

Constitution and General Purposes Committee

6 October 2022

Title	Local Government & Social Care Ombudsman (LGSCO) summary of upheld complaints report (2021-2022)
Report of	Jessica Farmer - Monitoring Officer
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Summary of upheld LGSCO complaints received 1 April 2021-31 March 2022 Appendix B – LGSCO Annual Review Letter July 2022
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Summary

This report presents a summary of the upheld complaints determined by the LGSCO and Housing Ombudsman during the period 1 April 2021 - 31 March 2022.

Officers Recommendation

That Committee note the summary of upheld decisions by the Local Government and Social Care Ombudsman and Housing Ombudsman during the period 1 April 2021 - 31 March 2022, and relevant lessons and actions.

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.
- 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 is 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 the reporting period 1 April 2021-31 March 2022.
- 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 letter received by the London Borough of Barnet for 2021-2022 can be found in Appendix B.

2. Summary of LGSCO findings

- 2.1 Officers have reviewed the LGSCO's annual letters; in his 2021/2022 letter the LGSCO made the following observations about the Council:
 - 70% of investigations conducted by the LGSCO were upheld. This is lower than an average figure of 71% for similar authorities.
 - In all cases the LGSCO were satisfied that the Council had successfully implemented agreed recommendations.
 - The LGSCO pointed out a deterioration in timeliness of our responses to their investigation enquiries in the past year and recorded receiving late responses to their enquiries in almost half of the cases they investigated. In light of this finding, we have made several changes to our processes which are covered in more detail in Section 5 of this report.

- The LGSCO noted general concerns across local authorities with regards to under-resourcing of complaints functions in recent years. The LGSCO noted that they are working in partnership with the Housing Ombudsman to develop a joint complaint handing code.

2.2 Table 1 shows the full breakdown of the outcomes of the LGCSO complaints received during this reporting period (April 2021-March 2022) and comparison to previous reporting period (April 2020-March 2021).

Table 1: London Borough of Barnet complaints to the LGSCO in 2020-2021 and 2021-2022

LGSCO Decisions	Number of Complaints (% of total)			
	2020-2021		2021-2022	
Investigated - Upheld	26	17%	21	13%
Investigated - Not Upheld	11	7%	9	5%
Total investigated	37	24%	30	18%
No Further Action	99	76%	128	81%
Total number of LGSCO complaints reported	136	100%	158	100%

2.3 In line with the national trend, the number of LGSCO investigations has increased from 136 in 2020-2021 to 158 in 2021-2022. However, the number of cases which went to full investigation decreased from 37 to 30 (down from 24% to 18%).

2.4 There has been a decrease in the percentage of LGSCO investigations which have been upheld from 17% in 2020-2021 to 13% in 2021-2022. This general trend appears counter to a national picture of an increase in upheld rates from 15% to 16% over the same period.

2.5 The trends mentioned in paragraphs 2.3 and 2.4 above indicates improved complaint handling by Barnet Council, in that less cases are being investigated by the LGSCO and, when they are, lower number and rate of cases are being upheld. This is particularly pleasing considering that the number of complaints reported to the LGSCO has increased, suggesting that issues are being resolved at an earlier stage of the complaints process, which benefits residents in terms of resolving issues in a timelier manner and prevents further investigations by the LGSCO, which has resource implications for the Council.

2.6 Of the detailed investigations, 21 (70%) were upheld by the LGSCO. This is slightly lower than London Boroughs which had an average upheld rate of 71%. The London Borough of Croydon and the City of London had, respectfully, the largest and lowest number of upheld complaints (41 and 2). This is in line with the population of these Boroughs; Croydon is one of the most populous boroughs in London and City of London the smallest. Accounting for population, the data shows that London Borough of Barnet has a low number of upheld complaints per 100,000 residents.

