

Audit & Governance Committee
11 September 2024

**The Local Government and Social Care Ombudsman's
Annual Review Letter for Surrey County Council 2023/24**

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Purpose of the report:

To provide an update on complaint statistics recorded about Surrey County Council and its performance in responding to Ombudsman investigations, following the publication of the Local Government and Social Care Ombudsman's Annual Review Letter for 2023/24.

Recommendations:

It is recommended that:

1. The Committee notes the content of this report, the analysis of the LGSCO's Annual Review Letter for 2023/24 and Surrey County Council's performance compared to other similar councils.
2. The Committee notes the proposed improvement actions, with a further update on these to be provided as part of the mid-year complaints update, scheduled for November 2024.

Introduction:

1. This report follows the annual complaints report for 2023/24, which was considered by Audit & Governance Committee on 5 June 2024. It provides an analysis of the complaint statistics recorded about Surrey County Council by the Local Government & Social Care Ombudsman (LGSCO) for the year 2023/24.
2. The LGSCO is the final stage for complaints about councils, all adult social care providers and some other organisations providing local public services in England.

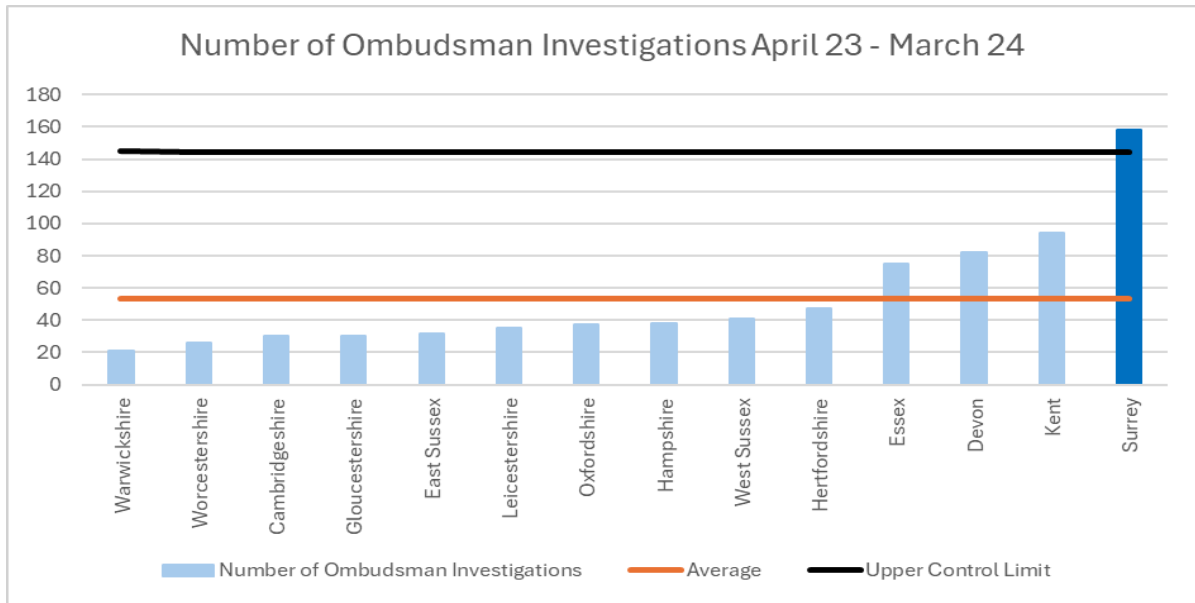
3. Complaints that are investigated by the Ombudsman represent a significant reputational and financial risk to the council. These are cases where the council has been unable to resolve the complaint through its local procedures, where there is sufficient concern about maladministration or injustice, or where it is in the public interest for the Ombudsman to investigate.
4. Each July, the LGSCO issues an annual review letter to each council in England. The letter gives a summary of the complaint statistics recorded about the council and its performance in responding to Ombudsman investigations for the preceding financial year. The 2023/24 annual review letter for Surrey County Council was published on the [LGSCO website](#) on 24 July 2024.
5. We recognise the important opportunities that complaints provide for us to learn and improve. The information contained in the Ombudsman's annual review letter offers valuable insight into our organisational approach to complaints and is considered as part of Surrey County Council's corporate governance processes. It also provides an independent data source that enables benchmarking of our complaints handling performance with other comparable councils.
6. Benchmarking data is based on Surrey County Council's Chartered Institute of Public Finance and Accountancy (CIPFA) group, (see Appendix 1 for full list), as well as benchmarking data from the LGSCO website based on other county councils in England.

Analysis Overview

7. In 2023/2024 the LGSCO recorded an increased volume of complaints about Surrey County Council compared to previous years. A total of 324 complaints about Surrey were received by the Ombudsman. This compared to 215 complaints 2022/23.
8. Taken in the context of the total number of complaints received by Surrey County Council in 2023/24 (2,598), 12% of complaints escalated to the Ombudsman; an increase from 9% the previous year.
9. Of the 324 complaints recorded in 2023/24, 158 were investigated by the Ombudsman (49% of total). This was a significant increase in number from the previous year, where 81 complaints were investigated (38% of total). Over half of the complaints received by the LGSCO (166) were not investigated or were closed after initial enquiries.
10. When benchmarked with peers, Surrey County Council is statistically different from the rest of the group based on the number of Ombudsman investigations, as shown in Figure 1 (below). This is primarily driven by a disproportionately high number of Education complaints compared to other authorities, particularly in relation to Education Health and Care Needs Assessments and Plans. The reasons for this are well understood, having been previously reported to Cabinet and subject to scrutiny by Select Committee. Improvement actions to address the root causes of these complaints are being

undertaken, as explained in more detail in paragraphs 24 to 32 of this report.

