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To: The Chair and Members  
of the Standards  
Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 21 June 2021

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### **STANDARDS COMMITTEE**

Tuesday, 29th June, 2021

A virtual meeting of the Standards Committee is to be held on the above date at 2.15 pm to consider the following matters.

Phil 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 23 March 2021, previously circulated.

*Electoral Divisions(s): All Divisions*

3 Items Requiring Urgent Attention

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

## **STANDING ITEMS**

4 **Ethical Governance Framework: Monitoring** (Pages 1 - 2)

Report of the County Solicitor ([CSO/21/12](#)) on Co-opted Members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

*Electoral Divisions(s): All Divisions*

5 **Customer Feedback Monitoring Report** (Pages 3 - 20)

Report of the Head of Digital Transformation & Business Support on Customer Feedback for the Financial Year 2020-21 (1st April 2020 to 31st March 2021), attached.

*Electoral Divisions(s): All Divisions*

## **MATTERS FOR INFORMATION**

6 **Local Determination of Complaints**

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

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

NIL

*Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.*

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### **Induction Loop available**



## 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 virtually and their views/feedback are summarised below.

Meeting	Date	Co-opted Member/Observer
Public Rights of Way	11/03/2021	Mrs Mayes
Health & Adult Care Scrutiny	18/03/2021	Mrs Saltmarsh
Devon Pension Board	26/04/2021	Mr Hipkin

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

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

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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.
- All very clear and helpful guidance as to which page of the pack attendees should be consulting.
  - Clear speeches and explanations from the Officers, helpful display of various maps.
  - All those speaking should be visible as they do so.
  - A controversial item and large number of public speakers with many opposed to the proposals. The majority abided by the timescales set for public speaking and their contributions were easy to hear and they had all just about mastered the technology.
  - It was good that minutes of such meetings were put on the website very shortly after the event so that members of the public can be kept informed.
  - Whilst the item was causing concern and anxiety, it was good to see the public taking part, even though meetings were being run virtually.
  - The meeting overran but it was hard to see how it could have been kept to the timetable, so there is a question of whether meetings should be scheduled more frequently or for a longer time.
  - Being virtual it is possible for attendees to dip in and out and no one would know (unfortunate when someone fails to exit properly and their absence is clear for all to see).
  - Meeting was very well chaired (Pension Board) – a wide range of questions asked, some quite technical and officers were well prepared.
  - Gratifying to see that Members had prepared thoroughly for the meeting.
5. 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>
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Nil

## Customer Feedback Monitoring Report for Financial Year 2020-21 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2021

### 1. Purpose and Context

- 1.1 This report provides an update to the Standards Committee on the volumes and themes for all types of customer feedback (Complaints, Representations and Compliments), letters from Members of Parliament (MP Enquiries) and complaints being dealt with by the Local Government and Social Care Ombudsman (LGSCO) about Devon County Council (DCC). In addition, it provides information regarding overall response times and issues arising from upheld complaints. Finally, the report provides complaint summaries, findings and recommendations on those complaints upheld by the LGSCO in 2020-21.
- 1.2 Between 31st March and 29th June 2020 due to the Covid 19 pandemic and in line with LGSCO guidance issued during that period, DCC only accepted complaints that raised high risk or safeguarding matters. Stemming from this and due to the need for operational staff to be redeployed to help with DCC's Pandemic response phase, compliment data is not available for this reporting period. This will however be made available in future reports.
- 1.3 All data reported is for the financial year 1st April 2020 to 31st March 2021 (2020-21), which is split into four quarters: April to June (Q1), July to September (Q2), October to December (Q3) and January to March (Q4).

### 2. Activity overview

- 2.1 Please see Appendix 1 – Table 1 for a summary of customer feedback activity for 2020-21. Please note that “Stage 1 Complaints” refers to any complaint dealt with locally by the service. “Stage 2 Complaints” refers to any Childrens Social Work complaint escalated to Stage 2, within the Childrens Statutory Complaints Procedure. “Complaints LGSCO” refers to any complaint received by DCC from the LGSCO.

