

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

Bristol City Council
for the year ended
31 March 2008

The Local Government Ombudsman (LGO) provides 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, the Ombudsmen aim to get it put right by recommending a suitable remedy. 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 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Bristol City Council. 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 letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments 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 185 complaints against your Council during the year, 50 more than last year, in part representing multiple complaints on a single issue. Taking this into account, there has otherwise been a steady rise in complaints over the past three years, but I see nothing particularly significant in that, given the high volume of interactions between the Council and its citizens.

Character

Sixty-three complaints, approximately a third of all those received against your Council, were about planning and building control. One cluster of 30 complaints is about the same matter and I also received a further cluster of eight complaints regarding another matter. If the multiple complaints were removed from the total of Planning and Building Control complaints received this year then the number would be 25. Although this is still a significant increase in complaints in this category from the previous year (16) there does not appear to be a particular reason for the rise.

We received 41 complaints about housing, an increase of seven on 2006/07. There were small increases in numbers of complaints in the areas of Benefits, Children and Family Services and Public Finance but I do not consider these increases to be significant.

We received 23 complaints in the 'Other' category and this is a reduction on the 30 received last year. The majority of these raised concerns about Antisocial Behaviour.

Decisions on complaints

I decided a total of 159 complaints during the year.

Reports and local settlements

When we complete an investigation we issue a report. I reported on three cases this year, although two related to the same issue and were dealt with in a single published report.

In a report about housing repairs, I found that the Council had failed to repair the complainant's home properly over a period of some seven years with consequent loss of residential amenity and damage to personal belongings. The Council remedied the complaint by apologising and making a compensation payment of £8,300. It also agreed to arrange an independent structural survey of the property and if further defects were found, to remedy them without avoidable delay. I am pleased to say that the further structural works required have now been completed.

Two complainants came to me because the Council had granted planning permission for a waste recycling centre close to their homes without consulting its Environmental Health Department or local residents. In issuing my report I found that this development was causing uncontrolled noise and pollution affecting their residential amenity. I recommended that the Council should make a payment of £2,000 to each complainant, review its procedures to prevent recurrence, and monitor the site. If it identified a statutory nuisance the Council should take action and it should also consider redress for other local residents similarly affected. In taking action on the latter recommendation, the Council subsequently made a payment of £375 to each of six residents as local settlement of their complaints. I welcome the Council's constructive attitude to the remedy of this case.

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined some 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

A total of 31 complaints were settled locally. The Council made compensation payments totalling £24,139 during the year. This includes remedy payments for both reports and local settlements.

Antisocial behaviour featured in two local settlements. In the first complaint, the Council lost some noise monitoring sheets and delayed in passing others to the pollution control team. The service the complainant received fell short of what should reasonably be expected. The Council had already apologised but also agreed to make a payment of £100.

In the second of these complaints, the Council failed to investigate complaints of antisocial behaviour in accordance with its published procedures. While I could not say that the unacceptable behaviours would have ceased completely if the procedures had been followed, I do believe that the complainants were caused avoidable anxiety, distress and frustration. Your Council readily agreed to settle this complaint by continuing to train its officers in antisocial behaviour procedures and by making a payment of £1,000.

In a complaint about adult care services, the Council failed to review the complainant's community care needs for two years and, when it did, it reduced the services provided without considering phasing in the reduction. The Council settled the complaint by making a payment of £250. Two complaints about children and family services were settled by the Council apologising and taking action.

Three complaints about highways management were settled locally. Of these, I draw your attention to a complaint against the Council's policy on disabled parking bays. A complainant who was blind, but owned a car so that others could drive her, complained of discrimination. The Council's policy was that disabled parking bays would only be provided for the car driver, rather than the owner. When the fault was pointed out, the Council quickly agreed to apologise, to undertake a review of the policy to ensure that it complied with the Disability Discrimination Act, to provide a parking bay and to make a payment of £200.

Delays in carrying out housing repairs in a reasonable timescale resulted in the Council making compensation payments of £175 and £400 to two separate complainants.

A local settlement was achieved in a local taxation complaint. By the time the complainant came to me the Council had already offered to write off £2,500 and to reimburse £600 in costs incurred. I recommended a further payment of £250 for time and trouble.