Table 2: Upheld LGSCO complaints for other London Boroughs per 100,000 population

Borough	Number of upheld complaints	Population (ONS data)	LGSCO upheld complaints per 100,000 population
City of London	2	10,938	18.3
London Borough of Haringey	29	266,357	10.9
London Borough of Lambeth	34	321,813	10.6
London Borough of Croydon	41	388,563	10.6
London Borough of Richmond upon Thames	18	198,141	9.1
Royal Borough of Kensington and Chelsea	14	156,864	8.9
London Borough of Barking and Dagenham	19	214,107	8.9
London Borough of Newham	31	355,266	8.7
Westminster City Council	23	269,848	8.5
London Borough of Redbridge	26	305,658	8.5
London Borough of Enfield	27	333,587	8.1
London Borough of Hackney	22	280,941	7.8
London Borough of Southwark	25	320,017	7.8
Royal Borough of Kingston upon Thames	13	179,142	7.3
London Borough of Hammersmith and Fulham	13	183,544	7.1
London Borough of Wandsworth	23	329,735	7.0
London Borough of Ealing	23	340,341	6.8
London Borough of Brent	22	327,753	6.7
London Borough of Camden	17	279,516	6.1
London Borough of Lewisham	18	305,309	5.9
Royal Borough of Greenwich	17	289,034	5.9
London Borough of Hillingdon	18	309,014	5.8
London Borough of Tower Hamlets	19	331,969	5.7
London Borough of Bromley	18	332,752	5.4
London Borough of Havering	14	260,651	5.4
London Borough of Merton	11	206,453	5.3
London Borough of Barnet	21	399,007	5.3
London Borough of Hounslow	14	271,767	5.2
London Borough of Waltham Forest	14	276,940	5.1
London Borough of Bexley	12	249,301	4.8
London Borough of Islington	11	248,115	4.4

London Borough of Sutton	8	207,707	3.9
London Borough of Harrow	7	252,338	2.8

2.7 Table 3 and Figures 1 and 2 show the breakdown of LGSCO upheld complaints by service area.

Table 3: LGSCO upheld complaints by service area

Service Area	Number of LGSCO complaints upheld	
	2020 - 2021	2021 - 2022
Adults & Health	2	3 ▲
Adults & Health and Barnet Homes (joint)	0	1 ▲
Assurance	0	1 ▲
Community Safety	0	1
Barnet Education and Learning Service	5	0 ▼
Barnet Education and Learning Service	5	0
Barnet Homes	6	6 ◀▶
Customer Support Group (CSG)	5	3 ▼
CSG – Council Tax	5	2
CSG – Council Tax and Housing Benefit (joint)	0	1
Environment	1	2 ▲
Environment – Greenspaces	0	1
Environment – Street Scene	0	1
Environment – Parking Service	1	0
Family Services	3	2 ▼
Regional Enterprise (Re)	4	3 ▼
Re – Planning	3	3
Re – Highways	1	0
Total number of complaints upheld	26	21 ▼

