

**Derbyshire County Council**

**CABINET**

**2 December 2014**

**Report of the Chief Executive**

**COMPLAINTS AND COMPLIMENTS OVERVIEW 2013/2014  
(Strategic Policy and Budget)**

**1. Purpose of the Report**

To inform Cabinet of:

- complaints dealt with under the Council's Complaints Procedure;
- the Local Government Ombudsman's Annual Review Letter in respect of Derbyshire County Council for the year ended 31 March 2014;
- compliments received by the Council during the financial year 2013-14.

**2. Information and Analysis**

During 2013-14, the Council dealt with 803 complaints, an increase of 2.6% from 2012-13 when 782 complaints were handled. Within departments the largest increase in complaints handled from 2012-13 to 2013-14 was seen within Children and Younger Adults (32.6%), and the largest decrease was seen in Adult Care (-15.4%). During 2013-14, Adult Care handled the most complaints with 36.2% (291) of the total, followed by Children and Younger Adults 30.4% (244), and Economy, Transport and Environment 18.2% (146). Given the public facing services they provide these departments together account for 85% of the complaints received. During the monitoring period, 94% (754) complaints were completed i.e. they have been through all stages of the complaints procedure, to satisfactorily resolve the issue concerned.

Departments have, where possible, provided detailed information about each individual complaint, which has informed this report. Moving forward to 2014-15 reporting there will be more focus on the outcome of complaints and what the Authority has learnt from these.

**Outcomes of complaints**

The percentage of complaints upheld in 2013-14 was 19%, which is the same level as in 2012-13. The percentage of complaints partially upheld rose from 22% in 2012-13 to 23% in 2013-14. The number of complaints not upheld has reduced slightly from 50% in 2012-13 to 48% in 2013-14 (see Table 1). This means that the level of complaints upheld, partially upheld and not upheld in 2013-14 is very similar to figures for 2012-2013.

The overall percentage of complaints having other outcomes has increased by one percentage point to 4% for 2013-14. Examples of reasons given for the recording of

## Public

'other' as an outcome include instances where the actual outcome has not been recorded, a verbal rather than written response has been given, and complainant contact information has been incorrectly supplied or excluded from the complaint. Whilst the overall percentage for complaints not completed during the monitoring period (6%) is similar to 2012-13 (5%), there were variations within departments, which can be seen in Table 1 below.

**Table 1. Outcomes of complaints 2012-13 and 2013-14**

			Chief Executives	Corporate Resources	Health & Communities	Children & Younger Adults	Economy, Transport & Environment	Adult Care	Total
2013-14	Upheld	Number	0	9	10	19	42	71	151
		%	0%	20%	13%	8%	29%	24%	19%
	Partially Upheld	Number	0	26	22	47	26	61	182
		%	0%	59%	28%	19%	18%	21%	23%
	Not Upheld	Number	0	9	42	137	68	129	385
		%	0%	20%	54%	56%	47%	44%	48%
	Other	Number	0	0	0	21	4	11	36
		%	0%	0%	0%	9%	3%	4%	4%
	Not completed	Number	0	0	4	20	6	19	49
		%	0%	0%	5%	8%	4%	7%	6%
	Total	Number	0	44	78	244	146	291	803
		%	0%	100%	100%	100%	100%	100%	100%
Previous financial year 2012-13	Upheld	Number	1	10	17	11	30	83	152
		%	7%	40%	21%	6%	27%	25%	19%
	Partially Upheld	Number	12	8	34	31	18	69	172
		%	86%	32%	41%	18%	16%	21%	22%
	Not Upheld	Number	1	5	30	125	57	176	394
		%	7%	20%	37%	71%	51%	53%	50%
	Other	Number	0	2	1	9	6	4	22
		%	0%	8%	1%	5%	5%	1%	3%
	Not completed	Number	0	2	0	8	20	12	42
		%	0%	7%	0%	4%	15%	3%	5%
	Total	Number	14	27	82	184	131	344	782
		%	100%	100%	100%	100%	100%	100%	100%

## Adherence to timescales for responding to complaints

With regard to completed complaints, 79% were replied to within the timescales set out in the complaints procedure. This is significantly lower than in 2012-13, when 91% of complaints were replied to within specified timescales. Further work to investigate why this is the case will be carried out. It is likely that the significant budget cuts that the Council has to make by 2018 will impact on the resources

## **Public**

available to respond to complaints in the specified timescale. Response times, and the ability of departments to respond to complaints are also affected by the number of unreasonably persistent complainants (UPCs) and multiple complaints from the same person.

