

**couMEETING**

**CONSTITUTION AND GENERAL PURPOSES COMMITTEE**

**DATE AND TIME**

**MONDAY 7TH FEBRUARY, 2022**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF CONSTITUTION AND GENERAL PURPOSES COMMITTEE  
(Quorum 3)**

Chairman: Councillor Melvin Cohen LLB  
Vice Chairman: Councillor Laithe Jajeh

Richard Cornelius  
Helene Richman

Barry Rawlings  
Geof Cooke

Alison Moore

**Substitute Members**

Peter Zinkin  
Alan Schneiderman

Sachin Rajput  
Anne Clarke

Anthony Finn  
Claire Farrier

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is [Wednesday 2<sup>nd</sup> February] at 10AM. Requests must be submitted to Abigail Lewis [abigail.lewis@barnet.gov.uk](mailto:abigail.lewis@barnet.gov.uk) 020 8359 4369

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Abigail Lewis [abigail.lewis@barnet.gov.uk](mailto:abigail.lewis@barnet.gov.uk) 020 8359 4369

Media Relations Contact: Tristan Garrick 020 8359 2454

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	5 - 10
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Report of the Monitoring Officer (if any)	
5.	Public Question and Comments (if any)	
6.	Members Item (if any)	
7.	Annual Pay Policy Statement	11 - 28
8.	Local Government & Social Care Ombudsman (LGSCO) and Housing Ombudsman summary of upheld complaints report 2020/21	29 - 70
9.	Annual Review of the Members Code of Conduct	To Follow
10.	Health and Safety Annual Report	To Follow
11.	Constitution Review	71 - 96
12.	Committee Forward Work Programme	97 - 98
13.	Any item(s) that the Chairman decides is urgent	

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# Decisions of the Constitution and General Purposes Committee

6 January 2022

Members Present:-

AGENDA ITEM 1

Councillor Laithe Jajeh (Vice-Chairman)

Councillor Richard Cornelius	Councillor Geof Cooke
Councillor Helene Richman	Councillor Alison Moore
Councillor Barry Rawlings	Councillor Peter Zinkin (Substitute for Councillor Melvin Cohen)

Apologies for Absence

Councillor Melvin Cohen

## 1. MINUTES

The Head of Governance informed the Committee that, following discussion with the Chairman, it had been agreed that the decision made at the last meeting under item 11, to amend the Constitution to enable Members outside of their ward to call in planning applications should revert back to the status quo (i.e. that Members can only call-in planning applications that affect their ward). It was noted that the proposed amendment had been ambiguous, due to one of the relevant sections of the Constitution having not been amended. The Chairman had therefore requested that the Constitution revert back to the status quo and that it could be brought back to a future meeting if required.

**RESOLVED that, subject to the amendment noted above, the minutes of the meeting held on 4 October 2021 be approved as a correct record**

## 2. ABSENCE OF MEMBERS

Councillor Melvin Cohen was being substituted for by Councillor Zinkin.

## 3. DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

None.

## 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

## 5. PUBLIC QUESTION AND COMMENTS (IF ANY)

None.

## 6. MEMBERS ITEM (IF ANY)

None.

## **7. PROPOSALS FOR THE RESTRUCTURE OF THE COMMUNITY SAFETY TEAM WITHIN THE ASSURANCE GROUP**

The Assistant Director Counter Fraud, Community Safety and Protection, Declan Khan, introduced the report which set out final proposed staffing structure changes for the Community Safety Team within the Assurance Group.

A Member questioned whether Community Safety staff would be lone working across the borough. The Assistant Director confirmed that officers would be working in pairs, with three teams of seven officers and a lead for each of the wards, as well as Personal Protective Equipment (PPE) being supplied. The Assistant Director also confirmed that staff had undergone on the job training and that subsequent training sessions would be taking place in due course.

A Member also queried the number of fixed term contacts and why this was the case. The Assistant Director explained that these contracts were due to be made permanent.

**It was unanimously RESOLVED that:**

- 1. The Committee approve the proposed changes to the Community Safety Team structure as set out in Appendix A and B.**
- 2. That the Committee authorise the deletion and creation of posts as set out in Appendix B.**

## **8. FINAL PROPOSALS FOR NEW POLLING DISTRICTS AND POLLING**

The Chief Executive and Returning Officer, John Hooton, the Head of Electoral Services, John Bailey, and the Assistant Director Assurance, Emily Bowler, introduced the report which outlined the final proposals from the Returning Officer for new polling districts and their respective polling places to serve at local elections within the new wards.

The Head of Elections notified the Committee that following late representations received in relation to some of the proposals, officers wished to remove the published addendum paper and amend recommendation 1 of the report on behalf of the Returning Officer to the following:

- That the Committee approves the Returning Officers proposed polling arrangements from May 2022, detailed within appendices 1-26, except for the following four wards; Barnet Vale, High Barnet, Garden Suburb and Whetstone, as representations have been made against the Returning Officers proposed polling arrangements in these wards since the publication of the committee papers and the final Ward polling arrangements being made public. It is therefore proposed that officers consult with existing Ward Members and the party groups and bring back alternate proposals to either this Committee, the next Full Council meeting or an Urgency Committee.*

The Head of Elections explained that this recommendation would allow the representations on these four wards to be fully reviewed by the political groups.

A Member questioned whether a school was able to exempt itself from being a polling station by adopting a certain safeguarding policy. The Head of Elections explained that

the Committee selects the polling places and districts and when a school is chosen, this constitutes a legal designation, and the Returning Officer then has the right to use that school for an election. However, the school retains the decision on whether the school will remain open for students or closes for the day.

A Member questioned whether delaying the proposals would effect being able to meet the necessary deadlines. The Executive Director of Assurance, Clair Green, confirmed that officers were confident these proposals would be agreed within the timescales.

A Member asked for clarification on the legal governance around decision making of polling places. The Head of Elections explained that the polling district boundaries and the polling places were a Council decision, which had been delegated to the Constitution and General Purposes Committee. However, the Returning Officer had the right to decide on the polling stations within the designated polling place.

Following discussion on the item, the Committee moved to vote on the amended officers recommendation.

**It was unanimously RESOLVED that the Committee approves the Returning Officers proposed polling arrangements from May 2022, detailed within appendices 1-26, except for the following four wards; Barnet Vale, High Barnet, Garden Suburb and Whetstone, as representations have been made against the RO's proposed polling arrangements in these wards since the publication of the Committee papers and the final Ward polling arrangements being made public. It is therefore proposed that officers consult with existing Ward Members and the party groups and bring back alternate proposals to either this Committee, the next Full Council meeting or an Urgency Committee.**

## **9. REVISED BOUNDARIES AND ARRANGEMENTS - RESIDENTS FORUMS AND AREA COMMITTEES**

The Head of Governance, Andrew Charlwood, presented the report, which provided an update on the impact of the ward boundary changes on the Councils area-based governance arrangements, due to the changes resulting in more wards and a mixture of two and three Member wards. The Head of Governance explained that various options had been developed in consultation with the Local Government Boundary Review Member Reference Group and that, subject to the agreement of an option, Constitution amendments would be reported to Council on 25 January 2022.

The Head of Governance asked Members to note that the Chairman, Councillor Melvin Cohen's, submission on the preferred options which had been tabled, in his absence, as follows:

- 1. Option 2 is preferred in terms of geographical composition, but with East renamed as Chipping Barnet, South as Finchley & Golders Green and West as Hendon.*
- 2. For member composition, area based so each ward sends one member to their respective committee. For three member split wards, the party with most members in that ward will decide the representative. For two member split wards, Full Council will appoint.*
- 3. It is noted that the number of councillors and residents per committee is unequal, and it proposed that the principles of the committee structure be established first, then at a later date the Committee can decide the financial allocations for each committee.*
- 4. The new structure should be implemented from 6 May 2022.*

A Member advised that following the Monitoring Officers advice the wording '*Proportionality will not apply*' should be added to sentence 2 of the submission.

Councillor Jajeh moved the motion, seconded by Councillor Richman, to vote on Councillor Melvin Cohen's submission and to agree the recommendations within the officer's report.

Votes on the motion were recorded as follows:

For: 4

Against: 3

Abstain: 0

**RESOLVED that:**

- 1. The Committee note the report.**
- 2. That the preferred option for revised arrangements for Residents Forums and Area Committees is the following:**
  - **Option 2 is preferred in terms of geographical composition, but with East renamed as Chipping Barnet, South as Finchley & Golders Green and West as Hendon.**
  - **For Member composition, political proportionality will not apply, and appointments will be area based so each ward sends one member to their respective committee. For three member split wards, the party with most members in that ward will decide the representative. For two member split wards, Full Council will appoint. (Proportionality will not apply).**
  - **It is noted that the number of councillors and residents per committee is unequal, and it proposed that the principles of the committee structure be established first, then at a later date the committee can decide the financial allocations for each committee.**
  - **The new structure should be implemented from 6 May 2022.**
- 3. That the Committee approve the option for revised arrangements for Resident Forums and Area Committees and recommend to Council on 25 January 2022 that the Constitution be amended to give effect to the changes in May 2022.**
- 4. That the Committee agree that the Resident Forums are aligned to the revised Area Committee boundaries from May 2022 and continue to operate under the existing membership format consisting of Chair and Vice-Chair appointed by Council.**

## **10. MEMBER SAFETY REVIEW**

The Head of Governance, Andrew Charlwood, presented the report which updated the Committee on a review undertaken on the safety of Members following the killing of Sir David Amess in October 2021. The Head of Governance explained that the review considered the safety of Councillors and the public in Council owned premises and the safety of Councillors in pursuit of their public duties in particular Member's surgeries.



A Member questioned whether Councillors could request for their private addresses to be removed from the Council's website. The Monitoring Officer explained that currently private addresses are displayed on the public website and under the Register of Interests. However, under the Localism Act these could be redacted if deemed necessary. Members should contact the Monitoring Officer, who would review the request and decide the most appropriate approach.

**It was unanimously RESOLVED that:**

- 1. The Committee note the actions taken in relation to Member safety to date.**
- 2. The Committee agree the action areas set out in the report.**

**11. TEMPORARY RECRUITMENT TO POST OF ASSISTANT DIRECTOR, DEVELOPMENT AND ECONOMY**

Chief Executive, John Hooton, presented the report which sought approval to advertise and recruit to an Assistant Director, Development and Economy post for a period of up to 12 months to backfill the secondment period of the existing post holder.

**It was unanimously RESOLVED that:**

- 1. The Committee authorised: the advertisement of and recruitment to a temporary contract of up to 12 months of an Assistant Director – Development and Economy post within the senior management team, as set out in the report.**
- 2. That authority to decide on the appropriate salary point in the grade Level 6 £90,866-£111,178 be delegated to the Director of Growth.**

**12. POST CREATION - ASSISTANT DIRECTOR GROWTH & CORPORATE SERVICES: ASSISTANT DIRECTOR: DEVELOPMENT DELIVERY**

Chief Executive, John Hooton, presented the report which sought approval for the creation of a new post of Assistant Director – Development Delivery and to recruit to this post, with the existing post of Head of Development Delivery to be deleted.

**It was unanimously RESOLVED that:**

- 1. The Committee approve the creation, advertisement (if necessary) of and recruitment to a new post: Assistant Director: Development Delivery.**
- 2. The Committee approve the grading of the new Assistant Director post to be Level 6;**
- 3. The Committee delegate the decision on what salary point (within the Level 6 grade) to appoint the candidate to, to the Director of Growth.**
- 4. That the Committee note the resulting change to Growth Senior management team structure as set out in this report.**

**13. COMMITTEE FORWARD WORK PROGRAMME**

A Member raised a concern about the number of unallocated reports on the work programme. The Head of Governance advised that due to the pandemic reports had been prioritised to focus on business-critical items, but work was being undertaken to bring outstanding reports back to committee as soon as possible.

It was noted that officers would add the Code of Conduct Allegations 2020/21 and the Health and Safety Annual Report to the agenda for the February meeting.

**RESOLVED that the Committee noted the Committee forward work programme.**

**14. ANY ITEM(S) THAT HE CHAIRMAN DECIDES IS URGENT**

None.

The meeting finished at 20.00pm

**Constitution and General Purposes  
Committee**

**7<sup>th</sup> February 2022**



<b>Title</b>	<b>Pay Policy Statement [incorporating information on Gender Pay Gap]</b>
<b>Report of</b>	Jon Bell, Assistant Director – Human Resources and Organisational Development
<b>Wards</b>	Not Applicable
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Pay Policy Statement
<b>Officer Contact Details</b>	Jon Bell. T:020 8359 2330, e: jon.bell@barnet.gov.uk Prodromos Mavridis, Pay and Policy Officer – Human Resources T:020 8359 6066, e: prodromos.mavridis@barnet.gov.uk

**Summary**

Local Authorities are required to prepare and approve a Pay Policy Statement before the end of March each year. The Statement must be published as soon as is reasonably practicable after it has been approved. This report introduces a draft Pay Policy Statement to the Constitution and General Purposes Committee for consideration, before approval by Full Council on 1<sup>st</sup> March 2022, prior to its publication.

# Officer Recommendations

**That the Committee considers the Pay Policy Statement (as attached at Appendix A) and refers it to the next meeting of the Full Council on 1 March 2022 for approval.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Section 38(1) of the Localism Act 2011 requires local authorities to produce an annual pay policy statement.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 To comply with the Localism Act 2011, associated statutory guidance, the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015 and the Council's constitution.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The proposal arises from the statutory obligation cited in sections 1.1 and 2.1 and as such alternative options have not been considered in the context of this report.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The Pay Policy Statement requires endorsement by Full Council on 1<sup>st</sup> March 2022 prior to publication.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Not applicable

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

- 5.2.1 The costs of implementing the Pay Policy are provided for within existing approved Budgets.

### **5.3 Social Value**

- 5.3.1 Not applicable

### **5.4 Legal and Constitutional References**

- 5.4.1 Section 38(1) of the Localism Act requires local authorities to produce an annual

pay policy statement.

The Council's Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) designates the [Constitution and General Purposes] Committee as responsible for overseeing the Council's governance arrangements, which cover staffing matters, including, inter alia:

- Salaries and terms and conditions;
- pay and reward strategy; and
- developing the annual pay policy statement for Full Council approval

## 5.5 Risk Management

5.5.1 Not applicable

## 5.6 Equalities and Diversity

5.6.1 Not directly applicable

## 5.7 Corporate Parenting

5.7.1 Not applicable

## 5.8 Consultation and Engagement

5.8.1 Not applicable

## 5.8 Insight

5.8.1 Not applicable

## 6. BACKGROUND PAPERS

6.1 Local Government Transparency Code 2015

(<https://www.gov.uk/government/publications/local-government-transparency-code-2015>)

6.2 Localism Act 2011 (<https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>)

6.3 The Code of Recommended Practice for Local Authorities on Data Transparency

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5967/1997468.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5967/1997468.pdf))

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**APPENDIX A**

**London Borough of Barnet**

**Pay Policy Statement 2022/23**  
[incorporating information on Gender Pay Gap]

**Published**  
**April 2022**

# 1 Background

## Localism Act 2011 - Openness and accountability in local pay

- 1.1. Section 38(1) of the Localism Act 2011 requires local authorities to publish an annual pay policy statement.
- 1.2. The provisions in the Act do not seek to change the right of each local authority to have autonomy on pay decisions. However, they do emphasise the need to deliver value for money for local taxpayers.
- 1.3. This statement will be presented to Full Council for adoption and any further changes during the year will be brought back to Council for approval.
- 1.4. This statement only relates to the remuneration of staff directly employed and managed by the Council of the London Borough of Barnet. It does not cover school-based employees or those working for partner organisations.

