



Report of: Corporate Director Resources

Meeting of:	Date:	Ward(s):
Audit	31 January 2019	All

Delete as appropriate:	Exempt	Non-exempt
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THE APPENDIX TO THIS REPORT IS NOT FOR PUBLICATION

SUBJECT: Local Government & Social Care Ombudsman (LGSCO) Annual Review performance report 2018

1. Synopsis

- 1.1 Following publication of LGSCO Annual Review Letter 2018, this report provides a summary of the council's performance in complaint handling from 1 April 2017 to 31 March 2018, highlighting decisions upheld by the LGSCO.

The report details the number of complaints received (126) by the LGSCO for the authority during 17/18.

Of the 126 complaints, 114 received a decision; 12 complaints did not pass the LGSCO assessment stage, as LGSCO had no lawful power to investigate and presented no reason to use their exceptional powers to do so.

Of the 114 cases decided upon, 16 cases underwent a detailed investigation.

2. Recommendations

- 2.1 To note the Local Government & Social Care Ombudsman Annual Review letter 2018 dated 18 July 2018 attached as Appendix 1.
- 2.2 To note that of the 16 cases investigated, there were 11 upheld decisions (finding of maladministration) with the remaining five cases not upheld.

To note that separate to complaints investigated by the LGSCO and Annual Review letter, four upheld decisions (finding of maladministration) were decided by the Housing Ombudsman, attached Appendix 2.

- 2.3 To note the Complaints/Improvement Plan.
- 2.4 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.
- 2.5 To note that this report will go to Audit Committee 31 January 2019.

3. Background

- 3.1 A total of 11 cases were decisions upheld by the LGSCO.

Table 1: Services and summary of decisions

Housing Services - Total of 5 upheld cases

Summary of complaint	Findings	Compensation & Amount	Reason
Delay in the handling of the homelessness application and responding to complaints accepted and managed under the Council's Corporate Complaints Procedure.	Finding Maladministration and Injustice Reason for LGSCO Decision No satisfactory remedy offered by the Council before the LGSCO involvement.	Compensation £2035.17 Reason Compensation Paid	To acknowledge the avoidable stress, frustration and inconvenience caused by the council's faults.
The Council made an offer for the freehold of a property which it later decided it should not have and delayed in providing a full explanation of the reason.	Finding Maladministration No Injustice Reason for LGSCO Decision No Satisfactory remedy offered by the Council before the LGSCO involvement.	Compensation £250.00 Reason Compensation Paid	To acknowledge the avoidable stress, frustration and inconvenience caused by its faults.
The Council failed to advise of its decision regarding the homelessness application and give advice on the right to review.	Finding Maladministration and Injustice Reason for LGSCO Decision No Satisfactory remedy offered by the Council before the LGSCO involvement.	Compensation £200.00 Reason Compensation Paid	Lost opportunity and time and trouble.

The Council carried out a number of medical assessments but there was not enough evidence that it considered the emotional welfare of one of the children in the household.	<p>Finding Maladministration and Injustice</p> <p>Reason for LGSCO Decision The LGSCO felt that a further assessment needed to be undertaken that fully considers the emotional welfare of the child in question.</p>	<p>Compensation None</p> <p>Reason Compensation Paid None. New medical assessment arranged.</p>
Dissatisfaction with the amount of compensation awarded by the Council following delays with the homelessness application.	<p>Finding Upheld – no further action</p> <p>Reason for LGSCO Decision Satisfactory remedy offered by the Council before the LGSCO involvement.</p>	<p>Compensation £425.00</p> <p>Reason Compensation Paid No change to the compensation offered by the council.</p>

Adult Care Services Total - Total of 4 upheld cases

Summary of complaint	Findings	Compensation Reason & Amount
Delay in arranging residential care and poor communication with the family.	<p>Finding Maladministration and Injustice</p> <p>Reason for LGSCO Decision No Satisfactory remedy offered by the Council before the LGSCO involvement.</p>	<p>Compensation £500.00</p> <p>Reason Compensation Paid Distress caused and for the time and trouble in pursuing the complaint.</p>
The Care providers provided by the Council were continually late for the late night visit, which was not in line with the agreed home care plan.	<p>Finding Maladministration and Injustice</p> <p>Reason for LGSCO Decision No Satisfactory remedy offered by the Council before the LGSCO involvement.</p>	<p>Compensation £450.00</p> <p>Reason Compensation Paid Distress, time and trouble and poor service they received.</p>
Delay in assessing and providing for care needs.	<p>Finding Maladministration and Injustice</p> <p>Reason for LGSCO Decision The LGSCO recommended that LBI resolve the conflict about the support plan or make a referral to the Legal Department.</p>	<p>Compensation None</p> <p>Reason Compensation Paid None.</p>

The Council was at fault for allowing a resident's possessions to be destroyed during a thorough clean.	<p>Finding Maladministration and Injustice</p> <p>Reason for LGSCO Decision No Satisfactory remedy offered by the Council before the LGSCO involvement.</p>	<p>Compensation £1500.00</p> <p>Reason Compensation Paid Distress and time and trouble. To buy a replacement wardrobe.</p>
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Benefits and Tax - Total of 1 upheld case

Summary of complaint	Findings	Compensation Reason & Amount
The Council did not clearly explain why it needed more information to assess a claim for Housing Benefit and Council Tax support	<p>Finding Maladministration and No Injustice</p> <p>Reason for LGSCO Decision Errors in the Council's decision letter.</p>	<p>Compensation None</p> <p>Reason Compensation Paid None. Guidance to staff on good practise.</p>

Environment Services - Total of 1 upheld case

Summary of complaint	Findings	Compensation Reason & Amount
The Council delayed in responding to reports of Anti-Social Behaviour	<p>Finding Maladministration and Injustice</p> <p>Reason for LGSCO Decision Delays in following the Council's Corporate Complaints Procedure.</p>	<p>Compensation None</p> <p>Reason Compensation Paid None. Apology given to customer.</p>

3.2 Comparison to the 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%
2017/2018	126	16	11	69%

Whilst the number of complaints received by the LGSCO for 2017/18 increased by 20 cases (19%) when compared to 2016/17, the percentage of cases they actually investigated fell from 15% to just 12.7% in 2017/18.

