



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Harlow 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

My office received 23 complaints against your authority this year, a significant decrease from last year's total of 33. As in previous years, the most significant category of complaints concerned housing which accounted for 17 complaints. There has been a reduction this year in the number of complaints about planning and building control matters from seven in 2005/6 to just one complaint. The remaining complaints are fairly evenly spread across the range of council services.

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.

I did not publish any reports against your Council this year. But a local settlement was obtained in 13 cases (43% of all decisions made this year). This proportion of settlements greatly exceeds the national average figure of 27.7% of all decisions (excluding complaints that are either premature as councils have not been afforded a reasonable opportunity of dealing with them or not within jurisdiction). Whilst we cannot reach a firm view on the reasons for this, it may suggest that complaints where there has been some administrative fault are not being identified and remedied through the Council's corporate complaints procedure before the complaint is made to me. Six settlements were achieved in complaints about housing related matters including housing allocations, repairs, and one complaint about the handling of a report of anti-social behaviour. As well as taking specific action to remedy complaints I asked the Council to make payments of compensation where it appeared appropriate to do so. The total amount of compensation paid by the Council to settle complaints this year amounted to £1,700.

Despite the number of local settlements in respect of housing issues there were no common themes arising from the complaints we settled this year. Although two complaints were about unreasonable delay in carrying out housing repairs for Council tenants these appeared to be isolated incidents rather than being indicative of some systematic administrative failure. One housing complaint involved a failure to inform an individual that her Housing Register application had been cancelled. Another related to incorrect advice given to a tenant by a housing officer, and one concerned a failure to resolve a long-standing issue involving a tenant who obstructed another tenants' access to communal areas in a block of flats.

A further two local settlements involved the Council's arrangements for handling Council Tax Benefit appeals. There was an unreasonable delay of five months in dealing with an applicant's claim for backdating of a Council Tax Benefit claim. During this period the Council started recovery action for Council Tax arrears and applied to the Court for a Liability Order while the appeal was still outstanding. The Council agreed to pay the complainant £300 compensation to recognise the distress and worry caused by the issue of the summons and the Liability Order. It also paid £50 for the complainant's time and trouble in pursuing his complaint. Costs arising from the recovery proceedings were written off and the Revenues & Benefits Manager offered an apology. The Council also satisfied us that it was taking steps to reduce the time taken to process benefit appeals and to clear the backlog of cases.

The other Council Tax Benefit case involved an unreasonable refusal to accept an appeal that was made out of time. The Council reviewed the decision, agreed the complainant's request for backdating of benefit and waived the Court costs that had been added to his account during recovery proceedings.

Other findings

My office made decisions on 17 other complaints in the year. Three were outside jurisdiction. Of the remaining 14, I found no administrative fault in five cases. Seven complaints were premature and so I passed them back to the Council to deal with under its corporate complaints procedure with the proviso that it was open to the complainants to come back to me if they were not satisfied with the outcome of the Council's investigation. I closed the remaining two complaints because in one case the injustice claimed by the complainant seemed insufficient to warrant further investigation, and in the other case the complaint was withdrawn.

Your Council's complaints procedure and handling of complaints

In last year's annual letter I asked whether the Council had given further thought to the need for a four stage complaints procedure. I am glad to note that you have decided to streamline the procedure and reduce it to three stages.

On average your Council has taken 31 days to respond to our first enquiry letters on complaints. This slightly exceeds our target time of 28 days but nevertheless it is noteworthy that you have achieved a reduction of 2 days since last year. Our statistics show the Housing Service, which deals with the largest proportion of our enquiry letters, takes the longest to reply. I hope the gradual improvement in response times can be sustained in the coming year, particularly in view of the relatively small number of complaints we receive against your Council.

My investigative staff have recorded some positive comments about the way your officers have responded to our enquiries and proposals for local settlements. In particular my staff welcome your Council's proactive approach to offering a settlement of the complaint in your response to our first enquiries on a complaint. They have also commented that your officers usually respond promptly to our local settlement proposals. Senior officers in the Housing Service and Benefits Service have been particularly helpful in this regard.

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 and 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. 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

I have not had any meetings with you or your staff this year. However one of my investigators visited Harlow Citizens Advice Bureau on 13 April 2006 to speak to staff there about the role of the Ombudsman and to offer advice on how to refer complaints to us.

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.

Tony Redmond
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	1	17	2	1	1	1	23
2005 / 2006	3	14	6	7	1	2	33
2004 / 2005	0	11	6	0	0	2	19

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	0	13	0	0	5	2	3	7	23	30
2005 / 2006	0	6	0	0	9	4	3	4	22	26
2004 / 2005	0	4	0	0	4	4	2	6	14	20

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	31.2
2005 / 2006	15	33.1
2004 / 2005	10	21.0

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