## Related Remuneration and Transparency Context

- 1.5. The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015 issued in February 2015 by the then Department for Communities and Local Government; and specific guidance relevant to the Localism Act issued by the Department in February 2012 and February 2013.
- 1.6. The Code of Recommended Practice for Local Authorities on Data Transparency includes publishing information relating to salaries over £58,200. Similarly, the Local Government Transparency Code 2015 stipulates that salaries over £50,000 should be published. In order to comply with both Codes, the Council publishes a summary of posts that are paid more than £50,000. The summary is available on the website of the Council.
- 1.7. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 ordinarily require the Council to report 'pay gap' information such as the difference between the average (mean and median) pay of female employees and that of male employees.

## 2. Governance arrangements for pay and conditions of service within Barnet Council

- 2.1. The Constitution and General Purposes Committee (appointed by Council) has responsibility for decisions related to the pay and terms and conditions of employment for staff (other than those within the remit of the Chief Officer Appointment Panel<sup>1</sup>) in accordance with Article 7 (Committees, Sub-Committees, Area Committees and Forums and the Local Strategic Partnership) of the Constitution.

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<sup>1</sup> The Chief Officer Appointment Panel deals with chief officer appointments, discipline and capability matters.



2.2. Included within the responsibilities of the Committee is the duty to develop and publish the annual pay policy statement for approval by Council (being its parent body) which will comprise:

- the level and elements of remuneration for each Chief Officer
- relationship between the remuneration of Chief Officers and other employees
- a description of the relationship between decisions made on the lowest paid and top paid employees in the organisation
- remuneration of the lowest paid (with the definition of the lowest paid and the reasons for adopting that definition)
- in relation to Chief Officers - remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments
- transparency arrangements, including the publication of and access to information relating to the remuneration of chief officers
- reasons for chosen approach to remuneration levels and how this is to be implemented
- differences of approach to groups of employees and the reasons for them
- pay dispersion
- incremental progression factors
- use of honoraria and ex-gratia payments
- determination of remuneration parameters for officers who have returned to work for the local authority
- appointment and remuneration term.

2.3. In addition, the Committee has a duty to review remuneration annually and ensure that sufficient flexibility exists within the Council's pay policy to allow responses to unforeseen circumstances without having recourse to revising the policy between annual reviews.

2.4. Council is asked to consider the Constitution and General Purposes Committee's recommendation(s). The Council is ultimately responsible for approval of the annual pay policy statement.

### **3. Remuneration arrangements for all employees**

#### **Introduction**

3.1. This section sets out the remuneration arrangements for Barnet Council employees.

#### **Senior Management**

3.2. The Senior Management Team's pay and reward arrangements include:

- A market-based pay structure which links job size to the midpoint between Median and Lower Quartile Pay data;
- Evaluation of all roles using Hay job evaluation scheme to define the scope and 'size' of each post;
- Pay Grades reflect job sizes and evaluated roles are slotted into a grading system according to the evaluated job size;
- Automatic enrolment into Local Government Pension Scheme (LGPS);
- Base pay linked to the NJC for Local Government Services;

- 30 days' annual leave; and
- Sick pay up to a maximum of six months at full pay and six months at half pay

### Rest of the Council

- 3.3. Current arrangements for the remainder of the council's workforce include:
- A grading system with grade minima and maxima broadly corresponding to points within the National Joint Council (NJC) for Local Government Services (LGS) pay 'spine';
  - Grading of all posts through systematic job evaluation (Hay scheme);
  - Automatic enrolment of employees into the Local Government Pension Scheme (LGPS)<sup>2</sup>;
  - 30 days' annual leave; and
  - Other terms and conditions of employment such as entitlement to sick pay governed by the NJC LGS

### Pay Scales - Senior Management Team

- 3.4. The Senior Management grade structure and salaries were agreed by General Function Committee on 3rd May 2017. The Constitution and General Purposes Committee (subject to Council approval) sets the pay rates applicable to the grade structure on an annual basis and this pay policy statement is updated. Table A below sets out the salaries associated with the pay grades for the Senior Management Team and the Statutory Officer posts. Salaries are reviewed during April of each year and an updated pay policy statement is approved and published by the Council as necessary.

Pay Grade	Grade Minimum On 1 April 2021	Grade Maximum On 1 April 2021	Chief Officer and Senior Management Posts
1	£189,870	£200,560	Chief Executive*
2	£158,710	£169,400	Deputy Chief Executive*
3	£135,765	£158,213	Executive Director for Children & Families* (incorporates statutory Director of Children's Services); Executive Director for Adults & Health* (incorporates Statutory Director for Adults and Social Services) Executive Director for Environment*
4	£121,868	£135,765	Executive Director of Resources (s.151 Officer)* Executive Director of Assurance* Director of Adult Social Care

<sup>2</sup> Note that, for a small number of designated roles where recruitment and retention issues exist, employees are offered the option of receiving a higher salary in return for sourcing their own pension provision

Pay Grade	Grade Minimum On 1 April 2021	Grade Maximum On 1 April 2021	Chief Officer and Senior Management Posts
			Director of Growth
5	£111,178	£121,868	Director of Commercial and Customer Services Director of Public Health and Prevention* Director of Children's Social Care (Early help, Children in need of help & protection) Director of Children's Social Care (Corporate Parenting, Disability and Permanence) Street-Scene Director
6	£90,866	£111,178	Senior Management – mainly Assistant Director posts
7	£78,038	£87,659	
8	£69,486	£78,038	

Table A: Barnet Council senior management grading system with details on Chief Officer (posts denoted with an asterisk) and Director remuneration.

- 3.5. Each Pay Grade comprises a minimum (entry pay point) and a maximum (fully competent) pay point. The Fully Competent pay point reflects the evaluated level of the job. The Council does not pay beyond the evaluated level of the job.
- 3.6. The appropriate pay point at recruitment will normally depend upon the applicant's assessed level of competence.
- 3.7. All Chief Officer appointments (those officers listed in Article 9 of the Council Constitution) are conducted by the Chief Officer Appointment Panel, which comprises five elected members appointed to the panel by Council. The Panel includes the Leader of the Council, the Deputy Leader of the Council, the Chairman of the Constitution and General Purposes Committee, the Leader of the Opposition and a further member of the opposition group. The post holder's remuneration will be voted on by the Constitution and General Purposes Committee and reported to Council at the earliest opportunity.
- 3.8. The Constitution and General Purposes Committee is responsible for the appointment of all chief officers with the exception of the Head of Paid Service (Chief Executive) as Council retains the responsibility to confirm the appointment or dismissal of the Head of Paid Service.
- 3.9. Pay progression within senior management grades is assessed through the annual performance review cycle. There are four performance levels, each corresponding to a defined percentage of salary increase until an employee reaches the top of the pay grade for their post, shown in Table B.

<b>Rating</b>	<b>Percentage increase</b>
Development Needs	0%
Satisfactory	0.5%
Good	2.25%
Outstanding	3%

Table B: Barnet Council performance-based pay progression for senior management.

### **Pay Scales - Rest of the Council**

- 3.10. The Council, in accordance with its single status agreement, has a grading system in place for staff not covered by the SMT arrangements outlined above. In accordance with the Council's job evaluation scheme, each post is assigned one of 13 grades. The lowest point in the pay 'spine' is £20,658 and the highest point is £68,832. A full list of grades and corresponding salary levels at all levels of the Council can be found in Appendix A1.
- 3.11. The pay point on recruitment is normally at the bottom point of the grade for each post unless there is a justifiable reason for doing otherwise. Justifiable reasons for appointments at higher levels within a grade may include a need to match the appointee's salary at a previous employer and/or challenges in relation to staff recruitment and retention for a particular post or level of skill.
- 3.12. Pay progression within grades is assessed through the annual performance review cycle. There are four performance levels, each corresponding to a defined percentage of salary increase until an employee reaches the top of the pay grade for their post.

<b>Rating</b>	<b>Percentage increase</b>
Development Needs	0%
Satisfactory	0.5%
Good	2.25%
Outstanding	3%

Table C: Barnet Council performance-based pay progression for grades A-M.

### **Barnet Living Wage**

- 3.13. The Council has developed a fair pay policy to ensure that it applies a wage 'floor' for Council employees, the essence of which is set out in the following statement:

*"London Borough of Barnet is a fair pay employer and will apply the principles of a living wage (including taking into account the National Minimum Wage, National Living Wage, London Living Wage and national pay awards in the public sector), subject to affordability."*

- 3.14. As outlined above, the lowest point in the Barnet Council pay 'spine' is £20,658. All posts within the Council's grading system are remunerated at levels that exceed the 2020/21 London Living Wage [expressed as an hourly rate of £10.85, which would correspond to an annual salary of £20,367 for a full-time employee].

- 3.15. The reader may wish to note that the 2021/22 London Living Wage has risen to £11.05 per hour. While this would correspond to an annual salary of £20,742, which is marginally higher than the lowest point in the Barnet Council pay 'spine', the Council intends to increase the pay of its employees in line with the outcome of ongoing national negotiations between local government employers and trade unions. The increase will be backdated to 1 April 2021 and will almost certainly result in the lowest salary exceeding £20,742.
- 3.16. It is important to note that the Council's grading system and Living Wage provisions do not include remuneration rates in respect of apprenticeships, where the national apprenticeship rates will apply at a minimum.

### **Other Elements of Remuneration**

#### **Pay Protection**

- 3.17. The Council's Managing Organisational Change Policy is applicable to all employees and sets out the Council's pay protection policy.

#### **Recruitment and Retention Premia**

- 3.18. The Council has a recruitment and retention payments policy applicable to all employees which describes when and how the Council may pay beyond the evaluated level of a job. Any such payments will need to be supported by clear labour market evidence before they can be made, and to be reviewed periodically.

#### **Other**

- 3.19. The Council does not operate a bonus scheme for senior managers or any other employees, however it does award salary progression within grades on the basis of employee performance as outlined above.
- 3.20. The Council does not offer any benefits in kind.
- 3.21. With effect from December 2021, the Council has introduced a Policy for Payments for Additional Responsibilities and Outstanding Contributions which allows discretionary payments to be made to staff who are required to undertake duties outside the scope of their post or/and have made extraordinary contributions to the work of the Council. Payments under the Policy are subject to an approval process which includes senior management as well as the Assistant Director of Human Resources and Organisational Development.

#### **Payment for election duties**

- 3.22. The role of Returning Officer is considered to be secondary employment and any Senior Officer undertaking this role will be expected to either take annual leave or special unpaid leave when fulfilling this function.

- 3.23. Any employee who undertakes election duties is paid for this through the Returning Officer. The level of Fees & Charges payable for election duties are set by the Cabinet Office & London Councils.

### **Pension Arrangements**

- 3.24. Employees of the London Borough of Barnet are automatically enrolled into the Local Government Pension Scheme (LGPS). However, employees are entitled to opt out of the Scheme if they so wish.
- 3.25. The rate of employee pension contributions is determined by national LGPS regulations.
- 3.26. Pension matters are dealt with by LGPS Scheme Rules. LGPS members are also entitled to receive benefits related to ill-health retirement and death in service.

### **Redundancy Terms**

- 3.27. The Council's Managing Organisational Change Policy is applicable to all employees, including Chief Officers, and the Head of Paid Service, and sets out redundancy compensation.
- 3.28. Redundancy compensation is calculated based on an employee's actual weekly gross pay using the statutory matrix of Age and Years of Completed Service. The minimum is 1 week's actual gross pay and the maximum is 30 weeks' pay.
- 3.29. The Council's redundancy terms do not enhance pension entitlements.
- 3.30. As part of its duty to mitigate the consequences of redundancy, the Council puts in place appropriate employee support, which includes career advice, workshops and redeployment trial periods for employees.

### **Appointment and Remuneration Terms**

- 3.31. The Council appoints to roles on a variety of terms [within the parameters of its Unified Reward framework and other relevant policies], and the final decision about appointment and remuneration terms will generally be a reflection of the requirements of the role, the evaluated level of the role, the longevity of the role, budgetary constraints, and broader value for money considerations.

## **4. Severance arrangements**

- 4.1. The Council does not enhance severance packages beyond statutory and contractual entitlements. In practice this means severance packages consist of redundancy pay (see 3.27) and any holiday pay to which the employee is contractually entitled. Employees who are members of the LGPS may also be entitled to redundancy-related payments in accordance with the Regulations of

the Scheme. From the Council's perspective, this will mean that mandatory and discretionary payments towards premature retirement compensation will be included in the assessment of the severance payments which are made to an individual.

- 4.2. Where an employee who is a member of the LGPS is aged 55 or above and is made redundant, then, by virtue of the LGPS scheme rules, the employee's pension will automatically come into payment. It should be noted that an employer cost, known as 'Pension Strain' will be crystallised and is a cost to be paid by the employer to the LGPS.
- 4.3. For the purposes of calculating the component parts of a severance package this will include:
  - redundancy pay
  - holiday entitlement earned but not taken
  - 'pension strain' cost payable by the Council to the Pension Scheme.
- 4.4. The Council had been given the opportunity to vote on severance packages at or above £95,000 per annum and have delegated this function to the Constitution and General Purposes Committee<sup>3</sup>.

## **5. Relationship between the remuneration of the Council's chief officers, and the remuneration of its employees who are not chief officers**

### **Remuneration of the Lowest Paid**

- 5.1. The definition of the lowest paid is outlined in Section 5.4 (below). The Council has adopted that definition based on the lowest point of the Council's pay 'spine' - see section 3.10. The reader should note that salaries are quoted in this Statement on a full-time basis; salaries for employees who work part-time are calculated on a pro-rata basis in line with the grade for their role.

### **Pay Dispersion**

- 5.2. The highest paid role in the Council is that of the Chief Executive with earnings of £198,511. Earnings for the median average paid role stand at £32,215, falling within Grades G and H which cover multiple roles across a wide range of Council services. The ratio between the highest paid in the authority (Chief Executive Officer) and the median average paid role is approximately 6.2:1. The lowest-paid role in the Council is in the Streetscene

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<sup>3</sup> The reader may wish to note that a statutory instrument entitled 'Restriction of Public Sector Exit Payment Regulations 2020' was enacted in November 2020. The aforementioned Regulations would have obliged the Council to cap exit payments [including those made in respect of pension 'strain'] to £95,000. However, the Regulations were revoked in March 2021; as a result, the Committee has retained its decision-making responsibility on any proposed exit payments which are likely to exceed £95,000.

Service, with full-time earnings of £20,658 per annum. The ratio between the highest and lowest paid roles is 9.6:1.

- 5.3. A pay dispersion comparison between the current year and previous year is shown in Table D below:

Description	2020/21	2021/22
Highest Paid	£194,142	£198,511
Median	£32,415	£32,215
Lowest paid	£20,658	£20,658
Highest to median ratio	6:1	6.2:1
Highest to lowest ratio	9.4:1	9.6:1

Table D: Pay dispersion at Barnet Council in 2020/21 and 2021/22<sup>4</sup>.

### Elements of Chief Officer Remuneration

- 5.4. As described previously, Chief Officers do not ordinarily receive any bonuses or benefits in kind. In common with all Council posts, where there is evidence that the evaluated level of the job does not reflect current labour market conditions, a market supplement may be considered. Any market supplement would need to be agreed and reviewed by the Constitution and General Purposes Committee.

## 6. Gender Pay Gap

- 6.1 The Council is committed to reporting accurately on its gender pay gap. As at 31.03.2020, the average hourly rate of pay for female employees was higher than that for male employees both in terms of the mean (14.15%) and median (25.54%) averages. More details can be found in Appendix A2.

## 7. Staff moving posts within the public sector

- 7.1. The Council operates a recruitment policy based on merit, in line with the provisions of Section 7 the Local Government and Housing Act 1989.
- 7.2. Should a successful candidate for a Barnet Council vacancy be in receipt of a severance payment or pension, the Council would follow the Rules of the Local Government Pension Scheme and Modification Order to manage the following scenarios, should they occur:

<sup>4</sup> The reader may wish to note that the median pay amount for 2020/21 has been revised from the figure reported in the April 2021 Pay Policy Statement. This has been the result of improved access to management information which has facilitated a more robust quality assurance process for pay metrics. The highest to median pay ratio for 2020/21 has also been adjusted as a result.



