

Communities, Strategy and Change
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Report of: Executive Member for Finance and Performance

Meeting of: Corporate Resources and Economy Scrutiny Committee

Date: 5 December 2024

Ward(s): All

Subject: Local Government and Social Care Ombudsman (LGSCO) Annual Review performance report 2022-2023

1. Synopsis

- 1.1. Following the publication of the LGSCO Annual Review letter 2023-24, this report provides a summary of the council's performance in complaint handling from 1 April 2023 – 31 March 2024, highlighting decisions upheld by the LGSCO.
- 1.2. During 2024/24, the LGSCO undertook 26 investigations. Of these, the LGSCO upheld 85% (22) of the complaints they investigated. The LGSCO report this as the same uphold rate for other similar organisations.
- 1.3. In 23% of the cases they upheld, the Ombudsman found that the council had already provided a satisfactory remedy before the complaint reached the Ombudsman. They compare this to just 12% for other similar organisations.
- 1.4. Following their investigation, the LGSCO made compliance recommendations on 19 complaints. They report that 100% of their recommendations were successfully implemented.

2. Recommendations

- 2.1. To note the Local Government & Social Care Ombudsman Annual Review letter 2023-24 dated 17 July 2024, See Appendix 2.
- 2.2. To note that, of the 26 cases investigated, there were 22 upheld decisions with the remaining 4 cases not upheld.
- 2.3. To note that, 5 out of the 22 upheld cases received a satisfactory remedy before the Ombudsman's involvement.
- 2.4. To note the 100% compliance with Ombudsman recommendations during the reporting period.

3. Background

- 3.1. As shown in Appendix 1 (summary and learning), whilst the LGSCO's remit is widespread the number of upheld decisions remains low. As a result, it is difficult to identify detailed trends and themes running through the findings and learning.
- 3.2. The Council is committed to its corporate strategy and priorities and where non-compliance with our priorities has been identified in the complaints, Directorates have been immediately notified for swift action to be undertaken.
- 3.3. The complaints investigated during the reporting period relate to cases which completed the authority's complaint process during a challenging period for the Council. Since then, a great deal of work has been undertaken to bring about sustained improvements to the way complaints are managed across the council.
- 3.4. This includes:
 - **Enhanced Governance and Reporting** – supported by more robust governance arrangements and regular corporate reports to ensure ongoing oversight of our performance in managing complaints.
 - **Comprehensive Improvement Plan** – the development and implementation of a detailed improvement plan focusing on key areas such as oversight, performance, compliance, learning, policy adherence, and continuous improvement.
 - **Creation of a Complaints Board** – chaired by the Corporate Director for Communities, Strategy and Change and attended by the Monitoring Officer, the Board plays a central role in driving improvements to how complaints are handled.
 - **New Complaints Management System** – centralising communication and providing a single channel for managing complaints.
 - **Improved Local Complaint Handling** – restructure of our housing complaint teams into a single unit with increased staffing levels.

- **Training** – with front facing staff trained to ensure they are better equipped to address the concerns of our residents and customers.

3.5. The work to improve the way we respond to issues and feedback raised by our residents and customers continues. To this end, a new plan has been developed focusing on three main overarching strategic objectives. These are to:

Undertake a strategic review of the complaint and member enquiry functions and lead the development and implementation of a new target operating model that ensures a more efficient and responsive service, an improved resident experience and actively contributes to the council's savings targets.

Drive a change in culture across the council whereby complaints are taken seriously and the insight and intelligence actively used as an ongoing measure of organisational health and to inform the way we design and deliver services.

Become the best performing council in London terms of the management of complaints in London.

3.6. **Table 1: Comparison to the Previous Year**

	Complaints investigated	Complaints upheld	Upheld rate
2020/2021	17	12	71%
2021/2022	15	11	73%
2022/2023	17	12	71%
2023/2024	26	22	85%*

* In 2022-23, the Local Government changed their investigation processes and report that this contributed towards an increase in the average uphold rate across all complaints. They recommend comparing individual council uphold rates against the average rate rather than against previous years.

