

24 June 2011

Mr D McNulty
Chief Executive
Surrey County Council
County Hall
Penrhyn Road
Kingston, Surrey KT1 2DN

Dear Mr McNulty

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.

Enquiries and complaints received

A total of 170 enquiries and complaints were received about your Council last year, a significant increase on 115 in 2009/10. The largest numbers of contacts were about education and children's services (75), followed by adult care services (41) and highways and transport (25).

Of these enquiries and complaints, 34 were regarded as premature because it did not appear that your Council had been given a reasonable opportunity to deal with the matter, and in 27 cases the prospective complainants were given advice about the options open to them. The remaining 109 was passed to my investigative team. Almost half were about education and children's services.

Complaint outcomes

I decided 89 complaints against your Council last year. Of these, I concluded in 24 cases that there was no or insufficient evidence of fault or service failure to warrant further investigation. In a further 22 cases, I exercised my discretion not to pursue the complaint, for example because I did not consider, even if there had been some fault, that the injustice which might have arisen warranted my further involvement. I found that a further 14 complaints were outside my jurisdiction.

This year I published one report about your Council, concerning a school transport issue. In that case I found multiple failings by the Council in not providing home to school transport for the complainant's grandson. He did not live far from the school, but was unable to make the journey unaccompanied and family members could not take him due to serious health issues. The Council initially failed to consider if there was an exceptional need to provide transport and, when it did look at this, it failed to properly consider the evidence; did not keep adequate records of evidence and decisions; referred to a higher eligibility test than the one set out in its policy; failed to consider properly its duties under the Disability Discrimination Act 2005; and delayed in progressing matters through its appeals procedure. During my investigation the Council agreed to provide school transport, but it was clear that this could have been done much sooner. I recommended the Council should pay the complainant £2,500 in view of the considerable unnecessary distress and inconvenience she suffered. I also called for the Council to review its policy and procedures on school transport in the light of the case.

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. Last year, 27.1% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of such complaints against your authority, 37.3% (28) were resolved in this way.

Education

There were settlements of 10 complaints concerning education. Four of these related to cases involving Special Educational Needs (SEN) of which two resulted in recommendations for a financial remedy.

In one the Council agreed to pay £800 compensation to fund educational activities for a child with severe behavioural and communication difficulties who had been without educational provision for a term and a half. The complainant may have contributed to these difficulties by withdrawing their child from school, and the Council subsequently took other steps to address matters by seeking an alternative placement and arranging extra support. But it was deficient in not acting appropriately when the original school placement broke down. Another settlement involved the absence of a policy about residency when a child with SEN comes into the area outside the normal school admissions round. The Council was proactive in resolving matters by writing and implementing a policy, and by offering the complainant compensation for their time and trouble in pursuing the matter.

The complainants in another case had withdrawn their son from a primary school which had found it hard to deal with his behavioural difficulties. The Council offered an alternative school placement, but the head teacher refused to accept the boy, who ended up being out of school for 10 months before the Council agreed to place him at a special school. I recommended a payment of £1,000 compensation to reflect the loss of education and the distress and inconvenience that was caused.

In one case about school admissions the Council failed to follow its policy on consulting its medical advisor where there was an application for a school place under the 'exceptional arrangements' admissions criterion. But it satisfactorily remedied matters by agreeing to review the case with its advisor. In another, the Council did not formally act on the complainant's application for a year 11 place for his daughter who was above the statutory school leaving age. The complainant soon

resolved his daughter's difficulties by finding a suitable school in another area and, in the circumstances, I considered the Council's agreement to review relevant practices and procedures was a sufficient remedy.

Children's services

In one case I recommended the Council to pay £2,000 compensation where it delayed for almost a year in completing an occupational therapy assessment in relation to the complainant's application to a borough council for a disabled facilities grant. The grant was to fund adaptations to the property in order to assist the complainant's severely disabled young daughter. There was also a delay in resolving differences in views about the adaptations that were needed. Another case concerned a child suffering from a neurological disorder. The Council delayed for two terms in providing music therapy required by a child's statement of special education needs. In that case the Council remedied matters by apologising, issuing a final statement, and by paying £900 compensation to reflect the loss of provision and the complainant's time and trouble in pursuing the issue.

Adult care services

One case worthy of note involved a series of faults by the Council in its handling of a care assessment for a man with a serious health condition. In particular the Council did not complete the original assessment and delayed in passing it to the complainant, initially misadvised itself about his eligibility for direct payments, failed to provide assistance in completing a financial assessment and applying for benefits, took too long to arrange cleaning of the man's home, and failed to deal appropriately with his attempts to complain. The Council also responded to my investigator's provisional findings by providing unsupported comments that conflicted with evidence previously provided. The complainant's own actions compounded his suffering to an extent, and this affected my view about an appropriate remedy. But I nonetheless considered the Council should pay him £850 compensation for the injustice he was caused by the Council.

Planning

I recorded eight local settlements about the same planning issue. In that case, eight residents had complained about the Council's response to their concerns about a soil screening and green waste processing operation near to their homes. I did not find fault in respect of the substantive complaints that it had taken insufficient action in terms of planning controls, and in response to nuisances from the site. But the Council had delayed unreasonably in responding to the residents' complaint under its complaints procedure, and there were other deficiencies with responses to representations and in liaising with the other authorities involved with the site. In the circumstances a settlement was agreed on the basis of an apology and a commitment to review relevant working practices.

Liaison with the Local Government Ombudsman

The average time taken to respond to enquiries from my office was 26.3 days. This was very similar to last year's performance and stays within my target time of 28 days. As in previous years, the Council's speed of response in school admissions cases was commendably quick. This is particularly important due to the priority we give these cases because of complainants' need to

resolve any issues about school placements as soon as possible ahead of the new academic year.

My staff have made positive comments about the Council's generally positive attitude to acknowledging fault where matters have gone wrong, and its readiness to take remedial action and make service improvements where this is considered appropriate. I trust that our staff will continue to develop constructive ways of working together on complaints.

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



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	5	0	1	14	1	10	0	1	2	34
Advice given	5	0	0	14	2	4	0	1	1	27
Forwarded in investigative team (resubmitted)	2	0	2	0	1	1	0	0	0	6
Forwarded to investigative team (new)	29	0	3	47	3	10	0	0	11	103
Total	41	0	6	75	7	25	0	2	14	170

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	1	28	0	0	24	19	14	86

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	To discontinue investigation, other	Total
2010 - 2011	1	2	3

*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	53	26.3
2009 / 2010	34	26.8
2008 / 2009	40	22.9

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	6	31.0