

| <b>Complaint Reference</b>                   | <b>Details of complaint</b>  | <b>Findings and Remedy</b>  |
|--|--|---|
| <p>21/003/755</p> <p>Children's Services</p> | <p>The complainant, Mr X, complained about the actions of the Council's Children's Services Department regarding his son's Education, Health and Care plan. Mr X complained:</p> <ul style="list-style-type: none"> <li>• The Council did not obtain parental consent to carry out an occupational therapist's assessment in October 2020;</li> <li>• An officer who responded to Mr X's complaint was the same officer involved in the actions complained about. As a result, Mr X complained the Council failed to address a conflict of interest;</li> <li>• The Council incurred delays in its complaint handling;</li> <li>• The Council restricted Mr X's contact with it due to what it considered to be excessive demands, and</li> <li>• The Council failed to refund the cost of an Educational Psychologist's report commissioned privately in 2016.</li> </ul> <p>Mr X said that the Council's actions had caused financial hardship to him and avoidable distress to himself and his son. Mr X also complained:</p> | <p>The Ombudsman found fault.</p> <p>The Council agreed to carry out the following actions:</p> <ul style="list-style-type: none"> <li>• Provide an apology to Mr X;</li> <li>• Make a payment of £300 for the time and trouble taken to pursue the complaint;</li> <li>• Make a further payment of £200 in recognition of the distress caused by the fault identified;</li> <li>• Reimburse Mr X the cost of the 2016 educational psychologist's assessment, and</li> <li>• Remind its staff to adhere to the Council's complaints policy regarding timescales.</li> </ul> |

|   |  |  |
|---|--|--|
|   | <ul style="list-style-type: none"> <li>• The Council failed to carry out occupational therapy assessments, speech, language and communication needs assessments and social care assessments;</li> <li>• The Council carried out an assessment which contained misleading information;</li> <li>• The Council included provision for speech and language needs in an incorrect section of the Education, Health and Care plan;</li> <li>• The Council failed to provide a response to a subject access request within the expected timeframe;</li> <li>• The Council’s assessment contained inaccurate diagnostic information and selective diagnoses, and</li> <li>• The Council’s actions did not align with outcome of a decision regarding a previous complaint in 2016.</li> </ul> |  |
| <p>22 /003 /283<br/>Children’s<br/>Services</p> | <p>The complainant, Mr X complained that the Council failed to ensure the provision of mental health support that was specified in his son, Y’s, Education Health and Care Plan (EHCP). Mr X said that Y has been disadvantaged as a result.</p>   | <p>The Ombudsman upheld the complaint The Council agreed to:</p> <p>a) Award Mr X a symbolic payment of £500. This was in recognition of the missed opportunity and impact that an absence of mental health provision had on Y. This was a figure of £100 per month apportioned to exclude school holidays.</p> <p>b) Award Mr X an additional amount of £150 in recognition of the distress and additional pressures Mr X and his family experienced.</p> |

Appendix 3

|                                      |  |  |
|--------------------------------------|--|--|
|                                      |  | c) Share the outcome of its review with the Ombudsman that it had undertaken regarding its working protocols between education, health, and social care in order that the Ombudsman could see that the Council had considered how its working processes could be improved to ensure better sharing of information between services.  |
| 21/007/902<br>Children's<br>Services | The complainant, Miss X, complained that the Council failed to secure provision in her son's education, health and care plan during the period March 2020 to March 2021. She said this affected her son's well-being and academic progress. She said he, (Y), was socially isolated and became anxious about school. | The Ombudsman found fault.<br><br>The Council agreed to: <ul style="list-style-type: none"> <li>• apologise to Miss X and Y for the uncertainty caused by the faults identified.</li> <li>• pay £500 to recognise the impact of this uncertainty on Y.</li> <li>• remind staff to keep written records of telephone calls and discussions about individual cases.</li> </ul> |
| 22/002/917<br>Children's<br>Services | The complainant, Miss B, complained that the Council was at fault in failing to obtain an occupational therapy assessment during the education care and health needs assessment for her son.   | The Ombudsman found fault causing injustice.<br><br>The Council agreed to reimburse Miss B £550 for the cost she incurred in obtaining the occupational therapy assessment.  |
| 21/018/475                           | The complainant, Mrs X complained about the Council's decision to not provide her child, Y, with   | The Ombudsman upheld the complaint. He found fault causing injustice.  |

