



Constitution and General Purposes Committee

25 June 2019

Title	Local Government & Social Care Ombudsman (LGSCO) Upheld Complaint Case ID 18009897
Report of	David Tatlow, Monitoring Officer & Chief Legal Advisor
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A - LGSCO Report - Case ID 18009897 Appendix B – Overview of Ombudsman Recommendations
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Summary

This report presents the full LGSCO decision concerning the upheld complaint (Case ID 18009897) which the law requires that we report to committee as the LGSCO issued a public report.

Officers Recommendations

1. That Committee note and consider the LGSCO upheld complaint (Case ID 18009897) as detailed within the Ombudsman's report at Appendix A.

1. WHY THIS REPORT IS NEEDED

- 1.1 Complaints can be a valuable source of information and insight to enable the Council to focus on improvements to our processes and service delivery. The Council operates a two-stage Corporate Complaints Procedure. At Stage 1, the manager of the service area deals with the complaint, with the aim of resolving the complaint as quickly as possible. At Stage 2, complaints which are not resolved at Stage 1 are reviewed by the relevant Head of Service.
- 1.2 If the complainant remains dissatisfied after going through the Council's complaints procedure, they may escalate the matter to the Ombudsman.
- 1.3 There are separate statutory processes in relation to social care complaints for Adults and children's services. This is referred to as the statutory social care complaints Procedure. Once the statutory procedure is exhausted the complainant has the right of recourse to the LGSCO.
- 1.4 The LGSCO reserves the right to accept and investigate a complaint even if this has not been through either our corporate or the statutory complaints procedures. This can occur when there are urgent issues (such as imminent homelessness), vulnerability, or if the complainant shows that they have complained to the Council but have not received a response.
- 1.5 The LGSCO have reported their findings on Case ID 18009897 as set out at Appendix A, and requires that the Council report these findings and recommendation to the relevant committee.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The LGSCO has determined that maladministration and injustice was suffered by the complainant and has set out recommendations within its report attached at Appendix A.
- 2.2 The Council accepts the decision of the Ombudsman in respect of this case and will complete the recommendations as outlined within the Ombudsman's report. An overview of these recommendations and actions taken to date is attached at Appendix B.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Officers have considered not to accept the decision of the LGSCO Case ID 18009897, but on this occasion that option is not recommended.

4. POST DECISION IMPLEMENTATION

- 4.1 The Council will undertake to complete the recommendations made by the Ombudsman in relation to this case, as set out at Appendix B, and in accordance with the specified timescales.
- 4.2 Following the committee meeting, officers will report back to the LGSCO regarding Case ID 18009897.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council's Corporate Plan - Barnet 2024 has three outcomes for the borough focus on place, people and communities:

- a pleasant, well maintained borough that we protect and invest in
- our residents live happy, healthy, independent lives with the most vulnerable protected
- safe and strong communities where people get along well.

5.1.2 As outlined in the council's approach to this vision, delivering a fair and open complaints process helps to ensure we deliver a 'efficient and effective council'.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Payment of compensation will be made to the party as directed by the Ombudsman.

5.3 Social Value

5.3.1 As contained in this report.

5.4 Legal and Constitutional References

5.4.1 Local Government Act 1974, Section 30.

5.4.2 Under article 7 of the Constitution, the Constitution and General Purposes Committee's terms of reference include:

"To consider and make recommendations to the Council on:
(iii) ethical standards in general across the authority.

To have responsibility for overseeing the Council's governance arrangements."

5.5 Risk Management

5.5.1 Complaints can be an essential means by which the Council assures the quality of council service. By listening to complaints and taking improvement action where necessary, the Council minimises the risk of non-compliance and ensures improved customer satisfaction.

5.6 Equalities and Diversity

5.6.1 Learning from complaints also assists the Council in fulfilling its statutory duty under s149 of the Equality Act.

5.6.2 Section 149 of the Equality Act 2010 sets out the Public-Sector Equality Duty which requires a public authority (or those exercising public functions) to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not
- foster good relations between persons who share a relevant protected characteristic and persons who do not.

5.6.3 The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil Partnership

5.6.4 Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible, through an equalities impact assessment, before final decisions are made. Consideration will also be made to the equalities and data cohesion summary.

5.7 Corporate Parenting

5.7.1 There are no corporate parenting implications arising from this report.

5.8 Consultation and Engagement

5.8.1 Engaging with customers through the complaints process is an important and valuable source of information and insight to enable the Council to focus on improvements to our processes and service delivery.

5.9 Insight

5.9.1 Learning from complaints provides insight into service improvement opportunities, complementing quantitative and statistical data on service performance.

6. BACKGROUND PAPERS

6.1. [The Local Government and Social Care Ombudsman website](#)