

Local Government  
**OMBUDSMAN**

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

**Hertfordshire County 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 Hertfordshire County 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**

I received 93 complaints last year compared with 88 in 2006/07 and 65 in 2005/06. The increase of 28 over the two year period is mostly accounted for by an increase of 21 in complaints about Children and Family Services including ten about Education. It is not possible to identify any specific cause for these increases. The number of complaints about adult care services (ten) was the same as last year, while complaints about transport and highways fell from 20 to 14.

## **Decisions on complaints**

I came to decisions on 94 complaints against your Council last year.

The term 'local settlement' refers to the outcome of a complaint where, during the course of our investigation, a council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation can then be discontinued without the need for a formal report. In 2007/08, the Local Government Ombudsmen nationally determined 27% of complaints by local settlement. This figure excludes 'premature' complaints - which councils have not had a proper chance to deal with - and those outside our jurisdiction.

## **Reports**

I issued two reports on complaints against your Council. One arose from the failure of a foundation school, following an abortive move abroad, to re-admit a pupil with a statement of special educational needs which named the school. I found your Council to be at fault in how it dealt with the consequences. This fault led to the child being out of school for 14 months. I was pleased to note that your Council agreed to amend procedures to avoid such a situation arising in the future. You also accepted my recommendation to make a payment of £5,500 to the family.

The second complaint on which I issued a report was made by the tenants of a property owned by your Council which had previously been managed by a district council under a long-standing arrangement. This unusual situation was further complicated when the district council transferred its housing stock to a housing association. Failings which occurred in the joint management arrangements led to delay in carrying out redecoration and adaptations at the complainants' home. Your Council agreed to fund the necessary works and to make a payment to recognise the injustice caused to the complainants. This complaint highlighted the importance of good joint working arrangements. My colleagues and I have recently published a report which addresses some of the issues involved in complaint handling across partnerships.

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### ***Local settlements***

A further 21 complaints (39% of complaints I could pursue, so a greater proportion than the norm) were resolved by way of a local settlement.

14 of these related to education or to other areas of children and family services. There were three cases relating to children with special educational needs and, in the light of the problems identified, your Council has undertaken several reviews of procedures. Your Council also paid appropriate compensation.

There was a local settlement about failing to make provision for a child with special educational needs who was out of school which raised similar issues to the one on which I issued a formal report. The child was without proper education for 18 months during his GCSE years. Your Council agreed to make a payment of £7,750 to the complainant to recognise the child's lost education. As a result of the investigation of both these complaints, various procedural improvements were carried out. These included:

- better recording of communications and of actions taken where a school refuses to accept a pupil
- providing interim support for children out of school
- improved monitoring of children out of school
- improved arrangements for passing work between staff

It is to be hoped that these will lead to fewer such complaints in future years.

Although 16 complaints about school admissions were decided last year, only one of these resulted in a local settlement. In that case, I considered that the recording of the appeal was inadequate and there was no evidence to confirm that a crucial element of the appeal had been properly considered by the appeal panel. You agreed to arrange a fresh appeal with a new panel which then came to its own view on the complainant's case.

In an adult care services case, the complainant was the executrix of her late sister's estate. The sister had been placed in care in 1996 following compulsory detention under the Mental Health Act 1983. In settling her estate, the complainant realised that her sister had been wrongly charged for aftercare by your Council, by a very significant amount. I was pleased by your willingness to settle this complaint fully once it was brought to your attention by this office.

### ***Other outcomes***

I referred 13 complaints back to your Council because it had not had a reasonable opportunity to deal with them before I became involved. I considered a further 22 complaints were outside my jurisdiction because there was an alternative, statutory remedy available to the complainant. For example, four of the highway complaints decided were about damage to a motor vehicle arising from some alleged negligence by your Council. I consider that such matters are generally for the courts to determine. Another four cases were outside my jurisdiction because they were made too long after the event and another seven were about internal matters within schools, which I have no power to consider.

In 22 cases, I did not consider that there was evidence of fault by your Council. In the remaining 14 cases, seven were withdrawn by the complainant during the course of the investigation. In three of these, concerning school admissions, the complaint was withdrawn because the child was offered a place at a school that the parents considered suitable. The others were generally not pursued any injustice caused to the complainant was insignificant.

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

The target for response times to enquiries from my staff is 28 days. The average time for your Council's 33 responses made last year was 31.6 days. The average time to provide responses on adult care services complaints was 39 days, but the area with the longest individual response times was education. Here, it was 75 days before I received one response. I would hope to see some improvement in this performance in the 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.

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.

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. 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.

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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 2008**

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	Transport and highways	Total
01/04/2007 - 31/03/2008	10	21	39	2	5	2	14	93
2006 / 2007	10	17	28	0	12	1	20	88
2005 / 2006	7	10	29	1	6	0	12	65

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	2	21	0	0	22	14	22	13	81	94
2006 / 2007	0	11	0	0	15	17	16	19	59	78
2005 / 2006	0	10	0	0	15	15	21	11	61	72

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	33	31.6
2006 / 2007	27	30.6
2005 / 2006	21	28.1

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