### 3. Stage 1 complaints

- 3.1 The number of Stage 1 complaints continued to increase after Q1 through 2020-21 and this reflects the fact that both the LGSCO and DCC's Customer Relations Team (CRT) were closed for all feedback bar those items that raised either high risk or safeguarding matters. Please see Appendix 1 – Table 2 for a breakdown of the number of complaints received by directorate.
- 3.2 The number of complaints received is not in itself a reliable indicator of performance. Volume of complaints should be considered alongside the percentage upheld and our willingness to put things right when things go wrong.
- 3.3 Performance in relation to response times in Q1 was 55%. Front line service response times were particularly affected in Q1, and this may be attributable in part to DCC's Pandemic response phase.
- 3.4 Performance in relation to response times in Q2 was 87%; this evidences a clear upward trend in response times in comparison to Q1. Q3 yielded the highest response rate of 89%. The average response rate for 2020-21 was 76%. Given the challenges faced by DCC in 2020-21 this is acceptable; however, we would hope to see an improvement on this in 2021-22. Please see Appendix 1 – Table 3 for a breakdown of response rates by directorate.

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3.5 For reasons already highlighted, some of the activity described below did not take place to support services with complaint handling in 2020-21, however as we move into 2021-22 normal activity is resuming in a virtual environment:

- Regular complaint handling workshops with staff
- CRT attendance at service team meetings to discuss learning from complaints.
- Specific case reminders to staff from the CRT
- Escalation to Senior Managers if responses are not forthcoming
- Messages about response times are included in quarterly reports where provided
- Learning events facilitated by the CRT for complex complaints
- Where rudeness/attitude of staff has been cited by a complainant the CRT highlight this with the relevant service manager to identify learning points and any training requirements.

3.6 In Q1 services upheld or partially upheld 15% of Stage 1 complaints, this rate increased through 2020-21 to 35% in Q4. The average uphold rate was 30% in 2020-21. Please see Appendix 1- Table 4 which provides a more detailed breakdown of uphold rates by directorate.

3.7 As with volume of complaints received, the percentage of upheld complaints is not in itself an indicator of poor performance. In line with best practice, many service areas try to, and often do, resolve issues with customers at a local level, without customers wanting or needing to invoke the complaints procedure; this should be celebrated.

3.8 If uphold rates increase significantly in the future, it may suggest that a further review of the activity within the specific service where the rate has been observed as increasing is required.

3.9 Appendix 1 – Table 5 shows the most prevalent issues raised within complaints across all directorates and the percentage upheld or partially upheld for 2020-21. It remains a concern that the perceived attitude or rudeness of staff continues to feature in the top 3 issues, as it has done in previous years.

3.10 The quality of service provided also features highly in the top issues, as it has done in previous years. This may be expected in times where services are experiencing cuts and public expectation remains higher than services are able to deliver. This may also be further compounded by the Pandemic.

## **4. Stage 2 Complaints in Children's Social Work**

4.1 Appendix 1 - Table 6 provides a breakdown of Stage 2 complaints received in 2020-21. A very low percentage of complaints were escalated from Stage 1 to Stage 2, with only 5% of complaints escalating to Stage 2 throughout 2020-21. Q4 saw the highest number of escalated complaints and represents 50% of the total number of Stage 2's received in 2020-21.

4.2 Appendix 1 - Table 7 outlines the number of Stage 2 complaints responded to and the percentage upheld. There were no Stage 2 complaints closed in Q1 or Q2 due to Covid restrictions on carrying out investigations. The data presented is therefore in relation to all closure activity in Q3 and Q4 2020-21.

