

22 June 2012

Local Government
OMBUDSMAN

Mr N Hodgson
Chief Executive
Derbyshire County Council
County Offices
MATLOCK
DE4 3AG

Dear Mr Hodgson

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. 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 forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

One of the complaints investigated during the year illustrated how a matter that appears small can have very serious consequences. The Council did not include a 'tie-breaker' in one of its criteria for giving children places at a primary school - 'children living in the catchment area'. The Schools Adjudicator told the Council it was not complying with the statutory Code on School Admissions. The Council disagreed and decided to take no action. It says that in rural areas not giving a school place to all the children in a catchment area could leave some without a place at all.

The primary School had a planned admission number of 45 but 49 children in the catchment area applied. The Council directed the School to take all 49 children.

An independent Appeals Panel heard appeals for places for 11 children from outside the catchment area. The School explained that it had no room for more than 45 children and could not create extra classrooms because it was in a conservation area. If more than 45 places were given children would have to be taught outdoors - that is without a building.

The Appeal Panel gave places to four more children. 52 children started in the reception class in January 2011. They had to be taught outdoors for part of their school day. As outdoor learning is part of the curriculum for their age I could not say that this was an injustice. At very short notice, the Council funded building work and changes to the site that were finished in November 2011.

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This meant that there was space for all the children by the time they were in year 1.

I hope the Council will reconsider its response to the Schools Adjudicator and look at the experience of other rural education authorities.

During the year our liaison officer changed. I want to take this opportunity to record our appreciation of Mr McElvaney's personal contribution to the long standing, professional, constructive relationship between this office and the Council. We are confident this will continue under the new arrangements.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

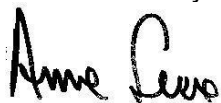
Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink that reads "Anne Seex". The signature is written in a cursive style with a large initial 'A'.

Anne Seex
Local Government Ombudsman

LGO advice team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Advice given	1	1	1	10	1	1	0	0	15
Premature complaints	5	0	0	6	1	2	1	1	16
Forwarded to Investigative team (resubmitted)	7	0	0	2	0	2	0	0	11
Forwarded to Investigative team (new)	13	0	2	14	3	6	0	3	41
Total	26	1	3	32	5	11	1	4	83

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
3	2	14	11	8	6	0	44

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	13	28.5