

24 June 2011

*By email*

Dr P Norrey  
Chief Executive  
Devon County Council

Dear Dr Norrey

### **Annual Review Letter**

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

### **Complaints received during 2010-11**

As you will see, we received 69 enquiries and complaints about the council in 2010/11, 43 of which were referred for investigation. As you know, we consider it important to deal with complaints as swiftly as possible and council response times to our enquiries are a significant factor in achieving timely outcomes. From formal enquiries made on 22 complaints this year, your average response time was 38.4 days which is significantly higher than the 28 day target. This is particularly disappointing as the council's response times in the past two years had already shown considerable deterioration from 26.4 days in 2008/09 to 33.7 days in 2009/10. This year, 11 responses were received within the 28 day target, which is encouraging, but the council's overall performance continues to give me cause for concern. Enquiries on complaints about adult social care resulted in an average response time of 67.1 days, and the council also took 48 days to respond to enquiries on one complaint about children's services. I would request that the Council take steps to improve its performance with a view to meeting the 28 day target.

### **Complaint outcomes**

We decided 44 complaints during the year. In 17 cases we found no evidence of maladministration and in seven cases we decided to discontinue the investigation as we considered that there was insufficient injustice caused to the complainant to warrant further investigation. Eleven cases were

considered to be outside my jurisdiction. I would like to thank the council for agreeing to settle nine complaints.

Complaints to us covered a range of areas of the council's work. In one case concerning adult care services the council agreed to pay compensation totalling £750 to the complainant and her parents. This was to acknowledge the significant distress caused to them by a failure to provide psychological support. The Learning Disability Service in Devon operates as a social care and health partnership involving the council and the Primary Care Trust and responsibility for the identified failings in this case was unclear. However the Council acknowledged that the complainant ought not to be disadvantaged and took a pragmatic approach to settle the complaint.

In another case involving adult care services three complainants had an assessed need for respite and day activities but the council had contracted with a care provider which did not offer day activities. To resolve these complaints the council agreed to reassess the needs of the service users and to specifically address how day activities would be provided during respite periods.

In one complaint about children's services the council failed to properly consider the involvement of a parent in a number of assessments of his daughter and did not respond appropriately to his subsequent contacts. The council apologised and confirmed that full consideration would be given to future input from the parent concerned, and in addition paid him £500 in recognition of his lost opportunity to be involved and the distress he had been caused.

In another complaint about children's services the council wrongly refused to allow the complainant to see the social worker's report for a child protection conference. The council after some delay apologised and paid the complainant £150 in recognition of the distress caused.

### ***Communicating decisions***

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

### ***Extended powers***

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 75 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

### ***Assisting councils to improve***

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at [www.lgo.org.uk/training-councils/](http://www.lgo.org.uk/training-councils/)

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your council I should be pleased to arrange for me or a senior manager to meet you and explain our work in greater detail.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman

For further information on interpretation of statistics click on this link to go to [www.lgo.org.uk/CouncilsPerformance](http://www.lgo.org.uk/CouncilsPerformance)

## LGO Advice Team

<b>Enquiries and complaints received</b>	Adult Care Services	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Other	Planning & Development	Total
Formal/informal premature complaints	4	1	7	0	3	0	1	16
Advice given	4	1	3	0	0	0	0	8
Forwarded in investigative team (resubmitted)	2	1	1	1	2	0	1	8
Forwarded to investigative team (new)	7	3	16	1	7	0	1	35
<b>Total</b>	<b>17</b>	<b>6</b>	<b>27</b>	<b>2</b>	<b>12</b>	<b>0</b>	<b>3</b>	<b>67</b>

## Investigative Team

<b>Decisions</b>	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
<b>2010 / 2011</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>7</b>	<b>11</b>	<b>44</b>

## Adult social care decisions made from 1 Oct 2010\*

	To discontinue investigation, other	Total
2010 - 2011	1	1

\*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	22	38.4
2009 / 2010	18	33.7
2008 / 2009	23	26.4

## Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	3	38.7