

24 June 2011

Ms Caroline Tapster
Chief Executive
Hertfordshire County Council
County Hall
HERTFORD SG13 8DQ

Dear Ms Tapster

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Enquiries and complaints received

A total of 112 enquiries and complaints were received about your Council last year, up from 96 in the previous year. Almost half (64) were about education and children's services.

Sixty six complaints were passed to my investigative team to consider, including 29 about education. Of the remainder, 22 were regarded as premature because it did not appear that your Council had been given a reasonable opportunity to deal with the matter and in 24 cases the prospective complainants were given advice about the options open to them.

Complaint outcomes

I decided 51 complaints against your Council last year; almost half (26) concerned education. I concluded that eight were outside my jurisdiction to investigate (of which three concerned the internal management of schools) and in 24 cases I decided not to pursue an investigation, generally because the un-remedied fault or injustice did not warrant further action.

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2010/11, 27.1% all complaints the Ombudsmen decided and which were within our jurisdiction

were local settlements. Of the complaints we decided against your authority which were within our jurisdiction, 44.2% (19) were resolved in this way. The majority (13) related to education and children's services.

One education and children's services complaint involved the home-to-school transport arrangements for a child with very particular needs. I found that your Council had misrepresented its responsibilities to the child's carers, although I did not accept that they had suffered all of the injustice they had claimed. You agreed to make a payment of £5,000 to recognise the distress caused, and to recognise their time and trouble in making the complaint.

One complaint was that the Council provided an inadequate response to findings and recommendations of an investigation through the statutory social services complaints procedure, about services to a child who had been looked after by the Council. This resulted in a payment of £1,250 to the complainants, plus substantial legal and other costs. I felt these had been unnecessarily incurred by the complainants as a result of the Council's actions. The Council also agreed to pay compensation of £1,500 in recognition of the injustice caused in a case where not all of the required provision was made for a child with special educational needs. In this case, as in others, the Council was asked to look generally at the arrangements in place, to try to prevent similar issues arising in the future.

Changes made in payment arrangements for adult care services, without informing the complainant, led to arrears accruing in one adult social care case. As a result of my investigation, procedural changes were made, the arrears were cancelled and a modest payment of compensation was made to the complainant.

Liaison with the Local Government Ombudsman

The average time taken to respond to enquiries from my office was 20.9 days which is a significant improvement on previous years and is well within the target of 28 days. I am very grateful for the efforts which have been made to bring about this change.

I note that three of your staff have attended seminars held in London for council link officers and I hope that they found this useful.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas (including your own) where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be

published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	6	1	11	1	2	0	0	1	22
Advice given	5	1	13	0	2	1	1	1	24
Forwarded in investigative team (resubmitted)	0	0	0	0	2	0	0	0	2
Forwarded to investigative team (new)	13	2	40	2	4	0	0	3	64
Total	24	4	64	3	10	1	1	5	112

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	17	0	0	13	10	8	48

Adult social care decisions made from 1 Oct 2010*

	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	2	1	3

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	26	20.9
2009 / 2010	26	32.4
2008 / 2009	38	29.3

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	2	46.5