

Phil Norrey
Chief Executive

To: The Chair and Members of the
Standards Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 3 November 2017
Please ask for : Karen Strahan 01392 382264

Email: karen.strahan@devon.gov.uk

STANDARDS COMMITTEE

Monday, 13th November, 2017

A meeting of the Standards Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall 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

Minutes of the meeting of the Committee held on 3 July and 29 August 2017, previously circulated.

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as a matter of urgency.

4 Membership

The Committee to welcome Mr I Hipkin.

MATTERS FOR DETERMINATION

5 Consultation on the Disqualification Criteria for Councillors and Mayors (Pages 1 - 4)

Report of the County Solicitor (CSO/17/29) on the Government's Consultation on the Disqualification Criteria for Councillors and Mayors and a proposed response to that consultation.

STANDING ITEMS

6 Customer Feedback Monitoring Report - Quarter 2 2017/2018 (Pages 5 - 24)

Report of the Head of Digital Transformation & Business Support ([BSS/17/14](#)) on feedback, compliments, representations and complaints received and handled by the County Council for Quarter 2 2017/2018, attached.

7 Ethical Governance Framework: Monitoring (Pages 25 - 28)

Report of the County Solicitor ([CSO/17/22](#)) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

MATTERS FOR INFORMATION

8 LGO Annual Letter 2017 (Pages 29 - 40)

Report of the Head of Digital Transformation and Business Support ([BSS/17/15](#)) on complaints made to the Local Government Ombudsman, referred to the Authority during 2016/17, attached.

9 Voting - Standards Committee Co-Opted Members

The County Solicitor will report.

10 Setting the Standard - Summary of Horizon Scanning Event

The Committee on Standards in Public Life held a Horizon Scanning Seminar on 10 July to look at possible ethical standards in the future.

Members are asked to note the comments in relation to Local Government which included;

- the suggestion there was a need for a fresh look at rules of codes of conduct for Councillors and a strengthening of the ethics system and declaration of interests, given Local Government was often the first level at which the public interact with politics;
- the issue was not just around particular standards issues such as conflict of interests, but went wider to the issue of governance of local government where it seemed there was a rather mixed system, with little/no effective scrutiny, and defects around conduct; and
- the issue of the development around town centres was raised and the huge sums of money involved.

11 Local Authorities and Standards Regimes - Representations from South West Local Authorities (Pages 41 - 44)

The Committee to note that recent representations were made by Standards Committees across the South West, particularly in Somerset, regarding the limits on sanctions that could apply against Councillors and also the lack of middle ground between criminal sanctions for transgressions around disclosable pecuniary interests and relatively 'tame' sanctions for other transgressions.

A number of suggestions were made to the Minister in relation to suspension of Councillors, sanctions for behaviour in a Councillors personal life and the role of the Independent Person.

A copy of the letter sent and the Ministers response is attached.

12 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.

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 R Radford (Chair), M Asvachin, R Bloxham, P Colthorpe, B Greenslade, G Gribble and J Mathews

Co-opted Member

Sir Simon Day, I Hipkin, R Hodgins, A Mayes and R Saltmarsh

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 Karen Strahan 01392 382264.

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SatNav – Postcode EX2 4QD

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The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

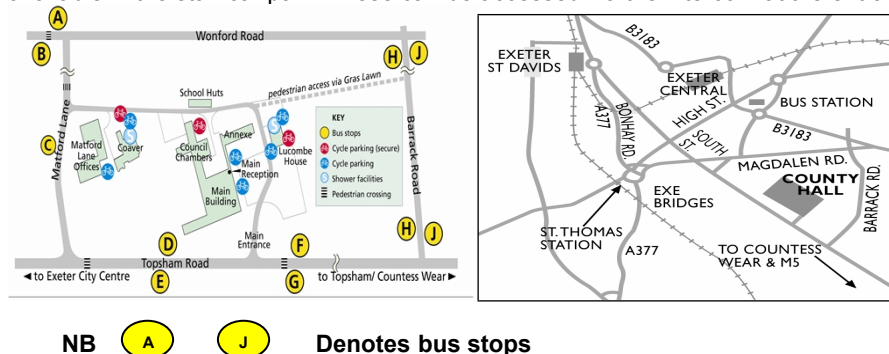
Car Sharing

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First Aid

Contact Main Reception (extension 2504) for a trained first aider.

CONSULTATION - UPDATING DISQUALIFICATION CRITERIA FOR LOCAL AUTHORITY MEMBERS

Report of the County Solicitor

Recommendation: that the report be noted and the proposed responses to the consultation questions, attached at appendix 1, be endorsed.

Introduction

1. The consultation paper <https://www.gov.uk/government/consultations/disqualification-criteria-for-councillors-and-mayors> sets out the government's proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly.

Background / Scope

2. The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they are subject to:
 - the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
 - a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
 - a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.
3. It is also noted that any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999 and the consultation does state that the proposed changes would not act retrospectively.
4. The consultation began on 18 September 2017 and runs for 12 weeks with a closure date of 8 December 2017. Responses need to be submitted prior to 5pm on Friday 8 December 2017.

Current Disqualification Criteria

5. Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they are employed by the local authority, employed by a company under the control of the local authority, subject to bankruptcy orders, have, within 5 years before being elected, or at any time since being elected, been convicted of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine, are disqualified under Part III of the Representation of the People Act 1983, are employed under the direction of various local authority committees, boards or the Greater London Authority; or are a teacher in a school maintained by the local authority.
6. Paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 sets out the criteria on disqualification from standing as, or being, a directly-elected mayor of a combined authority.

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7. Section 21 of the Greater London Authority Act 1999 also disqualifies someone from being the Mayor or an Assembly member under certain criteria.

Consultation Questions

8. The consultation questions being asked are:

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Q6. Do you have any further views about the proposals set out in this consultation paper?

Summary / Conclusion

9. It should be noted that Legislation does not generally apply retrospectively, the principle being that the law should operate in a clear and certain manner and the public is entitled to know the state of the law at a particular time and the proposals in this consultation would not apply retrospectively.
10. Attached as an appendix are proposed responses to the consultation questions.
11. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed, or referred to in the Consultation 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: K Strahan

Tel No: 01392 382264 Room: G31

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

Appendix 1

- Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response

This Council agrees with the proposal.

The very nature of sex offender notification requirements, Sexual Harm Prevention Orders or Notification Orders are intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public. Local Authorities and Elected Members comply with various safeguarding policies and act as corporate parents which would appear incongruent with persons who are subject to the notification requirements of the Sexual Offences Act 2003.

- Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response

This Council agrees that it might be difficult to include this civil order in the disqualification criteria, given the person in question would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and are not subject to the same notification requirements for registered sex offenders.

However, the nature of the Order, sought by the Police, means the person has carried out an act of a sexual nature, as a result of which there is reasonable cause to believe that it is necessary for such an order to be made, even if they have never been convicted. The Court needs to be satisfied that the order is necessary for protecting the public or children or vulnerable adults generally, or any particular member of the public, child or vulnerable adults, from sexual harm from the defendant.

Because the Courts will have been involved in any such order, this Council would be uncomfortable with an elected Member being subject to such an order, which would have no maximum duration, unless the Police decide to end the order early.

- Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response

This Council agrees with only part of this proposal.

Criminal Behaviour Order's (CBO) are for those convicted of an offence and also focus on the more serious offenders, who engage in criminal activity as well as anti-social behaviour, so it is right and proper they are prohibited from standing for public office.

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Civil Injunctions are used to place sanctions on perpetrators to stop their behaviour and can also be used to demand positive actions to address the underlying reasons for a particular behaviour. There is no criminal record, but of course any breach of an injunction has a power to arrest those taking part for breaching the injunction, which could lead to a fine, imprisonment or both. To disqualify someone at the Civil injunction stage, therefore, seems a little premature.

- Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response

The Council has nothing further to add in respect of any of the other more generic 'place based' anti-social behaviour-related powers (dispersal powers / community protection notices / public spaces protection orders and closure powers) so agrees with the proposal, subject to the response at Q3 regarding Civil Injunctions.

- Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Response

No impact on the discharge of Public Sector Equality Duties under the Equality Act 2010.

- Q6. Do you have any further views about the proposals set out in this consultation paper?

Response

This Council has nothing further to add.

Customer Feedback Monitoring Report for Quarter 2 2017-2018 Report of the Head of Digital Transformation & Business Support

1. Recommendations

- 1.1 It is recommended that Members and Cabinet/LG7 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.
- 1.2 This report will be presented to Standards Committee when it next meets.

2. Purpose

- 2.1 This report provides a quarterly update to Cabinet/LG7 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 2017-2018 (1st July – 30th September 2017)

	Q2	Q1
• *Number of non statutory complaints all stages	301	312
• *Number of statutory Adult Care & Health Complaints	71	75
• *Number of statutory Children's Social Care Complaints	93	92
*Total complaints received	465	479
• Number of non social care (corporate) compliments	101	69
• Number of Adult Care & Health compliments	94	120
• Number of Children's Social Care compliments	29	47
Total compliments received	224	236
• Number of non social care (corporate) MP letters	163	55
• Number of Adult Care & Health MP letters	34	15
• Number of children's Social Care MP Letters	11	10
Total MP Letters received	208	80
• Number of other non social care representations	37	52
• Number of Adult Care & Health representations	16	16
• Number of Children's Social Care representations	2	8
Total Representations received	55	76
• Number of Councillor Enquiries (non social care)	9	2
• Number of Councillor enquiries (social Care)	8	9
Total Councillor Enquiries	17	11
Total number of individual items of feedback	969	882

**The numbers for all complaints received is number at all stages including the LGO & those that end up being No Further Action (NFA).*

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- 3.2** Throughout Q2 the Council has received 969 items of feedback which is an increase of 87 items on Q1 and is a reversal of the downward trend over the last 15 months.
- 3.3** There have been 14 fewer complaints received across the Council in Q2 compared to Q1 (465 compared to 479) Complaints about Children's Social Care increased from 92 to 93 received at all stages, in Adult Care & Health they decreased from 75 to 71. Complaints in the non social care areas decreased from 312 to 301.
- 3.4** The total number of compliments received has decreased slightly in this quarter from 236 in Q1 to 224 in Q2. This is a further drop on the 342 in Q4. Children's Social Care Compliments dropped from 47 in Q1 to 29 in this quarter. There was a drop in Adult Social Care & Health compliments also from 120 in Q1 to 94 in Q2. However in all other service areas the total number of compliments increased from 69 in Q1 to 101 in Q2. Across all areas this represents a further decrease of 5% in compliments received on top of the 34% decrease in Q1 compared to Q4 16/17.
- 3.5** The number of MP Letters received in Q2 has risen significantly in the last quarter; there were 208 MP Letters received compared to the 80 received in Q1, this is the highest number in a single quarter for some time. Non social care MP letters increased from 55 in Q1 to 163 in Q2, Adult Care & Health MP letters increased from 15 in Q1 to 34 in Q2 but MP Letters in regard to Children's Social Care remained almost the same with just 11 letters received in Q2 which was 1 more than in Q1.
- 3.6** There have been 55 Representations received in Q2 which is a decrease of 21 on the Q1 number of 76 and continues the downward trend of the latter half of 2016/2017. In Adult Care & Health the number remained constant at 16 received, in Children's Social Care there was a significant decrease from 8 in Q1 to only 2 in Q2 and in the non social care service areas the total number of Representations received dropped from 52 in Q1 to 37 in this quarter.
- 3.7** In Q2 the Council received a total of 17 enquiries from Councillors which was an increase of 6 enquiries compared to Q1. 9 of these related to non social care/Health services and 8 related to social care / health 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 97% of complaints received were acknowledged within time by the Customer Relations team, which meets the target KPI (95%).
- 4.2 Stage 1 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 Q2. It does not include those that were NFA for various legitimate reasons.
- 4.2.2** Across the whole Council there were 383 complaints investigated in Q2; which is a fall of just 23 complaints on the 408 investigated in Q1. 4 services across the Council experienced a slight increase in the number of complaints in Q2, 6 services experienced a fall in the number of complaints received and 3 services saw the same number of complaints received as in Q1.
- 4.2.3** Individual service areas saw increases and decreases as follows:
- Adult Care Operations & Health 47 complaints in Q2 compared to 51 in Q1 (decrease of 4)
 - Adult Commissioning 4 complaints in Q2 compared to 11 in Q1 (decrease of 7)
 - Children's Social Care Services 76 complaints in Q2 compared to 74 in Q1 (increase of 2)
 - Education & Learning 9 complaints in Q2 compared to 8 in Q1 (increase of 1)
 - Highways, Infrastructure Development & Waste 207 complaints in Q2 compared to 219 in Q1 (decrease of 12)
 - Economy, Enterprise & Skills 5 complaints in Q2 which is the same number as in Q1 (no change)
 - Public Health didn't receive any complaints in Q2 (decrease of 1)
 - Planning, Transportation & Environment received 17 complaints in Q2 compared to 21 in Q1 (decrease of 4)
 - Communities received 2 complaints in Q2 which is the same as in Q1 (no change)

