

Complaint Reference	Details of complaint	Findings and Remedy
16/006/195 Adult Care	The complainant, Mr B, complained about multiple failings in the care received by his late sister, Mrs C, when she was resident in a care home which is owned and run by the Council between November 2015 and March 2016. In particular, there were serious failings in its response after Mrs C died following a fall in the care home.	A full report on this case was considered by the Governance Ethics and Standards Committee at its meeting on 9 January 2020. The Ombudsman is satisfied that the actions he recommended the Council should take have been implemented.
19/003/189 Adult Care	The complainant, Mr F, complained that the Council failed to provide adequate and timely services to his family following approval of a Disabled Facilities Grant (DFG) related to his son's mobility needs in October 2017.	<p>The Ombudsman found that the Council's delay in taking appropriate action to resolve matters relating to the DFG caused injustice to the complainant.</p> <p>The Council agreed to apologise and made a payment of £1,000 to Mr F. The Council also introduced service improvements to ensure that faults identified in the coordination of assessments did not occur in future.</p>
18/011/454 Adult Care	The complainant, Mrs Z, complained of failings by staff at a care home when her grandmother, Mrs X, suffered a broken hip after an incident with another resident and was unable to return to the care home.	The Ombudsman found some fault by the Council in delayed communication and complaint handling, but did not find fault in relation to the principal matters complained of. The apology sent by the Council was sufficient for the injustice caused by the fault.

17/012/839 Adult Care	The complainants, Mr & Mrs X complained about the actions of the County Council and the Derbyshire Healthcare NHS Foundation Trust and North Derbyshire Clinical Commission Group. Mr & Mrs X complained that the Council and the Trust had not provided enough support for Mrs X's mental health needs since 2000.	The Ombudsman did not consider the Council and Derbyshire Healthcare NHS Foundation Trust delayed providing support for Mrs X's mental health needs. No fault was found with the way the Council decided what support she needed. The Ombudsman considered the Council delayed completing Mr X's carer assessment and should have considered carrying out an integrated assessment with Mrs X. However, the Council apologised for the distress caused to Mr X, and provided evidence it has improved how it carries out carer assessments.
19/010/437 Adult Care	The complainant, Mr X, complained the Council failed to deal properly with his brother's finances while he was living in a Nursing Home.	The Ombudsman recommend the Council apologised in writing within 4 weeks to Mr X for the for the avoidable problems it caused him as the Executor of his brother's estate and paid him £300 in financial redress. The Ombudsman also recommended that within eight weeks the Council complete the protocol for officers acting as DWP Appointees and identified any other action it needed to take to ensure it considered applying to the Court of Protection for Deputyship when appropriate.
18/015/862 Adult Care	The complainant, Mr X, complained about unsatisfactory works carried out at his property under the Council's Healthy Homes programme. Mr X also complained that the Council has	The Ombudsman found fault in relation to the way the Council had dealt with this matter and recommended a number of actions including investigation of Mr X's allegations and considering

	discriminated against him, as well as bullied and harassed him.	<p>how it would remedy the unsatisfactory works carried out at the property.</p> <p>The Ombudsman also recommended that the Council should arrange an independent advocate to support Mr X and consider making a financial payment to Mr X once the remedial works had been completed to a satisfactory standard. The remedies in relation to this matter are ongoing.</p>
18/017/742 Childrens Services	The complainant, Mrs X, complained on her own behalf and on behalf of her children Y and Z about Council decisions in relation to her children's special educational needs (SEN) and education provision generally.	<p>The Ombudsman found fault in the way that the Council had dealt with this matter but noted that the Council had already apologised for some of the faults identified and had put in place actions and service improvements.</p> <p>The Council agreed to provide a further apology and pay Mrs X £500 for the avoidable distress and inconvenience caused by the faults in the SEN process and in the complaint handling of her children's cases.</p>
18/006/622 Childrens Services	The complainant, Miss B, complained about the actions of the Council in providing transport for her son to attend school and in dealing with an assessment for an education and healthcare plan.	The Ombudsman found fault in that the Council had taken too long to deal with the matter, but had taken sufficient action to put matters right, and had already reimbursed the complainant for travel costs which she had paid for.