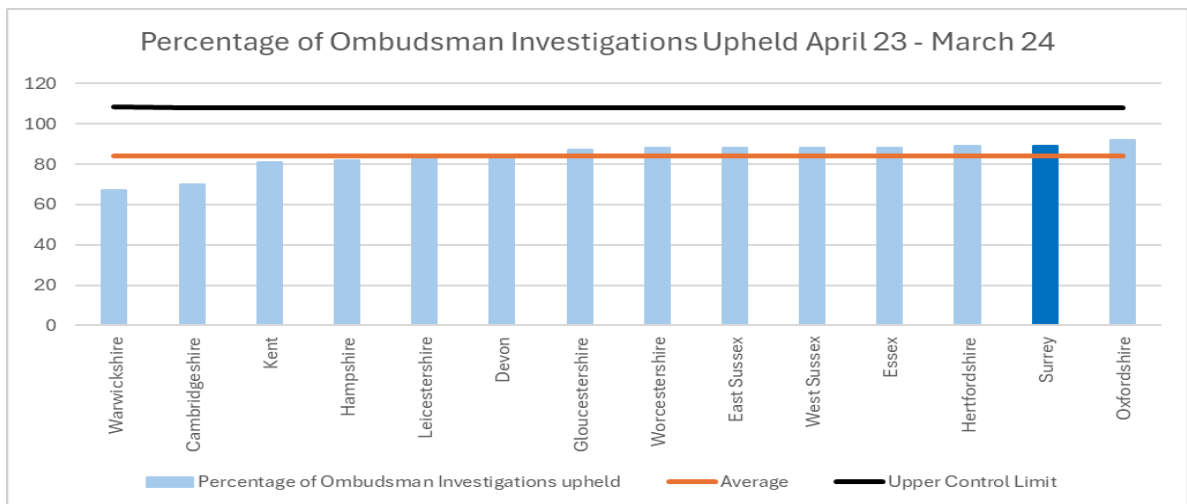
Figure 1: Number of Ombudsman Investigations



Year	Good to be	Surrey value	Direction of Travel	CIPFA Ranking	CIPFA Av.	CIPFA Median
22/23	Low	81	↑	14/14	37.9	35.5
23/24	Low	158		14/14	53.3	37.5

11. Of the complaints investigated, 89% (141) were upheld by the Ombudsman because there was evidence of fault. This compared to an average of 85% for similar councils. Surrey County Council’s performance was broadly in line with benchmarked peers (as below), where the average was 83.9%:

Figure 2: Percentage of Investigations Upheld

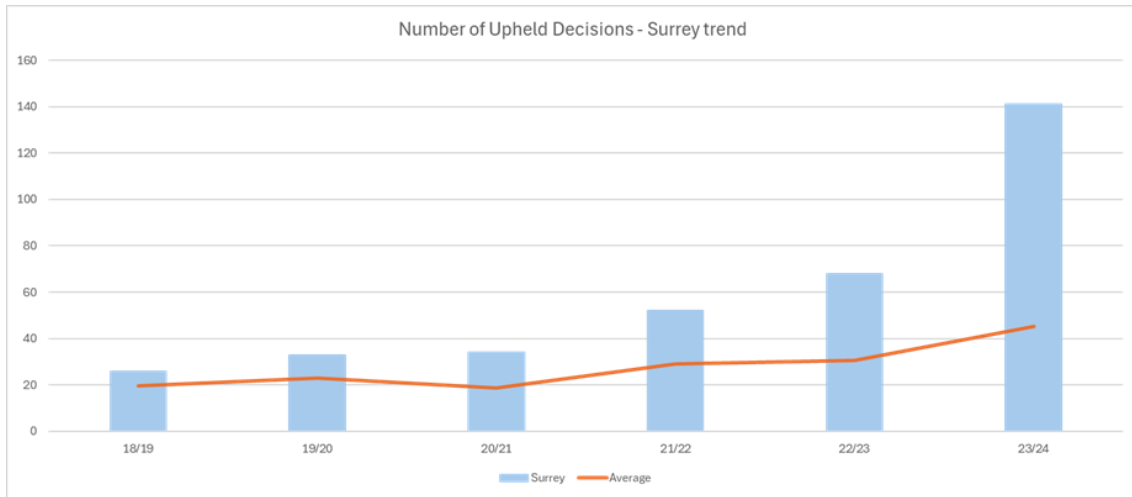


Year	Good to be	Surrey value	Direction of Travel	CIPFA Ranking	CIPFA Av.	CIPFA Median
22/23	Low	84.0%	↑	11/14	79.4%	79.4%
23/24	Low	89.0%		12/14	83.9%	87.5%

12. It should be noted that it is not unusual for upheld rates to be high because the LGSCO prioritises cases where it is in the public interest to investigate, so are less likely to carry out cases on borderline issues. This means there is naturally a higher proportion of fault being found for councils overall.

