

Local Government OMBUDSMAN

24 June 2011

AGENDA ITEM NO. 16
FOR INFORMATION

Ms Jan Ormondroyd
Chief Executive
Bristol City Council

Dear Ms Ormondroyd

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 188 complaints about the council, 80 of which were referred for investigation. We consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 47 complaints this year, your average response time was 27.2 days which is in line with our target. I would like to thank you for again meeting this target. I note that one complaint regarding adult social care took 69 days and three complaints within environmental services took over 70 days, these will have affected the average response time and may explain why it is slightly down on last year.

Complaint outcomes

We decided 106 complaints during the year. In 42 cases we found no evidence of maladministration and in 13 cases discretion was exercised not to pursue the complaint further. Twenty two cases were outside my jurisdiction. The council agreed to settle 29 complaints. I refer in more detail to some of those cases below.

Of the 106 decisions made in the year 29 were settled by the council which at 27.3% is just above the national average of 27.1%. I am always happy when a council agrees to settle a complaint and

my investigators have commented that the council is often quick to agree a settlement for which I thank you. The settlements this year were spread across a number of the council's functions and not all cases involved a compensation payment. In total the council paid compensation totalling £19,164. A summary of some of these settlements is set out below.

In one adult social care case £800 was paid as compensation for the council losing goods belonging to the complainant. In another case, £675 was paid because the council failed to provide appropriate services following a reassessment of the complainant's care needs.

Four complaints relating to anti social behaviour were settled this year. In two cases, the council had failed to follow its procedures. In one of these cases, complaints were made against the complainant but she was not made aware of them and the council did not properly investigate them. This resulted in her being issued a notice of seeking possession. The council paid the complainant £350 to recognise that it had acted incorrectly and as compensation for incorrectly issuing the notice of seeking possession. In the second case, the council failed to recognise that the nuisance was racially motivated and so appropriate support mechanisms were not put in place. No compensation was paid but the council agreed to provide three monthly updates on progress in moving the tenant.

We settled four education cases this year. In one the council agreed a settlement of £5,050 as a result of its failure to provide full time education to a pupil with special needs. As a result of the council's failure the young person did not obtain full time education for nearly two years. The settlement included a figure of £4,800 which was to be drawn down by the complainant for education and supported living needs.

£250 was paid to one parent as a result of the council's failure to properly process a school application which resulted in the parent losing the right of appeal to the school of choice. The council also put in place a system to ensure it can consider exceptional circumstances to enable a child below school age to attend school.

Cases settled in the housing category included £380 paid as a result of delays in carrying out repairs; £100 paid as a result of inadequate record keeping to show when the council had offered to repair the shower of a disabled tenant who was waiting for an occupational therapy assessment; £175 paid as compensation for damage to property by contractors carrying out repairs on behalf of the council and £334 paid to cover rent and other costs as a result of the council's failure to determine if a property was habitable following a flood from a burst pipe.

The council paid £1,460 to a complainant after it failed to follow a local policy stating that properties would not be offered to anyone with a child under the age of 10 due to lack of sound proofing. The complainant suffered an unacceptable level of noise for a year. As well as the cash payment the council offered an alternative property and agreed to pay her costs of moving.

The council failed to properly consider a trader's position after it decided that food sellers would need to operate from a kiosk and not mobile catering units. As a result this complainant had to cease trading sooner than other traders. The council agreed to pay compensation based on his likely lost profit from July 2009 to October 2010, amounting to £5,640. It also agreed to discuss alternative solutions to see if he could continue to trade.

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.

Schools in your council area have been covered by our new powers since September 2010. We have appreciated the support we have been given by your staff in making schools and governors aware of our extended powers and have received positive feedback about the training we have delivered to date in relation to good complaint handling in schools. Regardless of the final outcome of the Education Bill's passage through Parliament, we are committed to ensuring any lessons learnt from our management of these cases is shared as widely as possible and will continue to liaise and work with staff within the Council to achieve this.

I had received 16 complaints about schools in your area to the end of March 2011. The majority of those complaints were about teacher conduct (50%) but I have also received complaints relating to bullying, pupil safety and behaviour and discipline. Across the 14 areas, the biggest complaint categories were bullying (34%), teacher conduct (27%) and special educational needs (21%).

Of the complaints decided in your area 6 were referred back to the school for consideration under its own procedures and 3 were closed as out of time as the events complained about were all historic. The remaining complaints are still being investigated.

Decisions in the 14 areas can be broken down as follows:

- In 47% of cases we initiated an investigation
- In 48% of cases the complaint was referred back to the school for it to consider using its own procedures as it had not had the opportunity to do so
- In 5% of cases we were unable to consider the complaint as it was not within our jurisdiction (for example there was an alternative course of action available or the complainant was not a parent or pupil of the school).

The outcome of the 47% of cases where we initiated an investigation was:

- A satisfactory resolution was reached between the parties in 25% of cases following the Ombudsman's involvement (and the investigation was discontinued).
- We secured a remedy and/or agreement for action to prevent similar problems recurring in 13% of the cases.
- In 9% we found that there was no fault in the actions of the school or there was no substance to the complaint.

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.

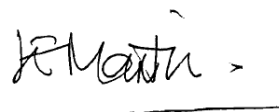
Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

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 it.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	3	11	3	4	10	3	17	0	6	57
Advice given	1	7	5	7	4	1	9	2	1	37
Forwarded in investigative team (resubmitted)	1	3	0	1	3	1	2	0	2	13
Forwarded to investigative team (new)	3	7	7	13	16	3	18	1	12	80
Total	8	28	15	25	33	8	46	3	21	187

Investigative Team

Decisions	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	0	29	0	0	42	13	22	106

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	47	27.2
2009 / 2010	50	24.7
2008 / 2009	46	31.9

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

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	37.0