Figure 1: Complaints by service area over the previous four years

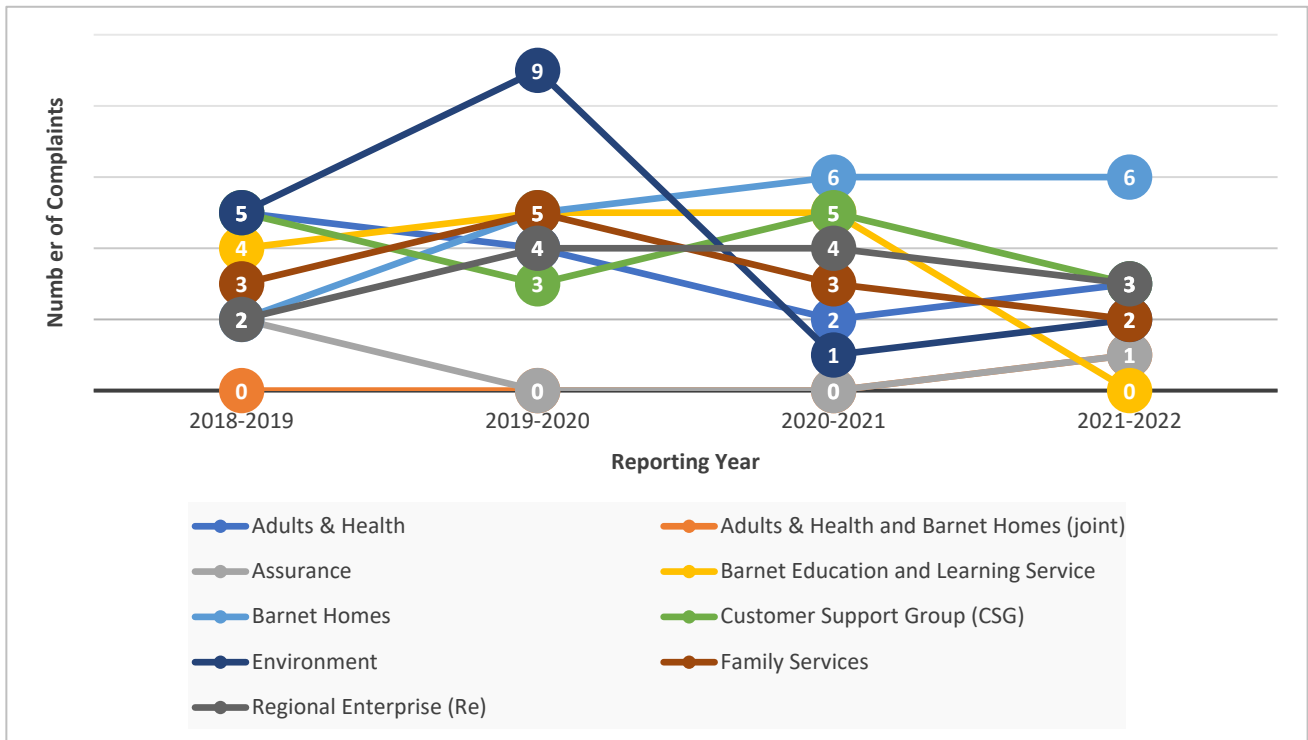
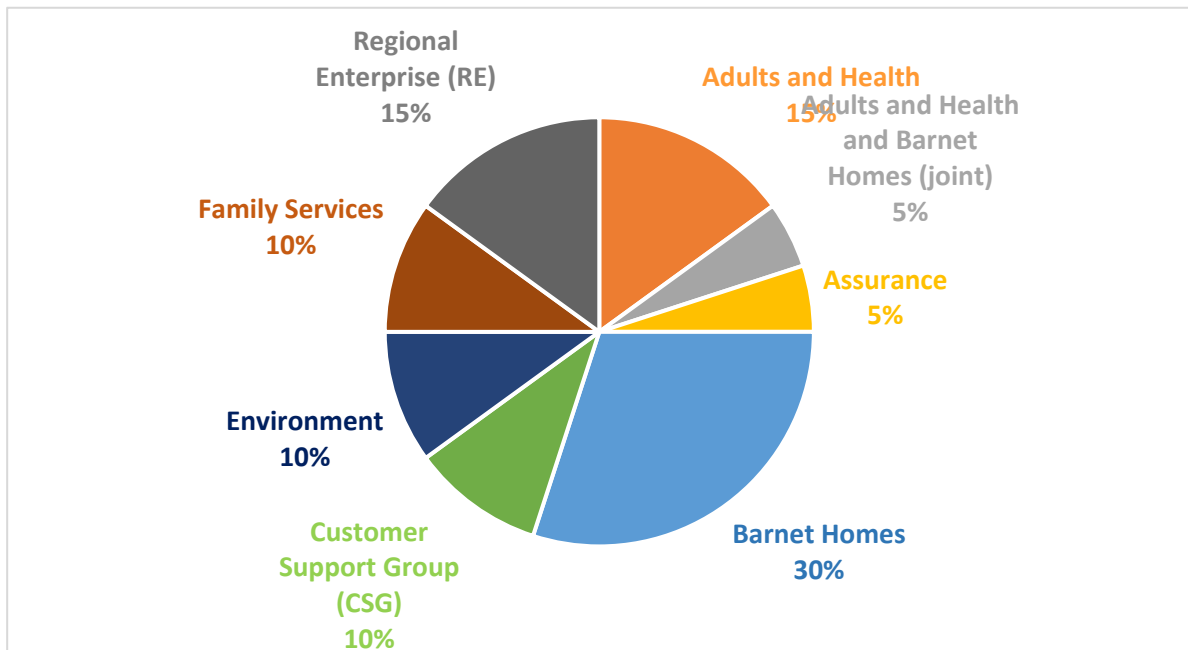


