

Local Government  
**OMBUDSMAN**

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

**Essex 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 Essex County Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your 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.

Two attachments 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***

I received 95 complaints against your Council. This figure remains remarkably consistent for a large authority such as Essex County Council as I received 97 complaints in 2006/07, and 92 complaints in 2005/06. I would be interested in knowing whether or not the volume of complaints the Council has dealt with under its own corporate complaints procedure has also remained this consistent over previous years, or whether it is simply the case that those which escalate to me remain constant whilst the Council is managing to satisfy the remainder of its customers who raise a concern.

### ***Character***

Social Services complaints amounted to just over a quarter of all complaints I received, and were evenly split between complaints about Adult Care Services and those made about the provision of Children and Family Social Services.

Complaints about transport and highways doubled from the previous year and formed just over a quarter of all the complaints I received. Although complaints about Education issues fell by ten from the previous year, they still constituted just over a quarter of all complaints. The remaining complaints concerned Planning and Building Control (6%) or were split across a variety of other Council services.

## **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. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them and so are referred back - and those which are outside jurisdiction).

#\$NBS

In 2007/08 the Local Government Ombudsmen determined 60 complaints against your Council (excluding 'premature' complaints and those outside jurisdiction). None of the complaints we investigated this year justified the issue of a report, but we did agree 16 local settlements (26.7%) which is consistent with the national average. Thirteen of the local settlements concerned either adult care services or education issues.

The Council paid a total of £22,001 in compensation. Just over half of this was paid to a mother who had to give up her job for a period of six months to care for her son who had learning disabilities. She would not have had to do so had the Council not delayed in carrying out a timely assessment of his needs, and thereafter identified a suitable residential placement for him to move to after he had completed his school education.

The Council also paid £6,512 in three complaints involving children with special educational needs where there was delay in making the provision for the special educational needs identified in the children's statements. This follows a complaint in the previous year where I found that two siblings with special educational needs did not receive the appropriate education to which they were entitled.

I found fault in two cases which involved school exclusions. In one complaint there were lengthy delays in responding to correspondence, and in the other I considered that the Council had failed to take adequate steps to make arrangements for the provision of education for a child who had been excluded from their school.

I upheld several complaints about adult social care. A number of these related to failure on the Council's part to adhere to the timescales for dealing with complaints made to it about adult social services under the statutory complaints procedure. In another complaint I was concerned to note that the delay in processing an application for a disabled parking bay had left the complainant virtually housebound for a period of about two months.

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

I referred 21 complaints back to the Council last year as "premature" because I considered that the Council had not had a sufficient opportunity to consider and respond to them before they were put to me. This represents 23% of the total decisions made, which is a very slight increase in percentage terms on last year, but is slightly lower in terms of real numbers and also less than the national average of 27%. This would appear to indicate that the Council's own corporate complaints procedure is accessible.

In 2007/08 I decided two complaints which I had previously referred back to the Council as premature where the complainant re-submitted their complaint to me as they were not satisfied with the outcome. I upheld one of these complaints which was settled; the other one has yet to reach a conclusion.

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

The target time I set for councils to respond to our enquiries is 28 days. The average response time for your Council is 37.5 days, which is outside the target time albeit consistent with last year's average of 37.3 days. The national average figures for county councils show that 47.1% manage to meet the 28 day target and a further 27.3% reply within 29 to 35 days.

There were four complaints where the response took over 80 days, with the longest taking 108 days; two of these, including the longest period, related to complaints about children and family services, and one each to complaints about adult care services and education. On only one of the six categories of complaints was the average response time for complaints within the target; this was complaints concerning transport and highways where the average response time was 26.8 days.

I would be grateful if the Council could again consider what steps it can take to improve its performance in this area. Delay in providing substantive responses to our enquiries undoubtedly leads to frustration on the part of our service users and can – in extreme cases such as those cited above – result in a loss of confidence in our ability to determine complaints in a fair and even-handed

/...

manner as people would often expect us to take punitive steps should local authorities delay unreasonably in providing a response to our enquiries. Although it is rarely necessary for us to take such action, invariably if we cannot obtain substantive responses to our enquiries in a timely fashion, I would expect my staff to attend Council offices to inspect files and interview officers. This can often be more time consuming and resource intensive than a local authority simply providing the information we have asked it for within a reasonable time frame.

### **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 am pleased to see that my officers ran seven courses in Effective Complaint Handling during the year for the Council's staff. I hope that this will assist the Council in dealing effectively with those complaints it receives.

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. Again, 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)

Complaints received by subject area	Adult care services	Children and family services	Education	Other	Planning & building control	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	14	13	25	11	6	0	26	95
2006 / 2007	22	14	33	10	5	0	13	97
2005 / 2006	12	14	32	9	2	2	21	92

**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
01/04/2007 - 31/03/2008	0	16	0	0	28	16	10	21	70	91
2006 / 2007	3	19	0	0	23	18	20	24	83	107
2005 / 2006	2	18	0	0	31	15	18	10	84	94

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
01/04/2007 - 31/03/2008	47	37.5
2006 / 2007	33	37.3
2005 / 2006	45	39.7

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

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
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