

## **LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS ANNUAL REPORT FOR 2014/15 & OMBUDSMAN'S ANNUAL REVIEW LETTER**

Joint Report by the Ombudsman Link Officer and the Head of Business Strategy and Support Services

### **Recommendations:**

- (a) That the complaints made to the Local Government Ombudsman referred to the Council during 2014/15 and their outcomes be noted;
- (b) That the content of the Ombudsman's Annual Review Letter to the Council be noted (Appendix C)
- (c) That the intention of the Ombudsman over the next year to focus on complaint outcomes (at local resolution stages) rather than numbers of complaints to provide a more comprehensive picture of Council performance is noted.

## **1. INTRODUCTION**

- 1.1. In October 1999 the Committee agreed it should receive an Annual Report summarising all complaints about the County Council dealt with by the Ombudsman. This Report fulfils that purpose, provides a brief commentary on the Ombudsman's Annual Review letter including changes implemented / proposals for future working by the Local Government Ombudsman within her own organisation.

## **2. ANNUAL REPORT**

### **2.1 Ombudsman's Jurisdiction**

- 2.1.1 The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as:
  - to investigate complaints against councils and some other authorities
  - to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)

The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; school admission appeal panels.

### **2.2 Complaints Received by Ombudsman about Devon County Council in 14/15**

- 2.2.1 The number of complaints received for the last four years is shown below:

| <b>Year</b> | <b>Complaints</b> |
|-------------|-------------------|
| 2014 / 2015 | 121               |
| 2013 / 2014 | 141               |
| 2012 / 2013 | 62                |
| 2011 / 2012 | 50                |

2.2.2 The significant increase in the number of complaints to the Ombudsman in 2013/14 was as a result in changes made to the corporate customer feedback policy and an awareness campaign by the Ombudsman.

2.2.3 In addition it is clearly stated by the Ombudsman in her Annual Review Letter 2015 that: *We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you.*

2.2.4 The 121 complaints received by the Ombudsman about Devon County Council in 2014/15 were split across services as follows (note these are LGO designated service categories)

| Service                                      | Number of Complaints (% of total) |
|--|-----------------------------------|
| • Adult Care Services                        | 38 (31%)                          |
| • Corporate & Other Services                 | 10 (8%)                           |
| • Education & Children's Services            | 41 (34%)                          |
| • Environmental Services & Public Protection | 3 (2.5%)                          |
| • Highways & Transport                       | 26 (22%)                          |
| • Planning & Development                     | 3 (2.5%)                          |

As Adult Care Services, Education & Children's Services and Highways & Transport are the largest Service areas and the services that the Council receives most complaints about it is expected that these would be the services that the Ombudsman receives most complaints about.

### 2.3 Ombudsman Complaint Decisions in 14/15

2.3.1 Within the 2014/15 reporting year the Ombudsman made decisions on 125 complaints about Devon County Council. This included decisions on 41 complaints that the Ombudsman fully investigated, of these 21 were upheld and 20 not upheld. A summary of all decisions is below

| Decision of Ombudsman                | Number (% of Total) |
|--------------------------------------|---------------------|
| • Investigated – Upheld              | 21 (17%)            |
| • Investigated – Not Upheld          | 20 (16%)            |
| • Advice given                       | 1 (1%)              |
| • Closed after initial enquiries     | 39 (31%)            |
| • Incomplete / Invalid               | 6 (5%)              |
| • Referred back for local resolution | 38 (30%)            |

2.3.2 The table at **Appendix A** provides details of the 21 decisions of upheld and the required actions by the council

2.3.3 21 complaints investigated by the Ombudsman about the Council were upheld, meaning that there was a finding of maladministration. The decision of "Upheld" is applied when the Ombudsman finds there is some fault in the way the council acted – even if it has agreed to put things right during the course of the ombudsman investigation or had already accepted it needed to remedy the situation before the complaint was apparent to the Ombudsman.

2.3.4 Of those 21 complaints where there was a finding of maladministration it was deemed that in 16 of these there had been a degree of injustice. The actions required of the Council by the Ombudsman are included within Appendix A. It should be noted that this included financial compensations for 6 complainants totalling £10,150.