## **5. Local Government and Social Care Ombudsman Complaints**

5.1 The Local Government and Social Care Ombudsman (LGSCO) investigate complaints about councils, adult social care providers, including care homes and agencies, and some other organisations providing local public services. They assess for fault and make findings in relation to maladministration of process and subsequent injustice to the customer. The Council is required by law to cooperate with the Ombudsman's investigations and provide the requested information

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within given timeframes. The Customer Relations Team coordinates all communication between the LGSCO and the Council.

- 5.2 As stated in 1.2 above the LGSCO made the decision to close in Q1 as a direct result of the Pandemic. Therefore, we observed a natural decline in the numbers of LGSCO complaints received in Q1, with just two being received. Once the LGSCO reopened in Q2 we saw an increase in the numbers of complaints, with a total of 58 being received in 2020-21. Please see Appendix 1 – Table 8 for a breakdown of LGSCO complaints received by directorate.
- 5.3 18% of LGSCO complaints were upheld in 2020-21; this is below the trend in previous reported years. 68% of the 58 LGSCO complaints received were closed by the LGSCO after initial inquiries. However, neither the volume nor the percentage of upheld complaints are high, and this reflects that while customers may not agree with DCC's decisions, scrutiny by the LGSCO evidences that DCC are generally following due policy and process. Please see Appendix 1 – Table 9 for a breakdown of LGSCO outcomes for 2020-21.
- 5.4 All LGSCO final decisions can be viewed on the LGSCO website – [www.lgo.org.uk](http://www.lgo.org.uk)
- 5.5 The Council has been required to pay financial remedies totalling £6,250 to complainants as a result of recommendations made by the Ombudsman in 2020-21. Please see Appendix 2 for the complaint summaries, findings, and recommendations made by the LGSCO, in relation to the complaints they upheld.

## 6. MP Enquiries

- 6.1 DCC received a low number of MP enquiries in Q1. This is line with all feedback activity for Q1 2020-21. Q2 saw the highest number of MP enquiries being received by DCC for the year, with a total of 143. The total number of MP Enquiries received in 2020-21 was 432. Please see Appendix 1 Table 10 for a breakdown MP Enquiries by directorate.
- 6.2 All MP Enquiries should be responded to within 20 working days of receipt. MP Enquiry response performance averaged at 55% in time for 2020-21. Q3 saw 199 responses to MP enquiries being made with a response rate of 40% in time. Clearly the Pandemic had an impact on services being able to respond to all enquiries in a timely manner and this is to be expected. As we move forward into 2021-22, we hope to see an improvement in these response times. Please see Appendix 1- Table 11 for a breakdown of MP Enquiry response times by directorate.

## 7. Representations

- 7.1 A representation is a comment or concern that is not intended or eligible to be a formal complaint but requires a formal response.
- 7.2 DCC received a total number of 203 representations in 2020-21. This is within the normal range. Q1 saw Communities, Public Health, Environment and Prosperity (CoPHEP) receiving the highest number of representations with a total of 77. Please see Appendix 1 – Table 12 for a breakdown of the representations received by directorate in 2020-21.
- 7.3 All Representations should be responded to within 20 working days of receipt. The overall representation response rate for 2020-21 was 90% in time and this should be celebrated. Please see Appendix 1 – Table 13 for a breakdown of representation response times by directorate.

Helen Wyatt  
Strategic Customer Relations Manager  
June 2021

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## Appendix 1

Table 1

<b>Customer Feedback 2020-21</b>	
Stage 1 Complaints	<b>1090</b>
Stage 2 Complaints *	<b>14</b>
Complaints LGSCO	<b>58</b>
MP Enquiries	<b>432</b>
Representations	<b>203</b>
<b>Total</b>	<b>1797</b>
* Children's Social Work	

Table 2

<b>Stage 1 Complaints received 2020-21</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>
Children's Services	47	67	55	92	<b>261</b>
Adult Care and Health	26	33	37	29	<b>125</b>
CoPHEP	6	28	18	18	<b>70</b>
County Solicitors		7	6	4	<b>17</b>
Digital Transformation & Business Support	2	7	4	5	<b>18</b>
Finance Services			1		<b>1</b>
Highways, Infrastructure Development and Waste	13	190	164	231	<b>598</b>
<b>Grand Total</b>	<b>94</b>	<b>332</b>	<b>285</b>	<b>379</b>	<b>1090</b>

