

24 June 2011

By email

Ms B Topham
Chief Executive
Eastleigh Borough Council

Dear Ms Topham

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.

I have also decided to include some commentary on the council's performance over the past twelve months. This is because I have issued two reports against the council this year.

Complaints received during 2010/11

As you will see, in 2010/11 we received a total of 18 complaints relating to the council. Of these, six were referred for investigation.

We made formal enquiries on three complaints this year. The average response time was 41.3 days which is significantly above the 28 day target I set for councils. The council's performance is historically poor in this area but its performance this year is particularly disappointing as its response times for 2009/10 had shown some improvement. I would recommend that the council take steps to address this in the coming year.

Complaint Outcomes

We decided eight complaints during the year.

In four cases I found no evidence of maladministration and in another two cases we decided to discontinue investigation for other reasons.

This year I issued a report about two linked complaints in relation to the council's decision to stop issuing travel tokens as part of its concessionary travel scheme. I found that the council failed to consult relevant voluntary groups and made its decision without adequate information about the impact that withdrawing travel tokens would have on disabled people. I was also critical of the council's handling of the complainants' formal complaints. I recommended that the council revisit the decision to discontinue the travel tokens; ensure that in future it has regard to its duties under the Disabilities Discrimination Act; apologise to the complainants and pay them £100 compensation; and also to apologise to the relevant voluntary group. Shortly after I issued my report, however, the council received notification that Hampshire County Council, who had assumed responsibility for the concessionary fares, would be undertaking its own consultation. On this basis I agreed that it would be inappropriate for the council to also revisit its decision to discontinue the travel tokens as this may have caused confusion and wrongly raised expectations.

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	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Formal/informal premature complaints	0	0	1	0	0	4	5
Advice given	1	0	2	1	0	3	7
Forwarded in investigative team (resubmitted)	1	0	0	0	0	1	2
Forwarded to investigative team (new)	2	0	0	0	1	1	4
Total	4	0	3	1	1	9	18

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	2	0	0	0	4	2	0	8

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	3	41.3
2009 / 2010	8	38.0
2008 / 2009	4	52.3

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