- Where someone previously employed by the same authority, left with a severance or redundancy payment returns to the Council's employment as a Chief Officer
- Officers in receipt of a Local Government Pension Scheme or Firefighter pension (whether their previous service was with the same authority or not).

7.3. Where an employee leaves the Council on the grounds of redundancy, there would normally need to be a 12-month break before the Council would consider engaging them again either as an employee or under a contract for services

## **8. Publication of and access to information regarding remuneration of Chief Officers**

8.1. Remuneration information about Chief Officers is published on the Council website.

8.2. The Council's Annual Accounts set out remuneration information for roles paid above £50,000. These accounts are published on the Council's website.

## **9. Amendments to this Pay Policy Statement**

9.1. Data within this statement are correct as at December 2021. The reader should note that they do not incorporate any pay offer for the 2021/22 or 2022/23 financial years, and that the median pay may be subject to minor variations as a result of posts being created, deleted, or re-evaluated.

9.2. There is a requirement to keep this Pay Policy Statement as up to date as possible. Therefore, mid-year amendments to the statement will be approved and published by the Council as appropriate.

## APPENDIX A1



### PAY AND GRADING STRUCTURE FROM 1 APRIL 2021<sup>5</sup>

GRADE	Minimum	Maximum
Grade A	£20,658	£22,185
Grade B	£21,795	£22,995
Grade C	£22,587	£23,826
Grade D	£23,406	£24,693
Grade E	£24,258	£26,052
Grade F	£26,052	£28,992
Grade G	£28,992	£32,418
Grade H	£31,557	£34,884
Grade I	£34,884	£38,883
Grade J	£39,867	£44,790
Grade K	£47,841	£52,886
Grade L	£53,928	£60,396
Grade M	£61,949	£68,832
Grade 8	£69,486	£78,038
Grade 7	£78,038	£87,659
Grade 6	£90,866	£111,178
Grade 5	£111,178	£121,868
Grade 4	£121,868	£135,765
Grade 3	£135,765	£158,213
Grade 2	£158,710	£169,400
Grade 1	£189,870	£200,560

<sup>5</sup> The figures are subject to change due to a pending cost of living award which will be backdated to 01.04.2021.

## APPENDIX A2

### Gender Pay Gap information

(Note: Data as at 31.03.2020)

1. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 ordinarily require the Council to report 'pay gap' information, including the difference between the average (mean and median) pay of female employees and that of male employees as well as an analysis of the workforce by pay quartile.
2. The 2020/21 gender pay gap figures for Barnet Council have already been published through the central Government's Gender Pay Gap Reporting Service. However, the Council is keen to continue its work on transparency and the overall equality, diversity, and inclusion agenda and has decided to include the relevant information<sup>6</sup> in this report.
3. The mean average hourly pay for female Council employees is £19.23, and the median average hourly pay for female Council employee stands at £17.70. The figures for male employees are £16.85 and £14.10 respectively. Consequently, the mean average gender pay gap is 14.15%, and the median average gender pay gap is 25.54% (Table 1).

<i>Type of figure</i>	<b>2019/20</b>	<b>2020/21</b>
Mean pay per hour for male employees	£17.22	£16.85
Mean pay per hour for female employees	£19.58	£19.23
<b>Gender pay gap – mean average</b>	<b>13.7%</b>	<b>14.15%</b>
Median pay per hour for male employees	£14.03	£14.10
Median pay per hour for female employees	£17.72	£17.70
<b>Gender pay gap – median average</b>	<b>26.28%</b>	<b>25.54%</b>

Table 1:  
Barnet

Council gender pay gap figures<sup>7</sup>.

4. The Barnet pay gap figures appear to be significantly different from gender pay gap data across London Borough Councils<sup>8</sup>, where a very small gap exists in the other direction, with male employees' median hourly pay being 0.5% higher

<sup>6</sup> The reader may wish to note that the statutory definition of gender pay gap calculations is based on the earnings of male employees. Consequently, using that definition, the Council technically has 'negative' pay gaps. The Council reports its pay gap figures to the central government's Gender Pay Gap Service using the relevant template [devised by that Service] in order to facilitate comparisons with other organisations.

<sup>7</sup> The slight decrease in mean pay for both male and female employees, as well as median pay for female employees, is mostly due to the delay of the 2020/21 cost of living award (as new starters are typically paid at the bottom point of the grade for their post while leavers have usually benefitted from pay progression within the grade for their post).

<sup>8</sup> LGA report: 'The gender pay gap in local government 2019'


than that of female employees, as well as local authorities across England and Wales, where the median pay of male employees is 4.3% higher than that of female employees<sup>9</sup>. The difference can largely be attributed to the fact that Barnet Council has outsourced the work of certain specialist/professional functions (such as Information Technology) which traditionally attract a higher proportion of men and which other authorities continue to deliver internally. This means that women make up the majority of employees in the top 3 pay quartiles within the Council (Table 2).

<b>Quartiles</b>	<b>Male 2020</b>	<b>Female 2020</b>	<b>Male 2021</b>	<b>Female 2021</b>
Lower Quartile	55.8%	44.2%	60.5%	39.5%
Lower Middle Quartile	48.4%	51.6%	45.5%	54.5%
Upper Middle Quartile	28.2%	71.8%	29.7%	70.3%
Upper Quartile	30.5%	69.5%	32.1%	67.9%

Table 2: Gender 'split' of Barnet Council employees by pay quartile.

- The Council remains fully committed to the EDI (Equality, Diversity, and Inclusion) agenda and continues its work to improve its engagement with all sections of the community as well as its employer 'brand' within and beyond the Borough.

<sup>9</sup> LGA data pack: 'Local Government Workforce Summary Data', March 2021

	<p align="center"><b>Constitution and General Purposes Committee</b></p> <p align="center"><b>7 February 2022</b></p>
<p align="center"><b>Title</b></p>	<p><b>Local Government &amp; Social Care Ombudsman (LGSCO) Summary of Upheld Complaints report (2019-2020 and 2020-2021)</b></p>
<p align="center"><b>Report of</b></p>	<p>Jessica Farmer, Monitoring Officer &amp; Chief Legal Advisor</p>
<p align="center"><b>Wards</b></p>	<p>All</p>
<p align="center"><b>Status</b></p>	<p>Public</p>
<p align="center"><b>Urgent</b></p>	<p>No</p>
<p align="center"><b>Key</b></p>	<p>No</p>
<p align="center"><b>Enclosures</b></p>	<p>Appendix A – Summary of upheld LGSCO complaints received 1 April 2019 - 31 March 2021                  Appendix B – LGSCO Annual Review Letter July 2020                  Appendix C – LGSCO Annual Review Letter July 2021</p>
<p align="center"><b>Officer Contact Details</b></p>	<p>Emily Bowler - Assistant Director Assurance                  020 8359 4463 - <a href="mailto:emily.bowler@barnet.gov.uk">emily.bowler@barnet.gov.uk</a></p> <p>Andrew Cox - Improvement Lead                  020 8359 3726 - <a href="mailto:andrew.cox1@barnet.gov.uk">andrew.cox1@barnet.gov.uk</a></p>

## Summary

This report presents a summary of the upheld complaints determined by the LGSCO during periods 2019-2020 and 2020-2021.

## Officers Recommendations

1. That Committee note the summary of upheld decisions by the Local Government and Social Care Ombudsman during periods from 1st April 2019 - 31 March 2021 (Appendix A).

## 1. Why this report is needed

- 1.1 Complaints are 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 or above.
- 1.2 If the complainant remains dissatisfied after going through the Council's corporate complaints procedure, they may escalate the matter to the Local Government and Social Care Ombudsman (LGSCO). Where the matter relates to complaints about social housing then it falls under the jurisdiction of the Housing Ombudsman rather than LGSCO.
- 1.3 There are separate statutory processes in relation to social care complaints for Adult's and Children's services (termed 'statutory social care complaints'). 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 it 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 This report covers two reporting periods:
  - 1 April 2019 - 31 March 2020; and
  - 1 April 2020 - 31 March 2021.
- 1.6 Every July the LGSCO writes an annual review letter to every local authority which outlines the complaints and enquiries they have dealt with during the previous financial year. The annual letters received by the London Borough of Barnet for 2019-20 and 2020-21 can be found in Appendix B and C.
- 1.7 Officers have reviewed the annual letters from the LGSCO and noted that.
  - In 2019-21, 71% of investigations conducted by the LGSCO were upheld. This compared against an average figure of 70% for similar authorities. In 2020-21 this figure was roughly the same; 70% of investigations were upheld against an average value of 72% for local authorities,
  - In all cases the LGSCO were satisfied that the council had successfully implemented agreed recommendations; however, in 2019-20 the Ombudsman noted that in six cases remedies were not complete within agreed timescales. There was a 50% reduction in this figure during 2020-21 with only three recommendations not completed within agreed timescales.

- In 2019-20 the LGSCO delivered both adult and children’s social care service complaint handling courses to LBB staff and welcomed the council’s investment in good complaint handling training.
- In 2020-21 the LGSCO noted general concerns across all local authorities regarding the erosion of effective complaint functions. The Ombudsman noted that they are working to develop a new programme of work that will utilise complaints to drive improvements in both local complaints systems and services.

1.8 Table 1 shows the full breakdown of the outcomes of LGCSO complaints received during these two reporting periods (2019-20 and 2020-21) and comparison against the previously reported year (2018-19). Note: this includes cases where the LGSCO determined there was no further action and they choose not to progress the complaint to an investigation as, for example, the complaint has not been through the corporate or statutory process, or the matter is outside the jurisdiction of the LGSCO.

LGSCO Decision	Number of Complaints (% of total)					
	2018-2019		2019-2020		2020-2021	
Investigated - Upheld	24	13%	32	17%	26	19%
Investigated - Not Upheld	16	9%	13	7%	11	8%
No Further Action	148	79%	139	76%	99	73%
<b>Total number of LGSCO complaints reported</b>	<b>188</b>	<b>100%</b>	<b>184</b>	<b>100%</b>	<b>136</b>	<b>100%</b>

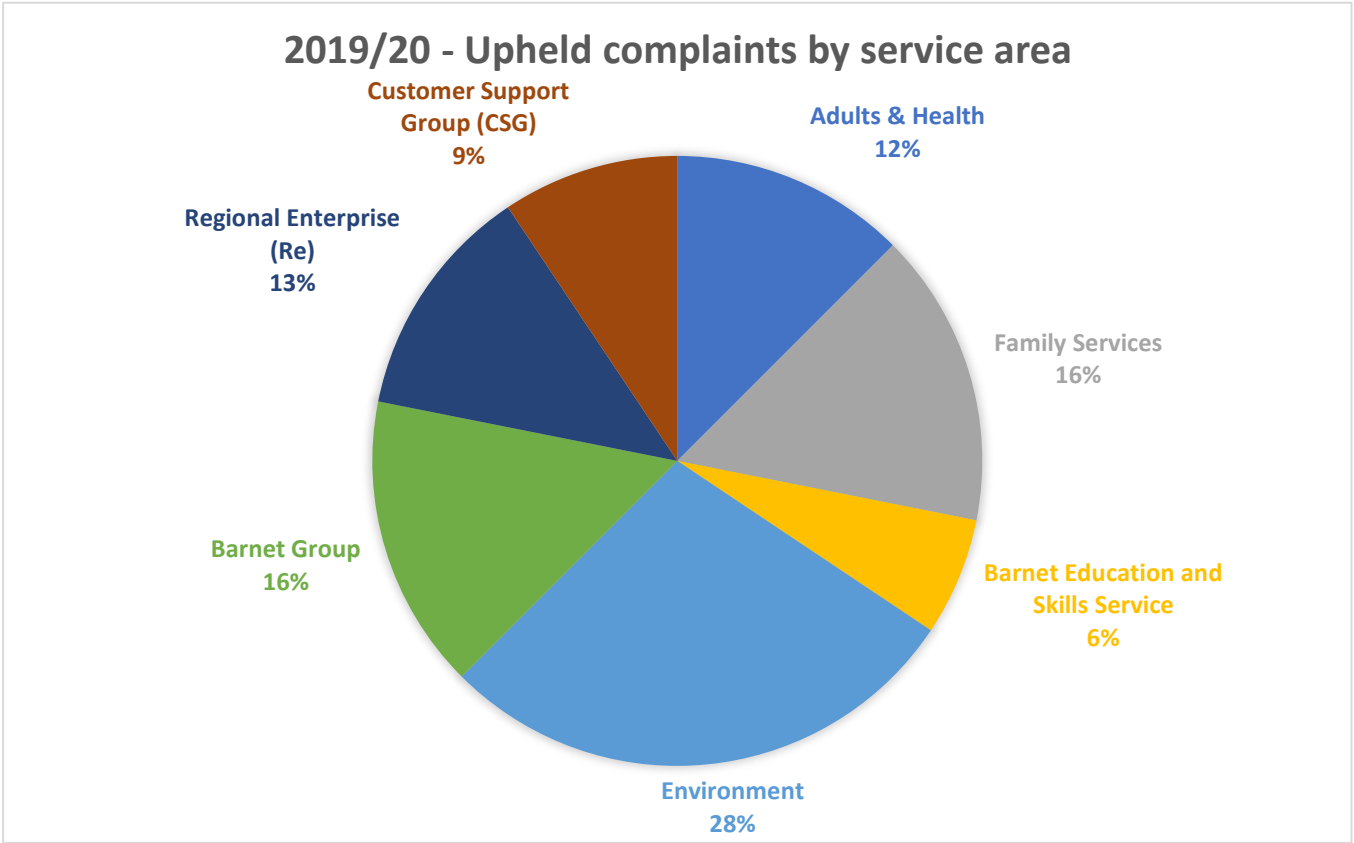
1.9 There has been a general trend that the number of Ombudsman investigations has decreased down from 188 in 2018-19 to 136 in 2020-21, meaning a 28% decrease. However, in March 2020 the LGSCO suspended casework for approximately three months due to the pandemic. This is likely to have impacted the number of decisions they were able to reach and cases they were able to fully investigate, and the data should be interpreted with this in mind.

1.10 There has been a general increase in the percentage of Ombudsman investigations which have been upheld from 13% in 2018-19 to 19% in 2020-21. This general trend appears in line with a national picture of an increase of 15% to 18% over the same period.

