

Local Government OMBUDSMAN

22 June 2012

By email

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 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. We have raised this issue in previous years. I am concerned to see that the average number of days taken by the Council to reply remains higher than our 28 day time target at 31 days. Delays in responding to enquiries and recommendations for remedies seem to happen most with complaints about Adult Care Services and Education and Children's Services. In one Adult Care Services case we had to consider the use of our statutory power to obtain information before the Council provided a response.

The Council told us in December 2011 that it was introducing "new pathways into the directorates" with clearer timeframes for response and regular review meetings with the Executive Directors in each service. It believed that response times would improve. I welcome the indications both from my staff and our data that some improvement has indeed happened.

I want to mention a number of significant remedies and procedural improvements resulting from discontinued investigations.

Adult services

- A man with a severe learning disability and autism lived in a residential home and visited his family every weekend. The Council did not make the direct payments it had approved in principle several years earlier for his care at the weekend. The Council agreed to pay £10,100 (representing the costs of three years of weekend care less what the Council had already paid as a remedy).
- During the investigation of a complaint about man discharged from hospital to a nursing home before the placement arranged by the Council was due to start, the Council recognised it had some responsibility for improving the discharge process and working effectively with the local Health Trust. The Council has worked with the Trust to ensure clear communication at the point of discharge, including information about transported.
- We investigated whether the Council had dealt properly with a complaint about the care an elderly woman received after the Council arranged for her to be cared for in a private residential home. As a result, the Council amended its procedures to clarify what should be dealt with through the safeguarding process and the complaints process. It took the lead in developing a multi-agency guide to the management of issues, such as pressure sores, and when they should be dealt with as a safeguarding matter. The Council will monitor these changes to ensure the necessary improvements are achieved.

Children's services

- The Council accepted that it had given the wrong advice to some parents during an education admission appeal. It agreed to review its practice to ensure advice about deadlines for submitting appeal forms explains that any delay may result in a disadvantage. This is because the chance of getting a place on appeal if infant class size is an issue is reduced if there have been earlier, successful appeals.

Land

- The County Council wrongly told a District Council that a property was not near the route of a new road or a proposed road improvement. The District Council passed the information on to people who bought the property. The County Council agreed to pay the people over £3,600 to cover legal and surveyor's fees and their time, trouble and outrage. It also confirmed that it has started a programme to improve the quality of its highway records, by having a single definitive record. service.

Changes to our role

I am 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

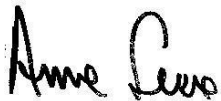
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance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

Anne Seex
Local Government Ombudsman

LGO advice team

Enquiries and complaints received	Adult Care Services	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Planning & Development	Total
Advice given	11	2	17	0	5	1	36
Premature complaints	16	0	18	2	4	0	40
Forwarded to Investigative team (resubmitted)	6	1	2	0	4	0	13
Forwarded to Investigative team (new)	24	1	40	1	14	0	80
Total	57	4	77	3	27	1	169

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		
6	7	13	29	19	33	0	107

Response times to first enquiries	No of first enquiries	Avg no of days to respond
	54	31.0