

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter
Dacorum Borough 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 Dacorum Borough 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

Last year I received 22 complaints against the Council, a third fewer than in 2006/07. I am not aware of any particular reason for this decline. Planning is commonly the subject of most complaints against district councils and last year, the largest group of complaints against Dacorum were about planning and building control: there were seven about planning applications (two from the same complainant) and one about enforcement. There were also seven complaints about housing issues. This was fewer than in previous years when, unusually, such complaints were the most numerous.

Decisions on complaints

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).

I made 22 decisions. None of the complaints we investigated this year justified the issue of a report. There were 3 local settlements.

On a planning complaint there were inaccuracies in the report presented to the planning committee. There were insufficient grounds to conclude that this affected the decision, but the Council agreed to pay the complainant compensation for the uncertainty she would feel and her time and trouble in pursuing the matter. I also asked the Council to consider the mechanisms in place for the checking of planning officers' reports. It would be helpful if the Council could let me know whether there have been any changes to its procedures.

On a housing complaint, the Council's contractors had not carried out all repairs required before the property was let to the complainants. They were forced to do some of the works themselves, and there was a delay before they could move into the property. The Council agreed to inspect the property, carry out the outstanding works, to provide £365 in decoration vouchers and to waive the first month of the rent.

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In another housing complaint, the Council failed to make proper records or deal with matters adequately after it had been notified of the death of the complainant's brother. The complainant received unwarranted letters regarding outstanding rent, council tax and overpaid benefit. The Council had already taken steps to resolve the complaint, by apologising, reviewing its procedures, writing off some rent, and offering £100 compensation. But it readily agreed to an additional payment of £150 compensation for the complainant's distress.

Other findings

I decided that there was insufficient evidence of administrative fault on seven complaints and I decided to close six complaints under my discretion: usually because there was insufficient evidence of injustice to warrant my further involvement. One complaint was outside my jurisdiction.

On one complaint I did not pursue, the Council's standard planning application publicity letter to neighbours quite reasonably warned them that letters of objection would be put on the Council's website. The complainant did not want this, and therefore marked his objection to a planning application as confidential, thinking the letter would be for the Council's eyes only. The planning officer took the complainant's comments into account, but felt unable to show the letter to the planning committee. I was satisfied that the planning committee was aware of the complainant's concerns from other sources, but I asked the Council to clarify its procedures. I would, again, be grateful if the Council would let me know whether it has made any amendments.

Your Council's complaints procedure and liaison with the Local Government Ombudsman

In five cases I considered the Council had not had a reasonable opportunity to consider and respond to the complaint before it came to me, so I referred them back to the Council for investigation.

I ask councils to reply to my enquiries about complaints within 28 calendar days. Your Council's average response time was 31.5 days, an increase from 23.6 days in 2006/07, which was itself longer than in the previous year. Two responses (one concerning housing and one about a planning application), took seven or more weeks. I should be grateful if the Council would consider how such delays can be avoided in future.

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. I am pleased to note that the Council asked for three good complaint handling courses last year and I hope that these have helped its officers to deal with complaints more effectively thereby preventing them coming to my attention.

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.

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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.

Local Government Ombudsman 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.

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	Public finance	Transport and highways	Total
01/04/2007 - 31/03/2008	3	7	3	8	1	0	22
2006 / 2007	6	12	5	7	0	3	33
2005 / 2006	5	11	5	4	3	2	30

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	7	6	1	5	17	22
2006 / 2007	0	2	0	0	11	6	7	7	26	33
2005 / 2006	0	4	0	0	10	3	9	7	26	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
01/04/2007 - 31/03/2008	11	31.5
2006 / 2007	14	23.6
2005 / 2006	9	17.2

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