1.11 Table 2 and Figure 1 shows the breakdown of LGSCO complaints by service area

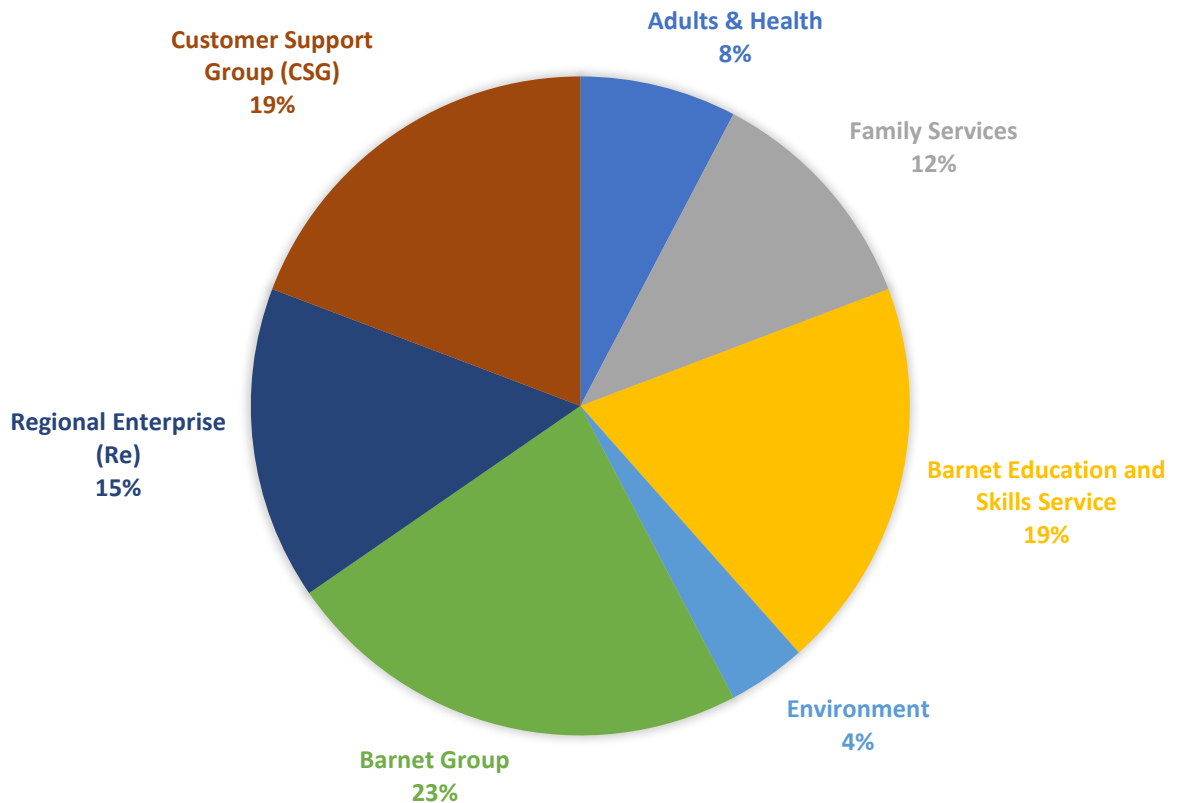
Service Area	Number of LGSCO complaints upheld		
	2018 - 2019	2019 - 2020	2020 - 2021
<b>Adults &amp; Health</b>	<b>5</b>	<b>4</b>	<b>2</b>
<b>Assurance</b>	<b>2</b>	<b>0</b>	<b>0</b>
Community Safety	1	0	0
Electoral Services	1	0	0
<b>Barnet Education and Learning Service</b>	<b>1</b>	<b>2</b>	<b>5</b>
Barnet Education and Learning Service	1	2	5
<b>Barnet Homes</b>	<b>4</b>	<b>5</b>	<b>6</b>

<b>Customer Support Group (CSG)</b>	<b>2</b>	<b>3</b>	<b>5</b>
CSG – Council Tax	2	3	5
<b>Environment</b>	<b>5</b>	<b>9</b>	<b>1</b>
Environment – Assisted Travel	0	2	0
Environment – Street Scene	1	2	0
Environment – Parking Service	3	5	1
<b>Family Services</b>	<b>3</b>	<b>5</b>	<b>3</b>
<b>Regional Enterprise (Re)</b>	<b>2</b>	<b>4</b>	<b>4</b>
Re – Planning	1	3	3
Re – Highways	0	1	1
Re – Environmental Health	1	0	0
<b>Total number of complaints upheld</b>	<b>24</b>	<b>32</b>	<b>26</b>





## 2020-21 - Upheld complaints by service area



- 1.12 The most marked decrease in upheld complaints was with the Environment which saw a drop from nine to one upheld complaints between 2019-20 and 2020-21.
- 1.13 Barnet Education and Learning Service, Barnet Homes, Customer Support Group and Re all saw increases in the number of upheld complaints they received.
- 1.14 This trend appears in-line with the national picture; the LGSCOs [Review of Local Government Complaints 2020-21](#) noted that there was an increase in the uphold rate of all categories of complaint, other than environmental services and protection, which typically include complaints about refuse and recycling, noise, pollution and licensing.
- 1.15 Appendix A give a summary of all the upheld complaints received from the LGSCO from 1 April 2019 to 31 March 2021.

## 2. Reasons for recommendations

- 2.1 Where complaints are upheld by the LGSCO, they recommend ways for authorities to put things right when faults have caused injustice. Their recommendations try to put people back in the position they were in before the fault and they monitor authorities to ensure councils comply with their recommendations. Appendix A includes LGSCO recommendations for each upheld complaint.

- 2.2 In 2019-2020, in all cases the LGSCO were satisfied that the council had successfully implemented agreed recommendations but noted that in six cases remedies were not complete within agreed timescales.
- 2.3 In 2020-2021, again the LGSCO were satisfied that the council had implemented agreed recommendations. However, there were three cases where recommendations were deemed to have not been completed within agreed timescales. This was a reduction of 50% on the previous reporting year.
- 2.4 During the reporting period, the LGSCO has determined one publicly reported case of injustice (Case ID 18 009 897) regarding the destruction of a trailer (June 2019). This was reported to July 2019 meeting of the [Constitution and General Purposes Committee](#). The LGSCO found fault against the council causing injustice and made a number of recommendations which the council agreed to implement. The LGSCO later confirmed that they were satisfied the council had actioned all the recommendations.

### **3. Alternative options considered and not recommended**

- 3.1 The council could consider not to take on board the LGSCO's recommendations for each upheld complaint, but this would negatively impact both the complainant and the reputation of the council.
- 3.2 The council will continue to learn from complaints to continuous business improvement and resident satisfaction.
- 3.3 Officers have considered not to accept the decision of the LGSCO Case ID 18 009 897 but this option is not recommended. The LGSCO have independently and impartially investigated the matter and found fault with the council, making recommendations to both compensate the complaint but also to help prevent the same problem reoccurring. It was therefore decided to accept the findings and recommendations made by the LGSCO.

### **4. Post decision implementation**

- 4.1 We continue to recognise the importance of LGSCO complaints and welcome them as a valuable form of feedback about our services and those provided by third party providers.
- 4.2 Learning from complaints provides an opportunity to ensure that improvements are made across the council with corrective action being taken when appropriate. Lessons learnt are captured for all complaints which are partially or fully upheld.
- 4.3 Lessons learnt actions and the themes drawn from complaints are reviewed for discussion and as part of the council's drive for improvement.
- 4.4 In many instances, outcomes to complaints are case specific and there are no general learning points that would influence policy or procedure. Individual issues and staff/team specific learning is addressed through training, supervision and team meetings.

- 4.5 In the 2020-2021 letter, the LGSCO noted a general concerns across local authorities regarding the erosion of effective complaint functions.
- 4.6 Since 2019, we have continued to invest in the complaints process and the Corporate Complaints Team have a programme of activities to improve the complaints management process as well as embedding learning from complaints.
- 4.7 During 2022-23 we will be trialling a new case management system, iCasework, to specifically support the administration of complaints. Currently complaints are monitored though the use of excel spreadsheets and a customer relationship system which is not tailored made to support the complaints process. The new system, which will go live on 1 April 2022, will deliver several improvements to the complaints process across the council including:
- Adopt innovative technology to improve working practices and resource efficiency. For example:
    - Direct workflows to ensure that complaint handling follows expectations set by the Corporate Complaints Team.
    - Removes the need to double enter complaints on both the council's customer relationship management system and excel spreadsheets.
    - Allow for real time monitoring of complaints across the organisation and automatically generate reports to give management better oversight of complaints and performance.
  - Allow the capture of data which will give insight about service delivery and customer experience. The data generated will be used to drive meaningful service improvements and support the council's continuous development.
  - Improve customer complaints management oversight across the council including those under our Management of Unreasonable Complainant Behaviour Policy
- 4.8 To facilitate a strong working relationship the Local Government and Social Care Ombudsman, Michael King, was invited to the council in November 2020 to meet with senior officers. The Ombudsman presented their roles and powers, their expectations about the complaints process and issues with respect to complaints handling as well as areas for improvement.
- 4.9 In January 2022 the LGSCO delivered their Effective Complaints Handling training to senior managers and officers who regularly handling complaints across the organisation and our partners
- 4.10 We have recently updated our *Guidance for successful complaints handling* to support staff who are involved in corporate complaints processes. This revised guidance will form the basis of additional complaints training for officers on corporate stage 1 and 2 processes and LGSCO enquiries with the aim of improving complaints handling and investigations across the organisation to improve best practice.
- 4.11 We are currently devising training to support the Member's Induction programme for councillors elected in the May 2022 Local Elections. This will incorporate guidance from the LGSCO and Local Government Association.

4.12 The LGSCO will publish their Annual Review letter 2022 which includes the annual summary of statistics on the complaints made to the LGSCO about Barnet Council for the year ended 31 March 2022. We expect to receive this annual report in July 2022.

## 5. Implications of decision

### 5.1 Corporate Priorities and Performance

5.1.1 The Barnet Plan sets out the four priorities for the borough. The plan focuses on the key outcomes we are seeking to achieve and how we will work to achieve those outcomes. This work supports the council's priority of Clean, Safe and Well Run.

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

5.2.1 Payment of compensation is made on individual cases as directed by the Ombudsman. Table 3 below shows the compensations awarded by the LGSCO by service area.

Service Area	LGSCO compensation	
	2019 - 2020	2020 - 2021
Adults & Health	£12,600	£350
Barnet Homes	£4,200	£3,100
Barnet Education and Learning Service	£1,100	£18,593
Customer Support Group - Council Tax	£550	£250
Environment - Assisted Travel	£400	£0
Environment - Parking	£10,700	£250
Environment - Street Scene	£200	£12,100
Family Services	£7,161	£2,300
Re - Highways	£100	£0
Re - Planning	£0	£200
<b>TOTAL</b>	<b>£37,011</b>	<b>£37,143</b>

5.2.2 Further details regarding the cases for which compensation was awarded can be found in Appendix 1.

### 5.3 Legal and Constitutional References

5.3.1 Local Government Act 1974, Section 3.

5.3.2 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."

### 5.4 Insight

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

## 5.5 **Social Value**

5.5.1 As contained in this report.

## 5.6 **Risk Management**

5.6.1 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.

## 5.7 **Equalities and Diversity**

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

5.7.2 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.

5.7.3 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

5.7.4 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.

5.7.5 Currently we do not routinely capture equalities information from complainants; however, our new complaints case management system will go live on 1 April 2022

and will allow for this data to be generated, providing additional insight for the organisation.

## 5.8 **Corporate Parenting**

5.8.1 This is reviewed case by case and referred to Family Services where appropriate.

## 5.9 **Consultation and Engagement**

5.9.1 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.

## 5.10 **Environmental Impact**

5.10.1 None

## **6. Background papers**

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

6.2 LGSCO case ID 18 009 897 was presented to the Council's [Constitution and General Purposes Committee](#) held on [25 June 2019](#) ([Agenda Item 9](#))

**Appendix A – Summary of upheld decisions by the Local Government and Social Care Ombudsman (LGSCO) during 2019-20 and 2020-2021.**

**LGSCO upheld complaint Decisions**

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
17 011 636	10-May-19	Family Services	Mr X complained the Council failed to identify he had not applied for two-year-old funded childcare for his son Y. He said because of the Council's error, he had to pay £2000 for childcare which Y was entitled to for free. The Council is at fault.	<ul style="list-style-type: none"> <li>• pay Mr X £1,592.75 to pay for Y's education between January 2017 and July 2017</li> <li>• pay Mr X £500 for Y's missed education between July 2017 and September 2017</li> </ul>	£2,093
17 018 374	22-Aug-19	Family Services	Ms X complained the Council did not pay her the same financial support as mainstream foster carers while she was a family and friend carer. She also said its decision to deduct child benefit from her Special Guardianship Allowance went against the Government's guidance. The Council paid Ms X the same fostering allowance as mainstream carers. However, it did not offer the opportunity to complete training that would have allowed her to be paid the additional skills fee. That meant Ms X did not receive as much money as she could have been entitled to earn. The Ombudsman finds the Council was at fault. The Council should remedy the injustice caused by paying Ms X the skills fee for the period she was a family and	<ul style="list-style-type: none"> <li>• pay Ms X £5068 to cover the period starting 4 July 2014 to 20 January 2015 when she would have been entitled to receive weekly fees of £181 if the Council had offered the opportunity to complete the relevant training once it knew the SGO would not be completed within anticipated timeframes.</li> <li>• review the family and friend foster carer policy so it is explicit in which circumstances carers can complete training and be eligible for additional fees.</li> </ul>	£5,068

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
			friend carer. The Council was not at fault in how it calculated the Special Guardianship Allowance		
18 001 892	15-Oct-19	Re - Planning	Mrs D complains the Council has failed to take enforcement action against breaches of planning permission next to her property. The Ombudsman has found was fault causing injustice.	<ul style="list-style-type: none"> <li>• apologise to Mrs D for its delay in taking enforcement action against Site 2 within a month of my final decision</li> <li>• proceed with its legal action against Site 2 without further delay</li> <li>• decide what enforcement action is warranted against Site 1 and take that action within three months of my final decision</li> <li>• provide Mrs D with an update of the action the Council is taking and the reasons for its decisions within three months of my final decision</li> </ul>	N/A
18 008 454	18-Jun-19	CSG – Council Tax	Ms B complains the Council says she is in council tax arrears when she is not. A review of what Ms B has paid and what the Council has credited shows she is in arrears. The Council missed opportunities to properly clarify the situation and failed to deal with Ms B's complaint until she chased it.	<ul style="list-style-type: none"> <li>• apologise to Ms B for its failures in communication, and pay £150 to acknowledge the worry, time and trouble this caused her.</li> </ul>	£150



**Reporting period – 1<sup>st</sup> April 2019-31<sup>st</sup> March 2020**

Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
18 009 897	09-May-19	Environment - Parking	Mr X complains the Council wrongly removed and destroyed his fast-food trailer. He says it did not make efforts to contact him to give him the opportunity to claim the trailer and stop the enforcement action.	<ul style="list-style-type: none"> <li>• arrange for an independent assessor to establish the cost of providing Mr X with a trailer of similar age, quality and fittings as the one it wrongly destroyed.</li> <li>• pay this sum to Mr X within one month of the outcome of the independent value assessment.</li> <li>• write to Mr X to apologise to Mr X for the failures identified.</li> <li>• pay Mr X £500 for the distress and uncertainty caused by the loss of the trailer and for the time and trouble taken to bring his complaint.</li> <li>• carry out training for staff to remind staff of the law, regulations, government guidance and its own policy when making decisions about abandoned vehicles.</li> <li>• review its policy as set out on its website, to clarify its duty to try and find the vehicle owner.</li> <li>• consider the report to identify if any procedural change is required to prevent a similar situation happening in the future and confirm with the Ombudsman the action it has taken or proposes to take.</li> <li>• The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members</li> </ul>	£10,500

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
18 010 601	09-Apr-19	CSG – Council Tax	Mrs X complains about the Council's handling of her property's council tax. She says the Council charged her council tax when it should not have. She also says the Council took money from her bank account without permission and refused to open a council tax account in her name only. Mrs X says the Council's actions caused her to incur overdraft fees and financial loss. The Ombudsman finds fault with the Council for wrongly closing Mrs X's council tax account.	<ul style="list-style-type: none"> <li>• pay Mrs X £100 compensation.</li> </ul>	£100
18 010 924	30-Jul-19	Environment - Parking	The Council initiated enforcement proceedings against Mr C for a Penalty Charge Notice (PCN) he had already paid.	<ul style="list-style-type: none"> <li>• pay Mr C £100 for the distress caused and the time and trouble for bringing his complaint to the Council and the Ombudsman.</li> </ul>	£100
18 011 728	26-Aug-19	Adults & Health	Mr X complains about the way the Council dealt with the late Mrs Y, and its communication and complaint handling. The Ombudsman finds the Council was at fault in all these areas and this caused Mr X disproportionate difficulties.	<ul style="list-style-type: none"> <li>• Apologise to Mr X for the considerable difficulty it has caused him.</li> <li>• Pay Mr X £500 for the significant and avoidable time, trouble and distress it caused.</li> <li>• Ensure that no further invoices are issued for services which have not been provided.</li> <li>• Arrange training and awareness raising</li> <li>• Ensure people dealing with care services for the first time are supported to understand the process fully, in addition to providing written information.</li> </ul>	£500