The Local Government Ombudsman has defined 'unreasonable' and 'unreasonably persistent' complainants as those who, because of the frequency or nature of their contacts with the local authority, hinder the authority's consideration of their or other people's complaints. Adult Care currently has two UPCs on file whilst Children & Younger Adults has one current UPC and one potential UPC. Economy, Transport and Environment has five people which have been notified as Single Point of Contact due to persistent/unreasonable behaviour, where the complainant has contacted numerous members of staff on the same day.

The number of multiple complaints made by the same person is also impacting on departments. For example, Adult Care found that in 29 cases, complainants made more than one separate complaint relating to a specific client. In addition 40 of the service enquiries brought to the department, the majority of which were instigated by MPs, had already been brought to the department directly by the complainant. Again, in this situation a Single Point of Contact is being used to prevent duplication of effort and resource.

## **Member's Casework System**

The Member's Casework System is used to manage all the correspondence that Elected Members receive. When a complaint is received from a member of the public, the issue is referred to the relevant department who then logs it in their complaints system and deals with it under the corporate complaints procedure. Further work will be taking place over the next twelve months to look at ways in which the Members Casework System and the corporate complaints procedure can complement each other and where possible reduce duplication.

## **Demographics**

The recording of demographic information is important in monitoring the profile of complainants. However, the level of complainant demographic information collected is generally low and varies considerably across departments. Departments should be encouraged to collect this information wherever possible. The most comprehensive data gathered is on complainant gender, with 93% of complainants disclosing this information in 2013-14, which is slightly lower than 96% in 2012-13 (see Table 2). Comparatively, only 34% of complainants disclosed their disability status. Data was collected most consistently by Adult Care

Overall, 53% of complainants were female and 40% male, with Adult Care (59%) and Children and Younger Adults (63%) having the most female complainants. The majority of complaints in Adult Care were made by those stated as having a disability (79%), reflecting the department's high level of service provision for disabled clients. A breakdown of complainants by age also shows that 27% are over 65.

**Table 2. Completed complaints demographics 2012-13 and 2013-14**

			Chief Executives		Corporate Resources		Health & Communities		Children & Younger Adults		Economy, Transport & Environment		Adult Care		Total	
			2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13
Gender	Male	Number	0	8	23	6	36	40	71	82	76	73	97	130	303	339
		%	0%	57%	52%	24%	49%	49%	32%	47%	54%	66%	36%	39%	40%	46%
	Female	Number	0	6	17	15	27	32	140	88	54	31	161	200	399	372
		%	0%	43%	39%	60%	36%	39%	63%	50%	39%	28%	59%	60%	53%	50%
	Not Stated	Number	0	0	4	4	11	10	13	6	10	7	13	2	51	29
		%	0%	0%	9%	16%	15%	12%	6%	3%	7%	6%	5%	1%	7%	4%
Disability	Disabled	Number	0	1	0	3	2	2	1	7	0	1	214	246	217	260
		%	0%	7%	0%	12%	3%	2%	0%	4%	0%	1%	79%	74%	30%	35%
	Not Disabled	Number	0	2	0	0	5	19	3	3	0	0	23	26	31	50
		%	0%	14%	0%	0%	7%	23%	1%	2%	0%	0%	8%	8%	4%	7%
	Not Stated	Number	0	11	44	22	67	61	220	166	110	110	35	60	476	430
		%	0%	79%	100%	88%	91%	74%	98%	94%	100%	99%	13%	18%	66%	58%
Ethnicity	White (British)	Number	0	3	0	3	8	17	143	166	0	1	237	310	388	500
		%	0%	21%	0%	12%	11%	21%	64%	94%	0%	1%	87%	93%	54%	68%
	BME	Number	0	0	0	0	0	0	8	4	0	0	1	4	9	8
		%	0%	0%	0%	0%	0%	0%	4%	2%	0%	0%	0%	1%	1%	1%
	Not Stated	Number	0	11	44	22	66	65	73	6	110	110	34	18	327	232
		%	0%	79%	100%	88%	89%	79%	33%	3%	100%	99%	13%	5%	45%	31%
Age	Under 24	Number	0	2	0	1	0	1	0	2	0	0	16	12	16	18
		%	0%	14%	0%	4%	0%	1%	0%	1%	0%	0%	6%	4%	2%	2%
	25-44	Number	0	0	0	0	4	9	48	46	0	0	20	46	72	101
		%	0%	0%	0%	0%	5%	11%	31%	26%	0%	0%	7%	14%	20%	14%
	45-64	Number	0	0	0	0	1	6	22	34	40	0	45	57	108	97
		%	0%	0%	0%	0%	1%	7%	14%	19%	27%	0%	17%	17%	16%	13%
	65+	Number	0	1	0	2	7	5	12	0	0	1	166	211	185	220
		%	0%	7%	0%	8%	9%	6%	8%	0%	0%	1%	61%	64%	27%	30%
	Not Stated	Number	0	11	44	22	62	61	73	94	110	110	25	6	314	304
		%	0%	79%	100%	88%	84%	74%	47%	53%	73%	99%	9%	2%	45%	41%