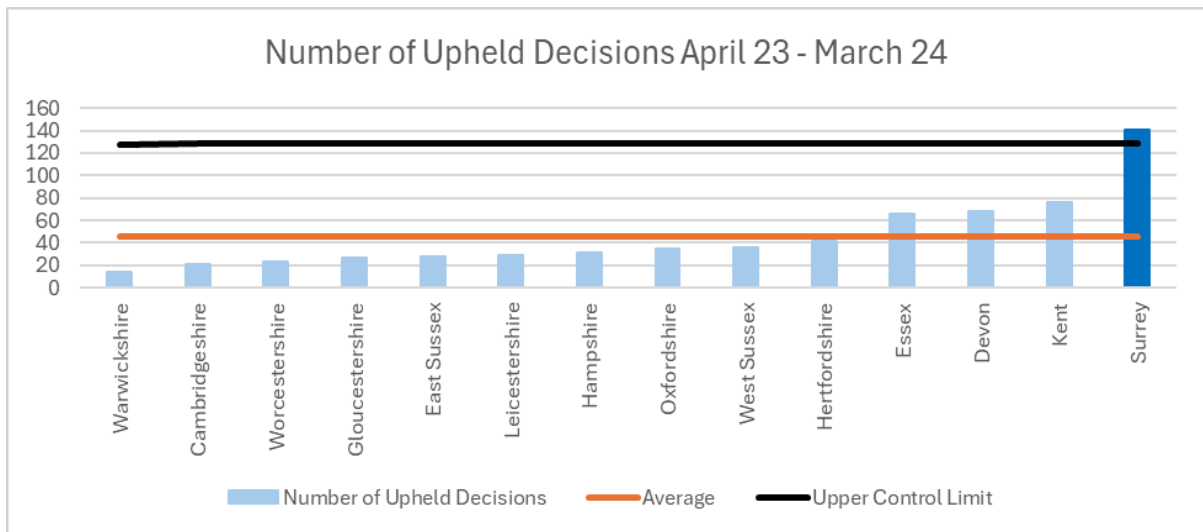
13. Surrey County Council did, however, see an upward trend in the volume of Ombudsman investigations and the number of complaints upheld in 2023/24, and is significantly different from peers in terms of the number of upheld decisions, as shown in Figures 3 and 4 (below):

Figure 3: Trend of Upheld Decisions



Note: Average trend line denotes the average number of upheld decisions over time for Surrey County Council's CIPFA peer group

Figure 4: Number of Upheld Decisions



14. Surrey County Council had 11.6% complaints upheld by the Ombudsman per 100,000 population; this was higher than the average of 4.5% for similar councils. Surrey ranked 14 out of 14 councils when benchmarked against its CIPFA peer group, as shown in Figure 5 (below):

Figure 5: Upheld complaints per 100,000 population

	Local Authority	% of upheld complaints per 100,000 population
1.	Hampshire	2.2
2.	Warwickshire	2.3
3.	Cambridgeshire	3
4.	Hertfordshire	3.5
5	Worcestershire	3.8
6 =	Gloucestershire	4
6 =	Leicestershire	4
6 =	West Sussex	4
9	Essex	4.3
10	Oxfordshire	4.6
11	Kent	4.8
12	East Sussex	5.1
13	Devon	8.2
14	Surrey	11.6

15. A satisfactory remedy was offered by Surrey County Council (before the complaint reached the Ombudsman) in 3% of investigations. This was lower than the average of 7% and a drop in performance from the previous year (9%).
16. Surrey County Council had a 100% compliance rate with the Ombudsman's recommendations, in line with previous years. Non-compliance is rare and so anything below 100% would be cause for concern.
17. Despite the higher volume of Ombudsman investigations compared to peers, no concerns were raised in the 2023/24 Annual Review Letter about the timeliness or quality of Surrey County Council's responses to Ombudsman enquiries. Several councils in the peer group received specific feedback about lateness and poor quality / incomplete responses, along with the need for the Ombudsman to consider potential witness summons. This suggests that Surrey County

Council's processes for responding to Ombudsman enquiries are robust and fit for purpose.

18. We also welcomed the Ombudsman's recognition in the annual letter of Surrey County Council's investment in complaints handling training for staff.

Subjects of LGSCO complaint and root causes

19. As a County Council, the key service areas which are a focus for Ombudsman investigations are social care services and education. This is unsurprising because complaints about these services tend to be more complex and emotive and less transactional than other services.
20. The breakdown of the 141 complaints that were upheld by the Ombudsman following investigation was as follows:

Service Area	Total upheld by LGSCO following investigation
Education Services	116
Children's Social Care	11
Adult Wellbeing and Health Services	14

21. It is positive to note that there were no complaints about other Council services upheld following investigation in 2023/24.

Key Area 1: Special Educational Needs & Disabilities (SEND) Services

22. Most Ombudsman investigations and upheld decisions in 2023/24 related to Children's Services and Education and we saw an increase in the number of complaints, particularly about services related to Special Educational Needs and Disabilities (SEND), referred to the LGSCO. This was not surprising given the demand in Surrey (over 15,000 children and young people on Education, Health and Care Plans - EHCPs) and recognised challenges (throughout previous years and the reporting year) in completing assessments for EHCPs, staffing resource pressures and the high volume of contacts and complaints about this service area as a result.
23. Education Services in Surrey continue to face well-documented national challenges in recruiting and retaining appropriate Education Psychologists to meet the demand for Education Health and Care Needs Assessments, which determine whether a child or young person should have an Education Health Care Plan. This, along with staffing resource challenges within the SEND service, has been contributing to delays in completing the assessment process, leading to complaints

from families whose concerns are then being referred to the Ombudsman.

24. Surrey County Council took significant action in 2023, with a £15m investment to support the EHCP Recovery Plan that is now delivering clear performance improvements in 2024-2025. For example, a backlog of outstanding Educational Psychology reports in 2023-2024 has now been cleared, enabling the Council to perform above national averages for timeliness of completing EHCPs (71% in July 2024). Although this is now leading to a reduction in complaints made to the Council at Stage 1 of its local complaint procedure about delays in completing assessments, the timeline for raising complaints with the LGSCO (12 months) means that it may be a further one to two years before we see a significant reduction in Ombudsman investigations in this area. For example, an upheld decision in 2025 may relate to a delay in assessment that occurred in 2023.

