

Local Government
OMBUDSMAN

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

Surrey 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 Surrey 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

In 2007/2008 I received 97 complaints against your Council. This was very similar to the number I received in the preceding year. As in 2006/2007, the three service areas with the highest numbers of complaints were education (27), transport and highways (20), and adult care services (17). Education complaints went up slightly, but there were fewer transport and highways and adult care complaints than in 2006/07. More than half of the education complaints (15), concerned school admissions and may in part reflect the rising national trend in school admissions complaints. Three quarters of the transport and highways complaints (also 15), concerned highways management. There was also a noticeable increase in children and family services complaints last year (13), compared to the preceding two years.

Decisions on complaints

General comments

I made 102 decisions on complaints against your Council last year. In 18 cases I found no or insufficient evidence of maladministration to warrant my involvement, and in another 27 cases I exercised my discretion not to pursue matters further. This was largely because the level of injustice caused to the complainants did not justify further investigation. I was unable to consider a further 15 complaints because they fell outside my jurisdiction.

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 those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report. But 21 complaints resulted in local settlements. This was 32% of the total, and a 50% increase over the number of settlements in the previous year.

I concluded the following local settlements:

- adult care services (5)
- children and family services (4)
- school admissions (4)
- special educational needs (3)

/...

- highway management (2)
- contracts and business matters (1)
- drainage (1)
- miscellaneous (1)

One notable settlement involved an adult care services complaint where the Council wrongly took account of the value of the complainant's late father's property when assessing residential care charges. The property's value should have been disregarded, in accordance with Regulations, because an adult daughter who had mental health difficulties and should have been deemed incapacitated, lived there. The Council agreed to pay over £27,000 in wrongly claimed charges, and interest, to the father's estate, and to review its charging policy. In another adult care case, the Council agreed to reimburse costs and pay compensation for the time and trouble caused, totalling over £4,000 when it did not properly explain costs before a contract for a complainant's mother's care was signed.

Another case involved a young adult who had been looked after by the Council: he had been with foster carers for six years. Contrary to his wishes, he was discussed at a meeting in his absence. His foster carers were not told of financial arrangements for when he left University (partly as a result of which there were arguments with his foster carers and they asked him to leave), and there were inaccurate and uncorrected reports and he was not given assistance in moving on to independent living. It was a difficult time emotionally for the young man. The Council agreed to pay him £1,000 compensation.

Significant compensation payments were agreed in relation to two children and family services complaints concerning the way the Council had carried out child protection investigations. In one case over £2,000 was paid to the complainants because of their distress, and in order to reimburse legal costs they unnecessarily incurred, because of inadequacies in the investigation. In the other case, the Council agreed to pay £1,500 costs and make a number of improvements in its practices after I found bias, poor record keeping and the provision of inaccurate information in respect of a case involving alleged abuse.

One of the special educational needs settlements involved a compensation payment of just over £8,000. In that case there was a considerable unreasonable delay by the Council following agreement that a boy needed to attend a special school. Until he could be placed in a school, it was agreed that he would receive suitable home tuition, but this was not provided. I concluded the Council had failed in its statutory duty (under s.19 of the Education Act 1996), and had not complied with government guidance in relation to the provision of education for pupils out of school. The boy was academically able, and all this occurred when the boy should have been taking his GCSEs. He is unlikely to make up lost ground.

Other local settlements resulted in more modest compensation payments in respect of various deficiencies on the Council's part, including unreasonable delays in taking action, inadequate records and communication failures. In all, the Council paid a total of just over £45,000 to complainants in respect of the ten cases in 2007/2008 where compensation was part of the agreed settlement.

In a number of other cases, the Council provided acceptable settlements by taking appropriate action to remedy matters. For instance, the Council arranged an urgent school admissions appeal hearing when it came to light that a complainant had not been notified of her appeal rights after the offer of a school place for her son was withdrawn. In another school admissions case, the Council effectively settled matters by providing the complainant with an apology in respect of minor delays and inaccuracies in its correspondence.

Other findings

Part of my role is to identify general issues of fault arising from complaints and to give guidance on good administrative practice. I am grateful for the Council's agreement to review and amend its practices and procedures in light of a number of issues raised in the course of my complaint investigations. For instance, the Council provided assurances about its future administration of

complex social cases following concerns raised by a complaint about a failure to provide aftercare following compulsory detention under the Mental Health Act 1983. I am also grateful for the Council's commitment to provide further staff training to ensure there is no repetition of the failure to pay an expenses claim submitted by a deaf advocate. I also welcome the Council's agreement to amend its notice of appeal form in respect of venues for school admission appeal hearings and to consider possible alternatives if parents raise this as an issue, and to review the appeal case information it provides in dealing with infant class appeals.

In a case to which I have referred above about an incorrect assessment of residential care charges, I asked the Council to send me a copy of its charging policy following the review it promised. I have yet to receive this, so I should be grateful if you would send me a copy of the revised policy, or confirm what progress has been made if the review has not yet been completed.

Your Council's complaints procedure and handling of complaints

I referred 21 complaints back to the Council in 2007/2008 as it had not been given a reasonable chance to deal with them before I became involved. The proportion of such referrals is close to the average for all authorities. I am not aware of any issues that give cause for concern in this respect.

Liaison with the Local Government Ombudsman

I ask councils to respond to my inquiries within 28 calendar days. Last year the Council's average time was 31.2 days. This was a slight improvement on the preceding year's performance, but still outside my target timescale. I also note that there were some variations in response times according to the service area involved. For instance, responses in school admissions cases (which I prioritise because of the importance of establishing places for children before the school year starts) were generally provided within my time target, whereas adult care took 48.3 days on average (and up to 98 days). It would help us in providing a timely service to complainants if the Council could endeavour to meet our target response time more consistently, and I look forward to seeing further improvements in this respect in the coming year.

I have commented in the past about the generally good working relationship that exists between my staff and your officers, and I am happy to report that this continued in 2007/2008. My Investigators have commented in particular on the readiness of adult care and children and family services to acknowledge fault where identified, and to provide appropriate remedies for complainants where recommended. My staff have also commended education officers for their timely and comprehensive responses to enquiries on some school admissions cases. But I note there were some delays in providing information, and a reluctance to accept my findings, in respect of certain special educational needs complaints. Naturally, the Council is quite entitled to challenge any of my views with which it disagrees. But I should be grateful if the Council could review the way this service area responds to my enquiries to see if a more constructive working relationship can be developed in future. My Assistant Ombudsman would be happy to discuss any concerns your Council might have.

/...

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 note that my staff ran a complaint handling course for your officers in October 2007, and gave presentations as part of your training for school admission appeal panel members in January 2008. I hope that this training has proved useful.

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
10th 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	Housing	Other	Planning & building control	Transport and highways	Total
01/04/2007 - 31/03/2008	17	13	27	0	16	4	20	97
2006 / 2007	21	8	23	0	12	8	26	98
2005 / 2006	9	7	21	1	5	6	14	63

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	21	0	0	18	27	15	21	81	102
2006 / 2007	1	14	0	0	12	21	17	23	65	88
2005 / 2006	2	12	0	0	19	12	16	9	61	70

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	36	31.2
2006 / 2007	31	32.2
2005 / 2006	28	26.1

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