

22 June 2012

*By email*

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 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.

Your authority's average response time is adequate but some responses have taken longer than 28 days. One response to enquiries was so poor that the investigator had to visit to interview officers.

I will generally not continue an investigation when a council accepts there has been fault and agrees to remedy any injustice caused. I want to draw the Council's attention to six such investigations into complaints about adult social care and children's services that raise issues of poor information or delay.

### **Adult care services**

1. The Council assessed a 100-year-old woman as needing a place in a residential care home. The NHS also assessed her and said it would pay £108 a week for an element of nursing care if she went into a home registered as a 'care home with nursing'. Her family chose a home and agreed to pay £152 a week more than the Council's standard rate.

The Council prepared a funding agreement that the family signed. It set out the Council's maximum rate, the NHS contribution and the family's contribution.

Although the NHS had clearly stated in writing that it would pay £108 a week the Finance Team would not process the paperwork for the woman's placement. It said the NHS could not add to the Council's assessment that the woman needed residential care. It also said that either the family would have to agree to pay the £108 a week or the woman would have to move to another care home. It rejected an obvious and sensible solution proposed by the Home and maintained its position throughout an internal exchange of emails with the Care Management Team.

The family complained to the Council. They were told it would be 'illegal' for the Council to include the NHS funding in a funding agreement. When my investigator challenged this the Council eventually accepted that it wasn't true. The Council then said that a local agreement with NHS West Sussex meant it could not claim the funded nursing care payment. It could not produce a copy of such an agreement.

After protracted discussions with my investigator, the Council eventually, and reluctantly, agreed to pay the £108 a week funding offered by the NHS for the period it was lost due to the Council's obduracy.

2. I decided not to continue an investigation because the citizen affected had not suffered a substantial injustice. However, the Council accepted it had not provided suitable information and agreed to remind staff to inform people with personal budgets about the Council's policy of 'clawing back' unspent funds and to include information in leaflets about accruals.
3. The Council reassessed a man and decided his needs were no longer 'substantial' but 'moderate'. This meant he was no longer eligible for services. I found no fault in the assessment but the Council had not properly explained the changed assessment of needs. The Council apologised and agreed to give clear reasons for such changes in future.
4. The Council delayed in providing a service for some seven months after assessing that a man needed 10 hours of support a week. The Council agreed to pay him £2,000 in recognition of the loss of support hours, and a payment of £250 for his time and trouble pursuing the matter.
5. A woman complained about the standard of care in a care home that the Council arranged for her grandmother. The Council argued it was not responsible for the shortcomings that were identified and they could not be interpreted as its failures. When a council arranges a place in a care home, it does so as an alternative to providing the care itself. It is discharging its duty to someone it has assessed as needing residential care through the care provider. The Local Government Act 1974 says that for the Ombudsman's purposes, when a council exercises a function through an arrangement with another person, any actions by that person under the arrangement are treated as actions taken on behalf of the Council and in the exercise of its function. The Council accepted this and agreed to deduct £1,000 from the care home charges and pay the woman £250 for her time and trouble in pursuing the complaint.

## **Children's services**

6. The Council accepted it had delayed and provided incorrect information about help with transport costs to further education for a teenager with special education needs. I suggested that they now deal with the application, they agreed and will consider backdating financial support if it is successful. The Council also agreed to review the information provided to parents about ending statements of special educational needs. It is not clear that if a young person no longer has a statement of special educational need they do not automatically get their transport arranged. Parents need to apply via the 'Post-16 Education Transport Policy'. Some of the existing information leaflets given to people applying for help with Transport costs under this scheme do not give details of how to complain or appeal which the council are obliged to include. Additionally the Connexions service have little or no knowledge of the post-16 education transport policy. The Council agreed to provide training to Connexions to ensure this area of weakness was addressed.

## ***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***

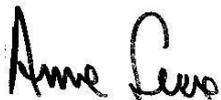
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance 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 that reads "Anne Seex". The signature is written in a cursive, slightly slanted style.

**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	Housing	Planning & Development	Total
Advice given	6	1	6	1	6	0	0	20
Premature complaints	10	1	8	1	4	1	1	26
Forwarded to Investigative team (resubmitted)	3	0	3	0	1	0	0	7
Forwarded to Investigative team (new)	32	0	28	2	9	1	2	74
<b>Total</b>	<b>51</b>	<b>2</b>	<b>45</b>	<b>4</b>	<b>20</b>	<b>2</b>	<b>3</b>	<b>127</b>

**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		
10	6	12	23	13	17	0	81

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	39	26.4