

24 June 2011

Ms Becky Shaw  
Chief Executive  
East Sussex County Council  
County Hall  
St Anne's Crescent  
Lewes BN7 1UE

Dear Ms Shaw

### **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. Overall, the Council's average time to respond was just over our target timescale of 28 days and was significantly slower than last year.

### ***Enquiries and complaints received***

During this year our advice team received 83 enquires and complaints, an increase of about one third on last year. And of the complaints which the advice team passed on for investigation, 23 were about adult social care and 17 were about education and children's services.

### ***Complaint outcomes***

We decided 44 complaints during the year. In 14 of them, the Council took some action which we considered to be a satisfactory response to the complaint. Here are some examples of those decisions:

- information about care home charges was not sent to the complainant. There was a delay of several months in assessing the complainant's contribution towards the charges. The Council agreed to write off the care home charges of £1,389 for the period until the complainant was notified of the assessment;
- a complainant was not forewarned that he would be charged for the personal care service he received to help with showering. The Council agreed to refund the charges that the complainant had paid before he cancelled the service, along with £50 compensation for his time and trouble;

- a complainant, who has a child with special educational needs, was not happy with the school which was named in the statement of special educational needs. I would normally expect a disagreement of this nature to be referred to a Special Educational Needs and Disability Tribunal (SENDIST). However, instead of appealing to the SENDIST, the complainant followed the Council's advice and looked for alternative special schools. Having done so, the complainant was then told that the Council would not consider a special school. By this time the complainant had lost her right of appeal to a SENDIST. So the Council issued a further statement, thereby restoring the complainant's appeal rights;
- the Council paid compensation of £2,500 in recognition of its failure to provide full time appropriate education to a complainant's son for a period of two terms. The remedy also included the Council's agreement to hold an annual review and to provide home tuition;
- on a complaint about a school exclusion appeal hearing, I found that the evidence had not been considered in accordance with the appeal code. I also found that the Clerk had kept no record of the process or the decision. The Council agreed to pay £500 compensation for its failure to provide a fair and properly conducted appeal and £250 for the time, trouble and inconvenience to which the complainant had been put. I also asked that a copy of my decision be placed on the child's school record;
- the Council gave inconsistent advice about whether trees planted by a complainant were on the highway. The Council accepted my proposal that it should pay compensation. I was concerned in this case that the Council informed the complainant that it would only conduct a site visit if he withdrew his complaint to the Ombudsman. Councils must not interfere with the rights of citizens to take their complaints to an Ombudsman.

### ***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 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. I am pleased that in February we delivered a course to some of the Council's officers. 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/](http://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



**Anne Seex**  
**Local Government Ombudsman**

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

<b>Enquiries and complaints received</b>	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	3	1	4	0	2	0	0	0	10
Advice given	5	0	11	0	4	0	0	0	20
Forwarded in investigative team (resubmitted)	1	0	2	0	4	0	0	2	9
Forwarded to investigative team (new)	22	0	15	0	5	1	1	0	44
<b>Total</b>	<b>31</b>	<b>1</b>	<b>32</b>	<b>0</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>83</b>

## Investigative Team

<b>Decisions</b>	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
<b>2010 / 2011</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>11</b>	<b>5</b>	<b>41</b>

## Adult social care decisions made from 1 Oct 2010\*

	Not to initiate an investigation	To discontinue investigation, injustice remedied	Total
2010 - 2011	1	2	3

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

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	19	32.3
2009 / 2010	13	21.7
2008 / 2009	13	24.4

## Provisional comparative response times 01/04/2010 to 31/03/2011

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	6	20.5