### Changes to service delivery as a result of complaints received

Complaints received by the Council relate to a combination of service and performance issues. A number relate to communication, customer care and the overall service provided. In order to assist the process of addressing complaints, all departments continue to reinforce the Council's Customer Service Charter protocols through staff meetings and corporate Putting People First training. There are several instances where complaints have been resolved through joint action across departments, for example Adult Care and Call Derbyshire have worked together to make improvements to the Blue Badge assessment process.

Actions taken by individual departments in response to stage one complaints received about service provision during 2013-14 are outlined below:

- Adult Care**

Adult Care produce a comprehensive annual report which is presented to the Senior Management Team (SMT) and the Cabinet Member for Adult Social Care and published. This report shows the steps which have been taken to

## **Public**

develop practice in response to dealing with complaints and is underpinned by an action plan. Quarterly reports are provided and discussed with SMT and weekly reports are distributed to SMT and Operational Managers to reflect outstanding complaints and remind of timescale. Upheld complaints are followed up with Operational Managers to ensure improvements are made and shared, and this learning is discussed at the Adult Care Quality Compliance Group.

The system for recording complaints in the department has changed. As part of this change, categories for monitoring complaints have been updated and broadened to make them more relevant to the current work of the department. The majority of complaints within Adult Care concern the quality of work (39%). This is a broad heading which covers general dissatisfaction with the service provided and includes both staff and physical standards in facilities. Each year Adult Care draws up an action plan to make positive changes as a result of learning from complaints.

For example, following complaints about waiting times for adaptations, a revised joint approach to this work has been developed with Amber Valley Borough Council and the Home Improvement Agency. Variations of this revised approach are now being rolled out across the county with other local authorities.

There have been a number of complaints regarding communication and this has resulted in a change to existing procedures:

- Appropriate telephone calls should be made and staff should uphold standards to provide a person centred, respectful and dignifying service;
- Calls received should always be returned, even if to say that it has been passed to somebody else;
- A client's service should not be withdrawn without speaking to the client face to face;
- Staff have been reminded to emphasise to clients that how they spend their personal budget / direct payment is their decision;
- Clearer communication around third party top ups for care home fees is to be provided to clients.

## **Children and Younger Adults**

Children and Younger Adults produce a quarterly report for Senior Management Team and also publish a comprehensive annual report. The largest number of complaints concerned social care issues (28%). To address these issues, communication between workers and families has been improved. Feedback has been given to operational staff and a reminder issued to all staff to ensure that clearly communicate the support the service user will be receiving and to check that service user understand all the information they have received. Where a significant amount of information is being communicated verbally to service users, workers will follow up with a letter confirming what has been discussed.

## **Public**

- **Corporate Resources**

### **Call Derbyshire**

Seven complaints were received about the time waiting for a call to be answered. To address this managers have made improvements to staff planning and management of resources.

### **Property**

Property share information on complaints received on a regular basis with all their group managers. During 2013-14 there were a number of complaints regarding adaptation works undertaken. These involved snagging works (minor decorating issues), remedial works and unforeseen works which is part and parcel of this type of work. Other instances involved delays which were not down to the County Council and inclement weather causing a delay to the work being carried out. Where the complaint involved employees, appropriate action with the individual concerned was taken to resolve the issues and ensure it did not happen again.

