

Local Government &
Social Care
OMBUDSMAN

26 June 2023

Ms Donna Manson
Chief Executive
Devon County Council
County Hall
Topsham Road
Exeter
EX2 4QD

Your ref:

Our ref: [REDACTED]

(Please quote our reference when contacting us and, if using email, please put the number in the email subject line)

If telephoning please contact: 0330 403 4978
email address: A.Holman@coinweb.lgo.org.uk

Dear Ms Manson

Complaint by [REDACTED] of [REDACTED]

Thank you for your response to my enquiries about this complaint. I have reviewed the documents you sent and decided to investigate the substantive elements of the complaint, without requiring [REDACTED] to go to stage three of the complaints procedure. I have made this decision for the following reasons:

1. [REDACTED]
2. [REDACTED]
3. The main issue [REDACTED] has complained about relates to a policy issue: specifically the deduction of child benefit from all payments of the special guardian allowance. I am concerned at the view given by the Investigating Officer (and endorsed by the Council) at stage two that:

"they could find no evidence that DCS's policy of deducting child benefit from your special guardianship allowance is contrary to decisions made by the LGSCO or statutory guidance."

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Coventry
CV4 0EH

I highlight the decision [20008652](#) which refers to an earlier public interest report (12006209) where the Ombudsman found that the Council had deducted child benefit from special guardians on income support (now replaced by Universal Credit). The Ombudsman noted that the Government's recommendation was not a statutory requirement but was aimed at achieving a fair and consistent approach by councils. It said it would want to see how local authorities took account of the Government's advice when deciding whether to deduct child benefit. We concluded in the more recent case that the Council was at fault because it had a blanket policy of deducting child benefit from all special guardians, including those on income support, and had not taken account of government advice or the Ombudsman's recommendations. It had not provided justification for doing this.

In that case the Council agreed to consider whether it had any justification for deducting child benefit from the complainant's allowance from 2019 onwards and to refund all the child benefit deductions for which a justification cannot be found. It also agreed to review its policy and establish whether other recipients of special guardianship allowances had had child benefit deducted without justification.

In the light of the above I am now making enquiries on the substantive issues in [REDACTED] complaint. I have amended the statement of complaint as follows:

[REDACTED] complains that the Council, in respect of her complaint about her Special Guardian Allowance (SGA) and other issues:

- [REDACTED]
- failed to properly consider government guidance and LGSCO decisions, that it should not deduct child benefit from the SGA of people in receipt of means-tested benefits;
- [REDACTED]
- [REDACTED]

This has caused [REDACTED] significant distress, frustration and financial hardship.

Please send me the following additional information:

1. explain why the Council deducts child benefit from all SGA payments, regardless of the Special Guardian's financial circumstances and in contravention of government guidance and LGSCO decisions.
2. [REDACTED]
3. [REDACTED]

4. [REDACTED]

Please send me this information by **24 July 2023**. If you are not able to meet this deadline, please let me know this, and why, ideally in good time before that deadline.

Any supporting documents should be appropriately named and well ordered.

Please note that we are only able to accept electronic responses to our enquiries and these should be sent in batches of less than 20Mb. Please send them to the email address at the top of this letter.

Data protection

Because of data protection risks, we cannot accept documents that include embedded documents. Please do not send us any information that includes embedded documents (which appear as a small picture of a document which opens up the document when you click on it).

Instead please only send us the information we have asked for as attachments. If you do share embedded information with us, we will delete it on receipt and ask you to resend it as attachments.

In the interests of fairness, we may decide to send the complainant a copy of your comments and any evidence that we rely on in reaching a decision. We do not usually share any information about a third party or which is confidential for another reason. If you are sending information which should not be disclosed:

- please clearly identify it and say why it should not be shared;
- send it separately from the information which can be shared;
- send a redacted and non-redacted version;
- please bear in mind that names and contact details of your own staff and those employed by other organisations are third party information;
- if any of your documents contain details of individuals with whom the complainant has had no previous contact and which are not publicly available, please provide two copies: one that has this personal information redacted and a non-redacted version.

Confidentiality

Please remind all those concerned that the law says we must investigate in private and the complaint and information about it must not be disclosed to third parties.

Yours sincerely



Alison Holman
Investigator