

24 June 2011

Ms Gillian Norton
Chief Executive
London Borough of Richmond
Civic Centre
44 York Street
TWICKENHAM TW1 3AA

Dear Ms Norton

Annual Review Letter

We are writing with our annual summary of statistics on the complaints made to us 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 our 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. We have decided to add a commentary to the attached statistics in view of the increased number and range of complaints against your council that my office dealt with in the year.

Enquiries and complaints received

Our advice team received 77 enquiries and complaints about your council in 2010/11. This is a notable increase on the previous year's figure of 55.

Forty eight of these complaints were forwarded to the investigative team and 14 were passed back to the council for investigation because the complainants had not exhausted all the stages in the council's complaints procedure, and it seemed that they would not be disadvantaged by doing so. They were told they could resubmit their complaint to the ombudsman if they were dissatisfied with the outcome of their complaint after it had been considered by the council. The remaining 15 enquirers were given advice by our customer service advisers.

As in 2009/10, planning and development made up the largest single category accounting for 18 of the 77 complaints and enquiries received by the advice team against your council. But there have been some marked changes since last year in the number of complaints and enquiries about other council services. The second largest category was housing which generated 16 complaints and enquiries. This is a steep increase from last year when only three housing complaints and

enquires were received by the advice team. The number of complaints and enquiries about education and children's services has also risen from eight last year to 14 this year.

Although the number of complaints about adult social care forwarded for investigation was low as a proportion of the total complaints received against your authority, many of these complaints were upheld and resulted in a local settlement.

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 28 complaints this year, your average response time was 31 days. These times fall short of our requested timescale of 28 days. It also marks a sharp decline in performance from the preceding two years when your council's average response time was well inside the 28 day timescale.

Complaint outcomes

Of the 54 complaints we decided in the year, seven were outside my jurisdiction. In 25 cases we found no fault and in eight cases we exercised my discretion not to pursue the complaint, often because we felt the claimed injustice was insufficient to justify an investigation. We issued one report against your council where we found maladministration causing injustice. We also agreed 13 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. In 2010/11, 27.1% of all complaints the ombudsmen decided and which were in our jurisdiction were local settlements. The comparative figure for your authority was in keeping with the national average at 27.6%. All the local settlements we secured for Richmond complainants this year related to complaints about three services: adult social care, education and housing.

The council paid £26,423.49 compensation to remedy the injustice caused to the complainants in seven of the 13 cases where we achieved a local settlement. It is important to note that this figure includes a substantial payment of £14,949 compensation to settle one complaint about council housing repairs and a payment of £9,600 to settle a complaint about the failure to provide suitable education for a child with special educational needs. These cases are discussed in more detail later in this letter. In addition to the compensation paid to settle these seven cases, £1,000 compensation was paid to the complainant whose case we reported on (see commentary under Housing below).

It was neither necessary nor appropriate to seek a payment of compensation in every case where we agreed a local settlement. In some cases the council took action to resolve the complaint or it agreed to waive or refund charges the complainant paid for services. For example, in two adult social care complaints the council agreed to waive or refund some or all of the charges for care services. In one school admission appeal complaint, the council agreed to arrange a fresh appeal hearing by a different independent appeal panel due to shortcomings in the way the original hearing was conducted. In another complaint about the conduct of an appeal for admission to an infant class, the complaint was resolved when the child was offered a place at the preferred school from the waiting list.

Adult care services

We settled two linked complaints which were referred to us by a charity on behalf of two vulnerable adults. The complaints were about the way the council conducted a safeguarding investigation. In particular we found there was poor communication with the complainants, poor administration of safeguarding meetings and delay in producing and circulating minutes of the meeting and safeguarding plans, a poor standard of social work intervention and frequent changes of personnel during the safeguarding investigation. The council agreed to make a formal apology to both complainants and pay them £500 compensation each.

Another complaint concerned the council's failure to provide written information about a financial assessment and charges for care arranged for the complainant's husband who suffered from dementia and who needed emergency support. We concluded the council was at fault because there was an unreasonable delay of four months in proceeding with the financial assessment and that the complainant was given no written information about the need for a full financial assessment and the likelihood that some charges would be payable for the services provided to her husband. The complainant was unaware of the charges that were accruing for the first four months of care provision. The council agreed to waive the charges of £1,699. It has also taken steps to minimise delays in the financial assessment process and to change its working procedures so that written information about the charging policy and financial assessment process is sent to service-users at the outset by the team which carries out the initial assessment.

To settle another complaint made by the wife and carer of a man suffering from dementia, the council agreed to review its systems to ensure that a copy of community care assessments and support plans are always sent to service-users even when it is decided that services should not be provided. It also agreed to review the way information in support plans is presented to ensure it is more transparent and the use of jargon and technical terms is avoided. A payment of £100 compensation to acknowledge the complainant's time and trouble in pursuing the complaint, and the distress and inconvenience this caused her, was also made.

