



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
East Sussex County Council
for the year ended
31 March 2007**

The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

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

Volume

We received 67 complaints against the Council during the year which is seven more than in the previous year.

Character

I am pleased to note there was a reduction in education complaints which fell to 13 from 17 in the previous year. Around half of the education complaints were about admissions and four were about special educational needs.

There was a slight increase in planning complaints, up to eight from five the previous year, but seven of these related to the planning application for a waste facility at Maresfield Camp.

The greatest increase was in complaints about transport and highways which increased from 10 to 22. There was an increase in highways and transport complaints in the previous year but the increase this year was due to 16 complaints about the Council's decision to withdraw the dial a ride service.

We received 11 complaints about adult care services, a similar level to that received in the last two years.

Decisions on complaints

During the year we decided 68 complaints, nine of which had been received in the previous year.

Reports and local settlements

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation we must issue a report.

Once again, I issued no reports against the Council during the year. However, there were two complaints that resulted in local settlements and in one of these the Council refunded a £100 fee to the complainant when my office suggested that there had been unreasonable delay in dealing with the application for a disabled parking bay.

The other complaint was settled by the Council agreeing to provide additional therapy to compensate for therapy that had not been provided under a Statement of Special Educational Needs.

Other findings

Twelve complaints were about matters outside our jurisdiction and 25 complaints (including the complaints about the planning application for a waste facility at Maresfield Camp) resulted in findings of no or insufficient evidence of maladministration.

During the investigation of a school admissions complaint that we did not uphold the Council agreed to amend the school admissions booklet to clarify the priority of children whose Statements of Special Educational Needs identify a named school.

Your Council's complaints procedure and handling of complaints

During the year we referred 23 complaints to the Council for consideration through its own complaints procedure, compared with nine in the previous year. The main reason for this increase is that we referred all 16 complaints about the dial a ride scheme back to be considered by the Council's complaints procedure.

Two of the complaints we received this year had previously been sent back for the Council to put them through its complaints procedure. I did not uphold either.

Of the seven complaints about adult social care which my office decided, three were not upheld and four were referred back to be dealt with under the social services complaints procedure. The statutory scheme has changed during the year and I should be interested to learn how the Council is finding the new arrangements. It was encouraging to read in a report from the Commission for Social Care and Inspection on services for older people that there is evidence of an effective and comprehensive complaints and comments system in East Sussex.

Training in complaint handling

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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.

Liaison with the Local Government Ombudsman

The target time for responses to our enquiries is 28 days. I note the average time for your responses to our enquiries has increased from 22.8 days to 30.7 days.

/...

One reason for this increase is that there were seven related planning complaints where it took 41 days to reply to our enquiries but even so the average time to reply to enquiries would have been higher than the previous year. I hope that in the future you will be able to reduce the average response time to below 28 days.

I was pleased that two of the council's officers were able to attend the "link officer" seminar which we ran in November 2006. I hope that they found the event to be informative.

LGO developments

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

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 2007

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 | Other | Planning & building control | Social Services - other | Transport and highways | Total |
|--|----------------------------|-------------------------------------|------------------|--------------|--|--------------------------------|-------------------------------|--------------|
| 01/04/2006 - 31/03/2007 | 11 | 5 | 13 | 8 | 8 | 0 | 22 | 67 |
| 2005 / 2006 | 12 | 3 | 27 | 3 | 5 | 0 | 10 | 60 |
| 2004 / 2005 | 10 | 3 | 15 | 2 | 4 | 1 | 4 | 39 |

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 |
|--------------------------------|----------------|-----------|---------------|----------------|---------------|-----------------|-----------------------------|-----------------------------|-----------------------------|--------------|
| 01/04/2006 - 31/03/2007 | 0 | 2 | 0 | 0 | 25 | 6 | 12 | 23 | 45 | 68 |
| 2005 / 2006 | 0 | 3 | 0 | 0 | 29 | 6 | 10 | 9 | 48 | 57 |
| 2004 / 2005 | 0 | 5 | 0 | 0 | 14 | 6 | 9 | 7 | 34 | 41 |

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 |
| 01/04/2006 - 31/03/2007 | 20 | 30.7 |
| 2005 / 2006 | 33 | 22.8 |
| 2004 / 2005 | 10 | 24.0 |

Average local authority response times 01/04/2006 to 31/03/2007

| Types of authority | <= 28 days % | 29 - 35 days % | >= 36 days % |
|---------------------------|------------------------|-----------------------|------------------------|
| District Councils | 48.9 | 23.4 | 27.7 |
| Unitary Authorities | 30.4 | 37.0 | 32.6 |
| Metropolitan Authorities | 38.9 | 41.7 | 19.4 |
| County Councils | 47.1 | 32.3 | 20.6 |
| London Boroughs | 39.4 | 33.3 | 27.3 |
| National Park Authorities | 66.7 | 33.3 | 0.0 |