

24 June 2011

Mr Chris Williams
Chief Executive Officer
Buckinghamshire County Council
County Hall
Aylesbury HP20 1YU

Dear Mr Williams

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. 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 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. During the year the Ombudsman for London and the South East, Tony Redmond, retired. I have dealt with complaints against your authority pending the appointment of his successor. Although complaints made to me about your authority have decreased this year, I have decided to add a commentary to the attached statistics in view of the range of complaints against your Council that my office dealt with in the year and the wider public interest of some of those complaints.

Enquiries and complaints received

In 2010/11 we received 121 enquiries about your authority. Of these 20 were referred back to your Council as they were not urgent and had yet to be considered by the Council through its own complaints procedure in the first instance. A further 14 enquiries were dealt with through the provision of advice and the remaining 87 were forwarded as complaints to be considered by an investigation team. As in previous years the majority of these concerned education and children's services (62).

Complaint outcomes

Of the 83 decisions we made throughout the year, 20 were 'local settlements'. A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. Across all authorities, local

settlements comprised 27.1% of the decisions the Ombudsmen made on complaints which were within our jurisdiction. The relevant figure for your Council is 29%.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate. But often there is more to a local settlement than just the payment of money. Here are some examples of settlements obtained during the year which I consider may be of wider public interest.

Education and children's services

Three cases concerned decisions about the provision of school transport. In one complaint I decided that the committee that considered an appeal against a decision not to provide free transport had failed to provide clear reasons for its decision, and that new evidence was presented to it after the parents had left the hearing. In a separate complaint made to me I found that the committee did not consider the relevant policy when considering an appeal. In both cases the Council agreed to offer new appeal hearings as a remedy.

In the third case the complainant's disabled daughter had her school transport withdrawn with one days notice. The complainant was forced to arrange a replacement taxi service. Although the Council agreed to pay for this while the issues leading up to the suspension of the service were resolved, it took 5 months for this to be concluded. The Council initially offered £100 as a remedy, but agreed to my recommendation to pay £300 as a means of settling the complaint as well as reviewing its policies and procedures.

Twelve local settlements concerned education admissions. In one case the Council acknowledged that there was administrative fault in the handling of an appeal against a refusal of a place at a grammar school. The reason for this is that the Appeal Panel misdirected itself in relation to the defence of justification under the Disability Discrimination Act 1995. Although the Panel concluded that the Council had failed to provide extra time for a pupil sitting the eligibility for grammar schools' assessment test, it then wrongly determined that the previous failure by the School to provide additional time in exams justified the failure in this case. The Council accepted that this was wrong in law and offered a new appeal to the complainant.

In another case the Council incorrectly advised a complainant that he had been unsuccessful at a selection appeal for his son, when in actual fact his appeal had been upheld. The complainant and his son were not advised of the error for five weeks during which time his son believed he had failed to get into the school of his choice where many of his friends would be going. The Council agreed to offer a place at the preferred school and paid £100 as compensation for the distress caused.

In two separate cases late information was provided at the selection appeal hearing but the Panel failed to adjourn proceedings to enable the appellants adequate time to consider it properly. In three appeals against refusal to admit children to infant classes the Appeal Panel failed to consider whether the Council had properly applied the admissions criteria. In all five of these cases the Council agreed to arrange fresh appeal hearings before new Panels.

In one case a complainant alleged that the Council had failed to measure the home to school distance correctly when allocating places at a particular school. Although the Appeal Panel

rejected the appeal the Council was unable to clarify the route it used. As the complainant accepted an offer of a place at her second choice of school as a remedy for any potential injustice she was caused, I decided not to pursue this complaint further.

Three complaints were in respect of the Council having offered places at a particular junior school before withdrawing them three days later on discovering that it had made 75 offers when only 60 places were available. The Council agreed to my proposal to pay each complainant £150 for the distress caused and raised expectations due to the places being incorrectly offered.

Adult social care services

Two complaints which were settled during the course of the year concerned the provision of adult social care services. In the first case the Council failed to respond to a complaint regarding its decision about a residential placement for a woman with learning disabilities. There were delays in the decision making process and poor communication which led to uncertainty for the complainant. The delay in responding to the family's formal complaint was due to the Council assessing the case as being 'non priority' and when later the member of staff who had been dealing with it left the Council, the case was not reallocated. The Council agreed to apologise and pay £300 to the complainant.

In the second case the Council failed to adequately consult a family about a decision it made not to accommodate the complainant's relative in a supported living project. There was poor communication by the Council and a lack of transparency about the decision that had been made about why it was considered that supported living was not suitable. The Council agreed to apologise and pay the complainant and his relative £550.

Other complaints

One final settled complaint of wider interest concerned the change of use of a property close to the complainant's home when a Council contractor opened a special school for excluded pupils in the premises. As a result the complainant experienced a degree of nuisance and anti-social behaviour. The change of use had not received planning permission from the relevant District Council which then went on to refuse a retrospective application once it was made. The Council agreed to pay £500 in compensation and tighten its procedures for letting contracts.

Liaison with the Local government Ombudsman

The average time taken by the Council to reply to my written enquiries was 27.1 days, a slight improvement on the previous year at 27.7 days and within my target of 28 days.

I was pleased to note that during the course of the year the Council's Principal Complaints Manager attended one of our regular seminars for Council officers who deal with our enquiries and investigations regarding complaints. I hope that he found this useful.

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. My 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. Anyone who arranges and pays for their own social care now has 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 1351.

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 2010/2011 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.

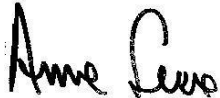
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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 I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Anne Seex
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	5	0	0	12	0	2	0	0	1	20
Advice given	1	0	0	8	0	3	0	1	1	14
Forwarded in investigative team (resubmitted)	2	0	0	1	1	1	0	0	0	5
Forwarded to investigative team (new)	9	0	1	61	1	7	1	2	0	82
Total	17	0	1	82	2	13	1	3	2	121

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	20	0	0	40	9	12	81

Adult social care decisions made from 1 Oct 2010*

	Out of jurisdiction	To discontinue investigation, other	Total
2010 - 2011	1	1	2

*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	49	26.3
2009 / 2010	49	27.1
2008 / 2009	49	23.0

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	1	69.0