### **Public Relations**

There was only one complaint during 2013-14, about two very small printing errors. More thorough proofreading is to be carried out in the future.

- **Economy, Transport and Environment**

Complaints and compliments currently get reported to the quarterly Departmental Performance Clinic which also considers and reviews lessons learnt. Complaints are also reported at the Management Review Meeting where appropriate, as part of the Quality Management System.

The department continues to ensure that messages are reiterated to the work force where appropriate and monitor situations and take appropriate action when it is necessary to do so in order to avoid further complaints of the same nature. As the complaints process is now being monitored under the Quality Management System, any non-conformances are raised and processed with a view to looking for corrective action to be taken to avoid any re-occurrences.

During 2013-14, complaints to the department included driving incidents (33%), the attitude/action of staff (21%) and lack of action (16%). In response to complaints about staff attitude, customer care training has been carried out and is in the process of being rolled out to front line staff, such as road workers. With regard to driving incidents customer care training is being rolled out throughout the department and drivers will be reminded of their responsibilities at briefing sessions. One driver was removed from driving duties and a hired operative is no longer being contracted. Contractors have been instructed to remind drivers of their duty to drive and park courteously when working on behalf of the Council. A complaint was received about a vehicle constantly travelling along the same road towing a trailer with a different number plate. In response to this a transport briefing was issued to remind drivers and managers of their responsibilities in relation to ensuring that number plates matched.

## **Public**

- **Health and Communities**

The department is looking to develop a consolidated approach to information capture for both complaints and compliments, recognising that some sections tend not to receive any complaints. They are looking to develop a method of collation and reporting which will aggregate all the information for the department, which can then be reported to the Departmental Management Team.

### **Libraries and Heritage**

During 2013-14, a number of complaints received by the department were about web functionality and the use of public computers in libraries 38%. These issues have been raised with the Transformation Service. Instances where the public have been unhappy with the conduct of library staff (36%) have been resolved individually with the staff concerned. Staff training has been put in place and/or a review of the situation with a line manager has been undertaken where the complaint was upheld or partially upheld.

### **Trading Standards**

A number of complaints received by Trading Standards during 2013-14, were related to customer expectations and requirements (42%) and enforcement decision/action (27%). There has also been a reduction in the number of complaints received about the publication of information, which is the result of a change to the policy where comments are validated before they are published on the Derbyshire Trusted Trader website.

### **Local Government Ombudsman (LGO)**

The LGO Annual Review Letter 2013-14, giving details of the total number of complaints for Derbyshire for the year ended 31 March 2014, is attached at Appendix A for consideration. All of the Ombudsman's annual review letters are published on the LGO website ([www.lgo.org.uk](http://www.lgo.org.uk)) and copied to the Audit Commission. Derbyshire's Annual Review Letter has also been published on the Council's website:

<http://www.derbyshire.gov.uk/council/complaints/ombudsman/default.asp>

The aim of the Annual Review Letter is to provide councils with information which will help them improve complaint handling and their services more generally, for the benefit of the public.

For the period ending 31 March 2014, the LGO received 77 complaints relating to Derbyshire County Council which is lower than the average of 96 complaints recorded for all county councils across England. The 77 complaints compares to 49 enquiries and complaints for Derbyshire in 2012-13 (an increase of 57%). In previous years the LGO has provided detailed information on the complaints they received. However during 2013-14 the complaints process changed and detailed information is not available from the LGO. The LGO also previously sent a draft report to the Council so that officers could check that the LGO's statistics were the

## Public

same as the Council's. This is no longer the case and the Council has raised a number of queries with the LGO in connection with the statistics.

The Director of Legal Services, on behalf of the Chief Executive, has responded to the LGO in connection with the Annual Letter and Statistics and the following comments have been made in relation to the letter:-

- Paragraph 4 – this relates to a Children and Younger Adults (CAYA) matter. The Director and Cabinet Member were fully briefed and a report on this case has been made to the Standards Committee.

The Council cannot disagree with the LGO's comments in respect of this complaint however as soon as the relevant department realised that the officer concerned had not dealt with this complaint in the way that had been agreed with the LGO, the LGO was immediately informed and appropriate action taken to ensure that the matter was put in hand without any further delay.