25. In 2023/24, the LGSCO upheld 116 complaints related to Education services, with the vast majority of these about Additional Needs and Disability services (nationally referred to as Special Educational Needs and Disabilities or SEND for short). The table below provides a breakdown of the investigations that were upheld in this area.

Figure 6: Upheld Investigations about Education services:

Theme of investigation	Number of complaints upheld
Delay in EHCP process	74
Periods of missed provision	26
Delay in EHCP Annual Review process	9
Delay in alternative provision	2
Delay in providing post-16 support	2
Delay in providing Personal Budget	2
Change of specialist placement	1

26. The situation in Surrey reflects what is happening nationally, with the LGSCO stating that the highest area of complaint across the Ombudsman’s casework is complaints about services for children and young people with Special Educational Needs and Disabilities. The Ombudsman found fault in 92% of the education cases it investigated nationally (a higher rate than in Surrey) and has stated that complaints about this issue are increasing rapidly.

27. In 2023/24, the LGSCO also issued one public report about Surrey County Council. This was about delays in issuing an Education, Health & Care Plan for a child with autism, largely due to challenges in

receiving advice from an Educational Psychologist. The Council's communication with the family during the process was also found to be poor. The Ombudsman noted their satisfaction with the actions taken by the Council to address the complaint and acknowledged that there were plans in place through an established recovery plan to reduce delays for others.

28. Recognising the high number of Ombudsman complaints and upheld decisions about Education Services for children and young people with additional needs and disabilities, and the importance of learning from complaints to improve services, a risk has been raised and actions are underway to tackle the underlying causes of complaint (as mentioned in paragraph 26 above).
29. Further analysis on the causes of complaints and improvement actions being undertaken for services relating to Children, Families and Lifelong Learning can be found in the Annual Complaints Report issued in June 2024, with additional notes in Appendix 2 of this report.
30. It is anticipated that these improvement actions will, over the next one to two years, result in a reduction in the number of Ombudsman complaints and upheld decisions, as well as a reduction in financial redress payments. It is positive to note that local data is showing a reduction in Stage 1 complaints to the Council about delays in needs assessments. However, this won't be immediately reflected in the Ombudsman's data, as there is often a time lag between the original complaint being made and the conclusion of the Ombudsman's investigation. For example, 17 complaints upheld by the LGSCO in 2023/24 originally dated from the year 2021/22 and a further 83 related to events in 2022/23.

Key Area 2: Adult Wellbeing and Health Services

31. For Adult Wellbeing and Health Services, the 14 complaints upheld by the Ombudsman included a failure to offer the services of an independent advocate, waiting times for Deprivation of Liberty Safeguards (DoLS) assessments and failings in the transfer of care responsibilities between the Council and the Integrated Care Board (ICB).
32. Other areas of fault identified for Adult Social Care services included a failure to ensure continuity of care when a person moved between council areas, a lack of timeliness in communicating outcomes to service users and/or their representatives, a failure to provide information on the Safeguarding enquiry process and a failure to provide full information about paying for costs of care, including how a person's contribution towards those costs will be calculated, personal budgets and what happens if a person chooses a care home or care package that exceeds this. It was also identified that the Council needed to ensure that, in reaching any decisions on any potential changes to a person's care, the likely impact on the person's wellbeing was also being fully considered.

33. The breakdown of subject/theme for the 14 upheld complaints about Adult Wellbeing and Health Services is shown in Figure 7 (below):

Figure 7: Upheld complaints about Adult Wellbeing and Health Services

Subject / Themes of Complaint	Number of complaints upheld
Funding / Contributions to care	4
Communication / Delays / Staff Conduct	3
Safeguarding / Service Provision	3
Decision making / Record Keeping	2
Assessment Process	1
Deprivation of Liberty Safeguards	1

34. Improvement actions have been undertaken because of the learning from these investigations, which include a new Transfer of Care Protocol, additional investment to improve the timeliness of DoLS assessments and training and awareness sessions for staff.

Key Area 3: Children’s Social Care:

35. Upheld investigations about Children’s Social Care Services found fault in relation to the handling of statutory complaints about Children’s Services; specifically, clarity around when complaints should progress to Stage 2 of the procedure and the use of mediation / Alternative Dispute Resolution.

36. It was also identified that social workers and team managers would benefit from training, which has now been carried out, on completing assessments for kinship carers (under Regulation 24 the Care Planning, Placement and Case Review Regulations 2010), and about the advice, support and financial resources that should be made available.

37. A delay in the Council reviewing its post-adoption support procedure was also identified by the Ombudsman, with the Council agreeing to take forward a review in response to this specific complaint.

Financial Impact:

38. Where fault is found during a complaint investigation, the Ombudsman can recommend a financial remedy to put the person back in the position they would have been in had the situation not happened, or to

recognise time and trouble and/or distress caused. The Council can also award a financial remedy through its own local complaint handling procedure where appropriate.

