

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Standards Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 28 October 2016
Please ask for : Rob Hooper 01392 382300

Email: rob.hooper@devon.gov.uk

STANDARDS COMMITTEE

Monday, 7th November, 2016

A meeting of the Standards Committee is to be held on the above date at 2.15 pm in the Committee Suite, County Hall, Exeter to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

- 1 Apologies for absence
- 2 Minutes (Pages 1 - 2)
Minutes of the meeting of the Committee held on 4 July 2016, attached.
- 3 Items Requiring Urgent Attention
Items which in the opinion of the Chairman should be considered at the meeting as a matter of urgency.

STANDING ITEMS

- 4 Customer Feedback Monitoring Report (Pages 3 - 20)
Report of the Head of Digital Transformation & Business Support ([BSS/16/15](#)) on feedback, compliments, representations and complaints received and handled by the County Council for the first two quarters of 2016/17, attached.
Electoral Divisions(s): All Divisions
- 5 Local Government Ombudsman Complaints: Annual Report 2015/16 and Ombudsman's Annual Letter (Pages 21 - 30)
Joint Report of the Ombudsman Link Officer and Head of Digital Transformation & Business Support ([BSS/16/16](#)) on the outcome of complaints lodged and/or determined during 2015/16 and on the Ombudsman's Annual Review Letter for 2016, attached.
Electoral Divisions(s): All Divisions

6 Ethical Governance Framework: Monitoring (Pages 31 - 32)

Report of the County Solicitor ([CS/16/33](#)) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

7 The Standards Regime

County Solicitor to report on a Law Commission consultation on the law of misconduct in public office and a request from Somerset County Council for support with representations for a change in the Localism Act 2011 relating to the sanctions available to Councils under the existing standards regime.

Electoral Divisions(s): All Divisions

MATTERS FOR INFORMATION

8 Local Determination of Complaints


County Solicitor to report on complaints or allegations of a breach of the Council's Members' Code of Conduct received since the last meeting, if any.

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

Nil

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore urged to return them to the Committee Secretary at the conclusion of the meeting for disposal

| |
|---|
| Membership |
| County Councillors Councillors C Chugg, A Moulding (Chairman), P Colthorpe, A Connett, G Gribble, R Hill and J Mathews Co-opted Member S Day, R Hodgins, A Mayes, R Saltmarsh and V Sullivan |
| Declaration of Interests |
| Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item. |
| Access to Information |
| Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Rob Hooper 01392 382300. Agenda and minutes of the Committee are published on the Council's Website. |
| Webcasting, Recording or Reporting of Meetings and Proceedings |
| The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/ |
| In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening. |
| Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above. |
| Public Participation |
| Any member of the public resident in the administrative area of the County of Devon may ask the Chairman a question upon a matter which, in every case, relates to the functions of the Council. Questions must be sent to the Democratic Services and Scrutiny Secretariat (committee@devon.gov.uk) by 12 noon on the fourth working day before the date of the meeting. For further information please contact Rob Hooper 01392 382300. |
| Emergencies |
| In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so. |
| Mobile Phones |
| Please switch off all mobile phones before entering the Committee Room or Council Chamber |
| If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD. |
|  Induction loop system available |

STANDARDS COMMITTEE

4 July 2016

Present:-

Councillors C Chugg, P Colthorpe, G Gribble, R Hill, R Hodgins, A Mayes and R Saltmarsh

Apologies:-

Councillors A Moulding, A Connett, J Mathews, S Day and V Sullivan

1 Chairman

RESOLVED that Councillor Gribble be elected Chairman for the meeting.

2 Minutes

RESOLVED that the minutes of the meeting held on 14 March 2016 be signed as a correct record.

3 Items Requiring Urgent Attention

The Chairman reported that condolences had been conveyed, on behalf of the Council and this Committee, to Mr Sullivan and his wife following the recent loss of a close family member.

4 Customer Feedback Monitoring Report

The Committee considered the Report of the Head of Business Strategy and Support Services ([BSS/16/8](#)) on levels of customer feedback (including compliments, representations and complaints) received and handled by the Council in 2015/16, outlining movements, variations and comparisons within and between service areas over the course of the year and the Council's performance in responding to that feedback.

Members noted that, overall, there had been around 26% fewer instances of 'feedback' received by the Council across the various categories in comparison with the previous year with, in particular, just under 9% fewer complaints received. Complaints received direct from the Local Government Ombudsman had however increased from 77 to 130 (+68%).

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Chugg, and

RESOLVED that the Report be noted.

5 Ethical Governance Framework: Monitoring

The Committee received the report of the County Solicitor ([CS/16/23](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework. The Committee also noted, separately, a report of members' attendance at the Devon Education Forum.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions, as appropriate.

Agenda Item 2

STANDARDS COMMITTEE
4/07/16

6 **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, two complaints concerning alleged breaches of the Members Code of Conduct had been received relating, variously, to Councillors failing to act in the best interests of the public, to declare all relevant interests and to treat others with courtesy and respect.

Following an initial assessment of the complaints and consultation with an Independent Persons appointed by the Council it had been agreed that no further action should be taken on either complaint on the basis that either there had been no material breach of the code to warrant further investigation or that the allegations would not be a breach of the Code of Conduct and, accordingly, could not therefore be investigated.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 2.56 pm

CUSTOMER FEEDBACK MONITORING REPORT FOR QUARTERS 1 & 2 2016/2017

Report of the Head of Digital Transformation and Business Support

1. Recommendation

- 1.1 It is recommended that Members note the levels of customer feedback received regarding all service areas of Devon County Council and the Council's performance in responding to this feedback.

2. Purpose

- 2.1 This report provides a quarterly update on the volumes and themes for all types of customer feedback (Compliments, Comments and Complaints), Letters from Members of Parliament and Complaints being dealt with by the Local Government Ombudsman about Devon County Council. In addition it provides information in regard to the Council's performance in responding to and learning from the outcomes of complaints.

3. Key Messages

- 3.1 Overall Customer Feedback statistics for Quarter 2 2016-2017 (1st June – 30th September 2016):

- *Number of non statutory complaints all stages 287 (Q1 308)
- *Number of statutory social care Adult Services Complaints 45 (Q1 68)
- *Number of statutory social care Children's Services complaints 101 (Q1 113)

***Total complaints received in Q2 433 (Q1 489)**

* This is the figure for all complaints received from all sources & at all stages including the LGO

- Number of non social care (corporate) compliments 167 (Q1 179)
- Number of social care Adult Services compliments 121 (Q1 96)
- Number of social care Children's Services compliments 40 (Q1 35)

Total compliments received in Q2 328 (Q1 310)

- Number of non social care (corporate) MP letters 148 (Q3 145)
- Number of social care adult services MP letters 15 (Q1 14)
- Number of social care children's MP Letters 10 (Q1 18)

Total MP Letters received in Q2 173 (Q1 177)

- Number of other non social care representations 207 (Q1 182)
- Number of social care adult representations 11 (Q1 14)
- Number of social care children's services representations 13 (Q1 15)

Total Representations received in Q2 231 (Q1 211)

- Number of Councillor Enquiries (non social care) 3 (Q1 1)
- Number of Councillor enquiries (social Care) 7 (Q1 4)

Total Councillor Enquiries received in Q2 10 (Q1 5)

- **Total number of individual items of feedback in Q2 16-17 1175 (Q1 1192)**

- 3.2 Throughout Q2 the Council has received 1175 items of feedback which is a slight decrease of 17 items on Q1 (1192 items).

- 3.3 There have been 56 fewer complaints received across the Council in Q2 than in Q1 (433 compared to 489) which is an 11% decrease. Complaints decreased in all service areas in this quarter. Children's Social Care fell from 113 to 101 complaints received at all stages (11% decrease), Adult Social Care from 68 to 45 (34% decrease) and complaints in the non social care areas fell from 179 to 167 (7% decrease)

Agenda Item 4

- 3.4** The total number of compliments received has increased slightly in this quarter by 18 (from 310 to 328) which is a 6% increase. There has been an increase in both Children's Social Care Compliments rising by 5 to 40 in Q2 and Adult Social Care compliments rising by 25 to 121 in Q2, however, in the non social care services there was a fall of 12 to 167 in Q2.
- 3.5** The number of MP Letters received in Q2 has remained almost static in the first six months of this year at 177 in Q1 and 173 in Q2. The small difference between the two quarters was accounted for by non social care MP letters rising from 145 in Q1 to 148 in Q2, Adult Social Care MP letters increasing by 1 from 14 to 15 and MP letters in Children's Social Care falling by 8 to 10 in Q2 (18 in Q1). It is to be expected that the majority of MP letters are about non social care services as the public are more reluctant to share details of their own and their families social care needs with an MP than they are to share concerns about less personal aspects that affect their lives.
- 3.6** There were 231 other representations to the Council in Q2 which is an increase of 20 representations compared to Q1. The increase was due to 25 additional Representations in the non social care services and this was offset by a decrease in the Social Care areas of 2 in Children's Services and 3 in Adult Services.
- 3.7** In Q2 the Council received a total of 10 enquiries from Councillors which was 5 more than in Q1. 7 of these were regarding social care services and 3 non social care services.

4. Stage One Complaints

4.1 Stage 1 Acknowledgements

- 4.1.1** All complaints that are received by Devon County Council should be forwarded immediately to the Customer Relations Team to acknowledge and manage.
- 4.1.2** The Council's aim is to acknowledge all stage 1 complaints within three working days of receipt by the Authority. This is in line with the statutory timescale within the Social Care Complaint Regulations and provides for a consistency of performance across all service areas.
- 4.1.3** In Q2 96% of complaints received were acknowledged within time by the Customer Relations team, which is an improvement on the previous quarter and meets the target KPI (95%).
- 4.1.4** It is not possible to achieve a 100% acknowledgement rate, as some complainants write direct to services and the three days have elapsed before the complaint reaches the Customer Relations Team.

4.2 Complaints received

- 4.2.1** **Table 1** on the next page provides a breakdown of all complaints received and looked into at Stage 1 across all areas of the Council in Q1 and Q2. It does not include those that were NFA for various legitimate reasons. Across the whole Council there were 405 complaints investigated in Q1 and 357 complaints investigated in Q2; which is a decrease of 48 on the 405 investigated in Q1 (12% decrease)
- 4.2.2** Individual service areas saw increases and decreases as follows:
- Adult Social Care 34 complaints in Q2 compared to 46 in Q1 a 26% decrease
 - Business Strategy & Support 12 complaints in Q2 compared to 27 in Q1 a 55% decrease
 - County Solicitors 2 complaints in Q2 compared to 5 in Q1, a 60% decrease
 - Children's Social Care Services 75 complaints in Q2 compared to 80 in Q1, a 6% decrease
 - Planning, transportation & environment 5 complaints in Q2 compared to 7 in Q1, a decrease of 29%.
 - Education & Learning 29 complaints in Q2 compared to 25 in Q1, an increase of 14%
 - Services for Communities (Place) received 20 complaints in Q2 compared to 18 in Q1, a 10% increase.
 - County Treasurers received 3 complaints in Q2 compared to 1 in Q1 an increase of 66%
 - All other services maintained a level comparable to the previous quarter.

