

Audit Committee 1 st December 2021	 TOWER HAMLETS
Report of: Ann Sutcliffe	Classification: [Unrestricted or Exempt]
Local Government and Social Care Ombudsman (LGSCO) Complaints	

Lead Member	Councillor Sabina Akhtar Cabinet Member for Culture Arts and Brexit
Originating Officer(s)	Raj Chand – Director of Customer Services
Wards affected	All Wards

Reasons for Urgency

The report was not published five clear days in advance of the meeting due to information being collated and staff absence. Therefore, before this report can be considered at this meeting, the Chair would need to be satisfied that it is necessary to consider this report without that consideration being delayed to a later meeting. If the Chair's decision is to delay the report to the next Audit Committee meeting it will not be detrimental to any decisions or recommendations as it is an information only report.

1. Executive Summary

The Local Government Act 1974, as amended, established the Local Government and Social Care Ombudsman (LGSCO) and gave it the power to investigate complaints by members of the public against councils where there are allegations of maladministration or service failure which have caused injustice.

As Requested by the Audit Committee the purpose of the report is to provide an update on:

1. Complaints referred to the Local Government and Social Care Ombudsman (LGSCO)
2. The LGSCO Annual Review Letter
3. Lessons learnt/ service improvements made to the complaints process

2. Details of the Report

Complaints process

2.1 Once a complainant has exhausted the Council's Complaints Procedure and if dissatisfied with the outcome, they may request the LGSCO to investigate their complaint. In such instances, the LGSCO contacts a Senior Manager within the council, known as the Link Officer, and requests information and supporting evidence. These are used as part of the LGSCO investigative process which lead to a Final Decision.

Number of Cases

2.2 The number of LGSCO cases received by the council and the performance rate for the last three financial years is illustrated in the table below:

	2018/19 Number & percentage on time	2019/20 Number & percentage on time	2020/21 Number & percentage on time
LGSCO Cases	47 34%	36 53%	39 69%

2.3 The reducing number of LGSCO cases is reassuring as the numbers are less than most of our neighbouring councils. The performance rate of percentage of cases responded to on time has also continued to increase year on year, it is however, accepted the performance rate of 69% needs to improve further.

Historic Issues and Annual Review Letter

2.4 There have been historical weaknesses in the council's handling of LGSCO cases and in 2019/20, the LGSCO assigned a Relationship Manager to the council in order to advise and support staff from all services in appropriately and speedily managing the enquiries.

2.5 As part of this work, there were a series of training sessions presented by the Relationship Manager in 2020 to frontline staff dealing with complaints and Senior Management, which were well attended and received.

2.6 In its annual letter, relating to 2020/21, the LGSCO stated some positive elements relating to its interaction with the council such as its satisfaction that the Council complied with 95% of recommendations within a set timeframe. However, the LGSCO also highlighted some negative elements such as 83% of complaints against the Council it investigated resulted in the complaints being upheld and in only 4% of upheld complaints, it found the Council had provided a satisfactory remedy before the complaint reached the LGSCO.

- 2.7 It needs to be noted the negative elements within the annual letter, whether statistically or in tone, are similar to those sent by the LGSCO to all six neighbouring Councils except the City of London. These are available in the public domain on local authority web-sites.
- 2.8 Although the LGSCO has acknowledged that the Pandemic has affected services in all Councils, the general view is that the review letter should have been more positive. For example, in 2020/21, the Council processed around 3100 Stage 1 complaints and only 237 went to Stage 2 and of those, only 39 went on to be investigated by the LGSCO. This is a very small escalation rate. Furthermore, information shows that the council's performance since October 2020 has stabilised, which was not reflected in the annual letter. Nevertheless, the LGSCO has some justified reasons to raise some negative elements, which the Council has sought to address and continues to do so through service improvements.

Service Improvements initiated by the Information Governance (IG) Service

- 2.9 A programme of service improvements was initiated for LGSCO complaints by the Head of IG and the newly recruited IG and Complaints Manager in 2020. Since October 2020, a new LGSCO Process has been established by the IG Service and delays in responding to the LGSCO have ceased. The IG Service has also implemented the following improvements to the LGSCO Protocol:
- Better use of technology: the IG Service has initiated an automated daily report from iCasework (the system in place) which is circulated on a daily basis to the IG Head of Service, the IG and Complaints Manager and to all Senior IG and Complaints Officers. This has enables case officers to keep up to date with their LGSCO cases on a daily basis.
 - Staff across the Council, with guidance from the IG Service, have started to use the "Tag System" on iCasework which enables task reminders and tracking within individual cases. This triggers iCasework to flag a task such as an outstanding LGSCO response or an LGSCO Action Point to ensure it can be dealt with promptly.
 - The IG Service has actively encouraged all services to set up their own reporting mechanisms from iCasework to enable monitoring of LGSCO cases and to ensure compliance with performance, tracking cases and improve services.
 - A new Outcomes Based LGSCO Protocol has been initiated by the IG Service, which revolves around proactively resolving complaints as soon as the LGSCO indicates an intention to investigate. This is standard practice by the LGSCO to provide a further opportunity to resolve the complaint before it is escalated.
 - In conjunction with the Strategy and Intelligence Service, the IG Service is liaising with services in order to capture relevant LGSCO information in