39. All financial remedies must be approved by the relevant Head of Service and, if greater than £1000, in consultation with the relevant Cabinet Member.
40. The total amount of financial redress paid for 2023/24 is set out in Figure 8 (below):

Figure 8: Financial Redress breakdown 2023/24

Service Area	Local remedy	LGSCO remedy	Total remedy
Adult Wellbeing and Health Partnership (AWHP)	Nil	£15,400.00	£15,400.00
Children Families and Lifelong Learning (CFLL) – Children’s social care	£26,168.16	£74,441.12	£100,609.28
Children Families and Lifelong Learning (CFLL) Education	£169,283.73	£255,918.58	£424,802.31
TOTAL	£195,451.89	£345,759.70	£540,811.59

41. Ombudsman directed financial redress totalled £345,759.70 for the year 2023/24.
42. Ombudsman directed financial redress for Adult Social Care Services totalled £15,400. This included a payment of £9,150 made due to the care provider, acting for the Council, being at fault because they charged an additional fee with no top up agreement being in place. The Council were instructed to repay the top up fee.
43. Ombudsman directed financial redress for Children’s Services and Education totalled £330,359.70. 61.4% of this amount was to reimburse for missed education provision that the Council would have needed to fund, irrespective of the complaint being made.
44. As set out in the annual complaints report considered by Audit & Governance Committee on 5 June 2024, Surrey County Council saw a significant increase in the total amount of financial redress paid in 2023/24 compared to previous years.
45. Our procedures for the payment of financial redress as part of the complaint procedure will be reviewed to ensure there is a consistent approach across the Council and appropriate central oversight in place to closely monitor financial redress payments to identify any risks and issues, so these can be addressed early.

Improvement Actions

46. The Ombudsman's Annual Review Letter 2023/24 for Surrey County Council indicated that a growing number of complaints were being investigated and upheld, particularly for Education Services. Benchmarking with peers also indicates that Surrey County Council is statistically different in key areas. It is important that, as an organisation, we use this insight to identify how we can improve practice.
47. It should be noted that 71% of the complaints upheld by the Ombudsman in 2023/34 related to failings or events that happened in previous years. Therefore, it will take time (at least a year) for the impact of improvement actions outlined in this report and in Appendix 2 to be fully reflected in the Ombudsman's data. We do, however, expect to see some improvement in 2024/25 based on current data. For example, our records are showing positive signs of a decrease in the number of Ombudsman complaints so far this year, with notification of 54 to date compared to 84 for the same period in 2023/24.
48. As well as the service specific improvement actions being undertaken within the Children, Families and Lifelong Learning Directorate (as set out in Appendix 2), an operational review was undertaken in Q4 2023/24 to identify how complaints handling practice could be further improved to enhance effectiveness, quality and strategic oversight. The focus of this review was on improving our process for managing complaints. It is, however, recognised that complaints are often a symptom of failures in service delivery and that the whole organisation has a responsibility to use the learning from complaints as an opportunity to improve how services are delivered to customers.
49. This review made several recommendations for improvement in relation to complaints handling practice. These recommendations included the following actions, which are due to be completed by 31 March 2025:
- To reinstate the role of Senior Complaints Practice Lead (now in post)
 - To carry out an evaluation of SCC's existing complaints case management system (in progress)
 - To review complaints reporting (content and frequency) along with key performance indicators to ensure they are fit-for-purpose and provide the right insight (in progress – included as part of a wider review of customer experience performance reporting)
 - To design and roll out a comprehensive training programme for staff in complaint handling (in progress)

- To establish a community of practice within Customer Relations to share best practice, address performance challenges and create consistency in approach (in development)
- To set up a framework for continuous improvement to manage the learning from complaints and support ongoing service improvement (in design)

50. The Customer Transformation Programme underway in Surrey County Council to deliver better outcomes for customers by streamlining our processes, making better use of technology and making it easier for staff to deliver good services, provides an excellent opportunity to also take a cross-council approach to improving complaints performance. Therefore, over the next six to twelve months the Customer Transformation Programme will review the complaint handling process and structures within the scope of transformation.

Conclusions:

51. As an organisation, we recognise the important opportunities that complaints provide for us to learn and improve. The Ombudsman notes in the annual letter that difficult financial circumstances and service demands can make continuous improvement a challenging focus for the local government sector. We remain committed to learning from complaints to improve how we deliver services for Surrey residents.
52. Complaints statistics for Surrey County Council for 2023/24 saw a decrease in performance from previous years, with a higher volume of complaints that proceeded to investigation and a higher proportion upheld by the Ombudsman. This decrease in performance was primarily driven by an increase in Ombudsman investigations into complaints about Education Services, specifically Education, Health and Care Needs Assessments and missed education provision. There is a comprehensive recovery plan underway to address the root causes of complaints in this area, as referenced in paragraph 26 with further details provided in Appendix 2.
53. In addition, improvements have been identified to further strengthen complaints handling within the authority and to build on good practice such as the quality and timeliness of complaint responses.
54. While it will take time for the impact of improvement actions to be fully reflected in the Ombudsman's data (for the reasons explained in paragraph 49), we have seen a reduction in the number of Ombudsman enquiries to Surrey County Council so far this year. This is an improved position when compared to the same period last year.
55. We will continue to analyse complaints that escalate to the LGSCO to identify any learning opportunities and will continue to regularly report

on the complaints that we receive, with a firm focus on finding swift resolutions and putting things right for Surrey residents.

Financial and value for money implications:

56. Payment of financial redress is the financial implication of complaint handling. Responding to complaints quickly and resolving concerns as early as possible ensures complaints do not escalate unnecessarily through the process and minimises the requirement to pay financial redress.

Section 151 Officer Comments:

57. The Council continues to operate in a very challenging financial environment. Local authorities across the country are experiencing significant budgetary pressures. Surrey County Council has made significant progress in recent years to improve the Council's financial resilience and whilst this has built a stronger financial base from which to deliver our services, the cost-of-service delivery, increasing demand, financial uncertainty and government policy changes mean we continue to face challenges to our financial position. This requires an increased focus on financial management to protect service delivery, a continuation of the need to deliver financial efficiencies and reduce spending to achieve a balanced budget position each year.

58. In addition to these immediate challenges, the medium-term financial outlook beyond 2024/25 remains uncertain. With no clarity on central government funding in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for most of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority, to ensure the stable provision of services in the medium term.