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- Legal Services & Communications 2 complaints in Q2 which is the same as in Q1 (no change)
- Digital Transformation & business Support 12 complaints in Q2 compared to 9 in Q1 (increase of 3)
- Devon Finance Services received 1 complaint in Q2 compared to 5 in Q1 (decrease of 4)
- Organisational Development received 1 complaint in Q2 whereas there were none received in Q1 (increase of 1)

Table 1 – Stage 1 Complaints by Direct Report

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Children's Services						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Social Care - Mark Lines	Children's Social Work (North) - Claire Hummerstone	11	10	0	0	21
	Children's Social Work (Mid & East) - Karen Morris	15	14	0	0	29
	Children's Social Work (South), EDT & CWD - Andrea Morris	16	27	0	0	43
	Children's Social Work (Exeter), Early Help, MASH & REACH - Rachel Gillott	19	20	0	0	39
	Fostering & Permanence, Youth Offending and Atkinson - Kath Drescher	10	3	0	0	13
	Commissioning - Fiona Fleming	1	1	0	0	2
	Safeguarding Children - Jean Kelly	2	1	0	0	3
	Total Children's Social Care	74	76	0	0	150
Education & Learning - Dawn Stabb	SEN 0-25 - Julia Foster	4	4	0	0	8
	Contract Performance - Educational Commissioning - Alison Withnell	0	0	0	0	0
	Admissions - Simon Niles	2	1	0	0	3
	Early Years and Childcare - Claire Rockcliffe	1	1	0	0	2
	School Improvement - Dawn Stabb	1	3	0	0	4
	Total Education and Learning	8	9	0	0	17
Total Children's Services		82	85	0	0	167
Adult Care & Health						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Adult Care Operations & Health - Keri Storey	North Community Health & Social Care Teams - Stella Doble	12	9	0	0	21
	East Community Health & Social Care Teams - Gary Patch	21	30	0	0	51
	South Community Health & Social Care Teams - Lee Baxter	15	7	0	0	22
	Social Care Provision - Keri Storey	3	1	0	0	4
	Adult Mental Health - Jane King	0	0	0	0	0
	Total Adult Care & Health	51	47	0	0	98
Adult Commissioning & Health	Policy, Performance & Involvement - Damian Furniss	0	0	0	0	0
	Market Management - Ian Hobbs	0	0	0	0	0
	Disability & Mental Health Commissioning - Rebecca Hudson	0	0	0	0	0
	Older People Commissioning - Solveig Sansom	0	0	0	0	0
	Transformation - Giles Colton	1	3	0	0	4
	Safeguarding Adult Board & QAIT - Geraldine Benson	9	1	0	0	10
	Commissioned services (external care providers)	1	0	0	0	1
	Total Adult Commissioning & Health	11	4	0	0	15
Total Adult Care & Health		62	51	0	0	113
Communities, Public Health, Environment and Prosperity						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Public Health - Dr Virginia Pearson	Public Health	1	0	0	0	1
	Total Public Health	1	0	0	0	1
Planning, Transportation and Environment - Dave Black	Transportation Planning and Road Safety - Jamie Hulland	4	1	0	0	5
	Development Management Highways- Brian Hensley	3	0	0	0	3
	Chief Planner - Joe Keech	2	3	0	0	5
	Environment - Peter Chamberlain	0	0	0	0	0
	Transport Coordination Services (TCS) - Damien Jones	12	13	0	0	25
	Total Planning, Transportation and Environment	21	17	0	0	38
Economy, Enterprise & Skills - Keri Denton	Business Support - Vacant	0	0	0	0	0
	Development & Infrastructure - Melanie Sealey	0	0	0	0	0
	Partnerships, Policy & Funding - Sofie Francis	0	1	0	0	1
	Skills & Employment - Jamie Evans	0	0	0	0	0
	Trading Standards - Paul Thomas	2	3	0	0	5
	Learn Devon - Paul Thomas	3	1	0	0	4
	Post 16 Strategy & Commissioning - Kristine Norton	0	0	0	0	0
	Total Economy, Enterprise & Skills	5	5	0	0	10
Communities - Simon Kitchen	Communities	2	2	0	0	4
	Total Communities	2	2	0	0	4
Total Communities, Public Health, Environment & Prosperity		29	24	0	0	53
Highways, Infrastructure Development and Waste						
Service Area	Team	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Highways, Infrastructure Development and Waste - Meg Booth	Infrastructure Development - Rob Richards	0	0	0	0	0
	Highways - Meg Booth	156	175	0	0	331
	Bridges and Structures - Kevin Dentith	0	0	0	0	0
	Waste - Wendy Barratt	63	32	0	0	95
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	219	207	0	0	426
Corporate Services						
Organisational Development - John Smith	Organisational Development - John Smith	0	1	0	0	1
	Total Organisational Development	0	1	0	0	1
Digital Transformation & Business Support - Rob Parkhouse	Business Infrastructures - Matthew Jones	9	12	0	0	21
	Strategic Procurement - Justin Bennetts	0	0	0	0	0
	Strategic Property - Matthews Jones	0	0	0	0	0
	IT Strategic Commissioning - Gary Dempster	0	0	0	0	0
	Total Digital Transformation & Business Support	9	12	0	0	21
Legal Services & Communications - Jan Shadbolt	Legal Services - Simon Clarey	0	0	0	0	0
	Registration - Trish Harrogate	2	2	0	0	4
	Communications & Media - Tony Parker	0	0	0	0	0
	Total Legal Services & Communications	2	2	0	0	4
Devon Finance Services - Mary Davies	Accounting Services - Nicola Allen	0	0	0	0	0
	Financial Systems and Processes - Martin Oram	5	1	0	0	6
	Investment and Treasury - Mark Gayler	0	0	0	0	0
	Strategy & Compliance - Angie Sinclair	0	0	0	0	0
	Devon Audit Partnership - Robert Hutchings	0	0	0	0	0
	Total Devon Finance Services	5	1	0	0	6
Total Corporate Services		16	16	0	0	32
Total All Services		408	383	0	0	791

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. The NHS & Adult Social Care (England) Statutory regulations do not prescribe a set timescale for response. Further to the complainant and council agree a timescale for

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responses on a case by case basis. However, for the purposes of this report, where Stage 1 is referred to this does include Adult Care Operations & Health and Adult Commissioning.

- 4.3.2** In Q2 348 stage 1 complaints were responded to of which 278 (80%) responses were within defined timescales, this is a decrease in performance compared to Q1 (87%) of 7%. **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

Stage 1 Complaint performance by Direct Report		Quarter 1 17-18				Quarter 2 17-18				Total YTD 17-18			
Realm	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
Children's Services Jo Olsson	Children's Social Care - Mark Lines	46	21	67	69%	59	19	78	76%	105	40	145	72%
	Education & Learning - Dawn Stabb	6	4	10	60%	4	3	7	57%	10	7	17	59%
	Total Children's Services	52	25	77	68%	63	22	85	74%	115	47	162	71%
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	51	0	51	100%	33	7	40	83%	84	7	91	92%
	Adult Commissioning & Health - Tim Golby	0	0	0	n/a	0	9	9	0%	0	9	9	0%
	Commissioned Services (External Providers)	1	0	1	n/a	0	1	1	0%	1	1	2	50%
	Total Adult Care & Health	52	0	52	100%	33	17	50	66%	85	17	102	83%
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health - Dr Virginia Pearson	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a
	Planning, Transportation and Environment - Dave Black	18	0	18	100%	14	1	15	93%	32	1	33	97%
	Economy, Enterprise & Skills - Keri Denton	5	1	6	83%	1	0	1	100%	6	1	7	86%
	Communities - Simon Kitchen	2	0	2	n/a	2	0	2	100%	4	0	4	100%
Highways, Infrastructure Development and Waste Meg Booth	Total Communities, Public Health, Environment and Prosperity	25	1	26	96%	17	1	18	94%	42	2	44	95%
	Infrastructure Development - Rob Richards	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a
	Highways - Meg Booth	125	17	142	88%	136	30	166	82%	261	47	305	86%
	Bridges and Structures - Kevin Dentith	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a
Corporate Services Phil Norrey	Waste - Wendy Barratt	47	2	49	96%	17	0	17	100%	64	2	66	97%
	Built Environments - Chris Dyer	0	0	0	n/a	0	0	0	n/a	0	0	0	n/a
	Total Highways, Infrastructure Development and Waste	172	19	191	90%	153	30	183	84%	325	49	371	88%
Corporate Services Phil Norrey	Organisational Development + HR - John Smith	1	0	1	100%	1	0	1	100%	2	0	2	100%
	Digital Transformation & Business Support - Rob Parkhouse	5	0	5	100%	8	0	8	100%	13	0	13	100%
	Legal Services & Communications - Jan Shadbolt	4	1	5	80%	1	0	1	100%	5	1	6	83%
	Devon Finance Services - Mary Davis	5	1	6	83%	2	0	2	100%	7	1	8	88%
Total All Services	Total Corporate Services	15	2	17	88%	12	0	12	100%	27	2	29	93%
Total All Services		316	47	363	87%	278	70	348	80%	594	117	708	84%

- 4.3.3** In Q2 Childrens Services achieved a response rate of 74% on time (63 out of 85 complaints responded to), which is an improvement of 6% on the level in Q1 (68% in Q1). Children's Social responded to 78 complaints of which 76% were within the statutory timescale; an improvement of 7% on Q1 and Education & Learning responded to 7 complaints of which 57% were within the timescales a drop of 3% on Q1.
- 4.3.4** Adult Care and Health Services responded to 50 complaints in Q2 of which 66% were within timescale, this is a fall of 34% compared to the 100% achievement in Q1. 40 of these responses were regarding Adult Care Operations & Health and 83% were within agreed timescales (33 out of 40 responses), 9 responses were regarding Adult Commissioning & Health but none of them were within timescale (0% in time) and 1 response was in regard to Commissioned services (External Providers) that was outside of timescales also (0% in time).
- 4.3.5** Community Health, Environment & Prosperity responded to 18 complaints in Q2 of which 94% (17 complaints) responses were within prescribed timescales; a very slight decrease on the 96% in Q1. Planning, Transportation & Environment were responsible for 14 of these responses and 13 of these them were within timescale (93%). 1 was regarding Economy, Enterprise & Skills and was within timerscale (100%) which is an improvement from the 83% in Q1 and 2 were regarding Communities and 100% were responded to within timescales maintaining the standard from Q1.
- 4.3.6** Highways, Infrastructure Development & waste responded to 183 complaints in Q2 of which 84% were within timescale (153 responses) this was a drop in performance of just 6% compared to Q1. Highways were responsible for 166 of these responses of which 82% (136) responses were within time compared to 88% in Q1 and Waste were responsible for the remaining 17 of which all 17 (100%) were responded to within timescales which was an improvement on the 96% in Q1.
- 4.3.7** Corporate Services responded to 12 complaints in Q2 of which 100% were within timescale and improvement on the 88% within time in Q1. 8 responses were in relation to complaints to Digital Transformation & Business Support and 1 response in relation to Organisational Development with both service areas maintaining the 100% responses within timescale from Q1, Finance Services responded to 2 complaints and improved upon the 83% within tim,escale from Q1 and Legal Services responded to 1 complaint again improving on the 80% within timescale in Q1.