|   |   |  |
|---|---|--|
| <p>Children's Services</p>                | <p>school transport assistance. Mrs X said Y had a physical disability which meant they needed to use a wheelchair. Mrs X said as a result, the Council expected her to take Y to school by pushing Y in their wheelchair. Mrs X said this had affected Y's mental health as Y could not independently go to school. It had also caused distress to Mrs X and the family. Mrs X wanted the Council to reconsider its decision.</p>  | <p>The Council agreed to arrange transport assistance for Y, to and from their school, School B, as an 'eligible child'. The Council has also agreed to:</p> <ul style="list-style-type: none"> <li>a. apologise to Mrs X for the time and trouble she has gone through by unnecessarily appealing and complaining about the Council's decision.</li> <li>b. apologise to Mrs X, Y and their family for the distress and frustration the matter caused them.</li> <li>c. make a symbolic payment to Mrs X for the time and trouble and distress the matter had caused her. This payment was £10 a day for each school day Y attended school but was not given transport assistance from the date Mrs X applied for it in December 2021.</li> </ul> <p>The Council agreed to review its 'home to school transport policy' to comply with statutory guidance. The report was submitted to Cabinet on 18 May 2023 approving amendments to the council's home to school transport policy for children of compulsory school age to ensure compliance with statutory responsibilities.</p> |
| <p>22/004/335<br/>Children's Services</p> | <p>The complainant, Mrs D, complained on behalf of her son (Young Person X). Her complaint concerned an unsuccessful school transport appeal to the Council which would have entitled Young Person X to free home to school transport. Specifically, Mrs D alleged the following:</p> <ul style="list-style-type: none"> <li>a) The Council's appeal panel failed to consider and take proper account of national guidance in relation to home to school transport, particularly with respect to reasonable walking time and safety.</li> </ul> | <p>The Ombudsman found fault and injustice. The Council agreed to provide Mrs D with a written apology acknowledging the delay in hearing her Stage 2 appeal and agreed to pay Mrs D £150 to acknowledge the uncertainty and anxiety she suffered by reason of the delay.</p> <p>The Council also agreed to undertake a formal review of Mrs D's case to identify why the delay occurred and to adopt measures to prevent similar occurrences in the</p>   |

|   |   |  |
|---|---|--|
|   | <p>b) The Council's appeals panel did not consider any of the points raised during the hearing beyond the 'statutory walking distance'. Mrs D felt this undermined the entire process, particularly with respect to her safety concerns.</p> <p>c) The Council failed to adhere to its own policy timeframes for reaching a decision in this case as it took 28 months to provide a decision.</p> <p>d) The appeal process lacked transparency and integrity as she was not afforded a face-to-face hearing despite requesting one.</p> <p>e) The appeal panel members were not independent as they were employees of the Council's Children's Services team who had prior knowledge of the case.</p> <p>f) The minute taker of the appeal hearing was a Council employed Solicitor. Mrs D felt this was unfair as she was not afforded the same level of representation.</p> | <p>future. The review would also look at whether it was suitable for the Council to be accepting school transport review requests by telephone when its policy outlined this must be by written means. The review outcome would be shared with Council officers involved in school transport decision making to inform any necessary training and guidance.</p>  |
| <p>22 002 559<br/>Children's<br/>Services</p> | <p>The complainant, Mrs X complained the Council delayed carrying out an annual review of her son Mr Y's Education, Health and Care Plan (EHC plan) and then delayed issuing a final amended plan. This delayed the opportunity to appeal and caused frustration and uncertainty. Mrs X said the Council had also failed to ensure Mr Y received all the provision in the EHC plan in the meantime which impacted on his education and mental health.</p>   | <p>The Ombudsman found fault and injustice. The Council agreed to:</p> <ul style="list-style-type: none"> <li>• Apologise to Mrs X and Mr Y for the faults identified</li> <li>• Pay Mr Y £1800 to acknowledge his loss of education provision between April 2021 and December 2021 (£300 a month for six months excluding school holidays) and a further £700 for the failure to provide all the provision set out in his plan for three and a half months between January 2022 and May 2022 (£200 a month excluding school holidays) when it issued the final amended plan.</li> <li>• Pay Mrs X £200 to acknowledge the frustration caused to her by the Council's delays.</li> </ul> |

