

North East Derbyshire District Council

Services Scrutiny Committee

19th September 2023

Local Government & Social Care Ombudsman Annual Review Letter

Report of the Assistant Director of Communities

This report is public

Report By: Lee Pepper

Contact Officer: Rachael Pope

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 Services Scrutiny Committee acknowledge the report and findings of the Local Government & Social Care Ombudsman

Approved by the Portfolio Holder

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 Regulations 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	
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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input checked="" type="checkbox"/>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:
Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.	
Continually improve Council services to deliver excellence and value for money – Good Governance	

REPORT DETAILS

1 Background

1:1 The Council received its Annual Review letter from the Local Government & Social Care Ombudsman on the 19th July 2023. 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 between 01st April 2022 to 31st March 2023.

1:2 There were 10 complaints and enquiries received in total by the Local Government & Social Care Ombudsman.

To provide context, the Council received 160 complaints, this consists of 144 formal complaint and 16 internal reviews during the period between 01st April 2022 to 31st March 2023.

	Ref:	Authority	Category	Decided	Decision
1	21016319	NEDDC	Planning & Development	05/09/2022	UPHELD
2	22000329	NEDDC	Corporate & Other Services	07/04/2022	Referred back for local resolution
3	22001685	NEDDC	Benefits & Tax	26/05/2022	Closed after initial enquiries
4	22003195	NEDDC	Environmental Services & Public Protection & Regulation	24/02/2023	UPHELD
5	22003408	NEDDC	Environmental Services & Public Protection & Regulation	20/03/2023	Not UPHELD
6	22006667	NEDDC	Corporate & Other Services	02/09/2022	Closed after initial enquiries
7	22007758	NEDDC	Planning & Development	08/09/2022	No complaint received
8	22008554	NEDDC	Planning & Development	19/10/2022	Referred back for local resolution
9	22011369	NEDDC	Housing	16/11/2022	Referred back for local resolution
10	22012266	NEDDC	Housing	05/01/2023	Closed after initial enquiries

1.3 From the 10 complaints and enquiries received by the Local Government & Social Care Ombudsman

- 2 complaints were UPHELD by the LG&SCO
- 3 complaints were referred back for local resolution
- 1 complaint was not upheld
- 3 complaints were closed after initial enquiries
- 1 complaint was not received

1.4 The UPHELD complaints and recommendations were as follows:

- Complaint 2106319 was UPHELD by the LG&SCO this relates to a failure by the Council to notify the complainant of a change to the plans submitted for a housing development. There was evidence of fault but on balance the outcome was unlikely to have been different if the fault had not occurred.
 - The Council were ordered to apologise to the complainant in writing.
 - The Council to review why the Council's SCI (Statement of Community Involvement) was not adhered to in this case, carry out briefings or training to ensure the SCI is followed in the future.
- Complaint 22003195 was UPHELD by the LG&SCO this relates to a failure by the Council to establish the planning position and resolve the unauthorised use of land next to the complainant's home causing noise disturbance for longer than was necessary. The LG&SCO found that there was fault causing injustice.
 - The Council were ordered to apologise to the complainant in writing.
 - Ensure that he was kept up to date with how it intends to deal with any further delays by the merchant.
 - Pay the complainant £250.

1.5 This year's performance falls short of previous years where complaints and enquiries were referred to the Local Government & Social Care Ombudsman as 3 were referred back for local resolution 3 were closed after initial enquiries 1 not Upheld and 1 complaint was not received.

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-council-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 to suit the audience training is being delivered to. 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.
- 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 bi-annually. The next training sessions will be held during 2024 dates to be confirmed.
- A review of the Compliments, Comments and Complaints Policy and Procedure takes place every three years the next review is due in 2025.

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 you must provide copies of the background papers)	