

Report of: Corporate Director Resources

Meeting of:	Date	Ward(s)
Audit Committee	23 January 2018	All

Delete as appropriate	Exempt	Non-exempt
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SUBJECT: Local Government and Social Care Ombudsman (LGO) Annual Review Performance Report**1. Synopsis**

Following the publication of the LGO Annual Review Letter 2017 this report provides a summary of the council's performance in complaint handling from 1 April 2016 to 31 March 2017, highlighting decisions upheld by the LGO.

The report details the number of complaints received (106) and decided (107). Not all cases will be received and decided upon in the same year. Decided cases may have been received in a previous reporting year.

The council has not seen a significant increase in the number of complaints received by the LGO on the previous year and the number undergoing investigations has decreased.

2. Recommendations

To note the Local Government & Social Care Ombudsman Annual Review letter 2017 dated 20 July 2017 attached as Appendix 1.

To note the new monitoring measures introduced by the LGO.

To note the Compliance Rate - focus is required across the directorates to ensure we are complying with the LGO timescales for remedies, within the given timeframes.

To note that of the 7 upheld cases, during our internal complaint handling process the council offered a satisfactory remedy to 1 case before LGO involvement. This shows that at a local level the council is not using effective solutions to resolve complaints which can lead to the complainants seeking further redress from the LGO.

To note the identifiable trends in complaint decisions which are attributed to;

- Not adhering to our internal complaint policy and progressing complaints correctly through the stages. This has resulted in cases being delayed in reaching Chief Executive stage and the LGO.
- Not adhering to our own timescales for statutory duties e.g. appeals and reviews.
- Complaints Remedied: Not using LGO and council guidelines on remedies and compensation to find more suitable resolutions including those of a financial nature.

To note that the Central Complaints Unit will continue to work with Service Complaint Leads and Senior Managers to reinforce effective complaint handling.

To note that, in line with the Council's statutory duty; section 5(2) of the Local Government and Housing Act 1989, the Council's Monitoring Officer will provide a twice yearly report into the Audit Committee.

To note that this report went to Joint Board on the 31 October 2017 and is submitted to Audit Committee in January 2018.

3. Background

- 3.1 A total of 16 out of the 107 cases received by the LGO underwent detailed investigation. Of the 16 cases investigated 7 were upheld by the LGO which is an upheld rate of 44%.

Table 1: Services and Decisions

Adult Social Care - Total 2

Summary of complaint	Compensation amount	Compensation reason
A poor standard of care was provided by the care agency during a period of respite. Maladministration and injustice	£500 No Satisfactory remedy offered by the Council before the LGO involvement.	Poor standard of care. Time and Trouble
The council delayed in dealing with an appeal against its decision to provide a care home placement. Maladministration No injustice	£785.08 No Satisfactory remedy offered by the Council before the LGO involvement.	The contribution the council would have paid towards the care home fees if the appeal had been dealt with in a timely manner.

Benefits and Tax Service Total - 2

Summary of complaint	Compensation amount	Compensation reason
The council was at fault for not making the final Housing Benefit payment to the Landlord and did not give the Landlord the opportunity to appeal the decision. Maladministration and injustice	£1000 No Satisfactory remedy offered by the Council before the LGO involvement	To reflect the rent payments not paid to the Landlord.
The council accepted its handling of the appeal was faulty but the proposed remedy was not enough. Maladministration and injustice	£1150 No Satisfactory remedy offered by the Council before the LGO involvement.	Fault in the council's handling of the appeal. Refund recovery costs. For bailiff action. Distress inconvenience. Time and Trouble.

Children Services- Total 2

Summary of complaint	Compensation amount	Compensation reason
The council failed to support the complainant when she took over the responsibility for her brothers after they were abandoned by their mother. Maladministration and injustice	£7,500 No Satisfactory remedy offered by the Council before the LGO involvement.	Failure to provide financial support/ advice/ hold regular meetings and delay in moving family to suitable accommodation.
The Council issued the Annual Review form to the child's mother; and at her request made amendments to the Review form without obtaining the fathers consent. Maladministration and injustice	No financial remedy The Council apologised for the error and any confusion caused and for the raised expectations following its actions.	

Highways and Transport Total - 1

Summary of complaint	Compensation amount	Compensation reason
The Council was at fault in the way its enforcement agents removed the complainants' vehicle and placed it into its car pound. Maladministration and injustice	£300 Satisfactory remedy offered by the Council before the LGO involvement.	The injustice suffered by having to collect the car from the pound.

* Complaints remedied by the council before LGO involvement 1 out of 7.

2.0 COMPARISON TO PREVIOUS YEAR

	Complaints received	Complaints investigated	Complaints upheld	Upheld rate
2014/2015	111	16	7	43%
2015/2016	100	21	10	48%
2016/2017	106	16	7	44%

There was an overall increase in complaints and enquiries received by the LGO for 2016/17, however the number that underwent investigations has fallen by 5 (24%) and the number upheld fallen by 3 (30%).

Borough comparisons

2016/17	Complaints Received	Complaints investigated	Complaints upheld	Upheld rate
Camden	111	29	16	55%
Hackney	136	28	17	61%
Haringey	205	59	44	75%
Islington	106	16	7	44%

Housing Ombudsman complaints

The Housing Ombudsman does not provide an annual letter to Local Authorities with statistics and

information on complaints made.

Below is a table of upheld cases for 2016/17 which has been through the council's process of notification as detailed in 4.0.

Summary of complaint	Compensation amount	Compensation reason
A poor standard of service in the council's response to a report of Anti-Social Behaviour. Service failure Maladministration	£250	Poor standard of service.
The council delayed in dealing with a leak repair and the handling of the formal complaint. Service failure Maladministration	£700.00	Delay and inconvenience.

Total upheld cases for 2016/17 for the LGO and HO - 9

4. Implications

Financial implications:

A total of £11,235.08 has been paid in compensation for 2016/17 which is a significant increase on the £2150 paid in 2015/16. The relevant Department is responsible for funding the compensation plus an additional admin charge of £350.

Legal Implications:

The Local Government Ombudsman has advised that:

- a) *where findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, the duty is satisfactorily discharged by the Monitoring Officer making a periodic report to the council summarising the findings on all upheld complaints over a specific period.*
- b) *where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, they would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.*
- c) *in the unlikely event that an authority is minded not to comply with the Ombudsman's recommendations following a finding of maladministration, they would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority*

The procedure employed by the Central Complaints Unit and Monitoring Officer complies with the above guidance by the Local Government Ombudsman as well as ensuring senior managers are involved in the decision making process.

The process meets the Monitoring Officer's duties pursuant to section 5(2) of the Local Government and Housing Act 1989.

4.3 Environmental Implications

There are no environmental implications arising from this report

4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

5. Reason for recommendations

To ensure that Councillors are kept informed about complaints that have been reviewed by the Local Government Ombudsman.

Appendix 1: Annual summary of statistics to 31 March 2017.

Background papers: None.

Final report clearance:

Signed by: Mike Curtis



Corporate Directors/Director Public Health for
Joint Board or Executive Member if going to the
Executive

Date 5/1/18

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