3.7. **Table 2: Comparison of upheld decisions with similar organisations**

Authority	Investigations	Upheld decisions	Suitable remedy prior to LGSCO investigation
Camden	19	16 (84%)	0
Hackney	28	23 (82%)	3
Haringey	41	36 (88%)	6

4. **Summary**

- 4.1 Whilst the Annual Review letter 2023/24 is encouraging, there are still areas of improvement needed to local complaint handling and responsiveness to LGSCO enquiries and draft decisions which has been acknowledged by the council. This year's report conclusion is as follows:
- ✓ Despite the challenges over the last year there has not been a significant increase in upheld investigations by the LGSCO.
 - ✓ Compliance with recommendations at 100%.
 - ✓ The emphasis placed on providing a satisfactory remedy before LGSCO continues to show results. As can be seen in table 3, Islington continues to compare favourably to other similar local authorities in terms of overall performance.
- 4.2 The Corporate Complaint Service with oversight by the Complaint Board will ensure improvement initiatives are delivered and the service and outcomes for complainants improved. The LSGCO states "A good complaints service offers a rich source of intelligence and insight that has potential to be transformational." We aim to be an organisation that listens and learns from its mistakes. Accountability at service level, good governance and using complaint outcomes and feedback will assist the council in improving the standard of services delivered to residents and service users.

5. **Financial Implications**

- 5.1 This report details the costs of compensation awarded due the fault of Islington Council in responding to complaints.
- 4.2 The Complaints Team Resident Experience budget sits within Communities, Strategy and Change had a core budget of £568,627 during 2023/24. Compensation awarded is an unfunded budget pressure.
- 4.3 A total of £17,950 has been paid in compensation for 2023/24, an increase from 2022/23 when £9,660 was paid. £13,650 of the total compensation was paid to a single complainant. Compensation payments are funded directly by the service responsible for the complaint, creating an in-year budget pressure for services.

6. **Legal Implications**

- 6.1 The LGSCO is an independent body responsible for investigating complaints made against a public body where it is alleged that there has been maladministration causing injustice. Under Section 26(1) of the Local Government Act 1974, the

LGSCO has the power to investigate complaints against the council where there has been:

- maladministration causing injustice,
- a failure to provide a service that it was the council's function to provide.
- there was a total failure to provide such a service.

6.2 Complaints to the LGSCO must be made within 12 months of the action complained of. The LGSCO will not investigate a complaint until a complainant has exhausted the council's internal complaints procedure. However, the LGSCO can dispense with this requirement in certain circumstances (eg. where it is particularly urgent that a complaint is resolved because the complainant could be made homeless).

6.3 The LGSCO has the power to make recommendations to the council following the complaint on how to improve its services and put things right for the complainant. Whilst these recommendations are not mandatory and the council does not have to accept or follow them, the Council needs to be aware of the importance of providing assurance to residents to minimise further challenges.

7. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

7.1 There are no environmental implications resulting from this report.

8. **Equalities Impact Assessment**

8.1 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.

9. **Reason for recommendations**

9.1 To ensure that the Council Leader, the Chair of the Scrutiny Committee and local residents are kept informed about complaints that have been reviewed by the Local Government and Social Care Ombudsman.

Appendices:

- **Appendix 1** - Table 1 summary of upheld decision by the Housing Ombudsman 2022.
- **Appendix 2**- Local Government and Social Care Ombudsman Annual Review letter 2023/24.

Final report clearance:

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Appendix 1: Summary of published decisions

Summary of complaint	Findings	Compensation Reason & Amount
<p>22 012 790</p> <p>The Council failed to take sufficient action to help tackle disturbance caused by a neighbour, who is the neighbour's housing provider.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Findings accepted and apology given to the complainant.</p>	<p>Compensation</p> <p>£500</p> <p>Reason Compensation Paid</p> <p>Payment made in recognition of injustice.</p> <p>Learnings</p> <p>The complaint concerned actions taken by both the Council and a neighbouring local authority. This contributed to delay in the investigation of concerns.</p>
<p>22 011 790</p> <p>Despite identifying eligible care needs, the Council failed to produce a care and support plan for the complainant explaining how it would meet them, leaving the complainant without the support they needed.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Production of an appropriate care and support plan.</p> <p>Written apology to the complainant.</p>	<p>Compensation</p> <p>£150</p> <p>Reason Compensation Paid</p> <p>Compensation for time and trouble</p> <p>Learnings</p> <p>That within 8 weeks appropriate action was taken to ensure officers produce care and support plans when they identify eligible needs for care and support; and</p>