Directorate Leadership Team reports, which can be assessed and scrutinised by Corporate and Divisional Directors.

- The IG Service is leading on a Focus Group to analyse iCasework, in order to improve its functionality and set up structure, which will lead to better case management by all services.

Training

2.10 In assessing LGSCO cases, the IG Service identified weaknesses in LGSCO complaints handling in some services. Consequently, there have been targeted internal training programmes delivered by the IG Service to particular services where there is a lack of early intervention complaints culture. The training programme has included, but not limited to, intense team training sessions, meetings with frontline staff and senior managers, one to one training sessions and mentoring by IG staff. The IG Service is pleased to report this has resulted in a culture of engagement and proactive complaints handling in services which is demonstrated by a reduction in complaints. The IG Service is actively promoting the LGSCOs Website to staff and encouraging staff through communications and training sessions to book a place on the LGSCOs courses.

Service Improvements in other Council Services

2.11 The LGSCO is an independent, statutory organisation and the outcomes of complaints it investigates are useful for the council in terms of service delivery, improvements, and intelligence. Examples of some of the service improvements made as a results of LGSCO cases and lessons learnt include the following:

Case One –

- Council agreed to complete a review of its existing procedures relating to allotments and liaised with Allotment Societies to ensure that Allotment Societies are briefed on the LGSCOs jurisdiction to investigate allotments complaints which fall under their remit, that Allotment Societies provide signposting to the LGSCO and that appropriate staff are briefed to ensure they provide appropriate signposting if contacted by a resident who wishes to complain about a matter pertaining to the management of allotments in its ownership

Case Two –

- Council agreed to put the complainant back into the position he would have been without the council's fault in wrongly processing the complainant's Right to Buy application, and therefore the council issued the complainant with an offer to purchase his property at the original valuation. The LGSCO also requested the council to remind its officers of the importance of issuing reminder letters in line with Government Guidance in these matters. Officers were reminded of this and relevant processes are in place

Case Three –

- Council agreed to remind staff in Housing Options to inform applicants of the process to make an application to join the Housing Register if the Council makes a homelessness decision so it can award the correct priority banding. An additional check was also put in place to remind staff to review the existing applicants banding on the Housing Register when the council has made a homelessness decision in the applicants' favour. This ensures applicants are given all the information they need to process their application correctly and also reminds officers to update the system to ensure applicants have the correct banding priority.

Moving Forward

- 2.12 Although there has been an improvement in performance over the past three financial years, work is still ongoing with services to ensure cases are dealt with sensitively and effectively. The improvement work mentioned above will continue at pace with individuals, teams and services. More emphasis has been put on the fact that if the Council wishes to challenge the LGSCO, extensions must be agreed with the LGSCO and appropriate reasons given for the challenge in consultation with Senior Management.
- 2.13 All services have been encouraged to comply with deadlines and send appropriate responses and information to the IG Service within set timeframes.
- 2.14 The Council is heading in the right direction in terms of LGSCO case handling, performance and learning lessons but there is no room for complacency and improvements must continue at pace.
- 2.15 Discussions have now started by the newly recruited Director of Customer Services with regards to the structure and work of the IG Service moving forward. The review has been logged with the Support Services Board Chaired by Corporate Director Denise Radley and will be reporting back on progress to the board on a regular basis until completed. It is intended the outcome of the review will help deliver a more fit for purpose structure covering all elements of IG and furthermore continue to facilitate service improvements.

3. EQUALITIES IMPLICATIONS

- 3.1 There are no Equality Implications to this report.

4. OTHER STATUTORY IMPLICATIONS

- 4.1 There are no other Statutory implications.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 There are no financial implications for the report

6. COMMENTS OF LEGAL SERVICES

- 6.1 The Local Government Act 1974 established the Local Government and Social Care Ombudsman and gives the Ombudsman wide powers to investigate complaints about the actions of local government.
 - 6.2 The matters in this report comply with the above legislation.
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Appendices – Local Government and Social Care Ombudsman Annual Review Letter 2021