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Complaint Reference	Details of complaint	Findings and Remedy
<p>20 005 588</p> <p>CS</p>	<p>The complainant, Miss X complained that the Council failed to share her son's final EHC plan with his education and health care providers.</p>	<p>The Ombudsman found fault in this failure. The Council agreed to apologise to Miss X for the failure to send a copy of Y's final EHC plan to the Health Care Providers.</p> <p>The Council also agreed to provide staff training/ reminders to ensure that where a child or young person is receiving support from more than one NHS Trust or CCG, a copy of the final EHC plan is sent to all relevant NHS organisations.</p>
<p>19 /017 /296</p> <p>CS</p>	<p>The complainant, Mr C, complained that the Council delayed issuing his son, D's, final EHCP. He said there was a delay in fully assessing D and the Council failed to secure a school place to meet his needs. The complainant also stated that the Council failed to provide education for D whilst he was not in school. Mr C says this caused distress to his family and significant time spent trying to resolve the issues with the Council. He also said this affected D's education.</p>	<p>The Ombudsman found maladministration and injustice. The Council agreed to pay D £4800 in recognition of the educational provision he missed out on and has agreed to pay Mr C £300 to recognise the distress, time and trouble it caused him.</p> <p>The Council also agreed to remind relevant staff of the importance of complying with the statutory timeframes for the EHCP process. and to review its policy for providing children out of school with EHCP provision whilst a suitable placement was identified.</p>
<p>20 /008 /437</p> <p>CS</p>	<p>The complainants, Mr and Mrs P, complained about the Council's response to their request for support to care for their daughter, G. They were</p>	<p>The Ombudsman found fault. The Council has apologised for delays in its complaint response and offered a payment for Mr and Mrs P's time and trouble, it has also agreed to re-assess Mr</p>

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	unhappy with the Council's response to their complaint.	and Mrs P's eligibility for support and back-date any payment should the assessment recommend increased support. The Ombudsman considered that this was a satisfactory remedy.
20 005 095 CS	The complainant, Mrs X, complained that the Council withdrew 80 hours per year of mentoring support for her son (Y) without properly assessing his care needs. Mrs X said the Council ended payment for the support because she would not accept funding via direct payments. Mrs X also complained about the way the Council handled her complaint. Mrs X said that without the commissioned mentoring service from the Council she could only afford to pay for 40 hours mentoring support for Y. This has had a significant financial impact on the family and caused distress.	The Ombudsman found fault. The Council agreed to apologise to Mrs X, pay her the equivalent of 80 hours of mentoring support that Y would have received for the year and to pay Mrs X £500 to acknowledge the additional strain she and the family were placed under whilst self-funding Y's support.
20/008/692 CS	The complainant, Ms X, complained that the Council failed to ensure her son, K, received support from suitably experienced and trained staff as set out in his Education Health and Care Plan.	The Ombudsman found fault caused by the service failure. The Council agreed to offer Ms X a payment of £300 to recognise the impact on her and K of the delay in providing the training to the class teacher, and Ms X's time and trouble in helping with K's electronic devices and software equipment to help K communicate. The Council also agreed to consider how it can ensure new staff receive training on K's equipment as early as possible at the beginning of each year and produce a plan to ensure this happens.

