

Local Government
OMBUDSMAN

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

West Sussex 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 West Sussex 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

My office received 54 complaints against the Council, a rise of around a third on the previous year, accounted for by an increase in the number of education (mostly school admissions) and transport and highways complaints. The other main areas of complaint were adult care services and children and family services.

Decisions on complaints

I made 50 decisions on complaints against your Council excluding those that were referred back to the Council to consider under your own complaints procedure.

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 I agreed settlements on 12 complaints. Three of these concerned adult care services, three were about children and family services, and six were about education, either school admissions or special educational needs. Not all of the settlements involved payments of compensation: in some cases I considered that the Council could take other action to remedy the complaint.

In one case the Council decided to withdraw funding for after-care services for an elderly lady who had previously been detained in hospital under the Mental Health Act, without properly considering Government guidance on how such decisions should be made. I considered that the decision to end the funding was flawed and it was not until nearly five years later that the matter was considered properly. The Council agreed to my recommendation to pay the equivalent of the cost of care for the intervening period, a sizeable sum. This was a complex case and I welcome the Council's agreement to settle the complaint, despite its reservations, on the basis of guidance the Ombudsmen have issued in our Special Report 'Advice and guidance on the funding of aftercare under Section 117 of the Mental Health Act 1983'.

In another complaint concerning residential care charges, the Council agreed to postpone legal action to recover unpaid fees while the complainant sought retrospective funding from the Primary Care Trust.

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The Council also agreed to pay compensation of £12,000 to recognise the inadequate care and loss of education provided to a young person with autism who had been offered inappropriate placements. In this complaint part of the remedy was to arrange a new placement with properly trained staff and appropriate education and to review the procedures and provision for autistic children.

Another young person who was leaving care experienced a long delay in being allowed access to his files which contained the details of his life story. Changes to procedures were introduced for dealing with such requests and £500 offered in compensation.

In a complaint about lack of support services provided to children placed with their grandparents while their mother was in hospital, compensation totalling £750 was paid. The lack of provision in this case resulted from a shortage of social workers between 2005 and 2006.

Turning to the area of education, in one complaint about school admissions the complainant had missed her appeal because she said she had not been informed of the hearing which was to be held at short notice. The Council offered to arrange a new hearing. Another schools admissions complaint involved a decision made under the 'in-year fair access protocol' designed to ensure placement of children who are particularly vulnerable or who have been excluded from other schools. The concern here was in the way the decision had been explained to the complainant. In remedying the complaint the Council provided a more detailed explanation of the way the system works, and offered the complainant the opportunity to comment on its proposed revised information leaflet and decision letter for parents.

There was delay in producing a final statement of special educational needs for a child with severe learning difficulties which was only partly a result of fault by the Council. But I considered that the Council should have done more to provide him with suitable education during the period when he was excluded from school. The Council agreed to pay compensation of £500.

Other findings

Of the remaining complaints decided, ten were outside my jurisdiction and in a further 28 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.

On a number of occasions where I did not pursue a complaint because the complainant did not appear to have been personally affected, the Council were nevertheless willing to take steps to improve procedures. For example my suggestions were taken into account in revising the literature for parents on admission to infant classes.

Your Council's complaints procedure and handling of complaints

In 2007/08 my office returned nine complaints to the Council to be dealt with under its complaints procedure. This represents 16% of all complaints received from the Council, slightly up on the previous year but still well below the national average of 27%. Five were complaints about adult or children and families services, and four came under the category of transport and highways.

During the year I decided five complaints which were resubmitted to my office after having been returned to the Council to be dealt with in this way. These concerned adult care services and transport and highways matters. I did not uphold any of these resubmitted complaints.

My investigators have noted the helpful and thorough responses received to enquiries on complaints and a willingness on the part of the Council to consider ways to put matters right when fault has been found. I am grateful for the positive attitude to complaint resolution demonstrated by the Council's officers.

Liaison with the Local Government Ombudsman

In 2007/08 we made written enquiries on 20 complaints. The average time for the Council's response, at around 20 days, continues the downward trend identified the previous year and is within the target timescale of 28 days which I ask councils to comply with.

I was pleased that an officer of the Council was able to attend the Link Officer seminar which we held in November. I hope he found the event informative.

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. I am pleased that we were able to deliver two courses to complaints-handling staff in your Council, the generic course and one for social services staff. I hope that your staff found them 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
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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	Transport and highways	Total
01/04/2007 - 31/03/2008	11	6	20	1	1	15	54
2006 / 2007	11	9	8	4	1	7	40
2005 / 2006	6	8	15	4	3	7	43

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	12	0	0	13	15	10	9	50	59
2006 / 2007	0	6	0	0	9	7	8	4	30	34
2005 / 2006	0	13	0	0	12	7	12	5	44	49

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	20	17.9
2006 / 2007	8	23.1
2005 / 2006	10	36.5

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