Table 3

<b>Stage 1 Complaint Response Times 2020-21</b>	<b>Q1</b>		<b>Q2</b>		<b>Q3</b>		<b>Q4</b>		<b>YTD</b>	
	<b>No. responded to</b>	<b>% in time</b>								
Children's Services	10	40%	48	63%	44	61%	51	58%	<b>153</b>	<b>59%</b>
Adult Care and Health	11	36%	23	65%	24	75%	27	52%	<b>85</b>	<b>60%</b>
CoPHEP	6	100%	24	88%	20	85%	15	80%	<b>65</b>	<b>86%</b>
County Solicitors			7	86%	4	100%	5	100%	<b>17</b>	<b>94%</b>
Digital Transformation & Business Support	3	100%	5	100%	5	80%	3	100%	<b>16</b>	<b>94%</b>
Finance Services					1	100%			<b>1</b>	<b>100%</b>
Highways, Infrastructure Development and Waste	33	48%	146	85%	184	80%	192	88%	<b>555</b>	<b>82%</b>
<b>Grand Total</b>	<b>63</b>	<b>55%</b>	<b>253</b>	<b>87%</b>	<b>282</b>	<b>89%</b>	<b>293</b>	<b>84%</b>	<b>892</b>	<b>76%</b>

Table 4

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Stage 1 Complaint outcomes 2020-21	Q1		Q2		Q3		Q4		YTD	
	No responded to	% Upheld								
Children's Services	10	40%	48	50%	44	66%	51	65%	153	54%
Adult Care and Health	11		23	43%	24	29%	27	35%	85	35%
CoPHEP	6		24	21%	20	30%	15	40%	65	26%
County Solicitors			8	25%	4	50%	5	20%	17	29%
Digital Transformation & Business Support	1		3	67%	3	67%	3	67%	10	60%
Finance Services					1				1	
Highways, Infrastructure Development and Waste	33	15%	146	18%	184	24%	192	24%	555	22%
<b>Grand Total</b>	<b>61</b>	<b>15%</b>	<b>252</b>	<b>28%</b>	<b>280</b>	<b>30%</b>	<b>293</b>	<b>35%</b>	<b>886</b>	<b>30%</b>

Table 5

Top Issues and % Upheld 2020-21	No. of issues	%Upheld
Attitude/rudeness/inappropriate comments Staff	156	41%
Delay in providing service Delivery	184	36%
Quality of service provided Delivery	183	33%

Table 6

Stage 2 Complaints received 2020-21	Q1	Q2	Q3	Q4	YTD
<b>Children's Social Care</b>					0
Children & Families			2		2
Initial Response	1	1		3	5
Disabled Children's Service	1			1	2
<b>Corporate Parenting</b>					0
Permanency & Transition			1	3	4
<b>Adopt South West</b>		1			1
<b>Grand Total</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>14</b>

Table 7

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Stage 2 outcomes 2020-21	Q3		Q4		YTD	
	No. responded to	% Upheld	No. responded to	% Upheld	No. responded to	% Upheld
<b>Children's Social Care</b>						
Children & Families			2	100%	2	100%
Initial Response	2	50%			2	50%
MASH						
Permanency & Transition	2	100%	1	0%	3	67%
<b>Countywide Services</b>						
Disabled Children's Service	3	66%			3	66%
<b>Adopt South West</b>						
<b>Grand Total</b>	<b>7</b>	<b>71%</b>	<b>3</b>	<b>67%</b>	<b>10</b>	<b>70%</b>

