



Governance, Audit, Risk Management and Standards Committee

Title	2022/2023 - Corporate Complaints and Local Government and Social Care Ombudsman (LGSCO) Annual Report
Date of meeting	16 October 2023
Report of	Jessica Farmer, Monitoring Officer
Wards	All
Status	Public
Urgent	No
Appendices	<p>Appendix A – 2022/23 Corporate Complaints and Local Government and Social Care Ombudsman Annual Report</p> <p>Appendix B – Local Government and Social Care Ombudsman Annual Letter</p> <p>Appendix C – Summary of LGSCO upheld decisions</p>
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Summary	
<ul style="list-style-type: none"> This report presents a summary of the Council’s performance in relation to corporate complaints and LGSCO investigations for the period 1 April 2022 to 31 March 2023. The report includes reference to the LGSCO’s annual letter for the same period and their findings and recommendations. 	
Recommendation	
That Committee:	

1. To note and consider the 2022/2023 Corporate Complaints and Local Government and Social Care Ombudsman Annual Report (Appendix A).
2. To note and consider the LGSCO's annual letter and relevant lessons and actions (Appendix B).
3. To note and agree the actions taken by the Council to remedy the issues and to prevent recurrence.

1. Reasons for the Recommendations

- 1.1 The Council is required to report its corporate complaints performance and the LGSCO complaints to the GARMS Committee which has an assurance oversight role with regards to these complaints.
- 1.2 This report covers the reporting period 1 April 2022 - 31 March 2023 and includes a summary of the Council's performance in relation to Corporate Complaints and LGSCO complaints.
- 1.3 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.
- 1.4 Stage 1 - Complaints are investigated and responded to by the relevant service manager or equivalent of which the complaint concerns.
- 1.5 Stage 2 - Where the complainant remains unhappy with their stage 1 response, they may escalate their complaint, which is investigated further and responded to by the relevant senior manager.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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 2022-2023 can be found in Appendix B.
- 1.10 Key trends included within the annual corporate complaints report and the LGSCO letter include:
 - Higher number of complaints received during 2022/2023. The Council's corporate complaints procedures ensure complaints are resolved as early as possible.
 - 4% more complaints are not upheld in Stages 1 and 2, indicating correct procedures were followed and service standards maintained.
 - The Council maintained high level of compliance with the complaints handling timescales.

- The increase in the number of complaints received is reflected in cases escalated to the LGSCO (166), escalation rate remained at 13.4%, demonstrating effectiveness of the Council’s complaints process.
- Upheld rate for LGSCO complaints increased in line with the changes made to the LGSCO investigation processes, which contributed to an increase in the average uphold rate across all complaints.
- There has been delays in dealing with some LGSCO cases; improvements have been implemented to address these issues.
- The annual cost of compensations varies each year, and it is impacted by individual cases that involve higher compensation payments as dictated by the LGSCO.
- Learning from each complaint is reviewed and utilised to improve services and experiences of customers. This is in addition to corrective actions and remedies concerning the specific case.
- The Council has carried out a comprehensive review of the corporate complaints and LGSCO complaints process and implemented improvements. The review included:
 - Reviewing and updating key policies and procedures to reflect customer focus and best practice.
 - Improving customer information and accessibility of the complaint process through multiple channels to improve customer engagement and feedback.
 - Continuous improvement driven through customer feedback, learning, and complaints insights
Review of Complaint Link Officer capacity and development, and clarification of expectations and accountability.
 - Fully embedding the functionalities of iCasework complaint management system using service-specific custom templates.
 - Revised approach to managing unreasonable customer behaviour which includes multidisciplinary approach to supporting customers and officers.
 - Improved reporting and proactive monitoring using the new case management system, including routine complaints trends and lessons reports and live performance data.

1.11 The corporate complaints review is overseen by the Assurance Management Team; progress updates will be included in future reports presented to the GARMS Committee.

1.12 Appendix A provides information regarding the Council’s complaints performance.

1.13 The LGSCO’s annual letter is included in Appendix B.

2. Alternative Options Considered and Not Recommended

2.1 The council could consider not to take on board the LGSCOs recommendations for each upheld complaint, but this would negatively impact both the complainant and the reputation of the Council.

2.2 The Council will continue to learn from complaints as part of its drive for continuous improvement of its services and experiences of its customers.

2.3 Officers have considered not to accept the decision of the LGSCO Case ID 21 017 371 (see Section 9 below for further information), but this option is not recommended. The LGSCO have independently 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.

3. Post Decision Implementation

- 3.1 We will implement the actions detailed in this report and include progress updates in future complaints reports.
- 3.2 Any future public interest reports will be brought by the Monitoring Officer to the next available GARMS Committee meeting.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 An accessible, fair, and transparent complaints process helps to ensure services remain “engaged and effective” which support the delivery of the Council’s vision as set out in Our Plan for Barnet 2023-2026.

Corporate Performance / Outcome Measures

- 4.2 The Assurance Directorate Outcomes Framework is the means through which we provide assurance that the directorate works towards delivering the Council’s priorities as set out in Our Plan for Barnet. Continuous improvement of the corporate complaints process, and use of meaningful insights from complaints for service improvement are included in and monitored through the Assurance Outcomes Framework.

Sustainability

- 4.3 There are no sustainability implications arising from this report.

Corporate Parenting

- 4.4 There are no corporate parenting implications arising from this report.

Risk Management

- 4.5 Complaints are an essential means by which the Council receives feedback from customers and assures service quality. By reviewing complaints and taking improvement actions where necessary, the Council minimises the risk of non-compliance and poor customer experience.

Insight

- 4.6 Learning from complaints provides insight into service improvement opportunities, complementing quantitative service performance data.

Social Value

- 4.7 As contained in this report.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

- 5.1 Payment of compensation is made on a case-by-case basis as determined by complaints investigators using the LGSCO’s Guidance on Remedies. This is funded through existing council budgets.

6. Legal Implications and Constitution References

- 6.1 Section 5 of the 1989 Local Government Act requires the Monitoring Officer to report maladministration or failure in relation to LGSCO complaints to members.
- 6.2 Under Part 2B of the Constitution (Terms of Reference and Delegation of Duties to Committees and Sub-Committees, section 2.4.17) the Governance, Audit, Risk Management and Standards Committee has the following powers and duties:
- “To have oversight of the Council’s ombudsman complaints and internal complaints performance (excluding complaints for Adults and Children’s complaints”.

7. Consultation

- 7.1 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. Utilising complaints data effectively can support the Council to meet its best value duty to continuously improve its services.

8. Equalities and Diversity

- 8.1 Decision makers should have due regard to the Public Sector Equality Duty in making their decisions. The equalities duties are continuing duties and not duties to secure a particular outcome. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds of the Public Sector Equality Duty, which are found at section 149 of the Equality Act 2010 and are as follows:
- A public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 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:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - 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;
 - 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:

- Tackle prejudice, and
- Promote understanding.

8.2 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

An equality impact assessment has not been completed for this matter. However, the Council has considered the equality implications of its communications systems, including the need to ensure that communication meets the need of a wider range of the public, including those with disabilities or neurodiversity, as well as those who may have a language barrier.

9. Background Papers

9.1 Please also see:

- [The Local Government and Social Care Ombudsman website](#)
- LGSCO case ID 21 017 371 was presented to the Council's [Governance, Audit, Risk Management and Standards Committee](#) held on [24 July 2023 \(Agenda Item 5\)](#)
- [Local Government & Social Care Ombudsman \(LGSCO\) Summary of Upheld Complaints Report \(2021-2022\)](#) was presented to the Constitution and General Purposes Committee on 6 October 2022