		<p>a review undertaken of the information available for blind people on direct payments and financial assessments to make sure it is suitable for their needs.</p> <p>Both actions were fully complied with.</p>
<p>23 001 148</p> <p>The Council made a housing offer and then withdrew it.</p> <p>Having reviewed the Council's handling of the complaint, the Ombudsman made the decision not to investigate further because the Council has already provided a fair remedy.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Satisfactory remedy offered by the Council before the LGSCO involvement.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>None</p> <p>Learnings</p> <p>The Ombudsman reported that their investigation confirmed the Council had already responded to the complaint, apologised to the resident and awarded appropriate compensation. It had also issued guidance to help prevent similar problems happening again.</p>
<p>22 001 964</p> <p>The Council gave the wrong advice about housing benefit on two homes and did not advise the complainant to claim Universal Credit.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Apology given to the complainant.</p> <p>Award of £600 compensation in addition to the £250 already offered.</p>	<p>Compensation</p> <p>£850</p> <p>Reason Compensation Paid</p> <p>To take account of the consequences of the Council's delay in advising the complainant that they could claim Universal Credit (UC).</p> <p>Learnings</p> <p>It is the Council's responsibility to provide correct information bot claiming UC.</p>

<p>22 010 343</p> <p>The Council failed to provide the provision set out in the son's education, health and care plan.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>No injustice or additional remedy recommended.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Ombudsman found that the Council was at fault in failing to provide one-to-one support between 15 March and 10 May 2021. However, this did not cause an injustice because the child moved to a special school on 15 March 2021 and the Tribunal later found he did not need 1:1 support at the special school. The found the Council provided the remaining provision set out in the plan.</p>
<p>22 017 975</p> <p>The Council refused the complainants application for a personal travel budget in April 2021 and that, although it granted his second application in November 2022, it refused to backdate payment to the date of his first application.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>In recognition of the injustice caused by the failure to consider back dating the payment, an apology was given and the Council agreed to revisit its decision around backdating travel expense payments.</p>	<p>Compensation</p> <p>£150 compensation was previously offered, which the Ombudsman concluded was a satisfactory remedy for the injustice caused.</p> <p>Reason Compensation Paid</p> <p>Failure to offer right of appeal and appropriate response.</p> <p>Learnings</p> <p>The Ombudsman did not investigate the complaint about the first application because the complainant could have exercised their right of appeal against the Council's decision. They did however find fault in the failure to offer a right of appeal against its decision not to backdate payment.</p>
<p>23 001 679</p> <p>The Council failed to properly consider the complainant's medical conditions when</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p>

<p>assessing his renewal application for a blue badge. It also failed to undertake a mobility assessment.</p>	<p>Apologise for the faults highlighted during the investigation and appoint an officer not previously involved with the renewal application to reassess the application for a blue badge and undertake a mobility assessment.</p>	<p>N/A</p> <p>Learnings</p> <p>The Ombudsman concluded the Council's fault caused an injustice because the assessment was flawed, and the complainant was denied the opportunity of having his renewal application for a blue badge properly considered.</p>
<p>22 018 100</p> <p>The Council delayed paying the complainants mother in her role as a shared lives carer.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Injustice caused by fault.</p> <p>Written apology provided and compensation.</p>	<p>Compensation</p> <p>£250</p> <p>Reason Compensation Paid</p> <p>Worry and distress.</p> <p>Learnings</p> <p>The Council was at fault for its delay in paying the complainant's mother. The Council has agreed to our recommendations to address the injustice caused by fault.</p>
<p>23 002 005</p> <p>The Council did not properly consider the blue badge application for the complainant's daughter.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>An apology had already been given, which the Ombudsman considered sufficient remedy for the injustice.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p>

		The Ombudsman did not find the Council at fault with how it decided to decline the application. There was however fault with some delay in responding to her review request.
<p>22 017 597</p> <p>The Council failed to provide a breakdown of outstanding charges for care.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>The Council agreed to provide an apology, review the resident's support package and make a symbolic payment and service improvements to remedy the injustice caused.</p>	<p>Compensation</p> <p>£400</p> <p>Reason Compensation Paid</p> <p>Distress and uncertainty caused by the faults identified.</p> <p>Learnings</p> <p>The Ombudsman found fault by the Council in the way it responded to a request for information about care charges. They also found fault with the Council's complaint handling.</p>
<p>23 003 980</p> <p>The Council failed to consider the complainants application for a blue badge in accordance with the blue badge guidance.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>The Council reconsidered the application and agreed to award a blue badge.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Ombudsman found the Council failed to consider the application in accordance with the blue badge guidance.</p>
<p>22 005 745</p> <p>The Council was informed that a commissioned service's</p>	<p>Finding</p> <p>Upheld</p>	<p>Compensation</p> <p>None</p>