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<p>21/006/607</p> <p>CS</p>	<p>The Council had upheld a number of complaints from the complainant, referred to as Mrs X, including several examples of poor social work practice, delays in closing the case and poor complaint handling. The final stage of the complaints process found that Mrs X was subject to disproportionate intervention and suffered unnecessary distress. The Council offered £1,300 as a remedy, which Mrs X said was inadequate.</p> <p>Mrs X also complained that a review of the child protection investigation, which an investigator had recommended earlier in the complaints process, was not carried out.</p>	<p>The Ombudsman found fault by the Council, which the Council had partially remedied prior to the Ombudsman's intervention. The Council agreed to Pay Mrs X a total agreed remedy of £4,700:-</p> <ul style="list-style-type: none"> • £1,300 as offered in the letter of February 2021 (£1,000 for distress and £300 for time and trouble); • £300 as offered in the letter of May 2021 (for sending the wrong Stage 2 report); • £1,500 to further remedy the impact of injustice caused by the faults outlined in the Stage 3 report; and • £1,600 for private doctors' fees subject to the production of a receipt.
<p>21 /001/ 875</p> <p>CS</p>	<p>The complainant, Mr X, said there was fault in the Council's treatment of him as a supervisor of his elder daughter in her care of his grandchild. This concerned three specific areas:</p> <ul style="list-style-type: none"> • Preventing a planned trip; • Failing to pay expenses properly; and • Failing to deal properly with his complaint. 	<p>The Ombudsman upheld the complaint but found no further action or investigation necessary, as a satisfactory remedy had already been provided by the Council.</p>
<p>21/001/166</p>	<p>The complainant, Miss X, complained that the Council delayed amending her son, C's, Education Health and Care (EHC) plan after a review in September 2019 and failed to provide</p>	<p>The Ombudsman found fault. Although the Council accepted it was responsible for faults in the EHC review process and delays in providing C with a suitable education, and it</p>

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<p>CS</p>	<p>alternative education after C could not attend school between February 2020 and June 2021. As a result, she said C missed a long period of education, causing him increased anxiety, and Miss X suffered significant worry and distress. She wanted the Council to recognise these failures in a meaningful way and ensure it adhered to the legal timescales in future.</p>	<p>provided a suitable remedy for C's missed education and the impact on Miss X, it failed to provide a remedy for C's distress. The Council agreed to apologise to C, in a way that met C's individual needs for the delays in arranging his secondary education and pay Miss X £100 to fund a meaningful gift or other remedy for C to apologise for the distress caused by the delays to his secondary education.</p>
<p>20/012/723</p> <p>CS</p>	<p>The complainant, referred to as Mrs B, complained the Council:</p> <ul style="list-style-type: none"> • failed to provide her and her family with support between 2017 and 2021; • unreasonably failed to allocate a social worker from the disabled children's team; • kept inaccurate records; • failed to invite relevant professionals to meetings; • delayed producing minutes from meetings; • failed to reply to her correspondence; • delayed putting in place recommendations following her complaint; and • offered her unsuitable support in 2021. <p>Mrs B said the failures by the Council meant she and her youngest son suffered unacceptable behaviour in their home for longer than they should have. Mrs B says she also lost her job due to stress and it has affected her and her youngest son's mental health.</p>	<p>The Ombudsman upheld the complaint. The Council agreed to:</p> <ul style="list-style-type: none"> • apologise to Mrs B for the faults identified in this statement; • pay Mrs B £1,500; • work with Mrs B to identify a suitable PA and discuss with her the arrangements for that provision in terms of whether it should be Council provided or as part of a direct payment. <p>The Council also agreed that it would carry out update training for officers dealing with single assessment to ensure they are aware of the need to assess the needs of carers as part of that assessment.</p>