59. The learning from this Annual Review Letter will enable services to make improvements and as such the s151 Officer endorses this report.

Equalities and Diversity Implications:

60. Ensuring we maintain good complaint handling practice enables our services to be accessible to all and to ensure people are not disadvantaged in any way.

61. We will review best practice in collecting and analysing the characteristics of people using our complaints procedure to ensure we are adopting a consistent approach across the Council. This will enable us to better understand the experiences of specific groups and identify improvement opportunities to make sure our complaints processes are inclusive and accessible to all.

62. Any specific learning actions arising from the annual letter will be taken forward with Equality Impact Assessments completed as appropriate.

Risk Management implications:

63. The potential for complaints is part and parcel in undertaking any customer facing role. Typically, complaints are not included in SCC risk registers as the focus needs to be on the key risks impacting that part of the organisation. Given the disproportionately high number of complaints received in CFLL and associated redress payments a risk has been raised. Specifically, a risk in the CFLL Directorate risk register sets out the planned actions to try and reduce the underlying causes of the problems with the intention of minimising future complaints.

Legal Implications:

64. The Local Government Act 1974 established the Local Government and Social Care Ombudsman and gives the Ombudsman wide powers to investigate complaints about the actions of local government.

65. The matters in this report comply with the above legislation. This report is a noting report and there are no legal implications directly arising from the contents.

Next steps:

66. The Audit & Governance Committee to receive a mid-year complaints report covering the first 6 months of 2024/25, along with an update on improvement actions.

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Sources/background papers:

- [Surrey County Council's Annual complaints report 2023/24 – 5 June 2024.](#)
- [LGSCO Annual Letter 2023/24 for Surrey County Council](#)

Annexes/Appendices:

- Appendix 1 – CIPFA Benchmarking Group
 - Appendix 2 – Analysis of Children's Services & Education Complaints
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Appendix 1: CIPFA Benchmarking Group

SCC's CIPFA group contains the following authorities:

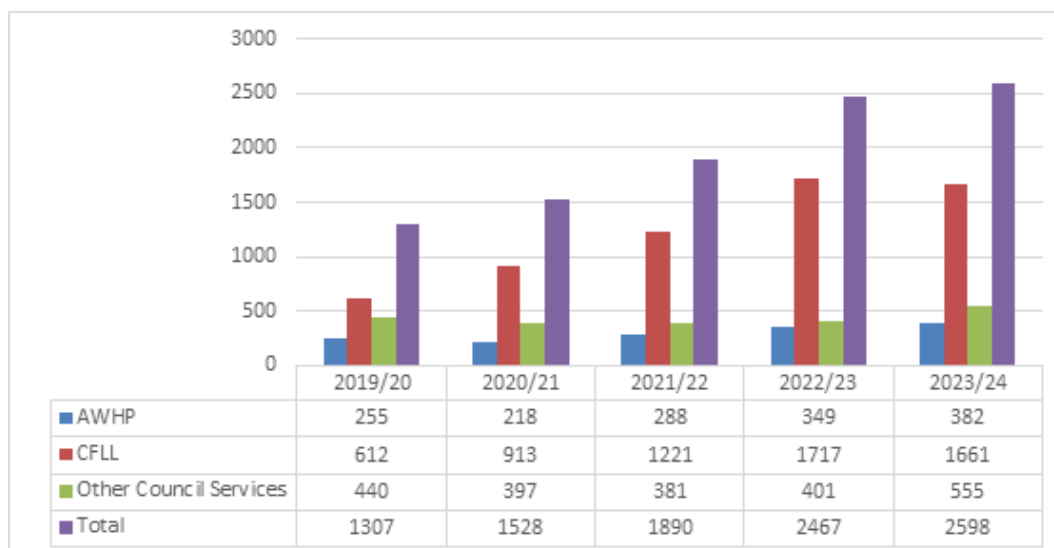
- Hampshire
- Hertfordshire
- Kent
- Leicestershire
- Devon
- Cambridgeshire
- Warwickshire
- Surrey
- Worcestershire
- Oxfordshire
- West Sussex
- Essex
- Gloucestershire
- East Sussex

Appendix 2: Local Government and Social Care Ombudsman Decisions 2023-2024

Analysis for Children Families and Lifelong Learning services

Introduction

1. In 2023-2024 CFLL services received 1,661 complaints at Stage 1, with 495 related to Children’s Social Care and 1,078 about Education services. Education-related complaints increased slightly from the previous year; however, it was a much lower increase than predicted, and showed a slowing compared to year-on-year average increase over the past four years. Overall, complaints about all CFLL services reduced for the first time in five years.



2. The Annual Complaints Report presented to Audit & Governance Committee in June 2024 provides a breakdown of complaint volumes at each stage, including Ombudsman investigations, as well as detail on financial remedies, root causes, learning from complaints and service improvements underway.

