

20 July 2017

By email

Peter Clark
Head of Paid Service
Oxfordshire County Council

Dear Peter Clark

Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

During the year we issued one public report against your Council, addressing a complainant's concerns about how the Council, in its role as the safeguarding authority, had responded to his allegations about his deceased wife's care in a private care home.

We found the Council had failed to engage with the complainant throughout its safeguarding investigation. Our report highlighted that the Council should have been more proactive in seeking information from the care provider. Once the care provider had responded to the Council we found that the Council unreasonably delayed its progress of the investigation. We also found the Council had failed to follow its own safeguarding policies and procedures and failed to inform the Care Quality Commission of its concerns about the care provided at the home and the monitoring arrangements in place there.

To its credit, during the course of our investigation the Council took action under its own initiative to implement robust and extensive improvements to its safeguarding policies and procedures. It agreed to provide the complainant with a full written apology. It also implemented our recommendation that it should pay him a financial remedy of £750 to reflect his time and trouble in pursuing the complaint and the distress caused to him by its actions. I am grateful for the positive way you responded in remedying this complaint and in taking steps to improve this aspect of your service for others. Learning from complaints is an important way to improve services for everyone and I welcome the constructive approach that you have taken in that regard.

The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's

performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

Manual for Councils

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website www.lgo.org.uk/link-officers

Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit www.lgo.org.uk/training

Yours sincerely

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath the name.

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

Local Authority Report: Oxfordshire County Council
For the Period Ending: 31/03/2017

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
17	0	1	23	4	13	0	3	0	61

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
3	0	21	23	12	7	37%	66

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
5	1

COMPLAINTS RECEIVED

	Reference	Authority	Category	Received
1	15016538	Oxfordshire County Council	Education & Childrens Services	22-Apr-16
2	15020794	Oxfordshire County Council	Education & Childrens Services	01-Apr-16
3	16000154	Oxfordshire County Council	Environmental Services & Public Protection & Regulation	06-Apr-16
4	16001006	Oxfordshire County Council	Education & Childrens Services	22-Apr-16
5	16001754	Oxfordshire County Council	Education & Childrens Services	09-May-16
6	16001865	Oxfordshire County Council	Education & Childrens Services	11-May-16
7	16001935	Oxfordshire County Council	Adult Care Services	22-Nov-16
8	16002144	Oxfordshire County Council	Education & Childrens Services	16-May-16
9	16002277	Oxfordshire County Council	Adult Care Services	18-May-16
10	16003505	Oxfordshire County Council	Highways & Transport	13-Jun-16
11	16003545	Oxfordshire County Council	Adult Care Services	13-Jun-16
12	16003553	Oxfordshire County Council	Adult Care Services	29-Jun-16
13	16003924	Oxfordshire County Council	Highways & Transport	17-Jun-16
14	16003989	Oxfordshire County Council	Highways & Transport	20-Jun-16
15	16004191	Oxfordshire County Council	Highways & Transport	23-Jun-16
16	16004514	Oxfordshire County Council	Adult Care Services	28-Jul-16
17	16004933	Oxfordshire County Council	Adult Care Services	07-Jul-16
18	16005027	Oxfordshire County Council	Education & Childrens Services	08-Jul-16
19	16005068	Oxfordshire County Council	Education & Childrens Services	08-Jul-16
20	16005222	Oxfordshire County Council	Education & Childrens Services	12-Jul-16
21	16005967	Oxfordshire County Council	Adult Care Services	07-Mar-17
22	16006096	Oxfordshire County Council	Adult Care Services	28-Jul-16
23	16006309	Oxfordshire County Council	Highways & Transport	02-Aug-16
24	16006460	Oxfordshire County Council	Highways & Transport	04-Aug-16
25	16007054	Oxfordshire County Council	Adult Care Services	16-Aug-16
26	16007099	Oxfordshire County Council	Adult Care Services	17-Aug-16
27	16007378	Oxfordshire County Council	Highways & Transport	22-Aug-16
28	16008596	Oxfordshire County Council	Environmental Services & Public Protection & Regulation	14-Sep-16
29	16009015	Oxfordshire County Council	Adult Care Services	21-Sep-16
30	16009139	Oxfordshire County Council	Highways & Transport	21-Feb-17
31	16009597	Oxfordshire County Council	Education & Childrens Services	03-Oct-16
32	16009866	Oxfordshire County Council	Education & Childrens Services	10-Oct-16
33	16010063	Oxfordshire County Council	Highways & Transport	11-Oct-16