Agenda Item 4

Table 1 – Stage 1 Complaints by Direct Report

| Stage 1 Complaints | | | | | | |
|---|--|------------|------------|-----------|----------|-------------|
| Service Area | Team | Q1 16-17 | Q2 16-17 | Q3 16-17 | Q4 16-17 | Total 16-17 |
| Children's Social Care | Children's Social Work (North/Mid & ICS) - Marian Martin | 40 | 33 | 0 | 0 | 73 |
| | Children's Social Work (Exeter/South) - Karen Morris | 27 | 32 | 0 | 0 | 59 |
| | Looked After Children - Rachel Gillott | 5 | 3 | 0 | 0 | 8 |
| | Early Help Provision - Philippa Court | 0 | 0 | 0 | 0 | 0 |
| | Commissioning - Fiona Fleming | 0 | 0 | 0 | 0 | 0 |
| | Safeguarding Children - Nicky Scutt | 2 | 6 | 0 | 0 | 8 |
| | MASH and Early Help & Access - Andrea Morris | 6 | 1 | 0 | 0 | 7 |
| Total Children's Social Care | | 80 | 75 | 0 | 0 | 155 |
| Adult Care Operations & Health | North Community Health & Social Care Teams - Stella Doble | 6 | 4 | 0 | 0 | 10 |
| | East Community Health & Social Care Teams - Gary Patch | 22 | 20 | 0 | 0 | 42 |
| | South Community Health & Social Care Teams - Lee Baxter | 15 | 7 | 0 | 0 | 22 |
| | Social Care Provision - Keri Storey | 2 | 3 | 0 | 0 | 5 |
| | Adult Mental Health - Sherrie Hitchin | 1 | 0 | 0 | 0 | 1 |
| Total Adult Care & Health | | 46 | 34 | 0 | 0 | 80 |
| Adult Commissioning & Health | Quality Assurance - Damian Furniss | 0 | 0 | 0 | 0 | 0 |
| | Strategic Planning and Commissioning - Ian Hobbs | 1 | 2 | 0 | 0 | 3 |
| | Change Delivery - Giles Colton | 0 | 0 | 0 | 0 | 0 |
| | Safeguarding Adult Board - Geraldine Benson | 0 | 0 | 0 | 0 | 0 |
| | Commissioned services | 6 | 5 | 0 | 0 | 11 |
| Total Adult Commissioning & Health | | 7 | 7 | 0 | 0 | 14 |
| Education & Learning | Strategic Commissioning (Education) - Julia Foster | 11 | 11 | 0 | 0 | 22 |
| | Employment & Skills - John Peart | 0 | 0 | 0 | 0 | 0 |
| | Contract Performance (Education) - Richard Belcher | 0 | 0 | 0 | 0 | 0 |
| | Admissions - Simon Niles | 2 | 8 | 0 | 0 | 10 |
| | Early Years and Childcare - Claire Rockcliffe | 0 | 2 | 0 | 0 | 2 |
| | School Improvement - Dawn Stabb | 12 | 8 | 0 | 0 | 20 |
| Total Education and Learning | | 25 | 29 | 0 | 0 | 54 |
| Highways, Capital Development and Waste | Capital Development - Rob Richards | 0 | 0 | 0 | 0 | 0 |
| | Highways - Meg Booth | 151 | 140 | 0 | 0 | 291 |
| | Bridges and Structures - Kevin Dentith | 0 | 3 | 0 | 0 | 3 |
| | Waste - Wendy Barratt | 37 | 27 | 0 | 0 | 64 |
| | Built Environments - Chris Dyer | 0 | 0 | 0 | 0 | 0 |
| Total Highways, Capital Development and Waste | | 188 | 170 | 0 | 0 | 358 |
| Planning, Transportation and Environment | Transportation Planning and Road Safety - Jamie Hulland | 1 | 2 | 0 | 0 | 3 |
| | Development Management - Brian Hensley | 2 | 3 | 0 | 0 | 5 |
| | Chief Planner - Joe Keech | 4 | 0 | 0 | 0 | 4 |
| | Environment - Peter Chamberlain | 0 | 0 | 0 | 0 | 0 |
| Total Planning, Transportation and Environment | | 7 | 5 | 0 | 0 | 12 |
| Economy & Enterprise | Business Support and Innovation | 0 | 0 | 0 | 0 | 0 |
| | Strategic Development & Infrastructure | 0 | 0 | 0 | 0 | 0 |
| | Economic Analysis, Funding and Partnerships | 0 | 0 | 0 | 0 | 0 |
| Total Economy and Enterprise | | 0 | 0 | 0 | 0 | 0 |
| Services for Communities (Place) | Adult & Community Learning - Paul Thomas | 5 | 5 | 0 | 0 | 10 |
| | Trading Standards - Paul Thomas | 4 | 1 | 0 | 0 | 5 |
| | Active Devon - Matt Evans | 0 | 0 | 0 | 0 | 0 |
| | Communities - Simon Kitchen | 0 | 1 | 0 | 0 | 1 |
| | Libraries - Ciara Eastell | 0 | 1 | 0 | 0 | 1 |
| | Transport Coordination Services (TCS) - Damien Jones | 9 | 12 | 0 | 0 | 21 |
| Total Services for Communities (Place) | | 18 | 20 | 0 | 0 | 38 |
| Services for Communities (Corporate) | Human Resources - Jacky Wilson | 1 | 0 | 0 | 0 | 1 |
| | Total Services for Communities (Corp) | 1 | 0 | 0 | 0 | 1 |
| Business Strategy & Support | Business Infrastructures - Colin Mackenzie | 26 | 12 | 0 | 0 | 38 |
| | Corporate Assets - Matthew Jones | 0 | 0 | 0 | 0 | 0 |
| | IT Strategic Commissioning - Gary Dempster | 0 | 0 | 0 | 0 | 0 |
| | Strategic Procurement - Justin Bennett | 1 | 0 | 0 | 0 | 1 |
| | Total Business Strategy & Support | | 27 | 12 | 0 | 0 |
| County Solicitors | Legal Services - Simon Clarey | 2 | 0 | 0 | 0 | 2 |
| | Registration - Trish Harrogate | 3 | 2 | 0 | 0 | 5 |
| | Communications & Media - Tony Parker | 0 | 0 | 0 | 0 | 0 |
| Total County Solicitors | | 5 | 2 | 0 | 0 | 7 |
| County Treasurer | People Finance - John Holme | 1 | 3 | 0 | 0 | 4 |
| | Place Finance - Nicky Allen | 0 | 0 | 0 | 0 | 0 |
| | Corporate Finance - Martin Oram | 0 | 0 | 0 | 0 | 0 |
| | Investment & Treasury - Mark Gayler | 0 | 0 | 0 | 0 | 0 |
| | Devon Audit Partnership - Robert Hutchings | 0 | 0 | 0 | 0 | 0 |
| | Systems and Change - Chris Phillips | 0 | 0 | 0 | 0 | 0 |
| | Strategy & Compliance - Angie Sinclair | 0 | 0 | 0 | 0 | 0 |
| Total County Treasurers | | 1 | 3 | 0 | 0 | 4 |
| Public Health | Children, Young People and families (Becky Carmichael) | 0 | 0 | 0 | 0 | 0 |
| | Sexual Health (Julia Loveluck) | 0 | 0 | 0 | 0 | 0 |
| | Substance misuse and DSV (Kristian Tomblin) | 0 | 0 | 0 | 0 | 0 |
| | Health improvement & reducing health inequalities (Tina Henry) | 0 | 0 | 0 | 0 | 0 |
| | Health protection (Mark Kealy) | 0 | 0 | 0 | 0 | 0 |
| | Public Health Intelligence (Simon Chant) | 0 | 0 | 0 | 0 | 0 |
| Core Officer (Tracey Polak) | 0 | 0 | 0 | 0 | 0 | |
| Total Public Health | | 0 | 0 | 0 | 0 | 0 |
| Total All Services Stage 1 Complaints | | 405 | 357 | 0 | 0 | 762 |

Agenda Item 4

4.3 Stage 1 Responses

4.3.1 At Stage 1 of the Corporate and Children's Social Care complaint procedures, Devon County Council aims to respond to complaints within 20 working days. Adult Social Care Statutory regulations do not prescribe a set timescale for responses, rather that the complainant and council agree a timescale for responses on a case by case basis. However, for the purposes of this report, where Stage 1 is referred to this does include Adult Social Care complaints.

4.3.2 In Q1 396 stage 1 complaints were responded to of which 280 (71%) responses were within defined timescales. In Q2 there was a slight improvement as 73% (259 complaints) of the 354 complaints responded to were on time.

4.3.4 **Table 2** provides a breakdown in responses within and outside defined timescales by Head of Service direct report areas.

Table 2 – Stage 1 complaint responses – timescales by Head of Service direct reports

| CLT | Quarter 1 16-17 | | | | Quarter 2 16-17 | | | | Quarter 3 16-17 | | | | Quarter 4 16-17 | | | | Total YTD 16-17 | | | |
|--|------------------|-------------------|--------------------|--------------------|------------------|-------------------|--------------------|--------------------|------------------|-------------------|--------------------|--------------------|------------------|-------------------|--------------------|--------------------|------------------|-------------------|--------------------|--------------------|
| | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale |
| Stage 1 Complaint Response times - all Services | | | | | | | | | | | | | | | | | | | | |
| Service Area | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale | Within timescale | Outside timescale | Total responded to | % within timescale |
| People Services | | | | | | | | | | | | | | | | | | | | |
| Children's Social Care | 47 | 65 | 112 | 42% | 40 | 43 | 83 | 48% | | | | | | | | | 87 | 108 | 195 | 45% |
| Adult Care Operations & Health | 25 | 12 | 37 | 68% | 32 | 12 | 44 | 73% | | | | | | | | | 57 | 24 | 81 | 70% |
| Adult Commissioning & Health | 0 | 0 | 0 | n/a | 5 | 3 | 8 | 63% | | | | | | | | | 5 | 3 | 8 | 63% |
| Education and Learning | 8 | 5 | 13 | 62% | 14 | 5 | 19 | 74% | | | | | | | | | 22 | 10 | 32 | 69% |
| Total People Services | 80 | 82 | 162 | 49% | 91 | 63 | 154 | 59% | | | | | | | | | 171 | 145 | 316 | 54% |
| Place Services | | | | | | | | | | | | | | | | | | | | |
| Highways, Capital Development and Waste | 155 | 21 | 176 | 88% | 134 | 26 | 160 | 84% | | | | | | | | | 289 | 47 | 336 | 86% |
| Planning, Transportation and Environment | 7 | 2 | 9 | 78% | 6 | 0 | 6 | 100% | | | | | | | | | 13 | 2 | 15 | 87% |
| Economy and Enterprise | 0 | 0 | 0 | n/a | 0 | 0 | 0 | n/a | | | | | | | | | 0 | 0 | 0 | n/a |
| Services for Communities - Place | 13 | 4 | 17 | 76% | 21 | 2 | 23 | 91% | | | | | | | | | 34 | 6 | 40 | 85% |
| Total Place Services | 175 | 27 | 202 | 87% | 161 | 28 | 189 | 85% | | | | | | | | | 336 | 55 | 391 | 86% |
| Corporate Services | | | | | | | | | | | | | | | | | | | | |
| Services for Communities - Corporate | 1 | 0 | 1 | 100% | 0 | 0 | 0 | n/a | | | | | | | | | 1 | 0 | 1 | 100% |
| Business Strategy and Support | 20 | 4 | 24 | 83% | 6 | 3 | 9 | 67% | | | | | | | | | 26 | 7 | 33 | 79% |
| Legal Services | 3 | 3 | 6 | 50% | 0 | 0 | 0 | n/a | | | | | | | | | 3 | 3 | 6 | 50% |
| Finance | 1 | 0 | 1 | 100% | 1 | 1 | 2 | 50% | | | | | | | | | 2 | 1 | 3 | 67% |
| Public Health | 0 | 0 | 0 | n/a | 0 | 0 | 0 | n/a | | | | | | | | | 0 | 0 | 0 | n/a |
| Total Corporate Services | 25 | 7 | 32 | 78% | 7 | 4 | 11 | 64% | | | | | | | | | 32 | 11 | 43 | 74% |
| Total All Services Stage 1 Response Times | 280 | 116 | 396 | 71% | 511 | 186 | 697 | 73% | | | | | | | | | 1046 | 411 | 1457 | 72% |

4.3.5 People Services are the service area with the lowest performance currently with only 49% of complaints responded to within timescale in Q1 and 59% in Q2. None of the service areas within People reached 70% in Q1 but Adult Care and Education & Learning did in Q2.

4.3.6 Place Services responded to 202 complaints in Q1 of which 87% were within timescale (175) and in Q2 there was a slight drop to 85% which was 161 out of 189 complaints responded to. All service areas were above 75% in Q1 and in Q2 with Planning, Transportation & Environment reaching 100% (6 out of 6 complaints responded to)

4.3.7 Corporate Services responded to 32 complaints in Q1 of which 78% (25) were within timescale and in Q2 the figure was 64% (7 out of 11 complaints responded to).

4.3.8 Across the Council in the year to date there have been 750 complaints responded to at Stage 1 of which 539 have been within timescale, which is 72%.

4.3.9 The Customer Relations Team monitors the progress of services and provides fortnightly complaint status reports to all services in order that individuals with complaints assigned to them and managers are aware of deadlines and complaint responses that are overdue.

