

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Dr Norrey  
Chief Executive  
Devon County Council

Dear Dr Norrey

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Your organisation's performance**

During the year, we published two public reports about your Council. The first considered the Council's actions when it took over funding of a care home placement. Our investigation found the Council failed to properly communicate with the family and failed to explore all options in order to maintain the placement. This included failing to consider a third-party top-up or market premium, failing to provide details of affordable alternative care homes and failing to complete a risk assessment on the impact of moving the complainant to a new home. The failure to pay the full amount requested by the care home put the placement at risk and resulted in the eviction of the complainant who was over 100 years old and had dementia.

I am pleased the Council unreservedly accepted our recommendations that it apologise to the family, make a payment to reflect the distress caused and to complete a new financial assessment. This resulted in money being refunded to the complainant's estate. I was also pleased to note the Council reviewed its procedures around the transition from self-funded to council-funded care and ensured all staff were adequately trained to ensure similar problems do not occur. The Council began this work promptly rather than waiting until after our report was published, which demonstrates its willingness to learn from this case.

A second public report detailed your Council's failure to arrange post-16 education for a young woman with an Education, Health and Care Plan. Our investigation found the Council failed to properly plan and make adequate arrangements for a college place and failed to take proper account of the young woman's needs. We found the fault adversely affected the young woman because she missed out on several months of education and support. Her mother was also affected as she was left chasing up a college place for several months and lost entitlement to tax credits for the period her daughter was not in school.

I am pleased the Council fully accepted our findings and recommendations. In doing so it agreed to apologise to the young woman and pay her £4,000 to recognise the impact of lost education and support and the distress this caused her. It also apologised to her mother and paid her £1,000, and the equivalent of the tax credits she lost out on. To avoid similar failings in future the Council agreed to review its procedures and ensure its officers received appropriate training to make sure they were delivering services according to the law.

Learning from complaints is a central part of any complaints system and I welcome the mature way in which you worked with us in these cases. However, in several other cases your Council has taken longer than agreed to implement the recommendations we have made. The majority of these delays were minor, but some were significant. A case involving an application for a disabled parking bay took three months longer to implement than originally agreed (although I acknowledge that some of this was due to the complainant not responding to requests for information). In cases relating to special educational needs and residential care, there was delay in implementing the service improvements we had recommended. This leaves the Council at risk of repeated failings when the issues identified remain unaddressed.

I invite the Council to consider how it might make improvements to reduce delays in the remedy process and to ensure it tells us promptly when it completes a remedy.

## **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

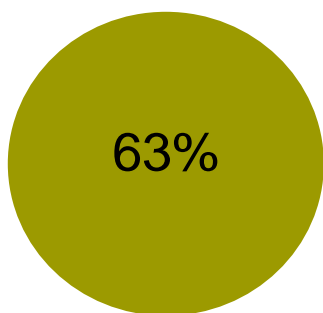
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



**63%** of complaints we investigated were upheld.

This compares to an average of **71%** in similar organisations.

**30**  
upheld decisions

Statistics are based on a total of **48** investigations for the period between 1 April 2021 to 31 March 2022

### Compliance with Ombudsman recommendations



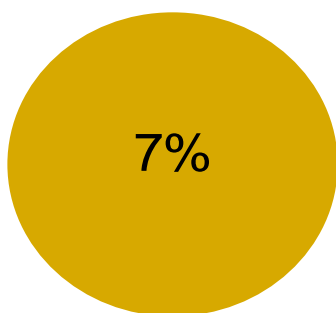
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **23** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **7%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **8%** in similar organisations.

**2**  
satisfactory remedy decisions

Statistics are based on a total of **30** upheld decisions for the period between 1 April 2021 to 31 March 2022