

Legal Services, Law & Governance
7 Newington Barrow Way
London
N7 7EP

Report of: Interim Director of Law & Governance and Monitoring Officer

Meeting of: Policy and Performance Scrutiny Committee

Date: 24 July 2023

Ward(s): N/A

Subject: Report in Public by the Local Government & Social Care Ombudsman (LGSCO): Investigation into Stage 2 of the Corporate Complaints Procedure

1. Synopsis

- 1.1. On 2 May 2023, the Local Government & Social Care Ombudsman (LGSCO) wrote to the Council's Chief Executive to confirm that after consideration of a complaint they had received about the council's corporate complaints procedure, the LGSCO had decided to issue their findings as a public report.
- 1.2. In accordance with the Local Government Act 1974, there is a requirement for the public interest report to be considered in full by the Council's Executive. This report was considered by the Executive at its meeting on 22 June 2023.
- 1.3. The [LGSCO's public interest report](#) was published on 8 June 2023.
- 1.4. On 12 July 2023, The LGSCO wrote to the Council to welcome the action that has been taken following the Public Report and to confirm that they are satisfied with the Council's response in accordance with section 31(2) of the Local Government Act 1974. They have recorded a compliance outcome of Remedy complete and satisfied.

- 1.5. A presentation of the improvements that have been made to the corporate complaints handling process is attached as an appendix to this Report.

2. Recommendations

- 2.1. That the Policy and Performance Scrutiny Committee notes that the Executive agreed the following recommendations:
 - (a) To note the contents of this report and the LGSCO's public report dated 2 May 2023 and the recommendations made by the LGSCO, as set out in **Appendix 1**;
 - (b) To note the requirement for the public report to be considered in full by the Executive in accordance with the Local Government Act 1974;
 - (c) To note the agreed remedial actions already taken by officers in response to the LGSCO's recommendations (see paragraph 3.6 below).
 - (d) To note and approve the proposal to progress the completion of those agreed remedial actions which are yet to be completed by officers (see paragraph 3.6 below).
- 2.2 To note that the advertisements detailed in paragraph 3.6 were published in the Islington Gazette, dated 15 June 2023, and the Islington Tribune, dated 16 June 2023.

3. Background

- 3.1. During the course of another investigation, the LGSCO became aware that the Council had a significant backlog of complaints waiting for investigation at stage two of its corporate complaints' procedure. 44 people had open stage two complaints and had been waiting longer than the Council's policy of 20 working days. 23 of the 44 have been waiting between six months and one year. The LGSCO held that these delays were likely to have caused frustration and uncertainty and, in some cases, meant the substantive issues complained about remained unresolved.
- 3.2. This report presents the Public Report dated 8 June 2023 issued by the LGSCO upon conclusion of its investigation (**Appendix 1**). The Report details: the background to the complaint, how the LGSCO considered its Report; what they found; their conclusions and recommendations.

- 3.3. The LGSCO recognises in the Report that Councils have seen unprecedented pressure in the past decade. Budget cuts, increasing demand for adult social care and special educational needs support and the COVID-19 pandemic have all created a challenging environment in which to operate. This has inevitably led to increased complaints.
- 3.4. The Council's published policy says it will investigate and respond to stage two complaints within 20 working days. The LGSCO Report covers the period from September 2020 to September 2022. Over those two years, 189 people made a stage two complaint. 157 received the Council's response to their complaint late; on average they waited four months. Many of those people waited significantly longer. This is evidenced by the average wait time of eight and a half months for the 26 people who complained in September 2021.
- 3.5. The LGSCO has made a finding of fault causing injustice on the basis of this performance and has made the following recommendations to the council:
- a) To consider the Report and confirm within 3 months the action it has taken or proposes to take, including consideration of the report by the Executive in accordance with the Local Government Act 1974.
 - b) To remedy the injustice caused by the faults and to prevent them from recurring, the Council has agreed:
 - i. within one month: to write to each of the 44 people identified by the Council who have open stage two complaints to apologise and explain steps taken in mitigation;
 - ii. within two months: write to the LGSCO to update on the backlog of stage two complaints
- 3.6 At the time of writing, the following work is currently underway with a view to completing the LGSCO's recommendations:
- a) A letter of apology has been sent to the 44 identified complainants.
 - b) All 44 complainants have received their determination.
 - c) All backlogs were cleared on 16 May 2023.
 - d) Section 30 of the Local Government Act 1974 requires the Council to place two public notices in two local newspapers and/or newspaper websites within two weeks of the LGSCO's publication of the public interest report. Notices have been published during the week commencing **12 June 2023** in two local newspapers,.

Copies of the Report are also available at the Town Hall and on the council's website.

4. Implications

4.1. Financial Implications

Section 3.4 identifies the steps the Council undertook to address the backlog of complaints.

The 44 identified complainants were offered a total of £16,218 compensation of which, £10,814 has been paid.

The Council allocated growth into the 2023/24 budget of £350,000 to Complaints to provide continued additional staffing resource. This is included in the gross expenditure budget of £530,217.

4.2. Legal Implications

The LGSCO investigates complaints about maladministration and service failure. In accordance with the Local Government Act 1974, there is a requirement for the report to be considered in full by the Council's Executive. Where the LGSCO determines that a fault has caused an injustice, the LGSCO may suggest a remedy. The Council is required to consider the report and confirm the action it has taken or proposes to take in response to the LGSCO's report and recommendations.

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

There are no environmental implications as a result of this report.

4.4. Residents 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. Conclusion and reasons for recommendations

5.1. To notify the Policy and Performance Scrutiny Committee that the Council's Executive have considered the public report, in accordance with the Local Government Act 1974.

Background papers: None

Final report clearance:

Authorised by: Marie Rosenthal

Interim Director of Law & Governance and Monitoring Officer

Date: 8 June 2023

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