

**DERBYSHIRE COUNTY COUNCIL**  
**GOVERNANCE, ETHICS & STANDARDS COMMITTEE**

**22<sup>nd</sup> October 2020**

**Report of the Director of Legal Services**

**ANNUAL REVIEW LETTER OF THE LOCAL GOVERNMENT AND  
SOCIAL CARE OMBUDSMAN**

**1. Purpose of the Report**

To inform the Committee of the Local Government and Social Care Ombudsman's (LGSCO) Annual Review Letters for the years ended 31<sup>st</sup> March 2018, 2019 and 2020.

**2. Information and Analysis**

The terms of reference for the Governance, Ethics and Standards Committee include "*to receive regular reports on Local Government Ombudsman referrals*". Therefore, the Committee is invited to receive the Annual Review Letters from the LGSCO, giving details of the total number of complaints for Derbyshire County Council for the years ending 31<sup>st</sup> March 2018, 2019 and 2020. Unfortunately, letters for 2018 and 2019 have not previously been considered by the Committee. It is proposed that the Annual Review Letter will be presented to the Committee on an annual basis in future years. The letters are attached at Appendix A, C and E for consideration.

All of the Ombudsman's annual review letters are published on their website ([www.lgo.org.uk](http://www.lgo.org.uk)) and copied to the Audit Commission.

The Council also publishes the Annual Review Letters on the Council's website

<https://www.derbyshire.gov.uk/council/complaints/ombudsman/local-government-ombudsman.aspx>

The aim of the annual Review Letter is to provide councils with information which will help them assess their performance in handling complaints.

### **For the period ending 31 March 2018**

The Council received the Annual Review Letter from the LGSCO for 2017 -2018 (Appendix A) from the LGSCO in July 2018. The letter states that the Ombudsman received 93 complaints in the year ending 31<sup>st</sup> March 2018 relating to Derbyshire County Council. This compares to 84 complaints in the year ending 31<sup>st</sup> March 2017 (an increase of 11.7%).

Looking specifically at the decisions made by the LGSCO for the period ending 31 March 2018, there were 16 detailed investigations carried out, of which 8 were not upheld and 8 were upheld. This gives an upheld rate of 50%.

In 2016/17 the LGSCO upheld 12 cases following investigation compared to 8 cases in 2017/18. This represents a decrease in cases where there were findings against the Council of 33.3 %.

In respect of the 8 complaints upheld by the LGSCO in 2017/18 the LGSCO found fault and suggested a remedy in respect of each case and the remedies

were acceptable to the Council. As a result of this there were no reports issued against the Council.

In terms of the 8 complaints upheld by the Ombudsman, these can be identified in relation to the County Council departments as follows:

Department	Number of decisions against the Council
Property Services	1
Adult Care	4
Children's Services	3

Details of the 8 complaints and the remedies are set out in Appendix B.

### **For the period ending 31<sup>st</sup> March 2019**

The Council received the Annual Review Letter for 2018-19 from the LGSCO in July 2019 (Appendix C). The letter states that the Ombudsman received 118 complaints and enquiries about the Council last year, an increase from 93 in 2017/18.

Of those 118 complaints, the Ombudsman upheld 12. Of those 12 upheld complaints, 9 required the Council to provide a remedy. The Ombudsman found that 3 had already been offered a remedy which the Ombudsman considered suitable before the complaint was submitted to the Ombudsman.

The complaints which were upheld can be identified in relation to the County Council departments as follows:

Department	Number of decisions against the council upheld
Adult Social Care and Health	5
Children's Services	7
Economy, Transport and the Environment	0
Commissioning, Communities and Policy	0

Details of the 12 complaints are set out in appendix D

### **For the period ending 31<sup>st</sup> March 2020**

The Council received its annual review letter for 2019-2020 from the LGSCO in July 2020 (Appendix E). The letter explains that the Ombudsman has changed the way that the statistics are shared and evaluated. The focus is on the outcomes of complaints and what can be learned from them. To achieve that, the Ombudsman now focuses on three key areas, namely, complaints upheld, compliance with recommendations and satisfactory remedies provided by the authority.

The Ombudsman has also highlighted that the comparative data will be uploaded onto the Ombudsman's interactive map to enable further comparison and evaluation against other, similar local authorities. The link to view the Council's performance is below:

[Type here]

<https://www.lgo.org.uk/your-councils-performance/derbyshire-county-council/statistics>

During the year ending 31<sup>st</sup> March 2020, the LGO upheld 19 decisions, which equated to 79% of all complaints received. This compares to 66% of complaints being upheld in other similar authorities as compared by the Ombudsman. Compliance with recommendations for Derbyshire County Council was found to be 100%. In 21% of the upheld cases, the Ombudsman found that the Council had provided a satisfactory remedy before the complaint reached the Ombudsman.

The complaints which were upheld can be identified in relation to the County Council departments as follows:

Department	Number of decisions against the council upheld
Adult Social Care and Health	6
Children's Services	11
Economy, Transport and the Environment	12
Commissioning, Communities and Policy	0

Details of the 19 complaints are set out in appendix F.

The Ombudsman did issue two public reports about Derbyshire County Council. The first highlighted failures in special educational needs and alternative education provision. The Ombudsman has noted that he

[Type here]

welcomed the Council's acceptance of the findings that there had been fault leading to a child missing out on education for most of his secondary school years, and its agreement to a substantial payment to reflect the impact of this.

The second report identified multiple failings at The Grange Care Home between November 2015 and March 2016. The Grange Care Home was and continues to be owned and operated by the Council. The report highlighted failings in the care, care planning and falls management of a resident, and subsequent failings in the a safeguarding investigation undertaken by the Council following the death of the resident.

However, the Ombudsman was pleased to note that the Council accepted the findings and engaged positively with the recommendations made. In addition to taking action to recognise the impact events had on the complainant, the Ombudsman noted that the Council also agreed to review its procedures to improve audit trails of care assessments and improve the quality of its adult safeguarding investigations.

Both of these reports were individually reported to the Governance, Ethics and Standards Committee in January 2020 and October 2019.

The Ombudsman has also found that this year, the Council has too long to respond to enquiries during some of the investigations. The Ombudsman noted that nearly half of responses were late and there were five instances where a response was not received for over 30 days. The Ombudsman requests the Council reflect on this and take steps to improve liaison with the Ombudsman's office.

The Council's Channel Shift team has undertaken a review of complaints. It was found that the current approach did not support a consistent council-wide approach to learning and improving from feedback. It also noted that practice varied across directorates and did not support the corporate reporting of complaints and feedback. The options for moving towards a new corporate approach are being considered. The interface with the LGSCO has yet to be determined, but the Ombudsman's concerns will be considered as part of that review.

### **3. Legal Considerations**

The Local Government and Social Care Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007 and as described in the report.

### **4. Other Considerations**

In preparing this report the relevance of the following factors have also been considered: financial, human rights, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

### **5. Background Papers**

The file held on behalf of the Director of Legal Services

**6. Officer's Recommendation**

To note the annual review letter of the Local Government and Social Care Ombudsman for the years ending 31<sup>st</sup> March 2018,2019 and 2020.

**Simon Hobbs**

**Director of Legal and Democratic Services**