- 2.3.5 Whilst it is not particularly helpful to compare the complaint statistics of other local authorities against our own, as the Ombudsman report does not give enough detail of the subject of the complaint or of what was wrong a breakdown of complaints received, by service type and of the decisions made by the Ombudsman for Devon and its' CIPFA comparators is attached at **Appendix B** for reference – full details for all Local Authorities can be found in the Review of Local Government Complaints 2014-15 report from the Ombudsman

### **3. OMBUDSMAN'S ANNUAL REVIEW LETTER**

- 3.1 The Annual Review letter is the successor to the Ombudsman's Annual Letters, it provides an annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about this Council to the year ending 31 March 2015.
- 3.2 It is intended that the information provided by the Ombudsman set alongside the data the Council records about local complaints will assist in assessing the Council's performance.
- 6.3 The Ombudsman recognises that information on the total number of complaints will not, by itself, give a clear picture of how well complaints are being responded to. It is the intention of the Ombudsman over the next year to gather more comprehensive information about the way in which complaints are being remedied so that in future the annual letter can focus less on the total number of complaints and more on the outcome of complaints.

### **4. MOVING FORWARD WITHIN THE OMBUDSMAN'S ORGANISATION**

- 4.1 One of the key objectives of the next year for the Ombudsman is to continue to work with elected members in all councils to help them to understand how they can contribute to the complaints process. To that effect it has recently worked in partnership with the Local Government Association (LGA) to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. The link to this is here: [http://www.local.gov.uk/web/quest/publications/-/journal\\_content/56/10180/7159167/PUBLICATION](http://www.local.gov.uk/web/quest/publications/-/journal_content/56/10180/7159167/PUBLICATION)
- 4.2 In the last year the Ombudsman established a Councillors Forum. This group meets three times year, brings together councillors from across the political spectrum and from all types of local authorities. The aim is to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles.
- 4.3 The most significant event recently has been the review of the public sector ombudsmen document published by the government in March 2015. This review has proposed that a single ombudsman scheme should be created for all public services in England, thus mirroring the position in the other nations of the United Kingdom. The Local Government Ombudsman (LGO) is supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasing complex public service landscape. The Ombudsman will advice the government that any such scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO.
- 4.4 The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. The outcome of that consultation is still awaited. The LGO is pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman.

## 5. FUTURE DEVELOPMENTS FOR DEVON COUNTY COUNCIL

- 5.1 Members will be acutely aware of the continuing financial constraints being faced by the County Council and the tough decisions around service provision that are being taken. The expectation of customers does not reduce in line with the challenges the Council faces, indeed customers feel more empowered to hold the Council to account, and therefore it is envisaged that more customers will escalate their dissatisfaction beyond the Council's own complaint procedure to the Ombudsman. Even as the Council becomes more of an enabling authority and commissioning many services, it remains entirely accountable for those services, however much day-to-day control it delegates to providers.
- 5.2 Members have previously acknowledged that complaints to the Ombudsman do not always involve the Council or the Appeals Committee having done anything wrong, that they come from people who would have liked something more, or better, or a different outcome. It is unlikely that public expectations of services will diminish in the short term and therefore no reason to suppose that complaints will fall significantly. Despite these challenges customer relations staff are giving every effort to ensure that capacity to respond to the Ombudsman is maintained.
- 5.3 It remains the case that the council does not receive significant criticism from the Ombudsman and therefore we should continue to deliver services within our own policy and procedure guidelines, as well as within statutory requirements.
- 5.4 Most importantly, over the coming year, is that the council takes even greater measures to ensure that it is able to evidence that it is a council that learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and provides. Furthermore the council may wish to consider the role of Members / Scrutiny in this area.
- 5.5 In working to achieve the above the Customer Relations Team are utilising the "My Expectations" service standards framework document, produced in November 2014 jointly by the Local Government Ombudsman, the Parliamentary & Health Service Ombudsman and Healthwatch England. This document describes what good outcomes for people look like if complaints are handled well. This framework has also been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care.