34	16010483	Oxfordshire County Council	Planning & Development	27-Oct-16
35	16010711	Oxfordshire County Council	Education & Childrens Services	17-Jan-17
36	16011682	Oxfordshire County Council	Education & Childrens Services	09-Nov-16
37	16012014	Oxfordshire County Council	Environmental Services & Public Protection & Regulation	15-Nov-16
38	16012172	Oxfordshire County Council	Corporate & Other Services	17-Nov-16
39	16012331	Oxfordshire County Council	Highways & Transport	22-Nov-16
40	16012688	Oxfordshire County Council	Education & Childrens Services	28-Nov-16
41	16013184	Oxfordshire County Council	Education & Childrens Services	07-Dec-16
42	16013251	Oxfordshire County Council	Environmental Services & Public Protection & Regulation	08-Dec-16
43	16013394	Oxfordshire County Council	Highways & Transport	12-Dec-16
44	16013486	Oxfordshire County Council	Education & Childrens Services	13-Dec-16
45	16014132	Oxfordshire County Council	Highways & Transport	03-Jan-17
46	16014275	Oxfordshire County Council	Education & Childrens Services	04-Jan-17
47	16014491	Oxfordshire County Council	Education & Childrens Services	09-Jan-17
48	16015192	Oxfordshire County Council	Adult Care Services	20-Jan-17
49	16015470	Oxfordshire County Council	Adult Care Services	25-Jan-17
50	16016417	Oxfordshire County Council	Adult Care Services	09-Feb-17
51	16017131	Oxfordshire County Council	Planning & Development	21-Feb-17
52	16017189	Oxfordshire County Council	Education & Childrens Services	21-Feb-17
53	16017418	Oxfordshire County Council	Highways & Transport	24-Feb-17
54	16017505	Oxfordshire County Council	Adult Care Services	27-Feb-17
55	16017522	Oxfordshire County Council	Education & Childrens Services	08-Mar-17
56	16017695	Oxfordshire County Council	Education & Childrens Services	22-Mar-17
57	16017773	Oxfordshire County Council	Adult Care Services	02-Mar-17
58	16018077	Oxfordshire County Council	Planning & Development	08-Mar-17
59	16018467	Oxfordshire County Council	Education & Childrens Services	14-Mar-17
60	16019285	Oxfordshire County Council	Education & Childrens Services	28-Mar-17
61	16019295	Oxfordshire County Council	Adult Care Services	28-Mar-17

DECISIONS MADE

	Category	Decision Date	Decision	Remedy
1	Education & Childrens Services	25-May-16	Upheld	Apology,Financial Redrss,Procedure Chng
2	Adult Care Services	01-Jun-16	Upheld	Financial Redress
3	Adult Care Services	30-Jun-16	Not Upheld	Null
4	Adult Care Services	19-May-16	Not Upheld	Null
5	Education & Childrens Services	04-Apr-16	Upheld	Null
6	Adult Care Services	11-Aug-16	Incomplete/Invalid	Null
7	Adult Care Services	16-Aug-16	Upheld	Other Remedy
8	Planning & Development	06-Jun-16	Closed after initial enquiries	Null
9	Adult Care Services	19-May-16	Not Upheld	Null
10	Highways & Transport	21-Jun-16	Upheld	Financial Redress,Reimbursement/unquantified payment,Procedure Change
11	Education & Childrens Services	13-May-16	Referred back for local resolution	Null
12	Environmental Services & Public Protection & Regulation	14-Jun-16	Not Upheld	Null
13	Highways & Transport	06-Jul-16	Not Upheld	Null
14	Adult Care Services	24-Nov-16	Not Upheld	Null
15	Adult Care Services	27-Jun-16	Not Upheld	Null
16	Education & Childrens Services	27-Apr-16	Incomplete/Invalid	Null
17	Environmental Services & Public Protection & Regulation	23-Aug-16	Upheld	Satisfactory BinJ remedy,Procedure Chng
18	Education & Childrens Services	22-Apr-16	Referred back for local resolution	Null
19	Education & Childrens Services	09-May-16	Referred back for local resolution	Null
20	Education & Childrens Services	11-May-16	Referred back for local resolution	Null
21	Adult Care Services	31-Mar-17	Not Upheld	Null
22	Education & Childrens Services	03-Jun-16	Referred back for local resolution	Null
23	Adult Care Services	19-May-16	Referred back for local resolution	Null
24	Highways & Transport	11-Jul-16	Closed after initial enquiries	Null
25	Adult Care Services	27-Feb-17	Not Upheld	Null
26	Adult Care Services	27-Feb-17	Upheld	Apology
27	Highways & Transport	17-Jun-16	Referred back for local resolution	Null
28	Highways & Transport	20-Jun-16	Referred back for local resolution	Null
29	Highways & Transport	23-Jun-16	Referred back for local resolution	Null
30	Adult Care Services	10-Nov-16	Closed after initial enquiries	Null
31	Adult Care Services	26-Jul-16	Referred back for local resolution	Null