Table 8

LGSCO Complaints received 2020-21	Q1	Q2	Q3	Q4	YTD
Childrens Service's	3	3	13	9	28
Adult Care and Health	0	1	2	1	4
Highways, Infrastructure Development and Waste	2	10	7	7	26
<b>Grand Total</b>	<b>5</b>	<b>14</b>	<b>22</b>	<b>17</b>	<b>58</b>

Table 9

LGSCO Complaint outcomes 2020-21	Q1	Q2	Q3	Q4	YTD
Closed after initial enquiries - No further action	3	11	16	11	41
Not upheld - no maladministration or injustice	0	0	3	2	5
Upheld - maladministration and injustice	0	2	2	6	10
<b>Grand Total</b>	<b>3</b>	<b>13</b>	<b>21</b>	<b>19</b>	<b>56</b>

Table 10

MP Enquiries received 2020-21	Q1	Q2	Q3	Q4	YTD
Children's Services	11	31	31	22	95
Adult Care and Health	7	7	25	12	51
CoPHEP	13	29	16	20	78
County Solicitors				1	1
Digital Transformation & Business Support	4				4
Finance Services	1				1
Highways, Infrastructure Development and Waste	20	76	57	49	202
<b>Grand Total</b>	<b>56</b>	<b>143</b>	<b>129</b>	<b>104</b>	<b>432</b>

Table 11

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MP Enquiry response times 2020-21	Q1		Q2		Q3		Q4		YTD	
	No. responded to	% in time								
Children's Services	13	85%	23	91%	35	80%	14	57%	85	80%
Adult Care and Health	6	83%	4	75%	24	33%	12	58%	46	52%
CoPHEP	10	90%	26	85%	23	65%	20	85%	79	80%
County Solicitors									0	
Digital Transformation & Business Support	4	100%							4	100%
Finance Services	1	100%							1	100%
Highways, Infrastructure Development and Waste	23	70%	45	22%	117	25%	51	67%	236	38%
<b>Grand Total</b>	<b>57</b>	<b>81%</b>	<b>98</b>	<b>47%</b>	<b>199</b>	<b>40%</b>	<b>97</b>	<b>68%</b>	<b>451</b>	<b>55%</b>

Table 12

Representations received 2020-21	Q1	Q2	Q3	Q4	YTD
Children's Services	6	7	9	2	24
Adult Care and Health	0	8	8	10	26
CoPHEP	77	11	7	10	105
County Solicitors	1		1		2
Digital Transformation & Business Support		1	1	1	3
Finance Services		1			1
Highways, Infrastructure Development and Waste	26	7	5	2	40
Organisational Change	1		1		2
<b>Grand Total</b>	<b>111</b>	<b>35</b>	<b>32</b>	<b>25</b>	<b>203</b>

Table 13

Representation response times 2020-21	Q1		Q2		Q3		Q4		YTD	
	No. responded to	% in time	No. responded to	% in time	No. responded to	% in time	No. responded to	% in time	No. responded to	% in time
Children's Services	3	100%	1	100%	4	50%	4	75%	12	75%
Adult Care and Health	0		7	86%	7	57%	13	62%	27	70%
CoPHEP	45	100%	8	75%	5	80%	7	100%	65	95%
County Solicitors	1	100%			1	100%			2	100%
Digital Transformation & Business Support					1	100%	1	100%	2	100%
Finance Services			1	100%					1	100%
Highways, Infrastructure Development and Waste	26	100%	6	100%	7	71%	2	50%	41	93%
Organisational Change	1	100%			1	100%			2	100%
<b>Grand Total</b>	<b>76</b>	<b>100%</b>	<b>23</b>	<b>87%</b>	<b>26</b>	<b>74%</b>	<b>27</b>	<b>74%</b>	<b>152</b>	<b>89%</b>

Appendix 2

Local Government and Social Care Ombudsman Recommendations  
Complaints with Maladministration and Injustice 2020-21