CAROL REECE

ROB PARKHOUSE

[Electoral Divisions: All]

### Local Government Act 1972: List of Background Papers

Contact for Enquiries: Carol Reece  
Tel No: 01392 383624 Room: 120 County Hall

| <u>Background Paper</u> | <u>Date</u> | <u>File Reference</u> |
|-------------------------|-------------|-----------------------|
| Nil                     |             |                       |

## APPENDIX A – UPHELD OMBUDSMAN COMPLAINTS 14/15

| LGO Ref  | Category                         | Decision   | Action required of Council   |
|----------|----------------------------------|--|--|
| 13015843 | Adult Care Services              | <b>Maladministration &amp; injustice</b> –The Council has already investigated this complaint further investigation by the Ombudsman would not add anything. The Council investigation found serious shortcomings that led to the service user being without the care needed following discharge from hospital. The Council had agreed to take action as a result of the investigation it undertook.   | No further actions over and above those agreed to be undertaken by the Council.  |
| 13014039 | Education/Children’s Services    | <b>Maladministration &amp; injustice</b> – There was fault in the way the Council supported the young person, who has additional needs, through transition & his 1 <sup>st</sup> year in 6 <sup>th</sup> form. This fault contributed to the breakdown in his placement and the loss of a year of statutory education.   | The Council agreed to provide further transition planning and a fund of £3,500 for educational support.<br>Council agreed to make a payment of £1,000 to his mother for her stress & anxiety and time & trouble in bringing the complaint              |
| 13013066 | Adult Care Services              | <b>Maladministration with no injustice</b> – complainants complained on behalf of mother about the Council’s decision not to undertake a safeguarding investigation. Ombudsman found no fault in the way the Council decided the safeguarding threshold was not met. The Council’s reasoning could have been communicated to the complainants more clearly, however, the further explanation provided via the Ombudsman’s investigation is a suitable remedy | No further action required   |
| 13016664 | Education/Children’s Services    | <b>Maladministration &amp; injustice</b> – There is evidence of fault in the Council’s failure to investigate the complainant’s allegations following her letter. When it did investigate the allegations were not substantiated so fault did not cause an injustice. There is evidence of fault in the way the Council responded to her complaint – this did cause an injustice as she had to spend extra time pursuing it.                                 | Council agreed to pay the complainant £100 for the time & trouble she spent in pursuing this complaint. Council should also apologise to the complainant for refusing to address her concerns on the basis it had already responded to her grandfather |
| 13019288 | Adult Care Services – Blue Badge | <b>Maladministration &amp; injustice</b> – The Council did not properly consider the applicant’s ability to walk on slopes in its assessment of her mobility, so she may have been wrongly deprived of a blue badge  | Council should apologise and carry out a new assessment.   |
| 13020355 | Planning & Development           | <b>Maladministration &amp; Injustice</b> – the Council was at fault for telling a planning applicant to provide a legal agreement when it is not the planning authority  | Council agreed to review processes & ensure officers respond appropriately to any pre-planning queries by referring applicants to the planning authority   |
| 14004051 | Education/Children’s Services    | <b>Maladministration &amp; no injustice</b> – The complainant’s appeal for a place at school 1 was affected by fault in the recording & the decision letter. These faults did not affect the outcome of his appeal.  | Council agreed to remind clerks that paragraph 2.26 of the code requires inclusion of the reasons for the schools appeal panel decisions in the record of the appeal. These reasons should also be included in the decision letter.                    |

