

Constitution and General Purposes Committee

7 February 2022

Title	Local Government & Social Care Ombudsman (LGSCO) Summary of Upheld Complaints report (2019-2020 and 2020-2021)
Report of	Jessica Farmer, Monitoring Officer & Chief Legal Advisor
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	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
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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%
Total number of LGSCO complaints reported	188	100%	184	100%	136	100%

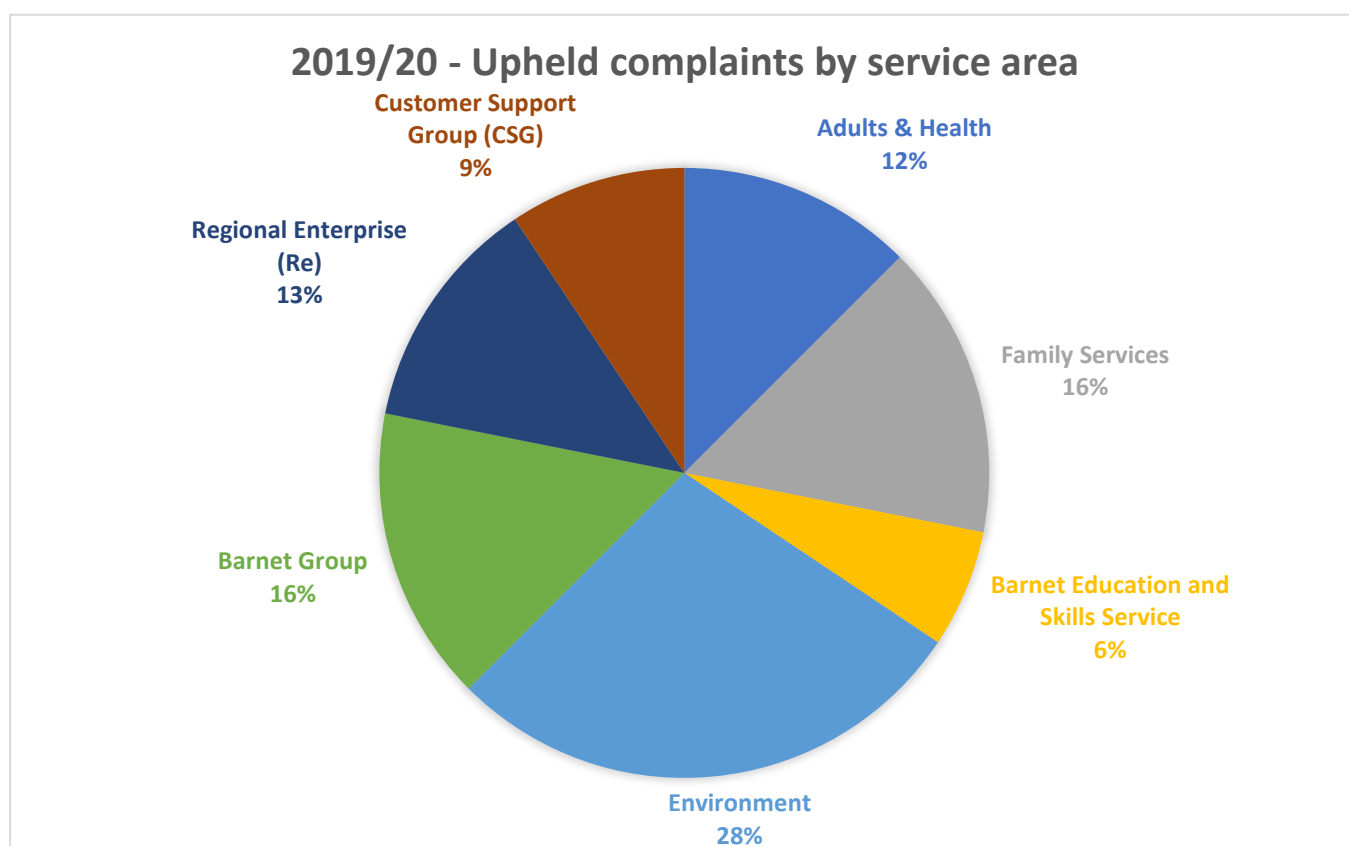
1.9 There has been a general trend that the number of Ombudsman investigations has decreased down from 188 in 2018-19 to 136 in 2020-21, meaning a 28% decrease. However, in March 2020 the LGSCO suspended casework for approximately three months due to the pandemic. This is likely to have impacted the 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.

