

22 June 2004

Mrs Miller BA(Hons)
Chief Executive
East Sussex County Council
Pelham House
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Our ref:

(Please quote our reference when contacting us)

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Dear Mrs Miller

Annual Letter 2003/4

In January, I wrote to tell you about the results of a pilot exercise that I and my colleague Ombudsmen carried out last year. We had sent a letter to a representative sample of local authorities spelling out the details of complaints we had determined during the year and drawing any lessons we thought appropriate in respect of the Councils' performance, their complaints-handling arrangements generally, and how lessons might be fed back into service improvement. We also explained our intention to send a similar annual letter to all councils this year.

So I am writing now to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that this letter will

- help your council learn from the outcome of complaints made to me
- underpin effective working relations between your council and my office
- identify opportunities for me and my staff to provide assistance that a council may wish to seek in bringing about improvements to its internal complaint handling
- provide complaint-based information which you may find useful in assessing and reviewing your performance.

This is the first year that an annual letter has been sent to all councils and I would very much welcome any comments you may have to help improve the presentation and content of future letters.

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In addition to this narrative there are two attachments which form an integral part of the letter: statistical data covering a three year period and a note to help the interpretation of the data.

Complaints Received

This year there have been a total of 33 complaints in comparison to 41 received for 2002/3 and 59 for 2001/2. So there has been a steady decline in the numbers of complaints about the Council received over the past two years. This should be seen in the context of a general increase (8.5%) in the numbers of complaints received overall at this office over the past year. You may have some thoughts on why this reduction has occurred but I see it as a positive sign for which your Council should be congratulated.

Complaints about social services still remain the largest category. This year there were 12; last year 13 and the previous year 25. I know that your Council makes positive efforts to deal with these types of complaints fairly and in accordance with the statutory complaints procedures. I am also aware that in November 2002 you appointed an additional complaints officer whose primary role has been to work with children/young people who are looked after, and with their parents and carers. I would be interested to know how this has been progressing.

Your officers have previously expressed concern that there may be an increase in the numbers of social services complaints because you had amended your eligibility criteria. I am not sure whether your Council has experienced such an increase. But it does not seem to have affected the type of complaints received by my office. Out of the 12 social services complaints, 8 were about services to adults and I do not think any of these were substantively about eligibility criteria.

The volume of complaints about education has also decreased. There was an even mix of education admissions, grants and special educational needs.

On the other hand, complaints about planning have increased, although scrutiny of the records will show that two were made by the same person and another two were about the same matter. So perhaps the increase is not significant.

Outcomes of investigations

I have issued no reports this year. There have been 5 local settlements; 2 in relation to special educational needs and 3 in relation to social services. The definition of a local settlement is contained within the attached information.

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In one complaint your Council acknowledged its inability to arrange monitoring visits to the complainant's child's school by the speech and language therapist as specified in the statement of special educational needs (due to resource problems by the NHS Trust). There was no explicit finding of fault as your Council had taken reasonable steps to secure alternative private provision. But to your credit you recognised that the shortfall was ultimately your responsibility and you agreed to some additional visits to compensate as far as possible for the shortfall.

The other education complaint concerned avoidable delay in finalising the complainant's son's statement. A remedy was agreed whereby you paid 2 weeks school fees plus a time and trouble payment to the complainant.

The other 3 local settlements were about social services: the first involved an adult with learning difficulties who was expressing unhappiness with her current living arrangements and you readily agreed to appoint an advocate. In the second, there was a serious breach of a client's confidentiality which you readily accepted. The complainant alleged that the Council's actions had led to serious problems with her contact with her son (who was living with her ex partner). But it was not possible to conclude with any certainty that the Council's actions were the sole reason for these problems; a financial remedy was agreed. And the third involved the loss of a social services file which, the complainant contended, contained information which he needed to see. The Council agreed to do a resumé of its past involvement and made a small ex gratia payment.

