



The Commission for  
Local Administration in England

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

We received 49 complaints during the year, a reduction of almost a third from the previous year. We expect the number of complaints to vary from year to year, and I note that last year's figures were inflated by ten complaints about the same education matter.

### ***Character***

Almost half the complaints received were about planning and building control, as in previous years, but the overall number of such complaints was down. Complaints about benefits increased, but we received only one complaint about education compared with twelve the year before. Complaints about housing, adult care services and transport and highways were static. Six complaints were received about other matters relating to drainage, land and miscellaneous issues. The numbers involved in other categories were small and no discernible trends were evident.

## **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.

Three complaints were settled locally.

In one complaint about adult care services, the complainant said the Council had not properly planned or handled the departure of her son from his residential school. He had Asperger's syndrome and was left with her while supported lodgings were found. She also complained that the Council would not put her complaint through Stage 2 of the statutory complaints process. The Council agreed to take the complaint through the Stage 2 process. I welcomed the Council's agreement to this course of action but it took an unacceptably lengthy period of three months to respond to the proposal from my office, with follow-up enquiries by my staff meanwhile.

One complaint concerned antisocial behaviour. I found maladministration by the Council because it failed to give information about its Anti-Social Behaviour Team and it did not inform the Team of incidents of noisy behaviour by the complainant's neighbours. The Council treated the issue as a noise nuisance and failed to consider the wider issues raised by the complainant about unacceptable behaviour. The complainant was unaware that the Council had other powers to deal with the harassment she considered she was experiencing. The Council agreed to apologise, review its

procedures for sharing information between departments and provide the complainant with details of its anti-nuisance behaviour policy and a named officer to contact if needed. On this occasion, the Council was very willing to take action to address the concerns raised in the complaint.

In a complaint about Housing Benefit, I found that the Council had delayed in assessing the complainant's Housing Benefit application submitted on behalf of her tenant and it failed to pay her Housing Benefit direct as a landlord. The Council agreed to pay the shortfall in unpaid Housing Benefit to the complainant plus interest, amounting to £764.

During the year, I had no need to issue any reports against your authority.

### ***Other findings***

Fifty two complaints were decided during the year. I found no evidence of maladministration in twenty seven complaints, 19 of which related to planning and building control. I decided that three complaints were outside my jurisdiction and I exercised my discretion not to pursue ten complaints for various reasons. Nine complaints were premature, a reduction from the previous year.

### **Your Council's complaints procedure and handling of complaints**

The number of premature complaints was a relatively small proportion of the total complaints decided. This suggests that the Council's complaints process is accessible for service users and working effectively.

### **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. 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 have also successfully piloted a course on reviewing complaints for social services review panel members. 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.

We have not delivered any formal training courses to your Council this year. If we can provide any training for you, please let Vereena Jones, Assistant Ombudsman, know.

### **Liaison with the Local Government Ombudsman**

We made enquiries on 29 complaints this year. The average time for responding was 29.3 days, a welcome continued decrease on the previous year, and just outside the 28 days we ask for. The Council's performance in this area has steadily improved, and I am very grateful for all your efforts here.

I draw the Council's attention again to the seminars that we hold for link officers. Our records indicate that your Link Officer has not attended one of these seminars most recently. If you would like to send someone from your authority to this year's seminar, please contact Vereena Jones.

If you would like Vereena Jones to visit the Council to present this letter or to give a presentation about how we investigate complaints, I would be happy to arrange this.

## **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.

**J R White**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry CV4 8JB**

**June 2007**

Enc: Statistical data  
Note on interpretation of statistics  
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Benefits	Children and family services	Education	Housing	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	2	6	1	1	2	6	21	2	0	8	49
2005 / 2006	2	3	0	12	2	9	35	0	1	8	72
2004 / 2005	1	2	0	3	0	3	15	3	1	7	35

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	3	0	0	27	10	3	9	43	52
2005 / 2006	0	3	0	0	21	19	4	13	47	60
2004 / 2005	0	1	0	0	7	5	9	11	22	33

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	29	29.3
2005 / 2006	32	31.8
2004 / 2005	15	47.9

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