

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

**Welwyn and Hatfield
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 Welwyn and Hatfield District 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

In 2007/08 I received 26 complaints against your Council, a similar number to that received in 2006/07.

Character

The main subject area of complaints was housing. I received four complaints concerning housing repairs, four about management of tenancies and one about a leasehold matter. Three of the complainants here made two complaints, so there were six individual complainants. I also received five complaints about anti-social behaviour, two from the same complainant. (These complaints are included under our 'Other' heading).

Three complaints were about council tax, three related to planning or building regulation applications and one was about planning advice. The others concerned fees for burials, charges for theatre hire, environmental health, planning enforcement and housing benefit.

Decisions on complaints

During 2007/08 I made decisions on 28 cases.

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 five local settlements in 2007/08. When dealing with a planning application, the Council failed to notify the complainant and made an inaccurate reference in the officer's report to the distance between their property and the development. In view of the actual distance between the two, it was unlikely that the Council would have come to a different decision on the application, but the Council agreed to pay £200 to the complainant for the uncertainty caused, and their time and trouble in complaining.

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Failings in planning enforcement led to a payment of £200 to another complainant. The Council had taken over a year to investigate an alleged breach of planning control: for six months no action was taken and then there was further delay in agreeing a date for a site visit. The complainant was not kept informed of the reasons for the delay, or given any proper reasons for the decision that there was no breach. The complainant had previously reported another breach, where delay led to the development becoming immune from enforcement action. So they were understandably concerned about the delay in this case. As well as making the payment, the Council agreed to write to the complainant explaining how the decision had been made and how the site would be monitored in future. The complainant has since made a fresh complaint about failure to control development at the site. This is ongoing.

The Council failed properly to help a young person leaving care with their housing needs. It relied too heavily on the County Council to ensure the young person knew they understood the consequences of refusing offered accommodation. It also failed to fulfil its duty to offer advice and assistance to the young person once it had been decided to evict them from their temporary accommodation. After my intervention the Council liaised with the County Council to help find the young person suitable accommodation. It has agreed to review its procedures, to send copies of offers of accommodation to any young person's care worker and to offer appointments with the young person and their care worker. It also amended its letter advising it had discharged its housing duty to make it clear that if there was a change of circumstances then a fresh homelessness application could be made.

In another housing complaint the Council agreed to reassess medical evidence it had used to decide not to assign a tenancy.

Finally, the Council agreed that its leaflet about burial charges was not entirely clear, and readily agreed to improve this wording.

Other findings

In eight of the cases I considered I did not find any evidence that the Council was at fault. Two complaints concerned matters outside my jurisdiction. In three cases I used my discretion not to investigate further. Finally, ten cases were referred back to the Council as I considered it had not 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. Your Council's average response time, 33.1 days, was again outside this target and slipped slightly from last year. One response, concerning the planning enforcement case, took 62 days to arrive. In this case there was also a delay in implementing the agreed settlement. This is extremely disappointing. In contrast, my office received a quick and helpful response on the complaint about burial charges.

My Assistant Ombudsman with responsibility for your Council has recently met with you and some of your officers to discuss issues affecting our work. I trust that you found this meeting as useful as he did.

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.

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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
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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 | 1 | 9 | 8 | 4 | 3 | 1 | 26 |
| 2006 / 2007 | 0 | 9 | 3 | 9 | 0 | 3 | 24 |
| 2005 / 2006 | 1 | 2 | 4 | 2 | 2 | 0 | 11 |

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 | 5 | 0 | 0 | 8 | 3 | 2 | 10 | 18 | 28 |
| 2006 / 2007 | 0 | 2 | 0 | 0 | 8 | 5 | 1 | 6 | 16 | 22 |
| 2005 / 2006 | 0 | 1 | 0 | 0 | 1 | 3 | 0 | 5 | 5 | 10 |

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 | 33.3 |
| 2006 / 2007 | 10 | 31.1 |
| 2005 / 2006 | 5 | 37.2 |

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 |