

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

**The Royal Borough of  
Kensington and Chelsea**  
for the year ended  
**31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.



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# Section 1: Complaints about the Royal Borough of Kensington and Chelsea 2009/10

## Introduction

This annual review provides a summary of the complaints we have dealt with about Kensington and Chelsea. 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

## Enquiries and complaints received

Our advice team received 78 enquiries and complaints about your Council, a notable reduction from 102 last year. We sent 19 to the Council to be dealt with under your complaints procedure and in 21 cases we provided the enquirer with advice.

The advice team forwarded 38 complaints to the investigation team; again that is significantly fewer than last year.

Once again, the service area which attracted the largest number of contacts was housing. Twenty of these were passed on to the investigation team: they included eight complaints about housing allocations, five about repairs, three about tenancy management and others relating to private housing repairs notices, homelessness and sales/leaseholds.

The investigation team also received four complaints about parking, four about adult care services, three about planning and building control (compared to 12 last year), two about children and family services, another two on benefits issues and one each about education, local taxation and contracts/business matters.

## Complaint outcomes

Over the year we decided 41 complaints about your Council. I made a finding of no or insufficient evidence of maladministration in 15 of the complaints. I did not investigate five complaints because they were outside my jurisdiction, for example because the complainants could appeal to a statutory tribunal such as the Parking Adjudicator. There were 11 complaints where I exercised discretion to not pursue an investigation; one reason why I may decide not to investigate a complaint is where there is insufficient evidence that an injustice has been caused to the complainant.

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 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 10 were local settlements which represent 27.8% of the total number of decisions we made on complaints which were within jurisdiction.

## **Housing**

I made 20 decisions on complaints about housing. Seven of them were local settlements: five concerning repairs and two about tenancy management.

### *Housing repairs*

One complaint was settled on the basis that the Council agreed to fit a new thermostat and light switches as well as pay compensation of £200 for the delays in carrying out these works. And in another complaint the Council agreed to replace a door and a bathroom sink and pay compensation of £50.

Three complaints illustrated how problems with water leaks can be disruptive. In one complaint, the Council delayed unreasonably (by 14 months) in carrying out repairs to the ground floor of a complainant's home following a leak. As part of the settlement repairs and redecorations were ordered and the complainant was offered compensation of £830. In another complaint about a serious leak I decided that a suitable remedy for a four month delay in redecorating a flat would be £200 compensation. And in the third case, delay of seven months by the Council in identifying and repairing the source of a leak resulted in compensation of £700 being paid.

### *Managing tenancies*

Two complaints featured misleading advice provided by officers. In one, the Council had wrongly informed a household member that they could become a joint tenant on the condition that the family moved to a smaller property. The Council's own complaints investigation had not clarified the matter. Following our enquiries it became clear that the tenant's handbook contained outdated information. To settle the complaint the Council agreed to update the handbook, clarify the tenancy succession rights and pay the complainant £150 compensation for the time and trouble caused in making the complaint.

In the other case the Council gave the wrong advice on how to terminate a tenancy after a complainant's relative died. This resulted in rent arrears accruing unnecessarily. It was not for some time after we made enquiries that the Council accepted that it has been misinformed by its Tenant Management Organisation. To settle the complaint the Council agreed to refund the rent paid and also pay compensation of £100 for the time and trouble caused.

## **Adult care services**

I decided one complaint as a local settlement. The Council had failed to record on a health action plan the need to monitor a young disabled person's oral health. There was also delay in attending to issues and poor communication with support workers. The young person lost some of her teeth. To resolve the case the Council arranged to fund new dental care for 18 months, review the health action plan every six months and look for future provision within the NHS. I also welcomed the Council agreeing to pay the complainant's parent £790 to cover the cost of dental charges and the trouble taken to pursue the complaint.

## **Transport and highways**

A parking penalty charge notice had been issued in error but the complainant's car was towed away. When it realised its mistake, the Council refunded the parking charges. But it refused to pay any additional amount for the complainant's time and trouble. We found that the complainant had been caused time and trouble in having to find out what happened to the car and then retrieve it, through no fault of their own. The Council promptly agreed to pay £100 compensation.

In another parking complaint I did not find fault in the way the Council had handled someone's

application for a disabled parking bay. But it was not until the Council responded to our enquiries that the complainant became aware they could reapply after 12 months. The complainant said they would not have complained if they had been made aware of this point earlier. I am pleased the Council agreed to our suggestion that it should revise its guidance and standard letters to include this point.

## **Benefits**

One complaint produced a local settlement. I found the claimant had been caused distress by the Council's delay of over three months in assessing a benefit application. I recommended that £250 be paid as compensation for the distress and inconvenience caused as I found the complainant had some travelling costs through having to visit the Council offices while they were placed in temporary accommodation out of the borough.

## **Liaison with the Local Government Ombudsman**

During the year I made written enquiries on 22 complaints and the average time taken by the Council to respond was 23.3 days. Not only is this well within the target timescale of 28 days which I set for responses, it is also an improvement on the Council's good performance last year.

I was pleased to note that two members of your staff attended one of our link officer seminars in April 2009. And another officer attending a seminar we ran in March this year on the new adult social care complaints procedure.

## **Training in complaint handling**

In previous years we have provided training in Good/Effective Complaint handling to staff from your authority. We are also providing training for the Council during 2010/11. I have enclosed some information on the full range of courses available together with contact details for further enquiries and bookings.

## **Conclusions**

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 authority's services.

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**June 2010**

## Section 2: LGO developments

### Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

### New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at [www.lgo.org.uk/schools/](http://www.lgo.org.uk/schools/)

### Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

### Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at [www.lgo.org.uk/guide-for-advisers/council-response](http://www.lgo.org.uk/guide-for-advisers/council-response)

## **Training in complaint handling**

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

## **Statements of reasons**

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

## **Delivering public value**

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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**June 2010**



# Appendix 1: Notes to assist interpretation of the statistics 2009/10

## Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

**Premature complaints:** The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

**Advice given:** These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

**Forwarded to the investigative team (resubmitted premature and new):** These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

## Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

**MI reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

**LS (local settlements):** decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

**M reps:** where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

**NM reps:** where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

**No mal:** decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

**Omb disc:** decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

**Outside jurisdiction:** these are cases which were outside the LGO's jurisdiction.

### **Table 3. Response times**

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.–

### **Table 4. Average local authority response times 2009/10**

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

**LGO Advice Team**

<b>Enquiries and complaints received</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Benefits</b>	<b>Public Finance inc. Local Taxation</b>	<b>Planning and building control</b>	<b>Transport and highways</b>	<b>Other</b>	<b>Total</b>
Formal/informal premature complaints	1	1	0	12	0	0	1	2	2	19
Advice given	1	2	0	6	2	0	1	4	5	21
Forwarded to investigative team (resubmitted prematures)	0	0	0	5	1	0	1	0	0	7
Forwarded to investigative team (new)	4	2	1	15	1	1	2	4	1	31
<b>Total</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>38</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>78</b>

**Investigative Team**

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Total</b>
2009 / 2010	0	10	0	0	15	11	5	41

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	22	23.3
2008 / 2009	45	23.8
2007 / 2008	28	26.5

## Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20