

Local Government OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

Royal Borough of Kingston upon Thames

**for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Royal Borough of Kingston upon Thames. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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 44 complaints during the year, an increase of nine from the previous year. We expect to see fluctuations over time and I see no significance in this rise.

Character

Nine complaints were about housing and a further nine complaints were about education. We received two complaints about adult care services, two about children and family services, one about benefits, three about planning and building control, five about public finance and two about highways. The remaining 11 fell into the 'other' category and concerned antisocial behaviour, contracts and business matters, employment and pensions (matters outside my jurisdiction), and licensing. Although the number of complaints in the 'other' category has increased, the pattern of complaints is broadly similar to previous years.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council in 2007-08.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

Six complaints were settled locally this year.

In one, the Council agreed to pay £100 compensation for failing to follow up the complainant's allegations about a care worker with another Council.

In two separate complaints about school admission appeal panels' failure to consider relevant information, the Council agreed to offer fresh appeal hearings.

In a further complaint about education the Council paid compensation of £3000 for its delay in carrying out an assessment of Special Educational Needs and for failing to name a school in the statement. I found that the delay was unjustified as the relevant information was available to the Council at the time.

In one complaint about how an application for homelessness was considered, I found that the Council failed to deal properly with the complainant's request for assistance and failed to provide information on housing options. The Council agreed to make a fresh assessment of the complainant's application and advise him of his right of appeal in order to settle the complaint.

In a further complaint about a dangerous tree, the Council agreed to pay compensation of £250 for its delay in ensuring that the tree was felled.

The Council paid a total of £3350 in compensation during the year.

Other findings

Forty four complaints were decided during the year. Of these, eight were outside my jurisdiction and as stated above, six were settled locally. In ten complaints, I found no evidence of maladministration and I discontinued my investigation of the remaining seven because there was no evidence of injustice arising from the maladministration alleged.

Your Council's complaints procedure and handling of complaints

We received 13 premature complaints which is 30% of the complaints received this year. This is above the national average of 27% and represents a significant increase on previous years. There appears to be no clear reasons for this increase as the Council's complaints procedure is clearly accessible on its website. But this may be an indication that the Council needs to review how it signposts the public to its complaints procedures early on in its dealings with them.

Liaison with the Local Government Ombudsman

We made enquiries on 14 complaints this year and the average response time was 47 days. While this is a slight improvement on the previous year's performance of 52 days, it remains significantly below our target timescale of 28 days. The Council responded to our enquiries on six complaints within 28 days but its response times ranged between 32 and 143 days on the remaining complaints and the problem does not appear to rest with complaints against just one department.

I have raised this issue in my previous two letters to you. In last year's letter I specifically stated that the lack of responses could not be tolerated further and I had instructed my staff to issue summonses against officers to appear at my office in Coventry in respect of any further unacceptable delay. I am saddened to report that on one occasion this year I was forced to take the very unusual action of issuing a summons and I required your Head of Legal Services to attend this office with the information my officers had requested.

I am aware that your Council has had staffing difficulties which led to delays and it anticipates that it is now in a position to respond to my officers' enquires in a more timely manner. I welcome this but as the problem has been longstanding my officers will continue to monitor your response times and take appropriate action if the delays persist.

I note that your previous Link Officer attended my Link Officer seminar in 2005. As you are aware these are annual events and I would encourage your new Link Officer to attend this year's seminar. If you would like more information on the seminar, please contact my Acting Assistant Ombudsman, David Pollard.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we

carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. 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 and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different 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.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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.

J R White
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18 June 2008

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
01/04/2007 - 31/03/2008	2	1	2	9	9	11	3	5	2	44
2006 / 2007	2	2	1	7	7	5	3	4	4	35
2005 / 2006	1	2	1	6	11	5	8	3	2	39

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
01/04/2007 - 31/03/2008	0	6	0	0	10	7	8	13	31	44
2006 / 2007	0	5	0	0	13	7	3	5	28	33
2005 / 2006	1	3	0	0	10	4	6	9	24	33

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
01/04/2007 - 31/03/2008	14	46.8
2006 / 2007	14	51.7
2005 / 2006	13	50.8

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0