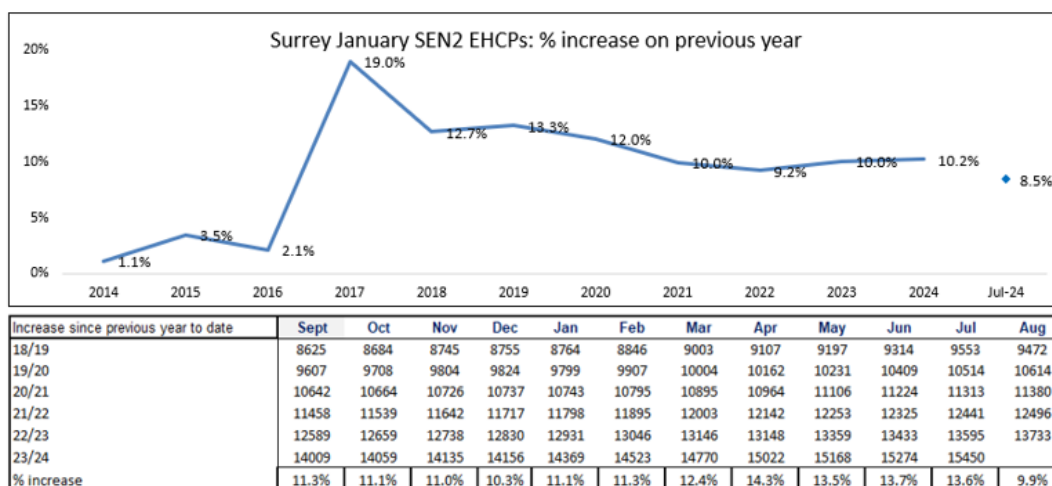
<https://mycouncil.surreycc.gov.uk/documents/s97137/Item+6+-+Annual+Complaints+Performance+Report.pdf>

- The annual letter from the LGSCO, issued in July 2024, reports on enquiries raised with their office and on the outcome of their investigations. The accompanying statistical analysis provides an opportunity for analysis of LGSCO decisions and benchmarking our outcomes with other local 'comparator' authorities.
- During the year 2023/24 there were 116 upheld decisions relating to Education services, and a further 11 relating to Children's Social Care.

Context

- The Children Families and Lifelong Learning directorate serves over 350,000 children and young people aged 0-24, who live, study and work in Surrey, or who are in our care, as well as to the wider population of Surrey via our Adult Learning services (source: Surrey's Children and Young People with Additional Needs and Disabilities Joint Strategic Needs Assessment 2022).
- Of the many services we deliver, one area that has experienced a significant increase in demand over the past few years is our support for children with additional needs and disabilities. 15,469 children had Education Health and Care Plans (EHCPs) on 6 August 2024 (data source: Tableau), with many more children receiving SEN Support in school and other educational settings.

Surrey EHCP based on SEN2 census



- This increase reflects a historic upward trend in requests for assessment, which for the first time has seen a reduction over the last academic year. This may be attributed to our increased focus on early

intervention and support as part of the Ofsted Improvement Plan. The table below shows the year-on-year increase in requests for EHC needs assessments (EHCNA) and the recent reduction.

	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Total
2023-2024	176	202	265	225	268	248	338	212	299	273	346		2,852
2022-2023	182	256	300	236	302	256	392	199	327	314	356	92	3,212
2021-2022	175	180	284	244	236	241	341	238	346	314	357	115	3,071

8. Parents, carers, children and young people can contact the Council at any time. The Learners' Single Point of Access (LSPA) Contact Centre received 18,630 calls between 1 April 2023 and 31 March 2024; there are many other ways that families reach us during the year, to add to the overall number of contacts.

9. Families can also raise formal complaints through our well-advertised complaint procedures.

Data analysis

10. We analysed data on LGSCO enquiries captured by the CFLL Customer Relations team throughout the year. The data will show minor variation compared to the LGSCO data, due to differences in recording processes, but it accurately represents weightings in performance and key themes.

11. The majority of LGSCO decisions were about SEND services. SEND-related complaints made up a higher percentage of total complaints for SCC than for other comparable local authorities, as shown in the table below.

Local Authority	Total complaints upheld	SEN complaints	Number of public reports	Satisfactory remedy decisions
Surrey	141	105* (74%)	1	4 (3%)
Kent	76	42 (55%)	1	2 (3%)
Hertfordshire	42	25 (59%)	0	3 (7%)
Hampshire	31	10 (32%)	0	1 (3%)
Oxfordshire	34	19 (55%)	0	3 (9%)
Essex	66	40 (60%)	1	3 (5%)

*This figure was taken from an internal report, which records date received as opposed to date of decision. The LGSCO decision data is slightly higher.

12. Whilst SCC had higher numbers of LGSCO upheld complaints than our statistical neighbours, the percentage of upheld SEND complaints was slightly lower than the national average of 92% of all education cases reported by the LGSCO as upheld; they report that numbers are increasing rapidly. For the full report visit <https://www.lgo.org.uk/assets/attach/6627/Annual-Review-of-Local-Government-Complaints-2023-24.pdf>.

Themes of investigations

13. The main complaint theme of delays in EHC Needs Assessment, as shown in the table below, is unsurprising given the well-documented national challenges in recruiting and retaining sufficient Educational Psychologists to match the increase in requests for Needs Assessments alongside staffing capacity pressures in the SEN service.

Theme of investigation	Number of complaints upheld
Delay in EHCP process	74
Periods of missed provision	26
Delay in EHCP Annual Review process	9
Delay in providing alternative provision	2
Delay in providing post-16 support	2
Delay in providing Personal Budget	2
Change of specialist placement	1
Not found*	1

*Case details not found on LGSCO website or on SCC's internal case tracker, but included in LGSCO statistics.

14. SCC took significant action in 2023, with a £15m investment to support the EHCP Recovery Plan that is now delivering clear performance improvements in 2024-2025.

15. This has led to all outstanding Educational Psychology reports being completed from the backlog in 2023-2024, enabling the County Council to perform above national averages for timeliness of completing

EHCPs at 71% in July 2024. We have already seen a reduction in Stage 1 complaints about delays in needs assessments as a result and this is likely to lead to fewer escalations to Stage 2 and to the LGSCO moving forward.