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
				<ul style="list-style-type: none"> <li>Review the complaint handling in this case and take action to ensure similar problems do not arise in future.</li> </ul>	
18 012 997	23-Jul-19	Family Services	Ms X complains about the way the Council's social services department treated her and her child. She also complains about the process used by the Council to investigate her complaints.	<ul style="list-style-type: none"> <li>Based on the evidence the Ombudsman has seen, there was fault by the Council which caused Ms X injustice; however, the Council has apologised which is a suitable remedy in the circumstances.</li> </ul>	N/A
18 013 668	17-Jul-19	Environment – Assisted Travel	Mrs B complains that the Council has not considered her blue badge application and appeals properly. The Ombudsman considers that there was fault in the process which calls into question the robustness of the Council's decision.	<ul style="list-style-type: none"> <li>The council will undertake a fresh Independent Mobility Assessment.</li> </ul>	N/A
18 014 644	28-Nov-19	CSG – Council Tax	Council was at fault for errors relating to complainants' application for a discount on council tax in 2015 and its efforts to recover unpaid tax.	<ul style="list-style-type: none"> <li>The Council agreed to apologise and waive some of the tax owed (£300).</li> </ul>	£300
18 015 205	01-Jul-19	Re - Planning	Mr and Mrs B complain the Council has failed to take enforcement action against several breaches of planning control committed by their next-door neighbour. They also complain it took too long to deal with their correspondence about this matter, if it did at all, and the Council's Planning Enforcement Team should not	<ul style="list-style-type: none"> <li>The Council will apologise to Mr and Mrs B to acknowledge the impact of its faults.</li> <li>Learning points from this complaint are discussed at a Planning Enforcement Team meeting to prevent these faults from reoccurring.</li> </ul>	N/A

**Reporting period – 1<sup>st</sup> April 2019-31<sup>st</sup> March 2020**

Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
			have been involved in the investigation of their formal complaint. The Ombudsman has found the Council was at fault for not maintaining detailed records of its investigation and for failing to deal with all of Mr and Mrs B's concerns in a timely manner. It was also at fault for the way it handled their complaint about these matters. The main injustice caused by these faults has already been rectified,		
<b>18 015 209</b>	30-Jul-19	Barnet Homes	Miss B complains about the lack of housing help from the Council when she was pregnant and had been asked to leave her mother's property. We find the Council's handling of Miss B's homelessness application was affected by fault. This caused Miss B avoidable distress and uncertainty.	<ul style="list-style-type: none"> <li>• Pay Miss B £300 for the avoidable distress and uncertainty she suffered because of the Council's mishandling of her homelessness application.</li> <li>• Writes and sends to Miss B and us an action plan to set out its learning from this complaint and the action it has taken in response.</li> </ul>	£300
<b>18 015 978</b>	18-Dec-19	Environment - Parking	Ms C complains about London Borough of Barnet (the Council). She says the Council and its bailiffs did not follow proper procedures with respect to an unpaid Penalty Charge Notice (PCN). We found fault by bailiffs acting for a council because it failed to check with the DVLA about the identity of the registered keeper before clamping a car. The fault did not cause Ms C injustice because the DVLA would not have had Ms C listed as the new keeper. There was no fault by the bailiffs in the way it dealt with Ms C's subsequent third-party claim. Had she	<ul style="list-style-type: none"> <li>• Apologise and pay Ms C £100 to reflect this.</li> </ul>	£100

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
			provided unredacted evidence sooner, the bailiffs would have released the car to her. The bailiffs destroyed video footage after Ms C had made a valid data request. This was fault and caused avoidable frustration.		
<b>18016038</b>	27-Jun-19	Adults & Health	Mr X complained the Council failed to carry out adequate social care reviews with his wife, Mrs X, did not allocate her a social worker, did not plan ahead in case her disabilities worsened as a result of her pregnancy and failed to respond properly to his complaints. Mr X also says the Council referred Mrs X to Children's Services on the sole basis of her disabilities. The Council was at fault when it failed to inform Mrs X of the outcome of her review and did not respond properly to Mr X's complaints.	<ul style="list-style-type: none"> <li>The Council will apologise to Mr and Mrs X and review procedures for updating individuals following an adult social care review.</li> </ul>	N/A
<b>18 016 120</b>	05-Jun-19	Environment – Assisted Travel	There was some fault in how the Council handled Mrs B's application for a blue badge. It is uncertain whether, without the fault, Mrs B would have received a blue badge Complaint the council was at fault for refusing complainants application for a blue badge.	<ul style="list-style-type: none"> <li>Complete a fresh assessment and pay Mr and Mrs B £400.</li> </ul>	£400

**Reporting period – 1<sup>st</sup> April 2019-31<sup>st</sup> March 2020**

Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
18 016 464	05-Aug-19	Re - Highways	Miss L complains the Council failed to properly consider the impact of its decision to relocate a bus stop to outside of her house and nor did it tell residents of its decision; as a result, she will have access problems to a shared drive, her privacy will be affected, and she will experience noise and pollution from both passengers and buses using this stop. The Ombudsman found some fault by the Council on Miss L's complaint about its decision to relocate a bus stop outside of her house. While it properly carried out consultation, it failed to tell residents affected of its decision to implement the proposal. As Miss L did not own the house at the time of the consultation, the first she knew about it was when contractors started work outside.	<ul style="list-style-type: none"> <li>• Send Miss L a written apology for failing to notify her of the decision to implement the proposal</li> <li>• Remind relevant officers of the need to ensure notification is sent on future cases</li> <li>• Pay £100 to Miss L for the avoidable distress caused.</li> </ul>	£100
18 018 027	04-Nov-19	Barnet Education and Learning Service	Ms X complains about the Council's delays in dealing with her nephew's Education and Health Care Plans, causing distress and loss of provision. The Ombudsman finds the Council at fault	<ul style="list-style-type: none"> <li>• pay Ms X £500 in recognition of Y's loss of TA provision, for Ms X to use for the benefit of Y's education</li> <li>• Pay Ms X an amount to cover the cost of 16 hours' OT sessions for Y</li> <li>• Pay Ms X £100 for time and trouble.</li> <li>• Pay Ms X £500 for the distress and uncertainty suffered by her and Y</li> <li>• Put a system in place to ensure work is promptly handed over to another staff member when staff leave or change, to avoid delays</li> </ul>	£1,100

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
				<ul style="list-style-type: none"> <li>Remind staff to provide notice of the parent's right to appeal alongside any final EHCP</li> </ul>	
18 018 326	21-Oct-19	Barnet Homes	Ms C has lifelong connections with the Council's area. She has never lived elsewhere in the UK. She says she went abroad in 2015 and was prevented from returning by a relative who forced her to undergo treatment for a mental condition. Ms C says the Council failed to place her in the correct category for housing allocation. Ms C says she suffered injustice as she is in unsuitable housing. The Council was at fault for a failure to apply the guidance on housing for local people. This caused her injustice	<ul style="list-style-type: none"> <li>The council reconsidered its decision and agreed to review its procedures.</li> </ul>	N/A
18 018 383	06-Dec-19	Re - Planning	Mr X complained the Council had approved two different plans for his neighbour's extension. There was fault in the way the Council made its decision, but we cannot show it made a difference to the outcome. .	No recommendations were raised as a result of this investigation.	N/A
18 018 519	07-Oct-19	Environment - Street Scene	Mr B says the Council failed to take effective action to ensure bin crews return his bins to his property and failed to follow its complaints procedure. The Council has not kept any evidence of its monitoring to show whether there is a continuing problem and has raised Mr B's expectations about what it considers acceptable. The Council delayed responding to complaints. Those faults	<ul style="list-style-type: none"> <li>apologise to Mr B;</li> <li>pay Mr B £100;</li> <li>arrange a meeting with Mr B to discuss what the Council considers to be an acceptable place to return his bins to;</li> <li>begin a four-week monitoring period to ensure bin crews are returning the bins to an acceptable location.</li> </ul> <p>Following that the Council should either:</p>	£100

**Reporting period – 1<sup>st</sup> April 2019-31<sup>st</sup> March 2020**

Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
			raised Mr B's expectations and led to him having to go to time and trouble to pursue his complaint	<ul style="list-style-type: none"> <li>communicate with Mr B to tell him the location the bins are returned to is acceptable; or</li> <li>if the Council has concerns with the location the bins are returned to it should communicate those concerns to the bin crew and carry out monitoring for a further four weeks.</li> </ul>	
<b>18018650</b>	22-Jul-19	Adults & Health	Mr X complains the Council has failed to deal properly with his father's care needs since he moved to Care Home A last year and has failed to address his concerns properly. The Care Provider did not deal properly with the decision to restrict Mr X's visits to his father. The Council to consider with the Care Provider what action it needs to take to ensure it deals properly with decisions to restrict access to its residents.	<ul style="list-style-type: none"> <li>within eight weeks consider with the Care Provider what action it needs to take to ensure it deals properly with decisions to restrict access to its residents..</li> </ul>	N/A
<b>18 019 297</b>	09-Jan-20	Family Services	Mr C complains he was not supported appropriately after he adopted his son. He says the Council failed to properly involve him in his son's care, once his son left home, and did not investigate his complaints appropriately. Mr C could have come to us sooner about some of his complaints. There is evidence of fault in relation to a meeting arranged with Mr C that was never held.	<ul style="list-style-type: none"> <li>Apologise to Mr C in order to acknowledge his distress that a pre-arranged meeting did not take place and to acknowledge the delay in its response to his complaint</li> </ul>	N/A
<b>19 001 841</b>	16-Dec-19	Barnet Education and	Mr G, complains that the Council has failed to comply with statutory guidance in its handling of the transfer of his son,	<ul style="list-style-type: none"> <li>Apologise to Mr G and pay him £200 to recognise the injustice caused by its failure to follow the proper process to amend the</li> </ul>	



Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
		Learning Service	Y, to the secondary stage of his education under the Education, Health and Social Care Plan (EHC Plan) process. The Council was at fault in failing to follow proper processes when amending Y's Education, Health and Social Care plan before issuing the final amended version. This caused injustice in the form of avoidable frustration and time and trouble but did not mean that Y's father	<p>final EHC plan and to explain its reasons for not naming his preferred school. 46. The Council will provide the LGSCO with evidence to demonstrate how, in future, it will ensure that it:</p> <ul style="list-style-type: none"> <li>• adheres to statutory timescales for amending and re-issuing existing EHC plans including those where a child is due to transfer to secondary school;</li> <li>• tells parents the reasons if it is not naming a preferred school;</li> <li>• considers whether it could find a way to ensure that parents receive final EHC plans where these have been posted, for example, by also emailing a copy, to avoid the situation that arose with Y's plan, in other cases.</li> </ul>	
19 001 850	17-Dec-19	Adults & Health	Mr X complains the Council reduced his care package and amount of direct payments following the closure of the independent living fund. This resulted in Mr X having to top up his care costs until the Council reassessed him and increased his direct payments. The Ombudsman finds fault with how the Council carried out the reassessment following the closure of the independent living fund and its subsequent review.	<p>The Council will:</p> <ul style="list-style-type: none"> <li>• Apologise to Mr X for faults in the October 2015 and July 2016 plans.</li> <li>• Pay Mr X £12,000 for the loss in personal budget from April 2016 till June 2017</li> <li>• Pay Mr X £100 for the distress caused to him</li> </ul>	£12,100

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
19 002 152	16-Sep-19	Environment - Parking	Ms T complains that the Council refused to consider her informal representations regarding a penalty charge notice she received for parking in a restricted street where waiting and loading restrictions were in force. The Ombudsman finds the Council was at fault in failing to consider Ms T's representations.	<ul style="list-style-type: none"> <li>Apologise to Ms T and refund the amount she paid.</li> </ul>	N/A
19 003 647	10-Sep-19	Family Services	Ms X complains that the Council failed to provide her with a financial payment and apology as recommended by the Ombudsman. Based on the evidence seen, the Ombudsman finds fault by the Council, but this did not cause Ms X significant injustice.	The Ombudsman did not make any further recommendations.	N/A
19 003 790	05-Dec-19	Barnet Homes	Miss X is not satisfied with the financial remedy the Council offered as a result of a previous complaint to the Ombudsman about her housing allocation. Miss X says she feels that the Council has not taken her complaint, or the impact of its actions, seriously. She says the Council "made up a number" when considering the injustice caused to her. The Ombudsman upholds Miss X's complaint because the Council's remedy is not appropriate.	The Council agreed to make a payment to Miss X of £3,750.	£3,750

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
19 005 727	18-Feb-20	Barnet Homes	Miss Y complained the Council failed to properly review whether her temporary accommodation was suitable for her and her family to live in and failed to properly deal with a cockroach infestation within the block of flats in which she lives. There was fault in the Council's decision-making process.	<ul style="list-style-type: none"> <li>The Council agreed to apologise, move Miss Y to alternative accommodation as part of an estate regeneration plan and pay her £150 to remedy the uncertainty caused.</li> </ul>	£150
19 005 928	03-Jan-20	Environment – Street Scene	Mr B complains he was harassed by the Council when it collected his bin. Mr B says Council staff trespass and fly-tip on his property, surround it with his neighbour's bins and damaged a manhole cover. The Ombudsman has found fault with the Council for failing to investigate Mr B's complaint and its delay responding to his complaint.	<ul style="list-style-type: none"> <li>The council apologised to the resident and paid £100 for the distress caused by the fault.</li> <li>The Council provided Mr B with one point of contact at the Council for his bin complaints to ensure complaints are responded to promptly and effectively and begin monitoring Mr B's bin collections.</li> </ul>	£100
19 009 987	20-Jan-20	Barnet Homes	Mr D complains the Council has placed him in the wrong housing allocation band. He also says it has accused him of being a paedophile and Councillors used derogatory wording about his mental health. The Ombudsman has completed the investigation. There is one fault by the Council, but it did not result in a significant injustice.	<ul style="list-style-type: none"> <li>The Council has refunded Mr X's payment and apologised.</li> <li>It will also consider how to address the potential issues with phasing and the yellow box junction</li> </ul>	N/A
19 010 485	13-Nov-19	Environment - Parking	Mr X complains about a penalty charge notice (PCN) issued by the Council which he paid at the discounted rate of £65. He also complains about the content of the Council's notice and the Council's handling of his complaint. The	A suitable remedy had already been offered to the complainant	N/A

Reporting period – 1 <sup>st</sup> April 2019-31 <sup>st</sup> March 2020					
Reference	Decision Date	Service	Complaint Description and finding	Response and Remedy	Compensation
			Ombudsman will not investigate Mr X's complaint about a penalty charge notice issued by the Council. The Council has cancelled the PCN, refunded Mr X's payment and apologised and, whilst the ombudsman recorded injustice, found this provides a suitable remedy for the complaint.		

