

Local Government
OMBUDSMAN

24 June 2011

Mr D Williams
Chief Executive
Portsmouth City Council

Dear Mr Williams

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.

Complaints received during 2010-11

As you will see, we received 56 complaints about the council in 2010/11, 29 of which were referred for investigation. 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 18 complaints this year, your average response time was 24.1 days which is within the 28 day target and a further improvement on last year's already good figure.

Complaint outcomes

We decided 32 complaints during the year. In 14 cases we found no evidence of maladministration and in eight cases we decided to discontinue the investigation as we considered that there was insufficient injustice caused to the complainant to warrant further investigation or there were other reasons to exercise our discretion not to investigate further. Five cases were considered to be outside my jurisdiction. I would like to thank the council for agreeing to settle five complaints.

Two complaints concerned a single complainant. In the adult social care complaint, there was 13 months delay in carrying out an assessment of care needs. The council agreed to backdate direct

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payments and to carry out a further needs assessment. In the other complaint, which was about leaseholds, the council delayed providing information to the complainant. Most of the matters complained of in this case were, however, outside the Ombudsman's jurisdiction.

Two complaints were about anti-social behaviour. One concerned a delay of four months in taking possession action. Here, the council had already reviewed its procedures by the time the local settlement was proposed. The other complaint involved a failure to record complaints by a vulnerable adult. The council agreed to send a formal apology and to review its policies and procedures, particularly with regard to the transfer of tenants with a history of behavioural problems into proximity with vulnerable tenants.

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.

Schools in your council area have been covered by our new powers since September 2010. We have appreciated the support we have been given by your staff in making schools and governors aware of our extended powers. Regardless of the final outcome of the Education Bill's passage through Parliament, we are committed to ensuring any lessons learnt from our management of these cases is shared as widely as possible and will continue to liaise and work with staff within the council to achieve this.

I had received 12 complaints about schools in your area to the end of March 2011. The majority of these relate to bullying and teacher conduct with the remainder covering issues such as SEN, pupil safety, fair access and behaviour and discipline. Across the 14 areas, the biggest complaint categories were bullying (34%), teacher conduct (27%) and special educational needs (21%).

Of the complaints decided in your area 5 were treated as premature and referred back to the school, in 3 cases any injustice was remedied as a result of the school agreeing to our recommendations, 2 were closed on the basis we were satisfied with the actions of the governing body and 4 were closed due to insufficient injustice, no worthwhile outcome if an investigation was conducted or because the complainant did not have the capacity to complain under the terms of the legislation (was not a pupil or parent).

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. 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



Dr Jane Martin
Local Government Ombudsman

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	1	2	0	0	5	1	3	0	0	12
Advice given	4	2	0	1	2	0	3	2	1	15
Forwarded in investigative team (resubmitted)	0	1	2	0	3	0	1	0	1	8
Forwarded to investigative team (new)	1	2	1	10	0	0	2	0	5	21
Total	6	7	3	11	10	1	9	2	7	56

Investigative Team

Decisions	MI reps	LS	M reps	NIM reps	No mal	Omb disc	Outside jurisdiction	Total
2010/11	0	5	0	0	14	8	5	32

No adult social care decisions were made in the period

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	18	24.1
2009 / 2010	20	25.1
2008 / 2009	17	27.2

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	1	2.0