

**The Local Government Ombudsman's
Annual Review
Suffolk County Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide 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, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Contents of Annual Review

Section 1: Complaints about Suffolk County Council 2009/10.....	3
Introduction.....	3
Enquiries and complaints received.....	3
Complaint outcomes.....	3
Liaison with the Local Government Ombudsman.....	4
Training in complaint handling.....	4
Conclusions.....	5
Section 2: LGO developments.....	6
Introduction.....	6
New schools complaints service launched.....	6
Adult social care: new powers from October.....	6
Council first.....	6
Training in complaint handling.....	7
Statements of reasons.....	7
Delivering public value.....	7
Appendix 1: Notes to assist interpretation of the statistics 2009/10.....	8
Appendix 2: Local authority report 2009/10	

Section 1: Complaints about Suffolk County Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Suffolk 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 review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

We received a total of 61 enquiries and complaints about your council in 2009/10, up from 47 in the previous year. These covered a variety of service areas but, as might be expected, education (18), children and family services (16), adult care services (15) and transport and highways (6) were predominant.

Seven cases were regarded as premature, because it did not appear that your Council had been given a reasonable opportunity to deal with the matter first. In another 14 cases advice was given.

Forty complaints were forwarded to my investigative team to consider. The majority of these concerned children and family services, adult care services and education. Within the education grouping the majority of complaints involved education admissions.

Complaint outcomes

I decided 35 complaints against your Council during the year.

Reports

When we complete an investigation, we generally issue a report. This year I issued one report against your Council. This concerned the failure to properly assess the special education needs of the complainant's son. The failing was exacerbated by the failure to provide appropriate education for the child for a year. The complainant's son is now at a special school and I concluded that, but for the Council's failure to assess him properly, he would have been placed at the school one year earlier. The Council agreed to compensation of £35,750 for the child's further education, based on the cost the Council would have borne if the placement had started a year earlier.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, six of the 28 decisions (21.4%) I made on complaints within my jurisdiction against your authority were local settlements. Nationally, the figure is 26.9%, so this was fairly close to the norm.

Four of the settlements involved education matters and of these, three related to special education needs (SEN).

In one case, there was a delay of about 18 months in completing a statutory SEN assessment of the complainant's child. The Council also made inadequate provision for the child's education when they were excluded from school. I concluded that the child had missed two terms of school education. The Council accepted failings in its handling of the matter and was very willing to settle the matter. It agreed to compensation of £3,250, including sums for lost education and distress to both the parent and the child.

In another, there was considerable delay before education provision set out in the complainant's child's statement was provided by the Council. I was disappointed that the Council was slow to respond to my enquiry on this complaint (though ill health of a key staff member may have contributed), and at its initial reluctance to accept its failings. However, the Council eventually agreed to put the provision in place and provide compensation of £3,000 to the complainant.

The other local settlement involved complaints about adult care services and children and family services. In the adult care services complaint, there was a delay allocating a social worker to the complainant's vulnerable and disabled son when he turned 18. The Council then conducted an assessment of the complainant's son's needs and decided upon a care package to meet them. The delay led to much distress before the package was provided. To address the injustice caused, your council agreed to pay them £1,500 in compensation. In the children and family services local settlement, there was a substantial delay in the Council's complaints procedure. The Council agreed to a payment of compensation to reflect the distress caused to the complainant.

Other decisions

In 10 cases, I found no or insufficient evidence of fault by your Council to warrant further investigation, and in 11 cases I exercised my discretion not to continue the investigation. These decisions involve complaints where I may have found evidence of fault in the actions of the council but I have used my discretion not to pursue an investigation because there is no significant injustice to the complainant.

At other times the substantive matter of the complaint may be outside my power to investigate. This year, I found that seven cases were outside my jurisdiction. Generally, these were because an alternative remedy (such as appeal to a statutory tribunal) was available and I considered it reasonable for the complainant to pursue this route for redress.

Liaison with the Local Government Ombudsman

Last year I noted that the Council's response times had regressed and I am disappointed to see only very marginal improvement this year. The average response time in 2009/10 was 29.8 days and, although less than the 30.4 days recorded in the preceding year, it is still above my 28 day target. Times were broadly similar across the Council's service areas.

Training in complaint handling

I am pleased that during 2009/10 we provided training in our Effective Complaint Handling course to staff from your authority.

We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

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 authority's services.

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June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway and Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

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June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.–

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Transport and highways	Other	Total
Formal/informal premature complaints	2	2	0	0	0	2	1	7
Advice given	2	4	6	1	1	0	0	14
Forwarded to investigative team (resubmitted prematures)	2	1	0	0	0	0	1	4
Forwarded to investigative team (new)	9	9	12	0	0	4	2	36
Total	15	16	18	1	1	6	4	61

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	1	6	0	0	10	11	7	35

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	18	29.8
2008 / 2009	17	30.4
2007 / 2008	10	27.2

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20