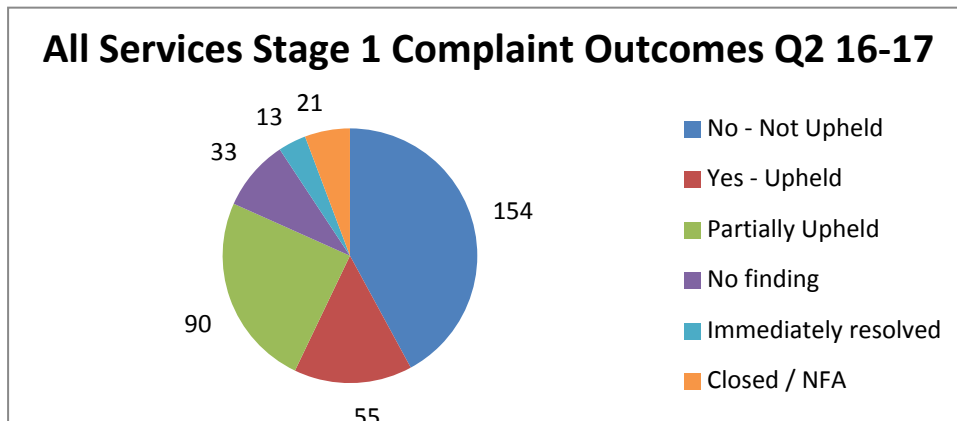
4.4 Stage 1 Outcomes

4.4.1 The outcomes of complaints are important for the Council as they give information regarding the justification of customer concerns, i.e. whether the Council is at fault and could do things better / different. In these

Agenda Item 4

circumstances it is important to ensure that the Council does whatever it can to rectify what has gone wrong, apply appropriate redress and implement measures to instigate improvements and disseminate learning.

- 4.4.2** The percentage of complaints investigated and responded to at stage 1 in Q2 that were either upheld or partially upheld was 39.5% (154 complaints) compared to 46% (192 complaints) in Q1.
- Within People Services 43% of complaints responded to in Q2 (72 complaints) were either fully or partially upheld, this compares to 44% (79 complaints) in Q1
 - Within Place Services 36% (68 complaints) of complaints responded to in Q2 were either fully or partially upheld, this was the same percentage as Q1 (94 complaints)
 - Within Corporate Services 50% (5 complaints) of complaints responded to in Q2 were either fully or partially upheld, this compares to 56% (18 complaints) in Q1.



- 4.4.3** In the reporting year to date across all services 336 of the 782 complaints responded to have been either fully or partially upheld, this represents 43%. In addition a further 309 complaints have not been upheld, this represents 40% of the total complaints responded to this year to date. Details can be viewed in **Table 3** below

| Stage 1 complaint outcomes by Service | | | | | | |
|---------------------------------------|----------------------|------------|------------|----------|------------|------------|
| Service | | Q1 | Q2 | Q3 | Q4 | YTD |
| People | No - Not Upheld | 65 | 59 | 0 | 0 | 124 |
| | Yes - Upheld | 25 | 17 | 0 | 0 | 42 |
| | Partially Upheld | 54 | 55 | 0 | 0 | 109 |
| | No finding | 5 | 6 | 0 | 0 | 11 |
| | Immediately resolved | 8 | 10 | 0 | 0 | 18 |
| | Closed / NFA | 24 | 20 | 0 | 0 | 44 |
| | Total | 181 | 167 | 0 | 0 | 348 |
| Place | No - Not Upheld | 81 | 92 | 0 | 0 | 173 |
| | Yes - Upheld | 47 | 34 | 0 | 0 | 81 |
| | Partially Upheld | 47 | 34 | 0 | 0 | 81 |
| | No finding | 15 | 26 | 0 | 0 | 41 |
| | Immediately resolved | 11 | 3 | 0 | 0 | 14 |
| | Closed / NFA | 1 | 1 | 0 | 0 | 2 |
| | Total | 202 | 190 | 0 | 0 | 392 |
| Corporate | No - Not Upheld | 9 | 3 | 0 | 0 | 12 |
| | Yes - Upheld | 7 | 4 | 0 | 0 | 11 |
| | Partially Upheld | 11 | 1 | 0 | 0 | 12 |
| | No finding | 3 | 2 | 0 | 0 | 5 |
| | Immediately resolved | 1 | 0 | 0 | 0 | 1 |
| | Closed / NFA | 1 | 0 | 0 | 0 | 1 |
| | Total | 32 | 10 | 0 | 0 | 42 |
| Overall Totals | 415 | 367 | 0 | 0 | 782 | |

Agenda Item 4

4.5 Themes & Root Causes of Complaints at Stage 1

4.5.1 There are many different reasons why our customers make complaints and in many cases a customer raises more than one issue within a complaint. All complaints and the individual complaint issues within each complaint are logged onto the Council's Complaints Management System, iCasework.

4.5.2 The details below in **Table 4** reflect the most common complaint issues in the year to date (Q1 & Q2). It should be noted that these are recorded by individual issue within a complaint and there are often more than one issue within a complaint.

Table 4 – Summary of Themes / Root Causes across the Council

| Category | YTD 16-17 | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------------------|----------------------------|----------------------------|---|-------------------------------------|--|---------------------------------|-------------------------------|--|------------------------------------|--|------------------------|--------------------|----------------------------------|---|-------------------------------|--------------|----------------------------------|--------------------------------|-----------------------|----------------------------|--------------------------|------------------------------|-----------------------------|
| | Delivery | | | | | | | Staff | | | | | Documents | | Other | | | Finance | | | | | | |
| | Quality of service provided | Delay in providing service | Timings of service offered | Refusal to provide service/eligibility issues | Failure or delay in referring issue | Cancellation or withdrawal of agreed service | Inappropriate action or service | Policy/Procedure not followed | Objecting to intended/future service offered | Lack of response from staff member | Attitude/rudeness/inappropriate comments | Inappropriate activity | Missed appointment | Poor communication (to customer) | Poor communication (internal processes) | Written communication unclear | Egress issue | Dispute of records/documentation | Health and safety issue report | Discrimination report | Information Security alert | Prices/charges objection | Funding not approved/reduced | Agreed funding not provided |
| Total Children's Social Care | 41 | 15 | 6 | 4 | 4 | 2 | 32 | 6 | 7 | 26 | 53 | 48 | 5 | 73 | 5 | 2 | 0 | 25 | 0 | 0 | 1 | 1 | 4 | 2 |
| Total Adult Care Operations & Health | 25 | 22 | 2 | 6 | 4 | 4 | 18 | 7 | 4 | 19 | 25 | 14 | 3 | 23 | 0 | 2 | 0 | 6 | 1 | 0 | 0 | 5 | 2 | 4 |
| Total Adult Commissioning & Health | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Education and Learning | 15 | 1 | 1 | 3 | 3 | 0 | 2 | 7 | 3 | 1 | 1 | 4 | 0 | 3 | 0 | 0 | 0 | 4 | 0 | 0 | 1 | 0 | 1 | 0 |
| Total Highways, Capital Development and Waste | 79 | 75 | 12 | 17 | 5 | 0 | 16 | 8 | 7 | 55 | 71 | 7 | 1 | 54 | 0 | 1 | 0 | 4 | 4 | 0 | 0 | 11 | 0 | 0 |
| Total Planning, Transportation and Environment | 4 | 6 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 1 | 3 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Services for Communities - Place | 13 | 4 | 3 | 7 | 1 | 1 | 2 | 1 | 1 | 3 | 2 | 2 | 0 | 11 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 5 | 3 | 0 |
| Total Services for Communities - Corporate | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Business Strategy and Support | 12 | 2 | 3 | 3 | 3 | 0 | 2 | 1 | 0 | 1 | 7 | 2 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Legal Services | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| Total Finance | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Total All Services | 191 | 125 | 28 | 40 | 21 | 7 | 77 | 30 | 25 | 106 | 164 | 80 | 9 | 174 | 6 | 6 | 0 | 45 | 6 | 0 | 2 | 25 | 10 | 6 |
| Ranking Position | 1 | 4 | 11 | 9 | 14 | 17 | 7 | 10 | 12= | 5 | 3 | 6 | 16 | 2 | 18= | 18= | 8 | 18= | 18= | 19 | 12= | 15 | 18= | |

4.5.3 From **Table 4** it can be concluded that the quality of services provided by the Council is the most frequently complained about issue (191 incidences logged in 6 months), closely followed by poor communication with our customers (174 incidences logged in 6 months). The third most common issues complained about is the Attitude / rudeness/ inappropriate comments made by our staff (164 incidences logged in 6 months).

4.5.4 It is of particular note that the instances of complaints about Attitude / Rudeness / Inappropriate Comments by staff had been decreasing quarter on quarter last year (Q1 103, Q2 93, Q3 64 and Q4 56) but have now started to increase again.

4.5.5 This part of our reports is being developed and in Q3 it is hoped to be able to include analysis of what percentage of these issues for the top 6 themes are upheld, partially upheld or not upheld.

5 Stage 2 Complaints

5.1 Complaints Received

5.1.1 At Stage 2 within Children's Social Care investigations are undertaken by externally commissioned investigating officers and externally appointed Independent Persons in line with the requirements of the Statutory Complaints Regulations. All other Non Statutory Stage 2 investigations are undertaken by senior staff within the Customer Relations Team.

5.1.2 In Q1 there have been 15 complaints escalated to Stage 2 under the Children's Social Care Statutory Procedures. This is the highest number in any one quarter for over 12 months (Q1 0, Q2 4, Q3 5 Q4 12). The current low numbers of Stage 1 responses being made within statutory timescales and the changes that have had to be implemented in order for the council to comply with the statutory complaints regulations have had a bearing on this increase.

Agenda Item 4

- 5.1.3** The level of statutory Children's Social Care Stage 2 investigations could not be sustained as there is both a significant cost if an external investigator is commissioned and the high number in Q3, Q4 and Q1 had already more than accounted for the budget and the contingency of using area managers to undertake these investigations is not proving viable due to capacity and the realisation that these investigations take a considerable amount of time. For this reason the decision was taken to revert back to the Customer Relations Manager making every attempt to resolve dissatisfaction after Stage 1 by engaging senior managers in meeting with complainants, if they are agreeable, in order to attempt a resolution without the need to escalate to a full blown stage 2. This is having a positive impact and there was only 1 statutory Stage 2 complaint in Q2. The situation is being closely monitored.
- 5.1.4** There have been 26 stage 2 complaints under the Corporate Complaints Procedure in Q1 (there were 44 in Q4), 2 in Children's Social Care, 20 in Highways, 2 in Planning, Transportation & Environment, 1 in Adult & Community Learning and 1 in Information Governance. This level has been improved upon in Q2 where there have been only 20 non statutory Stage 2 complaints; 5 in Education & Learning, 3 in Children's Social Care, 6 in Highways, 1 in development management highways, 2 in Transport Co-ordination Services, 1 in Information Governance and 1 in Legal Services.
- 5.1.5** Throughout the year to date there have been 16 Statutory Children's Social Care Stage 2 Complaints and 46 non statutory Stage 2 complaints. This represents an escalation rate of 8% in both Statutory and Non Statutory complaints.
- 5.1.6** Table 5 below gives further breakdown of the exact teams involved across the whole year

