

# Local Government & Social Care OMBUDSMAN

19 July 2023

*By email*

Mr Hooton  
Chief Executive  
London Borough of Barnet

Dear Mr Hooton

## **Annual Review letter 2022-23**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

## **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with

that of similar organisations, rather than previous years, to better understand your organisation's performance.

**Compliance with recommendations** - We recommend ways for organisations 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 organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Your organisation's performance**

During the year, we [issued one public report](#) about your Council's poor administration of a person's council tax account. Our investigation found the Council took three years to clarify to the complainant how much she owed on a council tax account. It sent her 20 bills in the space of ten months and incorrectly told her on several occasions that she had a credit on the account. It also insisted on communicating with the complainant by email even though she had no access to an email account and always corresponded by post.

The Council agreed to apologise, make a payment equivalent to the outstanding council tax balance and correspond by letter in future. We also asked it to review the content of its council tax bills to include clearer information on credits and refunds, and to review its communication policy to ensure those people who cannot or do not want to communicate by digital means, are able to access Council services. I am pleased the Council has agreed to implement these measures.

Overall, your Council agreed to, and implemented, the recommendations we made in 32 cases during the year. However, it is disappointing that in seven of these cases remedies were not completed within the agreed timescales. For the third time in four years we have had to highlight this as an area of concern. In many instances, the delays were relatively short but in two cases, the Council delayed by 51 and 76 days.

The agreed remedy in one of these cases was relatively straightforward yet required several emails from the investigator that were not responded to and had to be referred to my Assistant Ombudsman. In the other significantly delayed case, the Council stated it was unable to comply with the agreed remedy until government guidance was issued. We had already allowed a generous six-month timeframe for compliance to allow the policy to be reviewed by the relevant Council committee, so it is disappointing that we had to contact you with a view to issuing a public report in order to progress the matter.

We have also noted 28 occasions during the year that our investigations were delayed by your Council's failure to respond in a timely way to our requests for information. In several instances, we received no request to extend the deadline. In other instances, the Council requested an extension of time and then failed to meet it. There have also been several cases where complainants have been incorrectly advised about the correct complaints procedure to follow.

In two cases, despite the investigator agreeing to requests for an extension of time in which to respond to our enquiries, the Council's response was only sent once we had threatened to issue a witness summons. It is disappointing to note that in one of these cases, this late response was then incomplete and required further input by the investigator.

Incomplete responses were recorded in six cases. Again, this involved additional work for my staff and could easily be avoided if the Council had processes in place to ensure responses are checked before they are sent out. I understand the delays may be partly attributable to staff shortages and excessive workloads within the Council, but I hope we will see an improvement this year.

Given the ongoing issues I have outlined, I would welcome an opportunity to meet to discuss the measures the Council intends to take to improve in the year ahead. This will also provide an opportunity to consider any support my office can provide to help the situation.

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

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

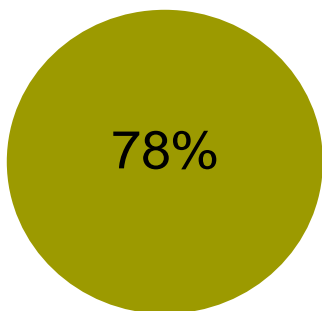
We were pleased to deliver two online complaint handling courses to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



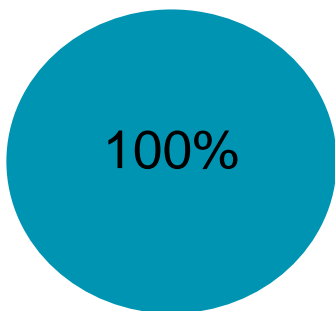
**78%** of complaints we investigated were upheld.

This compares to an average of **77%** in similar organisations.

**39**  
upheld decisions

Statistics are based on a total of **50** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



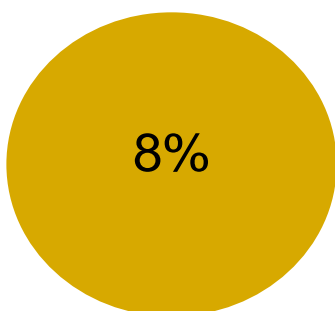
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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

Statistics are based on a total of **33** compliance outcomes for the period between 1 April 2022 to 31 March 2023

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

### Satisfactory remedy provided by the organisation



In **8%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

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

**3**  
satisfactory remedy decisions

Statistics are based on a total of **39** upheld decisions for the period between 1 April 2022 to 31 March 2023