|          |                                  |  |  |
|----------|----------------------------------|--|--|
| 13020776 | Adult Care Services – Blue Badge | <b>Maladministration &amp; injustice</b> – There were faults in the assessment and appeal of this person’s blue badge application.   | Council apologised and offered a blue badge without charge for 12 months while the applicant recovers from surgery.  |
| 13002725 | Education/Children’s Services    | <b>Maladministration &amp; injustice</b> – The Council’s response to the sexual exploitation of the complainant’s daughter was fragmented, reactive rather than proactive, not provided with the urgency needed and not regularly reviewed. It failed to follow child protection procedures when the child was clearly at risk of serious harm, including local procedures for the referral, risk assessment & co-ordination of responses to children at risk of CSE. Council failed to recognise its responsibility for the lack of support when investigation allegations that the complainants harmed their children<br><br>Note: This complaint was used as an anonymised case study in the Ombudsman annual report: Review of Local Government Complaints 2014-15 in the subject focus on Education and Children’s Services | Council to apologise for additional stress caused by the poor response when the complainants turned to it for help. Apologise for the failure to follow correct procedures to assess risk of harm.<br>Council to ensure that all staff who deal with vulnerable children are aware of procedures & follow them where a child appears to be at risk from sexual exploitation.<br>Make a payment of £2,500 to the family for fact that the lack of effective support to address risk of the sexual exploitation for the daughter placed added strain on the whole family at a time when they should have been able to rely on support from the Council |
| 14008382 | Adult Care Services–Blue Badge   | <b>Upheld</b> – The Ombudsman will not pursue the complaint about the Council’s decision that the applicant is not eligible for a blue badge as following Ombudsman involvement the Council offered a further assessment   | DCC agreed to offer a further Blue Badge mobility assessment   |
| 14005162 | Environment/Public Protection    | <b>Maladministration &amp; no injustice</b> – The Ombudsman closed this complaint alleging fault in the Council’s dealing with the complainant on a trading standards issue. Fault was found in the way the Council communicated with the complainant, however no significant injustice was caused that warranted further investigation  | Apology to the complainant for not informing her that Trading Standards could not deal with her concern and for not informing her that her complaint was closed.   |
| 13019641 | Education/Children’s Services    | <b>Maladministration &amp; Injustice</b> – There was no fault in the Council’s actions before an approach to Ofsted about concerns with numbers of children in the care of a childminder, the complainant, However, the Council did not tell the complainant about the referral at the time; that was fault. In addition the Council was inconsistent in its removal of childcare providers with inadequate ratings fro its website. It also did not properly investigate the complaints made about these matters.   | Council apologised to the complainant for: the failure to tell him of the contact with Ofsted at the time it occurred and for the faults in the way it handled his complaints resulting in undue delay.  |

|          |                               |   |  |
|----------|-------------------------------|---|--|
| 13018132 | Education/Children's Services | <b>Maladministration &amp; Injustice</b> – The Council was not at fault for how it dealt with the service user. The Council delayed in moving the complainant's complaint to stage 2 of the complaint procedure.  | An apology is adequate remedy together with amending the published complaints procedure to reflect its practice.   |
| 14006511 | Education/Children's Services | <b>Maladministration &amp; Injustice</b> – The Council did not arrange a school transport appeal for the complainants when they asked for one. Instead it treated that request as a complaint. Therefore the complainants lost that opportunity to have their circumstances considered by an independent panel.   | The Council to arrange an appeal hearing with a panel of elected members without delay.<br>Council to check that its practices have not unfairly deprived other parents of an appeal hearing.  |
| 13012132 | Corporate / Other Services    | <b>Maladministration &amp; injustice</b> – There was no fault in the way the Council applied its standard charge for the conduct of a wedding ceremony. The council delayed in providing a detailed breakdown of the charge and in its handling of the complaint  | Council to apologise and provide a further breakdown of the charge   |
| 13020016 | Adult Care Services           | <b>Maladministration &amp; injustice</b> – Complainants claimed the council encouraged them to re-open their care home, but then made no placements, which meant the home failed, also about a grant that never was. There have been failings by the Council and it should pay in recognition of these. Ombudsman cannot say the failings caused the financial loss the complainants claim. | Pay complainants £1,000 in acknowledgement of the fact a meeting was not followed up or the discussions confirmed in writing, acknowledge that Council accepts doing so would have avoided later misunderstandings.<br>Send e-mail to all Adult Care Management staff to say all staff should attend meetings with providers / clients about a potential problem with a colleague where possible and take notes. Meetings should be followed up within a couple of days with a letter detailing main points of discussion and any agreed actions by any party. |
| 13012585 | Education/Children's Services | <b>Maladministration &amp; injustice</b> – There was fault by the Council causing injustice to the complainant & her daughter. The Council failed to provide alternative educational provision when this provision was justified. EWS interventions in the period May – July 2013 were inappropriate in the circumstances   | Apologise to the complainant for failing to provide interim education during December 2012 & Easter & Summer terms 2013.<br>Pay £2,250 to compensate for loss of educational opportunity during these periods this is to the parent to fund further educational academia.<br>Pay £500 for avoidable distress arising from EWS interventions which were unjustified in the circumstances.   |
| 14004863 | Adult Care Services           | <b>Maladministration &amp; injustice</b> – The complainant complains that the Council has failed to deal properly with her over her mother's care needs. There have been failings for which the Council is responsible  | The Council to write to the complainant acknowledging and apologising for the identified failings. Also consider whether, in the interests of fairness & openness, there is more information that could be shared with the complainant about the safeguarding investigation and allegations made against her.  |