Note: Only Teams that have received stage 2 complaints are listed in the table

| Stage 2 Complaints | | | | | | |
|---|---|-----------|-----------|----------|-----------|-------------|
| Service Area | Team | Q1 16-17 | Q2 16-17 | Q3 16-17 | Q4 16-17 | Total 16-17 |
| Children's Social Care (Including non statutory) | Children's Social Work (North/Mid & ICS) - Marian Martin | 8 | 3 | | | 11 |
| | Children's Social Work (Exeter/South) - Karen Morris | 6 | 1 | | | 7 |
| | Looked After Children - Rachel Gillott | 0 | 1 | | | 1 |
| | Early Help Provision - Philippa Court | 0 | 0 | | | 0 |
| | Commissioning - Fiona Fleming | 0 | 0 | | | 0 |
| | Safeguarding Children - Nicky Scutt | 2 | 0 | | | 2 |
| | MASH and Early Help & Access - Andrea Morris | 1 | 0 | | | 1 |
| | Total Children's Social Care (Stat & Non Stat) | 17 | 5 | 0 | 0 | 22 |
| Education & Learning | Strategic Commissioning (Education) (Julia Foster) | 0 | 4 | | | 4 |
| | Skills & Employment (John Peart) | 0 | 0 | | | 0 |
| | Contract Perf - Educational Commissioning (Alison Withnell) | 0 | 0 | | | 0 |
| | Access Strategy, Admissions & School Place Planning (Simon Niles) | 0 | 1 | | | 1 |
| | Early Years and Childcare (Claire Rockcliffe) | 0 | 0 | | | 0 |
| | School Improvement Strategy (Dawn Stabb) | 0 | 0 | | | 0 |
| Total Education and Learning | 0 | 5 | 0 | 0 | 5 | |
| Highways, Capital Development and Waste | Capital Development (Rob Richards) | 0 | 0 | | | 0 |
| | Highways (Meg Booth) | 20 | 6 | | | 26 |
| | Bridges and Structures (Kevin Dentith) | 0 | 0 | | | 0 |
| | Waste (Wendy Barratt) | 0 | 0 | | | 0 |
| | Built Environments (Chris Dyer) | 0 | 0 | | | 0 |
| Total Highways, Capital Development and Waste | 20 | 6 | 0 | 0 | 26 | |
| Planning, Transportation and Environment | Transportation Planning and Road Safety (Jamie Hulland) | 1 | 0 | | | 1 |
| | Development Management Highways (Brian Hensley) | 0 | 1 | | | 1 |
| | Chief Planner (Joe Keech) | 1 | 0 | | | 1 |
| | Environment (Peter Chamberlain) | 0 | 0 | | | 0 |
| Total Planning, Transportation and Environment | 2 | 1 | 0 | 0 | 3 | |
| Services for Communities (Place) | Adult & Community Learning (Paul Thomas) | 1 | 0 | | | 1 |
| | Trading Standards (Paul Thomas) | 0 | 0 | | | 0 |
| | Active Devon (Matt Evans) | 0 | 0 | | | 0 |
| | Communities (Simon Kitchin) | 0 | 0 | | | 0 |
| | Libraries | 0 | 0 | | | 0 |
| | Transport Coordination Services (Damien Jones) | 0 | 2 | | | 2 |
| Total Services for Communities (Place) | 1 | 2 | 0 | 0 | 3 | |
| Business Strategy & Support | Business Support (Colin Mackenzie) | 0 | 0 | | | 0 |
| | Blue Badge Service (Colin Mackenzie) | 0 | 0 | | | 0 |
| | Information Governance (Colin Mackenzie) | 1 | 1 | | | 2 |
| | Customer Relations Team (Colin Mackenzie) | 0 | 0 | | | 0 |
| | Customer Service Centre (Colin Mackenzie) | 0 | 0 | | | 0 |
| | Corporate Assets (Matthew Jones) | 0 | 0 | | | 0 |
| | IT Strategic Commissioning - (Gary Dempster) | 0 | 0 | | | 0 |
| | Procurement - (Justin Bennett) | 0 | 0 | | | 0 |
| Total Business Strategy & Support | 1 | 1 | 0 | 0 | 2 | |
| County Solicitors | Legal Services and Insurance (Simon Clarey) | 0 | 1 | | | 1 |
| | Registration Services (Trish Harrogate) | 0 | 0 | | | 0 |
| | Communications & Media (Tony Parker) | 0 | 0 | | | 0 |
| | Total County Solicitors | 0 | 1 | 0 | 0 | 1 |
| All Services Stage 2 Complaints | | 41 | 21 | 0 | 0 | 62 |

5.2 Stage 2 Complaint Responses and Outcomes

- 5.2.1** There were 25 Non Statutory Stage 2 complaints responded to in both Q1 and Q2 of which 30 (60%) were within the 25 working day timescale, a 20% decline in performance on Q4 last year.

Agenda Item 4

- 5.2.2** In Q1 only 1 Statutory Children's Social Care Stage 2 complaint concluded and it was partially upheld. In Q2 12 concluded. 11 were partially upheld and 1 was not upheld.
- 5.2.3** Of the 50 Non Statutory Stage 2 complaints completed in Q1 and Q2 16 were not upheld, 10 were fully upheld, 12 were partially upheld, 3 were withdrawn and 9 were referred to the Local Government Ombudsman
- 5.2.4** In cases whereby services are not providing provision in line with their published procedure the Non Statutory Stage 2 investigation process is particularly useful in that it challenges services to realign or reassess their published procedures in line with what can reasonably be delivered. In cases whereby legislative requirements are not fulfilled, the Council is required to uphold the complaint.
- 5.2.5** Where the complaint is upheld or partially upheld the CRT will pull together an action plan with the Head of Service and individuals will be assigned actions to undertake and evidence of completion should be provided to the CRT as proof of learning and service improvement.
- 6. Compliments Received**
- 6.1** Capturing compliments is important for the Council, as they serve to acknowledge provision of excellent service, enable staff to be recognised and the Council to build upon good practice.
- 6.2** In Q1 the council received 310 compliments and in Q2 328 compliments
- 6.3** It is really encouraging to note that compliments within Children's Social Care, increased in both these quarters on the levels in the previous year.
- 6.4** The four services that have received the most compliments within the year to date are Adult Care Services with 214 most of these (142) were about the Council's provision services, Highways, Capital Development & Waste with 157 most of these were about Highways (86) and Waste (66), Business Strategy & Support with 89 most of these about Business Infrastructures (88) and Children's Social Care Services with 75 most of these being about the Social Work Teams (65).
- 6.5** It is notable that Highways, Capital Development & Waste and Children's Services are not only one of the services that receive the most compliments but are also the services that are the subject of the most complaints.
- 6.6** **Table 8** details the number of compliments received by Head of Service direct report areas cross the Council.

Agenda Item 4

| Compliments | | | | | | |
|---|--|---------------------------------------|--|----------|------------|-------------|
| Service Area | Team | Q1 16-17 | Q2 16-17 | Q3 16-17 | Q4 16-17 | Total 16-17 |
| | | Children's Social Care (Jo Olsson) | Children's Social Work (North/Mid & ICS) - Marian Martin | 17 | 11 | |
| Children's Social Work (Exeter/South) - Karen Morris | 11 | | 19 | | | 30 |
| Looked After Children - Rachel Gillott | 2 | | 5 | | | 7 |
| Early Help Provision - Philippa Court | 0 | | 2 | | | 2 |
| Commissioning - Fiona Fleming | 0 | | 0 | | | 0 |
| Safeguarding Children - Nicky Scutt | 2 | | 2 | | | 4 |
| MASH and Early Help & Access - Andrea Morris | 3 | | 1 | | | 4 |
| Total Children's Social Care | 35 | | 40 | 0 | 0 | 75 |
| Adult Care Operations & Health (Keri Storey) | North Community Health & Social Care Teams - Stella Doble | 1 | 2 | | | 3 |
| | East Community Health & Social Care Teams - Gary Patch | 21 | 19 | | | 40 |
| | South Community Health & Social Care Teams - Lee Baxter | 8 | 21 | | | 29 |
| | Social Care Provision - Keri Storey | 65 | 77 | | | 142 |
| | Adult Mental Health - Sherrie Hitchin | 0 | 0 | | | 0 |
| | Total Adult Care Operations & Health | 95 | 119 | 0 | 0 | 214 |
| Adult Commissioning & Health (Tim Golby) | Strategy, Policy and Performance - Damian Furniss | 0 | 1 | | | 1 |
| | Strategic Planning and Commissioning - Ian Hobbs | 0 | 0 | | | 0 |
| | Change Delivery - Giles Colton | 0 | 0 | | | 0 |
| | Safeguarding Adult Board - Geraldine Benson | 0 | 1 | | | 1 |
| | Commissioned services | 1 | 0 | | | 1 |
| | Total Adult Commissioning & Health | 1 | 2 | 0 | 0 | 3 |
| Education & Learning (Dawn Stabb) | Strategic Commissioning (Education) - Julia Foster | 6 | 0 | | | 6 |
| | Employment & Skills (John Peart) | 0 | 0 | | | 0 |
| | Contract Performance (Education) - | 0 | 0 | | | 0 |
| | Admissions - Simon Niles | 1 | 1 | | | 2 |
| | Early Years and Childcare - Claire Rockcliffe | 0 | 0 | | | 0 |
| | School Improvement - Dawn Stabb | 3 | 1 | | | 4 |
| | Total Education and Learning | 10 | 2 | 0 | 0 | 12 |
| Highways, Capital Development and Waste | Capital Development - Rob Richards | 0 | 0 | | | 0 |
| | Highways - Meg Booth | 41 | 45 | | | 86 |
| | Bridges and Structures - Kevin Dentith | 0 | 5 | | | 5 |
| | Waste - Wendy Barratt | 50 | 16 | | | 66 |
| | Built Environments - Chris Dyer | 0 | 0 | | | 0 |
| Total Highways, Capital Development and Waste | 91 | 66 | 0 | 0 | 157 | |
| Planning, Transportation and Environment | Transportation Planning and Road Safety - Jamie Hulland | 4 | 0 | | | 4 |
| | Development Management Highways- Brian Hensley | 0 | 0 | | | 0 |
| | Chief Planner - Joe Keech | 0 | 0 | | | 0 |
| | Environment - Peter Chamberlain | 2 | 1 | | | 3 |
| Total Planning, Transportation and Environment | 6 | 1 | 0 | 0 | 7 | |
| Economy & Enterprise | Business Support and Innovation (Steve Turner) | 0 | 0 | | | 0 |
| | Strategic Development & Infrastructure (Peter Quincey) | 0 | 0 | | | 0 |
| | Economic Analysis, Funding and Partnerships (Sophie Francis) | 0 | 0 | | | 0 |
| | Total Economy and Enterprise | 0 | 0 | 0 | 0 | 0 |
| Services for Communities (Place) | Adult & Community Learning - Paul Thomas | 6 | 8 | | | 14 |
| | Trading Standards - Paul Thomas | 4 | | | | |
| | Active Devon - Matt Evans | 0 | 0 | | | 0 |
| | Communities - Simon Kitchen | 0 | 0 | | | 0 |
| | Libraries Unlimited | 0 | 0 | | | 0 |
| | Transport Coordination Services (TCS) - Damien Jones | 9 | 4 | | | 13 |
| Total Services for Communities (Place) | 19 | 12 | 0 | 0 | 31 | |
| Services for Communities (Corp) | Human Resources - Jacky Wilson | 0 | 0 | | | 0 |
| | Total Services for Communities (Corporate) | 0 | 0 | 0 | 0 | 0 |
| Business Strategy & Support | Business Infrastructures - Colin Mackenzie | 32 | 56 | | | 88 |
| | Strategic Procurement - Justin Bennett | 0 | 1 | | | |
| | Corporate Assets - Matthew Jones | 0 | 0 | | | 0 |
| | IT Strategic Commissioning - Gary Dempster | 0 | 0 | | | 0 |
| | Total Business Strategy & Support | 32 | 57 | 0 | 0 | 89 |
| County Solicitors | Legal Services - Simon Clarey | 0 | 0 | | | 0 |
| | Registration - Trish Harrogate | 17 | 14 | | | 31 |
| | Communications & Media - Tony Parker | 0 | 1 | | | 1 |
| | Total County Solicitors | 17 | 15 | 0 | 0 | 32 |
| County Treasurer | People Finance - John Holme | 1 | 2 | | | 3 |
| | Place Finance - Nicky Allen | 3 | 0 | | | 3 |
| | Corporate Finance - Martin Oram | 0 | 0 | | | 0 |
| | Investment & Treasury - Mark Gayler | 0 | 0 | | | 0 |
| | Devon Audit Partnership - Robert Hutchings | 0 | 0 | | | 0 |
| | Systems and Change - Chris Phillips | 0 | 0 | | | 0 |
| | Strategy & Compliance - Angie Sinclair | 0 | 0 | | | 0 |
| Total County Treasurers | 4 | 2 | 0 | 0 | 6 | |
| Public Health | Children, Young People and families (Becky Carmichael) | 0 | 0 | | | 0 |
| | Sexual Health (Julia Loveluck) | 0 | 0 | | | 0 |
| | Substance misuse and DSVAs (Kristian Tomblin) | 0 | 0 | | | 0 |
| | Health improvement & reducing health inequalities (Tina Henry) | 0 | 0 | | | 0 |
| | Health protection (Mark Kealy) | 0 | 0 | | | 0 |
| | Public Health Intelligence (Simon Chant) | 0 | 0 | | | 0 |
| | Core Officer (Tracey Polak) | 0 | 0 | | | 0 |
| Total Public Health | 0 | 12 | 0 | 0 | 12 | |
| Total All Services Compliments | | 310 | 328 | | | 638 |

Agenda Item 4

7. MP Letters Received

7.1.1 In Q1 the council received 177 letters from MPs and a further 173 in Q2. In the year to date the Council has received 350 letters from MPs.