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
18 011 538	30 Jun 2020	Environment - Parking	The complaint is about the way a council and bailiffs acting on its behalf dealt with Ms B's unpaid penalty charge notice. There was fault because the bailiffs did not follow the Taking Control of Goods Regulations and the bailiffs' appointed auctioneers failed to prevent the sale of the car	<ul style="list-style-type: none"> <li>• The Council and bailiffs acting on its behalf agreed a payment to Ms B and a review of procedures to reduce the risk of recurrence in future cases.</li> <li>• The Council and the bailiff refund Ms B all fees and costs applied.</li> <li>• Also paid Ms B £250 to reflect her avoidable time and trouble complaining.</li> </ul>	£250
18 018 901	19 Aug 2020	Adults & Health	The complainant says the Council failed to properly consider her mental health needs when assessing her social care needs and in communicating with her. The Council says it offered support and used staff trained in autism awareness and who had access to more experienced and fully trained staff. The Council did not consider arranging for an independent advocate to help with assessments. The Ombudsman finds the Council acted with fault causing frustration and confusion to the complainant and delay in referral for an advocate.	<p>The council:</p> <ul style="list-style-type: none"> <li>• Apologised to Ms X for failing to recognise Ms X may need an independent advocate and the delay this caused.</li> <li>• Paid Ms X £150 for the inconvenience caused by the delay and lack of an independent advocate.</li> <li>• Agreed to review Ms X's current needs within three months having first ensured she has appointed an independent advocate to help her with that review and assessment.</li> <li>• Shared with staff the final decision to remind them they should constantly review whether someone may need an independent advocate throughout an assessment and when reviewing their needs and service provision.</li> </ul>	£150

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
19 003 898	04 Sep 2020	Barnet Education and Learning Service	Ms C says the Council failed to deal with her request to find alternative education for her daughter promptly. She says X missed out on education as a result. The Council was at fault.	<ul style="list-style-type: none"> <li>The Council agreed to pay X £1,900 in recognition of her missed education and pay Mrs C £300 for the trouble she was caused.</li> </ul>	£2,200
19 008 898	06 Aug 2020	Barnet Education and Learning Service	Mr X complained about the Council's handling of his daughter's Education Health and Care Plan and failure to put in place all the therapy and teaching support set out in the Plan. Any fault in the process of producing the Plan did not cause significant injustice, but the Council failed to arrange all the provision in the Plan.	<p>The Council agreed:</p> <ul style="list-style-type: none"> <li>to pay £200 to recognise Mr X's time</li> <li>to apologise to Mr X</li> <li>to offer to reimburse them for reasonable expenses they incurred in providing the OT, SALT and physiotherapy.</li> </ul>	£200
19 010 646	05 Aug 2020	Re - Planning	Mrs X complains about the way the Council approved a planning application for a neighbour's extension. She says the Council did not consider her objections, she was not told about the planning committee meeting, and the Council dealt with her complaint poorly. Mrs X says the rear of her house is now unusable, it has caused stress and impacted on her health. The Ombudsman does not find fault with the way the Council decided the planning application. The Ombudsman finds fault with the way the Council handled Mrs X's complaint, and this fault caused her injustice.	<ul style="list-style-type: none"> <li>The Council will apologise to Mrs X, make a payment to her of £200, and complete other actions to prevent a recurrence.</li> </ul>	£200

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
19 010 758	18 Nov 2020	Barnet Homes	Mrs X complains on behalf of her son, Mr Y, that the Council delayed in accepting a homelessness application from him and failed to consider his medical records. She also complains that the Council failed to communicate with her and did not escalate her complaint to stage 2 of its complaints procedure. The Ombudsman finds the Council was at fault in failing to review Mr Y's personalised housing plan and in failing to notify him that the prevention duty had ended. It also failed to communicate with Mrs X and escalate her complaint to stage 2.	<ul style="list-style-type: none"> <li>In recognition of the injustice caused, the Council has agreed to apologise to Mrs X and Mr Y and make a payment of £200.</li> </ul>	£200
19 011 146	29 Jun 2020	Re – Planning	Mrs B complains that there was fault in the way the Council consulted on and considered her neighbours' planning application to extend their home. There was fault by the Council in not re-consulting Mrs B, which meant that she was deprived of the chance to comment on the revised proposals. However, even if the Council had re-consulted Mrs B, the Ombudsman does not consider it likely that the Council would have reached a different decision. The Ombudsman considers that the apology already given and reminders to officers about when to reconsult, and how to respond to planning complaints, are a suitable remedy for her complaint.	<ul style="list-style-type: none"> <li>The council reminded officers of the correct legal test when considering whether to re-consult on amended plans; and reminded officers dealing with planning complaints as to how they should deal with complaints about planning issues from third parties.</li> </ul>	

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
19 011 268	15 Jan 2021	Adults & Health	Mr K complains about a delay in reviewing his support needs. And that the Council refused to agree to provide the support he needs to care for his son. We cannot decide whether Mr K needs all the support he requests. But we do uphold the complaint, because the Council did not provide any extra support when it could not agree a revised support plan with Mr K.	<p>The Council agreed to</p> <ul style="list-style-type: none"> <li>• write to Mr K apologising for the fault identified.</li> <li>• made Mr K a symbolic payment of £200 in recognition of his avoidable stress, and uncertainty caused by the failure to put in any increase and the delay in considering his complaint; and</li> <li>• remind its adult social care complaints team that complaints that do not meet the statutory Adult Social Care criteria may still be valid corporate complaints.</li> </ul>	£200
19 011 750	15 Feb 2021	Barnet Education and Learning Service	Miss W complains the Council failed to make appropriate full-time education provision for her son, V. It also placed him in unsuitable education, failed to keep his Education, Health and Care Plan properly updated, failed to respond to her complaints and referred the matter to child protection even though she says the main issue was him being out of school. She says this caused her, and her family, distress and time and trouble and V was deprived of services he should have received. There is evidence of fault.	<p>The Council:</p> <ul style="list-style-type: none"> <li>• agreed to apologise to Miss W for the fault identified in this Statement within a month of the date of my decision.</li> <li>• Make a payment to Miss W of £700 for time, trouble and for distress.</li> <li>• Make a payment of £2,400 for V's educational benefit</li> <li>• Give updates to LGSCO regarding its processes to prevent recurrent issues.</li> </ul>	£3,100
19 013 518	17 Sep 2020	CSG – Council Tax	Miss B complains the Council wrongly applied payments she made to previous arrears. She says the Council issued a court summons and liability order for her council tax as a first resort, causing her distress. The Ombudsman does not find fault in how the Council applied Miss B's	<ul style="list-style-type: none"> <li>• The council paid Miss B £100 to recognise the avoidable time and trouble she spent chasing to escalate her complaint.</li> </ul>	£100



Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
			payments or in issuing court proceedings. However, we find fault in the Council's complaint response		
19 013 618	22 Feb 2021	Family Services	Mr and Mrs B complained about the actions taken by the Council in respect of complaints about the care and support provided to their son (Z) by Children's Services.	<ul style="list-style-type: none"> <li>We found the Council delayed in the completing the complaints process. It also delayed in progressing the assessment and planning process for Z. This caused frustration, distress and uncertainty to Mr and Mrs B and Z. The Council paid the family £800.</li> </ul>	£800
19 013 709	28 Jul 2020	CSG – Council Tax	Mrs C received a notice of enforcement about unpaid Council Tax, for which she was not liable. She considered that the Council should offer a financial remedy to reflect the distress she suffered.	<ul style="list-style-type: none"> <li>The Council has accepted it was at fault for pursuing the complainant for Council Tax she was not liable to pay. This meant she received a bailiff's notice of enforcement, which caused her distress. However, the Council's apology was an adequate remedy</li> </ul>	N/A
19 014 223	10 Dec 2020	Re - Planning	Mr E and Mr F complain about the way the Council has responded to their complaints about their neighbour's breaches of planning control. We have found some failings in the Council's communication with Mr E and Mr F since it took court action in August 2018. The Council has agreed to apologise, to contact Mr E and Mr F next summer to provide an update on the proposed direct action to restore their neighbour's roof to its former state. It will also review its	<p>The Council agreed to:</p> <ul style="list-style-type: none"> <li>provide a written apology to Mr E and Mr F for failing on occasion to update them on where matters stand.</li> <li>remind officers to provide updates where there are significant developments on the case.</li> <li>review its procedures and put in place appropriate steps to ensure that complaints are appropriately recorded and tracked.</li> </ul>	N/A

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
			procedures to ensure that it properly tracks complaints. The Ombudsman has not investigated events prior to the court hearing because we consider that Mr E and Mr F could reasonably have complained to us before now.	<ul style="list-style-type: none"> <li>• contact Mr E and Mr F to update them on the possibility of resuming direct action to carry out the remaining roof works</li> </ul>	
19 014 988	31 Jul 2020	Barnet Education and Learning Service	Mrs F complained the Council failed to provide appropriate education to her son, G, from September 2018 until May 2019. There is evidence of fault	<ul style="list-style-type: none"> <li>• The Council reimburses the costs of home tuition. Before the finding it had agreed to reimburse other costs and made a payment for distress.</li> </ul>	£13,093
19 015 748	23 Sep 2020	Family Services	The Council was at fault with how it dealt with Mrs C's complaint about a child protection plan. The Council did not respond when Mrs C had complained after she had received the response of child protection plan.	<ul style="list-style-type: none"> <li>• The Council was at fault with how it dealt with Mrs C's complaint about a child protection plan. The Council has now investigated the matter under the statutory children's complaints procedure.</li> </ul>	N/A
19 015 902	19 Oct 2020	Barnet Homes	Ms X complained that the Council did not properly respond to her request for rehousing on medical grounds and did not deal properly with her complaints about antisocial behaviour from her neighbours.	<ul style="list-style-type: none"> <li>• There is fault by the Council because it did not send Ms X a self-assessment form for her to complete when she asked for a move on medical grounds. This caused no injustice because Ms X later received the form and did not respond. There was a failure to keep written records of two meetings, which is fault which caused no injustice.</li> </ul>	N/A

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
19 016 136	02 Oct 2020	Re - Highways	Mr X complains the Council has failed to prevent residents leaving their rubbish bins on the footpath, affecting his use and enjoyment of the path. The Ombudsman finds fault by the Council because of its delay and failure to follow a proper decision-making process	<ul style="list-style-type: none"> <li>• The council paid £200 for time and trouble and distress and arranged for a Street Scene officer to visit the site with Mr X to discuss his concerns.</li> <li>• The Council then wrote to Mr X setting out what action the council would take and by when.</li> <li>• The Council also ensured it has a written policy in place which sets out which team is responsible for dealing with complaints of this nature.</li> </ul>	£200
19 016 871	02 Oct 2020	Barnet Homes	Miss X says the Council has placed her in unsuitable temporary accommodation and failed to carry out a review of its suitability. She also says it failed to respond to her complaints about this.	<ul style="list-style-type: none"> <li>• The Ombudsman has found fault by the Council. The Council apologised for the handling of the housing application and offered £250 in recognition of the distress and avoidable time and trouble caused to her.</li> </ul>	£250
19 017 608	11 Sep 2020	CSG – Council Tax	Mr X says the Council is at fault in its management of his council tax account and its subsequent investigation of his concerns. The Ombudsman has found fault by the Council in both matters Complaint about issuing of a Summons.	<ul style="list-style-type: none"> <li>• The Council apologised and paid Mr X £150 in recognition of the injustice caused to him.</li> </ul>	£150
19 017 963	10 Mar 2021	Barnet Education and Learning Service	Mrs C's complained about how the Council dealt with her daughter's attendance issues.	<ul style="list-style-type: none"> <li>• We find that there is no evidence of fault, other than that which the Council had already identified and remedied.</li> </ul>	N/A

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
19 019 888	25 Sep 2020	CSG – Council Tax	Ms H complains the Council has sought to recover council tax from her that she did not owe. She says it ignored information and made false claims about what she had told it.	The LGSCO uphold the complaint, as there is some evidence of fault. But the Council's apology is a suitable remedy.	N/A
19 020 065	02 Apr 2020	CSG – Council Tax	Mr X complains that the Council failed to record his council tax payments correctly.	The LGSCO stated the matter has been remedied by the Council so made no further recommendations	N/A
20 000 880	17 Mar 2021	Barnet Homes	Ms X complained the Council repeatedly failed to make reasonable adjustments to how it communicates with her. Despite saying it would communicate by email it has sent letters by post and telephoned her causing significant distress. While the Council has taken further action to ensure staff are aware of the agreed reasonable adjustments and do not make further errors the Council, issues are still occurring. .	<ul style="list-style-type: none"> <li>• The Council paid Ms X £300 to recognise the distress caused by the repeated failure to meet her reasonable adjustment</li> <li>• Designate a single point of contact and provided clear details to Ms X, by email, of any exceptions it will have to make in respect of contact by telephone or post and the reasons for this</li> </ul>	£300
20 001 487	26 Feb 2021	Family Services	Mr B complained about the actions the Council took in respect of his complaints about the service he received as a care leaver. We found the Council was at fault and should have considered Mr B's complaint at stage three of the statutory complaints procedure.	The LGSCO considered the action taken by the Council including the payment offered (£1500), is sufficient to put matters right.	£1,500

Reporting period – 1 <sup>st</sup> April 2020-31 <sup>st</sup> March 2021					
Reference	Decision Date	Service	Complaint Description	Response and Remedy	Compensation
20 002 378	05 Jan 2021	Barnet Homes	There was fault by the Council when dealing with a housing transfer application. There was delay and poor communication, and the Council did not carry out a home visit according to its policy.	The LGSCO considered the Council's apology and reassessment of the application according to its policy remedies the injustice caused.	N/A
20 002 930	11 Mar 2021	Barnet Homes	Ms X complained the Council accommodated her in temporary accommodation unsuitable for her medical needs, failed to provide permanent accommodation, delayed carrying out repairs and failed to take her concerns about a fake Electrical Installation Condition Report seriously. The Council's failure to provide alternative suitable accommodation for 11 months is fault. There is also fault in relation to delays with repairs and delay in dealing with her concerns about the Electrical Installation Condition Report.	The Council apologised and paid £2,350 to recognise the distress caused as well as time and trouble in complaining.	£2,350

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22 July 2020

*By email*

Mr Hooton  
Chief Executive  
London Borough of Barnet

Dear Mr Hooton

### **Annual Review letter 2020**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

### **Complaint statistics**

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

**Satisfactory remedies provided by the authority** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things

right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

This year, I issued one public report about the Council for its failure to make appropriate efforts to contact the owner of a vehicle it decided was abandoned. It then decided to destroy rather than store the vehicle, contrary to legislation and regulations. The vehicle's owner suffered a significant financial loss of the value of the vehicle and its contents.

I was pleased the Council accepted the findings and recommendations. It has apologised to the vehicle owner and paid him an agreed amount to remedy the financial loss and distress caused. The Council has also showed its commitment to learn from the complaint. In accordance with the report's recommendations, it reviewed its policy and procedures relating to abandoned vehicles and arranged an external provider to provide training sessions for Council and contractor staff. This willingness to learn from complaints and use our findings to good effect is very encouraging.

It is pleasing that we recorded our satisfaction with your Council's compliance in the cases where we recommended a remedy. However, it is disappointing that in six of these cases, remedies were not completed within the agreed timescales and we had to chase the Council to achieve compliance. You should be aware that the actions you agree to take, and your performance in implementing them, are reported publicly on our website, so are likely to generate increased public and media scrutiny in future. I would ask the Council to reflect on the way it implements remedies, with a view to reducing any avoidable delay in the process.

### **Resources to help you get it right**

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.



We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

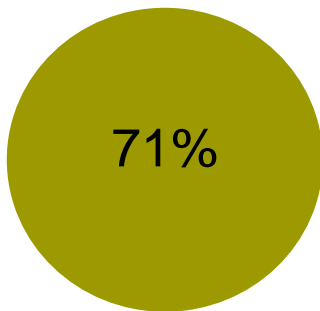
We were pleased to deliver both adult and children's social care complaint handling courses to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



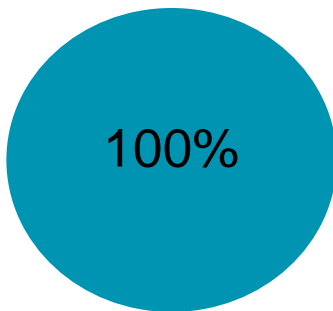
**71%** of complaints we investigated were upheld.

This compares to an average of **70%** in similar authorities.

**32**  
upheld decisions

Statistics are based on a total of 45 detailed investigations for the period between 1 April 2019 to 31 March 2020

### Compliance with Ombudsman recommendations



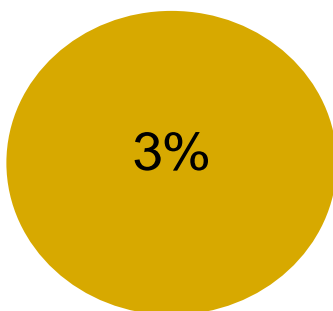
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 29 compliance outcomes for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedies provided by the authority



In **3%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar authorities.

