

24 June 2011

By email

Mr B McDonald
Chief Executive
Royal Borough of Kingston upon Thames

Dear Mr McDonald

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 during 2010/11

As you will see, we received 53 complaints about the council in 2010/11, 22 of which were referred for investigation. 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 13 complaints this year, your average response time was 59.5 days which is significantly above the 28 day target. The council's performance is historically very poor in this area but its performance this year is particularly disappointing as its response times for 2009/10 had shown some improvement. This year, the majority of responses to individual complaints were in excess of 44 days with a number over 90 days. Three responses were received well within the 28 day target, which is encouraging, but the council's overall performance continues to give me cause for concern. I strongly recommend that the council takes steps to improve its performance with a view to meeting the 28 day target.

Complaint outcomes

Of these, we decided 18 complaints. In five cases we found no evidence of maladministration and in two cases we decided to discontinue the investigation as we considered that there was insufficient injustice caused to the complainant to warrant further investigation. Six cases were considered to be outside my jurisdiction. I would like to thank the council for agreeing to settle five complaints.

Complaints to us covered a range of areas of the council. In one case concerning children's services the council agreed to pay compensation totalling £3000 to the complainant and his daughter. This was to acknowledge the significant distress caused to them by the council's failure to provide support when requested and its failure to follow its procedures by contacting the complainant when taking his daughter into foster care.

In another case the council failed to properly notify the complainant of meetings regarding the care of her son which meant that she could not attend them. The council also failed to provide minutes of those meetings. The council agreed to make a compensation payment of £100 for the distress caused and to amend its procedures to ensure adequate notice of meetings is provided together with the minutes of those meetings.

Another case concerned the council's failure to deal appropriately with a homelessness application. The case involved a dispute between the council and another borough as to who had a duty to accommodate the complainant. The council delayed in referring the matter to arbitration and then delayed furthering in reviewing the case. Following the investigation it was accepted that there was a duty to accommodate the complainant but the delays meant that she and her child had lived in inappropriate accommodation for at least a year longer than necessary. The council agreed to make a compensation payment of £500 to remedy the complaint.

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, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

For 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	0	2	2	1	4	5	4	0	2	20
Advice given	1	3	0	3	1	0	1	1	1	11
Forwarded in investigative team (resubmitted)	0	0	0	0	1	1	3	0	1	6
Forwarded to investigative team (new)	2	1	1	4	2	1	4	1	0	16
Total	3	6	3	8	8	7	12	2	4	53

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	5	0	0	5	2	6	18

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an inv	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	13	59.5
2009 / 2010	13	46.8
2008 / 2009	17	78.8

Provisional comparative response times 01/04/2010 to 31/03/20 11

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