|          |                               |   |  |
|----------|-------------------------------|---|--|
| 14012144 | Highways & Transport          | <b>Maladministration no injustice</b> – There is no evidence to show the Council gave the complainant wrong information about her eligibility for a parking permit before she bought a property   | No further action required   |
| 14000874 | Adult Care Services           | <b>Maladministration &amp; injustice</b> – The Council was at fault for the way in which it carried out a safeguarding investigation & the actions it took. It delayed in assessing whether the vulnerable young man, could decide where he wished to live. The delay caused injustice to young mans father, who the Council should have considered as a person that the young man could live with. | The Council should apologise to both father & son for the identified faults in the safeguarding & assessment processes. Pay £300 to the father for uncertainty and anxiety the Council caused him because he doesn't know if his son might have lived with him if it had acted as it should have done. Investigate whether the vulnerable young man has been financially abused in accordance with "No Secrets" guidance within 2 months of this decision, if there has been financial abuse, the Council must act appropriately to protect this young man and remedy his injustice.   |
| 13008253 | Education/Children's Services | <b>Maladministration &amp; injustice</b> – The Council failed to ensure educational provision for over a year, failed to provide a transition Plan & failed to carry out a Learning Difficulty assessment for a young person with a SEN. LGO not able to quantify the injustice claimed for these faults of other factors.  | Council to apologise to the complainant within a month of this decision for failing to provide alternative education from 2009 – 2010, failing to prepare a transition plan and carry out a LDA. Offer the young person a statutory assessment under the new SEN Regulations to decide if he would benefit from a EHCP, to be completed within statutory timescales from date of this decision. Undertake this assessment with up to date advice from Adult Mental Health Team so he is able to best engage in the assessment process. Council must provide evidence to the Ombudsman that its arrangements for transition planning & post 16 provision meet the requirements of SEN Regulations 2014 within one month of this decision. |



## APPENDIX B – CIPFA Comparators Complaints received and decisions by LGO

### COMPLAINTS RECEIVED BY OMBUDSMAN 14/15

| COUNCIL         | Adult Care Services | Corporate & Other Services | Education & Children's Services | Environmental Services & Public Protection | Highways & Transport | Planning & Development | TOTAL      |
|-----------------|---------------------|----------------------------|---------------------------------|--|----------------------|------------------------|------------|
| Dorset          | 18                  | 3                          | 12                              | 4  | 4                    | 5                      | 46         |
| Cumbria         | 14                  | 3                          | 22                              | 1  | 8                    | 1                      | 49         |
| Norfolk         | 20                  | 2                          | 21                              | 2  | 6                    | 2                      | 53         |
| Leicestershire  | 16                  | 7                          | 15                              | 4  | 16                   | 1                      | 59         |
| Cambridgeshire  | 20                  | 2                          | 31                              | 0  | 6                    | 1                      | 60         |
| Worcestershire  | 24                  | 5                          | 21                              | 10   | 5                    | 2                      | 67         |
| Gloucestershire | 35                  | 5                          | 24                              | 1  | 7                    | 2                      | 74         |
| Somerset        | 27                  | 4                          | 35                              | 3  | 11                   | 1                      | 81         |
| Lincolnshire    | 23                  | 5                          | 38                              | 6  | 5                    | 4                      | 81         |
| Warwickshire    | 41                  | 2                          | 40                              | 1  | 5                    | 0                      | 89         |
| North Yorkshire | 35                  | 5                          | 41                              | 4  | 14                   | 4                      | 103        |
| West Sussex     | 34                  | 5                          | 39                              | 4  | 23                   | 1                      | 106        |
| Hampshire       | 40                  | 5                          | 46                              | 2  | 11                   | 3                      | 107        |
| <b>Devon</b>    | <b>38</b>           | <b>10</b>                  | <b>41</b>                       | <b>3</b>                                   | <b>26</b>            | <b>3</b>               | <b>121</b> |
| East Sussex     | 65                  | 6                          | 32                              | 6  | 16                   | 2                      | 127        |
| Essex           | 38                  | 14                         | 57                              | 2  | 36                   | 4                      | 151        |

