



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Oxford 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 your authority 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 34 complaints during the year, a slight reduction compared to the 39 complaints we received last year.

Character

Complaints spanned a variety of service areas, with housing and the "other" category showing the largest numbers at 11 and 12 respectively. The other category showed the only significant increase from five to 12 complaints. This category included complaints about issues such as antisocial behaviour, waste management, drainage and environmental health. Planning complaints (four) dropped to their lowest level since 2001, after an increase last year.

Decisions on complaints

Reports and local 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.

Seven complaints were settled locally.

This includes three antisocial behaviour complaints. In one case the complainant's report of racial harassment was not investigated when an officer was absent unwell. The Council recognised that it had not followed its procedures here and suggested that it set up a meeting with its Tenancy Services Manager to progress the complaint. This, together with an apology, was sufficient to remedy the complainant's injustice. In another case the complainant considered Council officers had made rude and racist remarks when investigating her complaints of neighbour nuisance, and they didn't respond to her telephone calls. The complainant sought a meeting with the Council as her remedy. My investigator found that the initial telephone calls from the complainant were not responded to although the neighbour nuisance complaint had been investigated. She considered that the most effective way to resolve the complaint would be for the Council to arrange the meeting requested to establish any outstanding issues, which the Council readily agreed to. In the third case the Council failed to record a racial abuse complaint properly as it did not complete an action plan in accordance with its procedures. The complainant was also dissatisfied with the way a tenancy update survey was conducted, in particular when the officer wished to see every room and went into an occupied bedroom. The Council's letter to tenants and its tenancy update procedures did not reflect its intention

to inspect premises and gather information, although it had the right to do so. The Council agreed to revise its procedures and letter to tenants to reflect its intentions. It also paid compensation to the complainant for the time and trouble she was put to in bringing her complaint.

The common thread here, of the way the Council handles complaints involving allegations of racism, suggests that this might be an area where the Council's whole approach could usefully benefit from a review.

One complainant lived in an area requiring flood risk assessments before planning permission could be granted. She objected to an application on flood risk grounds and went to some effort to ensure the objection of the Environment Agency was sent to the Council. The case officer's report prepared for the Planning Committee did not refer to the need for a flood risk assessment and recommended approval. The complainant's solicitors wrote to the Planning Committee and the application was withdrawn before a decision was reached. The Council acknowledged its shortcomings before the complainant came to me, but the complainant wanted the files to be investigated. I considered that an appropriate remedy would be for the Council to apologise and to reimburse the complainant's legal costs to which it readily agreed.

One housing benefit complaint involved a delay of three months by the Council in putting a request for an appeal to the Appeal Service, and a delay of two months in providing a statement of reasons for its decision. The Council misdirected itself and told the complainant that as he wished to appeal he would not get a statement of reasons. The Council explained that it had experienced staffing difficulties leading to a backlog in handling appeal requests but that this had been resolved by the time the complaint to me was made. It agreed to apologise to the complainant and to pay him compensation of £125 for the delay, in line with the sums referred to in my Guidance on Remedies, published on my website.

Two housing repairs complaints were settled locally. One case involved a complaint over many years about a low background noise audible at night in her Council flat. The noise had been witnessed by others. The Council agreed to meet the relevant parties and to appoint a noise expert. In the second complaint the Council carried out ineffective repairs to prevent water penetration to the complainant's front door and had delayed in resolving the issue for some six months. The Council agreed to carry out repairs on a day to be fixed with the complainant, and to pay compensation of £200.

I issued two reports against the Council during the year.

A complainant said he had been overcharged rent for his sheltered flat for a number of reasons over several years. I found that maladministration by the Council resulted in the complainant being put to considerable time and trouble and being overcharged in his rent. The Council agreed to reimburse him with interest, to give him a fresh rent statement and to pay compensation of £1000. The Council agreed, in addition to the remedy for the complainant, to ensure that other tenants in a similar position would be reimbursed. It further agreed to review its process for financial change implementation, to carry out an internal audit of the components of the rent account, to review the headings in the rent account for clarity, and to review a sample of rents to verify that base rents are correct and that phasing under the rent restructuring system introduced in September 2002 is correct.

My second report concerned a planning application. The Council failed to record how officers considered the impact of a neighbour's extension on the complainant's natural light and amenity and miscalculated the effect the extension would have. The Council has issued instructions to officers to remind them that they must show on the file how they have made the necessary calculations. It also agreed to compensate the complainant by paying him £1000.

The Council paid a total of £6576 compensation this year as a result of complaints made to me. I am grateful for the Council's readiness to provide redress where things have gone wrong.

Other findings

Thirty-nine complaints were decided during the year. Of these 13 were outside my jurisdiction for a variety of reasons. Nine complaints were premature and, as I mentioned earlier, seven were settled locally and two reports were issued. The remaining eight were not pursued because no evidence of maladministration was seen or because it was decided for other reasons not to pursue them.

Your Council's complaints procedure and handling of complaints

The proportion of premature complaints is relatively low and amounts to 23%. This compares to the national average of 28.2%. This indicates that the Council's complaints process is accessible and readily used by complainants. Last year I noted that the Council's website had no link to our website. This remains the case. Your website suggests that complainants can contact the Council for details for a form to complain to me. But a link will help complainants, especially as they are able to complete my complaint form electronically from our website. I would urge the Council to update its website to provide a hyperlink. If you would like us to send one please let us know.

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. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) 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 14 complaints this year, and the average time for responding was 52.8 days. Our target here is 28 days and the Council's poor performance here is frankly unacceptable. It is one of the least responsive Councils in the country in responding to my enquiries. I would be grateful if you could tell me what action the Council intends to take to improve matters here.

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 Reynold Stephen (Assistant Ombudsman) know and he will arrange for an invitation to be sent. In addition, if it would help for Mr Stephen to visit the Council and give a presentation about how we investigate complaints I would be happy to arrange this. I appreciate that he provided a county seminar in 2005.

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 that 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
Local Government Ombudsman

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June 2007

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

Complaints received by subject area	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2006 - 31/03/2007	2	11	12	4	3	2	34
2005 / 2006	2	11	5	16	1	4	39
2004 / 2005	4	8	3	7	1	1	24

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	2	7	0	0	3	5	13	9	30	39
2005 / 2006	0	3	0	0	10	3	4	10	20	30
2004 / 2005	1	4	0	0	9	2	6	7	22	29

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	14	52.8
2005 / 2006	14	49.3
2004 / 2005	10	47.3

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