

22 June 2012

By email

Mr John Barradell
Chief Executive
Brighton & Hove City Council
King's House
Grand Avenue
HOVE
East Sussex BN3 2LS

Dear Mr Barradell

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. 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 forwarded by the Advice Team to my office and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries. I am pleased to see that the average number of days taken by the Council to reply is now within our 28 day time limit, at 27 days. This shows continuing improvement on the previous two years. The Council usually deals with our enquiries promptly and effectively. My investigators have often recorded that its complaint handling has been good and it appeared keen to address and resolve the issues raised in complaints. However, we found some cases where the complaint handling was still poor.

Complaint Outcomes

I describe below some significant remedies and procedural improvements achieved during the past year.

Housing repairs

A Council tenant complained about the Council's delay in repairing his flat following a serious flood, which caused so much damage he had to move out. The tenant was vulnerable and had a history of physical and mental health problems. I found that the Council delayed excessively in repairing the damage and many faults in the way the repairs were carried out. The tenant should have been able to return to his flat a year before he actually did. The unreasonable delay could have been

avoided, or at least cut short, but the man was left to struggle on without proper accommodation for far too long. The Council also made a council tax error, which led to him being pursued for council tax while his flat was uninhabitable.

During my investigation the Council readily agreed things had gone wrong. It instigated a series of procedural improvements, including increased monitoring of overdue repairs, the introduction of a comprehensive sign off procedure for major works and improved working arrangements with the contractor. It agreed to my recommendation to pay the complainant £3,200 in recognition of the significant injustice he was caused. I issued a report on this case in the public interest, given the seriousness of the maladministration and injustice.

I also obtained remedies in several other complaints about housing repairs. In one case the Council delayed carrying out works where the tenant had been complaining about damp and mould in her property for several years. The Council acknowledged problems in performance on repairs and referred to the new procedures being introduced. It agreed to pay the tenant £600 for having to live in poor conditions for longer than should have been necessary and for her avoidable time and trouble.

Adult Services

The Council failed to adequately involve the family of an elderly woman in planning her discharge from hospital into a nursing home. It was difficult for the relative to visit the home and assess its appropriateness, as she was only given a few days notice of the planned discharge. The Council and the Health Trust acknowledged that the information provided to the complainant was insufficient, confusing and contradictory. The care plan also failed to provide the nursing home with sufficient information and direction. The Council has since apologised, revised its procedures and developed guidance for the public on hospital discharges. It also agreed to pay the complainant, or a charity of her choice, £200 for her time and trouble addressing the issues raised.

In another case about a placement in a nursing home, the provider failed to respond adequately to a complaint about the quality of the care provided to an elderly woman. It should have directed the complaint straight to the Council, under the safeguarding vulnerable adults procedure. The provider did not satisfactorily address ongoing concerns raised by the family about many aspects of their mother's care, such as nutrition. The family moved her to another home. The Council agreed to ensure its contractors have a full understanding of their obligations when dealing with complaints and safeguarding matters and to some other improvements, such as raising the profile of these issues within its audit activity. It made a payment of £600 to the elderly person and £400 to her family in recognition of their distress, time and trouble and the food they provided.

Children's Services

The Council failed to consider whether statements of special educational needs for two siblings met the legal requirement to clearly quantify the provision for speech and language therapy. As a result, the therapy which was provided was neither sufficient nor regular. The Council agreed to hold an urgent meeting with the relevant professionals and parents and has reviewed and amended the provision in the statements. The Council has also set aside £500 for each child to provide additional speech therapy in the future and made a time and trouble payment to the father who pursued the complaint.

In another case involving a statement of special educational needs, the Council failed to deal properly with the review and transition planning for a profoundly deaf teenage boy, with no speech and a visual impairment. Its letter to the family said his statement would “lapse” in year 12 (rather than cease) having concluded that a local college should be able to meet his needs based on relatively little evidence and consideration. The decision to lapse the statement also denied the family the opportunity to appeal against the decision to the relevant independent tribunal at the time. The Council acknowledged with hindsight that it could have given access to the tribunal earlier by describing its intention to cease the statement. The complainant and the teenager were caused time and trouble and uncertainty for a year. The Council made assurances about how it would deal with the boy’s needs in future, agreed to apologise and to pay compensation for time and trouble and distress. It has reviewed the letters it sends to parents and is now using two templates with the correct terminology

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman

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	Planning & Development	Total
Advice given	3	2	0	3	1	3	9	1	22
Premature complaints	4	4	1	1	4	2	7	3	26
Forwarded to Investigative team (resubmitted)	0	2	0	1	1	0	6	2	12
Forwarded to Investigative team (new)	7	6	7	20	6	10	15	5	76
Total	14	14	8	25	12	15	37	11	136

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
0	8	29	19	16	27	1	100

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	40	27.4