

21 June 2006



The Commission for  
Local Administration in England

Mr K O'Keefe  
Legal Practice Manager  
Herefordshire Council  
DX 135296  
Hereford 3

Jerry White  
Local Government Ombudsman

Neville Jones  
Deputy Ombudsman

Our ref: JRW/RMS  
(Please quote our reference when contacting us)

**If telephoning contact: Mr R Stephen on 024 7682 0035**  
**Email [r.stephen@lgo.org.uk](mailto:r.stephen@lgo.org.uk)**

Dear Mr O'Keefe

### **Annual Letter 2005/06**

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish the letters on our website and share them with the Audit Commission as there was widespread support from authorities for us to do this. We will wait for four weeks after this letter before making it more widely available in these ways to give you an opportunity to consider and review the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

In addition to the narrative below there are two attachments which 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**

During the period we received 73 complaints against your Council, an increase of 103% compared with the previous year, when we received 36 complaints. The increase is largely the result of a group of ten complaints about Education transport matters and a significant increase in planning complaints, up from 15 in 2004/5 to 35 in 2005/6. Planning complaints rose slightly countrywide this year, but you may wish to consider whether special factors have your Council's increase.

### **Decisions on complaints**

We determined 61 complaints during the period. Of these we referred 13 complaints back to your Council because they were premature (i.e. you were unaware of them or had not

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had a reasonable opportunity to investigate them), four were outside my jurisdiction, 21 showed no or insufficient evidence of maladministration and we decided not to investigate a further 19 under my general discretion, mainly because complainants had not suffered significant injustice from the fault claimed.

### **Reports and local settlements**

When we complete an investigation we must issue a report. But there is a significant proportion of investigations that do not need to be completed because a 'local settlement' is reached during the course of the investigation and it is therefore discontinued.

I am pleased to note that I did not issue any reports against your Council during the period. However, your Council settled four complaints where there appeared to have been maladministration causing the complainants injustice. In one complaint about Highways, your Council failed to advise the complainant that it had erected footpath markers but did tell his neighbour, causing difficulties including a boundary dispute. There was also a delay in dealing with his complaint about the matter. Your Council agreed to apologise to the complainant and to review its policy and procedures.

In a complaint about homelessness, your Council's agents failed to deal properly with the complainant when she presented as homeless and did not make her an offer of temporary accommodation. Your Council agreed that there had been problems and that it had concerns about the agents' performance and readily agreed to pay the complainant £750 compensation.

In a third complaint about Housing Benefit, your Council paid benefit to the complainant's lodgers instead of to her as it had agreed. It agreed to pay the money to the complainant and to compensate her for her time and trouble in pursuing the complaint.

The total compensation paid by your Council during the period was £800.

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

As I have already mentioned, we referred 13 out of the 61 complaints we received back to your Council because they were premature. This represents 21% of the complaints we received against your Council and is lower than the average of this group of complaints for all councils for the period (27%). This suggests that your complaints procedure is well-publicised in comparison with other councils.

I note that your Council's website includes helpful information for complainants on how to complain to me if they are unhappy with how you have dealt with their complaints. This is most helpful and I commend your Council for doing this.

### **Training in complaint handling**

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

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Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced courses in complaint handling for front line staff and in handling social services complaints.

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 range of courses available together with contact details for enquiries and bookings.

### **Liaison with LGO**

The average time taken to respond to enquiries from my office was 31.8 days, a significant improvement on the previous year, when you replied, on average, in 47.9 days. I am grateful to your Council for taking steps to improve its performance in this regard and for helping to provide determine complaints promptly. I hope that further improvement this coming year will bring the Council's times within our target of 28 days.

My staff consider that they have a very good working relationship with officers in your Council. I visited your Council on 15 September 2005 with Mr Reynold Stephen, Assistant Director, to present the Annual letter 2004/5 to your Scrutiny Committee and was pleased to see your Council's very positive attitude to complaints handling.

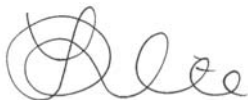
### **Conclusions/general observations**

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. I would again very much welcome any comments you may have on the form and content of the letter.

I would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the council and post it on your website should you decide to do this.

Yours sincerely



J R White  
Local Government Ombudsman

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<b>Complaints received by subject area</b>	<b>Education</b>	<b>Highways</b>	<b>Housing (not incl. HB)</b>	<b>Housing Benefit</b>	<b>Local Taxation</b>	<b>Other</b>	<b>Planning</b>	<b>Social Services</b>	<b>Total</b>
<b>01/04/2005 - 31/03/2006</b>	12	8	5	3	0	7	35	3	<b>73</b>
<b>2004 / 2005</b>	3	7	0	3	3	3	15	2	<b>36</b>
<b>2003 / 2004</b>	3	9	2	0	1	6	12	4	<b>37</b>

**Note:** these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2005 - 31/03/2006</b>	0	4	0	0	21	19	4	13	48	<b>61</b>
<b>2004 / 2005</b>	0	1	0	0	7	5	9	11	22	<b>33</b>
<b>2003 / 2004</b>	0	3	0	0	12	10	11	6	36	<b>42</b>

See attached notes for an explanation of the headings in this table.

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2005 - 31/03/2006</b>	33	31.8
<b>2004 / 2005</b>	15	47.9
<b>2003 / 2004</b>	16	36.7

**Average local authority response times 01/04/2005 to 31/03/2006**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
District Councils	53.2	25.3	21.5
Unitary Authorities	41.3	34.8	23.9
Metropolitan Authorities	41.7	30.5	27.8
County Councils	55.9	26.5	17.6
London Boroughs	39.4	39.4	21.2
National Park Authorities	100.0	0.0	0.0