



The Commission for
Local Administration in England

The Local Government Ombudsman's Annual Letter

Hertsmere Borough 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

In 2006/7 I received 21 complaints against your Council. This is about twice as many as in recent years. To a significant extent, the increase appears to be due to complaints about waste management: there were seven of these (including two from one person). This is more than I might usually expect and the Council may therefore wish to consider whether there are general lessons to be learnt. The other main area of complaint was planning matters: I received seven such complaints (all but one concerning planning applications).

Decisions on complaints

I made decisions on 16 complaints in 2006/7. In one case I used my discretion not to pursue an investigation, and in eight cases I found no or insufficient fault to warrant my involvement. Five complaints were referred back to the Council because it had not had a reasonable opportunity of considering them before I became involved. One of these complainants was not satisfied with the Council's response and complained to me again. I had not made a decision on that complaint by the end of 2006/7.

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 generally form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report. As in previous years I did not issue any formal reports against your Council.

Local settlements were agreed in two cases in 2006/7. Both involved planning. One case concerned delay by the Council in formally contacting their neighbours over a planning enforcement matter. In the other case the Council failed to notify neighbours of a planning application. In coming to a decision on the application, the Council did consider the impact of the development on them, but the complainants lost the right to have their representations considered.

I decided three of the waste management complaints within the year (all included in the figures set out above). I decided two were premature and in the other case (which concerned the Council's waste collection policy) I concluded there was no evidence of administrative fault.

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.

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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 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.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Your Council's average response time is just outside this limit and is a marked deterioration from the previous excellent performance. One response took 46 days and another 39 days.

My 2005/6 annual letter drew your attention to an error on your website concerning our address; I am pleased to see this has been rectified.

If a Council Committee formally considers this letter it would be helpful to be sent a copy of the minutes of the meeting, along with a copy of any report to the Committee.

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.

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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	0	1	9	7	3	1	21
2005 / 2006	1	1	1	5	1	3	12
2004 / 2005	0	0	2	3	1	1	7

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	2	0	0	8	1	0	5	11	16
2005 / 2006	0	0	0	0	5	0	3	3	8	11
2004 / 2005	0	1	0	0	3	3	1	2	8	10

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	6	29.7
2005 / 2006	3	15.3
2004 / 2005	2	14.0

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