



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Bristol City Council

**for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about Bristol City Council that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

There are two attachments which 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

We received 134 complaints during the year, a slight increase on the number received in the previous year.

Character

The profile of complaints recorded in the various categories of complaint was very similar to the previous year. There were marginal increases in the Social Services, Education, and Housing categories. More complaints were also received in the 'other' category than previously; concerns about environmental health and anti-social behaviour issues prominent among those. But even here the increase was not significant and we expect numbers of complaints to vary from year to year.

Decisions on complaints

I decided a total of 125 complaints during the year.

Reports and settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

I issued one report this year. This dealt with the way in which the Council had investigated a resident's complaint about anti-social behaviour by a group of youths who regularly congregated close to his home. Although a number of Council departments were involved in dealing with the complaint they failed to follow the Council's procedures for dealing with anti-social behaviour and, as a result, the complainant's concerns were not properly investigated. This led to delays in dealing with the anti-social behaviour and, in consequence, the complainant and his family were caused a prolonged period of uncertainty, anxiety and distress. I was pleased that the Council agreed to my recommendation that it should remedy that injustice by paying the complainant compensation of £2000 and by dealing with any persisting anti-social behaviour he was experiencing.

The Council also agreed to review its procedures and, where necessary to arrange for its frontline staff to be trained and updated, in order to minimise the risk of future similar errors. I would be interested to know what progress has been made in this regard.

Eighteen complaints were settled locally. Among those were four complaints about shortcomings in the provisions made for children with Special Educational Needs. In two cases I found that the

Council had failed to make appropriate interim arrangements for children with statements of special educational needs after they had been excluded from school. This meant that the children were without adequate education for a number of months and their families were caused anxiety, distress and inconvenience as a result. By the time of my decision the children involved had been placed in suitable schools and the Council agreed to remedy the injustice to their parents by paying compensation totalling £5,000. In another case the Council delayed in issuing a statement of special educational needs with the result that the complainant's son was denied appropriate education for three years. During that period the family tried to educate the child at home and were put to avoidable expense and inconvenience as a result. To remedy that injustice the Council agreed to pay compensation of £6,000. The fourth complaint concerned a family who were dissatisfied with the provisions included in their child's statement of special educational needs. They appealed to a Special Educational Needs and Disability Tribunal but there was confusion about the outcome and the Council failed to clarify the Tribunal's recommendations. This resulted in the child missing out on some of the occupational therapy and speech and language therapy he was entitled to receive. In recognition of that injustice the Council agreed to pay the family compensation of £500.

In three further cases my investigations revealed errors in the Council's administration of day care services for adults. In the first, the Council's own investigations had revealed shortcomings in the assessment of the complainant's needs but there was delay in implementing measures to remedy the situation. As a result the complainant was put to the avoidable expense of funding services that should have been provided by the Council. The Council agreed to refund the complainant's losses and paid her compensation of £500. In the two remaining cases I found that the Council had incorrectly withdrawn day care services the complainants were entitled to receive and had then delayed in reinstating them. These complaints were resolved when the Council agreed to reinstate the necessary services. Both complainants received apologies and the Council paid compensation totalling £2,920.

Three people whose Housing and Council Tax Benefit appeals were not promptly processed also received compensation from the Council. In one case the Council was able to re-assess and correct its initial determination of the complainant's entitlement to benefit. The Council apologised to all the complainants and paid them compensation totalling £275 for the distress and inconvenience they had been caused by the delays.

Another complaint worthy of mention concerned the Council's development of a pedestrian route to a local school. The complainant was supportive of the Council's initial proposals but he complained to me when, without further consultation, the Council's Highways Department constructed a different scheme. The complainant was particularly aggrieved that the revised proposals included the construction of a "build out" in front of his home which appeared unnecessary, and was the source of considerable inconvenience to him. This complaint took some time and effort to resolve but I was pleased when the Council agreed that it would pay the complainant £1,628 to cover the costs he had incurred and in recognition of the trouble he was caused in pursuit of his complaint. In addition the Council agreed that it would change the layout of the scheme and my investigator also suggested that the Council might wish to review its policy on consultation about Highway matters. I am disappointed that, despite regular contact between my investigator and the Council's Corporate Complaints Manager in recent months, the agreed settlement has not been implemented. This has resulted in me accepting a further complaint from the person affected. I would be grateful for your confirmation that this regrettable situation will now be remedied as a matter of urgency.

The Council paid total compensation of £19,364 this year. In the main the remedies have been implemented without delay and I am grateful to the Council for its assistance in settling these complaints.

Other findings

Twenty-one complaints were outside my jurisdiction for a variety of reasons; 35 complaints were premature and, as I mentioned earlier, 18 were settled locally and one was the subject of a report. The remaining 50 were not pursued because no evidence of maladministration was seen or because

it was decided for other reasons not to pursue them, mainly because no significant injustice flowed from the fault alleged.

Your Council's complaints procedure and handling of complaints

Like last year, the proportion of premature complaints remains at about the national average. This suggests that the Council's 'Fair Comment' complaints procedure continues to be clear and accessible to citizens and has no doubt helped the Council achieve early resolution of their grievances.

I note that of the 35 complaints referred back to you as premature, only seven were resubmitted to me. This suggests that when complaints do reach the appropriate people in the organisation they work hard to resolve them.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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.

Liaison with the Local Government Ombudsman

We made enquiries on 66 complaints this year, and the average time for responding was 30.5 days. This is an improvement on the 32 days it took last year but remains slightly in excess of the requested time of 28 days. In many cases replies have been received well within the target time but I am concerned that there have been occasions, most notably in relation to housing and benefits complaints, where longer delays have occurred. Nonetheless, I am grateful for the improvements achieved and trust that you will continue your efforts to meet my required response times in the current year.

When responses are received from the Council they continue to be detailed and complete. My investigators have found the Council's willingness to discuss complaints by telephone and e-mail especially useful, and I am particularly grateful to your Corporate Complaints Manager for his assistance in bringing a number of complaints to a satisfactory conclusion. There have, however, been a few occasions during the past year when the Council's replies have not met this usual high standard. I understand that the Council is currently considering some additional training for those officers involved in responding to my enquiries. This would be a welcome step and my officers would be happy to offer their help should you require it.

No one from the Council has attended the annual link officer seminar recently and you may wish to consider sending someone to the seminar to be held later in November. If so, please let Barbara Hedley, the Assistant Ombudsman, know and she will arrange for an invitation to be sent.

I was pleased to welcome Members and officers from a number of local councils to the seminar I gave at the City Council on 7 July 2006. I am grateful for your agreement to host the event and I hope your officers found it useful.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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.

J R White
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June 2007

Enc: Statistical data
Note on interpretation of statistics
Details of training courses

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
01/04/2006 - 31/03/2007	6	11	3	12	34	30	16	14	0	8	134
2005 / 2006	7	12	0	10	32	24	18	13	1	8	125
2004 / 2005	7	10	3	13	21	25	19	16	1	8	123

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
01/04/2006 - 31/03/2007	1	18	0	0	33	17	21	35	90	125
2005 / 2006	0	16	0	0	57	10	9	30	92	122
2004 / 2005	2	20	0	0	67	8	8	24	105	129

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
01/04/2006 - 31/03/2007	66	30.5
2005 / 2006	54	32.0
2004 / 2005	60	27.5

Average local authority response times 01/04/2006 to 31/03/2007

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0