

North East Derbyshire District Council

Standards Committee

15th October 2024

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

Approved by the Portfolio Holder –
Cllr Birkin - Cabinet Member for Customer Services

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	
<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>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <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
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	N/A
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	N/A
<p>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"/></p>	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic 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 17th July 2024. 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 14 complaints and enquiries received in total by the Local Government & Social Care Ombudsman.

To provide context the Council received 244 complaints in total during the period 01st April 2023 to 31st March 2024 this consists of 218 Formal complaints and 26 Internal Reviews.

Ref	Authority	Category	Decided	Decision
23000167	NEDDC	Environmental Services & Public Protection & Regulation	05/06/2023	Referred back for local resolution
23000219	NEDDC	Housing	21/11/2023	Upheld
23000979	NEDDC	Planning & Development	24/05/2023	Closed after initial enquiries
23001882	NEDDC	Housing	18/05/2023	Closed after initial enquiries
23002276	NEDDC	Planning & Development	13/06/2023	Closed after initial enquiries
23002911	NEDDC	Environmental Services & Public Protection & Regulation	29/06/2023	Closed after initial enquiries
23005269	NEDDC	Planning & Development	06/02/2024	Not Upheld
23006139	NEDDC	Planning & Development	03/08/2023	Closed after initial enquiries
23006820	NEDDC	Planning & Development	09/02/2024	Upheld
23009773	NEDDC	Housing	02/10/2023	Referred back for local resolution
23010807	NEDDC	Corporate & Other Services	02/11/2023	Closed after initial enquiries

23012429	NEDDC	Housing	19/12/2023	Upheld
23016212	NEDDC	Planning & Development	08/03/2024	Closed after initial enquiries
23018016	NEDDC	Planning & Development	14/02/2024	Referred back for local resolution

1.3 From the 14 complaints and enquiries received by the Local Government & Social Care Ombudsman

- 3 Complaints were UPHELD by the LG&SCO
- 3 Complaint were referred back for local resolution
- 1 Complaint was not upheld
- 7 Complaints were closed after initial enquiries

1.4 The UPHELD complaints and recommendations were as follows:

- Complaint 23000219 was UPHELD by the LG&SCO this relates to a delay in progressing disabled works by Rykneld Homes on behalf of the Council.
 - The Council were ordered to apologise to the complainant in writing. Make a payment of £300 to the complainant in recognition of the avoidable distress caused by the delay in completing the works to her kitchen.
 - Remind relevant staff that works agreed as part of a disabled adaptation should include details of any works necessary to achieve the adaptation.
 - Remind relevant staff that the extent of disabled adaptation works should be clearly recorded and communicated to the applicant in writing.
The Council should tell the Ombudsman about the action it has taken within eight weeks of the final decision.
- Complaint 23006820 was UPHELD by the LG&SCO this relates to an extension approved by the Council to a neighbouring property which has caused significant loss of light to her property.
 - The Council was at fault for the way it considered a planning application, however this has caused no injustice.
- Complaint 23012429 was UPHELD by the LG&SCO this relates to a failure by the Council to tell its tenants they can apply for a Disabled Facilities Grant if refused an adaptation under its separate policy.
 - The Council should tell tenants refused a disabled adaptation how to apply for a DFG.
 - Review its adaptations policy.
 - Write to the tenants refused an adaptation in the last two years and invite them to apply for a DFG, explaining the means test and other relevant differences to the adaptations policy.

- 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, 7 were closed after initial enquiries and 1 complaint was not Upheld.
- 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>

2 Reasons for Recommendation

- 2.1 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 face to face training to individual departments when requested. This provides a consistent approach in the way that all officers 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 corporate training session will be held on the 16th January 2025.
 - 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
<p>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)</p>	