



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Hertfordshire County 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

There was an increase in the number of complaints received in 2006/07. This was 88, compared to 65 in 2005/06 and 69 in 2004/05. As in previous years, the main area of complaint was education (28, including 13 about admissions and 8 about special educational needs), although the level of such complaints declined marginally.

There was an increase in complaints about 'transport and highways', from 12 to 20. I am unaware of any particular concern that this increase might indicate. There were similar increases in complaints about adult care services (from 7 to 10) and children and family services (from 10 to 17). Again, I have not identified any specific reason behind these rises.

Decisions on complaints

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 issue any reports against your Council in 2006/07, but I discontinued the investigation of 11 complaints because I considered a suitable settlement had been reached. As part of these settlements, compensation of about £6,500 was agreed.

There were three settlements on complaints about education issues. One concerned an application for a primary school place by parents who had recently moved into the area. The parents claimed there was no place available for their child within a reasonable distance of their new home, so their child should be given a place in a nearby school where the infant class already had 30 pupils. The Council was required to consider this issue but failed to give reasons for refusing the application. The parents then had no basis on which to appeal. The Council agreed to arrange for the application to be reconsidered again. This led to a fresh, albeit unsuccessful, appeal.

Decisions were made during 2006/2007 on two complaints relating to school transport, as a result of which your policy and procedures on the assessment of suitable routes to school was amended. The central issue was the suitability of an old railway line through the countryside, now used as an (unlit) walking and cycling path, as a safe route to school when assessing eligibility for free school transport. The Council's procedures for assessing the safety of routes only consider traffic issues and were unable to assess wider aspects of personal safety. To reduce the possible injustice, while a review of the Council's policy and procedures was being considered, you agreed to provide free transport for the children involved. I was grateful for this practical approach.

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One transport and highways complaint was from a developer and concerned delay in completing an agreement relating to highway works. This delay put back the completion of his development. The Council agreed to waive over £3,000 in outstanding fees and to pay an additional £4,000 to recognise possible financial loss and the complainant's time and trouble in pursuing the matter.

Other decisions

Of the remaining 67 complaints decided in 2006/07, 19 were referred back to your council because you had not had sufficient prior opportunity to consider them before I became involved. Of these, 12 were about social services where the law provides a statutory complaints procedure which culminates in an independent review. In most cases, I expect service users to complete this procedure before I will consider the matter.

Not all complaints received are within my jurisdiction to investigate. This was the case in 16 complaints. In the other 32 cases, I exercised my discretion not to pursue the matter further. This was mainly because there was little or no evidence of fault, or because the potential injustice caused by any fault did not justify further investigation. In one such case, concerns were raised about the quality of the timetables on certain bus routes, although the complainant did not believe that this affected him personally.

In another case, about an education admissions appeal, I did not find that there had been fault in the matters complained about. However, some ambiguity was found in information provided to parents about education complaints and your Council agreed to take action to rectify this. This is an example of where my investigations can lead to service improvement which benefits others, even if the matter is not pursued.

Your Council's complaints procedure and handling of complaints

The average time for the Council to provide information in response to our enquiries was 30.6 days, slightly above our target of 28 days. However, less than half of responses were received within the target and the average time has increased from 2005/2006. In my last annual letter I suggested that response times on complaints, other than education admissions, might be an area where performance could be improved. It would seem that this is still the case.

I am unaware of any concerns about the quality of responses received.

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.

I am pleased that we were able to provide two courses in Good Complaint Handling, which covers identifying and processing complaints, for your staff in July 2006. The range of courses is expanding in response to demand and in addition to the generic Good Complaint Handling 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.

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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 am grateful to the County Secretary and his two assistants for taking the time to meet with my staff in July 2006 to discuss liaison arrangements. This was particularly useful as we now routinely use email to correspond with councils on complaints. I am also glad that the County Secretary was able to attend a seminar for council link officers here in London in November 2006 and I trust that he found this worthwhile.

I also understand that members of your Education department are on the area EAIS group which is often attended by members of my staff. This provides a useful exchange of ideas and experiences.

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	Adult care services	Children and family services	Education	Housing	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	10	17	28	0	12	1	0	20	88
2005 / 2006	7	10	29	1	6	0	0	12	65
2004 / 2005	6	9	32	0	5	4	1	12	69

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	11	0	0	15	17	16	19	59	78
2005 / 2006	0	10	0	0	15	15	21	11	61	72
2004 / 2005	0	5	0	0	23	8	15	14	51	65

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	27	30.6
2005 / 2006	21	28.1
2004 / 2005	15	25.6

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