

Local Government OMBUDSMAN

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

Oxford 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 Oxford 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 36 complaints against your Council this year, two more than last year. We expect to see fluctuations like this from year to year.

Character

Complaints covered the spectrum of services with the exception of Transport and Highways which received no complaints. As with last year, the highest number (11) were recorded in the 'Other' category which was a decrease of one from last year. This category includes complaints about antisocial behaviour, waste management, drainage and environmental health issues. There was an increase of five in the number of complaints recorded against Planning, bringing that to nine this year, but a decrease in the number of complaints against Housing, down four to seven. Public finance and benefits received five and four complaints respectively.

Decisions on complaints

Reports and local settlements

When we complete an investigation we issue a report. I issued no reports against your Council this year.

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).

Six complaints were settled locally and in respect of two a total of £600 was paid in compensation; in one of those the possibility of further compensation arising from a before and after valuation seemed likely.

Four of those settlements did not warrant payment of compensation, the action taken or proposed by the Council being in my view sufficient remedy.

Two of the complaints concerned housing. In one, the Council agreed to replace a faulty boiler once it had been drawn to the Council's attention and that prompt action was sufficient remedy.

In another housing complaint, about the Council's action following a fire in the complainant's flat, the Council agreed it had contributed to the confusion about what works would be carried out free of charge and what works would be paid for by the complainant. In settlement, the Council agreed to remit half the cost of the works payable by the complainant and to introduce a form that would make it clearer to tenants what work they had agreed to pay for.

In a complaint about the Council's maintenance of fences bordering its land the complainant said that antisocial behaviour in a public park near his home had resulted in damage to the boundary fence leaving his garden and home insecure. The Council agreed that the fence was its responsibility and agreed to replace it and to consider whether it should close this public park in the evenings. No further remedy was needed.

The Council failed to follow up a complaint that a tree in its ownership was causing damage to a complainant's drive and the Council agreed to remove the tree stump and pay £350 for the delay and inconvenience to the complainant.

The Council failed to respond to a complainant's letters about waste management for over six months. The Council had apologised by the time the matter came to me and it seemed to me that this was sufficient remedy.

In a complaint about the Council's management of a rent account, I found it had pursued rent arrears without first contacting housing benefits to check the position on the complainant's housing benefit claim. In fact, there was an outstanding claim which would cover the rent arrears. The Council agreed to waive the court costs and pay £100 for erroneously issuing court proceedings.

A complaint about failure to ensure compliance with a planning condition was upheld because the complainant had reasonably relied on the planning condition when deciding to purchase his property. The condition required that the three storey development next to the complainant's new home should be set back from his building line, but the developers asked the Council to allow them to project beyond this line and the Council agreed. In settlement the Council agreed to pay the complainant £250 for the time and inconvenience in making his complaint to me, and to commission an independent valuation so that it could pay the difference between what the complainant paid for his home and the impact on its value of the neighbouring development.

Other findings

Eight complaints were treated as premature and referred back to your Council so that they could first be considered through your Council's complaints procedure. Of those eight complaints three were resubmitted to me. In one I found the matters complained of were outside my jurisdiction, in another we reached a local settlement and in the third I found there had been no evidence of maladministration.

In five complaints I took the view that the matters complained of were outside my jurisdiction.

Thirteen complaints were not pursued because no evidence of maladministration was seen and in two others I exercised my discretion not to pursue the complaints.

Your Council's complaints procedure and handling of complaints

The number of complaints referred back to the Council for consideration under the Council's complaints procedure was one less than last year.

For the last two years I have noted that the Council's website has no link to our website. This remains the case there being no link to our website on the Council's Useful Links page or in the page on complaints where it continues to invite the public to obtain a form from the Council to make a complaint to me. I urge the Council to install a link on its website to assist complainants in accessing our service. If you would like us to send you a hyperlink, please let us know.

Liaison with the Local Government Ombudsman

We needed to make enquiries on 17 complaints this year. Last year I commented on the Council's disappointing response times of on average 52.8 days which was considerably above our target time of 28 days. This year your Council's average response time was 34.5 days which is the best response times achieved in the last three years. I congratulate the Council on this improvement and thank officers for the work which has gone into achieving this reduction. Clearly there remains some way to go before achieving the 28 days time target but I hope that further improvements can be made and that this year we will see the Council achieve the 28 days time target.

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.

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.

**J R White
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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	Benefits	Housing	Other	Planning & building control	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	4	7	11	9	5	0	36
2006 / 2007	2	11	12	4	3	2	34
2005 / 2006	2	11	5	16	1	4	39

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	0	7	0	0	13	2	5	8	27	35
2006 / 2007	2	7	0	0	3	5	13	9	30	39
2005 / 2006	0	3	0	0	10	3	4	10	20	30

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	17	34.5
2006 / 2007	14	52.8
2005 / 2006	14	49.3

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