The increase in the upheld rate is due largely to change changes to the way the LGSCO now approaches complaint investigations. Previously, the LGSCO would focus their investigation solely on the issue raised by the complainant. This has however changed and the LGSCO now adopts a much wider and more rigorous approach to investigations that incorporates all aspects of the council's complaint handling procedures. An example of this can be seen in the first complaint recorded under Housing in Table 1. The original complaint raised by the customer concerned issues that led to a delay in the handling of the homelessness application. This was subsequently investigated and responded to. However, as well as looking at this issue, the LGSCO widened the scope of their investigation to examine how the complaint was accepted and managed under the Council's Corporate Complaints Procedure at stage 1. This aspect of the LGSCO's investigation led to a finding of maladministration against the council, despite the fact that this was not complained about, therefore not allowing the authority the opportunity to investigate and respond.

Complaints/Improvement Plan

Improvements

We have already undertaken a great deal of work to improve our management of complaints, with key changes in 2018 including the following:

- The published reports provided by the LGSCO are used as examples to help in the investigation of complaints. Along with the Good Practice Guide we have developed for staff, which is based on the LGSCO's own guidance documents; this will help to ensure we investigate complaints and provide remedies in line with LGSCO guidelines, reducing the likelihood of findings and maladministration.
- Changes have also been made to the Complaints Policy, giving Central Complaints more authority in deciding appropriate remedy actions and compensation.
- Using complaint outcomes, the services have produced new guidance on good practice. This includes for example, changes to how homelessness applications are processed. This work will continue throughout 2018/19.

Going forward, other improvements planned to reduce the number of complaints investigated by the LGSCO include the following:

- The Central Complaints Team who manage complaints on behalf of the Chief Executive will now routinely review the complaint handling process for each Chief Executive complaint and work with complaint leads to ensure that failures by departments to the follow the correct procedure are addressed as part of the investigation and prior to LGSCO involvement.
- The Central Complaints Team will continue to work with Senior Managers and Departmental Complaint Leads to reinforce effective complaint handling. This will include full case reviews not only looking at trends and why complaints escalated, but also examining all aspects of the complaint investigations.
- In addition, the processes and procedures that include LBI compensation guidelines, the LGSCO remedies guidelines, complaint letter templates and guidance on dealing with Ombudsman cases will be made available on the council's internal website. Combined

with robust training, this will ensure that staff across the organisation have the necessary tools to undertake effective complaint handling.

- Learning from complaints for all services will be detailed in the quarterly complaint report submitted to the Members Performance Panel, with further detailed reports prepared for CMB
- We will continue to organise complaint handling training for services and departments.

Training

In April 18, the Council introduced two complaint handling courses; Effective Complaint Handling and Effective Complaint Handling Adult Social Care. These were targeted at all Islington staff and partner organisations involved in complaint investigation and the general management of complaints.

Covering the LGSCO training programme, we have delivered 7 facilitated courses to 69 officers. The training was delivered directly by the LGSCO as part of collaborative working. The programme of training will continue throughout this year and the trends/learning reported to Departmental Complaint Leads and Senior Management.

Summary

Despite there having been an increase in the number of complaints to the LGSCO, the volume of complaints requiring investigation remained static and in percentage terms fell.

At the time of this report the year figures for Upheld Detailed Investigations is five, which is the same as this time last year. Continued and ongoing reflection and assessment will be centred upon reducing the Upheld Rate. Actions such as greater flexibility on compensation payments have already been implemented.

4. Implications

4.1 Financial implications:

A total of £5,360 has been paid in compensation for 2017/18, which is a significant decrease (£5,875) on the £11,235 paid in 2016/17.

4.2 Legal Implications:

In accordance with s 5A(2) of the Local Government and Housing Act 1989 the Monitoring Officer is under an obligation to prepare a report to the Executive where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration, or service failure, and where the LGSCO has conducted an investigation into the matter. This obligation applies to all LGSCO decisions.

In preparing that report, the Monitoring Officer is under a duty to consult as far as practicable with the Head of Paid Service and the Chief Finance Officer (s 5A(5)(a)). As soon as practicable after the report has been prepared, the Monitoring Officer's report must be sent to each member of the authority (s 5(A)(5)(b)).

However, the LGSCO in their letter to this authority dated the 20th July 2017 stated:

"..... I do not seek to impose a prescriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

Where my office has made 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 my investigations, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period....."

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

- 5.1 To ensure that Councillors are kept informed about complaints that have been reviewed by the Local Government and Social Care Ombudsman.

Appendix 1: Local Government & Social Care Ombudsman Annual review letter dated 18 July 2018.

Appendix 2: Housing Ombudsman Complaints with finding of maladministration.

Final report clearance:

Signed by:



Peter Fehler
Acting Director of Law and Governance
Monitoring Officer

Date: 18.12.18

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