

Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Ms Shaw
Chief Executive
West Sussex County Council

Dear Ms Shaw

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things

right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

During the year I issued a further report about your Council after it refused to comply with a public report issued in October 2018. The report concerned a child who was out of school. The original investigation did not find fault with the Council's approach in deciding to start enforcement action for non-attendance. But we found that, after three months, with evidence of high levels of anxiety preventing the child's attendance, the Council should have considered its duties to provide alternative education to pupils out of school for medical or other reasons.

It was disappointing the Council did not accept my recommendations and wholly unacceptable that it failed to follow the proper process for considering the report. It failed to put the final report to the Standards Committee and only considered the draft version. I also consider it misrepresented our conclusions to the Committee and sought to reject our findings rather than the recommendations, which can only be done by way of Judicial Review. I am pleased that after we issued the further report the Council accepted our recommendations to apologise to the complainant, make a payment to recognise the loss of educational opportunity and remind staff of the Council's duties under section 19 of the Education Act 1996.

Last year, I raised concerns about your Council's responses to our enquiries and it is disappointing to note there has been little improvement this year. Just under half of the Council's responses to my office were delayed and some were poor quality, meaning my investigators have had to chase the Council for satisfactory responses. Significantly, we had to threaten to use a witness summons on three separate occasions to illicit the information we needed. I will usually only consider a witness summons where a council has not provided a response after a considerable time and despite our continued efforts. It is therefore concerning we considered taking this step on three occasions. I would ask the Council ensures it has robust procedures in place to respond efficiently and comprehensively to contact from my office.

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

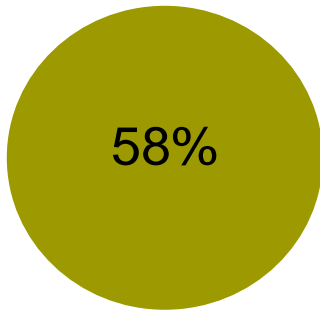
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



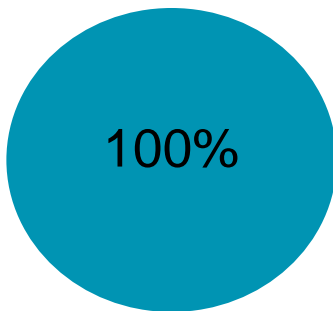
58% of complaints we investigated were upheld.

This compares to an average of **66%** in similar authorities.

25
upheld decisions

Statistics are based on a total of 43 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



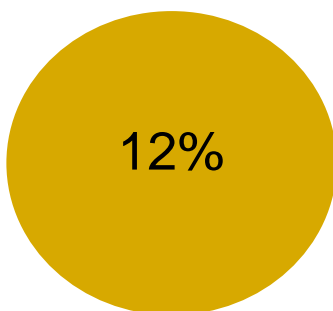
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 15 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **12%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **9%** in similar authorities.

3
satisfactory remedy decisions

Statistics are based on a total of 43 detailed investigations for the period between 1 April 2019 to 31 March 2020