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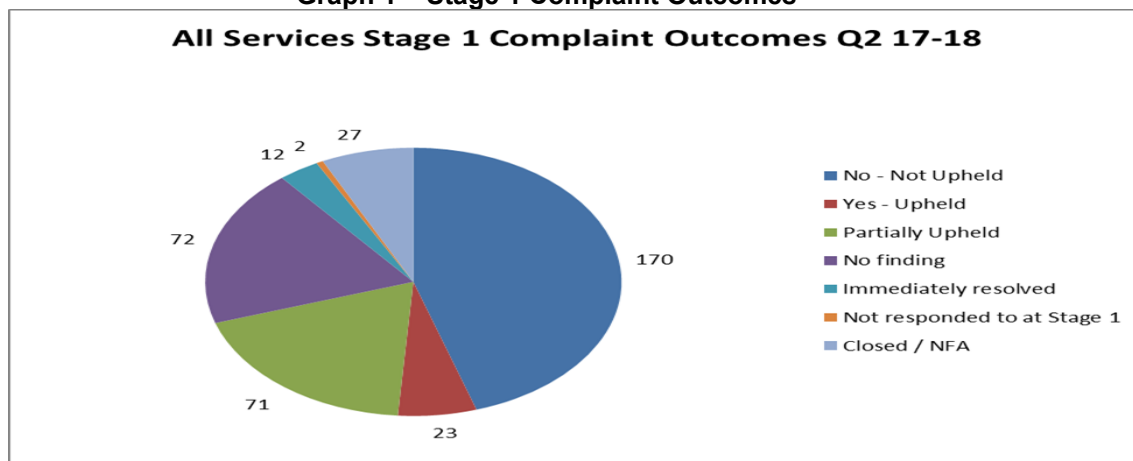
- 4.3.8** The Customer Relations Team monitors the progress of services and provides fortnightly complaint status reports to all services in order that individuals with complaints assigned to them and managers are aware of deadlines and complaint responses that are overdue.

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 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 30% (94 complaints out of 377 responded to). This is a decrease of 7% on Q1. See Graph 1 below.

Graph 1 – Stage 1 Complaint Outcomes



- 4.4.3** The outcome of complaints varies quite considerably across the different service areas within the council in respect of the numbers that are Upheld / Partially Upheld and Not Upheld with the percentages ranging from 0% to 100% Upheld and 0% to 55% Not Upheld. Details by service are in table 3 and also here.

- Within Children's Social Care 83 complaints were responded to of which 37% were Not Upheld (31 complaints) and 47% were either Fully or Partially Upheld (32 complaint)
- Within Education & Learning 7 complaints were responded to of which 43% were Not upheld (3 complaints) and 57% were either Fully or Partially Upheld (4 complaints)
- Within Adult Care Operations & Health 55 complaints were responded to of which 36% were Not upheld (20 complaints) and 29% were either Fully or Partially Upheld (16 complaints)
- Within Adult Services Commissioning & Health 10 complaints were responded to of which 10% were Not Upheld (1 complaint) and 90% were either Fully or Partially Upheld (9 complaints)
- Within Planning, Transportation & Environment 16 complaints were responded to of which 44% were Not upheld (7 complaints) and 19% were either Fully or Partially Upheld (3 complaints)
- Within Economy, Enterprise & Skills 3 complaints were responded to of which 33% were Not upheld (1 complaint) and no complaints were either Fully or Partially Upheld.
- Within Communities 2 complaints were responded to of which neither were Not upheld (0%) and 50% were either fully or partially upheld (1 complaint)
- Within Highways, Infrastructure development & Waste 187 complaints were responded to of which 55% were Not upheld (103 complaints) and 9% were either Fully or Partially Upheld (16 complaints).
- Within Organisational Change 1 complaint was responded to and it was partially upheld (100%)
- Within Digital Transformation & Business Support 8 complaints were responded to of which 38% were Not upheld (3 complaints) and 50% were either Fully or Partially Upheld (4 complaints)
- Within Legal Services & Communications 1 complaint was responded to and it was partially upheld (100%)
- Within Devon finance Services 2 complaints were responded to of which 50% were Not upheld (1 complaint) and none were either Fully or Partially Upheld.

- 4.4.5** Sometimes it is not possible to come to a conclusion one way or another following an investigation and in these cases there has to be an outcome of No Finding and this occurred in 72 of the 377 complaint responses in Q2. Furthermore 27 complaints were closed requiring no further action (were not investigated beyond triage), 2 complaints were not responded to at Stage 1 but instead escalated to Stage 2 and 12 complaints were able to be immediately resolved.

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Service		Q1	Q2	Q3	Q4	YTD
Children's Social Care (stat & non stat)	No - Not Upheld	26	31	0	0	57
	Yes - Upheld	5	8	0	0	13
	Partially Upheld	27	31	0	0	58
	No finding	5	5	0	0	10
	Immediately resolved	2	2	0	0	4
	Not responded to at Stage 1	0	1	0	0	1
	Closed / NFA	3	5	0	0	8
	Total	68	83	0	0	151
Education and Learning	No - Not Upheld	4	3	0	0	7
	Yes - Upheld	1	1	0	0	2
	Partially Upheld	3	3	0	0	6
	No finding	1	0	0	0	1
	Immediately resolved	1	0	0	0	1
	Closed / NFA	0	0	0	0	0
	Total	10	7	0	0	17
Adult Care Operations & Health	No - Not Upheld	22	20	0	0	42
	Yes - Upheld	5	5	0	0	10
	Partially Upheld	22	11	0	0	33
	No finding	0	1	0	0	1
	Immediately resolved	2	4	0	0	6
	Closed / NFA	5	14	0	0	19
	Total	56	55	0	0	111
Adult Commissioning & Health	No - Not Upheld	0	1	0	0	1
	Yes - Upheld	0	3	0	0	3
	Partially Upheld	1	6	0	0	7
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	1	0	0	0	1
	Total	2	10	0	0	12
Public Health	No - Not Upheld	0	0	0	0	0
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	0	0	0	0	0
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	0	0	0	0	0
Planning, Transportation and Environment	No - Not Upheld	12	7	0	0	19
	Yes - Upheld	3	0	0	0	3
	Partially Upheld	2	3	0	0	5
	No finding	1	2	0	0	3
	Immediately resolved	0	3	0	0	3
	Closed / NFA	0	1	0	1	2
	Total	18	16	0	1	35
Economy and Enterprise	No - Not Upheld	3	1	0	0	4
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	3	0	0	0	3
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	2	0	0	2
	Total	6	3	0	0	9
Communities	No - Not Upheld	2	0	0	0	2
	Yes - Upheld	0	1	0	0	1
	Partially Upheld	0	0	0	0	0
	No finding	0	1	0	0	1
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	2	2	0	0	4
Highways, Infrastructure Development and Waste	No - Not Upheld	119	103	0	0	222
	Yes - Upheld	18	4	0	0	22
	Partially Upheld	39	12	0	0	51
	No finding	13	62	0	0	75
	Immediately resolved	2	2	0	0	4
	Closed / NFA	2	4	0	2	8
	Total	193	187	0	2	382
Organisational Change	No - Not Upheld	0	0	0	0	0
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	1	1	0	0	2
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	1	1	0	0	2
Digital Transformation & Business Support	No - Not Upheld	2	3	0	0	5
	Yes - Upheld	1	1	0	0	2
	Partially Upheld	2	3	0	0	5
	No finding	0	0	0	0	0
	Not responded to at Stage 1	0	1	0	0	1
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	5	8	0	0	13
Legal Services & Communications	No - Not Upheld	5	0	0	0	5
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	0	1	0	0	1
	No finding	0	0	0	0	0
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	5	1	0	0	6
Devon Finance Services	No - Not Upheld	2	1	0	0	3
	Yes - Upheld	0	0	0	0	0
	Partially Upheld	4	0	0	0	4
	No finding	0	1	0	0	1
	Immediately resolved	0	0	0	0	0
	Closed / NFA	0	0	0	0	0
	Total	6	2	0	0	8
Total all areas	No - Not Upheld	197	170	0	0	367
	Yes - Upheld	33	23	0	0	56
	Partially Upheld	104	71	0	0	175
	No finding	20	72	0	0	92
	Immediately resolved	7	12	0	0	19
	Not responded to at Stage 1	0	2	0	0	2
	Closed / NFA	11	27	0	3	41
	All Services TOTAL	372	377	0	3	752

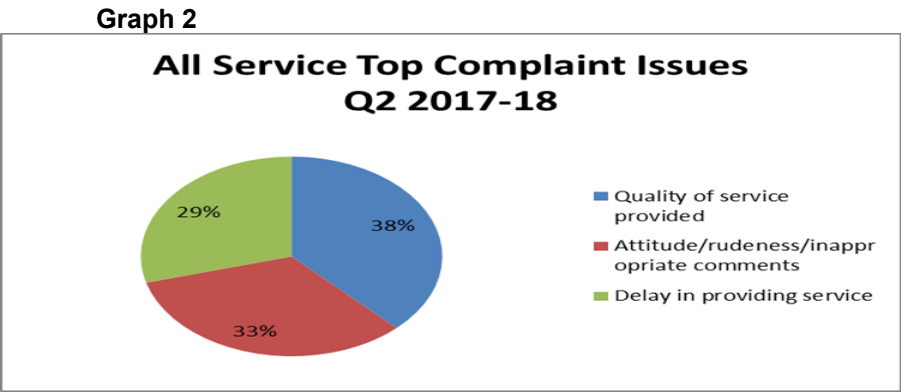
4.5 Stage 1 Complaint Most Common Themes and Actions arising from Upheld Complaints

- 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.

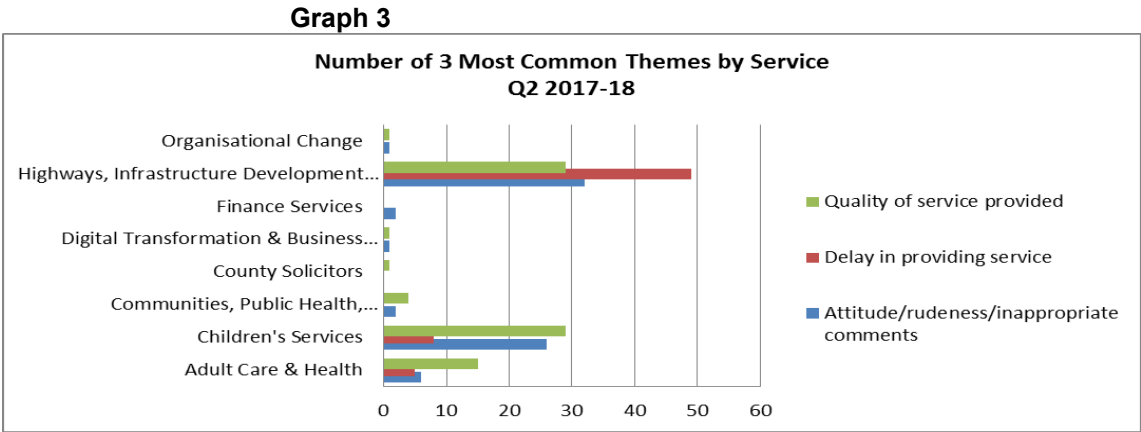
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4.5.2 There were 348 Stage 1 complaints responded to across the Council in Q2, consisting of 536 issues. The 3 most common themes across all services (but not necessarily the most common themes in each individual service) related to Quality of service provided (80 separate instances), Attitude/rudeness/inappropriate comments (70 separate instances), and delay in providing a service (62 separate incidences); these top themes constituted 212 of the 536 issues raised (40%).

Graph 2 reflects the 3 most common complaint issues in the year and the percentage of each compared against each other.