Education & children's services

A complaint was made by the mother of a boy who had a statement of special educational needs. He received no suitable education for two distinct periods following a fixed term exclusion from his secondary school in January 2008. The council did not fulfil its statutory duty to ensure suitable education was provided for him. Some of the relevant files were missing which made it difficult to establish exactly what happened during the months following his exclusion. The boy received no education for two months following the fixed term exclusion. He then started attending a pupil referral unit (PRU) although due to the missing files it was not clear whether this provision was made as a result of a permanent exclusion, a managed move or a managed transfer. Nor was it clear how many hours of education were provided at this establishment. The council's proposed timetable was for 16 hours per week tuition but this did not satisfy the requirement for a pupil of his age to receive education for 24 hours per week. There was a second period when the boy received no education after he stopped attending the PRU in September 2008 until a place was provided at a new school in January 2009.

The council accepted our proposal to pay £9,600 compensation. This included the cost of the missing education and a £250 payment for his mother's time and trouble in making the complaint.

Three complaints about school admissions were settled this year. In one case, the complaint was resolved before we reached a decision on whether there had been administrative fault because the parent was offered a place at the preferred infant school for the child. In another case the council agreed to arrange for a manager to help the complainant find a free nursery placement for her child. In the third case, we found fault in the way an admissions appeal was considered by the independent appeal panel and the council agreed to arrange a fresh appeal hearing before a new panel.

Housing

We published a report in February 2011 about the council's handling of a request for housing assistance made by a young homeless woman who was pregnant. The woman's parents asked her to leave their home in a neighbouring borough when she told them she was pregnant. She went to stay temporarily with her sister who lived in Richmond. When she applied to Richmond for housing assistance, she was told to pursue a homelessness application in the borough where her parents lived. No application was taken, no enquiries were made and the need to offer temporary accommodation was not considered. She was offered no assistance whatsoever in securing alternative accommodation. She subsequently made a homelessness application to her home borough and that council provided her with temporary accommodation. It also accepted that it owed her the main housing duty after it had completed its enquiries and she was offered a tenancy of social housing.

The council's records were of a very poor standard. The officer who first interviewed the complainant wrongly advised her that she had no local connection with Richmond and so she should apply to her home borough for assistance with housing. The council also failed to reply to a complaint the complainant's solicitor had made at stage two of the council's complaints procedure.

To remedy the injustice, the council agreed to enter into a reciprocal housing agreement with the other London borough to enable the complainant to be nominated for a one bedroom property in Richmond. It also agreed to pay £500 to recognise the distress and inconvenience she had suffered and up to £500 to meet her removal costs.

We settled another complaint made by a homeless single man. In its initial response to the investigator's enquiries, the council told us the complainant had not made a homelessness application to the council. But the complainant produced a receipt confirming that he had personally delivered the application form to the council's housing options service. We found fault in the council's failure to investigate the homelessness application and its failure to investigate and reply to his complaint in a timely manner. The complainant was no longer homeless and he had moved to another city by the time he sent his complaint to us. There was some doubt about whether the council would have decided that he was vulnerable and in priority need if it had made appropriate enquiries into his homelessness application at the relevant time. So we could not be sure whether he suffered an injustice in terms of the loss of an opportunity to be accommodated as a homeless person in Richmond. But the council accepted our recommendation to pay £400 compensation to recognise the distress and time and trouble to which he had been put in pursuing his legitimate complaint.

The council's poor handling of housing complaints was apparent in a housing allocations complaint

we settled this year. We had referred a complaint to the council to be put through its complaints procedure because the complainant had not given the council an opportunity to investigate and reply to her complaint first. The council confirmed receipt of the complaint but then it failed to carry out an investigation and reply to the complainant. The complainant sought our help again some months later. We found no evidence of fault in the substantive complaint but we asked the council to pay £50 compensation to recognise the inconvenience caused by its failure to investigate and reply to the original complaint.

We investigated a complaint about the difficulties encountered by a council tenant whose home was not included in the schedule of properties when the council transferred all its housing stock to Richmond Housing Partnership in 2000. She faced problems in getting repairs and maintenance carried out and in making benefit claims. She also missed out on improvements which were carried out in other tenants' properties by Richmond Housing Partnership. The council agreed to take steps to transfer the property to Richmond Housing Partnership and to pay £14,949 compensation. Some of the compensation would be used to underwrite improvements to the property to bring it up to the same standard as the properties included in the original transfer.

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. 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. We provided a one day training course on effective complaint handling for officers in your authority on 11 March 2011. We hope this course was timely in the context of the roll-out of your new complaint handling arrangements in April 2011.

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 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 it.

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	2	3	0	2	1	4	0	0	2	14
Advice given	2	1	0	4	0	0	4	0	5	16
Forwarded in investigative team (resubmitted)	0	1	0	1	0	0	5	0	1	8
Forwarded to investigative team (new)	4	0	1	7	3	6	8	1	10	40
Total	8	5	1	14	4	10	17	1	18	78

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	11	0	0	24	8	7	51

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	2	1	3

*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	24	30.4
2009 / 2010	21	18.7
2008 / 2009	16	22.8

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

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	4	34.3