

Local Government OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

**The Royal Borough of
Kensington and Chelsea**
for the year ended
31 March 2008

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about the Royal Borough of Kensington and Chelsea from 1 April 2007 to 31 March 2008. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

During the year 67 complaints were received by my office, five fewer than last year, and a relatively small amount for a London Borough. As with previous years the largest single category of complaints was about Housing (21). But in 2007/08, Housing complaints represented slightly less than one third of all complaints received against your authority. In the preceding year they had constituted nearly half. The next largest category was those miscellaneous complaints we have categorised as 'Other'. Of these 15 complaints five were about how the Council had responded to reports of Anti Social Behaviour and four concerned Consumer Affairs.

We received similar numbers of complaints to previous years about a range of other Council services including Social Services for both adults and children, the administration of Benefits, Education, Local Taxation, Transport / Highways, and Planning / Building Control.

Decisions on complaints

We made decisions on 71 complaints during the year:

- 17 were passed back to the Council to deal with as it did not appear that it had been afforded a reasonable opportunity of replying to them before they were made to me.
- 13 were outside jurisdiction
- In 28 complaints I found no evidence of fault (22) or the injustice was insufficient to merit my continued involvement (six).
- The remaining 13 decisions were 'local settlements'.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). None of the complaints we investigated this year justified the issue of a report.

Local settlements

We settled 13 complaints this year which is 31% of those complaints which were neither premature nor outside jurisdiction. This is considerably higher than last year when only 16.7% of such decisions were upheld and settled in this way.

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The Council paid £5,442 in compensation to complainants this year. Almost half of the complaints settled (five) concerned housing repairs and £3,822 was paid in compensation, in the main, for delays in dealing with repairs.

In addition a payment of £1,992 was made to a complainant whose son had applied for a retrospective student exemption from Council Tax after the Council accepted his entitlement to it. This was a refund of the amount overcharged and of court fees for recovery action which had been taken.

In one case there had been unreasonable delay in taking action on noise nuisance caused by poor insulation between properties. The Council agreed to settle the complaint in response to our enquiries and increased the level of compensation to £300 from its original proposal.

In all the settlements reached my investigators commented on the Council's speedy response to proposals to settle complaints.

Your Council's complaints procedure and handling of complaints

I referred 17 complaints back to the Council as premature, because I considered the Council had not had a sufficient opportunity to deal with them. This is a rate of 23.9 % which is in line with the national average of 26.9%. Four complaints were resubmitted during the year. In three complaints I found no evidence of fault and the other resulted in a settlement.

Liaison with the Local Government Ombudsman

My office made enquiries on 28 complaints this year, and the average response time was 26.5 days, within my requested timescale of 28 days. I am grateful to the Council for continuing to adhere to my target timescales for responding to my investigator's enquiries. It is in the interest of both the Council and the complainant that I complete my consideration of a complaint as soon as possible, and my ability to do this is greatly aided by local authorities like yours which respond within the targets I set.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling. I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

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LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up. .

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond
Local Government Ombudsman
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June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	3	4	4	3	21	15	5	3	0	9	67
2006 / 2007	3	1	3	2	32	13	5	1	0	12	72
2005 / 2006	1	5	2	0	20	6	6	1	2	12	55

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	13	0	0	22	6	13	17	54	71
2006 / 2007	0	6	0	0	20	10	14	16	50	66
2005 / 2006	0	4	0	0	15	6	15	13	40	53

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	28	26.5
2006 / 2007	31	24.1
2005 / 2006	18	21.4

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0