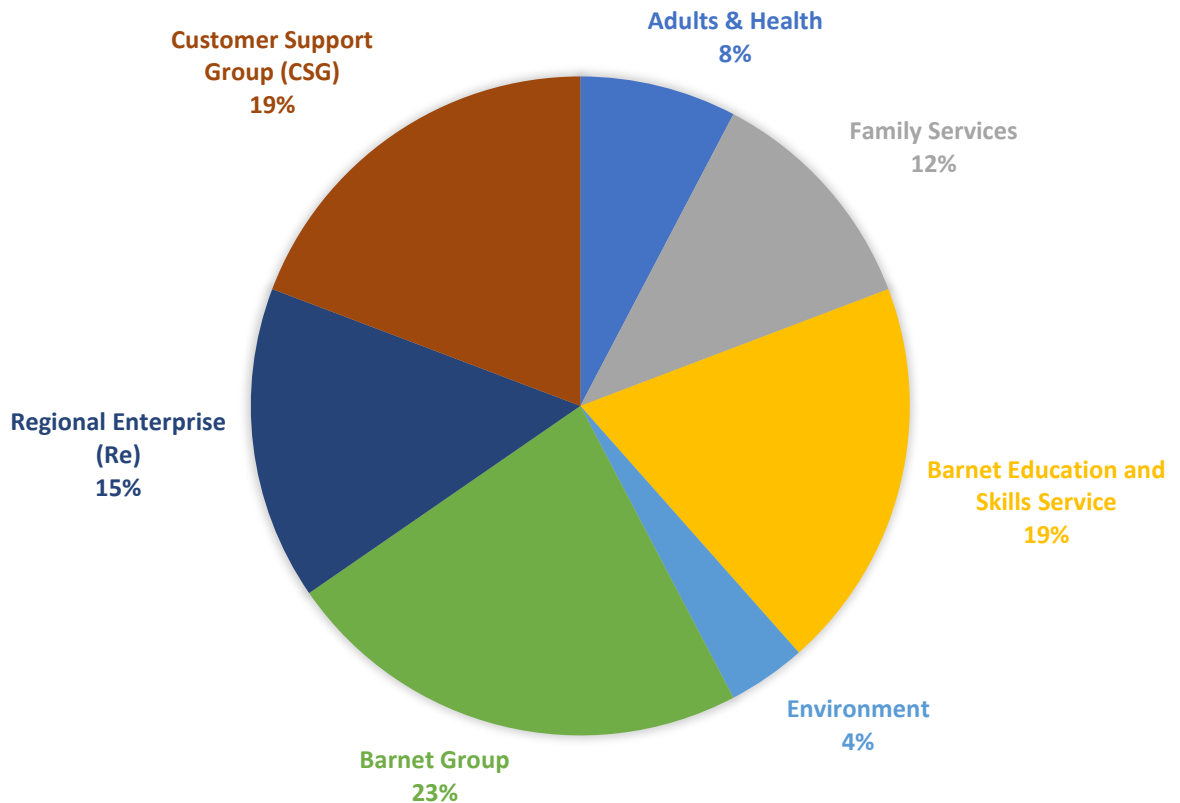
1.11 Table 2 and Figure 1 shows the breakdown of LGSCO complaints by service area

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

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



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
TOTAL	£37,011	£37,143

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](#))