**1**  
satisfactory remedy decision

Statistics are based on a total of 45 detailed investigations for the period between 1 April 2019 to 31 March 2020

21 July 2021

*By email*

Mr Hooton  
Chief Executive  
London Borough of Barnet

Dear Mr Hooton

### **Annual Review letter 2021**

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

### **Complaint statistics**

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

**Complaints upheld** - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

**Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

### **Supporting complaint and service improvement**

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

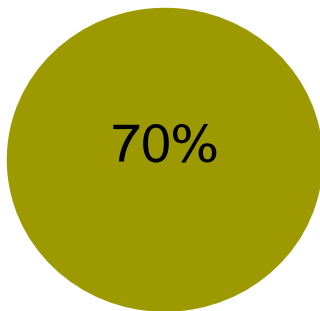
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



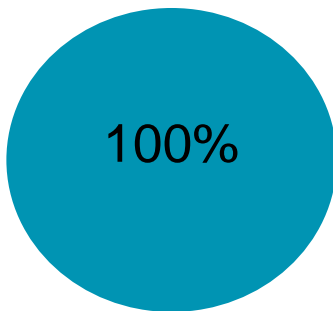
**70%** of complaints we investigated were upheld.

This compares to an average of **72%** in similar authorities.

**26**  
upheld decisions

Statistics are based on a total of 37 detailed investigations for the period between 1 April 2020 to 31 March 2021

### Compliance with Ombudsman recommendations



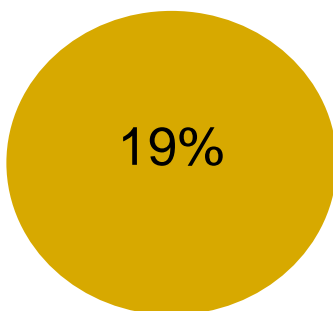
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 15 compliance outcomes for the period between 1 April 2020 to 31 March 2021

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the authority



In **19%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

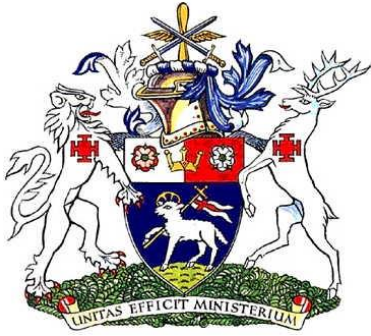
This compares to an average of **12%** in similar authorities.

**5**  
satisfactory remedy decisions

Statistics are based on a total of 37 detailed investigations for the period between 1 April 2020 to 31 March 2021

**NOTE:** To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

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## Constitution & General Purposes Committee

7<sup>th</sup> February 2021

<b>Title</b>	<b>Constitution Review</b>
<b>Report of</b>	Monitoring Officer Head of Governance
<b>Wards</b>	Not Applicable
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	Appendix A – Contract Procedure Rules (Tracked) Appendix B – Contract Procedure Rules
<b>Officer Contact Details</b>	Andrew Charlwood, Head of Governance, 020 8359 2014, <a href="mailto:andrew.charlwood@barnet.gov.uk">andrew.charlwood@barnet.gov.uk</a>

## Summary

A housekeeping amendment to the Constitution is proposed as set out in the report and appendices.

## Officers Recommendation

**That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the amended versions attached within at Appendices A and B.**

### 1. WHY THIS REPORT IS NEEDED

- 1.1 The terms of reference of the Committee include responsibility to “proactively review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.
- 1.2 Detailed changes and the reason for them are as set out in the table below:



No.	Section	Reference(s)	Issue Identified	Changes Proposed
1	Contract Procedure Rules	Section 2.2 Scope	<p>The Council's Contract Procedure rules provide the governance structure around the procurement of works, goods, and services. The Council has identified and is undertaking community infrastructure support projects which are not currently identified within the Contract Procedure Rules and as such an update is required to section 2.2 Scope of the rules to address this omission and provide clarity on the procedure that should be followed when such support projects are delivered. It is suggested that 2.2 Scope be amended to include the wording "<i>including those payments that constitute an investment in the community infrastructure of the Borough</i>"</p>	<p>Amend the Contract Procedure rules section 2.2 Scope to include the following wording "<i>including those payments that constitute an investment in the community infrastructure of the Borough</i>"</p> <p>Section 2.2 Scope will therefore read as follows:  <i>The Contract Procedure Rules do not apply to Non-Procurement activities whereby the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments, recoupment and Council grant allocations recoupment and Council grant allocations, including those payments that constitute an investment in the community infrastructure of the Borough. Payments to third parties for these activities are subject to authorisation by Finance.</i></p>

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Constitution and General Purposes Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals are recommended to ensure the smooth running of the Council.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Committee could retain the current Constitution un-amended. This is not recommended as the Constitution needs to be kept under review to ensure that it complies with legislation and best practice.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Council on 1 March 2022 to make final approval.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 Barnet Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

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

- 5.2.1 There are no resource implications as a result of these proposals.

### **5.3 Social Value**

- 5.3.1 None in the context of this decision

### **5.4 Legal and Constitutional References**

- 5.4.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council".
- 5.4.2 The Local Government Act 1972, Section 135, outlines the requirement for Local Authorities to have Contract Standing Orders, also known as Contract Procedure Rules, intended to promote good procurement practices.

### **5.5 Risk Management**

- 5.5.1 The process of managing changes to the Constitution through the Constitution and General Purposes Committee ensures that the proposals are developed through Member

participation and consideration.

## 5.6 **Equalities and Diversity**

5.6.1 The decision-making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

## 5.7 **Corporate Parenting**

5.7.1 None in the context of this decision

## 5.8 **Consultation and Engagement**

5.8.1 None in context of this decision

## 5.8 **Insight**

5.8.1 None in the context of this decision.

## 6. **BACKGROUND PAPERS**

6.1 The currently adopted Constitution can be accessed here:

<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>

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# Contract Procedure Rules

## 1 APPLICATION

- 1.1 These Contract Procedure Rules provide the governance structure for the Council to procure works, goods and services.
- 1.2 These mandatory Contract Procedure Rules apply to everyone who commissions or procures contracts on behalf of the Council, including external consultants and third party providers.
- 1.3 Approved Officers (Heads of Service and above) are accountable for all Procurement in their respective area of responsibility including following the Contract Procedure Rules and complying with operational procurement guidelines and codes of practice.
- 1.4 All Officers must ensure that the Council's approved processes and standards for Procurement, as set out in the Procurement Toolkit are adhered to. All information governance, insurance, safeguarding, social value (including Support to Local Community), conflict of interest and business continuity requirements must be adhered to in line with the Procurement Toolkit and the Council's Information Governance Policies.
- 1.5 The Director of Commercial & Customer Services in consultation with the Director of Resources shall maintain and issue the Contract Procedure Rules.
- 1.6 Customer Support Group (CSG) Procurement is responsible for ensuring Council awareness and compliance with all relevant Law. Any significant changes to relevant Law will be reflected in these Contract Procedure Rules.

## 2 SCOPE

- 2.1 The Contract Procedure Rules apply to all Procurement activities, including expenditure of external funding on Procurement, such as grant allocation, received by the Council from external sources and may to apply CIL funding allocations agreed by area committees
- 2.2 The Contract Procedure Rules do not apply to Non-Procurement activities whereby the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments, ~~recoupment and Council grant allocations~~recoupment and Council grant allocations, including those payments that constitute an investment in the community infrastructure of the Borough. Payments to third parties for these activities are subject to authorisation by Finance.
- 2.3 Where the Council is entering into a Contract as an agent in collaboration with another public body or organisation which is the principal or lead

body in the collaboration, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the principal or lead body concerned. Where the Council is acting as principal or the lead body, these Contract Procedure Rules will take precedence.

- 2.4 Where the Council's schools have to abide by the Scheme for Financing Schools which requires them to follow Contract Standing Orders (CSO) for Schools, then the CSO for Schools shall take precedence over these Contract Procedure Rules.
- 2.5 These Contract Procedure Rules do not apply to any acquisition or disposal of any interest in land including any transaction in land under section 75 of the National Health Services Act 2006; partnership arrangements between NHS bodies and the Council under section 75 of the National Health Services Act 2006 are not subject to these Contract Procedure Rules though procurement activities undertaken under any such arrangements may be.

### **3 CONTRACT VALUE CALCULATION**

- 3.1 Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire Contract period including any form of options or extensions of the Contract. Where the Contract term is not fixed the estimated value of the Contract must be calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015.
- 3.2 Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of Contract Procedure Rules or the Law.
- 3.3 In the case of Framework Agreements or Dynamic Purchasing Systems the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term of the Framework Agreement or the Dynamic Purchasing System.

### **4 AUTHORISATION**

- 4.1 Any Procurement, including extensions and variations to Contracts set out in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value, subject to 4.3 below.
- 4.2 Any Procurement which has not been Authorised as set out in 4.1 must be Authorised in accordance with the Authorisation and Acceptance Thresholds set out in these Rules and in Article 10, Table B.
- 4.3 Any Procurement authorised via the Annual Procurement Forward Plan is subject to the reporting requirements detailed in the approved Annual Procurement Forward Plan.

## 5 PROCUREMENT METHOD

- 5.1 The method of procurement is set out in the Authorisation and Acceptance Thresholds and Article 10, Table B.
- 5.2 All Procurements for goods and services over £25,000 must be advertised on Contracts Finder within 24 hours of the time when the Procurement is advertised in any other way. Procurement over the tender financial threshold must be advertised since 1 January 2021 in the Find a Tender first and then on Contracts Finder. A Contract award notice must also be published on Contracts Finder. CSG Procurement will arrange this through provision of softcopy authorised contract from service area to procurement.
- 5.3 Commissioners may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots. If commissioners decide not to subdivide into lots they must document the main reasons for their decision.
- 5.4 Where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement due diligence checks must be carried out to demonstrate that the Council can lawfully access the Framework Agreement and that it is fit for purpose and provides value for money.
- 5.5 For activities that result in a contractual obligation for social care placements and special education needs where the decision has been made on the Council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision-making framework is contained within the Article 10 (Decision-Making) as set out in the Constitution.
- 5.6 Procurement activity for Contracts for certain health, social, community, educational and cultural related services, "Light-Touch Regime Services" whose value is equal to or over the threshold of £663,540 must be tendered and awarded in compliance with the Public Contracts Regulations 2015. Refer to the CSG Procurement Team to advise on the procedures to be applied in connection with the award of these Contracts.
- 5.7 For Procurements below the tender financial threshold only Suitability Assessment Questions can be asked. This means there can be no SQ stage.
- 5.8 For Contracts under the tender financial threshold the Director Commercial & Customer Services in conjunction with the Assistant Director Investment and Innovation may waive the requirement to seek 2 written quotes subject to an Officer Decision being provided, demonstrating that the market-place has been fully tested and the Council has obtained value for money.



- 5.9 The award of Contracts will be based on the most economically advantageous tender assessed from the Council's point of view.
- 5.10 Commissioners shall require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, goods or services

## **6 SINGLE TENDER ACTION**

- 6.1 A Single Tender Action is the awarding of a Contract to a contractor without undertaking a competitive tendering exercise. This is permitted only in exceptional circumstances and should be approved in advance by the Assistant Director Investment and Innovation and Director Commercial & Customer Services. Procurement advice should be sought in all cases. Exceptional circumstances may include where the works, supplies or services can be supplied only by a particular supplier.
- 6.2 Where a competition has been undertaken and only a single bid has been received the Assistant Director Investment and Innovation and Director Commercial & Customer Services can approve the award of a Contract, subject to an appropriate review being undertaken and an audit trail being available for inspection.

## **7 CONCESSION CONTRACTS**

- 7.1 Concession Contracts are contracts under which the council outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return. The key feature is that the contractor/provider bears the operating risk of the arrangement and so has no guarantee of recouping its investment or operating costs.
- 7.2 Concession Contracts must meet certain requirements and advice should be sought from Legal Services and CSG Procurement.

## **8 ACCEPTANCE**

- 8.1 Acceptance of Contracts must be in accordance with Article 10 Table B of the Constitution, and in all cases is subject to: Budget provision; a compliant Procurement process; and confirmation of acceptable financial status of the contractor.
- 8.2 Acceptance of Contracts with independent providers of individual placements for children or adults will in the first instance be achieved through approved frameworks or approved lists of providers. Where requirements cannot be met through approved frameworks or approved lists, authority is delegated to the relevant officer of a service area under the scheme of delegation in the council's Constitution to enter into contract with a new independent provider.

- 8.3 Acceptance thresholds for Contract extensions and variations are set out in Article 10 Table B of the Constitution.
- 8.4 The financial assessment of tenders will be undertaken where they are necessary either by statute, to ensure value for money for the council, or both by the following:
- The relevant service undertaking a procurement if it identifies a requirement for financial assessment to be undertaken for a service/goods contract beneath the Find a Tender tender threshold or beneath the Find a Tender works tender thresholds, or;
  - A Financial Officer as delegated by the Director of Resources (Section 151 Officer) if: (a) the contract is valued at Find a Tender Service tender threshold or more, for goods or services; or (b) the contract is valued at Find a Tender Service tender threshold or more for works; or (c) the Director of Resources (Section 151 Officer) considers that the Contract has a significant impact on the council's finances.

## **9 CONTRACT SIGNING and SEALING**

- 9.1 Every Contract must be in a form approved by Legal services or delegated officer, if its value exceeds £25,000 or where appropriate to the nature of the Contract.
- 9.2 All Contracts awarded following a Procurement process with a Contract value above the tender financial threshold shall be sealed unless Legal Services or delegated officer directs otherwise.
- 9.3 Contracts and Framework Agreements must be sealed. Call-off Contracts from a Framework Agreement under the tender financial threshold do not require sealing and need only be signed by a Council Officer in accordance with the Scheme of Delegation.

## **10 CONTRACT MANAGEMENT**

- 10.1 During the life of the Contract Approved Officers must ensure that the Council's approved processes for Contract Management, as set out in the Contract Management Toolkit are adhered to. In particular to ensure continuous improvement and value for money is achieved all Approved Officers must ensure that those responsible for managing Contracts undergo CSG Procurement approved training

## **11 EXTENSIONS and VARIATIONS**

- 11.1 Contracts that have been originally advertised with extension options and which contain clear extension options can be extended subject to acceptance under Article 10 Table B of the Constitution and under

Regulation 72 of the Public Contracts Regulations 2015 certain amendments, and extensions or renewals of an existing Contract can be made without triggering a requirement for a new Procurement exercise, subject to submit financial limits. Where necessary seek advice from Legal and CSG Procurement.

- 11.2 Placement Agreements for individuals in Social Care or Educational Needs may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in Article 10 of the Constitution, Table B.
- 11.3 The value referred to in Article 10 of the Constitution, Table B in the column headed 'Variation or extension Acceptance' is the total value of the original Contract value plus the addition of the value of any extensions and/or variations i.e. the total value of the extended or varied Contract.
- 11.4 In addition to the requirements of Regulation 72 Contracts may only be extended or varied if all of the following conditions have been met:
- the initial Contract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
  - the value of the extension or variation added to the value of the original Contract does not exceed the original Authorisation threshold as defined in Article 10 of the Constitution, Table B;
  - the extension or variation has an approved Budget allocation;
  - if the initial Contract was subject to an UK regulated tender procedure, that the extension option was declared within the Find a Tender contract notice and the original Acceptance report (Delegated Powers Report/relevant Committee Report);
- 11.5 Where the Procurement results in a Contract which includes a provision for an extension, any Acceptance of that extension needs to be in accordance with Article 10 of the Constitution, Table B.
- 11.6 If any of the conditions at 11.4 or 11.5 cannot be met, then a new Procurement exercise must be commenced.
- 11.7 Where a variation or extension moves the total value of the Contract into a higher threshold, then acceptance must be sought in accordance with Article 10 of the Constitution, Table B.