Figure 2: 2021-22 upheld complaints by service area



- 2.8 The most marked decrease in upheld complaints was with Barnet Education and Learning Service which saw a drop from 5 to no complaints between 2020-2021 and 2021-2022. This is positive news as nationally the LGSCO investigates more education and children’s services complaints and these lead to higher upheld rates.
- 2.9 Customer Support Group (CSG), Family Services and Regional Enterprise (Re) also had decreases in LGSCO upheld complaint rates. This may be linked to improved complaints handling by these areas so that issues are rectified before LGSCO involvement and processes are better followed leading to less complaints being upheld by the Ombudsman.

- 2.10 The COVID-19 pandemic also may have caused some Council services which typically generate complaints to be put on hold (e.g., debt collection) which have recently restarted.
- 2.11 Adults & Health and Assurance (for Community Safety) had 1 more upheld complaint in comparison to previous year.
- 2.12 This trend is in-line with the national picture; the LGSCO's [Review of Local Government Complaints 2021-22](#) noted that there was no change or a decrease in upheld rates for all categories of complaint, other than environment and public protection.
- 2.13 Appendix A gives a summary of all the upheld complaints received from the LGSCO from 1 April 2021 to 31 March 2022. This also includes learning from upheld complaints.
- 2.14 In addition to the cases investigated by the LGSCO the Housing Ombudsman investigated 14 cases against Barnet Homes. In 2021-2022 there has been a slight reduction in the number of cases which led to a finding of maladministration or partial maladministration (down from 5 to 4). This shows significantly lower percentage of complaints regarding Barnet Homes have led to findings of maladministration or partial maladministration (28% in comparison to all Local Authorities' average of 48%). The details of these investigations have been included in Appendix A.

Table 4: Summary of Housing Ombudsman cases upheld complaints

Outcome	Number of HO complaints against LBB by outcome		2021-22 average for all Local Authorities
	2020 – 2021 (%)	2021 – 2022 (%)	
Severe Maladministration	-	-	0%
Maladministration	2 (25%)	2 (14%)	26%
Partial Maladministration	3 (38%)	2 (14%)	22%
Reasonable Redress	-	-	6%
No Maladministration	-	3 (21%)	26%
Mediation	-	1 (7%)	2%
Outside Jurisdiction	3 (38%)	6 (43%)	18%
Withdrawn	-	-	1%
Grand Total	8	14	100%

3. Reasons for recommendations

- 3.1 Where complaints are upheld by the LGSCO, they recommend ways for authorities to put things right when faults have caused injustice. Their recommendations aim 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.

- 3.2 In 2021-2022 the LGSCO were satisfied that the council had implemented agreed recommendations. However, there were five cases where recommendations were deemed to have not been completed within agreed timescales. This was an increase from three cases in the previous reporting year. We since have taken actions to address late implementation of actions (see Section 5).
- 3.3 During the reporting period, the LGSCO have not concluded that any of the cases they investigated should lead to a public reporting of the outcome.

4. Alternative options considered and not recommended

- 4.1 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.
- 4.2 The Council will continue to learn from complaints for continuous business improvement and resident satisfaction.