Appendix 3

|                                      |  |  |
|--------------------------------------|--|--|
|                                      |  | <ul style="list-style-type: none"> <li>• Provided Mrs X provides evidence, to refund her any expenditure Mrs X had made for SALT, OT or tuition provision since August 2021 up until when it agreed a personal budget.</li> <li>• Carry out the annual review of Mr Y's EHC Plan if it had not done so already.</li> </ul> <p>The review should address the personal budget for SALT and OT going forward and how company A intended to meet the provision set out in Mr Y's EHC Plan going forward.</p> |
| 22/009/330<br>Children's<br>Services | The complainant, Mrs X, said the Council did not follow the relevant time limits in finalising her son's (Y) Education, Health and Care plan (EHCP) after it carried out an annual review in 2021 which caused her avoidable distress because she was unsure about the provision that her son would get in the following academic year. The delays also prevented Mrs X in getting her appeal prepared in good time. | The Ombudsman found fault due to delay. The Council agreed to make a payment of £100 to Mrs X to recognise the avoidable distress she experienced in the delays to Y's EHCP.   |
| 22/000/077                           | The complainants, Mr and Mrs B complained the Council failed to ensure an adequate investigation into a complaint made in December 2017 which concerned events before and after their adopted son entered foster care.   | The Ombudsman found fault causing injustice. The Council agreed to: <ul style="list-style-type: none"> <li>a) provide Mr and Mrs B with an apology accepting the findings of the Ombudsman's investigation;</li> <li>b) pay Mr and Mrs B £500 in recognition of their time and trouble and £250 in recognition of their distress;</li> </ul>   |

|   |   |   |
|---|---|---|
| <p>Children's Services</p>                | <p>Mr and Mrs B said as a result both they, and their son, had unanswered questions arising from the events complained about. Those events caused distress for them all. They considered that events may have turned out differently had their complaint been handled better.</p>   | <p>c) appoint, an Investigating Officer and Independent Person to investigate Mr and Mrs B's complaint at stage two of the statutory complaint procedure.</p> <p>The Council also agreed that it would review existing liaison arrangements between its complaint service and legal services where it sought legal advice on whether to investigate a complaint (something which was appropriate in some cases) and would ensure it had procedures in place that meant it did not lose track of the complaint and ensured that it kept in touch and replied to the complainant accordingly.</p> |
| <p>22/012/869<br/>Children's Services</p> | <p>The complainant, Mr X, complained firstly that the Council's social workers involvement with his family led to a reduction in his contact with his daughter. He said social workers advised the mother to stop his contact. Mr X said social workers failed to understand his mental health and misled a judge about his situation in 2020 and 2022. Mr X said the Council made things worse, prevented him getting help, and harmed his physical and mental health. Mr X said the Council should help with contact handovers between him and daughter's mother. Mr X wanted his daughter to stay overnight with him again. Mr X said he needed help at home and a carer to bring this about.</p> <p>Mr X also complained that the Council had failed to handle his complaint properly. He said the stage 2 investigation report contained contradictory information. He said the Council had not fully acknowledged or understood what went wrong. He</p> | <p>The Ombudsman upheld the complaint in respect of the handling of Mr X's complaint. The Council agreed to remedy Mr X's injustice by paying him £600 for the complaint handling.</p> <p>The Ombudsman could not lawfully investigate the contact complaint because it was a matter which is had been dealt with by the court.</p>   |

