

24 June 2011

Mr John Barradell
Chief Executive
Brighton and Hove City Council
Kings House
Grand Avenue
HOVE BN3 2LS

Dear Mr Barradell

Annual Review Letter

We are writing with our annual summary of statistics on the complaints made to us about your authority for the year ending 31 March 2011. We hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our advice team, the number that the advice team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Enquiries and complaints received

Our advice team received 143 complaints and enquiries during the year, an increase of around 40% on 2009/10. Just over a quarter related to housing matters, with a similar number concerning education and children's services. But more of the latter category were referred to the investigation team, partly because of the nature of the complaints and the operation of exceptions to our 'Council First' procedures.

As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 31 complaints this year, your average response time was 28.7 days, which is within the 28 day target and an improvement on last year's figure.

Complaint outcomes

In 2010/11 we decided 61 complaints, including eight which fell outside the ombudsman's jurisdiction. There were a number of 'local settlements': these are complaints 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 2010/11 27.1% of all complaints the ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints within

jurisdiction which we decided against your authority, 34% were local settlements. To remedy these complaints, in addition to taking specific actions your council paid compensation totalling in excess of £4,000.

Housing

Complaints about housing accounted for more than half of the local settlements. These included:

- a complainant who had been placed in leased accommodation received a notice to quit from her landlord. The council gave the complainant wrong information about whether the notice was valid, about if or when they had to leave and about whether they would be provided with further accommodation. An officer also made an unfortunate comment during the interview. There was also fault in dealing with the complaint. In addition to paying compensation, the council agreed to work with the complainant to help find other accommodation and to fully explore her housing options. It seemed to my investigator that this complaint could and should have been resolved by the council much earlier;
- an elderly complainant had made a bid for a flat under the tenant incentive scheme where tenants are paid £2,000 to move to a smaller home. The flat was ideally suited to the complainant's needs but a mix up during the process meant that the flat was given to an applicant who was lower down the list than the complainant. The complainant was very upset by the loss of the flat. Your council agreed to pay £500 compensation and make it clear that the incentive payment would still be still available if the complainant moved. It also arranged for two housing officers to visit to discuss the options including sheltered housing, temporary adaptations, occupational therapy assessment and other assistance which could be provided;
- a wheelchair user moved into a new council flat in and then requested fencing in the rear garden as they felt vulnerable without it. The council refused but failed to carry out a risk assessment to see if any of the exceptions under the 'no new fence' policy applied. Following our enquiries the council did a risk assessment and provided rear fencing. The council also agreed to pay £150 compensation for the unnecessary time and trouble to which the complainant had been put;
- an apparent impasse in a difficult relationship between a sheltered housing group and the council's tenants services gave rise to a complaint to me. The group requested and your council agreed to a mediated meeting between the two parties; this was held and was considered a success;
- in an unusual complaint, previous council tenants had built an unauthorised extension, they then moved by way of mutual exchange. The new tenants were wrongly made responsible for repairs needed to this structure. When they moved out, the complainant moved in and she was also held responsible for any repairs. She paid to fix the roof of the structure. Two years later she tried to exchange but found nobody was interested because of the poor condition of the structure (which had got worse). The council then realised that the first tenants should have been required to make good the property before they moved out and responsibility should not have been passed on to subsequent tenants. During your own complaint investigation compensation of £800 was offered and the complainant was put in the top band to bid for a new home. My investigator took the view that the complainant should be compensated for what they had paid for the roof and your council agreed after

she provided a clear receipt for the work.

Education & children's services

In one case the council wrongly refused to consider the complainant's concerns under the children's complaints procedure. The matter was resolved when the council readily agreed to meet with the complainant with a view to resolving her concerns. In another case involving an application from a couple to become foster carers, the council used the wrong complaints procedure. As the complaint did not relate to a child, the council should not have used the statutory Children's Act procedure. The council agreed to offer an apology, to pay modest compensation and to deal with complaint under its corporate complaints procedure.

In a complaint about school admissions, the council incorrectly admitted a child who lived further away than the complainant's child; it had wrongly treated the child as having a sibling at the school, when that sibling would have left by September. The complainant's child was top of the waiting list and should have been admitted before the other child. The council apologised and the complainant's child was admitted to the school.

Highways & transport

The council failed to properly consider exercising its discretion in relation to a complainant's request for a second parking permit because of his particular circumstances which required his use of two different cars adapted for his disability. The council reviewed matters and agreed to allow the complainant a second permit because of the special circumstances.

Environmental services, public protection & regulation

A complaint about irregular assisted rubbish collection and virtually no recycling collection was settled by a payment of £300 for the distress and inconvenience suffered by the complainant. The council also met with the complainant, spoke to the crews, did a period of monitoring and promised to hold a review meeting.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. Our next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. Anyone who arranges and pays for their own social care now has the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas; yours was not one of these areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/2011 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

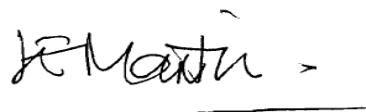
Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council we should be pleased to arrange for a senior manager to meet

and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink that reads "Dr Jane Martin". The signature is written in a cursive style. Below the signature is a horizontal line that is slightly longer than the signature itself.

Dr Jane Martin
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	2	4	0	6	3	1	15	0	1	32
Advice given	5	3	4	7	7	2	4	2	2	36
Forwarded in investigative team (resubmitted)	1	1	1	1	1	1	2	1	1	10
Forwarded to investigative team (new)	6	4	2	23	6	6	16	0	2	65
Total	14	12	7	37	17	10	37	3	6	143

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	18	0	0	20	15	8	61

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	30	28.7
2009 / 2010	46	32.3
2008 / 2009	42	28.0

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	>= 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	1	29.0