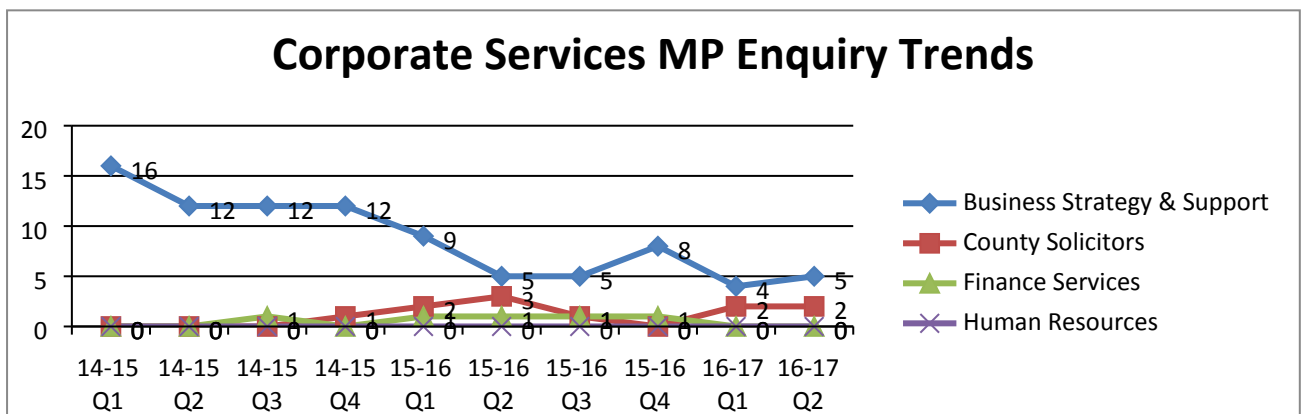
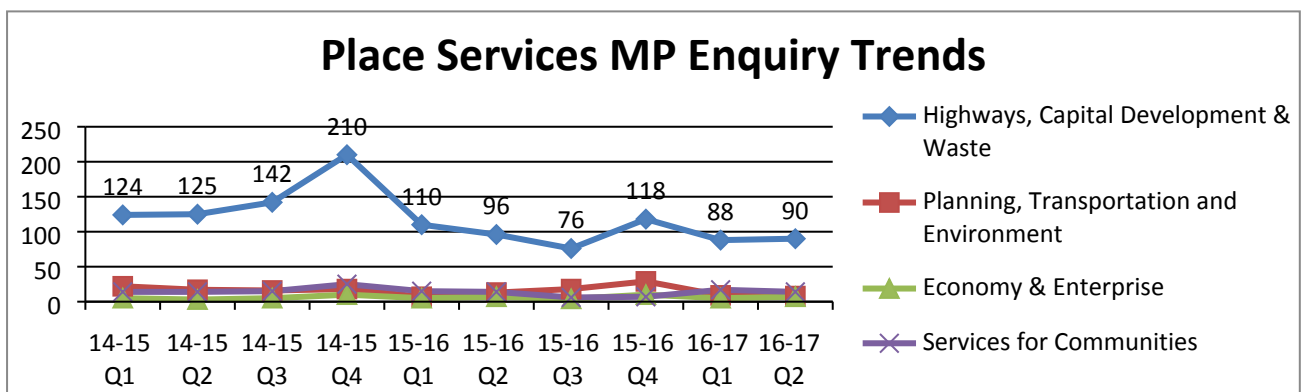
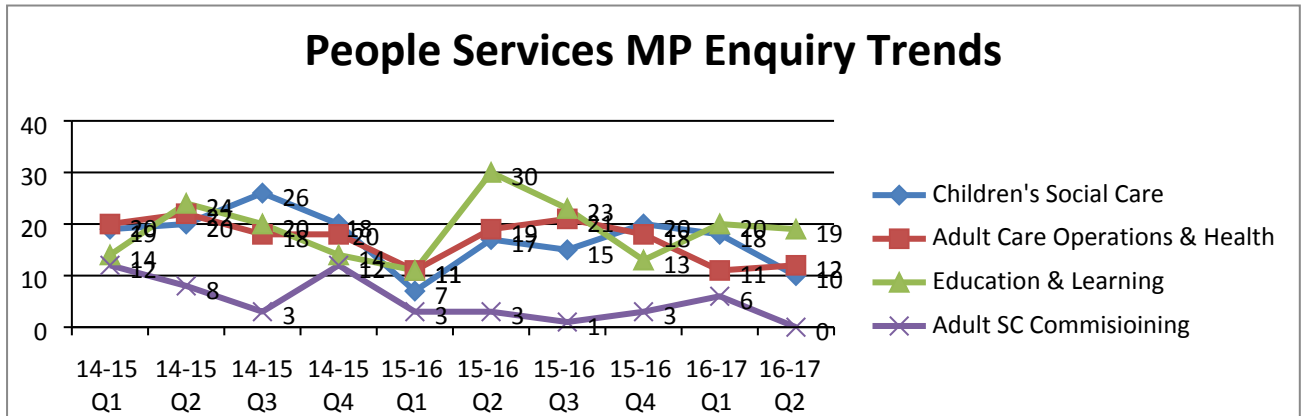
7.1.2 **Table 9** below provides detail on the enquiries received from Members of Parliament for each service area.

| Service Area | Team | Q1 16-17 | Q2 16-17 | Q3 16-17 | Q4 16-17 | Total 16-17 |
|--|---|---|------------|----------|----------|-------------|
| Children's Social Care | Children's Social Work (North/Mid & ICS) - Marian Martin | 6 | 6 | | | 12 |
| | Children's Social Work (Exeter/South) - Karen Morris | 7 | 1 | | | 8 |
| | Looked After Children - Rachel Gillott | 4 | 3 | | | 7 |
| | Early Help Provision - Philippa Court | 0 | 0 | | | 0 |
| | Commissioning - Fiona Fleming | 1 | 0 | | | 1 |
| | Safeguarding Children - Nicky Scutt | 0 | 0 | | | 0 |
| | MASH and Early Help & Access - Andrea Morris | 0 | 0 | | | 0 |
| | Total Children's Social Care (Stat & Non Stat) | 18 | 10 | 0 | 0 | 28 |
| Education & Learning | Strategic Commissioning (Education) (Julia Foster) | 10 | 12 | | | 22 |
| | Employment & Skills (John Peart) | 0 | 0 | | | 0 |
| | Contract Perf - Educational Commissioning (Alison Withnell) | 0 | 0 | | | 0 |
| | Access Strategy, Admissions & School Place Planning (Simon Niles) | 4 | 5 | | | 9 |
| | Early Years and Childcare (Claire Rockcliffe) | 1 | 1 | | | 2 |
| | School Improvement Strategy (Dawn Stabb) | 5 | 1 | | | 6 |
| | Total Education and Learning | 20 | 19 | 0 | 0 | 39 |
| Adult Care Operations & Health | NORTH CHSCs and Care Direct Plus (Stella Doble) | 0 | 1 | | | 1 |
| | EAST CHSCs & Care Direct Plus (Gary Patch) | 6 | 9 | | | 15 |
| | SOUTH CHSCs & Care Direct Plus (Lee Baxter) | 5 | 2 | | | 7 |
| | Social Care Provision (Keri Storey) | 0 | 0 | | | 0 |
| | Mental Health | 0 | 0 | | | 0 |
| | Total Adult Care Operations & Health | 11 | 12 | 0 | 0 | 23 |
| Adult Commissioning & Health | Strategy, Policy and Performance (Damian Furniss) | 0 | 0 | | | 0 |
| | Strategic Planning and Commissioning (Ian Hobbs) | 3 | 3 | | | 6 |
| | Change Delivery (Giles Colton) | 0 | 0 | | | 0 |
| | Safeguarding Adult Board - Geraldine Benson | 0 | 0 | | | 0 |
| | Commissioned services | 0 | 0 | | | 0 |
| | Total Adult Commissioning & Health | 3 | 3 | 0 | 0 | 6 |
| Highways, Capital Development and Waste | Capital Development (Rob Richards) | 1 | 0 | | | 1 |
| | Highways (Meg Booth) | 86 | 85 | | | 171 |
| | Bridges and Structures (Kevin Dentith) | 1 | 2 | | | 3 |
| | Waste (Wendy Barratt) | 0 | 3 | | | 3 |
| | Built Environments (Chris Dyer) | 0 | 0 | | | 0 |
| | Total Highways, Capital Development and Waste | 88 | 90 | 0 | 0 | 178 |
| Planning, Transportation and Environment | Transportation Planning and Road Safety (Jamie Hulland) | 6 | 4 | | | 10 |
| | Development Management Highways (Brian Hensley) | 1 | 0 | | | 1 |
| | Chief Planner (Joe Keech) | 2 | 2 | | | 4 |
| | Environment (Peter Chamberlain) | 0 | 2 | | | 2 |
| | Total Planning, Transportation and Environment | 9 | 8 | 0 | 0 | 17 |
| Economy & Enterprise | Business Support and Innovation | 0 | 0 | | | 0 |
| | Strategic Development & Infrastructure | 0 | 1 | | | 1 |
| | Economic Analysis, Funding and Partnerships | 5 | 6 | | | 11 |
| | Total Economy and Enterprise | 5 | 7 | 0 | 0 | 12 |
| Services for Communities (Place) | Adult & Community Learning (Paul Thomas) | 0 | 0 | | | 0 |
| | Trading Standards (Paul Thomas) | 2 | 0 | | | 2 |
| | Active Devon (Matt Evans) | 0 | 0 | | | 0 |
| | Communities (Simon Kitchin) | 1 | 2 | | | 3 |
| | Libraries | 0 | 0 | | | 0 |
| | Transport Coordination Services (Damien Jones) | 14 | 12 | | | 26 |
| | Total Services for Communities (Place) | 17 | 14 | 0 | 0 | 31 |
| Public Health | Children, Young People and families (Becky Carmichael) | 0 | 0 | | | 0 |
| | Sexual Health (Julia Loveluck) | 0 | 0 | | | 0 |
| | Substance misuse and DSVa (Kristian Tomblin) | 0 | 0 | | | 0 |
| | Health improvement & reducing health inequalities (Tina Henry) | 0 | 0 | | | 0 |
| | Health protection (Mark Kealy) | 0 | 0 | | | 0 |
| | Public Health Intelligence (Simon Chant) | 0 | 0 | | | 0 |
| | Core Officer (Tracey Polak) | 0 | 0 | | | 0 |
| | Total Public Health | 0 | 3 | 0 | 0 | 3 |
| Services for Communities (Corporate) | Human Resources (Jacky Wilson) | 0 | 0 | | | 0 |
| | Total Services for Communities (Corporate) | 0 | 0 | 0 | 0 | 0 |
| Business Strategy & Support | Customer Service Centre and IT helpdesk (Roger Jenkins) | 0 | 0 | | | 0 |
| | Blue Badge Service (Carol Reece) | 3 | 1 | | | 4 |
| | Business Services (Melanie Wellard) | 1 | 0 | | | 1 |
| | Business Support (Mary Primrose) | 0 | 0 | | | 0 |
| | SCOMIS (Nicky England) | 0 | 0 | | | 0 |
| | Customer Relations (Carol Reece) | 0 | 0 | | | 0 |
| | Information Governance (Carol Reece) | 0 | 1 | | | 1 |
| | Procurement - Justin Bennett | 0 | 0 | | | 0 |
| | Corporate Assets - Matthew Jones | 0 | 3 | | | 3 |
| | IT Commissioning - Gary Dempster | 0 | 0 | | | 0 |
| | Total Business Strategy & Support | 4 | 5 | 0 | 0 | 9 |
| | County Solicitors | Legal Services and Insurance (Simon Clarey) | 2 | 2 | | |
| Registration Services (Trish Harrogate) | | 0 | 0 | | | 0 |
| Communications & Media (Tony Parker) | | 0 | 0 | | | 0 |
| Total County Solicitors | | 2 | 2 | 0 | 0 | 4 |
| County Treasurer | People Finance (John Holme) | 0 | 0 | | | 0 |
| | Place Finance (Nicola Allen) | 0 | 0 | | | 0 |
| | Corporate Finance (Martin Oram) | 0 | 0 | | | 0 |
| | Investment & Treasury (Mark Gayler) | 0 | 0 | | | 0 |
| | Devon Audit Partnership (Robert Hutchings) | 0 | 0 | | | 0 |
| | Systems and Change (Chris Phillips) | 0 | 0 | | | 0 |
| | Strategy & Compliance (Angie Sinclair) | 0 | 0 | | | 0 |
| | Total County Treasurers | 0 | 0 | 0 | 0 | 0 |
| All Services MP Enquiries | | 177 | 173 | 0 | 0 | 350 |

Agenda Item 4

7.1.3 Highway issues continue to dominate communication from MPs with 88 letters in Q1 and 90 in Q2. They account for 50% of all MP Letters received in Q1 and 52% in Q2.

7.1.4 The **three graphs below** give a more detailed position in regard to the trend in numbers of MP Letters received over the last 3 years for each of People, Place and Corporate Services.