The Councils complaints procedure and premature complaints

There were 7 complaints referred back to your Council for investigation. There are no particular lessons to be drawn about the Council's complaints procedure from the cases with which my office has dealt in the past year.

I have already referred to the Council's social services complaints procedure, and the positive attitude which your Council has demonstrated. However there is one area of concern and that is the gap left by the disbanding of the Funding Panel. For example in relation to complaints about charging for care provision I think there is a case for saying that complainants should be able to appeal against councils' decisions. In one complaint we investigated this year, the Council suggested that the complainant could pursue his concerns about the Council's decision (as to whether his mother had deliberately deprived herself of capital in order to avoid care charges) through the Council's complaints procedure. (It was decided that this was not necessary in this case as the complainant had approached me). But it would be helpful to know whether your Council will now as a matter of course suggest this course of action to complainants aggrieved by such decisions.

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Liaison between the Ombudsman's office and the Council

It was good to meet you and your senior officers when I visited earlier this year. My staff speak very positively of the contact which they have with your office at all levels. The council's responses to complaints are clear and its officers seem willing to provide additional information and clarification when asked. Discussions about local settlements are always welcomed and I hope you consider that we take account of your views when reaching our final conclusions.

I welcome the fact that one of your complaints officers attended a seminar for link officers run by my office last year. As you said in your letter of 25 March 2004 I am sure that these interactions will be important to maintain the dialogue between us and will help both my staff and your officers to respond appropriately to changes in legislation and internal developments.

The Council's response times to our written enquiries has been slowly drifting up over the past 3 years. Our normal requirement last year was for a reply within 21 days of receipt of a request for information. The Council's average response time of 33 days significantly exceeds this. But this may be partly because of the nature of the complaints and the high number of social services complaints which I recognise can take longer to deal with. Of course, any action the Council can take to reverse the trend would be much appreciated.

General observations

I think this letter has revealed that I have no major concerns about your Council, and that the arrangements between my office and your staff are working well. May I take this opportunity to thank your officers for their hard work in preparing your responses to my office and for providing clear and detailed information. This makes the task of determining complaints so much easier for my staff.

Conclusion

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services. I am keen to ensure that this annual letter is as responsive as possible to the needs of local government and that it contains information and assessments that are helpful to service improvement. So, as I said at the beginning of this letter, I would very much welcome any comments you may have on the form and content of this letter and whether there is other information that would be useful to you. In particular, it would be useful to know whether the letter meets the objectives set out in the bullet points in the second paragraph.

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There is also one specific matter on which I would welcome your views. As part of the development of our statutory remit to promote good administrative practice, over time we propose to increase significantly the amount of training we currently offer to councils in complaint handling. We have carried out exploratory research, including talking to a number of councils in depth and surveying the views of others. The responses we have received show that councils would value training from us, and we want to be responsive to such demands and ensure that we make a positive contribution to improvements in local government.

During this financial year we are, therefore, developing and trialling standard courses which can be delivered either to a single local authority or to staff from a group of authorities at a regional centre. We shall evaluate these courses, in conjunction with the councils concerned, together with tailored courses that we currently provide to a limited number of councils, and from there decide on future provision.

Our aim, depending on availability of resources and demand from local authorities, is then gradually to increase the amount of training we offer in 2005/6 and 2006/7. To sustain an effective training function that does not jeopardise our core business of investigating complaints it will be necessary for us to charge for training. The charge will, however, be significantly less than the overall costs of the activity and will relate only to the direct expenditure arising from the provision of the training.

I look forward to hearing from you. It would be helpful to receive any comments you may have either on the form and content of this annual letter or on the training initiative by 31 August 2004. Meanwhile David Connolly (telephone 0207 217 4646) will be pleased to respond to any queries.

If you would like a plain paper copy of this letter and the attachments in electronic form, please email a2@lgo.org.uk.

Yours sincerely

Tony Redmond

Enc: Statistical data covering a three year period
A note to help the interpretation of data