

24 June 2011

By email

Mr J Rouse
Chief Executive
London Borough of Croydon

Dear Mr Rouse

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.

Complaints received 2010/11

In 2010/11 I received a total of 178 enquiries and contacts relating to the council. Of these, 58 were referred for investigation.

Of those 58 complaints that were passed to an investigative team, the largest number (19) concerned education and children's services, 11 were about benefits and public finance (including council tax), eight were about housing matters, eight about adult care services and six cases concerned highways and transport.

From formal enquiries on 46 complaints this year, your average response time was 28.3 days which is just over the 28 day target I set for councils.

Adult social care complaints have, on average, taken longer to respond to (51 days). This figure hides wide variations, with enquiries on one adult social care complaint taking 21 days and two complaints taking 58 and 74 days respectively. These figures compare with average times of 19 days for responses to enquiries on benefit and tax complaints, 20 days for housing matters, 26 days for education and children services, 28 days for environmental services and public protection complaints and 31 days for complaints about planning. I hope that this level of detail will help the council to reduce response times in individual service areas.

My Assistant Ombudsman and investigators will be happy to give advice and guidance on the handling of complaints and enquiries and on how to identify effective local settlements.

Complaint Outcomes

We decided 79 complaints during the year.

Of those 79 decisions, 14 were considered to be outside my jurisdiction to investigate. In 30 cases I found no evidence of maladministration and in another 14 cases we decided to discontinue investigation for other reasons.

In 21 cases the council agreed to settle the complaint. Details of some of these cases follow.

In a complaint about education, a school said it could no longer meet the needs of a child with special educational needs. The council did not arrange alternative provision and the child was out of school for almost a term until the complainant entered him into a private school, which the council subsequently named in his statement. The council agreed to apologise to the complainant and her son, and to pay compensation totalling £4,600 in respect of the lost education, the time and trouble of pursuing the complaint, and the school fees from the start of the placement to the date the council named the school in the statement. The council also agreed to review its policies, which do not currently make provision for children with special educational needs who are out of school in such circumstances.

In one complaint about homelessness, the council failed to reach a reasonable decision on the complainants' housing situation and properly consider their medical circumstances. After they were evicted, they ended up sleeping in their car and were dependent on the goodwill of others for somewhere to sleep. The council agreed to give an apology and make them a payment for the lack of accommodation, lost opportunity, anxiety and distress, based on the weekly rental value of accommodation until they were temporarily accommodated. The final agreed payment took into account rent arrears owed. I also asked the council to advise the complainants about housing register options and that it consider reviewing its procedures for dealing with medical information, for communication between the homelessness and housing register sections and for screening the priority of complaints received.

In a complaint about local taxation, I found that the council had wrongly instructed bailiffs for arrears of council tax when the account was in credit. The council agreed to make the complainant a payment of £450 for a wrongly issued summons, liability order and bailiffs letters sent. In response to my recommendation, the council has also put in place a new procedure for informing the council tax department of when council properties become vacant.

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

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

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	20	0	6	6	5	20	1	6	69
Advice given	4	3	1	8	2	4	9	1	3	35
Forwarded in investigative team (resubmitted)	1	0	0	1	4	1	5	0	4	16
Forwarded to investigative team (new)	8	11	2	18	4	6	8	0	0	57
Total	18	34	3	33	16	16	42	2	13	177

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	21	0	0	30	14	14	79

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	47	28.0
2009 / 2010	70	23.9
2008 / 2009	62	26.5

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	3	51.0