



Constitution and General Purposes Committee

9 April 2019

Title	Local Government & Social Care Ombudsman (LGSCO) and Housing Ombudsman Summary of Upheld Complaints report - 2018/2019
Report of	David Tatlow - Monitoring Officer & Chief Legal Advisor
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	<p>Appendix A – Summary of upheld LGSCO complaints received April 2018-March 2019</p> <p>Appendix B – LGSCO Report - Case ID 17000409</p> <p>Appendix C – Overview of LGSCO recommendations for Case ID 17000409 and Barnet Councils response</p>
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Summary

This report presents a summary of the upheld complaints determined by the LGSCO and Housing Ombudsman during 2018/2019.

The report also includes the full LGSCO decision concerning the upheld complaint (Case ID 17000409) which the law requires that we report to committee as the LGSCO issued a public report.

Officers Recommendations

1. That Committee note the summary of upheld decisions by the LGSCO and Housing Ombudsman during 2018/2019 (Appendix A).
2. That Committee note and consider the LGSCO upheld complaint (Case ID 17000409) – Appendices B and C.

1. WHY THIS REPORT IS NEEDED

- 1.1 Complaints can be a valuable source of information and insight to enable the Council to focus on improvements to our processes and service delivery. The Council operates a two-stage Corporate Complaints Procedure. At Stage 1, the manager of the service area deals with the complaint, with the aim of resolving the complaint as quickly as possible. At Stage 2, complaints which are not resolved at Stage 1 are reviewed by the relevant Head of Service.
- 1.2 If the complainant remains dissatisfied after going through the Council's complaints procedure, they may escalate the matter to the Ombudsman.
- 1.3 There are separate statutory processes in relation to social care complaints for Adults and children's services. This is referred to as the statutory social care complaints Procedure. Once the statutory procedure is exhausted the complainant has the right of recourse to the LGSCO.
- 1.4 The LGSCO reserves the right to accept and investigate a complaint even if this has not been through either our corporate or the statutory complaints procedures. This can occur when there are urgent issues (such as imminent homelessness), vulnerability, or if the complainant shows that they have complained to the Council but have not received a response.
- 1.5 In July, the Local Government and Social Care Ombudsman (LGSCO) provides an annual review letter, outlining the complaints and enquiries they have dealt with during the year in relation to the London Borough of Barnet. In future, we will share this letter with Committee once we have received it.
- 1.6 The council have received 131 complaints from 1st April 2018 through to 31st March 2019. Of the 131 complaints received from the LGSCO 20 were upheld at the time of writing.
- 1.7 Table 1 shows the full breakdown of the LGCSO complaints received and a comparison to those received in 2017-2018.

LGSCO / H.O. Decision	Number of Complaints (%of total)			
	2017-2018		2018-2019	
Investigated – Upheld	29	22%	20	15%
Investigated – Not Upheld	7	5%	14	11%
No Further Action	97	73%	83	63%
Still Under Investigation	0	0%	14	11%
Total number of LGSCO complaints received	133	100%	131	100%

1.8 Table 2 shows the breakdown of LGSCO complaints by Service Area.

Service Area	Number of LGSCO/H.O. complaints received			
	2017-2018		2018-2019	
	Total	Number upheld	Total	Number upheld
Adults and Communities	13	2	11	5
Assurance Group	0	0	2	0
Assisted Travel (CSG)	2	0	4	0
Barnet Homes	24	4	26	6
Building Control (RE)	1	1	0	0
Commissioning Group	3	0	2	0
Council Tax (CSG)	10	5	11	2
Cambridge Education (E&S)	5	0	2	1
Customer Service (CSG)	0	0	2	0
Environmental Health (RE)	7	0	5	1
Family Services	8	3	11	3
Highways (RE)	7	4	3	0
Housing Benefit (CSG)	8	0	3	2
Parking Service (Environment)	23	7	30	3
Planning (RE)	14	2	14	1
Property Services (CSG)	2	0	1	1
Street Scene	6	1	4	1
TOTAL	133	29	131	26*

**Where a LGSCO complaint is across two services, it has been recorded in both service areas hence a higher figure.*

1.9 Appendix A give a summary of all the upheld complaints received from the LGSCO from 1 April 2018 to March 2019.

2. REASONS FOR RECOMMENDATIONS

2.1 During the reporting period, the LGSCO has determined one publicly reported case of maladministration with injustice (Case ID 17000409) which was regarding noise nuisance and is attached at Appendix B (November 2018).

2.2 It is alleged that the Council failed to take sufficient action to abate a claimed noise nuisance caused by events at Watling Community Centre next to the home of the complainant; and further complaint that the Council had not taken the actions recommended by the Ombudsman in their decision to uphold the original complaint from 2016.

2.3 The Ombudsman's recommended actions with the Council's response are summarised in Appendix C.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Officers have considered not to accept the decision of the LGSCO Case ID 17000409, but on this occasion that option is not recommended.
- 3.2 The Monitoring Officer visited the premises in order to establish how the proximity of the centre may or may not have an effect on the nearby resident and as a consequence of this visit the council is now in a better position to handle more appropriately any further complaints that may be received.

4. POST DECISION IMPLEMENTATION

- 4.1 The LGSCO will publish their Annual Review letter 2019 which includes the annual summary of statistics on the complaints made to the LGSCO about Barnet Council for the year ended 31 March 2019. We expect to receive this annual report in July 2019.
- 4.2 Following the committee meeting, officers will report back to the LGSCO regarding Case ID 17000409.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan - Barnet 2024 has three outcomes for the borough focus on place, people and communities:
- a pleasant, well maintained borough that we protect and invest in
 - our residents live happy, healthy, independent lives with the most vulnerable protected
 - safe and strong communities where people get along well.
- 5.1.2 As outlined in the council's approach to this vision, delivering a fair and open complaints process helps to ensure we deliver a 'efficient and effective council'.

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

- 5.2.1 Payment of compensation is made on individual cases as directed by the Ombudsman.

5.3 Social Value

- 5.3.1 As contained in this report.

5.4 Legal and Constitutional References

- 5.4.1 Local Government Act 1974, Section 3.
- 5.4.2 Under article 7 of the Constitution, the Constitution and General Purposes Committee's terms of reference include:
"To consider and make recommendations to the Council on:
(iii) ethical standards in general across the authority.

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

5.5 Risk Management

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

5.6 Equalities and Diversity

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

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

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

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

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

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

5.7 Corporate Parenting

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

5.8 Consultation and Engagement

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

5.9 Insight

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

6. BACKGROUND PAPERS

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