|                                      |  |  |
|--------------------------------------|--|--|
|                                      | said the offered remedy of £300 compensation was not enough for the delay and damage caused.   |  |
| 22 006 951<br>Children's<br>Services | The complainant, Mrs X, complained that the Council did not provide the speech and language therapy (SALT) support and physiotherapy support as set out in her daughter, Y's Education, Health and Care Plan since it was issued in December 2021. Mrs X said this was detrimental to Y's ability to maintain the skills needed to function independently. | <p>The Ombudsman upheld the complaint, finding fault and injustice. The Council agreed to write to Mrs X and apologise for the uncertainty caused to her and the injustice caused to Y by the delay in securing the specified SALT and physiotherapy provision; and agreed to:</p> <ul style="list-style-type: none"> <li>• pay Mrs X a symbolic £450 to recognise the injustice caused to Y to be used for Y's educational benefit as Mrs X saw fit; and</li> <li>• pay Mrs X £200 to recognise the uncertainty caused to her and the time and trouble she had been put to in pursuing the correct provision for Y.</li> </ul> <p>The Council also agreed to:</p> <ul style="list-style-type: none"> <li>• ensure it had a robust system in place to ensure provision specified in EHC plans was in place where a new or substantially different EHC plan is issued; and</li> <li>• review how it commissions private SALT services and implement any changes it identified as necessary to ensure SALT can be commissioned without significant delay.</li> </ul> |
| 21/012/109<br>Adult Care             | The complainant, Mrs B, complained about the care and support provided to her late mother, Mrs C, when she was a resident in a Derbyshire County Council care home. The complainant said the Council and Derbyshire Community Health Services NHS Foundation Trust failed to ensure her mother was provided with adequate social and clinical              | <p>The Ombudsman found fault by both the Council and the Trust and recommended the following actions which the Council /Trust respectively agreed:</p> <ul style="list-style-type: none"> <li>• the Council agreed to apologise in writing to Mrs B and her siblings for the worry and avoidable distress caused by its failure to review her mother's care needs when she</li> </ul>  |



|  |  |  |
|--|--|--|
|  | <p>care during the final months of her life. She said the care home failed to acknowledge her mother's clinical diagnosis and prevented Mrs C's family from visiting her as agreed. Mrs B also complained about errors with medication, poor advice about gifting from Mrs C's funds, insufficient staffing in the home and a failure to manage her mother's risk of falls.</p> <p>Mrs B also said the alleged faults caused her avoidable stress, anxiety and increased frustration due to a lack of transparency by the Council and the Trust.</p> | <p>was at the end of her life. It would also apologise for the poor care it acknowledged she received at times.</p> <ul style="list-style-type: none"> <li>• the Council agreed to reimburse £2,350 to Mrs C's estate which she paid for care fees in recognition of the fact that the care she paid for fell below expected standards at times. The Council agreed to make the payment to Mrs B who would deal with it accordingly.</li> <li>• the Trust agreed to apologise in writing to Mrs B and her siblings for the uncertainty and worry they experienced caused by its failure to properly consider Mrs C's condition and prognosis when it considered her presentation and decided she did not meet the criteria for fast-track healthcare funding. It also agreed to apologise for the uncertainty they experienced because of its failure to communicate with their mother's GP practice after it acted on the referral made.</li> <li>• the Council and the Trust agreed to pay Mrs B £500 to acknowledge the impact the faults had on her and her siblings at a time when their mother was at the end of her life.</li> <li>• the Trust agreed to liaise with Mrs B and the relevant ICB (formerly CCG) and arrange for the ICB to consider a retrospective assessment of Mrs C's entitlement to continuing healthcare funding from the date in November 2020 when it received the urgent referral from her medical practice.</li> <li>• the Trust agreed to remind its officers of the importance of fully considering information in referrals for healthcare</li> </ul> |
|--|--|--|

