

Local Government OMBUDSMAN

24 June 2011

Mr D Myers
Chief Executive
Royal Borough of Kensington and Chelsea
Town Hall
Horton Street
LONDON W8 7NX

Dear Mr Myers

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 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.

Enquiries and complaints received

Compared with the previous year, 2010/11 saw an increase of around a quarter in enquiries and complaints received by our advice team. And just over one half of those complaints and enquiries resulted in a referral to our investigation team. There were 50 such referrals compared with 38 in the previous year.

The largest category of complaint referred for investigation was housing, including homelessness, housing allocations, repairs and sales/leaseholds. The number of complaints about parking increased from four to nine.

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 23 complaints this year, your average response time was 24.4 days, which is within the 28 day target.

Complaint outcomes

We decided 52 complaints, ten of which were not pursued because they fell outside the ombudsman's jurisdiction. The majority of complaints resulted in findings of no maladministration/service failure or insufficient injustice to warrant investigation.

The remaining ten complaints were decided as 'local settlements'. A local settlement is a complaint where, while we are considering a complaint, an authority takes or agrees to take some action that we consider to be a satisfactory response to the complaint.

Housing

Three of the local settlements were on complaints about housing. Two of these involved delay by the council in getting repairs completed. Even minor repairs can cause disruption and inconvenience and in both cases the remedy included compensation as well as getting the work done. One of the cases raised an issue about the accuracy of a contractor's record keeping. In the other local settlement, fault in the council's handling of a housing application was put right by backdating the application and paying modest compensation.

Highways and transport

We decided two parking complaints as local settlements: in one the council proactively offered compensation and in the other the council was quick to agree our proposal for a payment to reflect the complainant's inconvenience in having to visit a car pound following incorrect enforcement action on his two vehicles.

Environmental services, public protection and regulation

In a complaint about anti social behaviour, we found that there was poor liaison between the council's environmental services, which had served a noise abatement notice, and the tenant management organisation which was the perpetrator's landlord. In addition to paying compensation, the council agreed to our recommendation that in future the service of such notices should be brought to the landlord's attention.

In another case about disturbance from a sports club, the complainant was clear that no compensation was sought and so the council's agreement to meet with the complainant, to apologise for past failures of internal liaison, and to refer matters to the relevant licensing committee was a satisfactory outcome.

Benefits and tax

A complaint about council tax recovery action was settled by the payment of £200 compensation. The complainant, who had moved home, was unaware that the council had continued to charge council tax and had obtained a liability order. After it realised that its records contained the complainant's new address, the council contacted her and before long it had accepted its errors and had taken some action to put matters right. But we felt that the compensation initially offered by the council was, in this case, too low.

Education and children's services

Other local settlements required some form of action but no compensation. In one case we felt that the council had given incorrect reasons for refusing to deal with a complaint at the second stage of the statutory children's services complaints procedure, so the council agreed to apply the procedure. In another case, we were satisfied simply with the council's agreement to meet the complainant to discuss her concerns.

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. 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 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 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.

Schools in your council area have been covered by our new powers since September 2010. We would like to thank the council for its support in this period. You have facilitated our delivery of training across the borough to head teachers, governors and clerks, thereby helping schools to develop good complaints handling procedures. We delivered two training courses to over

50 delegates. These sessions were shared with Hammersmith and Fulham as part of your joint working arrangements.

We received two complaints about schools in your area. They were about a potential safeguarding issue and bullying. Across the 14 areas, the biggest complaint categories were bullying (34%), teacher conduct (27%) and special educational needs (21%).

Decisions in the 14 areas can be broken down as follows:

- In 47% of cases we initiated an investigation
- In 48% of cases the complaint was referred back to the school for it to consider using its own procedures as it had not had the opportunity to do so
- In 5% of cases we were unable to consider the complaint as it was not within our jurisdiction (for example there was an alternative course of action available or the complainant was not a parent or pupil of the school).

The outcome of the 47% of cases where we initiated an investigation was:

- A satisfactory resolution was reached between the parties in 25% of cases following the Ombudsman's involvement and the investigation was discontinued.
- We secured a remedy and/or agreement for action to prevent similar problems recurring in 13% of the cases.
- In 9% we found that there was no fault in the actions of the school or there was no substance to the complaint.

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. In June we delivered a session in effective complaint handling to your Council. 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.

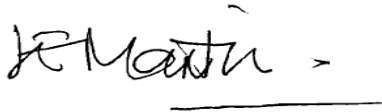
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

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 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.

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	0	0	2	1	5	10	0	1	21
Advice given	2	3	0	1	0	6	11	3	1	27
Forwarded in investigative team (resubmitted)	0	0	0	0	0	1	4	0	1	6
Forwarded to investigative team (new)	7	1	0	7	4	8	17	0	0	44
Total	11	4	0	10	5	20	42	3	3	98

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	10	0	0	21	11	10	52

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	20	24.0
2009 / 2010	22	23.3
2008 / 2009	45	23.8

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	3	27.3

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