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<p>21/009/326</p> <p>CS</p>	<p>The complainants, Mr and Mrs B, complained that the Council failed to consider their complaint about children's services, first raised on 10 November 2020 within the statutory timescales. This caused them frustration and inconvenience.</p>	<p>The Ombudsman upheld the complaint. The Council agreed to pay £150 to Mr & Mrs B in recognition of the injustice by the failure to either investigate the complaint at stage 2 or to communicate to Mr and Mrs B of its intention to do so which caused them frustration and inconvenience.</p>
<p>21/001/332</p> <p>CS</p>	<p>The complainant, Mrs Q, complained that the school admissions appeal panel failed to consider her submissions properly and fairly against the Council's decision to refuse her son a place in Year 7 in September 2021 at her preferred school: as a result, she was caused distress and anxiety and was deeply concerned about transport arrangements needed for the allocated school, as well as the impact this could have on her ability to work and her son's ability to make local friends.</p>	<p>The Ombudsman found fault and that the Council failed to ensure that proper records of the hearing were made and that the appeal panel wrongly assessed it at the second stage of the hearing. The Council agreed to:-</p> <ul style="list-style-type: none"> a) Send Mrs Q an apology for the failure to properly record the stage 1 hearing; properly record the stage 2 hearing; apply the correct test at the stage 2 hearing; b) Arrange a rehearing of Mrs Q's appeal; c) To remind all appeal panel clerks of the need to make and retain a proper record of the stage 1 and 2 hearings and to consider their training needs; d) To remind all appeal panel clerks of the need for panels to carry out the correct assessment at stage 2 hearings and to consider their training needs; e) To remind all appeal panels of the need to carry out the correct assessment at stage 2 of the hearing and to consider their training needs; and

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		<p>f) Review the appeals this appeal panel refused for this school to ensure it carried out the correct assessment at stage 2 of the hearing and if it did not, to offer the appellants the opportunity to have a rehearing.</p> <p>The Council subsequently carried out a review of its procedure for dealing with school admission appeals to address the concerns raised.</p>
21/001/292 CS	<p>The complainant, Mrs X, complained about the way the independent appeal panel dealt with her appeal for a school place for her son. She said the panel did not consider all her circumstances properly.</p>	<p>The Ombudsman upheld the complaint. The Council agreed to offer Mrs X a fresh hearing.</p>
20/008/556 CS	<p>The complainant, Mr X, complained about flaws in the Council's handling of his complaint under the Children's Statutory Complaints procedure. He said the stage 2 investigation did not consider all points of his complaint, contained errors and the stage 3 panel ignored additional information he provided. The Council partially upheld his complaint and offered a remedy.</p> <p>Mr X wanted the Council to uphold his complaint in full, apologise to him and provide an increased financial remedy to recognise the distress caused and to compensate him for lost earnings and legal costs incurred.</p>	<p>The Ombudsman found the Council was at fault. The Council agreed to;</p> <ul style="list-style-type: none"> • re-confirm its offer to Mr X of £1000 for the upheld points of his complaint and pay him this amount if he accepts this offer. • Remind relevant staff of the requirement to send a copy of the stage 3 panel report to complainants within 5 working days of the panel meeting, in line with the statutory procedure.

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<p>21005630</p> <p>AC</p>	<p>The complainant, Ms B, complained that the communication and support from the Adult Social Care department since her son, Mr C, transitioned from Children's Services had been poor. Ms B said the Council failed to involve her in decisions for Mr C's care and left her unsupported in her caring role during the Covid-19 pandemic.</p>	<p>The Ombudsman found fault. The Council agreed to pay Ms B and Mr C £500 each to acknowledge their distress and uncertainty.</p> <p>The Council also agreed to complete an assessment/review of Mr B's care and support needs, and a care plan of how it would meet those needs. It also agreed to conduct a Mental Capacity Act assessment to decide if Mr C has capacity to decide where to live long term.</p> <p>The Council also agreed to consider how it would improve the working relationship with Ms B.</p>
<p>20/004/090</p> <p>AC</p>	<p>Mr X complained on behalf of his late wife, Mrs X, that the Council took too long to deal with their request for help to manage Mrs X's care and support needs, including aids and adaptations to help them manage at home. As a result, Mr X says Mrs X's last months at home were unnecessarily painful and undignified.</p>	<p>The Ombudsman found fault caused by delay. The Council agreed to apologise and to pay Mr X £250 in recognition of the uncertainty caused by its delay.</p>
<p>20 007 217</p> <p>AC</p>	<p>The complainant, Miss X, complained that the Council had failed to meet her brother Y's care needs since the onset of the COVID-19 pandemic, leaving him without any support apart from that provided by his family. The complainant also considered that the Council failed to put support in place when Mr Y's father was ill last year.</p>	<p>The Ombudsman found maladministration and injustice.</p> <p>The Council agreed to write to Mr Y and his family to apologise for the failure to arrange support when his father was ill in October 2020.</p>
<p>20 009 117</p>	<p>The complainant, Mrs B, complained about a funding dispute between the Council and NHS Derby and Derbyshire Clinical Commissioning</p>	<p>The Ombudsman found fault by the Council and the Clinical Commissioning Group. The Council and the CCG have agreed to:</p>

