

Local Government & Social Care OMBUDSMAN

20 July 2022

By email

Ms Shaw
Chief Executive
West Sussex County Council

Dear Ms Shaw

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Your organisation's performance

This year, we issued a public report about your Council's refusal to assess a child for direct payments or respite care. Our investigation found that the Council delayed in finding a suitable independent school placement for the child as outlined in their Education, Health & Care Plan. This delay meant the child was without a place at a suitable school for 16 months and spent 13 months without suitable full-time education, meaning the Council did not meet its Section 19 duties under the Education Act 1996.

Our investigation also found the Council restricted access to an assessment by the Council's Child and Disability Team because the child did not have a severe enough disability. The Council was gatekeeping its assessment process and denying assessments if a child did not meet certain criteria. It took 23 weeks before an assessment took place and the Council provided respite care to the family. The Council also failed to adhere to the statutory complaints process outlined under the Children Act 1989 by refusing access to stage 2 of the complaints process.

I am pleased the Council accepted our findings and agreed to our recommendations in this case. We asked the Council to apologise to the mother and child, make a payment to the mother of £1,250 to reflect the delays and distress in gatekeeping its assessment process and delaying respite care. We also asked the Council to pay the mother £1,800 for missed education and reassess the family's current need for respite care. I was also pleased the Council agreed to review its process for assessments under Section 17 of the Children Act 1989 to prevent gatekeeping, and to complete an audit or review of the educational provision available in its area for children with special educational needs.

This year also highlighted more general concerns about your Council's response to our enquires. Several investigations were delayed by your Council's failure to respond in a timely way to our requests for information. It is particularly concerning that on three occasions we had to threaten to issue a witness summons in order to get the information we required. I hope the Council will take steps to ensure our enquires are responded to on time. If there is any support we can provide the Council, please let me know.

We noted that in seven cases, children's complaints were put through the Council's corporate complaints process instead of the children's statutory complaints process. This was raised with your Council during the year, and I am pleased that direct action was taken to rectify this issue.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's

performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

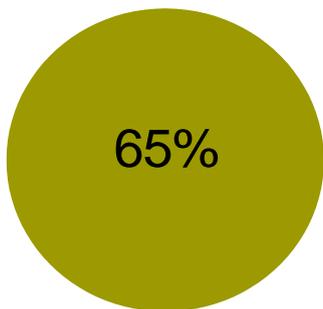
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

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

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

Complaints upheld



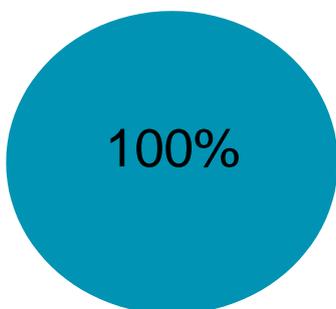
65% of complaints we investigated were upheld.

This compares to an average of 71% in similar organisations.

31 upheld decisions

Statistics are based on a total of 48 investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



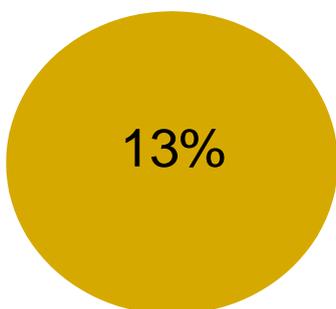
In 100% of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of 100% in similar organisations.

Statistics are based on a total of 25 compliance outcomes for the period between 1 April 2021 to 31 March 2022

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

Satisfactory remedy provided by the organisation



In 13% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 8% in similar organisations.

4 satisfactory remedy decisions

Statistics are based on a total of 31 upheld decisions for the period between 1 April 2021 to 31 March 2022