32	Education & Childrens Services	29-Jul-16	Closed after initial enquiries	Null
33	Education & Childrens Services	11-Jul-16	Referred back for local resolution	Null
34	Education & Childrens Services	12-Jul-16	Referred back for local resolution	Null
35	Adult Care Services	05-Oct-16	Closed after initial enquiries	Null
36	Highways & Transport	25-Aug-16	Closed after initial enquiries	Null
37	Highways & Transport	26-Aug-16	Closed after initial enquiries	Null
38	Adult Care Services	23-Sep-16	Closed after initial enquiries	Null
39	Adult Care Services	13-Dec-16	Not Upheld	Null
40	Highways & Transport	19-Sep-16	Closed after initial enquiries	Null
41	Environmental Services & Public Protection & Regulation	03-Oct-16	Closed after initial enquiries	Null
42	Adult Care Services	31-Mar-17	Not Upheld	Null
43	Highways & Transport	08-Mar-17	Closed after initial enquiries	Null
44	Education & Childrens Services	25-Oct-16	Closed after initial enquiries	Null
45	Education & Childrens Services	20-Oct-16	Referred back for local resolution	Null
46	Highways & Transport	02-Nov-16	Closed after initial enquiries	Null
47	Planning & Development	23-Nov-16	Closed after initial enquiries	Null
48	Education & Childrens Services	23-Jan-17	Closed after initial enquiries	Null
49	Corporate & Other Services	03-Jan-17	Closed after initial enquiries	Null
50	Highways & Transport	23-Dec-16	Closed after initial enquiries	Null
51	Education & Childrens Services	16-Mar-17	Not Upheld	Null
52	Environmental Services & Public Protection & Regulation	11-Jan-17	Closed after initial enquiries	Null
53	Highways & Transport	11-Jan-17	Closed after initial enquiries	Null
54	Education & Childrens Services	13-Dec-16	Referred back for local resolution	Null
55	Highways & Transport	16-Jan-17	Closed after initial enquiries	Null
56	Education & Childrens Services	04-Jan-17	Referred back for local resolution	Null
57	Education & Childrens Services	09-Jan-17	Referred back for local resolution	Null
58	Adult Care Services	13-Feb-17	Closed after initial enquiries	Null
59	Adult Care Services	28-Mar-17	Referred back for local resolution	Null
60	Planning & Development	13-Mar-17	Closed after initial enquiries	Null
61	Education & Childrens Services	21-Feb-17	Referred back for local resolution	Null
62	Highways & Transport	14-Mar-17	Closed after initial enquiries	Null
63	Adult Care Services	27-Feb-17	Incomplete/Invalid	Null
64	Education & Childrens Services	08-Mar-17	Referred back for local resolution	Null
65	Planning & Development	14-Mar-17	Referred back for local resolution	Null
66	Adult Care Services	28-Mar-17	Referred back for local resolution	Null