

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Three Rivers District 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 Three Rivers District 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

In 2007/08 I received 12 complaints against your Council, a little less than in the previous two years.

Character

Generally, planning complaints against district councils are the most numerous. This was the case with your Council in previous years, but last year there were six housing complaints (two about housing allocations, three about repairs and one about management of tenancies) and only three about planning issues (a planning application, tree preservation orders and fees for taking action over high hedges). The other complaints were concerned housing benefit, highway management and an electoral registration matter.

Decisions on complaints

During 2007/08 I made decisions on 19 cases.

Reports and local settlements

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 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). None of the complaints we investigated this year justified the issue of a report.

I agreed three local settlements. One related to confusion over the inspection of (privately owned) gas appliances in a council property. I could not establish precisely what had happened, but the Council agreed to pay the complainant £100 for the distress caused. I particularly welcome the Council's agreement to improve its record keeping and to ask tenants for feedback after work is carried out.

Another payment of £100 was made for the time and trouble a complainant was put to when their concerns over a planning application were not addressed.

The final local settlement concerned a resident's removal of protected trees. The Council could not prevent this, but its delay meant it lost the opportunity to pursue a prosecution. The Council agreed to pay the complainants a total of £250 for the injustice caused to them. It also reviewed its policy and took steps to avoid a repetition.

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Other findings

In five of the cases I considered I did not find any evidence that the Council was at fault. These concerned housing allocations, disposal of land, electoral registration, fees for taking action over high hedges and a planning application. One complaint concerned matters outside my jurisdiction. In six cases I used my discretion not to investigate further. Finally, four cases were referred back to the Council as I did not consider you had an adequate opportunity to consider and respond before I became involved.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time was 38.8 days, and so was not within this target. The main reason for this was (at the beginning of the year) the 77 days it took to respond to enquiries on a complaint about land. The 39 days it took for a response to my enquiries on the complaint about the removal of protected trees was also well outside my target. Here, however, I am pleased to note your ready agreement to settle the complaint.

One of your staff attended a seminar for our link officers last year. I trust that he found the event useful.

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, has 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.

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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'. Again, 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.

Tony Redmond
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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 | Transport and highways | Total |
|--|----------|---------|-------|-----------------------------------|------------------------------|-------|
| 01/04/2007 - 31/03/2008 | 1 | 6 | 1 | 3 | 1 | 12 |
| 2006 / 2007 | 1 | 4 | 5 | 7 | 0 | 17 |
| 2005 / 2006 | 0 | 5 | 1 | 9 | 0 | 15 |

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 | 3 | 0 | 0 | 5 | 6 | 1 | 4 | 15 | 19 |
| 2006 / 2007 | 0 | 2 | 0 | 0 | 4 | 4 | 1 | 2 | 11 | 13 |
| 2005 / 2006 | 0 | 2 | 0 | 0 | 6 | 1 | 1 | 5 | 10 | 15 |

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 | 4 | 38.8 |
| 2006 / 2007 | 7 | 16.1 |
| 2005 / 2006 | 4 | 26.5 |

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 |