18/012/480 Childrens Services	The complainant, Ms X, complained about the Council's handling of her complaint about Childrens Social Services. She complained that the stage two investigation did not investigate her main complaint about a delivery protection plan and that it contained inaccurate information.	The Ombudsman found fault with the Council for wrongly signposting Ms X at the end of the stage two investigation. The Council agreed to investigate Ms X's complaint at stage three.
18/015/457 Childrens Services	The complainant, Mr B, complained about the Council's handling of his application for free school transport for his child and his complaint following this. He complained that the Council did not give him the opportunity to make verbal representations during the two stage appeal process, contrary to statutory guidance.	The Ombudsman found fault but noted that the Council had agreed to offer Mr B a fresh appeal and had apologised for not responding to his stage two complaint. The Council had also amended its policy to allow verbal representations at appeal since Mr B made his complaint to the Ombudsman.
18 013 904 Childrens Services	The complainant, Mrs X, complained about how the Council had responded to her request for help with issues concerning her daughter, Z. She said this caused the family prolonged stress and meant they had to pay for private assessments of Z. Mrs X also complained that the Council took too long to deal with her complaint.	The Ombudsman upheld the complaint but did not propose further remedy beyond the apology already offered by the Council.
19 007 721 Childrens Services	The complainant, Mrs F, complained that the Council had removed social care support for her son and that the Council had failed to investigate her complaint under the children's statutory complaints procedure.	The Ombudsman found fault by the Council as it had not dealt with this complaint under the statutory children's complaints process. The Council had agreed to appoint an Investigating Officer and an Independent Person to start the stage 2 investigation into her complaint and to contact Mrs F to notify her of the arrangements and the process that would be followed.

19/003/600 Childrens Services	The complainant, Mr X, complained that the Council took too long to tell him the outcome of a safeguarding investigation and had sent letters to the wrong address, preventing him from pursuing contact with his child for longer than needed.	The Ombudsman upheld the complaint about delay, but did not uphold the complaint about writing to the wrong address. The Council agreed to apologise to Mr X for the delay and agreed to pay Mr X £250.
19/001/142 Childrens Services	The complainant, Ms X, complained that the Council failed to provide her daughter D with alternative educational provision from December 2017 – July 2019; and refused to hold D's annual review within the statutory timescales.	The Ombudsman found fault leading to injustice. The Council agreed to pay Ms X £300 for the provision of education for her daughter.
19/000/747 Childrens Services	The complainant, Mr X, complained that the Council had not made suitable alternative education arrangements for his daughter Miss Z since she stopped attending school in February 2018.	<p>The Ombudsman found fault and the Council agreed to apologise to Ms Z for not taking timely action and to pay to her £2,000 to be used for her educational benefit.</p> <p>The Council also agreed to review the way it oversees services for children and young people out of school.</p>
18 011 814 Childrens Services	The complainants, Mr and Mrs X, complained that the Council failed to meet the special educational needs of their son, Z, who has severe disabilities, causing him loss of much of his education for more than three years.	<p>The Ombudsman found fault but noted that the Council had already issued a final EHC Plan for Z and agreed to apologise and offered to pay Mr and Mrs X £5,300 to cover Z's loss of education and their loss of respite and family time for the Council taking longer than necessary to make arrangements for direct payments for a respite break.</p> <p>The Council also agreed to:</p>

		<ul style="list-style-type: none"> • remind staff dealing with complaints that have a children’s social care element, that, if they are amalgamating them with SEN or other matters, the whole complaint should be considered under the procedure laid out in Getting the Best from Complaints 2006; • review how the SEN and Disabled Children’s Services department communicates with parents; and arrange appropriate training for staff; and • remind all SEN staff who are responsible for annual reviews of EHC Plans that they must ensure proper records of the reviews are kept, including where they have had to chase schools when paperwork is not forthcoming.
<p>19/009/590 Childrens Services</p>	<p>The complainant, Mr B, complains that the Council did not deal with an application for transport to school for his daughter properly. Mr B alleged that the Council had not properly considered the distance his daughter would have to travel and has not properly considered his representations about safety which resulted in his daughter being wrongly denied transport assistance.</p>	<p>The Ombudsman found fault and the Council agreed to measure the distance of the actual safe walking route Mr B’s daughter was expected to take, and in the event that the distance was found to be over three miles to provide Mr B’s daughter with school transport.</p> <p>If it is found that the distance if over three miles the Council agreed that it would refund Mr B’s travel costs for his daughter since she started attending the school. In addition to Council agreed to review its policy regarding how it uses GIS to measure distances, particularly in marginal cases where distance calculations are disputed.</p>

<p>18/000/932 Childrens Services</p>	<p>The complainant, Mrs X, complained that the mainstream schools that her son, Y, attended were not appropriate for him, that he had been discriminated against, that one school had provided incorrect information about him, that he had not received an education from 2009 to 2014 and he had not received the special educational needs support that he was entitled to while he was not attending school.</p>	<p>A full report on this case was considered by the Governance Ethics and Standards Committee at its meeting on 3 October 2019.</p>
<p>18/006/872 ETE</p>	<p>The complainant, Mrs C, says the Council failed to ensure a local footpath was free from obstructions and to prevent the use of dangerous machinery on it.</p>	<p>The Ombudsman found fault with the Council for the delay and for it refusing to process Mrs C's notification of obstruction. The Ombudsman recommended that the Council should apologise to Mrs C and pay her £250.</p> <p>The Ombudsman also recommended that the Council should decide how to bring this matter to a conclusion and inform Mrs C and the Ombudsman of a timetable for action and examine its processes to see how it could prevent staff turnover from causing similar failures in the future.</p>