16. It should be noted however, that current LGSCO investigations often relate to experiences from at least six months, and often more than a year prior, so it is likely the number of upheld LGSCO investigations on this theme will continue at a higher level for the next twelve to eighteen months before beginning to reflect the current recovery work.
17. The second key area of complaints relate to children enrolled at school but not attending. In many cases schools make alternative provision available to support their access to education. There are also cases where parents and carers believe that Surrey Council should commission services to support their child who is not attending school. The responsibility to provide a suitable education is set out in Section 19 of the Education Act 1996.
18. In 2023 the services reviewed 139 complaints about missed education as defined by our Section 19 duties. The review was designed to understand operational practice and to identify gaps in knowledge. Following the review, Surrey Council established a small Section 19 working group to oversee an action plan that addressed the operational and policy issues needed to ensure we are able to meet our duties. The actions included a policy review, and delivery of training across all services. The reasons that children are not in school are complex and often the children involved have several vulnerabilities.
19. It is also worth noting that delays in the Annual Review process have become a recurring theme in complaints in the first months of 2024-2025. Complaints centre around incomplete annual reviews where annual review meetings have taken place in schools but the final action to complete the process by issuing a 'no change' letter or updating an EHCP has not been completed. There is a recovery team in place to address this and as a result there has been an increase in the completion of the annual review process from 25% in July 2023 to 55% in June 2024 with over 3,700 reviews having been finalised through

this work. The target is to complete 75% of all outstanding annual review actions by December 2024 which should have a significant impact upon complaints and Ombudsman actions.

Factors affecting volumes and escalation rates

20. The benchmarking exercise (para. 12) has shown SCC to be an outlier among its comparator local authorities, for complaints about SEND services.
21. There are two metrics to address when analysing these figures, one being the overall volume of contacts, in particular complaints at Stage 1, and the other being the percentage of complaints escalating from Stage 1 to Stage 2, and from Stage 2 to the Ombudsman.
22. A high volume of complaints and enquiries can be expected in Surrey, owing to a range of factors including:
 - The number of children with an EHCP has been increasing year on year, with demand outstripping our ability to perform well for a period.
 - Insufficient places to meet demand.
 - Lack of inclusive culture in some schools and early support, resulting in alternative places being sought for children and young people.
 - Well-publicised complaints procedures and active parent and carer forums.
23. The delays in completing EHCNAs and issuing plans has been well documented. This resulted in a significant increase in complaints about this topic from the beginning of the 2023 calendar year.
24. The second key metric is the percentage of complaints escalating through the complaint procedure. The 37% in Education services for 2023-2024 is significantly above the suggested 10-18% target range.

25. Factors affecting escalation include:

- Timeliness of responses at Stage 1.
- Quality of response, particularly all questions being fully answered, and actions set out clearly.
- Agreed actions are completed within the promised timeframe.
- Appropriate remedies being put in place if the complaint is upheld.

Summary of improvement work underway

Data and reporting consistency:

26. The current case management system for complaints does not provide the level or consistency of data needed to generate actionable insights at a service level. The reporting process is complex and disconnected, which creates the risks of inconsistency and misinterpretation of data and challenges in effectively learning from complaints to improve practice. We are escalating the changes needed from the current provider, and renewing the contract in the short-term, while working with IT&D colleagues to design and procure a better system in the medium-term.

27. Within the confines of the current system, we have worked with colleagues in Business Intelligence and IT&D to automate our reporting for consistency and efficiency, as well as creating a Tableau dashboard for real-time data and accessibility for all services.

28. These improvements have enabled CFLL to start a new reporting timetable in September 2024, enabling quicker response and intervention; and including:

- a weekly update for operational service teams on active complaints and time taken to complete complaints closed in the preceding seven days
- a monthly update to leadership team on key complaint volumes, timeliness and escalation rates, with breakdown by services and graphs showing year-to-date

- a quarterly learning from complaints report, including attendance at Practice Leadership team in Children’s Social Care, and presenting insights at the Additional Needs & Disabilities Partnership Board.

Service delivery:

29. The EHCP Recovery Plan has been referenced above and is a major programme of work focused on improving quality and timeliness of service delivery, which should in time lead to reduced volumes of complaints about these themes.

30. Implementation of the Local Area SEND Improvement Plan began following the Ofsted and Care Quality Commission (CQC) inspection in September 2023, with six delivery groups, including early intervention and better signposting and support for families, to ensure the right support at the right time, as well as improved service delivery and experiences for those who do apply for and receive an EHCP.

31. In recognition of the significant feedback through complaints and other contacts regarding communication and information access, one of these delivery groups is focused solely on Relationships, Communication and Collaboration. The CFLL Customer Relations team inputs to this group on a regular basis, providing insights from complaint volumes, themes and individual case work to ensure we are providing the right information at the right time, managing expectations, resolving concerns as soon as possible and improving our communication style where needed.

Quality and timeliness of complaint responses:

32. Following additional resourcing within the team, the CFLL Customer Relations team has also recently reintroduced a quality assurance check for all enquiries and complaints, to address issues mentioned in para.24, using a framework that covers both content and style. This will be fully in place in September 2024.

33. Across Inclusion & Additional Needs services, the introduction of temporary area complaint leads has also enabled better oversight and coordination of responses, leading to a notable reduction in response time over the first few months of this current financial year and some improvement in quality. A permanent solution will be agreed with service leads in Autumn 2024.

Quadrant-based analysis:

34. The four geographic areas of Surrey each experience slightly different levels of demand and are currently served by four different Inclusion & Additional Needs services. Some analysis of 2023-24 data, including demand volumes, complaint escalation volumes and financial remedy amounts has already been completed. This will be discussed with Assistant Directors responsible for each of the four quadrant areas to consider any shared learning and further changes to procedure or practice that could be made.