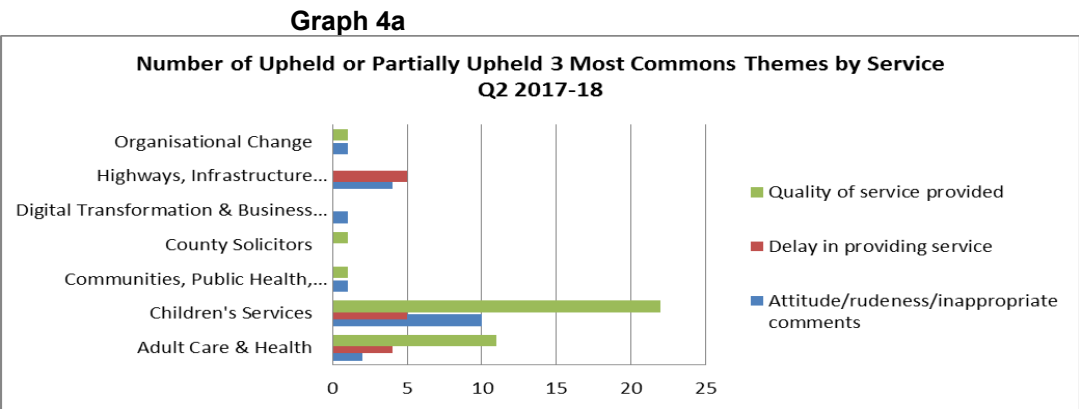


4.5.3 **Graph 3** below details the number of each of these 3 most common themes that each service area received in Q2

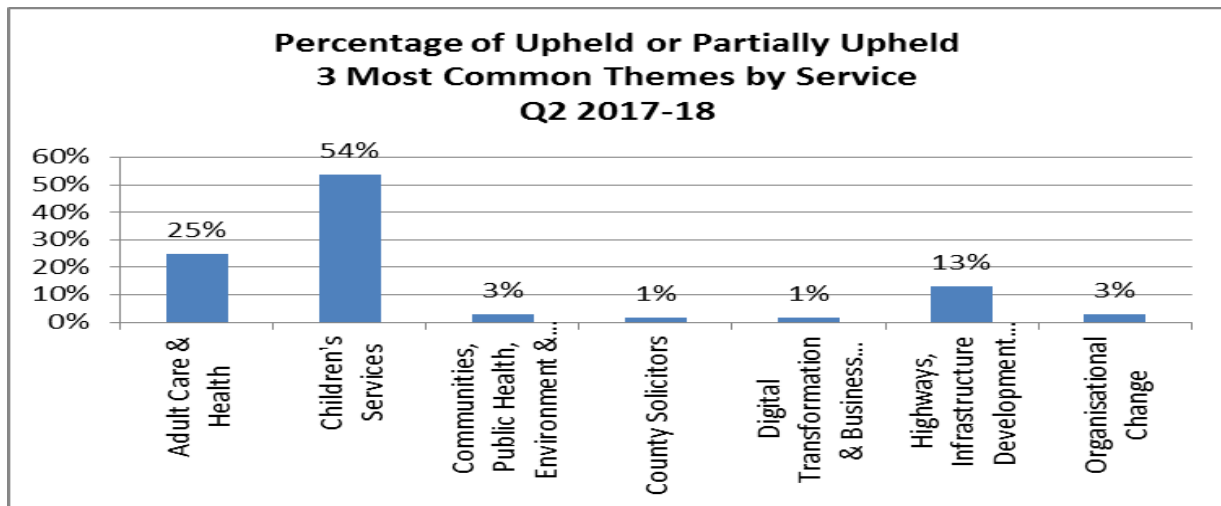


4.5.4 Following investigation, 69 of the instances out of the 212 instances in regards to these 3 most common themes were considered to be fully or partially upheld (that is 33%); 36 instances of Quality of service provided were upheld or partially upheld, 19 of those about Attitude/rudeness/inappropriate comments and 14 of those about Inappropriate action or service.

4.5.5 and **Graphs 4a & 4b** the number and percentage Upheld or Partially Upheld of these by service area



Graph 4b



- 4.5.6** The information below relates to the 3 most common themes in complaints for each individual service area as opposed to the collective 3 most common themes (as such numbers do not directly relate to those in the graphs above)

Adult Care & Health

There were 50 complaints responded to within Adult Care & Health in Q2, consisting of 88 issues. The 3 most common issues related to the quality of the service provided (15), poor communication (14), and lack of response from staff member 10); these issues constituted 39 of the 88 issues raised (44%).

Following investigation, 20 of these 39 issues were considered to be fully or partially upheld (51%).

Children's Services

There were 85 Stage 1 complaints responded to within Children's Services in Q2, and these were made up of 204 issues. The 3 most common issues related to inappropriate activity by individual staff member (40), the quality of service provided (29), and inappropriate action or service by the team (28); these issues constituted 97 of the 204 issues raised (48%).

Following investigation, 58 of these 97 issues were considered to be fully or partially upheld (60%).

Communities, Public Health, Environment & Prosperity

There were 18 Stage 1 complaints responded to within Communities, Public Health, Environment & Prosperity in Q2, consisting of 20 issues. The most common issues related to Refusal to provide service/eligibility issue (4), Quality of service provided (4), Poor communication (2), Lack of response from staff member (2), Attitude/rudeness/inappropriate comments (2), and Objecting to intended/future service offered (2); these issues constituted 16 of the 20 issues raised (80%).

Following investigation, 4 of these 20 issues were considered to be fully or partially upheld (20%).

County Solicitors

There was 1 Stage 1 complaint responded to within Legal Services in Q2, consisting of 1 issue. This related to Quality of service provided.

Following investigation, this issue was considered to be partially upheld.

Digital Transformation and Business Support

There were 8 complaints responded to within Digital Transformation & Business Support in Q2 and these raised 11 issues of which 10 were different so there is no real top 3 concerns. There were:

- Inappropriate action or service - 2
- Dispute of records/documentation - 1
- Poor communication (with customer) - 1
- Poor communication (to customer) - 1
- Egress Issue - 1
- Prices/charges objection - 1
- Quality of service provided - 1
- Timings of service offered - 1
- Attitude/rudeness/inappropriate comments - 1
- Lack of response from staff member - 1

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Following investigation, 7 of these 11 issues were considered to be fully or partially upheld (58%).

Highways, Infrastructure Development and Waste

There were 183 Stage 1 complaints responded to within Highways, Infrastructure Development and Waste in Q2, consisting of 207 issues. The 3 most common issues related to Delay in providing service (49); Attitude/rudeness/inappropriate comments (32) and Quality of service provided (29); these issues constituted 110 of the 207 issues raised (53%).

Following investigation, 9 of these 110 issues were considered to be fully or partially upheld (8%).

Organisational Development

There was 1 Stage 1 complaint responded to within Organisational Change in Q2, consisting of 3 issues (Attitude/rudeness/inappropriate comments, Quality of service provided, Poor communication with customer).

Following investigation, all 3 issues were considered to be partially upheld (100%).

County Treasurers

There were 2 Stage 1 complaints responded to within Devon Finance Services in Q2, both relating to Attitude/rudeness/inappropriate comments.

Following investigation, neither of the issues were upheld (0%).

5 Stage 2 Complaints

5.1 Stage 2 Complaints Received

5.1.1 At Stage 2 within Children's Social Care most investigations are being undertaken by managers from within a different team to the one being complained about together with an externally commissioned Independent Person, which is a requirement of the statutory regulations. This is in order to mitigate for the overspend in the budget that came about due to the spike there was in Stage 2 complaints in previous quarters. Normally they would be 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 Q2 there have not been any complaints escalated to Stage 2 under the Children's Social Care Statutory Procedures.

5.1.3 There have been 35 stage 2 complaints under the Corporate Complaints Procedure in Q2; 7 in Children's Social Care, 1 in Education & Learning, 2 in Planning, Transportation & Environment, 22 in Highways, 1 in Infrastructure Development; 1 in Bridges & Structures and 1 in Legal Services & Communications

5.1.4 Table 5 below gives breakdown of the Stage 2 complaints received by senior leadership team areas

Stage 2 Complaint investigations by Direct Report						
All Services						
Realm	Service Area	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Services Jo Olsson	Children's Social Care - Vivien Lines	9	7	0	0	16
	Education & Learning - Dawn Stabb	1	1	0	0	2
	Total Children's Services	10	8	0	0	18
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	0	0	0	0	0
	Adult Commissioning & Health - Tim Golby	0	0	0	0	0
	Commissioned Services	0	0	0	0	0
	Total Adult Care & Health	0	0	0	0	0
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	0	0	0	0	0
	Planning, Transportation and Environment	2	2	0	0	4
	Economy, Enterprise & Skills	0	0	0	0	0
	Communities	2	0	0	0	2
	Total Communities, Public Health, Environment and Prosperity	4	2	0	0	6
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	0	1	0	0	1
	Highways - Meg Booth	19	22	0	0	41
	Bridges and Structures - Kevin Dentith	0	1	0	0	1
	Waste - Wendy Barratt	3	0	0	0	3
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	22	24	0	0	46
Corporate Services Phil Norrey	Organisational Development	0	0	0	0	0
	Digital Transformation & Business Support	1	0	0	0	1
	Legal Services & Communications	0	1	0	0	1
	Devon Finance Services	0	0	0	0	0
	Total Corporate Services	1	1	0	0	2
Total All Services		37	35	0	0	72

5.1 Stage 2 Complaint Responses and Outcomes

- 5.2.1** In Q2 there were no Statutory Children's Social Care Stage 2 complaints concluded.
- 5.2.2** 31 Non Statutory Stage 2 complaints were completed in Q2; 22 were not upheld, 4 were Upheld and 5 were partially upheld
- 5.2.3** 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.
- 5.2.6** **Table 6** below provides a breakdown of the Stage 2 complaint outcomes for all complaints responded to in Q2

Stage 2 Complaint Outcomes - responded to in Quarter						
Service		Q1	Q2	Q3	Q4	YTD
Children's Social Care (stat & non stat)	No - Not Upheld	3	3			6
	Yes - Upheld	0	4			4
	Partially Upheld	2	1			3
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
		5	8	0	0	13
Education and Learning	No - Not Upheld	0	1			1
	Yes - Upheld	0	0			0
	Partially Upheld	0	0			0
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
		0	1	0	0	1
Communities, Public Health, Environment & Prosperity	No - Not Upheld	5	1			6
	Yes - Upheld	0	0			0
	Partially Upheld	0	1			1
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
		5	2	0	0	7
Highways, Infrastructure Development and Waste	No - Not Upheld	13	17			30
	Yes - Upheld	0	0			0
	Partially Upheld	1	3			4
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
		14	20	0	0	34
Digital Transformation & Business Support	No - Not Upheld	0	0			0
	Yes - Upheld	0	0			0
	Partially Upheld	0	0			0
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
		0	0	0	0	0
Devon Finance Services	No - Not Upheld	0	0			0
	Yes - Upheld	0	0			0
	Partially Upheld	0	0			0
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
		0	0	0	0	0
Total all areas	No - Not Upheld	21	22			43
	Yes - Upheld	0	4			4
	Partially Upheld	3	5			8
	No finding	0	0			0
	Immediately resolved	0	0			0
	Closed / NFA	0	0			0
	All Services TOTAL	24	31	0	0	55

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5.3.1 The main learning points arising from complaints resolved in Q2 are detailed below. All complaints investigated and upheld should have specific actions and learning associated with them and these are drafted as an action plan in conjunction with senior managers and individual actions assigned to an appropriate person to complete and provide evidence of that completion to the Senior Customer Relations Officer who has case managed the complaint. This will ensure a full audit trail and a single point for collation of such actions & learning.

5.3.2 A non statutory complaint about the Independent Reviewing Unit in Children's Services concluded in Q2 related to a family member receiving information that another family member felt he should not be receiving.

