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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>21 NOVEMBER 2019</b>
<b>REPORT OF THE:</b>	<b>HEAD OF CUSTOMER SERVICES (INTERIM)</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2019</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To provide members with the 2019 Annual Review letter for Ryedale District Council from the Local Government and Social Care Ombudsman.

### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the 2019 Annual Review letter be noted.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 To inform the Committee of the complaints and enquiries received for the year ending 31 March 2019 by the Local Government and Social Care Ombudsman and the decisions notices and investigations carried out. This will ensure openness and transparency and that lessons are learned from any findings made.

### **4.0 SIGNIFICANT RISKS**

- 4.1 No significant risks have been identified

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

- 5.1 None

### **6.0 REPORT DETAILS**

- 6.1 The Local Government and Social Care Ombudsman 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 looks into 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 Ombudsman if it has been through the two stage internal complaints procedure operated by the Council first. If the complainant is not satisfied with the Stage 1 and Stage 2 responses they have received from the

Council, they can then ask the Ombudsman to investigate the complaint on their behalf.

6.3 Every year the Ombudsman issues an annual report, publishing a summary of the complaints and enquiries they have received in the previous 12 months and the decisions they have reached in each case.

6.4 The Ombudsman is clear that when viewing data for individual councils, it is important to understand the volume of complaints does not, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. The Ombudsman notes that complaint figures should be used as the start of a conversation, rather than an absolute measure of corporate health of an authority.

6.5 The Annual Report for Ryedale District Council shows that from 1 April 2018 to 31 March 2019, the Ombudsman received 8 complaints and enquiries in the following service areas:

Department	Number of complaints and enquiries to the LGO
Corporate and Other Services	2
Housing	1
Planning and Development	5
<b>TOTAL</b>	<b>8</b>

6.5 In some instances the matter is referred back to the council for a local resolution. This often occurs where the person has not yet complained to the Council or has not completed the internal complaints process before approaching the Ombudsman. With regards to Ryedale District Council, there were 4 referrals back to the Council for a local resolution. Similarly, there were 2 instances where matters were closed after initial enquiries. This is because the Ombudsman's office will assess the complaints received before coming to a decision on whether they merit a detailed investigation or not.

6.6 There were 3 cases that progressed to the detailed investigation stage, with one resulting in an 'Upheld' decision and two of the detailed investigations concluding a 'Not upheld' decision.

6.7 The upheld decision related to a complaint on the treatment of an individual and the pre-planning advice they received. The Ombudsman found that "the Council wrongly described the development in the case officer's report, but acted in all other respects without fault in its consideration of the planning applications and pre-planning advice application, therefore we cannot challenge the merits of the decisions reached. The error in description is unlikely to have altered the final decision and therefore did not cause an injustice for which we can offer a remedy." The full breakdown of the upheld complaint is included with this report.

6.8 The Annual Reviews in previous years are broken down as follows:

Year	Complaints/Enquiries received	Progressed to detailed investigation stage	Upheld decisions	Not Upheld
2019	8	3	1	2
2018	11	1	0	1
2017	5	1	0	1
2016	6	2	0	2

2015	14	3	2	1
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## 7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial  
None
- b) Legal  
The Local Government and Social Care Ombudsman can make recommendations on how the council can take retrospective action to remedy complaints where it has found fault in the service delivery/decision taken.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
None

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**Background Papers:**  
None