|                                     |  |   |
|-------------------------------------|--|---|
|                                     |  | <p>funding assessments and importance of communicating with other clinicians or professionals who had made the referral. The Trust also agreed to consider whether any training was necessary for its staff particularly around consideration of healthcare funding in end of life cases.</p> <ul style="list-style-type: none"> <li>• the Council and the Trust agreed to remind their officers of the importance of care plan reviews and working together to coordinate end of life care plans in an individual personalised way.</li> </ul>   |
| <p>21 001 885</p> <p>Adult Care</p> | <p>The complainant, Mrs C, complained on behalf of her daughter, Ms D that there had been an unreasonable delay by the Council in finding her daughter suitable accommodation since she moved into care accommodation. The Council recognised her placement was unsuitable and it was only ever intended as temporary. This resulted in distress to her and her daughter. While at this placement, the Council failed to ensure that her daughter followed a healthy diet. As a result, she increased from a size 12 to a size 24.</p> | <p>The Ombudsman found fault.</p> <p>The Council agreed to apologise to Mrs C and her daughter and to pay Mrs C £600 for the distress she experienced and pay £1,800 to her daughter.</p> <p>The Council also agreed to:</p> <ul style="list-style-type: none"> <li>• Arrange for a dietician who could work with Ms D.</li> <li>• Carry out the required mental capacity assessment.</li> <li>• Discuss with Ms D if she would like to have Slimming World Meals again from the supermarket, and cook slimming world recipes, and facilitate this.</li> <li>• Review Ms D’s activity planner, including considering the possibility of different short walk routes that did not go past any shops where she could buy snacks, and a structured weekly exercise routine.</li> </ul> |
| <p>21/011/359</p>                   | <p>The complainant, Mr X, complained on behalf of his late father, Mr Y. He complained that the Council:</p>   | <p>The Ombudsman found fault with the service of the care provider, and noted that when a council commissions</p>   |

|                   |  |   |
|-------------------|--|---|
| <p>Adult Care</p> | <ul style="list-style-type: none"> <li>• Did not properly assess Mr Y’s needs and placed him in an unsuitable care home which could not meet his needs.</li> <li>• Did not respond adequately to the concerns he raised until the rapid response team became involved.</li> </ul> <p>Mr X says Mr Y was found by the dementia rapid response team in a distressed and neglected state. He also said Vitalbalance Limited (the Care Provider), who ran the care home, could not cope with Mr Y’s behaviour and had not met his needs for some time. Mr X said Mr Y’s care was “shambolic” and he did not accept that COVID-19 was an excuse for neglecting those safeguarding issues.</p> <p>He said the Council should not have placed someone in a care home which was rated ‘inadequate’. He would like to make sure this did not happen to anyone else and would like the Council to refund Mr Y’s care fees to his estate.</p> | <p>another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. The Council agreed to:</p> <ul style="list-style-type: none"> <li>• Apologise to Mr X, setting out the faults and injustice identified above and the actions the Council had taken, or will take, to avoid similar problems in future.</li> <li>• Waive 50% of Mr Y’s care fees from the date concerns were raised in early November 2020.</li> <li>• Review the safeguarding activity and ensure relevant staff are clear about the Council’s responsibility where other organisations complete the s42 enquiry.</li> <li>• Review the commissioning of care home placements for people with complex needs such as Mr Y and ensure the Council has a robust plan to avoid such long delays in future.</li> </ul> |
| <p>22/007/187</p> | <p>Miss X complained on behalf of Mr Y that the Council completed an assessment without Mr Y being involved in the process. Mr Y also complained that the Council cancelled his support without discussing it with him. Mr Y said he was not supported by the service, and this had affected his mental health.</p>  | <p>The Ombudsman found fault. The Council agreed to:</p> <ul style="list-style-type: none"> <li>• Remind staff of the importance of keeping accurate and complete records.</li> </ul>   |