LGSCO Ref	LGSCO Category	Complaint Summary	Final Decision Recommendations
19020560	Children's Social Work	<p>Miss B complains the Council failed to implement a child protection plan put in place when her son, who is now 15, was a baby. She considers the Council has not provided adequate support to her.</p> <p>She further complains about the way the Council has considered her complaints and the remedy provided.</p> <p>She says it has had an adverse impact on her and her son's mental health and she has suffered financially by not receiving the benefits to which they were entitled. There was fault which caused injustice to Miss B.</p>	<p>The fault in the complaint handling was due to the complainant raising ongoing concerns about the support and involvement of children's social care during the investigation of an existing complaint, and this not being identified as a new complaint for investigation.</p> <p>That meant that by the time the review panel was held in March 2019 there was no factual information about what had happened over the last year, and the new complaint had been overlooked.</p> <p>The Ombudsman considered the offer by the Council of £300 a suitable remedy for the failure to capture the new complaint.</p> <p>The other fault was a failure to appropriately remedy issues, beyond an apology, that had been upheld at both Stage 2 and Stage 3; these related to a lack of support from social care, and the detrimental effect of this on the complainant and her son.</p> <p>The Ombudsman considered that it was not possible to draw any firm conclusions on what should have happened but that the complainant had a justifiable sense of grievance following the outcome of the complaint which required a remedy.</p>

			As a result, the Council agreed to the Ombudsman's recommendation to pay the complainant £1000. Pay Miss B £1000 to remedy the injustice. This is in addition to the £300 which has been offered for the injustice from the faults in the complaint handling.
20006171	Children's Social Work	<p>Ms X complains that the Council has lost all its records from her time in foster care in the early 1990s. This includes a letter to her from her birth mother, who is now deceased.</p> <p>Ms X also complains about the way the Council handled her request to access her records and resulting complaints. As a result, Ms X will never know what her mother wrote to her and has no record of her early life.</p>	<p>The Ombudsman found fault with the time it took for the council to reply to Ms X's complaint.</p> <p>The Council accepts that it took over three months to respond formally to Ms X's complaint in December 2019. It says it was conducting extensive searches to look for the file.</p> <p>The Ombudsman confirmed that within our response to this enquiry, DCC confirmed this. However, the Ombudsman believed that the Council could have been more proactive in keeping Ms X informed about its actions and when she could expect a response. Its failure to do so caused Ms X unnecessary added anxiety.</p> <p>The Ombudsman also found fault, as the Children Act 1989, which was in force when Ms X left care, said councils had to keep records for at least 50 years. The Council accepts that it has lost Ms X's children's services file. As a result, Ms X will never know what was in the letter her mother wrote to her. This is a significant injustice to Ms X.</p>

			<p>The Ombudsman also found within its investigation, that in 1998 the area where Ms X lived became a unitary authority.</p> <p>This means it took over responsibility for delivering children’s social care services for that area. Given the confusion, it seems likely that this is the point at which the files were lost or destroyed.</p> <p>There is no evidence the Council did transfer Ms X’s file to Council B. The Court made a care order which said the Council had to look after Ms X. On this basis, the Ombudsman found the Council was responsible for the data when it was lost. As a result, the Council agreed to the Ombudsman’s recommendation to pay the complainant £1000 and apologise.</p> <p>The injustice to Ms X is significant and cannot be easily quantified. To recognise this, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>- Apologise in writing to Ms X</li> <li>- Pay Ms X £1000</li> </ul>
18011832	Education	The Council failed to ensure a child received suitable full-time education when she was medically unfit to attend school.	<p>The Ombudsman found that the Council was on notice that Y was not receiving suitable full-time education from mid-November 2017 when she was absent due to medical needs.</p> <p>It failed to discharge its duty under s.19 Education Act 1996 by either providing alternative education itself or ensuring that this was commissioned by Ys school. I have seen no evidence the Council took into account Y’s SEN or that she had been a</p>

