

Local Government  
**OMBUDSMAN**

**The Local Government Ombudsman's  
Annual Letter  
East Sussex County 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 East Sussex County Council. We have included comments on the authority's performance and complaint-handling arrangements so they can assist with your service improvements.

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 explain the statistics.

## **Complaints received**

We received 33 complaints this year which is significantly less than last year when we received 67. Although the complaints were spread over all the categories, transport and highways attracted the largest number with 15 complaints, covering highway management, parking and rights of way.

There has been a significant drop in the number of complaints received about adult care services (down from 11 to three), education (from 13 to five), and planning and building control (from eight to one).

Across all authorities, the reduction in complaints to the Ombudsman was just under 4%. In your Council the reduction was by over 50%. I would be interested to know whether the Council can point to any particular reasons for this.

## **Decisions on complaints**

### ***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.

This year I issued one report against the Council and I decided three complaints as local settlements. This is broadly in line with previous years although this is the first report issued within the last three years. The total amount of compensation paid was £10,750 which included a payment of £7,250 for the complaint resulting in a report.

My report found that there had been a delay by the Council in assessing the special educational needs of the complainant's son. The Council assessed the child's needs after he left mainstream education but there was delay in issuing the final statement. There was also a delay in providing suitable home tuition and the Education Welfare Service failed properly to investigate and monitor the case.

In one local settlement, the Council waived a £3,000 debt following incorrect advice which had been given to a complainant's father regarding fees for a care home. Partly as a result of the wrong advice the family rushed the sale of his home and were caused stress and anxiety. In addition to waiving the debt the Council also amended its leaflet about choosing a care home, produced more comprehensive information about charges and contributions and gave staff additional training to stop similar problems occurring again.

/...

Another local settlement was obtained when the Council agreed to pay £500 to remedy injustice caused by fault in the way it had assessed the needs of the complainant's adult son who had learning difficulties.

In the third local settlement, no compensation was paid but the Council agreed to carry out a review of the needs of the complainant's disabled child. The complainant had been unhappy that the Council had said her son did not meet the access criteria for an assessment by its Children's Disability Service.

### ***Other findings***

Of the 26 decisions made this year, 13 resulted in a finding of no maladministration and six were outside our jurisdiction.

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

During the year we referred eight complaints back to the Council for consideration under its own complaints procedure. I considered four complaints which had previously been sent back to the Council but I did not uphold them.

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

When we make written enquiries to the Council we ask for a reply within 28 days. The average time taken to respond this year was 30.3 days which is virtually identical to the previous year, though there were far fewer enquiries. But for one complaint, in which it seems the Council did not receive our enquiry letter, the Council's performance would have been nearer to the target timescale.

### **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**  
**10<sup>th</sup> 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)

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Housing</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2007 - 31/03/2008</b>	3	2	5	1	6	1	15	<b>33</b>
<b>2006 / 2007</b>	11	5	13	0	8	8	22	<b>67</b>
<b>2005 / 2006</b>	12	3	27	0	3	5	10	<b>60</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>01/04/2007 - 31/03/2008</b>	1	3	0	0	13	3	6	8	26	<b>34</b>
<b>2006 / 2007</b>	0	2	0	0	25	6	12	23	45	<b>68</b>
<b>2005 / 2006</b>	0	3	0	0	29	6	10	9	48	<b>57</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>01/04/2007 - 31/03/2008</b>	9	30.3
<b>2006 / 2007</b>	20	30.7
<b>2005 / 2006</b>	33	22.8

**Average local authority response times 01/04/2007 to 31/03/2008**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt; = 36 days %</b>
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