7.2 MP Letter Responses

7.2.1 The number of letters from MPs that were closed following a response within 20 working days was 80% in Q1 and 83% in Q2. This represents 669 of the 822 MP letters responded to so far in this reporting year.

7.2.2 In the year to date the service areas responded within time as follows: Children's Social Care 72% (26 out of 36 responses on time), Adult Social Care 78% (18 out of 23 responses on time), Adult Social Care Commissioning 80% (4 out of 5 responses in time), Education & Learning 92% (34 out of 37 responses on time), Highways 77% (139 out of 181 on time), Planning 84% (21 out of 25 responses on time), Economy & Enterprise 67% (6 out of 9 responses on time), Communities Place 94% (31 out of 33 responses on time), Business Strategy & Support 64% (7 out of 11 responses in time), neither Legal Services 100% (4 out of 4 responded to) and Public Health 100% (2 out of 2 letters responded to).

7.2.3 As well as MP Letters the council also receives enquiries from Councillors and others from our customers, these are all logged as Representations and treated in exactly the same way as MP Letters. **Table 10 below**

Agenda Item 4

provides details of all types of Representations received across the years and the response times to these by each service area.

| | | 2016-17 Representation Response times | | | | |
|--|-----------------------|---------------------------------------|-----------|-----------|-----------|-----------|
| | | Percentage within 20 working days | | | | |
| | | Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | Total YTD |
| Children's Social Care | MP Letters | 72% | 73% | | | 72% |
| | Cllr Enquiries | n/a | 67% | | | 67% |
| | Others | 57% | 54% | | | 55% |
| | Total | 69% | 63% | | | 66% |
| Adult Care Operations & Health | MP Letters | 69% | 90% | | | 78% |
| | Cllr Enquiries | 100% | 100% | | | 100% |
| | Others | 80% | 82% | | | 81% |
| | Total | 76% | 88% | | | 82% |
| Adult Commissioning & Health | MP Letters | 100% | 50% | | | 80% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | 67% | 83% | | | 78% |
| | Total | 83% | 75% | | | 79% |
| Education and Learning | MP Letters | 86% | 100% | | | 92% |
| | Cllr Enquiries | 100% | n/a | | | 100% |
| | Others | 69% | 83% | | | 79% |
| | Total | 80% | 89% | | | 85% |
| Highways, Capital Development and Waste | MP Letters | 79% | 75% | | | 77% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | 85% | 89% | | | 86% |
| | Total | 82% | 83% | | | 83% |
| Planning, Transportation and Environment | MP Letters | 79% | 100% | | | 84% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | 60% | 75% | | | 67% |
| | Total | 72% | 86% | | | 77% |
| Economy and Enterprise | MP Letters | 63% | 100% | | | 67% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | n/a | n/a | | | n/a |
| | Total | 63% | 100% | | | 67% |
| Services for Communities (Place) | MP Letters | 94% | 93% | | | 94% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | 63% | 56% | | | 58% |
| | Total | 85% | 74% | | | 79% |
| Business Strategy & Support | MP Letters | 57% | 75% | | | 64% |
| | Cllr Enquiries | n/a | 100% | | | 100% |
| | Others | 70% | 64% | | | 66% |
| | Total | 65% | 67% | | | 66% |
| Legal Services | MP Letters | 100% | 100% | | | 100% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | 50% | 67% | | | 57% |
| | Total | 67% | 80% | | | 73% |
| Finance | MP Letters | n/a | n/a | | | n/a |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | 100% | n/a | | | n/a |
| | Total | 100% | n/a | | | 100% |
| Public Health | MP Letters | n/a | 100% | | | 100% |
| | Cllr Enquiries | n/a | n/a | | | n/a |
| | Others | n/a | 100% | | | n/a |
| | Total | n/a | 100% | | | 100% |
| Total All Services | MP Letters | 79% | 81% | | | 80% |
| | Cllr Enquiries | 100% | 86% | | | 90% |
| | Others | 80% | 84% | | | 82% |
| | Total | 80% | 83% | | | 81% |

7.3 Letters Received by MP

7.3.1 Table 11 provides details of the volume of communication received from each individual MP.

Agenda Item 4

Table 11 Letters received by Individual MP

| | Service Area | Children's Social Care | Adult Care Operations & Health | Adult Commissioning & Health | Education and Learning | Highways, Capital Development and Waste | Planning, Transportation and Environment | Economy and Enterprise | Services for Communities | Business Strategy and Support | Legal Services | Finance | Public Health | Total |
|---------------|--------------|------------------------|--------------------------------|------------------------------|------------------------|---|--|------------------------|--------------------------|-------------------------------|----------------|---------|---------------|-------|
| Bradshaw | Q1 | 5 | 5 | 0 | 5 | 34 | 6 | 0 | 2 | 2 | 0 | 0 | 0 | 59 |
| | Q2 | 2 | 4 | 0 | 5 | 26 | 1 | 0 | 4 | 3 | 0 | 0 | 0 | 45 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 7 | 9 | 0 | 10 | 60 | 7 | 0 | 6 | 5 | 0 | 0 | 0 | 104 |
| Cox | Q1 | 5 | 4 | 0 | 2 | 18 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 34 |
| | Q2 | 0 | 1 | 0 | 3 | 15 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 20 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 5 | 5 | 0 | 5 | 33 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 54 |
| Heaton-Jones | Q1 | 2 | 0 | 0 | 1 | 10 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 14 |
| | Q2 | 1 | 1 | 0 | 1 | 7 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 14 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 3 | 1 | 0 | 2 | 17 | 2 | 0 | 1 | 1 | 1 | 0 | 0 | 28 |
| Morris | Q1 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| | Q2 | 0 | 2 | 0 | 4 | 8 | 1 | 1 | 0 | 0 | 0 | 0 | 3 | 19 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 0 | 2 | 0 | 6 | 8 | 1 | 1 | 1 | 0 | 0 | 0 | 3 | 22 |
| Parish | Q1 | 0 | 0 | 0 | 2 | 4 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 8 |
| | Q2 | 1 | 0 | 0 | 5 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 1 | 0 | 0 | 7 | 12 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 22 |
| Streeter | Q1 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 6 |
| | Q2 | 0 | 0 | 0 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 0 | 2 | 0 | 4 | 1 | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 11 |
| Stride | Q1 | 3 | 1 | 0 | 1 | 13 | 3 | 0 | 1 | 0 | 1 | 0 | 0 | 23 |
| | Q2 | 3 | 1 | 0 | 3 | 12 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 22 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 6 | 2 | 0 | 4 | 25 | 5 | 0 | 1 | 0 | 2 | 0 | 0 | 45 |
| Swire | Q1 | 3 | 2 | 0 | 2 | 4 | 0 | 4 | 1 | 1 | 0 | 0 | 0 | 17 |
| | Q2 | 2 | 4 | 0 | 1 | 9 | 0 | 5 | 2 | 0 | 1 | 0 | 0 | 24 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 5 | 6 | 0 | 3 | 13 | 0 | 9 | 3 | 1 | 1 | 0 | 0 | 41 |
| Wollaston | Q1 | 0 | 2 | 0 | 3 | 4 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 11 |
| | Q2 | 0 | 3 | 0 | 0 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 0 | 5 | 0 | 3 | 8 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 19 |
| Out of County | Q1 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 5 |
| | Q2 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 1 | 0 | 0 | 1 | 1 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 7 |
| All MPs | Q1 | 18 | 16 | 0 | 20 | 88 | 9 | 5 | 17 | 4 | 2 | 0 | 1 | 180 |
| | Q2 | 10 | 16 | 0 | 25 | 90 | 8 | 7 | 8 | 4 | 2 | 0 | 3 | 173 |
| | Q3 | | | | | | | | | | | | | 0 |
| | Q4 | | | | | | | | | | | | | 0 |
| | YTD | 28 | 32 | 0 | 45 | 178 | 17 | 12 | 25 | 8 | 4 | 0 | 4 | 353 |

7.3.2 From this table it can be seen that Ben Bradshaw MP is the most prolific communicator with the Council writing 104 times in the first two quarters of this year. Geoffrey Cox MP is the second and has written 54 times in the year to date followed by Mel Stride who has written 45 times to date..

Agenda Item 4

8. Local Government Ombudsman

8.1 Complaints received about Devon County Council

- 8.1.1** In Q1, the council received 15 new cases from the Local Government Ombudsman and a further 27 in Q2. This is a significant decrease from the previous six months where there were 41 in Q3 and 48 in Q4 and sees a return to the levels of the first six months of 15/16.
- 8.1.2** In Q1 there were 4 regarding Highways, Capital Development & Waste and also Adult Social Care. 3 regarding Children's Social Care and 2 each regarding Education & Learning and Planning, Transportation & Environment.
- 8.1.3** In Q2 there were 11 regarding Children's Social Care, 4 regarding Highways, Capital Development & Waste, 3 each regarding Adult Care Services and Services for Communities Place, 2 each regarding Education & Learning and Planning and 1 each regarding Blue Badge Scheme and Adult Social Care Commissioning.
- 8.1.4** Of these new complaints from the LGO In Q1 14 were at the assessment stage and 1 was a full investigation. In Q2 19 of the 27 were at the assessment stage and 8 at full investigation.
- 8.1.5** Tables 12 provides detail of cases received by Council Service Area

Table 12 – Complaints received from LGO

| LGO Complaints by Team (received) | | | | | | |
|--|---------------------------------|-----------|-----------|----------|----------|-------------|
| LGO Complaints Received by Service 2016-17 | | | | | | |
| People LGO Complaints | LGO Service Category | Q1 16-17 | Q2 16-17 | Q3 16-17 | Q4 16-17 | Total 16-17 |
| Children's Social Care | Education & Children's Services | 3 | 11 | | | 14 |
| Adult Care Operations & Health | Adult Care Services | 4 | 3 | | | 7 |
| Adult Commissioning & Health | Adult Care Services | 0 | 1 | | | 1 |
| Education and Learning | Education & Children's Services | 2 | 2 | | | 4 |
| Total People LGO Complaints | | 9 | 17 | 0 | 0 | 26 |
| Place LGO Complaints | | | | | | |
| Highways, Capital Development & Waste | Highways & Transport | 4 | 4 | | | 8 |
| Planning Transportation & Environment | Highways & Transport | 2 | 2 | | | 4 |
| Economy & Enterprise | Planning & Development | 0 | 0 | | | 0 |
| Services for Communities (Place) | Corporate & Other Services | 0 | 3 | | | 3 |
| Total Place LGO Complaints | | 6 | 9 | 0 | 0 | 15 |
| Corporate LGO Complaints | | | | | | |
| Services for Communities (Corporate) | Corporate & Other Services | 0 | 0 | | | 0 |
| Business Strategy and Support | Corporate & Other Services | 0 | 0 | | | 0 |
| BSS - Blue Badge | Adult Care Services | 0 | 1 | | | 1 |
| County Solicitor | Corporate & Other Services | 0 | 0 | | | 0 |
| County Treasurer | Corporate & Other Services | 0 | 0 | | | 0 |
| Public Health | | 0 | 0 | | | 0 |
| Total Corporate LGO Complaints | | 0 | 1 | 0 | 0 | 1 |
| All LGO Complaints Received | | 15 | 27 | 0 | 0 | 42 |

8.2 Decisions on complaints by the LGO

- 8.2.1** In Q1 there have been 22 decisions made by the LGO on complaints about the council. The decisions were categorised as follows:

| | |
|--|--------------|
| Upheld – maladministration & injustice | 1 complaint |
| Upheld – maladministration with no injustice | 4 complaints |
| Not Upheld – no maladministration | 4 complaints |
| Closed after initial enquiries (Assessment Stage) | 6 complaints |
| Outside the LGO jurisdiction | 3 complaints |
| Premature complaint (DCC to investigate) | 4 complaints |
| Moved to full investigation after assessment stage | 4 complaints |
| Total | 22 |

- 8.2.2** In Q2 there have been 21 decisions made by the LGO on complaints about the council. The decisions were categorised as follows:

| | |
|--|---------------|
| Upheld – maladministration & injustice | 2 complaints |
| Upheld – maladministration with no injustice | 1 complaint |
| Not Upheld – no maladministration | 1 complaint |
| Closed after initial enquiries (Assessment Stage) | 11 complaints |
| Outside the LGO jurisdiction | 1 complaint |
| Moved to full investigation after assessment stage | 5 complaints |
| Total | 21 |