## 12 WAIVERS

- 12.1 If the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Approved Officers (Heads of Service or above) may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources

Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

- 12.2 Approved Officers may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) in consultation with the Chairman of Policy and Resources Committee providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Policy and Resources Committee report must be provided to CSG Procurement and stored on the Council's contract repository.

Any waiver should only be granted for a maximum period of 12 months, except in exceptional case

### Authorisation and Acceptance Thresholds

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
A	Under £10,000	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Reasonable means of selection * and evidence of having sourced and considered the local Barnet supplier market	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Must move to next threshold if £10,000 or above	Under £10k Audit Form	Purchase Order
B	£10,000 - £24,999	Officer Decision; or Procurement Forward Plan	Officer Decision Report; or Procurement Forward Plan	Minimum 2 written Competitive Quotations sought**	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Must move to next threshold if £25,000 or above	Officer Decision Report	Purchase Order
C	£25,000 - £213,477	Officer Decision; or Procurement Forward Plan	Officer Decision Report; or Procurement Forward Plan	Minimum 2 written quotations  No SQ – Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Signed Contract Contract Award Notice
D	£213,477 - £500,000	Delegated Powers Report; or Procurement Forward Plan	Officer in Consultation with Theme Committee Chairman Delegated Powers Report; or Procurement Forward Plan	Services/Goods – Find a Tender Works – Competitive Quotation	Council Officer as designated by approved Scheme of Delegation	Officer Delegated Power Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within Budget: Officer in Consultation with Theme Committee Chairman Delegated Powers Report	Signed and sealed contract Contract Award Notice

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
E	£500,000 and above	Relevant Theme Committee Report; or Procurement Forward Plan	Committee Report  For items authorised via the Procurement Forward Plan in accordance with reporting requirements detailed in the approved Plan	Competitive quotation for works contracts for values £500,000 to £5,336,937  Works and Concession Contracts: Full Find a Tender above £5,336,937  Goods: Full Find a Tender  Services: Full Find a Tender  Health, educational, cultural and social care related services: Light Touch Regime Tender above £633,540	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within budget: Theme Committee Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within budget: Committee Report	Signed and sealed contract Contract Award Notice



# Contract Procedure Rules

## 1 APPLICATION

- 1.1 These Contract Procedure Rules provide the governance structure for the Council to procure works, goods and services.
- 1.2 These mandatory Contract Procedure Rules apply to everyone who commissions or procures contracts on behalf of the Council, including external consultants and third party providers.
- 1.3 Approved Officers (Heads of Service and above) are accountable for all Procurement in their respective area of responsibility including following the Contract Procedure Rules and complying with operational procurement guidelines and codes of practice.
- 1.4 All Officers must ensure that the Council's approved processes and standards for Procurement, as set out in the Procurement Toolkit are adhered to. All information governance, insurance, safeguarding, social value (including Support to Local Community), conflict of interest and business continuity requirements must be adhered to in line with the Procurement Toolkit and the Council's Information Governance Policies.
- 1.5 The Director of Commercial & Customer Services in consultation with the Director of Resources shall maintain and issue the Contract Procedure Rules.
- 1.6 Customer Support Group (CSG) Procurement is responsible for ensuring Council awareness and compliance with all relevant Law. Any significant changes to relevant Law will be reflected in these Contract Procedure Rules.

## 2 SCOPE

- 2.1 The Contract Procedure Rules apply to all Procurement activities, including expenditure of external funding on Procurement, such as grant allocation, received by the Council from external sources and may to apply CIL funding allocations agreed by area committees
- 2.2 The Contract Procedure Rules do not apply to Non-Procurement activities whereby the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments, recoupment and Council grant allocations, including those payments that constitute an investment in the community infrastructure of the Borough. Payments to third parties for these activities are subject to authorisation by Finance.
- 2.3 Where the Council is entering into a Contract as an agent in collaboration with another public body or organisation which is the principal or lead body in the collaboration, these Contract Procedure Rules apply only in so



far as they are consistent with the requirements of the principal or lead body concerned. Where the Council is acting as principal or the lead body, these Contract Procedure Rules will take precedence.

- 2.4 Where the Council's schools have to abide by the Scheme for Financing Schools which requires them to follow Contract Standing Orders (CSO) for Schools, then the CSO for Schools shall take precedence over these Contract Procedure Rules.
- 2.5 These Contract Procedure Rules do not apply to any acquisition or disposal of any interest in land including any transaction in land under section 75 of the National Health Services Act 2006; partnership arrangements between NHS bodies and the Council under section 75 of the National Health Services Act 2006 are not subject to these Contract Procedure Rules though procurement activities undertaken under any such arrangements may be.

### **3 CONTRACT VALUE CALCULATION**

- 3.1 Contract value means the estimated aggregate or recurring value payable in pounds sterling exclusive of Value Added Tax over the entire Contract period including any form of options or extensions of the Contract. Where the Contract term is not fixed the estimated value of the Contract must be calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015.
- 3.2 Contracts must not be artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of Contract Procedure Rules or the Law.
- 3.3 In the case of Framework Agreements or Dynamic Purchasing Systems the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term of the Framework Agreement or the Dynamic Purchasing System.

### **4 AUTHORISATION**

- 4.1 Any Procurement, including extensions and variations to Contracts set out in the Annual Procurement Forward Plan and approved by the Policy and Resources Committee, is deemed as Authorised irrespective of the Contract value, subject to 4.3 below.
- 4.2 Any Procurement which has not been Authorised as set out in 4.1 must be Authorised in accordance with the Authorisation and Acceptance Thresholds set out in these Rules and in Article 10, Table B.
- 4.3 Any Procurement authorised via the Annual Procurement Forward Plan is subject to the reporting requirements detailed in the approved Annual Procurement Forward Plan.

## 5 PROCUREMENT METHOD

- 5.1 The method of procurement is set out in the Authorisation and Acceptance Thresholds and Article 10, Table B.
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- 5.3 Commissioners may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots. If commissioners decide not to subdivide into lots they must document the main reasons for their decision.
- 5.4 Where the Council accesses an existing Framework Agreement, the Framework Agreement terms and conditions of contract must be used, amended as appropriate as permitted by the Framework Agreement. Before entering into a Framework Agreement due diligence checks must be carried out to demonstrate that the Council can lawfully access the Framework Agreement and that it is fit for purpose and provides value for money.
- 5.5 For activities that result in a contractual obligation for social care placements and special education needs where the decision has been made on the Council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision-making framework is contained within the Article 10 (Decision-Making) as set out in the Constitution.
- 5.6 Procurement activity for Contracts for certain health, social, community, educational and cultural related services, "Light-Touch Regime Services" whose value is equal to or over the threshold of £663,540 must be tendered and awarded in compliance with the Public Contracts Regulations 2015. Refer to the CSG Procurement Team to advise on the procedures to be applied in connection with the award of these Contracts.
- 5.7 For Procurements below the tender financial threshold only Suitability Assessment Questions can be asked. This means there can be no SQ stage.
- 5.8 For Contracts under the tender financial threshold the Director Commercial & Customer Services in conjunction with the Assistant Director Investment and Innovation may waive the requirement to seek 2 written quotes subject to an Officer Decision being provided, demonstrating that the market-place has been fully tested and the Council has obtained value for money.

- 5.9 The award of Contracts will be based on the most economically advantageous tender assessed from the Council's point of view.
- 5.10 Commissioners shall require tenderers to explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the works, goods or services

## **6 SINGLE TENDER ACTION**

- 6.1 A Single Tender Action is the awarding of a Contract to a contractor without undertaking a competitive tendering exercise. This is permitted only in exceptional circumstances and should be approved in advance by the Assistant Director Investment and Innovation and Director Commercial & Customer Services. Procurement advice should be sought in all cases. Exceptional circumstances may include where the works, supplies or services can be supplied only by a particular supplier.
- 6.2 Where a competition has been undertaken and only a single bid has been received the Assistant Director Investment and Innovation and Director Commercial & Customer Services can approve the award of a Contract, subject to an appropriate review being undertaken and an audit trail being available for inspection.

## **7 CONCESSION CONTRACTS**

- 7.1 Concession Contracts are contracts under which the council outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return. The key feature is that the contractor/provider bears the operating risk of the arrangement and so has no guarantee of recouping its investment or operating costs.
- 7.2 Concession Contracts must meet certain requirements and advice should be sought from Legal Services and CSG Procurement.

## **8 ACCEPTANCE**

- 8.1 Acceptance of Contracts must be in accordance with Article 10 Table B of the Constitution, and in all cases is subject to: Budget provision; a compliant Procurement process; and confirmation of acceptable financial status of the contractor.
- 8.2 Acceptance of Contracts with independent providers of individual placements for children or adults will in the first instance be achieved through approved frameworks or approved lists of providers. Where requirements cannot be met through approved frameworks or approved lists, authority is delegated to the relevant officer of a service area under the scheme of delegation in the council's Constitution to enter into contract with a new independent provider.

- 8.3 Acceptance thresholds for Contract extensions and variations are set out in Article 10 Table B of the Constitution.
- 8.4 The financial assessment of tenders will be undertaken where they are necessary either by statute, to ensure value for money for the council, or both by the following:
- The relevant service undertaking a procurement if it identifies a requirement for financial assessment to be undertaken for a service/goods contract beneath the Find a Tender tender threshold or beneath the Find a Tender works tender thresholds, or;
  - A Financial Officer as delegated by the Director of Resources (Section 151 Officer) if: (a) the contract is valued at Find a Tender Service tender threshold or more, for goods or services; or (b) the contract is valued at Find a Tender Service tender threshold or more for works; or (c) the Director of Resources (Section 151 Officer) considers that the Contract has a significant impact on the council's finances.

## **9 CONTRACT SIGNING and SEALING**

- 9.1 Every Contract must be in a form approved by Legal services or delegated officer, if its value exceeds £25,000 or where appropriate to the nature of the Contract.
- 9.2 All Contracts awarded following a Procurement process with a Contract value above the tender financial threshold shall be sealed unless Legal Services or delegated officer directs otherwise.
- 9.3 Contracts and Framework Agreements must be sealed. Call-off Contracts from a Framework Agreement under the tender financial threshold do not require sealing and need only be signed by a Council Officer in accordance with the Scheme of Delegation.

## **10 CONTRACT MANAGEMENT**

- 10.1 During the life of the Contract Approved Officers must ensure that the Council's approved processes for Contract Management, as set out in the Contract Management Toolkit are adhered to. In particular to ensure continuous improvement and value for money is achieved all Approved Officers must ensure that those responsible for managing Contracts undergo CSG Procurement approved training

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Regulation 72 of the Public Contracts Regulations 2015 certain amendments, and extensions or renewals of an existing Contract can be made without triggering a requirement for a new Procurement exercise, subject to submit financial limits. Where necessary seek advice from Legal and CSG Procurement.

- 11.2 Placement Agreements for individuals in Social Care or Educational Needs may be varied or extended without reference to the Variation or Extension Acceptance levels and documentation set out in Article 10 of the Constitution, Table B.
- 11.3 The value referred to in Article 10 of the Constitution, Table B in the column headed 'Variation or extension Acceptance' is the total value of the original Contract value plus the addition of the value of any extensions and/or variations i.e. the total value of the extended or varied Contract.
- 11.4 In addition to the requirements of Regulation 72 Contracts may only be extended or varied if all of the following conditions have been met:
- the initial Contract was based on a Contract Procedure Rules compliant competitive tender or quotation process;
  - the value of the extension or variation added to the value of the original Contract does not exceed the original Authorisation threshold as defined in Article 10 of the Constitution, Table B;
  - the extension or variation has an approved Budget allocation;
  - if the initial Contract was subject to an UK regulated tender procedure, that the extension option was declared within the Find a Tender contract notice and the original Acceptance report (Delegated Powers Report/relevant Committee Report);
- 11.5 Where the Procurement results in a Contract which includes a provision for an extension, any Acceptance of that extension needs to be in accordance with Article 10 of the Constitution, Table B.
- 11.6 If any of the conditions at 11.4 or 11.5 cannot be met, then a new Procurement exercise must be commenced.
- 11.7 Where a variation or extension moves the total value of the Contract into a higher threshold, then acceptance must be sought in accordance with Article 10 of the Constitution, Table B.

## 12 WAIVERS

- 12.1 If the application of these Contract Procedure Rules prevents or inhibits the delivery or continuity of service, Approved Officers (Heads of Service or above) may apply for a waiver. All applications for a waiver of these Contract Procedure Rules must be submitted to Policy and Resources

Committee specifically identifying the reason for which a waiver is sought, including justification and risk.

- 12.2 Approved Officers may take decisions on emergency matters (i.e. an unexpected occurrence requiring immediate action) in consultation with the Chairman of Policy and Resources Committee providing they report to the next available Policy and Resources Committee, setting out the reasons for the emergency waiver. A copy of the relevant Policy and Resources Committee report must be provided to CSG Procurement and stored on the Council's contract repository.

Any waiver should only be granted for a maximum period of 12 months, except in exceptional case

### Authorisation and Acceptance Thresholds

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
A	Under £10,000	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Reasonable means of selection * and evidence of having sourced and considered the local Barnet supplier market	Council Officer as designated by approved Scheme of Delegation	Under £10k Audit Form	Must move to next threshold if £10,000 or above	Under £10k Audit Form	Purchase Order
B	£10,000 - £24,999	Officer Decision; or Procurement Forward Plan	Officer Decision Report; or Procurement Forward Plan	Minimum 2 written Competitive Quotations sought**	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Must move to next threshold if £25,000 or above	Officer Decision Report	Purchase Order
C	£25,000 - £213,477	Officer Decision; or Procurement Forward Plan	Officer Decision Report; or Procurement Forward Plan	Minimum 2 written quotations  No SQ – Suitability Assessment Questions only	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Council Officer as designated by approved Scheme of Delegation	Officer Decision Report	Signed Contract Contract Award Notice
D	£213,477 - £500,000	Delegated Powers Report; or Procurement Forward Plan	Officer in Consultation with Theme Committee Chairman Delegated Powers Report; or Procurement Forward Plan	Services/Goods – Find a Tender Works – Competitive Quotation	Council Officer as designated by approved Scheme of Delegation	Officer Delegated Power Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within Budget: Officer in Consultation with Theme Committee Chairman Delegated Powers Report	Signed and sealed contract Contract Award Notice

	Procurement Value	Procurement Commencement Process		Procurement method	Bid Acceptance Process		Variation or Extension Acceptance Process		Contract Requirement
		Authorisation	Documentation		Authorisation	Documentation	Authorisation	Documentation	
E	£500,000 and above	Relevant Theme Committee Report; or Procurement Forward Plan	Committee Report  For items authorised via the Procurement Forward Plan in accordance with reporting requirements detailed in the approved Plan	Competitive quotation for works contracts for values £500,000 to £5,336,937  Works and Concession Contracts: Full Find a Tender above £5,336,937  Goods: Full Find a Tender  Services: Full Find a Tender  Health, educational, cultural and social care related services: Light Touch Regime Tender above £633,540	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within budget: Theme Committee Report	Council Officer as designated by approved Scheme of Delegation	If within Budget: Officer Delegated Power Report  If not within budget: Committee Report	Signed and sealed contract Contract Award Notice



**London Borough of Barnet**

**Constitution and General  
Purposes Committee Work  
Programme**

**February 2022**

AGENDA ITEM 12

Subject	Overview of decision	Report of Chief/Lead officer	Update

Items to be allocated			
Information Management <i>As and when required</i>	To determine Member requests for non-committee information as specified in the Members' Information Management Policy	Director of Assurance Head of Assurance and Business Development	N/A
Review of Policy for Payments for Additional Responsibilities and Outstanding Contributions	To review implementation of the Policy	Assistant Director Human Resources and Organisational Development	N/A
Code of Conduct Allegations 2020/21 and 2021/22	Report on complaints regarding Members that the Monitoring Officer has received about Member conduct during 2020/21 and 2021/22.	Monitoring Officer	Report after 1 <sup>st</sup> April 2022