- Paragraph 5 – in relation to the Disabled Facilities Grant (DFG) matter, the Council responded to the request but officers consider that the information requested was not in itself clear. As soon as this complaint was received from the LGO a full investigation was carried out and the Council contacted the LGO straight away to say that it accepted that the service which had been provided fell short of what could have been expected. The Council has worked with the LGO to agree a satisfactory outcome to this complaint. In any event the DFG case is a case which was still on-going and was not concluded in 2013/14 and therefore should not have been referred to in the LGO's letter relating to 2013/14 complaints.

Where the LGO refers to the Council facilitating a file inspection, but then requesting an extension of time to respond to enquiries, this is in relation to the case referred to in Paragraph 4. Officers have some concerns about this comment because the CAYA department did their best to facilitate the file inspection. This has been discussed with the LGO who have explained that the reason for this comment was because the Council had not explained what the reason for the delay was i.e. that the officer was unavailable immediately following the file inspection. The Council will ensure that where a request for an extension of time for the submission of documents is made in the future, the Authority, makes it clear to the LGO the reason why it is asking for an extension.

- Paragraph 6 – this is the LGO's opinion that their requests are "clear and specific", but any request for information the Council receives can be misinterpreted (although officers do not think that this happens very often). On a number of occasions officers have asked for clarification from the LGO as to what is required. The LGO has confirmed this and is again referring to the DFG case in respect of the lack of evidence of the Council's decision making process within agreed timescales. The comments in respect of this case are referred to above and again the Authority has reiterated that this is a 2014-15 case which should not be referred to in the 2013/14 statistics.



## **Public**

Officers are looking in great detail at the responses provided to the LGO who recently visited the Council to meet with officers dealing with LGO complaints. During their visit the LGO explained what they are looking for, when requests for information are sent out to the Council as part of their investigations. The visit by the investigating officer was well received and very positive and the Council is hoping that this will strengthen the Authority's working relationship with the LGO.

Generally the tone of the LGO's letter is of concern and is very disappointing to all employees who work on responses to the LGO. It is also disappointing that the LGO's annual review letter has concentrated on two cases when in fact there have been very positive outcomes in relation to many other cases. Specifically in relation to the two cases referred to, as soon as officers realised that there were issues in connection with these cases, they worked positively with the LGO to try and resolve the outstanding matters. In a number of these cases, they would not previously have been classified as upheld because they would have been resolved in agreement with the Council and as such would previously have been referred to by the LGO as "resolved by way of local settlement".

According to the LGO, 11 complaints have been upheld in 2013-14. However, the Council considered that only 10 cases should be recorded as upheld. The LGO has now confirmed that 10 is the correct figure. The complaint which the Council considered should not be classed as upheld is highlighted in Appendix B. The LGO has confirmed that this case should be recorded as premature.

One of the lessons for departments to learn is that when they are dealing with complaints under the Council's Complaints Procedure an objective view needs to be taken. Consideration should be given to including Legal Services at an early stage if the client department foresees any particular problem. In respect of LGO cases where officers have identified a likelihood of a finding of fault by the LGO, the Council have been proactive in identifying this and working with the LGO to provide a solution to the complaint.

## **Compliments**

The recording of compliments enables the Council to understand the areas where the Authority is doing well and identify practices and procedures that can be preserved or applied to other departments. As such they are an important source of feedback from the general public and service users. This report does not make direct comparison between the numbers of complaints and numbers of compliments received. Whereas corporate complaints follow national guidance, agreed corporate procedure and recording protocols, there is no corporate policy on the recording of compliments. The inclusion of compliments does however provide a balance to complaints received.

Table 3 below shows that during 2013-14, the Council received 1646 compliments, which is just slightly below the 1,687 compliments received in 2012-13. The highest percentage of compliments were received by Health and Communities, Adult Care and Economy, Transport and Environment.

## Public

**Table 3. Compliments received by Department 2012-13 and 2013-14**

		Chief Executives	Corporate Resources	Health & Communities	Children & Younger Adults	Economy, Transport & Environment	Adult Care	Total
<b>2013-14</b>	Compliments	33	63	532	157	388	473	<b>1646</b>
	% of All	2%	4%	32%	9%	24%	29%	<b>100%</b>
<b>2012-13</b>	Compliments	71	52	714	121	497	232	<b>1687</b>
	% of All	4%	3%	42%	7%	30%	14%	<b>100%</b>

Across all departments, a significant number of compliments related to customer service, with the enthusiasm, helpfulness and professionalism of staff being greatly appreciated by the public. Analysis of compliments received by each department is outlined below.

