply in this case, given the head teacher's comments. The clerk to the panel correctly pointed out that if the rule applied to one appeal, it must also apply to the second. The panel's failure to accept the advice given by the clerk was a serious error on its part, and suggests that some appeal panel members would benefit from training on their role and function, and that of the clerk.

Your Council's complaints procedure and handling of complaints

Just five complaints were premature, which suggests that your complaint's procedure is well used and effective. Information about your Council's complaints procedure on its website is clear and accessible.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

Liaison with the Local Government Ombudsman

We made enquiries on 15 complaints this year, and the average time for responding was 52 days. This is outside of the target we set of 28 days, and represents an increase over last year's performance. In addition, the response times for individual cases shows a wide fluctuation, and good performance on some complaints masks what is unacceptable performance in others.

In my letter to you last year I raised this same issue and asked you to put in place arrangements to provide responses within an average target time of 28 days; I see no evidence of any improvement and am concerned that residents must continue to put up with an unacceptable level of service here. In one complaint I asked for information in October 2006, but did not receive a reply until February 2007. Given this excessive delay I had to ask the Council to increase the amount of compensation I would normally have expected to see in similar complaints. In another complaint, about school admissions, I asked for information in August 2006. I received only a partial reply, and it was only after Stephen Purser, the Assistant Ombudsman, suggested that we would subpoena your staff to attend here in person to supply the information requested, that a response was received.

This lack of response by the Council cannot be tolerated any further. And so I have instructed my staff to issue summonses against officers to appear at my office in Coventry in respect of any further unacceptable delay.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

Conclusions and general observations

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 Council's services.

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June 2007

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	2	1	7	7	5	3	4	4	35
2005 / 2006	1	2	1	6	11	5	8	3	2	39
2004 / 2005	2	2	1	6	10	4	4	2	4	35

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2006 - 31/03/2007	0	5	0	0	13	7	3	5	28	33
2005 / 2006	1	3	0	0	10	4	6	9	24	33
2004 / 2005	0	7	0	0	14	1	13	9	35	44

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2006 - 31/03/2007	14	51.7
2005 / 2006	13	50.8
2004 / 2005	13	86.7

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0