#### Notes:

- This table is structured based on total number of complaints received by the Ombudsman by Council and as such not too much attention should be paid to the position of Devon in relation to others. Everyone is entitled to refer their complaint to the Ombudsman and the table that follows which provides detail of decisions by the Ombudsman indicates that Devon has the 3<sup>rd</sup> highest number of complaints where the Ombudsman decides to close after an initial enquiry – in other words there is no fault by the council and no investigation required by the Ombudsman and the complaint was handled well.
- The main point to note is that Devon does not have a significantly higher number of complaints in any single service area than any other council, especially given the high proportion of elderly people living in Devon and the significantly high number of highway miles within the county.

## DECISIONS MADE BY OMBUDSMAN 14/15

| COUNCIL         | Advice Given | Closed after initial enquiry | Incomplete / invalid | Referred back for local resolution | Detailed investigation carried out |            | % Upheld of those investigated | Total      |
|-----------------|--------------|------------------------------|----------------------|------------------------------------|------------------------------------|------------|--------------------------------|------------|
|                 |              |                              |                      |                                    | Upheld                             | Not Upheld |                                |            |
| Dorset          | 0            | 11                           | 3                    | 16                                 | 3                                  | 13         | 18.8%                          | 46         |
| North Yorkshire | 2            | 21                           | 6                    | 28                                 | 12                                 | 26         | 31.6%                          | 95         |
| Gloucestershire | 3            | 16                           | 4                    | 25                                 | 11                                 | 21         | 34.4%                          | 80         |
| Lincolnshire    | 0            | 15                           | 2                    | 37                                 | 10                                 | 15         | 40%                            | 79         |
| Leicestershire  | 2            | 13                           | 4                    | 26                                 | 7                                  | 10         | 41.2%                          | 62         |
| East Sussex     | 0            | 27                           | 4                    | 30                                 | 20                                 | 28         | 41.7%                          | 109        |
| Warwickshire    | 0            | 19                           | 1                    | 36                                 | 18                                 | 24         | 42.9%                          | 98         |
| Essex           | 2            | 48                           | 2                    | 52                                 | 19                                 | 24         | 44.2%                          | 147        |
| Worcestershire  | 0            | 21                           | 5                    | 23                                 | 10                                 | 11         | 47.6%                          | 70         |
| Cambridgeshire  | 1            | 8                            | 2                    | 22                                 | 10                                 | 12         | 45.5%                          | 55         |
| Cumbria         | 1            | 12                           | 2                    | 18                                 | 5                                  | 5          | 50%                            | 43         |
| <b>Devon</b>    | <b>1</b>     | <b>39</b>                    | <b>6</b>             | <b>38</b>                          | <b>21</b>                          | <b>20</b>  | <b>51.2%</b>                   | <b>125</b> |
| West Sussex     | 1            | 43                           | 6                    | 23                                 | 20                                 | 18         | 52.6%                          | 111        |
| Hampshire       | 1            | 18                           | 8                    | 53                                 | 15                                 | 13         | 53.6%                          | 108        |
| Norfolk         | 0            | 18                           | 2                    | 9                                  | 15                                 | 12         | 55.6%                          | 56         |
| Somerset        | 1            | 15                           | 7                    | 31                                 | 17                                 | 8          | 68%                            | 79         |

### Note:

- This table is structured based on the percentage of complaints fully investigated that are upheld. Given that Devon has one of the highest numbers of complaints referred to the Ombudsman (which is not a reflection on performance in itself) it follows that a higher number will be investigated.
- Although 51.2% of those complaints investigated are upheld – the actual number of upheld complaints is relatively low as a percentage of actual decisions made (21 upheld complaints out of 125 decisions is 16.8%) and a fairly average percentage when compared to other councils.
- Devon is also ranked 3<sup>rd</sup> highest for complaints being referred back for local resolution which is a positive indication that the council is open to rectifying any identified errors at an early point in time.

## APPENDIX C – ANNUAL REVIEW LETTER

18 June 2015

By email

Mr Phil Norrey  
Chief Executive  
Devon County Council

Dear Mr Norrey

Annual Review Letter 2015

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 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found here and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

#### Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published 'My Expectations' a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of 'My Expectations' are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

#### Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the

LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely

Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England