		<p>victim of grooming in deciding the type of alternative provision to offer her. This was fault. As a result, Y missed out on receiving suitable full-time education for seven months. While she received some tuition and online learning this fell short of the quality and quantity of education she could expect to receive; and Mr X was put to unnecessary time and trouble pursuing his complaint and seeking to get Y's needs met. As a result, the Council agreed to the Ombudsman's recommendations.</p> <p>Within four weeks of my final decision:</p> <ul style="list-style-type: none"><li>• The Council will apologise to Mr X and Y for the faults identified</li><li>• The Council will pay Y £2800 (£400 per month for seven months) to acknowledge that the education provided to her was not suitable or full-time and that the Council did not take into account Y's views or that of the family about the type of education that would be suitable. This money should be held in an account in Y's name but supervised by parents and used for her educational or social benefit. Within eight weeks of my final decision, the Council will review its procedures for children missing education due to medical needs to ensure:</li><li>• That cases of children absent from school due to medical needs brought to the attention of officers in other teams are always notified to the Named Officer or Inclusion team so they can ensure</li></ul>
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18017567	Education	<p>Ms B complains the Council wrongly told her there was a place for her son, X, at his preferred school.</p> <p>When he arrived at the school at the beginning of term there was no place for him. She says this caused considerable distress to X and her.</p> <p>It meant he has missed out on education and she has had the financial cost of buying a school uniform for the school he could not attend.</p> <p>There was fault by the Council which caused injustice to Ms B and X. The Council will apologise and make a payment to them both.</p>	<p>The Ombudsman upheld this complaint. X had an Education Health and Care Plan (EHCP). This named school 1 as the school he should attend. In April 2019 Ms B requested that X move to school 2. Both schools were mainstream provision but school 2 was in another local authority area, council R. On the first day of term Ms B and X arrived at school 2 but the school refused to admit him.</p> <p>The Council contacted the local authority for school 2, Council R. Officers said the Council should not have named that school and would not alter their position. Due to a breakdown of communication Ms B believed her son X would be attending a school to which she bought their school uniform. The Council then approached another school who agreed to take X. There was an interim review of the EHCP to formalise this</p>

			<p>and X started at the school in early October. Ms B complained. In responding to her complaint, the Council apologised for what it described as a communication breakdown in the handling of her complaint. It also apologised for the distress caused to X and would pay £100. It said school 2 had agreed to refund the cost of the uniform but Ms B would need to return it. The Council agreed to pay the postage costs for the return.</p> <p>Had the Council acted promptly when school 2 refused to accept X in April all of this could have been avoided. If agreement had not been reached with school 2 the formal route could have been followed or an alternative place found if that was considered to be in the best interests of X. As a result, the Council agreed to the Ombudsman's recommendation to pay the complainant £550 and apologised to Ms B and X.</p> <p>The Council will apologise to Ms B and X for the faults I have found. It should pay £400 to X which is to reflect the missed education and the distress caused to him. It should pay Ms B £150 for the distress caused to her and it should refund her directly the cost of the school uniform.</p>
19013656	Adult Care and Health Q3	Ms X complains the Council failed to deal properly with the assessment of her care needs and unreasonably stopped her personal budget, leaving her without any support.	It was Ms X's decision to cancel support from the Support Provider in December 2017. Since then the only way to move forward has been to reassess her needs under the Care Act. 58. The Ombudsman cannot find fault with the Trust for not giving Ms X a direct payment without first reassessing her needs. It needed to satisfy