In three complaints about managing tenancies administrative errors in failing to update or check records, and delay in taking action resulted in the complainants receiving compensation payments of £50, £150 and £250 respectively.

Two complaints were received about the same school admissions issue. The complainants were both led to believe at a parents' evening on school admissions that their applications for school places for their children would be successful. The giving of such advice is contrary to the Code of Practice on School Admissions. In the event, they were both refused places at their preferred school and also denied their second preferred school. I am grateful to the Council for responding quickly to our requests to interview officers and members of the Appeal Panel in order to complete the complaint investigation before the start of the new school year. While the Council had some reservations, it agreed to settle the complaint locally by offering both children a place at the preferred school in order to avoid unnecessary disruption to their education.

Children with statements of special educational needs featured in three complaints. In the first, the Council delayed in issuing a final statement denying the complainants a timely appeal to the Special Educational Needs and Disability Tribunal and failed to communicate the outcomes of meetings about the child's educational provision. To resolve the complaint it made a payment of £1,500 for the delay and the anxiety, uncertainty and distress caused.

In the second, the failure to provide speech and language therapy specified in a statement resulted in the Council making a payment of £1,250 as compensation, as there was no other way of recognising the impact of lost provision on the child.

The final complaint in this group concerned the Council's failure to arrange a residential placement for a child within a reasonable timescale. It agreed to make a payment of £3,000 and to consider what lessons could be learned from this complaint. I understand that the Council has now integrated its special educational needs and children with disabilities services into a complex needs service and has pooled the budgets for joint agency commissioned placements with the aim of ensuring that delay and ineffective communication do not recur.

The remaining complaints were settled locally by the payment of compensation and the taking of appropriate action but they do not raise issues of particular significance.

Other findings

Forty-three complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure.

In a further 16 cases I took the view that the matters complained about were outside my jurisdiction.

The remaining 66 complaints 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

The 43 premature cases represents some 27% of the complaints determined, precisely in line with the national average.

Eleven complaints that had been determined as premature were resubmitted to me to consider. One of these resulted in a local settlement, six were not pursued, either because no evidence of maladministration was seen or because it was decided not to pursue them for other reasons. Four complaints are still under consideration at the end of the year.

The small number of resubmitted complaints to me suggests that the Council's 'Fair Comment' complaints procedure continues to work well and provides citizens with a positive means of airing their grievances. The Council is clearly willing to offer remedy in line with my published guidance, where it considers it has been at fault.

Liaison with the Local Government Ombudsman

Enquiries were made on 90 complaints during the year. Your Council's average response time of 32 days has increased from the previous year's time of 31 days and is still in excess of the 28 days requested. In most cases the replies were received within or just over the requested time although we recognise that one letter got lost causing inevitable delay. There were a few exceptions including two complaints regarding waste collection which were received after 49 and 83 days respectively. The 30 complaints about a planning matter took 40 days. These cases will have had a detrimental impact on the Council's overall response times.

The quality of responses is generally satisfactory and I am pleased to note that my officers have had cause to comment favourably on some proactive and helpful responses from your officers which have resulted in speedy resolutions and good outcomes for the complainants.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

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

During the year the Council consulted my officers about a proposed internal complaint handling course, now arranged for June 2008. We are always pleased to be able to help councils improve their services in this area.

My office took part in a training day on complaint handling procedures organised by the Public Law Project during February 2008. Your Corporate Complaints Officer, Mr Sheppard, was asked to attend by my officers to lead a workshop on local authority complaint handling. I understand this was well received and we are grateful for his contribution.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, have dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

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.

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June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

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
01/04/2007 - 31/03/2008	6	13	4	11	41	23	63	15	0	10	186
2006 / 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

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
01/04/2007 - 31/03/2008	3	31	0	0	42	24	17	43	117	160
2006 / 2007	1	18	0	0	33	17	21	35	90	125
2005 / 2006	0	16	0	0	57	10	9	30	92	122

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
01/04/2007 - 31/03/2008	91	31.9
2006 / 2007	66	30.5
2005 / 2006	54	32.0

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0