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<p>AC</p>	<p>Group which started in September 2015. As a result, she said her daughter, Miss F, missed out on a placement the Council agreed she could move to. She also said the CCG refused to accept all her daughter's health needs when it assessed her, and its communication about healthcare funding was poor. Mrs B felt the ongoing dispute was preventing her daughter from moving to a suitable placement, having one-to-one support, and having all her needs considered within an holistic assessment.</p> <p>To put things right the complainant wanted the Council and the CCG to work together to agree a sufficient personal budget to meet her daughter's health and social care needs within a residential setting. She also said the Council should properly assess her and her husband's needs as carers.</p>	<ul style="list-style-type: none"> • jointly write to Mrs B and Miss F and apologise for the impact the delay in following their dispute resolution policy had on them. The letter should confirm what action the Council and the CCG will now agree to arrange a placement for Miss F as soon as practicably possible and confirm how it will involve Mrs B in discussions. • jointly pay Mrs B £250 for the impact the faults had on her and for her avoidable frustration and time and trouble. Jointly pay Miss F £400 for the impact on her independence. • meet to discuss and agree the funding arrangements for Miss F's move to a suitable placement which should be the family's preferred choice. <p>The Council and the CCG also agreed that they would remind their staff of the importance of following the local dispute resolution policy when it becomes necessary to do so and ensure that relevant paperwork is completed with as much detail as required and provide training to their staff as required.</p> <p>The Ombudsman also recommended that the CCG should review its communication with Mrs B and confirm if it dealt with her CHC appeal. In the event it did not it should apologise to Mrs B and</p>
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		confirm what improvements it would make to ensure similar fault does not occur.
20 009 986 AC	<p>The complainant, Mr D complained about the increase in care fees for his mother, Mrs E, who is a self-funding resident at the Council's care home. He says the Council had failed to provide justification for the increase in fees every year.</p> <p>Mr D said that the additional financial expense has caused stress and anxiety. He said Mrs E now had a shortfall each month and he has been using his savings to fund her place at the care home.</p>	The Ombudsman found fault with the Council as it delayed providing Mr D with written notification of the care fees. However, this did not cause Mr D or Mrs E an injustice.
21/001/367 AC	<p>The complainants, Mr and Mrs X, complained that the Council placed their relative, Mrs Y, in a care home without offering an available, affordable placement without a top up. As a result, they said the Council was requiring them to pay a top up fee they never agreed to and could not afford.</p> <p>The complainants also said that the Council delayed responding to their concerns which caused added distress and frustration.</p>	<p>The Ombudsman found fault leading to injustice. The Council agreed to accept responsibility for the top up fees from September 2019 and ongoing until it had, if considered appropriate, moved Mrs Y.</p> <p>The Council agreed to apologise to Mr and Mrs X and pay them £150 to acknowledge the distress and frustration caused by the Council's recovery action.</p> <p>The Council also agreed to:</p> <ul style="list-style-type: none"> • raise with social work staff the need to ensure the covering of long-term absences which resulted in the lack of a further review and affordable placement being offered; and

