

24 June 2011

Ms Moira Gibb
Chief Executive
London Borough of Camden
Town Hall
Judd Street
London WC1H 9JE

Dear Ms Gibb

Annual Review Letter

We are writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. We 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.

Enquiries and complaints received

A total of 208 enquiries and complaints about your council were received last year, up from 185 the year before. Of these, 43 were treated as premature because it did not appear that your council had had a reasonable opportunity to deal with the matter and, in another 38 cases, the prospective complainants were given advice about the options open to them. The remaining 127 complaints were forwarded to my investigative team to consider; most concerned housing.

As you know, 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. From formal enquiries made on 56 complaints this year, your average response time was 32.4 days, which is outside our target and is a disappointing deterioration from the previous year's performance.

Complaint outcomes

This year we came to decisions on 146 complaints against your council. In 74 cases, we found no or insufficient evidence of fault or injustice to warrant my involvement or that an investigation would produce no worthwhile outcome. A further 33 complaints were outside our jurisdiction to investigate.

This year we issued a report against your council about a vulnerable child whose transport to school was provided by contractors acting on behalf of the council. The child was sexually abused by the driver and it subsequently transpired the driver had overseas criminal convictions for offences against children which were not revealed by an enhanced criminal records bureau certificate. We found the council had failed to ensure its contractors followed correct procedures when employing the driver. We could not say with certainty that correct procedures would have prevented the abuse, but we recognised the complainant would always be left with some doubt about this. We welcomed the improvements the council had already made to its procedures for the monitoring of contracts, and its agreement to pay the complainant compensation for distress and time and trouble in pursuing the complaint.

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. Last year, 27.1 % of all complaints the ombudsmen decided and which were within our jurisdiction were local settlements. For your council 34% (38) of such complaints resulted in local settlements, compared with 52% the year before. So the figures are now at least approaching the norm. The settlements we agreed resulted in the council paying compensation of over £23,500, as well as making procedural changes and providing apologies where appropriate.

Adult care services

We reached a local settlement on two complaints in this area. In one a disabled complainant accepted a transfer to an alternative council property but asked for an assessment to see what adaptations could be carried out. The council said it would take 18 months to undertake an assessment. The complainant was very distressed by this and in the end her mother paid for a new shower to be installed and a redesign of the kitchen. We felt the timescale was too long and welcomed the council's agreement to carry out some additional work. We were also pleased it agreed to improve information to tenants with disabilities about adapting properties offered to them. In the other case the complainant was provided with a personal budget for a holiday and the council wrongly gave the impression that similar support would be provided the following year. But the complainant was not eligible and they spent time planning a holiday which could not take place. The council agreed to pay compensation for the time and trouble and confusion caused to the complainant. Importantly, it also agreed to consider whether other service users might have been affected by these issues and to ensure they were provided with clear written information in future.

Environmental services, public protection & regulation

In two cases there were problems with the council failing to provide information, when asked by prospective new occupiers, about any anti social behaviour from neighbours. We concluded it would have been reasonable for the council to say there had been complaints about a neighbour in the past and to suggest speaking to other tenants. In one case the evidence on the nature and extent of the problems caused to the complainant was inconclusive, but we considered a payment for uncertainty and time and trouble was appropriate. But in the other the complainant was caused significant difficulties which we considered would have been avoided if the council had acted properly; a more substantial payment was agreed here.

In another two cases there were failings by the council in dealing with noise complaints resulting

from the provision of wood flooring in the flat above, contrary to the tenancy agreement. In one case the perpetrator moved and in the other the council agreed action. Compensation for injustice was paid in both cases.

Education & children's services

There were two significant settlements relating to special educational needs (SEN). In the first, the complainant withdrew her son from a residential placement with the council's agreement, but there were then problems in finding an alternative placement which meant the child remained at home with inadequate educational provision for six terms. There was also delay in completing care assessments for the child and the complainant. The council agreed to pay £7,000 to recognise both the delay in carrying out the assessments and the significant educational provision the child had missed.

In the other case fault by the council meant that a child with SEN did not receive their full entitlement to assistance for around 18 months. The council readily accepted it should pay the complainant £1,200 in recognition of this and provided helpful information about how it intended to work with the complainant in future.

Housing

We agreed local settlements in 15 complaints. While this was half of such cases, in the previous year 80% of disrepair cases resulted in local settlements.

As in previous years, failures to deal properly with water leaks resulted in a number of complaints. In one case the council had previously accepted there had been delay and committed itself to taking action, but over three years later it had still not even established the cause of the problem. The council agreed to erect scaffolding to establish this, to take remedial action, and to pay the complainant £2,000. In another case, there was a nine month delay in resolving a leak which had a significant impact on the daily life of the complainant; the council agreed to pay £750 here.

In a number of other disrepair cases failure to take prompt action caused significant difficulties for complainants in the enjoyment of their homes. In one case, the council was unable to resolve problems with a new boiler until a year after it was fitted, meaning the complainant was without heating and hot water for a significant period. The council agreed a payment of £2,000 in this case. In two other cases delays addressing damp problems meant the complainants incurred redecoration costs which the council agreed to pay. Five other cases involving a failure to carry out repairs within a reasonable period resulted in the council agreeing compensation payments.

In a number of cases the council had already agreed that work needed to be carried out at the conclusion of its own complaints process. It was only when works were not done that these matters were brought to our attention. This is an issue we have highlighted in previous years and we would reiterate that a greater focus on ensuring the implementation of agreed actions should reduce the need for complainants to approach us. We know that the council has restructured its repairs and improvement division to change reporting lines and introduce a new quality assurance team and we very much hope that these changes will assist with this.

The council arranged private rented accommodation for a complainant who was threatened with

homelessness. But it did not specify the terms under which the property was to be let and did not take proper action to resolve a subsequent issue about liability for service charges. An offer of alternative accommodation it made was also unsuitable. These problems created debt issues for the complainant and, although she had some responsibility for these, we felt that the council should pay half a money judgement secured by the landlord and that the complainant should retain the 'homelessness prevention points' that had previously been awarded as part of her housing priority.

In another case, the council believed a complainant's home had two bedrooms when it only had one, and so it was wrongly awarding her additional priority for a move because she was under-occupying her home. She attended viewings for new homes for which she had insufficient priority and, because the Council thought her home was larger, she had been overcharged service charges for the previous 12 years. The council refunded these charges and agreed a further payment of £600 in recognition of distress, raised expectations and notional interest on the sum overcharged.

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. Our 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. The increasing number of people who arrange and pay for their own social care now have 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 1,351.

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 2010/11 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.

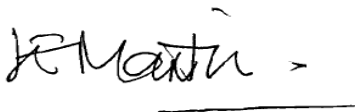
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
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	1	3	0	1	7	8	15	2	6	43
Advice given	1	3	1	0	4	8	15	3	3	38
Forwarded in investigative team (resubmitted)	0	2	0	0	2	2	11	0	2	19
Forwarded to investigative team (new)	8	4	1	6	10	12	58	1	8	108
Total	10	12	2	7	23	30	99	6	19	208

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	1	38	0	0	37	36	33	145

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, other	Total
2010 - 2011	1	1

*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	55	32.5
2009 / 2010	63	30.5
2008 / 2009	60	33.2

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	29.0