

# Local Government OMBUDSMAN

## **The Local Government Ombudsman's Annual Letter North Herts 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 your authority. 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***

In 2007/08 I received 26 complaints against your Council. In the previous year I received 19 and in 2005/06 I received 20. So, complaint numbers have risen somewhat.

### ***Character***

The usual pattern for district councils is for the majority of complaints I receive to concern planning matters, and this year was no exception. I received nine complaints concerning planning and building control: all were about planning applications. Four complaints were received about benefits, three concerned local taxation, two were about housing (allocations) and one concerned parking. The other seven complaints were about miscellaneous matters.

## **Decisions on complaints**

I decided 27 complaints against the Council in 2007/08.

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

I agreed two local settlements. The first concerned the Council's delay in enforcing the terms of a legal agreement tied to planning permission for a housing development., as a result of which residents did not have the benefit of a proposed neighbourhood play area. The Council decided to take action, and also agreed to a payment of £1,300 in compensation to reflect injustice caused by its delay in dealing with the matter.

The second case involved delays in responding to the complainants' concerns about a neighbouring development. In addition to the delay, the Council failed to provide promised information. The Council agreed a modest payment of compensation, to recognise the uncertainty caused by its actions and the complainants' time and trouble.

/...

### ***Other findings***

In 11 of the cases I considered, I did not find any evidence that the Council was at fault. Six complaints concerned matters outside my jurisdiction. In four cases I used my discretion not to investigate further. Finally, four cases were referred back to the Council as I did not consider you had an adequate opportunity to consider and respond before I became involved.

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

I ask councils to reply to my enquiries within 28 calendar days. This year the average response time was 35.8 days. This disappointing outcome was in part caused by one housing complaint, which took 69 days before I received a response. I also note the overall improvement from the previous year's average of 46 days. However, I must again emphasise the importance of a timely response.

I am also disappointed that in two cases my checks whether apparently premature complaints had already been dealt with by the Council went without a reply.

The Council initially opposed the local settlements I agreed last year. I do not expect my settlement proposals to go unchallenged, but if it disagrees with my proposals I would urge the Council to state its reasons more fully. This would allow more constructive dialogue on the merits of proposals.

### **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.

### **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**  
**10th floor, Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**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	4	2	7	9	3	1	26
2006 / 2007	1	2	2	8	2	4	19
2005 / 2006	1	2	5	8	3	1	20

**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	2	0	0	11	4	6	4	23	27
2006 / 2007	0	4	0	0	3	4	2	5	13	18
2005 / 2006	0	2	0	0	11	1	5	2	19	21

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	8	35.8
2006 / 2007	7	46.0
2005 / 2006	8	29.8

**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