5. Post decision implementation

- 5.1 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.
- 5.2 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.
- 5.3 Lessons learnt actions and the themes drawn from complaints are reviewed for discussion and as part of the council's drive for improvement.
- 5.4 In some instances, outcomes of complaints are case specific and there are not any general learning points that would influence policy or procedure. This is especially true in complex cases, for example in social care cases. Individual issues and staff/team specific learning is addressed through training, supervision, and team meetings.
- 5.5 In the 2021-2022 letter, the LGSCO noted that they were concerned about delays in our responses to LGSCO enquiries. Whilst in the majority of cases we informed the LGSCO that there were delays, we recognise that delays negatively impact complainants. We have reviewed the delays which include resource issues, tracking of complaints approaching their deadline, officers not responding in a timely manner and obtaining clearance to ensure that responses to enquiries are full and complete.
- 5.6 We reviewed the cases where the Council was late and have amended our processes to improve in this area.

- We have invested in a new complaints case management system which went live on 1 April 2022. The system is specifically designed for complaints case handling and gives better oversight of the complaints cases and where they are approaching deadlines. The new system also allows the Corporate Complaints Team to be able to see complaints progress 'in real time' and therefore allow them to respond to initial enquires without the need for detailed discussion with individual services.
- As part of our process, when the LGSCO complete a detailed investigation and there are complex legal issues, HBPL will review submission of information before it is sent to the LGSCO. To allow sufficient time for HBPL to review data submissions for the LGSCO and services to respond, we have asked services to supply data five days before the submission date to give buffer.
- We have updated our processes where the LGSCO upheld a complaint. The service is now expected to meet with members of the Corporate Complaints Team to clarify responsibility for implementing LGSCO recommendations as well as capturing learning that will take place which can be shared with other teams across the Council. This will also support timely implementation of LGSCO recommendations.
- We have recently increased capacity within the Corporate Complaints Team with a new role, Complaints Officer, which is a level 3 apprenticeship. A key task of the role will be to monitor LGSCO cases and work with services to ensure timescales are met.

5.7 In line with our service plan for 2022-2023 we are trialling a new case management system, iCasework, to specifically support the administration of complaints. Previously complaints were monitored through the use of excel spreadsheets and a customer relationship system which is not tailor-made to support the complaints process. The new system, which went live on 1 April 2022, is delivering 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 resident experience. The data generated will be used to drive meaningful service improvements and support the council's continuous development.
- Improve resident complaints management oversight across the council including those under our Management of Unreasonable Complainant Behaviour Policy

- 5.8 In January 2022 the LGSCO delivered their Effective Complaints Handling training to senior managers and officers who regularly handle complaints across the organisation and our partners.
- 5.9 We have updated our *Guidance for successful complaints handling* to support staff who are involved in corporate complaints processes. In December 2022 we will roll out 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.
- 5.10 To ensure that complaints data is used to highlight issues and trends in a timely manner we are:
- Embedding all functionalities to the system for real time monitoring and meaningful trends insight.
 - Collaborating with colleagues in the Programmes, Performance & Risk Service to use tools such as Microsoft PowerBI to create reports as well as interactive dashboards for colleagues across the council to use to interrogate complaints data for more meaningful insight.
 - Producing quarterly complaints data for senior managers at the Council and partners to view complaints performance across the organisation, including adherence to targets regarding timescales, including submissions to the LGSCO.
 - Using an automated reporting function in iCasework all service areas receive weekly activity reports. Additionally, services are offered report writing training so they can build custom complaint reports for their service areas to meet performance and oversight requirements.
 - Collaborating with the Customer Experience Change Lead we will start an improving resident experience programme which will review the complaints/compliments data as well as case studies to devise an action plan to improve resident experiences.
 - In our quarterly meetings with directorate Complaints Link Officers will present and discuss key reports and documents published by the Ombudsman.
 - The Corporate Complaints Team pages of the intranet will be reviewed to ensure information is accessible, easy to read and contains relevant information.
 - The current pilot complaints case management system contract ends on 1 April 2023; we are in the process of re-procuring the system.
- 5.11 LGSCO will publish their Annual Review letter 2023 which will include the annual summary of statistics on the complaints made to the LGSCO about Barnet Council for the year ended 31 March 2023. We expect to receive this annual report in July 2023 and anticipate it will show an improvement in response times to LGSCO enquires.