The investigation concluded that the complaint was not upheld but there was a recommendation that:

- Conference Chairs need to be very clear with families what information will be shared with all parties in both minutes and family plans following meetings, so that if there is any particular information that an individual may view as sensitive has the opportunity to highlight this for consideration.

5.3.3 A Complaint at Stage 2 in regard to Devon County Council's A Board Policy was investigated and it concluded that this policy was in breach of the Equality Act in that A Boards were being allowed to be displayed in the street in a hazardous manner representing a risk to the visually impaired.

Actions

- The service concerned has now worked with the relevant business improvement district to highlight this problem and has made sure that businesses are aware of the legal requirement to provide sufficient space for pedestrians
- The Council has ensured that all businesses were made aware of the policy and checked that signs and street furniture is moved so that compliance with the policy is demonstrated.
- A further survey has since been carried out and all businesses were found to be in compliance with the policy and as such with the Equality Act.

5.3.4 A complainant contacted the council to highlight a discrepancy in the provision of free school transport, pointing out that a family was receiving this in error as the council had told the complainant that they were ineligible despite the fact that they were living further away than the other family. This was found to be correct.

Action:

- The Council has apologised to the complainant
- The Council has had to issue notice to the family receiving free school transport in error explaining that this will need to be revoked in order to ensure that the Policy is being equitably applied.

5.3.5 A provider complained about the way in which the Council ended a contract alleging that the terms of the contract were not adhered to. The investigation found that this was the case.

Action:

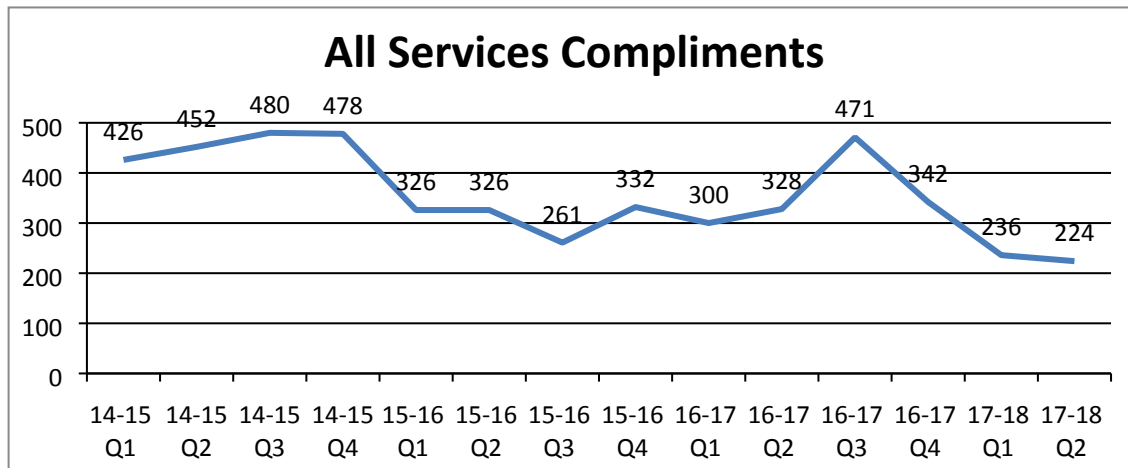
- A payment was made to the provider for the planned days of support they were to offer that were cancelled
- The contract to be discussed at a team meeting in order that all relevant parties were clear on the Council's obligations

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 Q2 the council received 224 compliments which is a slight decrease on the 236 received in Q1 and continues the downward trend over the last 12 months. This is the lowest number of compliments received in a quarter in the last 3 years.

6.3 **Graph 5** provides detail of the Compliments received over the last 3 years



6.4 The four services that have received the most compliments in Q2 are Adult Care & Health with 94 most of these were about the Council's Adult Care Operations & Health Services (93 compliments), Childrens Social Care services received 29 compliments, Legal Services & Communications received 23 compliments and Highways 21 compliments.

6.5 Table 8 details the number of compliments received by Head of Service direct report areas cross the Council.

Compliments by Head of Service direct reports.

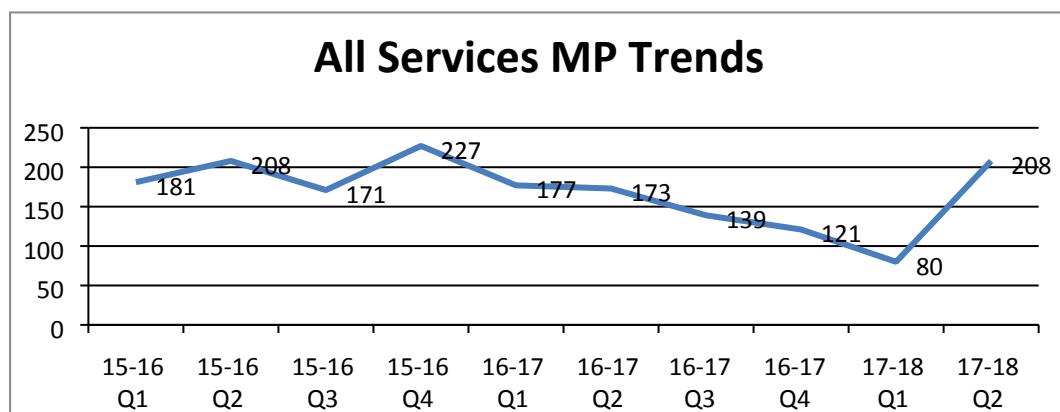
Compliments by Direct Report						
All Services						
Realm	Service Area	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Services Jo Olsson	Children's Social Care - Vivien Lines	47	29	0	0	76
	Education & Learning - Dawn Stabb	0	1	0	0	1
	Total Children's Services	47	30	0	0	77
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	116	93	0	0	209
	Adult Commissioning & Health - Tim Golby	4	1	0	0	5
	Commissioned Services	0	0	0	0	0
	Total Adult Care & Health	120	94	0	0	214
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	9	11	0	0	20
	Planning, Transportation and Environment	3	11	0	0	14
	Economy, Enterprise & Skills	5	5	0	0	10
	Communities	3	5	0	0	8
	Total Communities, Public Health, Environment and Prosperity	20	32	0	0	52
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	0	0	0	0	0
	Highways - Meg Booth	22	21	0	0	43
	Bridges and Structures - Kevin Dentith	0	0	0	0	0
	Waste - Wendy Barratt	2	7	0	0	9
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	24	28	0	0	52
Corporate Services Phil Norrey	Organisational Development	0	0	0	0	0
	Digital Transformation & Business Support	20	16	0	0	36
	Legal Services & Communications	4	23	0	0	27
	Devon Finance Services	1	1	0	0	2
	Total Corporate Services	25	40	0	0	65
Total All Services		236	224	0	0	460

7. MP Letters Received

7.1.1 In Q2 the council received 208 letters from MPs which has significantly reversed the the downward trend over the last 15 months. In Q1 there were only 80 MP Letters received

7.1.2 The graph 6 below indicates the trend in numbers of MP Letters received over the last 3 years for the Council

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

Table 9 – MP Letters by Head of Service / Direct Report

All Services						
Realm	Service Area	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Children's Services Jo Olsson	Children's Social Care - Vivien Lines	10	11	0	0	21
	Education & Learning - Dawn Stabb	6	16	0	0	22
	Total Children's Services	16	27	0	0	43
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	13	34	0	0	47
	Adult Commissioning & Health - Tim Golby	0	0	0	0	0
	Commissioned Services	2	0	0	0	2
	Total Adult Care & Health	15	34	0	0	49
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	1	5	0	0	6
	Planning, Transportation and Environment	8	24	0	0	32
	Economy, Enterprise & Skills	0	7	0	0	7
	Communities	1	3	0	0	4
	Total Communities, Public Health, Environment and Prosperity	10	39	0	0	49
Highways, Infrastructure Development and Waste Meg Booth	Infrastructure Development - Rob Richards	0	0	0	0	0
	Highways - Meg Booth	32	92	0	0	124
	Bridges and Structures - Kevin Dentith	0	0	0	0	0
	Waste - Wendy Barratt	1	5	0	0	6
	Built Environments - Chris Dyer	0	0	0	0	0
	Total Highways, Infrastructure Development and Waste	33	97	0	0	130
Corporate Services Phil Norrey	Organisational Development	0	0	0	0	0
	Digital Transformation & Business Support	4	7	0	0	11
	Legal Services & Communications	1	3	0	0	4
	Devon Finance Services	1	1	0	0	2
	Total Corporate Services	6	11	0	0	17
Total All Services		80	208	0	0	288

7.1.4 Highway issues continue to dominate communication from MPs with 92 letters (32 in Q1) received in the quarter (44% of all letters received). Adult Care Operations & Health received 34 MP letters (13 in Q1) this quarter (16% of all letters received), Planning Transportation & Environment received 24 MP Letters(8 in Q1) in the quarter (11.5% of total received) and Education Services received 16 MP letters (6 in Q1) (8% of total letters received).

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 90% in Q2 which is an improvement on the 85% in Q1. This represents 177 of the 197 MP letters responded to in the quarter.

7.2.2 In the quarter the service areas responded within time as follows: Children's Social Care 79% (11 out of 14 responses), Education & Learning 94% (16 out of 17 responses), Adult Care Operations & Health 94% (29 out of 31 responses), Adult Care Commissioning 33% (1 out of 3 responses), Planning Transportation & Environment 93% (26 out of 28 responses), Economy & Enterprise 60% (3 out of 5 responses), Services for Communities 100% (3 responses), Highways 91% (85 out of 93 responses), Digital Transformation & Business Support 100% (5 responses), Legal Services 100%(2 responses) and Devon Finance Services 100% (1 response)

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

Table 10 – All Representations responded to by service area

		2017-18 Representation Response times				
		Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total YTD
Children's Social Care	MP Letters	100%	79%			84%
	CIr Enquiries	n/a	n/a			n/a
	Others	70%	50%			67%
	Total	80%	75%			77%
Education and Learning	MP Letters	100%	94%			95%
	CIr Enquiries	0%	100%			33%
	Others	100%	n/a			100%
	Total	78%	94%			89%
Adult Care Operations & Health	MP Letters	88%	94%			92%
	CIr Enquiries	100%	100%			100%
	Others	100%	93%			96%
	Total	96%	94%			95%
Adult Commissioning & Health	MP Letters	100%	33%			60%
	CIr Enquiries	n/a	n/a			n/a
	Others	67%	100%			80%
	Total	80%	60%			70%
Public Health	MP Letters	100%	n/a			100%
	CIr Enquiries	n/a	n/a			n/a
	Others	100%	100%			100%
	Total	100%	100%			100%
Planning, Transportation and Environment	MP Letters	71%	93%			89%
	CIr Enquiries	n/a	100%			100%
	Others	100%	83%			91%
	Total	83%	91%			89%
Economy and Enterprise	MP Letters	100%	60%			71%
	CIr Enquiries	n/a	n/a			n/a
	Others	80%	100%			86%
	Total	86%	71%			79%
Highways, Infrastructure Development and Waste	MP Letters	80%	91%			89%
	CIr Enquiries	n/a	50%			50%
	Others	100%	93%			97%
	Total	88%	90%			90%
Communities	MP Letters	50%	100%			80%
	CIr Enquiries	n/a	n/a			n/a
	Others	100%	100%			100%
	Total	86%	100%			92%
Digital Transformation & Business Support	MP Letters	100%	100%			100%
	CIr Enquiries	100%	100%			100%
	Others	80%	93%			88%
	Total	85%	95%			91%
Legal Services & Communications	MP Letters	100%	100%			100%
	CIr Enquiries	n/a	n/a			n/a
	Others	50%	50%			50%
	Total	67%	75%			71%
Devon Finance Services	MP Letters	100%	100%			100%
	CIr Enquiries	n/a	0%			0%
	Others	n/a	100%			100%
	Total	100%	67%			75%
Total All Services	MP Letters	85%	90%			89%
	CIr Enquiries	82%	75%			78%
	Others	90%	90%			90%
	Total	87%	89%			88%

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7.2 Letters Received by Individual MP