|                                     |  |  |
|-------------------------------------|--|--|
| <p>Adult Care</p>                   |  |  |
| <p>22/007/057</p> <p>Adult Care</p> | <p>The complainant, Mrs X complained about the Council’s handling of her concerns about the quality of care her late mother (Mrs C) received in a care home. Mrs X said she had no confidence in the Council’s safeguarding enquiries into the care home’s actions or that it had implemented any meaningful improvements to the care home’s practices. Mrs X was also very unhappy with how long the Council took to respond to her complaints and the quality of its responses.</p> <p>Mrs X says the Council actions had caused her and her family additional distress at an already difficult time of bereavement.</p> | <p>The Ombudsman upheld the complaint. The Council agreed to:</p> <ul style="list-style-type: none"> <li>• apologise to Mrs X and to pay £500 for her time and trouble in making her complaint and the uncertainty and distress caused by the faults;</li> <li>• provide evidence that the provider had reviewed its policies for housekeeping and inventories for when people move into the care home;</li> <li>• provide evidence that staff at the care home have been reminded of its privacy and dignity policy;</li> <li>• provide evidence the provider has discussed with nurses and nursing assistants the falls protocol;</li> <li>• provide evidence that nurses are aware of the residents that are prescribed blood thinners and the appropriate actions to take in the event of injury; and</li> <li>• provide evidence that relevant staff at the care home have been reminded of the importance of obtaining statements from all witnesses in a timely manner.</li> </ul> <p>The Council also agreed to ensure that the care home reviewed it falls policy and accident reporting procedure and consider whether it should include specific guidance about what action to take if a resident who is taking blood thinning medication falls.</p> <p>Further that the Council would, through contract Monitoring, ensure that the care home was:</p> |

|                                |  |  |
|--------------------------------|--|--|
|                                |  | <ul style="list-style-type: none"> <li>• correctly applying its fall prevention policy and procedure;</li> <li>• accurately completing incident reports and body maps;</li> <li>• maintaining robust records that clearly document decisions about seeking medical attention following a fall;</li> <li>• communicating with family members where there are significant changes in a residents needs or circumstances; and</li> <li>• adhering to its privacy and dignity policy and ensuring residents are dressed in their own clothes and that personalisation and dignity are upheld.</li> </ul> |
| <p>21/012/109</p> <p>Place</p> | <p>The complainant, Mr X, complained as part of his role in an association which represented the interests of the local community. Mr X said the Council carried out a flawed consultation about a proposed scheme to extend a cycling and walking route. He said the Council failed to consult with a number of residents, many of whom are opposed to the scheme.</p> <p>Mr X further complained that he did not believe the funding for the scheme was enough and therefore it would fall on taxpayers to make up the cost. Mr X believed the Council's failure to properly estimate the cost is an example of maladministration.</p> <p>Mr X also said that the Council approved the scheme based on flawed statistics and it had failed to consider the views of the residents most affected by the scheme.</p> | <p>The Ombudsman found fault in the way the Council dealt with Mr X's complaint.</p> <p>The Council agreed to write to Mr X and apologise for the poor handling of his complaint and make a payment of £100 to Mr X's association to acknowledge the frustration this caused.</p>  |

Appendix 3

|                                |   |  |
|--------------------------------|---|--|
| <p>21/011/406</p> <p>Place</p> | <p>The complainant, Mr X, complained that the Council failed to adequately consult him about a proposed scheme to extend a cycling and walking route near his home. Mr X said he only found out about the scheme the day before the committee were due to consider the proposal which meant he lost the opportunity to put forward his views and concerns.</p> <p>Mr X said the Council approved the scheme based on flawed statistics and had failed to consider the views of the residents most affected by the scheme.</p> | <p>The Ombudsman found fault, but found that fault did not cause Mr X a significant injustice.</p> |
| <p>21/014/987</p> <p>Place</p> | <p>The complainant, Mr X, complained that the Council failed to properly consult with residents about a proposed scheme to extend a walking and cycling route in his area. Mr X said the flawed consultation meant residents including himself who will be most affected by the scheme, were unfairly disadvantaged and therefore the decision to approve the scheme was based on inaccurate consultation results.</p>  | <p>The Ombudsman found fault, but found that fault did not cause Mr X a significant injustice.</p> |
| <p>21/016/469</p> <p>Place</p> | <p>The complainant, Mr X, complained about the Council's decision to approve a proposed scheme to extend a walking and cycling route in his area. Mr X said the Council failed to adequately consult with him. Mr X was also unhappy about a proposed road closure as part of the scheme which he said will cause him inconvenience.</p>  | <p>The Ombudsman found fault, but found that fault did not cause Mr X a significant injustice.</p> |