Agenda Item 4

8.2.3 Table 13 below provides details of the 8 complaints that resulted in a final decision of Upheld in Q1 & Q2

Table 13 – Local Government Ombudsman Decisions – Quarters 1 & 2 16/17

| LGO reference | LGO Service category | Summary of complaint & LGO decision | Decision |
|---------------|------------------------|--|---|
| 15010800 | Adult Social Care | <p>Complaint: The complainant complains about the standard of residential respite care provided to her late mother which she says contributed to her death</p> <p>Outcome: The complaint is about respite care arranged by the Council. I have found fault with parts of the respite arrangements and with the Council's response to the complaint. The Council has agreed to my recommendations.</p> | <p>Decision: Upheld - maladministration & injustice</p> <p>Action: In response to the Ombudsman's investigation, the Council has met the complainant & family. As a follow up to the meeting the Council should write to the complainant apologising & set out in writing what actions and changes the complaint has helped to inform. Council pay the complainant £200 for unnecessary distress that had to be dealt with.</p> |
| 15011892 | Children's Social Care | <p>Complaint: Apology for failings not sufficient, failure to treat foster carer fairly, officer acted inappropriately, failure to conduct appropriate complaint investigation</p> <p>Outcome: When dealing with a fostering placement and allegations of abuse the Council failed to provide information on placing a child with a family, handle sensitively the need to remove foster children from the person alleged to pose a risk and avoid delay in deciding on the family's continued fostering registration.</p> | <p>Decision: Upheld - maladministration & injustice</p> <p>Action: Apologise for poor handling of the deregistration process and pay complainant £1000 to reflect the impact of the failure to share all relevant information on a child's placement; to meet with the complainant to explain the complaint & his options for remaining in his home and the avoidable delay in the deregistration process and his time & inconvenience in bringing his complaint.</p> |
| 14008851 | Children's Social Care | <p>Complaint: Issues around the support from DCC and PCC to the complainants as foster carers</p> <p>Outcome: - The Council's own investigation found significant fault in the handling of arrangements for the complainant's to foster family members. The Council apologised and took steps to learn from the mistakes that the findings of the RPH call into question the Council's decision to de-register them as foster carers is not found.</p> | <p>Decision: Upheld - Maladministration and injustice</p> <p>Action: None as LGO satisfied with those already undertaken at Stage 2 and Stage 3</p> |

Agenda Item 4

| | | | |
|----------|-------------------|---|--|
| 15012991 | Adult Social Care | <p>Complaint: complainant is dissatisfied with the social care assessment process. She feels that the resulting personal budget does not take into account the amount of hours required to support her needs.</p> <p>Outcome: Although there have been faults by the Council, they have not caused enough injustice to warrant a financial remedy.</p> | <p>Decision: Upheld - Maladministration - no injustice</p> <p>Action: The Council have agreed to: not seek to recover DP monies used to access residential care to the current date and to do a new assessment of care & support needs & work with complainant to develop a support plan and personal budget to meet the eligible needs.</p> |
| 14019170 | Legal Services | <p>Complaint: complaint about the way in which a rural playing field was passed from one organisation to another.</p> <p>Outcome: There was fault by the Council in failing to contact the trustees of the playing field when it made its offer to transfer the land back to the parent and teacher association prior to the school closing. This error caused frustration and uncertainty from being excluded from the process, but the outcome would not have been any different had the error not occurred</p> | <p>Decision: Maladministration, no injustice</p> <p>Action: None required</p> |
| 15015680 | Blue Badge Scheme | <p>Complaint: failure to approve renewal of child's blue badge</p> <p>Outcome: DCC reviewed application and approved. No need for further LGO involvement</p> | <p>Decision: Upheld</p> <p>Actions: NFA</p> |
| 15017900 | Highways | <p>Complaint: Unreasonable maintenance of advisory disabled parking spaces in a street when residents living nearby do not qualify for such bays.</p> <p>Outcome: The Council will remove the disabled parking bay.</p> | <p>Decision: Upheld - no further comment</p> <p>Action: NFA</p> |
| 15018328 | Blue Badge Scheme | <p>Complaint: Refusal to renew Blue Badge</p> <p>Outcome: There is no evidence of fault, how the Council assessed</p> | <p>Decision: Upheld, Maladministration, no injustice</p> <p>Action: NFA</p> |

| | | | |
|--|--|---|--|
| | | the eligibility for a blue badge. It did fail to properly communicate its appeal decision but this did not result in any significant injustice. | |
|--|--|---|--|

8.2.4 All LGO final decisions by can be viewed on the LGO website.

9. Additional Information

9.1 Complaints from Children and Young People

9.1.1 There has been a drive to encourage feedback to the Council from Children and Young People over the last few months, including the introduction of the MOMO (Mind of my Own) application and a renegotiation of our Advocacy Contract.

9.1.2 In Q1 the Council received 7 complaints from Children and Young People and 11 in Q2.

- In each quarter 3 of these were received via our advocacy contract with NYAS
- 5 came direct from a Child or Young Person (3 in Q1 and 2 in Q2). They were then offered an advocate if they wanted one.
- Encouragingly 1 complaint in Q1 and 6 in Q2 came via MOMO

9.1.3 These figures are maintaining the level of direct contact from Young People who want to complain and have their voice heard but it would be a positive indicator if this number were to increase slightly. The Council has worked hard on engaging with Young People and encouraging them to feedback their views, both positive and negative.

9.1.4 **Table 14** below indicates the routes that are used by Young People to provide their feedback

Table 14 – Complaints from Young People

| Route of complaint to CRT | Q1 | Q2 | Q3 | Q4 | YTD |
|-------------------------------|----------|-----------|----------|----------|-----------|
| Via IRO | 0 | 0 | | | 0 |
| Via Sworker | 0 | 0 | | | 0 |
| Atkinson Unit | 0 | 0 | | | 0 |
| MOMO | 1 | 6 | | | 7 |
| Direct from YP (not via MOMO) | 3 | 2 | | | 5 |
| Advocate | 3 | 3 | | | 6 |
| Total | 7 | 11 | 0 | 0 | 18 |

9.1.5 **Table 15** below provides detail of the outcome of the complaints received from Young People

Table 15 – Young People Complaint Outcomes

| Outcomes of investigated YP complaints | Q1 16-17 | Q2 16-17 | Q3 16-17 | Q4 16-17 | Total 16-17 |
|---|----------|-----------|----------|----------|-------------|
| Upheld | 0 | 0 | | | 0 |
| Partially Upheld | 3 | 5 | | | 8 |
| Not Upheld | 1 | 2 | | | 3 |
| No Finding | 0 | 0 | | | 0 |
| Withdrawn | 1 | 1 | | | 2 |
| <i>Rejected awaiting advocate complaint</i> | 1 | 2 | | | 3 |
| <i>Rejected as not for DCC</i> | 0 | 0 | | | 0 |
| <i>Complaint still open</i> | 1 | 1 | | | 2 |
| Total | 7 | 11 | 0 | 0 | 18 |

Note the process for Yps that accept offer of advocacy is that the original complaint is closed as rejected, then the complaint from the advocate is logged as a new complaint when received

Agenda Item 4

9.2 General Information

- 9.2.1 If there is any aspect of customer feedback that CLT / Cabinet feels would be especially useful to be included in the report in future if contact could be made via the Customer Relations Manager all consideration will be given to whether it is possible.
Carol Reece – Customer Relations Manager - carol.reece@devon.gov.uk - Tel: 01392 383624

10. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

Rob Parkhouse
Head of Digital Transformation & Business Support

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: C Reece

Tel No: 01392 38300 Room:

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

Nil

LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS ANNUAL REPORT FOR 2015/16 & OMBUDSMAN'S ANNUAL REVIEW LETTER

Joint Report by the Ombudsman Link Officer and the Head of Digital Transformation and Business Support

Recommendations:

- (a) That the complaints made to the Local Government Ombudsman referred to the Council during 2015/16 and their outcomes be noted;
- (b) That the content of the Ombudsman's Annual Review Letter to the Council be noted together with the improvements this shows in regard to Devon's approach to complaints and in how it compares to its CIPFA comparators. .
- (c) That the intention of the Ombudsman this year, as a result of feedback from Local Authorities last year, is to provide additional information to focus the statistics more on the outcome from complaints rather than just the numbers of complaints received.

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 15/16

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

| Year | Complaints |
|-------------|-------------------|
| 2015/2016 | 148 |
| 2014 / 2015 | 121 |
| 2013 / 2014 | 141 |
| 2012 / 2013 | 62 |

Agenda Item 5

| | |
|-------------|----|
| 2011 / 2012 | 50 |
|-------------|----|

2.2.2 The significant increase in the number of complaints to the Ombudsman in 2015/16 should not be a concern as there has been a deliberate awareness campaign by the Ombudsman and the number of complaints received by the Ombudsman is not necessarily a reflection on poor performance by the Council, this is determined by the outcome of these complaints and in this year only 18 out of the 147 concluded were upheld which represents just 12%.

2.2.3 In addition it was 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 148 complaints received by the Ombudsman about Devon County Council in 2015/16 were split across services as follows (note these are LGO designated service categories)

| Service | Number of Complaints (% of total) |
|-----------------------------------|-----------------------------------|
| • Adult Care Services | 42 (28%) |
| • Corporate & Other Services | 6 (4%) |
| • Education & Children's Services | 60 (40.5%) |
| • Environmental Services | 5 (4%) |
| • Highways & Transport | 33 (22%) |
| • Planning & Development | 2 (1.5%) |

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 15/16

2.3.1 Within the 2015/16 reporting year the Ombudsman made decisions on 147 complaints about Devon County Council. This included decisions on 46 complaints that the Ombudsman fully investigated, of these 18 were upheld and 28 not upheld. This equates to an "upheld" rate of 39% for all those complaints fully investigated. It should be noted that 69% (101 complaints) of the complaints the Ombudsman made a decision on this year were not taken forward passed the enquiry or assessment stages of the process.

2.3.2 A summary of all decisions is below with the comparison from 14/15 for information

| Decision of Ombudsman | Number (% of Total decisions) 2015/16 | Number (% of Total decisions) 2014/15 |
|--------------------------------------|---|---|
| • Investigated – Upheld | 18 (12%) | 21 (17%) |
| • Investigated – Not Upheld | 28 (19%) | 20 (16%) |
| • Advice given | 1 (1%) | 1 (1%) |
| • Closed after initial enquiries | 45 (31%) | 39 (31%) |
| • Incomplete / Invalid | 11 (7%) | 6 (5%) |
| • Referred back for local resolution | 44 (30%) | 38 (30%) |

2.3.2 The table at **Appendix A** provides details of the 18 decisions of upheld and the required actions by the council

2.3.3 18 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 18 complaints where there was a finding of maladministration it was deemed that in 14 of these there had been a degree of injustice. In 2 of these the Council had applied a satisfactory remedy prior to the Ombudsman concluding the investigation and as such there was no further remedy required.
- 2.3.5 The actions required of the Council by the Ombudsman are included within Appendix A. It should be noted that this included financial redress in 5 complaints totalling £4,300.
- 2.3.6 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 2015-16 report from the Ombudsman)
- 2.3.7 It is worth noting that Devon's position in relation to its' comparator Local Authorities has improved since last year quite considerably and reflects the change in culture within the council in regard to how complaints are now more positively handled and seen as a tool from which the council can learn and improve.

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 2016.
- 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.
- 3.3 During this year the Ombudsman issued a public interest report about the way the Council decided to discontinue school transport after a family were forced to move home. The school transport appeal panel failed to take account of all relevant information when it decided not to uphold the appeal. We also found that the Council had failed to give due regard to the Armed Forces Covenant when reaching its decision.

4. MOVING FORWARD WITHIN THE OMBUDSMAN'S ORGANISATION

- 4.1 In the last year the Ombudsman has reviewed how it structures the casework teams in order to provide insight across the emerging combined authority structures. As a response to feedback from councils, this included reconfirming the Assistant Ombudsman responsibility for relationship management with each Council. This was communicated to Link Officers through a manual entitled "working with the LGO"
- 4.2 **The LGO corporate strategy** is based upon the twin pillars of remedying injustice and improving local public services. In order to measure progress against the objective to improve local services she issued a survey in March 2016 to all councils. 98% of respondents (DCC did respond) believed that the investigations by the LGO have had an impact on improving public services.
- 4.3 The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

Agenda Item 5

- 4.4 The same survey demonstrated a significant proportion of councils are sharing the information the Ombudsman provides with elected members and scrutiny / standards committees. This approach is welcomed.
- 4.5 **Ombudsman Reform:** There is progress in regard to the creation of a single ombudsman for public services in England. The government has announced the intention to produce draft legislation and the Local Government Ombudsman will continue to support government in the realisation of this and are advising on the importance of maintaining 40 years plus experience of working with local government and the understanding it has of the unique accountability structures.
- 4.6 Dr Jane Martin, the current Local Government Ombudsman comes to the end of her seven year term at the end of January 2017 and will be handing over to, an as yet, not publicised successor.