- **Adult Care**

Within Adult Care most compliments received were around the professional quality of work (83%). Staff were thanked for their professional care, compassion, friendship, help and understanding, honesty and openness and willingness to go beyond the call of duty. One family member commented that these qualities helped with the decision making process whilst providing reassurance that the best interests of her family member were at heart. The compliments received demonstrate that clear and thorough communication at the time of assessments is highly important to clients' understanding of their future care.

- **Children and Younger Adults**

Many compliments were received across the wide range of services provided by Children and Younger Adults. A number of compliments highlighted the high standard of professionalism by social workers, particularly for their help and support with families (28%), and the work of the post-adoption team (9%). There were also numerous compliments about support services which include supporting local families (35%) and the Young Women's Group.

- **Chief Executive's**

The majority of compliments within the Chief Executive's Department were received by Derbyshire Sport. These related to conferences and events, which included Sports Awards and Schools Sports Association Awards and support for clubs to obtain grant funding.

- **Corporate Resources**

Over half of the compliments reported by the Corporate Resources Department were for Property Services (54%). The majority of compliments referred to the high level of workmanship and professionalism of staff. A number of these

## **Public**

compliments specifically related to the support provided to staff during office relocations. Call Derbyshire received 15 compliments about the assistance they provided in reporting and resolving problems.

- **Economy, Transport and Environment**

There were many compliments received on the services provided with the highest number of compliments covering highways maintenance (41%). The Countryside Service, Waste Management and Commercial Services also received a number of compliments, with specific reference made to the attentiveness and helpfulness of staff at recycling centres and layout of the sites.

- **Health and Communities**

### **Libraries and Heritage**

A large number of compliments received by the Libraries and Heritage Division praised the role of libraries, particularly in relation to customer service (32%). There were also with numerous compliments received on the book stock and resources and comments about the buildings with particular reference made to the facilities at the new Library in Ashbourne.

### **Trading Standards**

Compliments were received from both members of the Trusted Trader Scheme and consumers who referred to the confidence and reliability of the scheme. The compliments are used to both monitor the scheme and inform future development of the scheme. Compliments were received from both businesses and members of the public regarding the assistance and advice received for specific services provided by Trading Standards. Compliments were also received from farmers and members of the public with regard to animal health activity.

## **3. Financial Considerations**

Claims for compensation payments have been considered, and where applicable, approved in accordance with the Financial Regulations and departmental Scheme of Delegation. There have been no payments made in the reporting period which required Cabinet approval. Any payments made have been met through existing departmental budgets.

## **4. Legal Considerations**

Complaints are dealt with by Council departments in accordance with the relevant complaints procedure.

The Local Government Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007. The Ombudsman may investigate complaints of maladministration causing injustice.

## **Public**

### **5. Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

### **6. Key Decision**

No

### **7. Call-in**

Is it required that call-in be waived in respect of the decisions proposed in the report? – **No**

### **8. Officer Recommendations**

It is recommended that Cabinet:

- 8.1 Note the key issues relating to the complaints procedure, the monitoring of complaints and changes to service as a result of complaints received.
- 8.2 Encourage the collection of demographic data relating to complainants wherever possible.
- 8.3 Consider the involvement of Legal Services at early stage of Local Government Ombudsman related complaints if the client department foresees any particular problem.
- 8.4 Use the information contained within the report to support key process and service improvements within their departments.
- 8.5 Receive a report on the progress and developments on complaints and compliments following the end of the 2014-15 monitoring period.

**Ian Stephenson**  
**Chief Executive**

7 July 2014

*By email*

Mr Ian Stephenson  
Chief Executive  
Derbyshire County Council

Dear Mr Ian Stephenson

**Annual Review Letter 2014**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

We have concerns about the Council's complaint handling in some cases. In a Children's Services complaint it had twice previously failed to carry out a Stage 2 investigation within statutory complaints processes despite agreeing to do so when the complainant came to this office. On the third occasion the complainant complained to us about a failure to investigate the complaint.