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		<ul style="list-style-type: none"> • ensure the lack of agreement to financial costs is flagged and addressed at an earlier point; the Council had issued a briefing email to finance staff about this issue.
<p>21 /001 /980</p> <p>AC</p>	<p>The complainant, Miss Z, made a complaint on behalf of her Aunt, referred to as Mrs X.</p> <p>Mrs X had care needs and received support at home by a Care Provider. The Care Provider was contracted by the Council to meet Mrs X's eligible care needs.</p> <p>It is alleged that a care worker of the Care Provider used the term "coloured" when referring to Mrs X and other people who are of black ethnicity. As a result of making a complaint, Miss Z says that Mrs X's care was withdrawn by the Care Provider, without any notice. She says this caused Mrs X great distress and negatively impacted on her mental health. As a desired outcome, Miss Z wanted the Council and Care Provider to issue an apology for the term used and how the complaint was subsequently handled.</p>	<p>The Ombudsman found fault in relation to the term used by the care worker. However, the evidence suggested Mrs X had not been caused serious distress or harm by the fault and so there was no injustice to remedy.</p> <p>Separately, the Ombudsman did not identify any fault in relation to the allegation that care was withdrawn in response to Miss Z's complaint about the term used.</p>
<p>21 010 325</p> <p>AC</p>	<p>The complainant, Ms A, complained that the Council failed to respond in a timely way to her requests for more assistance for her elderly mother Mrs X. In particular, she complained about a failure to respond to her requests for an extra call to assist with Mrs X's incontinence.</p>	<p>The Ombudsman found that the Council had taken action in respect of the requested additional care, had apologised to Ms A and had allocated a different social worker. The Ombudsman therefore recommended that the Council should</p>

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		offer £250 to Ms A in recognition of the frustration and distress caused by the failure to respond in a timely manner, and £250 to Mrs X for the unnecessary loss of dignity caused by the delayed increase in her care. The Council should also consider ways in which carers could assist Mrs X.
21 /003 /503 Place	<p>The complainant, Mr X complained about the way the Council handled a boundary matter outside his property. Mr X said the Council agreed in 2018 that the land belonged to him and was not part of the highway, so he erected a new wall. Mr X said in 2021 the Council changed its view and decided the land was part of the highway. Mr X said the Council sent him a legal letter demanding he took the wall down.</p> <p>Mr X also said the matter was causing him upset and frustration and he disputed the land was part of the highway. Mr X was unhappy that the Council had changed its view after such a long period of time and after confirming in 2018 that it did not own the land.</p>	<p>The Ombudsman found fault. The Council agreed to write to Mr X within three months of its final decision about whether the land is part of the highway.</p> <p>The Council also agreed to make a final decision on what, if any, action it intended to take as a result of that decision. If Mr X disputed that decision, it would be open to him to consider taking private legal action.</p>
20/ 013/ 211 Place	The complainant, Mrs X, said the Council unfairly determined that she was a persistent and unreasonable complainant based on flawed evidence; and failed to give her a right of appeal against its decision.	The Ombudsman found flaws in the Council's assessment of the number of contacts made by Mrs X. She also found the Council gave insufficient consideration to actions, short of applying the Policy, to effectively deal with Mrs

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		<p>X's correspondence. The Council also failed to give Mrs X the necessary written warning in line with the Policy. The Ombudsman therefore found fault in how the Council reached its unreasonably persistent decision.</p> <p>The Council agreed to apologise to Mrs X for not correctly applying the Policy to reach its unreasonably persistent decision; and immediately review its decision.</p> <p>The Council also agreed to consider offering a site meeting to Mrs X after carrying out seasonal maintenance works and to invite an independent mediator to attend the meeting.</p>
<p>21/007/929</p> <p>Place</p>	<p>The complainant, Mr X, complained that the Council had not refunded a highways fee which it said it would do. Mr X also complained that the Council gave confusing information over a highways application, which meant he was unaware the application was not being determined until a year later.</p>	<p>The Ombudsman found fault that caused injustice to Mr X. The Council refunded the application fee to Mr X and agreed to pay £250 to Mr X for its poor communication and towards his time and trouble in pursuing the complaint.</p>