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, as in previous years, it is important 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.

CAROL REECE
LGO LINK OFFICER

ROB PARKHOUSE
HEAD OF DIGITAL TRANSFORMATION & BUSINESS
SUPPORT

[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 |
|----------|---------------------------------|---|--|
| 14015935 | Adult Care Services | Maladministration & injustice – A Learning Disabled Client made a complaint in regard to her enabler and that they did not have a workable relationship. | It was agreed by the council to try to engage the client in a mediation process and the LGO was happy with this. |
| 14009771 | Education/Children’s Services | Maladministration & injustice – The Council wrongly decided to discontinue school transport after the family were forced to move home. They say the school transport appeal did not take into account of all relevant information in deciding not to uphold their appeal. Did not take account of the Armed Forces Covenant | Apologise, put in place home-school transport for daughter asap. Pay £1000 to reimburse the costs family incurred, pay a further £1000 to acknowledge the avoidable stress the council’s faults caused the family. |
| 15004126 | Adult Care Services | Maladministration & injustice – council refused to renew the customers blue badge as it considered did not meet the eligibility criteria | DCC to offer a reassessment of complainant’s mobility with a different assessor (offered by Dependability 25/8/15) |
| 15004032 | Adult Care Services | Maladministration & injustice – The Council has offered to apologise and carry out a new assessment, which is a suitable outcome to the complaint. | Apologise and commission a further mobility assessment that allows the complainant to demonstrate his difficulty with walking on inclines. |
| 14013856 | Highways & Transport | Maladministration & injustice – Council was not at fault by refusing to pay for a section of the boundary wall to be built as it had made no agreement to do so. It was at fault through its contractor changing the layout of the corner of a boundary wall without consulting the owner This caused injustice as they would have left the original wall in place | The Council to pay £1000 as payment towards the cost of her replacement wall. |
| 15002849 | Adult Care Services | Maladministration & Injustice –There was fault by the Council in it's communication with the complainant and fault in not asking the client if he would like to be interviewed as part of the safeguarding investigation. | Reconvene strategy meeting and consider complainant’s views |
| 14013408 | Education & Children’s Services | Maladministration & injustice - There was some fault by the Council in failing to ensure the complainants' child received suitable education while he was out of school following exclusion. | DCC to apologise to complainants and their son for failing to ensure adequate education provision and for the way it dealt with the complaint. Pay £250 in recognition of 3 weeks missed education and the complainants £150 for time & trouble |
| 15005231 | Highways & Transport | Maladministration & injustice – The Council failed to deal effectively with reports of mud/muck on the road that presented a danger to complainant and other road users. Failed to comply with its published complaints procedures. | Council has already taken suitable action with regard to the delays and failures in handling the complaint. |

| | | | |
|----------|---------------------------------|--|---|
| 14018417 | Adult Care Services | Maladministration & injustice – Fault but not significant enough to affect safeguarding outcome. Recommendation to apologise, review findings and recommendations of safeguarding report and confirm to complainant who can have access to the report. | <p>1. Apologise to Provider for not being clear about how it had reached the decision to close the safeguarding investigation</p> <p>2. review the findings and recommendations of the safeguarding investigation to confirm whether it should amend the report. Write to Provider with the outcome</p> <p>3. Confirm to Provider who will have access to the report, who can request a copy of the report and how</p> <p>4. To consider the outcome of the complaint in the review of our safeguarding operational guidance that is planned for early 2016. This will then feed in to a planned review of safeguarding training.</p> <p>5. Take the outcome for discussion to the Leadership Forum which involves all frontline and middle managers – i.e. all of those manager who act as the “responsible Manager”. There is a cyclical learning process in this Forum which identifies learning, agrees actions, and reviews the impact of those actions.</p> |
| 15010814 | Adult Care Services | Maladministration & injustice -There is fault with how the complainant was assessed for a blue badge | Council have offered a further face to face assessment with a different assessor |
| 15016170 | Adult Care Services | Maladministration & injustice There is fault with how the complainant was assessed for a blue badge | Carry out a fresh walking assessment & inform LGO when done |
| 15005707 | Education & Children’s Services | Maladministration & Injustice - complaint about the way the Council handled allegations about a foster carer | <p>Pay £350 in recognition of the uncertainty and distress caused by the prolonged investigation</p> <p>Council to review all of the available training to LADO officers</p> <p>Change procedure to bring payments to Foster Carers against whom allegations have been made more in line with Devon County Council staff members; as such Foster Carers in future will be paid the full rate until any investigation is completed.</p> |
| 15011406 | Adult Care Services | Maladministration & Injustice - Council was at fault for not adequately reviewing the complainant’s care package after a move to supported living accommodation. Also delayed in helping him move to alternative accommodation. Acting on advice from his care provider the complainant also bought a sling for a hoist the Council may have provided free. | <p>Apologise for the faults identified. Pay £700 in recognition of injustice and refund the money spent on the sling while living in supported</p> <p>Accommodation. Provide a named point of contact who will contact weekly to ensure better communications with the Council</p> |

APPENDIX B – CIPFA Comparators Complaints received and decisions by LGO

COMPLAINTS RECEIVED BY OMBUDSMAN 15/16

| COUNCIL | Adult Care Services | Corporate & Other Services | Education & Children's Services | Environmental Services & Public Protection | Highways & Transport | Planning & Development | TOTAL |
|-----------------|---------------------|----------------------------|---------------------------------|--|----------------------|------------------------|------------|
| Dorset | 24 | 2 | 14 | 4 | 7 | 1 | 52 |
| Cumbria | 10 | 2 | 30 | 2 | 7 | 0 | 53 |
| Norfolk | 45 | 3 | 40 | 6 | 14 | 1 | 109 |
| Leicestershire | 22 | 5 | 30 | 4 | 16 | 2 | 79 |
| Cambridgeshire | 15 | 5 | 26 | 1 | 10 | 0 | 57 |
| Worcestershire | 20 | 3 | 28 | 2 | 7 | 1 | 61 |
| Gloucestershire | 23 | 4 | 24 | 1 | 10 | 0 | 62 |
| Somerset | 21 | 3 | 27 | 1 | 9 | 0 | 61 |
| Lincolnshire | 36 | 2 | 28 | 3 | 9 | 2 | 80 |
| Warwickshire | 33 | 1 | 23 | 2 | 8 | 0 | 67 |
| North Yorkshire | 37 | 3 | 31 | 2 | 18 | 4 | 93 |
| West Sussex | 43 | 6 | 36 | 6 | 18 | 6 | 115 |
| Hampshire | 37 | 4 | 58 | 4 | 15 | 1 | 119 |
| Devon | 42 | 6 | 60 | 5 | 33 | 2 | 148 |
| East Sussex | 51 | 4 | 32 | 1 | 7 | 2 | 97 |
| Essex | 52 | 8 | 146 | 11 | 58 | 2 | 277 |

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 2nd 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 15/16

| COUNCIL | Incomplete / invalid | Advice Given | Referred back for local resolution | Closed after initial enquiry | Detailed investigation carried out | | % Upheld of those investigated | Total |
|-----------------|----------------------|--------------|------------------------------------|------------------------------|------------------------------------|-----------|--------------------------------|------------|
| | | | | | Not Upheld | Upheld | | |
| Dorset | 1 | 0 | 20 | 16 | 6 | 5 | 45% | 48 |
| North Yorkshire | 5 | 0 | 30 | 29 | 19 | 19 | 50% | 102 |
| Gloucestershire | 0 | 0 | 4 | 6 | 2 | 4 | 67% | 16 |
| Lincolnshire | 6 | 1 | 38 | 14 | 13 | 9 | 41% | 81 |
| Leicestershire | 7 | 0 | 30 | 32 | 10 | 7 | 41% | 86 |
| East Sussex | 9 | 0 | 32 | 30 | 22 | 28 | 56% | 121 |
| Warwickshire | 3 | 1 | 23 | 22 | 6 | 4 | 40% | 59 |
| Essex | 7 | 1 | 89 | 70 | 73 | 24 | 25% | 264 |
| Worcestershire | 2 | 2 | 21 | 12 | 8 | 8 | 50% | 53 |
| Cambridgeshire | 3 | 1 | 26 | 15 | 9 | 12 | 57% | 66 |
| Cumbria | 5 | 1 | 25 | 14 | 4 | 7 | 64% | 56 |
| Devon | 11 | 1 | 44 | 45 | 28 | 18 | 39% | 147 |
| West Sussex | 5 | 0 | 42 | 44 | 14 | 9 | 39% | 114 |
| Hampshire | 4 | 1 | 60 | 25 | 7 | 17 | 71% | 114 |
| Norfolk | 8 | 0 | 43 | 29 | 9 | 8 | 47% | 97 |
| Somerset | 2 | 0 | 36 | 12 | 4 | 14 | 78% | 68 |

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 39% of those complaints investigated are upheld – the actual number of upheld complaints is relatively low as a percentage of actual decisions made (18 upheld complaints out of 147 decisions is 12%) and a significantly better percentage when compared to other councils. Devon has the joint 2nd lowest percentage of complaints upheld by the Ombudsman – this is a considerable improvement in performance from last year.
- Devon is also ranked 3rd 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. This maintains the same position as last year.

Agenda Item 5

Agenda Item 6

CS/16/33
Standards Committee
7 November 2016

ETHICAL GOVERNANCE FRAMEWORK MONITORING

Report of the County Solicitor

Recommendation: that the report be noted.

1. The Standards Committee agreed previously that the independent, co-opted, members of the Committee should attend meetings of the Council, the Cabinet and Committees on an ad-hoc basis to observe and monitor compliance with the Council's ethical governance framework, in line with the agreed protocol.
2. Members have, since the report to the previous meeting, attended the following meetings and their views/feedback are summarised below.

| Meeting | | Co-opted Member/Observer |
|---------------------------------------|-------------------|--------------------------|
| County Council | 28 July 2016 | Mr Hodgins |
| Audit Committee | 7 September 2016 | Mr Sullivan |
| Health & Wellbeing Scrutiny | 19 September 2106 | Mr Sullivan |
| County Council | 6 October 2016 | Mr Sullivan |
| Devon Strategic Waste Joint Committee | 18 October 2016 | Mr Sullivan |

3. The following table summarises feedback received from Members on a number of general issues common to all meetings

| Observations: | 1 = Very Poor and 5 = Very Good | | | | |
|---|---------------------------------|---|---|---|-------|
| | 1 | 2 | 3 | 4 | 5 |
| Punctuality and Attendance of Members | | | | | ✓✓✓✓✓ |
| Appearance and presentation | | | | | ✓✓✓✓✓ |
| Speeches: clear, relevant, understandable, audio levels, use of microphones etc., | | | ✓ | ✓ | ✓✓✓ |
| Use of appropriate language | | | | | ✓✓✓✓✓ |
| Members' Conduct & Behaviour | | | | ✓ | ✓✓✓ |
| Clear identification and declaration of interests (<i>where so declared</i>) | | | | | ✓ |
| Effective Chairmanship/conduct of meeting | | | | ✓ | ✓✓✓✓ |

Agenda Item 6

| | | | | | |
|--|--|--|--|---|------|
| Adherence to Agenda | | | | ✓ | ✓✓✓✓ |
| Listening and responding to advice (from Officers) | | | | ✓ | ✓✓✓ |

4. While there were a number of other issues raised by co-opted members in their observations, as set out below, there were no reports of any specific actions or behaviors that might be felt to have resulted in a potential breach of the Code or warranted further action
5. Specific observations by the independent co- opted members were:
 - continuing instances of members having 'separate conversations' or making 'asides' during debates are not only discourteous to speakers but reflect poorly on the conduct of the meeting, particularly when meetings are webcast;
 - external noise (from corridor/outside room) was disruptive;
 - meetings conducted in a very professional, focused manner;
 - Members demonstrated a willingness to seek clarification where needed, with relevant questions - rather than make assumptions - to assist their deliberations/considerations;
 - Officers' written reports were clear and concise;
 - the Chairman's 'summing-up' was helpful – for members and public alike - in ensuring a clarity about the issues discussed and the issue to be voted upon;
 - is length of Agenda appropriate in all cases and 'timed' agenda are only effective if times are realistic and/or adhered too;
 - Members did not always use microphones - although their contributions may have been audible to those present and, on occasion, contributions by Members appeared unnecessarily lengthy or repetitive.
6. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: R Hooper

Tel No: 01392 382300 Room: G31

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

Nil