

Local Government OMBUDSMAN

24 June 2011

Ms Joanna Killian
Chief Executive
Essex County Council
County Hall
Chelmsford
Essex CM1 1LX

Dear Ms Killian

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I 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. The Council's average response time was raised by an Assistant Ombudsman when he visited in August. I understand that the Council hoped to improve its times, particularly on those complaints involving the School, Children and Families service. So it is disappointing to see a deterioration during 2010/11, even though the number of written enquiries fell by around 20%.

Enquiries and complaints received

I received 162 enquiries and complaints about your Council in 2010/11, which is a 10% increase on last year. The majority of these contacts related to three service areas: education and children's services (81), adult care services (35) and transport and highways (27). Over half of the contacts resulted in a complaint being forwarded to our investigation team.

Complaint outcomes

During the year I decided 77 complaints about your Council. In 21 cases, the Council took or agreed to take some action which provided a satisfactory outcome to the complaint. I describe below some of those decisions:

- a care agency used by the Council failed to provide all the care hours that were commissioned for the complainant's mother. The Council apologised and paid compensation. The Council also changed the way it monitors care contracts and agreed to carry out audits for the periods of time that were the subject of the complaint, and issue refunds where appropriate;
- an elderly person with dementia was placed in an unsuitable home after being discharged from hospital. I found that the Council had failed to liaise with the person's family and there

was no record of a discharge assessment being undertaken. The Council agreed to issue an apology and to pay compensation to the family;

- the Council took too long to offer a 'looked after' child a school place and as a consequence the child missed out on a term's education. The Council agreed to pay £1,000 compensation. A similar complaint involved a delay by the Council in arranging home tuition to a child with special educational needs who was awaiting a school placement. The Council agreed to pay £500 to remedy the injustice;
- a young person had been admitted to a mental health unit which then requested support from social care. I considered that action should have been taken by the Council at this stage – including a core assessment – given the young person's condition. I also found that the Council failed to carry out a carer assessment for the child's mother. The Council agreed to pay the complainant and his mother a total of £2,750 compensation and agreed to undertake a core assessment for the child and a carer assessment;
- in a complaint involving the provision of speech and language therapy for a child with Down's Syndrome, I found that the Council had failed to ensure that the requirements of the child's statement were met over a two year period. The Council agreed to pay compensation;
- the Council failed to make appropriate arrangements and plans for the care of the complainants' son, following his stay in an adolescent mental health unit. The Council had dealt with the complainants' earlier concerns, about care provision for their son, through the statutory social services complaints procedure and had upheld the complaint in full. I found that despite the findings and recommendations of the statutory complaints procedure, the Council then took too long to plan for the young person's discharge from the adolescent mental health unit. The Council apologised to the complainant and agreed to pay £600 compensation;
- the Council failed to notify the owners of a property that it had decided to withdraw a Compulsory Purchase Order. As a result of this, the complainant incurred unnecessary costs preparing for an inquiry by the Planning Inspectorate. The Council agreed to pay £2,500 compensation.

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. My 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. The increasing number of people who arrange and pay for their own social care now have 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 1,351.

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. 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 2010/11 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 I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely

A handwritten signature in black ink, appearing to read "Anne Seex". The script is cursive and fluid, with the first name "Anne" and the last name "Seex" clearly distinguishable.

Anne Seex
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	7	0	2	24	1	7	0	0	3	44
Advice given	7	0	2	14	1	3	1	1	0	29
Forwarded in investigative team (resubmitted)	6	0	0	2	0	4	0	0	0	12
Forwarded to investigative team (new)	15	0	3	41	1	13	0	1	3	77
Total	35	0	7	81	3	27	1	2	6	162

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	21	0	0	21	19	12	75

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	Total
2010 - 2011	2	2

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	38	31.5
2009 / 2010	51	29.6
2008 / 2009	50	30.2

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	3	35.0