			<p>itself that a direct payment would be used to meet eligible care needs.</p> <p>The faults identified by the Ombudsman have added unnecessarily to Ms X's distress. They have also contributed to the failure to complete an assessment of her social care needs. As a result, the Council agreed to the Ombudsman's following recommendation:</p> <ul style="list-style-type: none"> <li>• within four weeks, having first identified more flexible ways of assessing Ms X's needs, write to her offering alternative approaches and apologising for the previous lack of flexibility, and pay her £500;</li> <li>• within eight weeks produce an action plan explaining how the Trust is going to: a) improve its record keeping; and b) ensure officers take a more flexible approach to assessments, as required by the Care and Support Statutory Guidance.</li> </ul>
20002941	Adult Care and Health Q4	Mr X, complains the Council and its care provider, XY, failed to deal properly with his return home on 20 April 2020, resulting in him being asked to pay for the Care Workers' gloves and being told he would have to go back to a care home if he did not agree to pay.	<p>The Ombudsman found that the Council did not handle Mr X's concerns properly. On 20 April it told him it would check the position on paying for gloves but did not do so. On 27 April it discouraged Mr X from making a complaint.</p> <p>When the Council responded to Mr X's complaint it told him he did not need to pay for gloves worn by Care Workers when providing care. But it did not address the question of whether that is what had happened. Nor did it consider whether other people may have been wrongly asked to pay</p>

			<p>for personal protective equipment. That is fault by the Council.</p> <p>It has caused injustice to Mr X by putting him to the time and trouble of pursuing his complaint further. As a result, the Council agreed to the Ombudsman's following recommendation:</p> <ul style="list-style-type: none"> <li>• within four weeks write to Mr X apologising for not addressing his concerns properly and pay him £100 to redress the injustice caused.</li> </ul>
19009167	Highways Q2	<p>Mr B complains the Council has failed to tackle problems with the behaviour of cyclists using a trail near to his home.</p> <p>Mr B uses the trail daily on his mobility scooter and is concerned that the behaviour could lead to an accident to him or other users of the trail.</p> <p>He further complains the Council has not contacted him as promised about involvement in a group of interested parties to formulate a code of conduct for users.</p>	<p>There are no particular statutory powers or duties on which the Council can rely to control the behaviour of the users of the footpath. It is for the Council to decide whether more signage is appropriate.</p> <p>In April 2019 it told Mr B it would involve him in its consideration of what further action it could take. It said it would need his input over the summer with a view to implementation in the autumn.</p> <p>That time frame slipped but the Council did not tell Mr B. I am not aware that Mr B chased the Council for an update but, even so, I consider the Council should have told him what was happening given the earlier contact.</p> <p>As a result, the Council agreed to the Ombudsman's recommendation.</p>

			<p>The Council will, within a month of the final decision, apologise to Mr B for failing to update him.</p>
<p>19013780</p>	<p>Highways Q4</p>	<p>Mr X complained the Council did not properly consider the Armed Forces Covenant when it decided his request for a disabled parking bay. Mr X believes this may have deprived him of a disabled parking bay, causing inconvenience when he holds meetings for other disabled people.</p>	<p>Mr X complained over the phone to the Council about its decision in November. From the evidence the Ombudsman saw, during this call, Mr X said the Council had not conformed to a 'military charter'. The Council wrote to Mr X in December to confirm he did not meet the eligibility criteria for the marking of a disabled parking bay and the Council had closed his application. It did not address the 'military charter' which we understand to be the Armed Forces Covenant.</p> <p>The Ombudsman found fault with the Council for its failure to consider the Armed Forces Covenant when deciding Mr X's original application. This fault caused Mr X an injustice as he was denied the opportunity to have his application properly considered.</p> <p>The Council was unaware of the Covenant and the effect it might have on its decision about Mr X's application. I am not saying the Council should approve Mr X's application. However, it should properly consider whether Mr X's circumstances, mean he should be offered special treatment. The Council's final decision may be the same. I cannot question this if it has been properly reached. As a result, the Council agreed to the Ombudsman's recommendation.</p>

			<ol style="list-style-type: none"><li>1. Reconsider Mr X's disabled parking bay application, taking account of his veteran status and considering the Armed Forces Covenant.</li><li>2. Ensure that all Council staff are made aware of the Armed Forces Covenant and informed of how they may need to consider it as part of their role at the Council.</li></ol>
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