



The Commission for
Local Administration in England

**The Local Government Ombudsman's
Annual Letter
Surrey 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

I received 97 complaints against your Council during 2006/2007, which was an increase of over 50% on the number received in the previous year. The largest group of complaints was transport and highways (27), followed by education (23) and adult care services (21). The most marked increases in complaint numbers were in the adult care services and transport and highways service areas. In both cases complaint numbers have more than doubled since 2005/2006. I am not clear if the increases represent a lasting trend and I am not aware of any particular recurrent themes in complaints involving these service areas. But the Council may wish to consider any general reasons for the increased number of complaints and whether there are measures which could be put in place to address matters.

Decisions on complaints

General comments

Decisions were made on 87 complaints last year. In 33 cases I found no or insufficient evidence of maladministration, or insufficient injustice, to warrant my further involvement. I was unable to consider another 16 complaints because they fell outside of my jurisdiction.

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.

I issued one formal report of fault causing injustice on a complaint against your Council last year, and 14 other complaints resulted in local settlements.

Report

The report I issued in 2006/2007 concerned a complaint about special educational needs. I found that the Council had delayed in carrying out an assessment of a child's needs which meant his attendance at his chosen school was delayed for half a term. The Council provided a satisfactory remedy by making an appropriate contribution to the boy's school fees for the period in question and by agreeing to review its assessment procedures. The report also highlighted a general problem with the regulations relating to such matters which, as the government was conducting a review, I drew to its attention.

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Local settlements

The local settlements in 2006/2007 concerned different service areas:

- adult care services (4)
- transport and highways (3)
- special educational needs (2)
- children and family services (1)
- school transport (1)
- drainage (1)
- traffic management (1)
- planning (1)

In one of the adult care cases, the Council agreed to pay over £3,000 compensation to a disabled woman because of delays relating to the building of a wheelchair adapted extension to her home. Another adult care complaint resulted in the Council paying £1,500 compensation to the complainant because of its failure to assist him financially when he moved from residential care into supported housing.

The children and family services complaint was about the placement of a child with an elderly grandmother and problems with the Council's assessment of the matter. The Council paid almost £3,000 compensation in that case. A special educational needs complaint involved delays by the Council in responding to a request for a needs assessment. I concluded that this fault meant the child in question missed out on a term's education at a specialist school. The Council finally agreed to pay £3,000 compensation for the loss of schooling.

In total, the Council agreed to pay compensation of over £11,500 in respect of the nine local settlement cases which involved a financial remedy.

Other findings

The Council agreed to review various aspects of its policies and procedures in response to my report and local settlement findings and I am grateful for its co-operation in this respect. I am aware that the Council has already amended its policy on assessing safe routes to school in response to a complaint about this issue. The Council also agreed to review its procedures on gathering information for special educational needs assessments in the light of my report findings. I should be grateful to know the outcome of that review. I should also appreciate feedback on progress with the Council's promised review of procedures for consulting with residents about local transport schemes, which was part of the local settlement in one of the transport and highways cases I investigated.

Your Council's complaints procedure and handling of complaints

I referred 23 complaints back to the Council in 2006/2007 as it had not had a reasonable opportunity to deal with them before I became involved. In three cases the complainants remained dissatisfied and resubmitted the complaint after the Council had considered matters. Two of these re-submitted complaints resulted in local settlements.

There was a marked increase in the number of complaints in 2006/07, compared to the previous two years, which came to me before the Council had had a reasonable opportunity of considering them. And I note that 13 of these cases involved either adult care or children and family services. So the Council may wish to consider if there is any reason for the increase in the number of people coming to me before it has dealt with their complaint, particularly in the area of social services. Nevertheless, the overall proportion of 'premature' complaints is in line with the national average.

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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. I note that my staff ran three training courses for officers from various Council departments on Effective Complaints Handling in 2006/2007. I understand that the Council has been revising its complaints procedures and I hope our training has proved helpful to this process.

The range of courses we provide 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 Council has generally responded positively to my enquiries and has been willing to agree suitable settlements as appropriate. Your officers and my staff continue to maintain constructive working relationships. This is particularly evident in respect of education admissions complaints where the Council's full and prompt responses to my enquiries have assisted me greatly in dealing with these cases on an urgent basis. I also note that my Investigators have commended the Council for its proactive approach in resolving a number of social services complaints.

I ask for responses to initial requests for information to be provided within 28 calendar days. On average the Council's responses took 32 days, slightly longer than in recent years and outside my target. There were wide variations between different service areas and I am concerned adult care services took 46.5 days on average, with one response taking 75 days, and that with a children and family services complaint it was 78 days before we had a response. I appreciate that social services complaints tend to be complex and time consuming but feel that justice demands quicker action. I should therefore be grateful if the Council would consider any steps it could take to ensure that responses in these cases are provided more promptly. It may be that the Council's new complaint procedures will assist.

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.

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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	Housing	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2006 - 31/03/2007	21	7	23	0	12	7	0	27	97
2005 / 2006	9	7	21	1	5	6	0	14	63
2004 / 2005	10	10	21	0	11	6	2	17	77

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	1	14	0	0	12	21	16	23	64	87
2005 / 2006	2	12	0	0	19	12	16	9	61	70
2004 / 2005	0	2	0	0	17	17	13	12	49	61

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	31	32.2
2005 / 2006	28	26.1
2004 / 2005	29	27.5

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