<p>complaints policy was inadequate – and the Council accepted this – but was at fault for waiting 10 months before taking action</p>	<p>Remedy</p> <p>No injustice. Agreement to apologise for delay between finding out about the Provider’s and taking action on it.</p>	<p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Ombudsman recommended the Council take whatever action deemed appropriate to ensure that the Provider amends its complaints policy.</p>
<p>23 001 523</p> <p>The complainant complained about the Council’s handling of a safeguarding allegation against her.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>The Ombudsman considered that the apology already made was enough to remedy the injustice caused.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Ombudsman found no fault on the substantive parts of the complaint. The Council agreed it had failed to share the outcome of its safeguarding investigation with the complainant and this was subsequently resolved.</p>
<p>23 009 218</p> <p>The complaint concerned the Council’s decision to refuse a child’s blue badge application. The Ombudsman however made the decision not to investigate further.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>The Ombudsman considered that further investigation was unnecessary because the Council had already agreed to resolve the complaint early by</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Council agreed to complete a new blue badge assessment and ensure the child’s education, health, and care (EHC) plan is provided to its hidden disabilities specialist.</p>

	providing a proportionate remedy for the injustice caused.	
<p>23 006 791</p> <p>The Council failed to follow the correct process when considering an application for a blue badge.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Agreement to offer a review of the blue badge application.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Council was found to have failed to follow the correct process. This denied the opportunity of a review of the full application, including the in-person mobility assessment.</p>
<p>23 002 076</p> <p>The Council delayed in providing a decision about a medical priority review application.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Written letter of apology to the complainant.</p> <p>Make a symbolic payment of £400 (including the £200 previously offered) in recognition of the uncertainty and distress caused.</p>	<p>Compensation</p> <p>None</p> <p>Reason Compensation Paid</p> <p>N/A</p> <p>Learnings</p> <p>The Council had already apologised and offered £200 compensation for its delay. This was felt by the Ombudsman to be a partial remedy, which did not fully reflect the extent of injustice.</p> <p>In addition to the apology, the Ombudsman recommended that officers were reminded of the importance of updating the tenancy records without delay when decisions and/or review decisions are made.</p>

<p>23 009 558</p> <p>The complaint concerned the way the Council handled a homelessness application and complaint.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Written letter of apology for the unnecessary and avoidable distress, frustration, and uncertainty caused.</p> <p>Make a payment of £800 total compensation.</p>	<p>Compensation</p> <p>£800</p> <p>Reason Compensation Paid</p> <p>Distress, frustration, and uncertainty.</p> <p>Learnings</p> <p>The Ombudsman was satisfied the Council had apologised for some of the injustice caused by the faults it found and were also satisfied the Council had recruited more staff to address the staff shortages that were the apparent reason for the delay processing the application. In addition, the Ombudsman felt the compensation previously offered did not provide a suitable remedy for the level of injustice caused.</p>
<p>23 005 475</p> <p>There was fault in the way the Council met the complainant's housing needs as a homeless person with a disabled child.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Prioritise an immediate move out of the B&B hotel to suitable alternative accommodation.</p> <p>Arrange for a senior manager to send a written apology.</p> <p>Pay £13,500 to recognise the distress, hardship and inconvenience caused</p>	<p>Compensation</p> <p>£13,650</p> <p>Reason Compensation Paid</p> <p>Distress, frustration, and uncertainty.</p> <p>Learnings</p> <p>In making it decision about compensation, the Ombudsman took into account the vulnerability and the serious impact the prolonged B&B stay has on the family's wellbeing. They also awarded an additional £150 to recognise the time and trouble caused by its significant delay and poor handling of her complaint.</p>

	by the exceptionally long stay in unsuitable bed and breakfast hotels.	
<p>23 013 299</p> <p>The Council failed to carry out a commitment to repossess a flat rented by a neighbour who has caused long-standing disturbance.</p>	<p>Finding</p> <p>Upheld</p> <p>Remedy</p> <p>Provide a further apology for the delays in this case and the impact this had on the complainant.</p> <p>Make a symbolic payment of £1200.</p> <p>Provide an update to the complainant at least once every six weeks until the neighbouring flat becomes vacant.</p>	<p>Compensation</p> <p>£1200</p> <p>Reason Compensation Paid</p> <p>Representing the impact the delay on the complainant's amenity.</p> <p>Learnings</p> <p>The Ombudsman found injustice was caused because the complainant experienced disturbance for around eight months longer than would have been the case had the Council acted without fault.</p>