In a number of other cases we have received incomplete responses to enquiries. In one case involving a Disabled Facilities Grant application, the Council failed to provide complete answers to enquiries. In another complaint, the Council facilitated a file inspection but then requested an extension of time to respond to enquiries despite very clear explanations to officers of what information was needed.

We are concerned that generally there appears to be a lack of clear understanding of what information Investigators are asking for, despite clear and specific requests. It is disappointing that

## **Public**

the Council does not ask for clarification if that is needed. It is of more concern that it seems unable to provide complete evidence of its decision-making processes within agreed timescales.

### ***Developments at the Local Government Ombudsman***

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

### ***Future for local accountability***

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

Yours sincerely

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

Dr Jane Martin

Local Government Ombudsman, Chair, Commission for Local Administration in England

## Public

### Local authority report – Derbyshire County Council

For the period ending – 31/03/2014

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

#### Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
Derbyshire CC	17	3	5	33	4	13	0	2	77

#### Decisions made

	<u>Detailed investigations carried out</u>						
Local authority	Upheld	Not upheld	Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
Derbyshire CC	11	8	0	26	2	36	83

**Public**  
**Appendix B**

<u>Dept</u>	<u>Number</u>	<u>Details</u>
Adult Care	13 000 573	<p>The complaint was that the Council failed to ensure that the complainant's daughter's needs were met whilst she was waiting for the Authority she had moved to agreeing funding responsibility. She said Derbyshire County Council delayed in providing information to the other Authority which the Authority needed to make a decision about funding the complainant's daughter's care package.</p> <p>The LGO found that the Council was at fault for failing to ensure continuity of care for the complainant's daughter when she decided to live permanently in another local authority area. The Council agreed to apologise and also agreed with the other local Authority an appropriate financial remedy.</p>
Adult Care	13 004 924	<p>The complaint was that the Council failed to take account of the complainant's mother's wishes in relation to her family making visits to the care home where she lived.</p> <p>The LGO found that the Council should have considered the evidence of the complainant's mother's wishes when it assessed her capacity and best interests, but the fact that it did not had not caused her injustice.</p>
Adult Care	11 020 888	<p>The complaint was in relation to the actions of the Derbyshire Primary Care Trust, the Moss Valley Medical Practice, the Chesterfield Royal NHS Foundation Trust, Sheffield City Council's Social Services Department and NHS Derbyshire County (PCT).</p> <p>The complaint was about the location of care provided to the complainant's late brother during the last few months of his life in 2009 and that his late brother's wishes were not properly taken into account and decisions about where the brother should be living and receiving care.</p> <p>This was a complaint investigated jointly by the LGO and the Parliamentary and Health Services Ombudsman (PHSO) who made a finding of maladministration by the Council, causing injustice to the complainant.</p>



## Public

		<p>The joint investigation found that all five organisations involved in this case shared responsibility for taking proper account of the law, in particular the Deprivation of Liberty Safeguards that were designed to prevent people without capacity from being deprived of their liberty unfairly and they had failed to do so.</p> <p>The PHSO/LGO issued a report on this case. The relevant Cabinet Member and Chief Officer had been fully informed and the matter has been reported to the Council's Standards Committee.</p> <p>The recommendations in the report were accepted by the Council and the other organisations concerned. These are as listed:-</p> <ul style="list-style-type: none"> <li>• The Practice, the Trust and both Councils should write to the complainant to acknowledge and apologise for their part in the failings identified in the report and for the injustice caused to the complainant and his brother.</li> <li>• All five organisations should pay £200 each to the complainant in recognition of the injustice that the Ombudsman found; (a total of £1,000)</li> <li>• The report also recommended that in view of the fact that there may be an on-going lack of understanding of the Mental Capacity Act 2005 and the safeguards, the Practice, the Trust and both Councils review their practices to establish whether the safeguards are embedded and routinely applied by staff in these circumstances.</li> </ul> <p>The appropriate review has now been carried out by the County Council.</p>
Adult Care	10 022 715	<p>The complaint was that the Council had failed to properly assess the needs of the complainant's daughter and failed to provide services to meet her needs, and that the Council failed to respond appropriately to her complaints; and properly complete home adaptations. The complaint was also that a Council Officer has bullied and threatened the complainant.</p> <p>The LGO found that there was evidence of fault by the Council causing injustice. The Council accepted from the outset that there has been evidence of fault causing injustice and accepted the recommended action in the report (which had been agreed with the LGO).</p> <p>The Council challenged the LGO in relation to the length of time it had taken to deal with this case, which the Council considered had also resulted in matters concerning the complaint not being dealt with</p>

