

**North East Derbyshire District Council**

**Standards Committee**

**21 September 2015**

**Local Government Ombudsman Annual Review Letter**

**Report No ADCSI/1/15-16/JF of the Joint Assistant Director – Customer Service and Improvement**

This report is public

**Purpose of the Report**

- To review the annual review letter of the Local Government Ombudsman (LGO), **Appendix A** attached to this report.

**1 Report Details**

The Council received its annual review letter from the Local Government Ombudsman on the 18 June 2015. It contains information on how many complaints had been referred to the Local Government Ombudsman and how many complaints were upheld or referred back for local resolution. There were 13 complaints in total see **Appendix B** attached to this report.

There were 11 complaints that were referred back for local resolution, 1 not upheld and 1 upheld see **Appendix C** attached to this report.

**2 Conclusions and Reasons for Recommendation**

Following the review of the newly launched Compliments, Comments and Complaints Policy and Procedure in October 2014 which has been brought in with a view to improving the corporate complaint procedure, mandatory training has been rolled out across the Strategic Alliance to make officers more aware of the complaint handling procedure. This provides a consistent approach in the way that all officers across both Councils deal with Compliments Comments and Complaints.

**3 Consultation and Equality Impact**

Not applicable.

**4 Alternative Options and Reasons for Rejection**

Not applicable.

## **5 Implications**

### **5.1 Finance and Risk Implications**

The Council is at risk of recommendations or decisions by the Local Government Ombudsman if complaints are not handled well.

In cases of maladministration, financial penalties can be imposed by the Local Government Ombudsman.

In the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the Information Commissioner's Office can issue decision notices and impose significant fines.

### **5.2 Legal Implications including Data Protection**

The policy allows compliance with the Local Government Act 1974 and guidance set out by the Local Government Ombudsman. It is also in line with the requirements of the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

### **5.3 Human Resources Implications**

Not applicable

## **6 Recommendations**

- 6.1** That Standards Committee receive the annual review letter of the Local Government Ombudsman and notes the outcomes as detailed in the report.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	Not applicable
<b>Links to Corporate Plan priorities or Policy Framework</b>	Transforming our Organisation – good governance

**8 Document Information**

Appendix No	Title
<b>Appendix A</b>	Letter from the Local Government Ombudsman
<b>Appendix B</b>	List of complaints received from the Local Government Ombudsman
<b>Appendix C</b>	Decisions made by the Local Government Ombudsman
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Not applicable	
Report Author	Contact Number
Assistant Director – Customer Service and Improvement	BDC – 2343 NEDDC - 7029

## APPENDIX A

# Local Government OMBUDSMAN

18 June 2015

*By email*

Mr Wes Lumley  
Chief Executive  
North East Derbyshire District Council

Dear Mr Lumley

### **Annual Review Letter 2015**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

### **Supporting local scrutiny**

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

### **Encouraging effective local complaints handling**

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published '*My Expectations*' a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of '*My Expectations*' are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

### **Future developments at LGO**

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England

North East Derbyshire District Council  
**Complaints received** in period (April 2014 – March 2015)

	<b>Ref</b>	<b>Authority</b>	<b>Category</b>	<b>Received Date</b>
1	14000059	NEDDC	Benefits & Tax	01/Apr/2014
2	14000099	NEDDC	Environmental Services & Public Protection & Regulation	02/Apr/2014
3	14002726	NEDDC	Planning & Development	16/May/2014
4	14006288	NEDDC	Benefits & Tax	16/Jul/2014
5	14016453	NEDDC	Planning & Development	16/Jan/2015
6	14007606	NEDDC	Benefits & Tax	05/Aug/2014
7	14017602	NEDDC	Planning & Development	05/Feb/2015
8	14019229	NEDDC	Benefits & Tax	04/Mar/2015
9	14002221	NEDDC	Planning & Development	09/May/2014
10	14006269	NEDDC	Corporate & Other Services	16/Jul/2014
11	14002798	NEDDC	Housing	27/Oct/2014
12	14014624	NEDDC	Corporate & Other Services	04/Dec/2014
13	14000892	NEDDC	Planning & Development	15/Apr/2014

The above shows complaints received by the Local Government Ombudsman but not necessarily upheld. See **APPENDIX C** for the complaints showing upheld or not upheld by the Local Government Ombudsman.

Microsoft Word - master after merge.docx  
**Decisions made in period (April 2014 – March 2015)**

	Ref	Authority	Category	Decision date	Decision
1	14000059	NEDDC	Benefits & Tax	01/Apr/2014	Referred back for local resolution
2	14000099	NEDDC	Environmental Services & Public Protection & Regulation	02/Apr/2014	Referred back for local resolution
3	14002726	NEDDC	Planning & Development	16/May/2014	Referred back for local resolution
4	14006288	NEDDC	Benefits & Tax	16/Jul/2014	Referred back for local resolution
5	14016453	NEDDC	Planning & Development	16/Jan/2015	Referred back for local resolution
6	14007606	NEDDC	Benefits & Tax	05/Aug/2014	Referred back for local resolution
7	14017602	NEDDC	Planning & Development	05/Feb/2015	Referred back for local resolution
8	14019229	NEDDC	Benefits & Tax	17/Mar/2015	Referred back for local resolution
9	14002221	NEDDC	Planning & Development	09/May/2014	Referred back for local resolution
10	14006269	NEDDC	Corporate & Other Services	01/Aug/2014	Closed after initial enquiries – referred back for local resolution
11	14002798	NEDDC	Housing	03/Dec/2014	Closed after initial enquiries – referred back for local resolution
12	14014624	NEDDC	Corporate & Other Services	04/Dec/2014	Not upheld Ombudsman agreed with the Authority
13	14000892	NEDDC	Planning & Development	28/Aug/2014	Upheld

### 13 Complaints were received from the Ombudsman for the period April 2014 - March 2015

**Ombudsman Complaint 1 – 10** were referred back for local resolution as the complainant had not gone through the Council's Corporate Complaints procedure these were not upheld by the Ombudsman.

**Ombudsman Complaint 11** Housing complaint No: 14002798. This complaint showing as a Housing complaint relates to a home improvement grant not Rykneld Housing. The complaint was about the standard of works carried out at her late father's home after the Council provided a home improvement grant.

The Ombudsman's final decision was that they would not investigate this complaint about the standard of works carried out by a building company after the Council awarded a home repair grant. This is because there is no evidence of fault by the Council.

**Ombudsman Complaint 12** This complaint was not upheld by the Local Government Ombudsman it was referred back. The Ombudsman agreed with the Local Authority.

**Ombudsman Complaint 13** This complaint No: 14000892 for Planning & Development was upheld by the Ombudsman.

This complaint was regarding the actions of the Council over a development on land next to the complainant's property. Specifically he complained the Council failed to properly consider his objections to the application as part of its decision-making process because of faults in its administrative system.

The Ombudsman found that there was fault in the Council's handling of the complainant's objections and the Council has apologised to him for its administrative error. There was no fault in the way the Council considered the planning application otherwise. The Council's fault caused the complainant limited injustice and the Council has apologised, which the Ombudsman considered was an appropriate remedy.