

# Local Government OMBUDSMAN

24 June 2011

*By email*

Mr D Buckle  
Chief Executive  
South Oxfordshire District Council

Dear Mr Buckle

## **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

## **Complaints received during 2010/11**

As you will see, we received 18 complaints about the council in 2010/11, five of which were referred for investigation. We made formal enquiries on four complaints. The average response time was 26.5 days, which is within the 28 day target I set for councils. I am pleased to see that the council has maintained its improved performance in this area.

## **Complaint outcomes**

We decided seven complaints during the year. In four cases I found no or insufficient evidence of maladministration, in two cases the council agreed to settle the complaint and in the other case I issued a report.

This complaint concerned a neighbour's planning application. I found that the council failed to properly record a datum point for levels agreed with an officer on site, ensure appropriate plans were submitted in accordance with earlier planning conditions, notify the complainants of a minor amendment to the planning application, publicise an application as a departure from its development plan policy and correctly report information to Members. I asked the council to pay a contribution to the complainants to cover the legal and planning advice costs they reasonably

incurred when the neighbour made a further application for planning permission, and to compensate them for their time and trouble, a total of £5500. I also asked the council to review its procedures to prevent the situation from recurring. I am pleased that the council has agreed to remedy the complaint in the way I recommended.

One of the complaints the council agreed to settle concerned delay in dealing with a breach of planning conditions. Although I was satisfied with the action the council finally took, I considered that the delay meant that the complainant had been put to unnecessary time and trouble. The council apologised and offered to pay compensation of £250, which I considered to be a fair settlement.

In the other complaint, the complainant claimed that the refuse contractor's lorry had damaged the complainant's grass verge, causing the expense of reinstatement. Although it was not clear that the contractor was responsible for the damage, the council offered to make an ex-gratia payment of £100 to help pay for the repairs and the contractor agreed to change their working practices to ensure that there was no possibility of a recurrence of the problem. I commend the council for its positive and pro-active approach to both these complaints.

### ***Communicating decisions***

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

### ***Extended powers***

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with

complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

### ***Assisting councils to improve***

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin  
Local Government Ombudsman

For information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

<b>Enquiries and complaints received</b>	Benefits & Tax	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Formal/informal premature complaints	3	0	2	0	1	3	9
Advice given	0	0	1	0	1	2	4
Forwarded in investigative team (resubmitted)	0	0	0	0	0	0	0
Forwarded to investigative team (new)	0	0	0	0	1	4	5
Total	3	0	3	0	3	9	18

## Investigative Team

<b>Decisions</b>	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	1	2	0	0	4	0	0	7

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	4	26.5
2009 / 2010	7	24.9
2008 / 2009	8	34.5

**Provisional comparative response times 01/04/2010 to 31/03/2011**

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0