

**The Local Government Ombudsman's
Annual Review
Bristol City Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

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Section 1: Complaints about Bristol City Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 170 enquiries and contacts relating to the council, compared with 180 complaints and enquiries in 2008/09. A total of 40 of these were about housing, 16 about public finance, 10 about benefits, nine about transport and highways, 13 about children and family services, 20 about planning and building control, five about education, nine about adult care services and 48 others, including areas such as anti-social behaviour and environmental health.

A total of 106 were passed to the investigative team (81 new complaints and 25 resubmitted premature complaints). This compares with 80 in 2008/09. We treated 36 complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further 28 cases we gave the complainant advice.

Complaint outcomes

We decided 96 complaints against the council during the year. In 42 cases we found no evidence of maladministration, and 18 complaints were outside our jurisdiction. In a further 17 cases we exercised discretion not to investigate further. Typically these are cases where, even though there may have been some fault by the council, there is no significant injustice to the complainant.

Reports

When we complete an investigation, we generally issue a report. This year we issued no reports against your council.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority 19 were local settlements, representing 20% of complaints decided. We recommended that the council should pay a total of £17,680 in compensation in 2009/10. Some of the more noteworthy examples are detailed below.

Adult Social Care

We received nine complaints concerning adult social care: two were settled locally. In one case, the council failed to consider properly complaints about private care it had funded for the complainant's mother, initially (and wrongly) claiming it had no power to investigate the complaints and then failing to meet the statutory investigation timescales. Its investigation was also poor and caused the complainant much frustration and anxiety. The council acknowledged the concerns we highlighted in the investigation process and agreed to review its procedures. It also agreed to pay the complainant £1,000.

In a second case, there was a five months delay in assessing the care needs of a pregnant woman and her partner; the eventual assessment was poor and there was a long delay in dealing with the complaint about this. To recognise what had happened, and the clear distress and frustration caused to the complainant, my predecessor proposed the payment of £1,200 compensation and the council agreed.

Planning and building control

Out of 20 planning and building control complaints, one was settled with the payment of £100 for delay in taking enforcement action, and one with the payment of £5,000. In this second complaint, the complainant had planning permission to build 30 units on a site and then asked to build 50 more. This triggered the council's policy on seeking planning gains for the community (in this case a contribution of £70,000 towards some education facilities) and its officer entered into discussion with the developer about what was required. Unfortunately, during those discussions and in the legal documents between the council and developer, the officer made several mistakes which resulted in both the planning scheme and planning gain collapsing. The complainant was understandably outraged by what had happened and this is why my predecessor proposed such a high remedy.

Five people complained about the council's grant of planning permission for the development of a warehouse into residential dwellings. The council had asked for revised plans but in the event approved the wrong set of plans. The applicant built to the approved plans which meant that the development's bulk and impact was greater than it should have been. The council agreed to ask the District Valuer to carry out a before and after valuation of the complainant's homes. The council agreed to the District Valuer's suggestion that a payment of £2,200 should be made to one complainant and £1,900 each to two others. A further valuation is being carried out on another property. The District Valuer recommended no compensation for one complainant considering that the property values had not been adversely affected.

Housing

In one complainant, a number of residents were being asked to give up their homes for redevelopment and move elsewhere. Some were paid home loss compensation and some were not and this inconsistency resulted in a complaint to me. After our initial enquiries, and without further prompting from my investigator, the council agreed to pay all residents the compensation and I welcome this.

In a second complaint, I found no evidence of maladministration, however, the council still agreed to remedy it. The council was pursuing the complainant for rent arrears and, although it was perfectly within its rights to do this, it became clear that those arrears had accrued when the complainant was in a violent relationship, had no access to money, and did not know about the arrears. It also became clear that the council had taken a long time to start proceedings to secure the arrears, the complainant could ill afford them, and officers had taken no steps to chase the complainant's ex-partner for their contribution. The council agreed with my investigator that, given all of these circumstances, it would write off the arrears. The council also agreed to reinstate the complainant's housing priority which had been demoted in view of the arrears. I welcome this – it is

excellent customer service and highly responsive to the situation.

Antisocial behaviour

Twelve complaints about antisocial behaviour were received and of these four were settled locally. A key factor in each complaint was the complainant's perception that the council had failed to take timely action.

In two cases the council undertook to review the action taken to identify the next steps where appropriate. In one case it agreed to make an ex gratia payment of £50 and in the other, it had already offered a remedy of £100 which the complainant had refused.

The council accepted that in one instance it had not informed the complainant of the history of noise nuisance at the property which meant that she did not make an informed decision about accepting the tenancy. The complainant failed to report noise and antisocial behaviour to the council, which meant it was not aware of the problems she was experiencing. The complainant subsequently spent a significant amount on inadequate sound proofing works and when this failed to resolve the problems the complainant gave up the tenancy against the advice of housing officers. The council accepted that it had missed opportunities to be proactive because there were a number of occasions where it was clear from the complainant's approaches to officers that they were experiencing noise problems. By the time the complainant approached my predecessor, the council had already apologised and increased the priority banding. It subsequently also agreed to make a payment of £500 which was offset against rent arrears.

A complainant was unhappy with the council's offer to settle a complaint locally. They had experienced some two years of antisocial behaviour following the allocation of the upstairs property to a young man with substance misuse problems. They experienced threats of violence, witnessed physical altercations and suffered significant noise and disturbance leaving the complainant too frightened to go into her own garden. The complainant's family carried out a significant amount of work to the property at their own expense to try to make the complainant feel safe in her own home. The investigation established that the council had failed to follow its own procedures, to provide appropriate support and to consider timely options for enforcement. Given the distress the complainant experienced, the council agreed to reimburse the full costs of the works and to make a further ex gratia payment of £1,000, making a total of £3,280.

Liaison with the Local Government Ombudsman

We made formal enquiries on 50 complaints this year, and the council took an average of 25.1 days to respond. This is a considerable improvement from last year (31.9 days) and well within the 28 day target I set for councils. I am pleased that the council has placed much greater emphasis on replying to my enquiries in a timely way and hope that it will maintain this high level of performance in 2010/11. I also much appreciate that the council's corporate arrangements for handling complaints are well supported within the council, which may have been reflected in the improved response times, and that the council is willing to propose settlements at an early stage. I am encouraged that your officers will often seek advice from my investigators on best practice and practical approaches to dealing with complex complaints.

Training in complaint handling

I would like to take this opportunity to remind the council that 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. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to

deal with particular issues and occasional open courses for individuals from different authorities. I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I note that your council has a good relationship with my officers and that, generally, it handles complaints well. I welcome this and hope that it will continue in the coming year.

The number of antisocial behaviour complaints seemed high this year. The council said that it believed some issues had arisen from changes in staffing arrangements and a lack of understanding of procedural and policy requirements. It conducted an estate management review and I hope that changes which have resulted will see the council's tenants, some of whom are elderly and vulnerable, feeling more confident in the service the council provides.

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 authority's services.

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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.—

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	2	0	0	13	2	7	2	3	8	37
Advice given	3	5	0	3	3	4	2	2	6	28
Forwarded to investigative team (resubmitted prematures)	0	1	1	5	1	1	1	2	13	25
Forwarded to investigative team (new)	6	7	4	18	4	4	15	3	20	81
Total	11	13	5	39	10	16	20	10	47	171

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	19	0	0	42	17	18	96

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	50	25.1
2008 / 2009	46	31.9
2007 / 2008	90	32.1

Average local authority resp times 01/04/2009 to 31/03/2010

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20