6. Implications of decision

6.1 Corporate Priorities and Performance

6.1.1 The current corporate plan (Barnet Plan 2021-2025) was adopted in March 2021. Following the May 2022 elections, the council now has a new administration and a new corporate plan, consistent with the new administration's priorities will be brought forward shortly.

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

6.2.1 Payment of compensation is made on individual cases as directed by the Ombudsman. Table 5 below shows the compensations awarded by the LGSCO by service area.

Table 5: LGSCO compensation amounts for 2020-21 and 2021-22

Service Area	LGSCO compensation	
	2020-2021 (26 cases)	2021-2022 (14 cases)
Adults & Health	£350 (2)	£600 (2)
Assurance	-	£300 (1)
Barnet Homes	£3,100 (6)	£13,302 (4)
Barnet Education and Learning Service	£18,593 (5)	-
Customer Support Group-Council Tax and Housing Benefit	£250 (5)	£600 (3)
Environment-Greenspaces	-	£250 (1)
Environment-Parking	£250 (1)	-
Environment-Street Scene	£200 (1)	-
Family Services	£2,300 (3)	£600 (2)
Re-Planning	£200 (3)	£200 (1)
TOTAL	£25,243	£15,852

- 6.2.2 Further details regarding the cases for which compensation was awarded can be found in Appendix A.
- 6.2.3 During 2021-2022 the Council paid a total of £15,852 in compensation as a result of complaints upheld by the LGSCO, which is a 38% reduction from the 2020-21 figure (£25,243).
- 6.2.4 Barnet Homes paid out the largest amount overall as well as for a single case (£8,113). This case related to a failure to take correct action in 2019 to relieve a family's housing situation when they were statutorily overcrowded. The LGSCO found that the family lived in overcrowded conditions for two years longer than they should have.
- 6.2.5 These figures illustrate the importance of ensuring complaints are dealt with correctly, implementing corrective actions at the earliest opportunity, and ensuring lessons are learned from previous complaints to avoid reoccurrence, reduce pressure on human and financial resources.
- 6.2.6 There were no cases in 2021-2022 where the LGSCO issued a 'public report'. This happens in cases when the fault (maladministration) identified is significant - for example, where an investigation has wider implications for the Council policy or exposes a more significant finding of maladministration, i.e., because of the scale of the fault or injustice, or of the number of people affected.

6.3 Legal and Constitutional References

- 6.3.1 Local Government Act 1974, Part III. The Act defines the main statutory functions which includes to investigate complaints against councils and some other authorities.
- 6.3.2 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.”
- 6.3.3 Under the Local Government Housing Act 1989 the Monitoring Officer should report

these cases to members.

6.4 Insight

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

6.5 Social Value

6.5.1 As contained in this report.

6.6 Risk Management

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

6.7 Equalities and Diversity

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

6.7.2 Equality and diversity issues are a mandatory consideration in the decision-making of the council. Decision makers should have due regard to the public-sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. Consideration of the duties should precede the decision. It is important that Council has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public-sector equality duty are found at Section 149 of the Equality Act 2010 and are as follows:

6.7.2.1 A public authority must, in the exercise of its functions, have due regard to the need to:

a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;

b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

d) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

e) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

f) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

g) Tackle prejudice

h) Promote understanding Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

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

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

6.7.4 Our new complaints case management system went live on 1 April 2022 and will allow for this data to be generated where it has been submitted by residents, providing additional insight for the organisation.

6.8 Corporate Parenting

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

6.9 Consultation and Engagement

6.9.1 Engaging with residents 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.

6.10 Environmental Impact

6.10.1 None

7. Background papers

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

- 7.2 [Local Government & Social Care Ombudsman \(LGSCO\) Summary of Upheld Complaints report \(2019-2020 and 2020-2021\), Constitution and General Purposes Committee, February 2022](#)