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

Table 11 Letters received by Individual MP

		Children's Social Care	Education and Learning	Adult Care Operations & Health	Adult Commissioning & Health	Public Health	Planning, Transportation and Environment	Economy, Enterprise & Skills	Highways, Infrastructure Development and Waste	Organisations Development	Digital Transformation & Business Support	Legal Services & Communications	Communities	Devon Finance Services	Total
	Service Area														
Bradshaw	Q1	2	1	8	0	0	1	0	10	0	2	0	0	0	24
	Q2	5	4	18	1	0	7	4	38	0	4	0	2	0	83
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	7	5	26	1	0	8	4	48	0	6	0	2	0	107
Cox	Q1	3	2	1	0	0	3	0	4	0	0	0	0	0	13
	Q2	3	3	3	0	0	0	0	17	0	0	0	0	0	26
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	6	5	4	0	0	3	0	21	0	0	0	0	0	39
Heaton-Jones	Q1	1	0	1	0	0	2	0	5	0	0	0	0	0	9
	Q2	0	1	1	0	0	2	1	6	0	0	0	0	0	11
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	1	2	0	0	4	1	11	0	0	0	0	0	20
Morris	Q1	0	0	0	0	0	0	0	3	0	0	0	0	0	3
	Q2	0	0	1	0	0	0	0	6	0	1	0	0	0	8
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	0	0	1	0	0	0	0	9	0	1	0	0	0	11
Parish	Q1	1	0	1	1	0	0	0	1	0	0	0	0	0	4
	Q2	0	3	2	0	0	4	0	0	0	0	0	0	0	9
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	3	3	1	0	4	0	1	0	0	0	0	0	13
Streeter	Q1	0	1	0	0	0	0	0	1	0	0	0	0	0	2
	Q2	0	0	1	0	0	3	1	2	0	1	1	0	0	9
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	0	1	1	0	0	3	1	3	0	1	1	0	0	11
Stride	Q1	0	2	0	1	0	1	0	5	0	0	1	0	0	10
	Q2	0	2	2	0	0	6	0	18	0	1	2	0	1	32
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	0	4	2	1	0	7	0	23	0	1	3	0	1	42
Swire	Q1	2	0	0	0	0	1	0	3	1	1	0	0	1	9
	Q2	2	3	1	0	0	2	0	8	1	1	0	0	0	18
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	4	3	1	0	0	3	0	11	2	2	0	0	1	27
Wollaston	Q1	0	0	3	0	0	0	0	0	0	0	0	0	0	3
	Q2	0	0	5	0	0	0	0	2	0	0	0	0	0	7
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	0	0	8	0	0	0	0	2	0	0	0	0	0	10
Out of County	Q1	1	0	0	0	0	0	0	1	0	0	0	0	0	2
	Q2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	1	0	0	0	0	0	0	1	0	0	0	0	0	2
All MPs	Q1	10	6	14	2	1	8	0	33	1	3	1	0	1	80
	Q2	10	16	34	1	0	24	6	97	1	8	3	2	1	203
	Q3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Q4	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	17-18 YTD	20	22	48	3	1	32	6	130	2	11	4	2	2	283

7.3.2 From this table it can be seen that Ben Bradshaw MP remains the most prolific communicator with the Council writing 83 times in Q2 (24 times in Q1). Mel Stride MP is the second most frequent communicator writing 32 times in Q2 (10 times in Q1) and followed by Geoffrey Cox MP who has written 26 times in Q2 (13 times in Q1).

8 Local Government Ombudsman

8.1 Complaints received about Devon County Council

8.1.1 In Q2, the council received 20 new cases from the Local Government Ombudsman. (There were 22 received in Q1)

8.1.2 These complaints were in regards to the following services: 6 about Adult Care & Health, 5 regarding Highways, 5 regarding Children's Social Care, 3 regarding Planning, Transportation & Environment and 1 about Economy, Enterprise & Skills.

8.1.3 Of these new complaints from the LGO in Q2 17 were at the assessment stage and 3 have gone straight to full investigation.

8.1.4 Table 12 provides detail of cases received by Council Service Area

Table 12 – Complaints received from LGO

All Services						
Realm	Service Area	LGO SERVICE CATEGORY	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18
Children's Services Jo Olsson	Children's Social Care - Jo Olsson	Education & Children's Services	6	5		
	Education & Learning - Dawn Stabb	Education & Children's Services	2	0		
	Total Children's Services		8	5		
Adult Care & Health Jennie Stephens	Adult Care Operations & Health - Keri Storey	Adult Care services	7	6		
	Adult Commissioning & Health - Tim Golby	Adult Care services	0	0		
	Commissioned Services	Adult Care services	0	0		
	Total Adult Care & Health		7	6		
Communities, Public Health, Environment and Prosperity Virginia Pearson	Public Health	Corporate & Other Services	0	0		
	Planning, Transportation and Environment	Planning & Development / Highways & Transport	1	3		
	Economy, Enterprise & Skills	Planning & Development / Corporate Services	0	1		
	Communities	Corporate & Other Services	0	0		
	Total Communities, Public Health, Environment and Prosperity		1	4		
Highways, Infrastructure Development and Waste	Infrastructure Development - Rob Richards	Highways and Transport	0	0		
	Highways - Meg Booth		3	5		
	Bridges and Structures - Kevin Dentith		0	0		
	Waste - Wendy Barratt		1	0		
	Built Environments - Chris Dyer		0	0		
	Total Highways, Infrastructure Development and Waste		4	5		
Corporate Services Phil Norrey	Organisational Development	Corporate & Other Services	0	0		
	Digital Transformation & Business Support	Corporate & Other Services	0	0		
	Blue Badge Service	Adult Care services	1	0		
	Legal Services & Communications	Corporate & Other Services	0	0		
	Devon Finance Services	Corporate & Other Services	1	0		
	Total Corporate Services		2	0		
Total all LGO Complaints Received			22	20		

8.2 Decisions on complaints by the LGO

8.2.1 In Q2 there have been 23 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	1 complaint
Not Upheld – no maladministration	5 complaints
Closed after initial enquiries (Assessment Stage)	8 complaints
Closed after initial enquiries (out of jurisdiction)	3 complaints
Moved to full investigation after assessment stage	5 complaints
Total	23

8.2.2 Table 13 below provides details of the 2 complaints that resulted in a final decision of Upheld in Q2

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Table 13 – Local Government Ombudsman Decisions – Quarter 2 17/18

LGO reference	LGO Service category	Summary of complaint & LGO decision	Decision
16016426	Adult Care Services	<p>Complaint: complainant alleges that there are failings on the part of the council in regard to a social care assessment</p> <p>Outcome: The Council's assessment of the care needs was not affected by fault. The Council delayed providing a copy of the assessment & failed to reply to some telephone calls. An apology is a satisfactory remedy for the injustice caused</p>	<p>Decision: Upheld - Maladministration & Injustice</p> <p>Action: An apology to the complainant is deemed a satisfactory remedy</p>
16017323	Adult Care Services	<p>Complaint: complainant accused DCC of mismanaging Direct Payments: said they would be withdrawn then said would get a Devon Card and then visited in hospital when too unwell to engage effectively</p> <p>Outcome: there is no evidence of fault in the way the council decided to investigate & suspend the Direct Payments, and no evidence that the complainant suffered injustice as a result of the way in which the council previously failed to monitor the Direct Payments usage properly. The Council should have monitored the complainants DP spending more closely before 2015 and then he would not have become accustomed to mis spending the DP.</p>	<p>Decision: Upheld – maladministration with no injustice</p> <p>Action: The Council has apologised for this shortcoming but that is no reason for the council not to ensure appropriate use of DPs now. The complainant cannot be said to have suffered injustice as a result of the fault before 2015.</p>

8.2.3 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 The Council is still working to improve engagement with Young People and encouraging feedback to the Council is a key part of this. The MOMO (Mind of my Own) application is becoming more widely used by Young People across all of its functions.

9.1.2 In Q2 the Council has received 9 complaints from Children and Young People.

- 2 of these were received via our advocacy contract with NYAS
- 7 came direct from a Child or Young Person (they were then offered an advocate if they wanted one by none took up that offer). Of these 2 where via MOMO, 4 direct from the Young Person to the complaints team and 1 via an IRO.

9.1.3 7 of these complaints have been concluded in the quarter and 2 remain open. Of the 7 concluded; 3 were partially upheld, 2 resulted in there being No Finding, 1 was immediately resolved and 1 not upheld.

9.1.4 The 3 tables below provide details of these complaints.

Table 14a – Complaints from Young People

	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
No. of complaints direct from children	7	7			14
<i>No. of those took up offer of advocacy</i>	0	0			0
No. of NYAS/other advocacy complaints	2	2			4
Total No. of all complaints from children inc advocacy	9	9	0	0	18

Table 14b – Complaints from Young People

Route of complaint to CRT	Q1	Q2	Q3	Q4	YTD
Via IRO	0	1			1
Via Sworker	0	0			0
Atkinson Unit	2	1			3
MOMO	5	2			7
Direct from YP (not via MOMO)	0	3			3
Advocate	2	2			4
Total	9	9	0	0	18

Table 14c – Young People Complaint Outcomes

	Q1 17-18	Q2 17-18	Q3 17-18	Q4 17-18	Total 17-18
Upheld	2	0			2
Partially Upheld	2	3			5
Not Upheld	0	1			1
No Finding	2	2			4
Immediately resolved	2	1			3
Withdrawn	0	0			0
<i>Rejected awaiting advocate complaint</i>	0	0			0
<i>Rejected as not for DCC</i>	0	0			0
<i>Complaint still open</i>	1	2			3
Total	9	9	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

10.2 General Information

10.2.1 If there is any aspect of customer feedback that Cabinet/LG7 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

Rob Parkhouse
Head of Digital Transformation & Business Support

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
Mid Devon HATOC	26 June 2017	Mr Hodgins
Teignbridge HATOC	13 July 2017	Mrs Mayes
County Council	20 July 2017	Sir Simon Day
Health & Wellbeing Board	7 September 2017	Mrs Mayes
Cabinet	13 September 2017	Mrs Saltmarsh
Corporate, Infrastructure & Regulatory Services Scrutiny	26 September 2017	Mrs Mayes
Devon Pension Board	16 October 2017	Mrs Saltmarsh

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			✓	✓	✓✓✓✓✓✓

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Clear identification and declaration of interests (<i>where so declared</i>)			✓		✓✓✓✓✓
Effective Chairmanship/conduct of meeting				✓✓✓	✓✓✓✓
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:

- a number of Members were seen using their mobile phones during the meeting, whether or not that was in relation to the meeting was not clear, but it was nonetheless distracting;
- reception staff were helpful and welcoming;
- the proceedings were at times disrupted by the noise of building work adjacent to the Chamber, although it was not for any prolonged period;
- a good meeting with full participation and clear speeches/questions;
- when slides were being shown, the dimming of lights would improve the ability to read them;
- first names were being used, which appears too informal in a Committee meeting;
- microphones appeared difficult to switch on and one was not working;
- an inability to see one of the name plates on the top table;
- a sticking door which caused distraction throughout the meeting;
- the use of mobile devices meaning several Microsoft start up 'alerts' during the meeting;
- the presence of co-opted member was not acknowledged at the start of the meeting (although subsequent apologies from the Chair and Officer);
- the time constraints on presentations by the public and members attending under Standing Orders shows them 'racing' through their speech making it hard to understand;
- an item that a Member of the public wished to comment on was at the end of the Agenda (and was a very long meeting) (*NB Normally representations by Members of the public are taken at the start of the meeting, but it is understood the Chairman exercised his discretion and allowed a further representation at that point in the meeting, when the item was being discussed*);
- a member of the public saw Councillors leaving the room for refreshments, but when they themselves went outside, the drinks had been cleared away;
- the meeting was chaired by the Vice-Chair – the meeting appeared to obey the rules and proceeded in an orderly fashion;
- whilst there were a number of matters where some Councillors did not agree and expressed their opinions quite strongly, although there was nothing unacceptable;
- as appears to nearly always be the case the meeting was supported by excellent paperwork ;
- the advice given by officers appeared to be sound, and delivered in an agreeable and comprehensible way;
- good adherence to procedure in appointing a new Chair;
- non-use of microphones (meeting not webcast), which caused difficulty in hearing what was said, however matters were still discussed constructively and positively; and
- although a slightly less formal meeting in its appearance, questions were answered with a good level of detail and the meeting supported by very clear paperwork.

