



The Commission for  
Local Administration in England

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

My office received 40 complaints against the Council, a reduction in numbers for the third year running. The bulk of the complaints were spread fairly evenly across four main areas: adult care services, children and family services, education, and transport and highways.

## **Decisions on complaints**

### ***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.

I issued no reports during the year but I agreed settlements on six complaints. Three of these concerned adult care services and two were about children and family services.

In one case where the Council took almost a year and a half to carry out an Occupational Therapy assessment it agreed to pay compensation of £1,250 to the complainant. By the time the complaint was made the Council had already improved its practice and procedure to reduce waiting times.

Two other complaints concerned the operation of the adult social services complaints procedure itself and were resolved in one case by a letter of apology from the Council and in the other by an apology and a commitment to expedite the complaint.

In another complaint the Council apologised for faults in the way it conducted a child protection investigation. I did not consider that these faults affected the outcome of the investigation.

One case concerned shortcomings in services provided to support a young person who left home as a result of abuse. I exercised discretion to investigate matters dating back several years as I considered there were good reasons why the complainant had not brought the complaint to me earlier. The Council agreed to make a payment to the complainant of £500.

Finally one complaint about the wording of Public Notices relating to footpath modification orders, was settled when the Council agreed to amend the wording to make it clear that objectors may ask for their personal details to be omitted from the public file.

### **Other findings**

Of the remaining complaints decided eight were outside my jurisdiction and in a further 16 cases the investigation was discontinued either at my discretion or because there was either no or insufficient evidence of maladministration for me to pursue the complaint.

In one case about a school admission appeal, while I did not consider that there was sufficient injustice caused to the complainant to justify pursuing the complaint, I nevertheless raised concerns with the Council about the way an appeal was conducted.

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

In 2006/07 my office returned four complaints to the Council to be dealt with under its complaints procedure. This represents 11% of all complaints received from the Council, a similar proportion to the previous year and significantly lower than the national average of 25%. All four were complaints about adult or children and families services.

Two complaints were resubmitted to my office after having been returned to the Council to be dealt with in this way. I did not uphold one and my consideration of the other was not completed by the end of the year.

I should be interested to know how the Council assesses the performance of its complaints service, and whether it has encountered any difficulties in the operation of the new statutory social services procedures.

### **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. I am pleased that your Council has requested an effective Complaint handling course this year and I hope that your staff will find it useful.

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**

I was pleased to be able to visit the Council in November when I had meetings with the Chairman of the Council and the Deputy Leader, the Chief Executive's Board and the Complaints Officers network. There was a very positive response from all three meetings and I was impressed by the range of observations and questions raised.

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I was reassured that the Council takes seriously the issue of responding promptly to enquiries from my office, which I highlighted in last year's annual letter. In 2006/07 we made written enquiries on 8 complaints and the average time for the Council's response, at around 23 days, is a considerable improvement on the previous year's figure and is within the target timescale of 28 days which I ask councils to comply with. I do hope that this improvement can be sustained.

I was pleased that an officer of the Council was able to attend the Link Officer seminar which we held in November. I hope she found the event 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**  
**10<sup>th</sup> floor, Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

**June 2007**

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>Other</b>	<b>Planning &amp; building control</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	11	9	8	4	1	0	7	<b>40</b>
<b>2005 / 2006</b>	6	8	15	4	3	0	7	<b>43</b>
<b>2004 / 2005</b>	15	5	7	5	9	1	7	<b>49</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>01/04/2006 - 31/03/2007</b>	0	6	0	0	9	7	8	4	30	<b>34</b>
<b>2005 / 2006</b>	0	13	0	0	12	7	12	5	44	<b>49</b>
<b>2004 / 2005</b>	0	5	0	0	20	8	8	9	41	<b>50</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>01/04/2006 - 31/03/2007</b>	8	23.1
<b>2005 / 2006</b>	10	36.5
<b>2004 / 2005</b>	23	25.8

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

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