

Local Government  
**OMBUDSMAN**

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

**Harlow District 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 Harlow 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***

My office received 22 complaints against your authority this year which is similar to last year's figure of 23 complaints.

### ***Character***

As in previous years, housing accounts for the largest category of complaints (12 of the 22 complaints received). Within the housing category, the largest sub-group is complaints about housing repairs. In addition to these we received three complaints about the handling of planning applications and three about the Council's response to incidents of anti-social behaviour. It is worth noting that we received no complaints about the administration of Housing Benefit or Council Tax Benefit this year.

## **Decisions on complaints**

### ***Reports and local settlements***

None of the complaints we investigated this year justified the issue of a report.

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 before they have been made to me and so are referred back to the relevant local authority to address in the first instance – and those outside our jurisdiction).

In 2007/08 we obtained a local settlement on six complaints (40% of all complaints received that were neither premature nor outside jurisdiction). Although this is a significant decrease from the previous year – when 65% of such complaints resulted in local settlements, it remains well above the national average. This may indicate that the Council is failing to provide redress where things have gone wrong when considering complaints under its corporate complaints procedure but there could be other reasons. I would welcome the Council's views. I note that of the six complaints we settled, three were about housing repairs. All three of these cases involved delays by contractors in carrying out reported repairs. Our website contains guidance for local authorities on what I would consider to be the appropriate remedy for such complaints which may – if implemented during the Council's consideration of the complaint – prevent them escalating to me.

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As well as taking specific practical steps to remedy complaints, I asked the Council to pay compensation to the complainants where it seemed appropriate to do so. The total amount of compensation paid by the Council to settle complaints was £1,079. That sum is lower than last year and reflects the lower number of complaints on which we recommended settlements.

We also recommend that councils review and improve procedures where we identify weaknesses. Partly as a result of faults we identified in its handling of one housing repairs complaint, the Council put in place a new system for tracking and monitoring the progress of repairs. In a complaint about a breach of planning control, the Council revised its procedures for using informative clauses in planning decision notices.

### ***Other findings***

My office made decisions on 16 other complaints in the year. Two were outside jurisdiction. Of the remaining 14, I found no administrative fault in eight cases. Five complaints were premature and so I passed them back to the Council to deal with. I closed the one remaining case because the injustice claimed by the complainant seemed insufficient to justify my involvement.

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

On average your Council took 25 days to respond to our first enquiry letters on complaints. That is comfortably within our target time of 28 days. It is also a considerable improvement on last year when your average response time was 31 days. It is particularly encouraging to note the improved response times on Housing complaints which accounts for the largest number of the enquiries we make to your Council.

My investigative staff commented positively about the way your officers have responded to our enquiries and proposals for local settlements. In particular they welcomed the Council's proactive approach to offering a settlement in one housing repair case and the Revenues and Benefits Manager's initiative to propose what I considered to be a fair settlement of a Council Tax complaint.

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

Liaison between our offices seems to work effectively. There have been no significant delays in obtaining information or in agreeing settlements where things have gone wrong.

### **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.

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.

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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.

### **LGO 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. Again 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**  
**Local Government Ombudsman**  
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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	0	12	5	3	1	1	22
2006 / 2007	1	17	2	1	1	1	23
2005 / 2006	3	14	6	7	1	2	33

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	6	0	0	8	1	2	5	17	22
2006 / 2007	0	13	0	0	5	2	3	7	23	30
2005 / 2006	0	6	0	0	9	4	3	4	22	26

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	6	25.3
2006 / 2007	14	31.2
2005 / 2006	15	33.1

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