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: K Strahan

Tel No: 01392 382264 Room: G31

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

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN COMPLAINTS ANNUAL REVIEW LETTER and REPORT FOR 2016/17

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

Recommendations:

- (a) That the complaints made to the Local Government Ombudsman referred to the authority during 2016/17 and their outcomes be noted;
- (b) That the content of the Ombudsman's Annual Review Letter to the Council be noted and also how Devon County Council compares to its CIPFA comparators. .

1. Introduction

- 1.1 The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. Michael King has been appointed as her successor.
- 1.2 The Ombudsman has also recently changed its name to the Local Government & Social Care Ombudsman. Since 2010 it has operated with jurisdiction over all registered adult social care providers and is able to investigate complaints about care funded and arranged privately; this change in name has come about as a result of frequent feedback from care providers that the previous name was a real barrier to recognition within the social care sector. It is hoped that the name change will serve to give the social care sector part of the Ombudsman jurisdiction the profile it deserves.
- 1.3 The intention of the Ombudsman this year is to provide a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where the Ombudsman recommendation remedied the fault and the number of cases where the Ombudsman decided the authority had offered a satisfactory remedy during the local complaints process.
- 1.4 The Ombudsman has chosen not to include a "compliance rate" in this year's letters; this was what indicated a council's compliance with the Ombudsman recommendations to remedy a fault. From April 2016, the Ombudsman established a new mechanism for ensuring the recommendations it makes to councils are implemented. This has meant the recommendations made are more specific, and will often include a time frame for completion. The Ombudsman then follows up with the council and seeks evidence that recommendations have been implemented. As a result of this new process, the plan is for the Ombudsman to report a more sophisticated suite of information about compliance and service improvement in future.
- 1.5 The Ombudsman surveyed councils this year in order to find out, amongst other things, how they use the data in the annual letters and what data is the most useful. This feedback will be used to inform work over the next year to provide councils, elected members and members of the public with more meaningful data that allows for more effective scrutiny and easier comparison with other councils.

2. Annual Review Letter

2.1 Ombudsman's Jurisdiction

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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 The statutory duty to report Ombudsman findings and recommendations

2.2.1 There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Monitoring Officer to prepare a formal report to the Council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the Ombudsman has conducted an investigation in relation to the matter.

2.2.2 This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report (*Devon County Council has only had 1 public report in the last few years*). The Ombudsman does not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

2.2.3 The Ombudsman has issued some guidance in relation to this and the Council takes action that is in line with this guidance; this being that:

- where the Ombudsman makes findings of maladministration / fault in regard to routine mistakes and service failures and the authority has agreed to remedy the complaint by implementing the recommendations made by the Ombudsman the duty is satisfactorily discharged if there is a periodic report to the council summarising the findings on all upheld complaints over a specific period

Devon county council reports on a quarterly basis to Standards Committee and Leadership/Cabinet in this way.

- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, due to the scale of the fault or injustice, or the number of people affected, it would be expected that the Monitoring Officer consider whether the implications of that investigation should be separately reported to members.

This is an approach that Devon County Council would take and is initiated by discussion between the Customer Relations Manager and the Monitoring Officer.

- In the unlikely event that the council is minded not to comply with the recommendations from the Ombudsman following a finding of maladministration the Ombudsman would always expect the Monitoring Officer to report this to members under section 5 of the Local Government and Housing Act. It should be noted that this course of action is an exceptional and unusual course of action and should be considered at the highest tier of the council if it is being considered.

Devon County Council has not found itself in this position but if in future there was occasion then it would follow this expectation.

2.2.4 Those duties set out in 2.2.3 are in addition to the pre-existing duties placed on all authorities in relation to Ombudsman Reports under the Local Government Act 1974. Under those provisions, whenever the Ombudsman issues a formal, public report to the authority it is obliged to lay that report before the council for consideration and respond within three months setting out the actions that have been taken, or propose to take, in response to the report.

3. Ombudsman Report Devon County Council in 16/17

3.1 Complaints Received

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

Year	Complaints
2016/2017	118
2015/2016	148
2014 / 2015	121
2013 / 2014	141
2012 / 2013	62
2011 / 2012	50

3.1.2 The decrease in the number of complaints to the Ombudsman in 2016/17 is positive as it reflects a greater degree of satisfaction by complainants in the way in which Devon County Council are investigating, responding to, resolving and learning from complaints. In this year only 25 out of the 116 complaints that received decisions were upheld which represents just 21%.

3.1.3 In addition, it should be noted that; it is clearly stated by the Ombudsman in the Annual Review Letter that: *I want to emphasise that the statistics in this letter comprise data we hold, and may not necessarily align with the data the council holds. For example, our numbers include enquiries from people we signpost back to the council, but who may never contact you*

3.1.4 The 118 complaints received by the Ombudsman about Devon County Council in 2016/17 were split across services as follows (note these are LG&SCO designated service categories)

Service	Number of Complaints (% of total)
• Adult Care Services	34 (29%)
• Corporate & Other Services	2 (2%)
• Education & Children's Services	47 (40%)
• Environmental Services	3 (2.5%)
• Highways & Transport	28 (23.5%)
• Planning & Development	3 (2.5%)
• Other	1 (0.5%)

3.1.5 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.

3.2 Ombudsman Complaint Decisions in 16/17

3.2.1 A summary of all decisions is below with the comparison from 15/16 for information

Decision of Ombudsman	Number (% of decisions) 16/17	Number (% of decisions) 15/16
Investigated – Upheld	25 (22%)	18 (12%)
Investigated – Not Upheld	13 (11%)	28 (19%)
Advice given	0 (0%)	1 (1%)
Closed after initial enquiries	41 (35%)	45 (31%)
Incomplete / Invalid	9 (8%)	11 (7%)

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Referred back for local resolution 28 (24%) 44 (30%)

- 3.2.2 Of the 116 complaints the Ombudsman made decisions on received about Devon County Council in 2016/17 38 were progressed to a full investigation and of these 25 were upheld, this represents a 66% uphold rate for complaints that progressed to full investigation in.
- 3.2.3 Of those 25 complaints that were investigated and upheld there were 18 where the Ombudsman felt that the fault caused an injustice and of these there were 2 where the Council had satisfactorily remedied the injustice prior to the Ombudsman involvement and in the other 16 the Ombudsman recommended a remedy to which the council agreed.
- 3.2.4 The table at **Appendix A** provides details of the 18 decisions of upheld with injustice and the required actions by the council
- 3.2.5 The decision of “Upheld” is applied when the Ombudsman finds there is some fault in the way the council acted, this is termed “Maladministration” – 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.
- 3.2.6 The actions required of the Council by the Ombudsman are included within Appendix A. It should be noted that this included financial redress in 10 complaints totalling £13,666.
- 3.2.7 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)
- 3.2.8 It is worth noting that Devon’s improved position in relation to its’ comparator Local Authorities has been maintained over the last year 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.

4. Future Developments for Devon County Council

- 4.1 Although the Council continues to be faced with financial constraints that necessitate tough decisions around service provision the expectation of customers does not reduce in line with these challenges, 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.
- 4.2 It is acknowledged that complaints to the Ombudsman do not always mean the Council has done anything wrong, as is borne out by the decisions made by the Ombudsman. Often these complaints arise because the customer who would have liked something more, or better, or a different outcome from the council in reply to their complaint. It is unlikely that public expectations of services will diminish in the short term and therefore there is no reason to suppose that complaints will fall significantly. Despite these challenges the customer relations manager continues to ensure that capacity to respond to the Ombudsman within requested deadlines is maintained.
- 4.3 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.

- 4.4 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
LG&SCO Link Officer

Rob Parkhouse
Head of Digital Transformation & Business Support

[Electoral Divisions: All]

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

APPENDIX A – UPHELD OMBUDSMAN COMPLAINTS 16/17

LGO Ref	Category	Decision	Action required of Council
15010800	Adult Care Services	Maladministration & injustice – There is evidence of fault by the Council's care provider in its assessment and medical administration. Fault by the Council in the way it dealt with the complaint. The Council has taken some action already and it agrees to extra remedy.	In response to the Ombudsman's investigation, the Council has met complainant and family again. Meeting was useful. As a follow up to the meeting the Council should write to apologise and set out in writing what actions and changes complaint has helped to inform. The unnecessary distress complainant had to deal with is not an injustice that a payment can remedy. But recommend the Council pay£200 as a symbolic acknowledgment of the impact of the faults on the complainant.
15011892	Education & Children's Services	Maladministration & injustice – 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.	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 the family home and the avoidable delay in the deregistration process and the time & inconvenience in bringing his complaint.
15015680	Education & Children's Services	Maladministration & injustice – Council withdrew the blue badge for a child. Child has autism which affects mobility. The Council has reviewed the application and approved it. There is no further need for the Ombudsman's involvement.	No additional actions to that of review and subsequent approval of Blue Badge
15017900	Highways & Transport	Maladministration & injustice - The Council will remove the disabled parking bay. That provides a resolution of the key element of the complaint so I am not going to investigate it further.	Nothing further than removing the disabled parking bay.
14008851	Education & Children's Services	Maladministration & injustice – The Council's own investigation found significant fault in the Council's handling of arrangements for the complainants to foster family members. The Council has apologised and taken steps to learn from the mistakes - this is a satisfactory outcome. The complaint that the findings of the RPH call into question the Council's decision to de-register them as foster carers is not found.	Nothing additional to actions agreed as a result of the Stage 3 RPH
15012991	Adult Care Services	Maladministration & injustice – Although there have been faults by the Council, they have not caused enough injustice to warrant a financial remedy.	The Council have agreed to: not seek to recover DP monies used to access residential care. 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.

15009839	Education & Children's Services	Maladministration & injustice – The Council was responsible for alternative education for a 13 year old child in the period September to December 2015. The Council failed to provide an appropriate alternative education package for the child in this period. There is no evidence of significant fault by the Council causing injustice in relation to updating a statement of special educational needs and converting the statement into an Education, Health and Care Plan	Pay the child £1000 for lack of access during the autumn term 2015 to a suitable full time alternative education package which met the complex needs. Pay the complainant £2000 as acknowledgement of distress to feelings and inconvenience caused by having to supervise the child during the normal school working day Apologise in writing to the complainant for fault identified
16003228	Education & Children's Services	Maladministration & Injustice –there was fault by the council in failing to put in place the statutory provision set out in a statement of special educational needs and in failing to provide suitable full time education for a child of compulsory school age.	The Council will apologise, pay financial redress of £5850 (£4500 to the child for loss of educational opportunities and therapies while at School. - £1200 to the child for period April - July 2016 when no suitable s.19 education was received- and £150 to the complainant in recognition of time & trouble Review s.19 education arrangements to ensure provision is full time and suitable for a child's SEN to include therapies required to access learning effectively - review the faults in the monitoring, annual review and EHC process that happened here and ensure staff are aware: requests for a change of placement where a statement is still maintained are to be dealt with under the time periods of the education act 1996; where the council wishes to transfer a statement to an EHC plan it plans this in advance, uses the annual review as the transfer review and gives appropriate notice; where the council has not given notice of EHC transfer before annual review meeting ensure settings are aware the option of recommending amendments to the statement is still available to them; the council has a non-delegable duty to ensure provision in a statement or EHC plan is put in place.
15015483	Adult Care Services	Maladministration & injustice - The Council was at fault in the way that it communicated charges for care & transport. The council should carry out a further financial assessment & make procedural changes	Apologise to the complainant about the failure to properly advise about transport costs, to complete a face to face financial assessment & the delay in providing a copy of assessment. Remind staff about the need to send out copies of assessments. Update the service users social care assessment to determine whether there is an eligible need for transport. If there is & the complainant accepts a transport service the council should consider a financial remedy for time & effort in transporting the service user. Complete a face to face financial assessment in order that the complainant can provide details of the service users DRE.

