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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>1 OCTOBER 2020</b>
<b>REPORT OF THE:</b>	<b>HEAD OF CORPORATE GOVERNANCE SIMON COPLEY</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL LETTER 2019/20</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To update members on the contents of the annual letter received from the Local Government and Social Care Ombudsman for 2019-20.

### **2.0 RECOMMENDATION(S)**

- 2.1 It is recommended that members:
- (i) Note the Local Government and Social Care Ombudsman Annual Letter for 2019/20

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 Effective monitoring of the investigations carried out by the Local Government and Social Care Ombudsman can identify trends and lessons to be learned from the investigations carried out.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Failure to learn from the investigations carried out can lead to similar issues arising in the future.

### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 None

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 The Local Government and Social Care Ombudsman (LGSCO) was formed under the Local Government Act 1974 to remedy injustice through independent and impartial investigations and to support the improvement of local services. The Ombudsman investigates complaints from the public against English local authorities and adult social care providers, as well as other public bodies such as national parks, fire authorities, police and crime commissioners and other Government bodies.
- 6.2 A complaint will only be considered by the LGSCO if it has first been through the two stage complaints procedure operated by the Council. Stage 1 is for the complaint to be dealt with by the Service department, who are responsible for providing a response to the complainant. If the complainant remains dissatisfied after receiving this response, the complaint passes to stage 2 of the process, and is passed to the Head of Service for investigation.
- 6.3 A further response is then sent to the complainant and they are advised that if they remain dissatisfied, they should contact the LGSCO, who offer a free and impartial service, to make a decision as to whether or not to investigate the matter further.
- 6.4 On an annual basis, the LGSCO issue an individual report for every authority setting out details of the number of complaints received and the outcomes of their investigations. These annual reviews are sent to all councils about their performance in dealing with complaints made about them to the Ombudsman. The aim is to provide councils with information to help them improve complaint handling, and improve their services more generally, for the benefit of the public. The report for Ryedale District Council is attached at Appendix 1.

### **Role of the Local Government and Social Care Ombudsman**

- 6.5 The LGSCO has a specific remit in terms of what complaints they will investigate. They do not investigate every complaint received, for example, and they may decide not to investigate if they think the problem has not affected the complainant significantly. In addition, whilst they may provide advice and guidance to complainants, they generally only investigate where the council's complaints procedure has been exhausted.
- 6.6 In general, the LGSCO will look at complaints about things that have gone wrong, such as:
- in the way a service has been delivered
  - if a service has not been delivered at all, or
  - The way a decision has been made that has caused problems for the complainant. They do not question what a Council has done simply because the complainant does not agree with it.

Examples might be if the Council:

- took too long to do something
- did not follow its own rules or the law
- failed to meet expected standards of service
- gave wrong information
- did not tell a complainant that they had a right of appeal against a decision, or
- took a decision in the wrong way, such as,
  - not taking all the relevant information into account
  - taking into account irrelevant information or
  - not following our own procedures properly.

Examples of the problems this has caused for the complainant might be if they:

- did not get a service or benefit they were entitled to or there was a delay before it was received
- suffered financial loss, or
- were put to a lot of avoidable expense, trouble or inconvenience.

6.7 The LGSCO will not normally investigate a complaint if they consider that the complainant has not suffered significant personal injustice, or if the Council has already taken, or is willing to take, satisfactory action to resolve it.

### Annual Letter 2019-20

6.8 The Annual Letter for Ryedale District Council (attached at Appendix 1) shows that from 1 April 2019 to 31 March 2020, the Ombudsman received 7 complaints and enquiries in the following service areas:

Category	Decided	Decision
Planning & Development	09/04/19	Referred back for local resolution
Corporate & Other Services	02/05/19	Closed after initial enquiries
Housing	26/10/19	Referred back for local resolution
Planning & Development	31/10/19	Upheld
Planning & Development	21/01/20	Closed after initial enquiries
Environmental Services & Public Protection & Regulation	03/03/20	Closed after initial enquiries
Planning & Development	17/03/20	Closed after initial enquiries

6.9 As the table above shows, 4 of the complaints received by the LGSCO were closed after initial enquiries, with 2 complaints referred back to the Council to be considered under Stage 2 of the Council complaints process following a premature appeal. Of the 1 complaint that was the subject of a detailed investigation, the complaint was upheld and a series of actions agreed to resolve the matter that have been completed.

In order to allow comparison against previous years, the Annual Letters are broken down as follows:

Number of Complaints/Enquiries received by the Local Government Ombudsman and Service breakdown

	2015/16	2016/17	2017/18	2018/19	2019/20
Benefits & Tax	1	1	1	-	-
Corporate & Other Services	-	1	1	2	1
Environmental Services	2	1	2	-	1
Housing	-	-	2	1	1
Planning & Development	3	2	5	5	4
Total	6	5	11	8	7

## Number of Complaints/Enquiries subject to detailed investigation

Year	Number of Complaints / Enquiries received by the Ombudsman	Progressed to detailed investigation stage	Upheld decisions	Not Upheld	Percentage of upheld decisions subject to detailed investigation (%)
2019/20	7	1	1	0	100%
2018/19	8	3	1	2	33.33%
2017/18	11	1	0	1	0%
2016/17	5	1	0	1	0%
2015/16	6	2	0	2	0%

6.10 Although the Upheld rate percentage for 2019/20 is 100%, it should be noted that only one detailed investigation was carried out over the course of the year from the seven complaints and enquiries received. Comparative information across North Yorkshire councils and the Ryedale family group of councils is included at Appendix 2.

6.11 In relation to the upheld investigation, the Ombudsman found no evidence of fault with the manner in which the Council approved the planning application, but did find fault in the publication of the details of the planning condition discharge information. As a result, the Council was required to change working practices for how information relating to the discharge of planning conditions can be viewed online.

## 7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial  
None
- b) Legal  
None
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
None

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