

24 June 2011

Mr K Stigant  
Chief Executive  
West Sussex County Council  
County Hall  
Tower Street  
Chichester PO19 1QT

Dear Mr Stigant

### **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.

During the year the Ombudsman for London and the South East, Tony Redmond, retired. I have dealt with complaints against your authority pending the appointment of his successor. I have decided to add a commentary to the attached statistics in view of the increased number and range of complaints against your Council that my office dealt with in the year.

### **Enquiries and complaints received**

We received 120 enquiries and complaints about your Council in 2010/11, 79 of which were passed on to our investigation team. The rest were either considered to be premature and sent back to the Council to be dealt with under its complaints procedure, or were dealt with by providing advice. Education and Children's Services (34) together with Adult Care Services (20) accounted for the majority of the complaints made to me. The remaining 25 complaints covered a broad range of services, most notably Transport and Highways.

### **Complaint outcomes**

The statistics show that of the 67 decisions made by my investigation team, 17 were '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. A further 5 Adult Care Services complaints were decided by my investigators using our new decision descriptions.

Across all authorities, local settlements comprised 27.1% of the decisions the Ombudsmen made on complaints which were within our jurisdiction. The relevant figure for your Council is 33%.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate. In 2010/11 your Council paid compensation of £29,140 in total. But often there is more to a local settlement than just the payment of money. Here are some examples of the settlements obtained during the year.

### **Adult Care Services**

A complaint was made to me about the Council's self-directed system of care and support in relation to a woman who had care needs arising from her learning disability. The woman had been in receipt of community care services from the Council for a number of years and received direct payments to enable her to pay for agency carers together with a programme of activities. The arrangements were managed by her mother on her behalf. A formal review of the woman's care was carried out by the Council in August 2008 and in line with usual procedure, a provisional resource allocation was made pending the completion of a support plan. In the event the plan was not finalised until some 21 months later and the commensurate sum subsequently agreed by the Council for the woman's care was well in excess of the provisional resource allocation which had been made.

My investigator found that the Council's delay in completing the self-directed support process had meant that the complainant's daughter had missed out on payments which she was entitled to receive, and the additional care and support she could have purchased with that sum. To remedy the injustice, the Council agreed to pay compensation of £17,500 along with £250 in recognition of the complainant's time and trouble. The Council also apologised to the woman and her mother for its failings and agreed to review its procedures for dealing with self-directed support; and to remind its officers of the statutory complaints procedure in respect of adult social care.

### **Children's Services**

I received a complaint from the mother of a child who was in Council care. The complaint was that the Council was failing in its duty to support her son to achieve his potential in education. My investigator found that although the complainant's son was being supported in accessing courses that were broadly appropriate, there was lack of clear objectives or targets relating to academic achievement in his Personal Education Plan. My investigator asked the Council to improve this, as well as review its procedures in relation to the preparation of individual Personal Education Plans, so that it was in line with Government guidance. The Council pointed out that it was already working on improvements in this area, following the findings of a recent OFSTED inspection report.

### **Education**

In another case the Council took action to resolve a complaint about the lack of education for two sisters who both have statements of Special Educational Needs. The complainant and his family had recently moved home and had not been able to secure a school place. My investigator found

delay on the Council's part in either progressing matters or arranging home tuition while the girls were out of school. The Council agreed to pay £5,225 compensation for these faults, made up of £4,505 in respect of 16 weeks educational provision for the girls and an additional £750 for the distress and time and trouble caused to the complainant and his family.

### **Liaison with the Local Government Ombudsman**

My investigators made initial enquiries on 44 complaints this year. The average time for responding was 27 days which is in keeping with my requested timescale of 28 days for which I am grateful.

### **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. 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. 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.

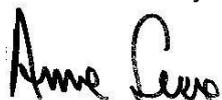
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://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](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

<b>Enquiries and complaints received</b>	Adult Care Services	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	5	0	4	0	2	0	0	0	11
Advice given	8	0	12	2	1	1	6	0	30
Forwarded in investigative team (resubmitted)	1	0	2	1	4	0	0	3	11
Forwarded to investigative team (new)	19	4	32	1	7	0	3	2	68
<b>Total</b>	<b>33</b>	<b>4</b>	<b>50</b>	<b>4</b>	<b>14</b>	<b>1</b>	<b>9</b>	<b>5</b>	<b>120</b>

## Investigative Team

<b>Decisions</b>	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
<b>2010 / 2011</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>13</b>	<b>16</b>	<b>67</b>

## Adult social care decisions made from 1 Oct 2010\*

	Not to initiate an investigation	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	2	1	2	5

\*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	41	27.4
2009 / 2010	40	29.2
2008 / 2009	25	17.4

### Provisional comparative response times 01/04/2010 to 31/03/20 11

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	30.3