			provide information to other users of the day centre to ensure as far as possible that they are aware of the charges for transport
16002652	Adult Care Services	Maladministration & injustice – There is fault by the Council in the way it investigated a safeguarding concern and investigated the complaint. The council has agreed to remedy the injustice caused	1. Implement the IO recommendations - 2. Apologise to the vulnerable person and pay him £150 to acknowledge distress caused by the safeguarding visits - 3. apologise to the complainants for the lost opportunity and uncertainty caused by not letting them comment on the 2nd draft of the IO report - provide them with a letter on council headed paper explaining that the safeguarding investigation found no evidence to substantiate the allegations against the complainant. 4. Pay the complainants £150 for the distress and anxiety caused by the delay in telling them the outcome of the safeguarding investigation and 5. pay the complainants £100 for the time & trouble of bringing the complaint to the council and to the LGO
16006314	Adult Care Services	Maladministration & injustice –DCC to waive the outstanding fees of £266 so deemed a suitable remedy	waive the outstanding £266 fees
16006466	Adult Care Services	Maladministration & injustice - a care provider acting for the council was at fault when it spoke to the complainant's GP without his consent. Other complaints about the care provider's service are not upheld as there is not enough evidence to support them	Apologise and pay the complainant £100 as a goodwill gesture for distress caused
16000457	Education & Children's Services	Maladministration & injustice There was fault causing injustice in the Council's decision not to involve Company F in the LADO investigation. Also found fault in the Council's handling of the Advisory Notice and monitoring process, which caused injustice. However, the Council was not responsible for failure to secure employment, or Company F's loss of income.	Pay a financial remedy of £1000 to Company to recognise the fault and injustice caused by: Not involving Company in the LADO investigation; The lack of clarity surrounding the process of investigation, improvement planning and monitoring following the Advisory Notice; Failing to provide the opportunity for a review; Failing to provide the opportunity for a review; The consequent time and trouble taken by Company in trying to meet conditions which were vague or not practically possible Refund £600 of the legal fees incurred by Company specifically for the advice on recruiting a non-executive director and setting up a board of directors, which later proved to be unfeasible. Send Company a letter of apology for the faults identified. apologise to employee concerned for the distress experienced as a result of employer not being able to share any information about the LADO investigation

16008455	Education & Children's Services	Maladministration & Injustice - The Council delayed in issuing the EHCP, this is fault but did not cause significant injustice as the complainant had right of appeal & did not use it.	Council to review its procedures within 6 months of the final decision to ensure the delays identified are not repeated in the future
16008905	Adult Care Services	Maladministration & Injustice - the council did not set out clear outcomes in the client's care plan. This meant it cannot be sure the client received appropriate care at home for 2 years. The Council has agreed actions to reflect the injustice caused to the client and her mother by this fault	Apologise for the unnecessary uncertainty and distress caused to by its fault in commissioning the care and support for 2 years. Pay the client £500 to remedy failings in care planning - Pay £250 to the clients mother to recognise the uncertainty it caused by not providing her child with adequate care plans and her time & trouble in pursuing this matter
16009043	Adult Care Services – Blue Badge	Maladministration & Injustice - There was fault in the way the Council assessed the complainant's eligibility for a Blue Badge	Apologise to complainant for the fault in the assessment & communication, carry out a further physical assessment of the complainant's ability to use a parking meter to determine if eligible for a blue badge
16010064	Adult Care Services – Blue Badge	Maladministration & Injustice - The complaint is resolved by the Council's offer to carry out a fresh assessment of the complainant's walking ability for his application for a Blue Badge	undertake a new face to face mobility assessment
16010361	Adult Care Services – Blue Badge	Maladministration & Injustice - remedy agreed during investigation. The council has agreed to exercise discretion & award a Blue Badge	Pay the complainant £500 in recognition of distress and time and trouble.

APPENDIX B – CIPFA Comparators Complaints received and decisions by LGO

COMPLAINTS RECEIVED BY OMBUDSMAN 16/17

COUNCIL	Adult Care Services	Corporate & Other Services	Education & Children's Services	Environmental Services & Public Protection	Highways & Transport	Planning & Development	TOTAL
Cumbria	19	9	13	3	4	1	49
Cambridgeshire	15	3	25	0	6	2	51
Worcestershire	21	4	18	0	9	3	55
Dorset	20	1	18	3	10	4	56
Warwickshire	26	2	18	3	7	0	56
Somerset	24	5	26	0	12	1	68
Gloucestershire	18	2	26	2	19	4	71
Leicestershire	21	4	26	5	17	0	73
Lincolnshire	37	4	27	2	10	0	80
West Sussex	30	3	29	1	13	6	82
East Sussex	33	1	43	1	9	0	87
Hampshire	24	6	47	5	9	1	92
North Yorkshire	47	5	27	4	15	0	98
Devon	34	3	47	3	28	3	118
Norfolk	48	3	56	2	13	3	125
Essex	64	7	83	7	43	5	210

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 16/17

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		
West Sussex	6	1	24	24	13	10	43%	78
Lincolnshire	2	0	26	24	18	14	44%	84
Cambridgeshire	5	2	18	11	7	6	46%	49
Gloucestershire	6	0	24	20	10	10	50%	70
Cumbria	4	0	16	14	7	8	53%	49
Dorset	3	0	15	18	10	12	55%	58
Norfolk	6	3	40	28	20	25	56%	122
Essex	7	2	64	59	28	46	62%	206
Hampshire	4	2	41	26	12	20	63%	105
North Yorkshire	8	1	30	20	12	20	63%	91
Worcestershire	5	1	21	13	6	10	63%	56
Devon	9	0	28	41	13	25	66%	116
East Sussex	2	1	23	21	11	21	66%	79
Leicestershire	4	1	25	23	6	16	73%	75
Warwickshire	4	1	23	14	4	11	73%	57
Somerset	5	2	31	14	3	11	79%	66

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 66% of those complaints investigated are upheld – the actual number of upheld complaints is relatively low as a percentage of actual decisions made (25 upheld complaints out of 116 decisions is 21.5%)
- Devon is also ranked 4th 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.

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Sedgemoor District Council

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Secretary of State for Communities and
Local Government
Eland House
Bressenden Place
LONDON SW1E 5DU

Date: Tuesday, 2 May 2017

Dear Sir

Local Authorities and the Standards regime

I am writing to you to relay some concerns raised by Standards Committees across the South West about the current Standards regime.

The concern is in relation to the limits on sanctions that Councils can now apply against councillors. The Committee finds it disappointing that there is no middle ground between the criminal sanctions for Disclosable Pecuniary Interest transgressions and the relatively tame sanctions available to the council for other transgressions. The Standards Committee do not consider the latter to provide a sufficient deterrent to poor behaviour by councillors.

The Committee would welcome the availability of sanctions with some teeth such as suspension. These are sanctions that were available to the committee before 2012 and as you will recall, the First Tier Tribunal also had the ability to disqualify members where their poor behaviour was sufficiently serious.

An example of the lack of teeth is demonstrated by a scenario where a member carries out a serious pattern of bullying against a Council officer within two months of being elected. Even if they are found to be in breach of the Code of Conduct, no action can be taken to suspend or disqualify them. It is recognised that the public can vote with their feet through the ballot box. However, where, as in this scenario, a Councillor makes a serious transgression early in their term of office, the public have to wait almost four years to vote them out at the next election.

It is considered that the ability to suspend councillors for short periods for more serious transgressions would provide an effective local deterrent to poor conduct together with the ability to defer the suspension subject to good behaviour. The Committee would ask, therefore, that you increase the range of sanctions available to local standards committees.

Another issue of concern is the fact that criminal acts in a Members personal life cannot be taken into account. For example, where a member committed benefit fraud, his Council, a District Council responsible for administering benefits, was unable to suspend or disqualify him. It is therefore felt appropriate for a Standards Committee to be able to take into account behaviour of a councillor in his private life where this amounts to criminal behaviour. The Committee would therefore ask that you amend the legislation so that criminal activity in a member's personal life can be taken into account.

We are also disappointed by the inability for the Independent Person to be a co-opted member of the Committee. Similarly, the Committee are disappointed that in order to co-opt a Parish Representative onto the Committee as a voting member, a Joint Committee has to be set up with Town and Parish Councils. In our experience this is something that Towns and Parishes do not wish to pursue. We see

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the role of co-opted members of committees as providing effective balance to the councillor representation on the committee in wider discussions on matters such as member conduct and member /officer relations. The Committee would ask, therefore, that Standards Committees be given the power to co-opt Independent Persons and Parish Representatives on to the Committee as full voting members of the Committee.

I hope you will give serious consideration to these suggestions and I look forward to receiving your reply which I will pass on to the Standards Committees across Somerset.

Yours sincerely


Cllr John Woodman, Standards Committee Chair, Sedgemoor District Council

Cllr Jeremy Christopher, Leader, Teignbridge District Council

Cllr Anna Groskop, Standards Committee Chair, South Somerset District Council

Cllr Alan Gloak, Standards Committee Chair, Somerset County Council

Cllr Peter Bradshaw, Standards Committee Chair, Mendip District Council

Cllr David Thomas, Standards Committee Chair, Torbay District Council

Cllr Anne Elder, Standards Advisory Committee Chair, Taunton Deane Borough Council

Cllr Tim Evans, Standards Committee Chair, West Somerset Council

Cllr Anthony Leech, Chair, West Devon Borough Council Standards Committee & South Hams District Council

Cllr Loveday Jenkin, Standards Committee Chair, Cornwall County Council

Cllr Walter White, Chair, Ethics Committee, North Devon Council

Cllr Ken Carroll, Standards Committee Chair, Torridge District Council



**Department for
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Dear Councillor Woodman,

Thank you for your letter of 2 May, to the Rt Hon Sajid Javid MP on behalf of a number of council standards committees across the South West of England, raising concerns about the local authority standards regime. I am replying as this matter falls within my ministerial responsibilities.

I note your concerns. As you will know, in 2012 the Conservative-led coalition government abolished the Standards Board regime, which had become a vehicle for petty, malicious and politically motivated complaints and put in place new, localist standards arrangements. Local authorities are required to put in place a code of conduct and also put in place arrangements to investigate and decide on allegations of failure to comply with that code. The public rightly expect high standards of conduct from those they elect.

Elected members who fail to comply with their authority's code of conduct can face censure. There is no power of sanction or suspension, as this was abolished with the Standards Board regime. Whilst the government believes the current arrangements are appropriate, we have publicly committed to reviewing the local authority standards arrangements, which should take place within the next year or so. I would like to take this opportunity to assure you that the points you have made will be taken into account as part of that review.

You stated that criminal acts in a Member's personal life cannot be taken into account. In fact, section 80 of the Local Government Act 1972 sets out a range of criteria under which a person is disqualified from standing as a candidate or being a member of a local authority. This includes a provision that if a person, within 5 years before being elected, or at any time since being elected, has been convicted in the UK, Channel Islands or Isle of Man of any offence and has received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine.

The government has publicly committed to reviewing the disqualification criteria for councillors to bring the criteria into line with modern sentencing guidelines. I am giving that matter serious consideration and your points will be taken into account as part of that review. I have asked my officials to keep you informed of any public policy developments in that space.

Finally, in response to your point on co-opted members, these individuals are specifically chosen by the appropriate body to represent a specific area of interest or issue of consideration. They are appointed because of their level of knowledge and experience, e.g. headteachers. Whilst I recognise they make a useful contribution to discussions, government has no plans to change the current arrangements. I am not sure that making the Independent Person a member of the Standards Committee would be compatible with their independence, which is vital to ensure and maintain public confidence on how allegations of councillor misconduct are investigated.

Yours Sincerely,

Marcus Jones

MARCUS JONES MP