

North East Derbyshire District Council

Standards Committee

10 November 2021

Local Government & Social Care Ombudsman Annual Review Letter

Report of the Assistant Director of Transformation & Organisation

This report is public

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PURPOSE / SUMMARY

To review the Annual Review letter of the Local Government & Social Care Ombudsman (LGO) **Appendix A** attached to this report.

RECOMMENDATIONS

That Standards Committee acknowledge the report and findings of the Local Government & Social Care Ombudsman.

IMPLICATIONS

Finance and Risk: **Yes** **No**

The Council is at risk of reputational damage by recommendations or decisions by the Local Government & Social Care Ombudsman, if complaints are not handled well.

In cases of maladministration, financial penalties can be imposed by the Local Government & Social Care 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.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

The policy allows compliance with the Local Government Act 1974 and guidance set out by the Local Government & Social Care Ombudsman. It is also in line with the requirements of the General Data Protection Regulation 2018, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Details:

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Transforming our Organisation – Good Governance

REPORT DETAILS

1 Background

- 1.1 The Council received its Annual Review Letter from the Local Government & Social Care Ombudsman on the 21st July 2021. It contains information on how many complaints and enquiries had been referred to the Local Government & Social Care Ombudsman and how many complaints were upheld or referred back for local resolution.
- 1.2 There were 13 complaints and enquiries received in total by the Local Government & Social Care Ombudsman. To provide context, the Council received 167 complaints in total during 01st April 2020 to 31st March 2021 whilst delivering hundreds of thousands of customer transactions in that same period.

	Ref	Authority	Category	Decision
1	20001499	North East Derbyshire District Council	Planning & Development	Not investigating
2	20006092	North East Derbyshire District Council	Planning & Development	Not investigating
3	20002002	North East Derbyshire District Council	Planning & Development	No complaint received
4	20013373	North East Derbyshire District Council	Planning & Development	No complaint received
5	20003123	North East Derbyshire District Council	Planning & Development	UPHELD
6	20007276	North East Derbyshire District Council	Planning & Development	Premature complaint
7	20004769	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	UPHELD
8	20011930	North East Derbyshire District Council	Environmental Services & Public Protection & Regulation	No complaint received
9	20007741	North East Derbyshire District Council	Corporate & Other Services	No complaint received
10	20004126	North East Derbyshire District Council	Highways & Transport	Not investigating
11	20002891	Rykneld Homes	Housing	Out of scope
12	20009653	Rykneld Homes	Housing	Out of scope
13	20014271	Rykneld Homes	Housing	Out of scope
	19015495	North East Derbyshire District Council	Benefits & Tax	Closed after initial enquiries 2019/2020
	19020036	North East Derbyshire District Council	Planning & Development	Not upheld 2019/2020

1.3 From the 13 complaints and enquires received by the Local Government & Social Care Ombudsman 6 required a decisions to be made by the Local Ombudsman. The 13 can be broken down as follows:

- 3 of these were not investigated.
- 4 complaints were not received by NEDDC therefore, not followed the required process.
- 1 related to a premature complaint and referred back for local resolution
- 3 complaints fall out of scope of the Councils policy as they relate to Rykneld Homes.
- 2 complaints were UPHELD by the LG&SCO.

1.4 Of the two upheld complaints the recommendations were as follows:

- Complaint 20003123 was upheld by the LG&SCO it was recommended that the Council offer to obtain and plant a semi-mature evergreen tree that would provide some screening to the complainant's kitchen and balcony. Provide an apology and a payment of £100 to reflect the frustration and inconvenience caused through the Council's handling of the complaint.
- Complaint 20004769 was upheld by the LG&SCO as there was evidence of fault causing injustice which the Council agreed to remedy. It was recommended that the Council apologise to the complainant, pay £250 to acknowledge the frustration and uncertainty of its poor communication that it had caused. Offer to reinstate noise monitoring equipment and review how it communicates with complainants to ensure it's clear about the action it's proposing to take around whether or not noise is a statutory nuisance.

1.5 The bottom two decisions listed (19015495 & 19020036) are not included in the above 13 complaints / enquiries due to being carried over from previous years investigations but the outcome decisions wasn't made until 2020 / 2021. For information, reference 19015495 was closed after initial enquiries and 19020036 was not upheld.

1.6 This year's performance compares less favourably than the previous year's performance where complaints and enquiries were referred to the Local Government & Social Care Ombudsman as 2 was closed after initial enquiries, 2 was not upheld and 1 was referred back for local resolution.

1.7 This year's data will be uploaded to the LG&SCO website where all Councils performance can be seen on: <https://www.lgo.org.uk/your-councils-performance>

1.8 Ensuring we have a customer friendly and robust Compliments, Comments and Complaints process which aims to resolve matters prior to referral to Ombudsman is the key priority. To continually improve this we:

- Deliver mandatory training takes place virtually and is rolled out across the organisation. This provides a consistent approach in the way that all officers within the Council effectively deal with all Compliments, Comments and Complaints.
- Ensure all officers dealing with complaints complete quality assurance documentation confirming they have put suitable monitoring arrangements in place as part of our learning from complaints process.
- Arranged for officers that deal with all stages of the complaints process to attend training delivered by the LG&SCO. It's recommended that officers attend training delivered by the LG&SCO bi-annually.
- Reviewed and upgraded the Compliments, Comments and Complaints system to be more efficient and better reflect the policy.

DOCUMENT INFORMATION

Appendix No	Title
Appendix A	Letter from the Local Government & Social Care 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)	