## Public

		more quickly.
CAYA	11 018 397	The complaint was about the way the Council handled a request for financial assistance in relation to a foster child and the assessment of the complainant to be a foster carer. The LGO decided that the Council did not properly consider the complainant's request for financial assistance and therefore the Council was at fault. However the LGO found no fault in the assessment of him as a foster carer. The Council had agreed to the proposed remedy suggested by the LGO and the LGO therefore completed her investigation.
CAYA	13 016 288	<p>The complaint was that the Council stopped providing the complainant's son with school transport in September 2013. Her son had a statement of special educational needs in school 1, a school in another Council's area which was more than 2 miles from their home. The Council failed to amend her son's statement as it believed he should attend a school local to his home. Therefore it should not have removed the transport provided until it had amended the statement.</p> <p>The Council agreed to reinstate the complainant's son's transport until July 2015 which the LGO considered was a suitable offer to remedy any injustice.</p>
CAYA	12 018 536	The complaint was about the Council's actions over a child protection investigation in 2011 and that the Council had not responded appropriately on these matters. The LGO decided there was no fault in the way the Council acted in respect of the child protection investigation, however she found fault in the timescales of the core assessment and the Council's handling of the complaints. The Council agreed to the LGO's recommendations that the Council should apologise to the complainant for its failure to provide a stage 2 investigation and for its errors. The LGO also reminded the Council of the need to adhere to statutory timescales and core assessments and to ensure it advised complainants clearly of their entitlement to a stage 2 investigation of complaints.
CAYA	13 001 686	<p>The complaint was that despite agreeing to do so twice, in relation to two Ombudsman complaints, the Council did not undertake a stage 2 investigation of the complainant's complaint under the Children &amp; Younger Adults' Department's complaints procedure.</p> <p>The Council accepted that it had not properly undertaken the investigation in accordance with the stage 2 of the statutory complaints procedure although it had agreed to do so following the Ombudsman's earlier recommendation.</p>

## Public

		<p>The LGO found that the Council had failed to carry out a stage 2 investigation into the complaints, contrary to statutory requirements to do so. The Council had been given ample opportunity to resolve these issues but had failed to do so and failed to comply with two previous recommendations to complete the stage 2 investigation despite agreeing to do this formerly.</p> <p>The LGO acknowledged that the complainant should understand that the Council had finite resources and might not always respond to every communication as quickly as she would wish.</p> <p>The Ombudsman issued a report in relation to this investigation on 9 July 2013. The relevant Cabinet Member and Chief Officer had been fully informed and the matter has been reported to the Council's Standards Committee.</p>
*CAYA	12 018 243	<p>The complaint was that the Council did not provide proper support and services to the complainant for a period from 2000 when she was a teenager.</p> <p>The complainant had not made a complaint to the Council about these matters. The LGO decided that the Council was best placed to look at these matters under its complaints process. On the basis the LGO discontinued her investigation.</p>
ETE	13 010 609	<p>The complaint was that the Council had unreasonably delayed in repairing a defective gulley outside the complainant's property.</p> <p>The Council informed the complainant in June 2013 that arrangements would be made for the appropriate repairs to be carried out, but the works did not take place until September 2013. The action had been taken by the Council prior to the LGO's investigation, so an acceptable outcome had been achieved. On that basis the LGO discontinued her investigation into the complaint.</p>
ETE	12 014 989	<p>The complaint was that the Council had failed to take action to restrict the use of a highway through the village where the complainant lived which was used by numerous heavy goods vehicles (HGVs) to access a nearby haulage and distribution business. As well as failing to respond to his complaints about this, the Council had awarded the business a contract for waste disposal – resulting in an even greater</p>

## Public

		<p>number of HGVs.</p> <p>The LGO found that the Council was at fault for its delay in responding to the complainants petition about lorries using the road through the village. However, the Council was not at fault for its decision not to introduce weight restrictions on the road. The Council had apologised to the complainant for the delay in responding to the complainant and for failing to keep him up to date.</p>
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\*We have asked the LGO not to include this case as upheld.