



<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>30 SEPTEMBER 2021</b>
<b>REPORT OF THE:</b>	<b>HEAD OF CUSTOMER SERVICES AND COMMUNITIES MARGARET WALLACE</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL LETTER 2020/21</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To update members of the Senior Management Board on the contents of the Annual Letter received from the Local Government and Social Care Ombudsman for 2020/21.

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

- 2.1 It is recommended that Members:  
(i) Note the Local Government and Social Care Ombudsman Annual Letter for 2020/21

### **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 data analysis to provide customer excellence.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Failure to learn from the investigations carried out can lead to similar issues arising in the future and decision notices issued against the Council from the Local Government and Social Care Ombudsman.

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

- 5.1 The handling of customer complaints is linked to the 'Our Organisation' priority of the Council Plan 2020-24 to be an innovative, enterprising council, we will transform our customer service using ways to improve our responsiveness.

## **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 2 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. However, in order to allow local authorities to respond to the Covid-19 pandemic during 2020/21, the LGSCO did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints received and decided in the 2020-21 year. This should be considered when comparing data from previous years from Section 6.8. The report received 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:
- i. In the way a service has been delivered
  - ii. If a service has not been delivered at all, or
  - iii. 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:

- i. Took too long to do something
- ii. Did not follow its own rules or the law
- iii. Failed to meet expected standards of service
- iv. Gave wrong information
- v. Did not tell a complainant that they had a right of appeal against a decision, or

- vi. Took a decision in the wrong way, such as,
  - o not taking all the relevant information into account
  - o taking into account irrelevant information or
  - o not following our own procedures properly.

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

- i. Did not get a service or benefit they were entitled to or there was a delay before it was received
- ii. Suffered financial loss,
- iii. 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.

6.8 As part of the improvements made to the complaints handling process at the council during this period and into the 2021/22 reporting year, the LGSCO carried out two training sessions with Ryedale staff on 'Effective Complaints Handling'. These sessions were attended by staff across the council to embed the new complaints procedure and develop good practice based on the advice of the Ombudsman.

#### Annual Letter 2020-21

6.9 To allow local authorities to respond to the Covid-19 pandemic, the LGSCO did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints received and decided in the 2020-21 year. Please consider this when comparing data from previous years.

6.10 The Annual Letter for Ryedale District Council (attached at Appendix 1) shows that from 1 April 2020 to 31 March 2021, no detailed investigations were undertaken following initial enquiries into the two complaints received. The two complaints were from the following service areas:

Category	Decided	Decision
Housing	17 July 2020	Closed after initial enquiries
Corporate and Other Services	30 October 2020	Closed after initial enquiries

6.11 As the table above shows, both of the complaints received by the LGSCO were closed after initial enquiries. 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	2020/21
Benefits & Tax	1	1	1	-	-	-
Corporate & Other Services	-	1	1	2	1	1

Environmental Services	2	1	2	-	1	-
Housing	-	-	2	1	1	1
Planning & Development	3	2	5	5	4	-
Total	6	5	11	8	7	2

Number of Complaints/Enquiries about Ryedale District Council 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 (%)
2020/21	2	0	0	0	0%
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%

6.12 Comparative information across North Yorkshire Councils shows that Ryedale District Council along with Richmondshire District Council were the only two Councils that did not have cases that progressed to detailed investigation stage as shown in (Appendix 2).

## 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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