

North East Derbyshire District Council

Standards Committee

29 September 2016

Local Government Ombudsman Annual Review Letter

Report 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 21 July 2016. It contains information on how many complaints and enquiries had been referred to the Local Government Ombudsman and how many complaints were upheld or referred back for local resolution. There were 19 complaints and enquiries received in total by the Local Government Ombudsman see **Appendix B** attached to this report. There were 16 decisions made 7 complaints that were referred back for local resolution, 6 closed after initial enquiries, 1 incomplete or invalid and 2 not upheld. There are 3 complaints ongoing to be included within 2016/17 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 and is ongoing 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**

Is the decision a Key Decision? (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
District Wards Affected	Not applicable
Links to Corporate Plan priorities or Policy Framework	Transforming our Organisation - good governance

8 Document Information

Appendix No	Title
Appendix A Appendix B Appendix C	Letter from the Local Government Ombudsman List of complaints received from the Local Government Ombudsman Decisions made by the Local Government Ombudsman
Background Papers (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)	
Not applicable	
Report Author	Contact Number
Joint Assistant Director of Customer Service and Improvement Team	BDC - 242343 NEDDC - 217029

The Local Government Ombudsman (LGO) has published its annual complaint statistics for all local authorities and these can be found on www.lgo.org.uk but the complaints listed in this report are for NEDDC.

Local Government
OMBUDSMAN

21 July 2016

By email

Daniel Swaine

Chief Executive

North East Derbyshire District Council

Dear Daniel Swaine,

Annual Review Letter 2016

I write to you 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 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations 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. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics 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, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to

account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit www.lgo.org.uk/training.

Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



Dr Jane Martin

Local Government Ombudsman

Chair, Commission for Local Administration in England

Authority Report: North East Derbyshire District Council

For the Period Ending: 31/03/2016

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
0	3	2	0	3	0	2	9	0	19

Decisions made

Detailed Investigations

Incomplete or Invalid	Advice Given	Referred Back For Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld			Upheld Rate	Total
1	0	7	6	2	0			0%	16
Notes					By LGO	Satisfactory by Authority Before LGO	Compliance		

		Involvement	Rate
<p>Our uphold rate is calculated in relation to the total number of detailed investigations.</p> <p>The number of remedied complaints may not equal the number of upheld complaints.</p> <p>This is because while we may uphold a complaint because we find fault we may not always find grounds to say the fault caused injustice that ought to be remedied.</p> <p>The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.</p>	0	0	100%

APPENDIX B

North East Derbyshire District Council

Enquiries received by the Local Government Ombudsman in period (April 2015 – March 2016)

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

Reference	Authority	Category	Received	Notes	
1	15003325	NEDDC	Housing	28/05/15	No complaint submitted to NEDDC / Rykneld
2	15000298	NEDDC	Planning & Development	01/06/15	
3	14016453	NEDDC	Planning & Development	15/06/15	
4	15004851	NEDDC	Corporate & Other Services	22/06/15	
5	15006737	NEDDC	Planning & Development	21/07/15	No complaint submitted to NEDDC
6	15008335	NEDDC	Planning & Development	18/08/15	
7	15010810	NEDDC	Planning & Development	01/10/15	
8	15011262	NEDDC	Environmental Services & Public Protection & Regulation	09/10/15	No complaint submitted to NEDDC
9	15011822	NEDDC	Planning & Development	19/10/15	
10	15013455	NEDDC	Environmental Services & Public Protection & Regulation	18/11/15	
11	15013615	NEDDC	Corporate & Other Services	20/11/15	
12	15013818	NEDDC	Benefits & Tax	24/11/15	
13	15016274	NEDDC	Benefits & Tax	14/01/16	No complaint submitted to NEDDC
14	15017212	NEDDC	Benefits & Tax	01/02/16	No complaint submitted to NEDDC
15	15019471	NEDDC	Planning & Development	08/03/16	No complaint submitted to NEDDC
16	15019619	NEDDC	Environmental Services & Public Protection & Regulation	09/03/16	
17	15020334	NEDDC	Environmental Health	22/03/16	Ongoing to be included within 2016/17 report
18	15020439	NEDDC	Planning & Development	23/03/16	Ongoing to be included within 2016/17 report
19	15020683	NEDDC	Planning & Development	31/03/16	Ongoing to be included within 2016/17 report

APPENDIX C

North East Derbyshire District Council

Decisions made in period (April 2015 – March 2016)

	Ref	Authority	Category	Decision
1	15004851	NEDDC	Corporate & Other Services	Customer referred back for local resolution
2	15003325	NEDDC/ Rykneld Homes	Housing	Customer referred back for local resolution to NEDDC / Rykneld Homes
3	15006737	NEDDC	Planning & Development	Customer referred back for local resolution
4	15011262	NEDDC	Environmental Services & Public Protection & Regulation	Customer referred back for local resolution
5	15013455	NEDDC	Environmental Services & Public Protection & Regulation	Customer referred back for local resolution
6	15017212	NEDDC	Benefits & Tax	Customer referred back for local resolution
7	15019619	NEDDC	Environmental Services & Public Protection & Regulation	Customer referred back for local resolution
8	15016274	NEDDC	Benefits & Tax	Incomplete/Invalid – customer referred back for local resolution
9	15008335	NEDDC	Planning & Development	Closed after initial enquiries
10	15000298	NEDDC	Planning & Development	Closed after initial enquiries
11	15010810	NEDDC	Planning & Development	Closed after initial enquiries
12	15013615	NEDDC	Corporate & Other Services	Closed after initial enquiries
13	15011822	NEDDC	Planning & Development	Closed after initial enquiries
14	15013818	NEDDC	Benefits & Tax	Closed after initial enquiries
15	14016453	NEDDC	Planning & Development	Not Upheld – No maladministration found
16	14014624	NEDDC	Corporate & Other Services	Not Upheld – No evidence of fault was found

16 decisions were received from the Ombudsman for the period April 2015 - March 2016.

Ombudsman Complaint 1 – 7 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 Complaints 8 – 14 were closed after initial enquiries by the Ombudsman and referred back for local resolution.

Ombudsman Complaint 15 – Planning & Development – This complaint was not upheld by the Local Government Ombudsman as no maladministration found.

Ombudsman Complaint 16 – Corporate & Other Services This complaint was not upheld by the Local Government Ombudsman as no evidence of fault was found in the way the Council has applied its unreasonably persistent complaints policy.