

**North East Derbyshire District Council**

**Standards Committee**

**2<sup>nd</sup> November 2022**

**Local Government & Social Care Ombudsman Annual Review Letter**

**Report of the Assistant Director of Transformation & Communication & SIRO**

**This report is public**

**Report By: Jayne Dethick**

**Contact Officer: Rachael Pope**

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**PURPOSE / SUMMARY**

To review the Annual Review letter of the Local Government & Social Care Ombudsman (LG&SCO) **Appendix 1** attached to this report

**RECOMMENDATIONS**

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

Approved by the Portfolio Holder

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**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' Office can issue decision notices and impose significant fines.

On behalf of the Section 151 Officer

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**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

On Behalf of the Solicitor to the Council

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

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Decision Information</b>	
<p><b>Is the decision a Key Decision?</b>                  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><b>BDC:</b>                  Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p><b>NEDDC:</b>                  Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/>  <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b>                  (Only Key Decisions are subject to Call-In)</p>	No
<b>District Wards Significantly Affected</b>	None
<p><b>Consultation:</b>                  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>	Yes  Details:

<b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>
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 20<sup>th</sup> July 2022. 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 11 complaints and enquiries received in total by the Local Government & Social Care Ombudsman. To provide context, the Council received 146 complaints in total during the 01<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 whilst delivering hundreds of thousands of customer transactions in that same period.

	Ref	Authority	Category	Decided	Decision
1	20004769	NEDDC	Environmental Services & Public Protection & Regulation	30/04/2021	Upheld
2	21003269	NEDDC	Environmental Services & Public Protection & Regulation	09/06/2021	Referred back for local resolution
3	21003367	NEDDC	Environmental Services & Public Protection & Regulation	07/01/2022	Not Upheld
4	21000483	NEDDC	Planning & Development	14/04/2021	Referred back for local resolution
5	21001949	NEDDC	Planning & Development	12/05/2021	Referred back for local resolution
6	21016319	NEDDC	Planning & Development	01/03/2022	Referred back for local resolution
7	21003798	NEDDC	Planning & Development	10/12/2021	Not Upheld
8	21004604	NEDDC	Corporate & Other Services	14/10/2021	Closed after initial enquiries
9	21013832	NEDDC	Benefits & Tax	21/01/2022	Closed after initial enquiries
10	21018728	NEDDC	Benefits & Tax	23/03/2022	Referred back for local resolution
11	21000474	NEDDC	Housing	24/05/2021	Advice given

- 1.3 From the 11 complaints and enquiries received by the Local Government & Social Care Ombudsman
- 5 of these were premature complaints and referred back for local resolution
  - 1 complaint fell out of the Councils policy as it related to Rykneld Homes
  - 2 complaints were closed after initial enquiries
  - 2 complaints were not upheld
  - 1 complaint was UPHELD by the LG&SCO
- 1.4 The UPHELD complaint the recommendations were as follows:
- Complaint 20 004 756 was UPHELD by the LG&SCO this relates to the same complaint that was upheld and included in the 2020/21 Complaint 20004769 annual report due to it being concluded at the end of the financial year. There was evidence of fault causing injustice which the Council agreed to remedy.

- 1.5 This year's performance compares favourably with previous year's performance where complaints and enquiries were referred to the Local Government & Social Care Ombudsman as 1 was out of scope of our complaints system 5 complaints per premature 2 were not upheld and 2 were closed after initial enquiries.
- 1.6 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>
- 1.7 Ensuring we have a customer friendly and robust Compliments, Comments and Complaints process which aims to resolve matters prior to referral to the Ombudsman is the key priority. To continually improve this we:
- Deliver mandatory training face to face and is rolled out across the organisation. This provides a consistent approach in the way that all offices within the Council effectively deal with all Compliments, Comments and Complaints.
  - Ensure all officers dealing with complaint complete quality assurance documentation confirming they have put suitable monitoring arrangements in place as part of our learning from complaints process.
  - Arrange for officers that deal with all stages of the complaints process to attend training delivered by the LG&SCO. It is recommended that officers attend training delivered by the LG&SCO bi-annually.
  - A review of the Compliments, Comments and Complaints Policy and Procedure takes place every three years. A mini review has taken place during June 2022 with consultation via the Citizens Panel taking place during November 2022. The current Policy and Procedure is displayed on the Councils website.

## DOCUMENT INFORMATION

Appendix No	Title
Appendix A	Letter from the Local Government & Social Care Ombudsman
<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)	
Click here to enter text.	