

LBC Annual Complaints Report 21/22 – APPENDIX 5

Section 8.3 of Annual Complaints Report

1. LGSCO Data 2021/2022

From LGSCO Annual Review Letter 2021~2022

Click on link: [London Borough of Camden - Local Government and Social Care Ombudsman](#)

Service	Total	Formal investigation		Do not go to formal investigation			
		Upheld	Not Upheld	Advice given	Closed after initial enquiries	Referred back for local resolution (premature)	Incomplete or Invalid
Adult Social Care	13	1	3		6	3	
Benefits & Tax	10	6	1		2	1	
Corporate & other services	3				3		
Education & Children's Services	11	3	1		5	1	1
Environment, Public Protection & Regulation	11		1		4	6	
Highways & Transport	8		1		4	3	
Housing	37	7	1	12	5	10	2
Planning & Development	5				2	3	
Other	6			5			1
TOTAL	104	17	8	17	31	27	4
		24%		76%			

2. LGSCO Outcome decisions

2.1 Where the ombudsman finds fault the outcome decision can be (in order of seriousness):

- Maladministration with injustice
- Maladministration without injustice
- Upheld (No Further Action required/ Remedy Actions complete)
- Service Failure

2.2 There were **17** cases with an outcome decision of either maladministration with injustice or maladministration without injustice in 2021/2022

Service area	Maladministration with Injustice	Maladministration with injustice (s30 - Public Interest Report)	Maladministration without injustice
Benefits & Council Tax	3	2	1
Education & Children's services	2	1	
Adult Social Care			1
Housing	6		1
TOTAL	11	3	3

2.3 Maladministration with Injustice cases

No.	Service	Summary of case	Remedies	Service Improvements Recommendations
1	Benefits & Council Tax	Council has turned down application for Business Grant. Fault found in assessing application	<ul style="list-style-type: none"> • Apology • Financial redress: Avoidable distress/time and trouble • Review of decision 	Improvements to grant administration after the 1 st phase <ul style="list-style-type: none"> - Set up dedicated business grant administration team to increase capacity to deal with claims and enquiries - Liaised with BEIS to ensure guidance for future schemes was clear - Improved communications and processes re: complaints and disputes
2	Benefits & Council Tax	Council has turned down application for Business Grant. Fault found in assessing application	<ul style="list-style-type: none"> • Apology • Financial redress: Avoidable distress/time and trouble, • Review of decision 	Improvements to grant administration after the 1 st phase <ul style="list-style-type: none"> - Set up dedicated business grant administration team to increase capacity to deal with claims and enquiries - Liaised with BEIS to ensure guidance for future schemes was clear - Improved communications and processes re: complaints and disputes
3	Benefits & Council Tax	Council has turned down application for Business Grant. Fault found in assessing application	<ul style="list-style-type: none"> • Apology • Financial redress: Avoidable distress/time and trouble, • Review of decision 	Improvements to grant administration after the 1 st phase <ul style="list-style-type: none"> - Set up dedicated business grant administration team to increase capacity to deal with claims and enquiries - Liaised with BEIS to ensure guidance for future schemes was clear - Improved communications and processes re: complaints and disputes
4	Education & Children's Services	Complaint about the way an integrated service assessed whether her child had autism. Delays in the	<ul style="list-style-type: none"> • Procedure or policy change/review 	Within four weeks of the final decision the Council should remind its officers of the importance of following up on referrals after they are made to ensure good

		process and a failure to make reasonable adjustments. No fault in assessment. Failure to follow up on a referral made for a second opinion. Failure to make reasonable adjustments by an NHS Trust when accessing the service.		practice. Review processes to ensure referrals can be tracked and monitored where necessary.
5	Education & Children's Services	Complaint about Council's handling of a child's Education, Health and Care Plan and failure to comply with a decision by the court. Council at fault and has provided a suitable remedy.	<ul style="list-style-type: none"> No further Action (already remedied) 	
6	Housing (Landlord Services – Right to Buy)	<p>Council unable to establish property layout sufficiently for a Right to Buy application causing significant delays in sale.</p> <p>Fault found in establishing layout and structural changes during a Right to Buy application and poor record keeping</p>	<ul style="list-style-type: none"> Financial redress: Avoidable distress/time and trouble Provide training and/or guidance 	The Council agreed to remind officers of the need to consider alternative sources of evidence when faced with discrepancies in layout plans on Right to Buy sales. The Council agreed to remind officers of the need to keep accurate records of the condition of empty properties before re-letting as well as any internal structural changes done.
7	Housing (Homelessness)	Failure to deal with a homeless application properly and failed to follow its complaints policy.	<ul style="list-style-type: none"> Apology Financial redress: Loss of service Provide training and/or guidance 	<p>The Council will carry out a training session for officers dealing with homeless applicants to cover the requirements under the legislation to:</p> <ol style="list-style-type: none"> interview the person that has presented to the Council as homeless; carry out enquiries into that application; consider the Council's duty to provide interim accommodation. The Council will send a reminder to complaints officers to ensure complainants are given more time to submit a request for stage two where access to their file is necessary before such a request can be made.
8	Housing	The way the Council handled a homelessness application and a complaint about that. There were faults in the way the Council considered the application.	<ul style="list-style-type: none"> Apology Financial redress: Avoidable distress/time and trouble Provide training and/or guidance 	The Council agreed to remind relevant staff of the correct test to apply when considering whether it has a duty to offer interim accommodation in homelessness cases, and the importance of keeping a clear record of the reasons for its decision.
9	Housing	Remedy as a result of its delay in dealing with her application for medical points is not appropriate. The Council's remedy of a direct offer is appropriate and proportionate.	<ul style="list-style-type: none"> Financial redress: Avoidable distress/time and trouble 	

		However, the Council is at fault as its remedy does not acknowledge the distress caused.		
10	Housing (Allocations)	Council delayed processing a Housing Register Application and did not award correct points. Fault found in length of time for Stage 1 and Stage 2 (Housing Register Appeal Review). No fault found in consideration of application or points awarded.	<ul style="list-style-type: none"> • Apology • Financial redress: Avoidable distress/time and trouble • Procedure or policy change/review 	The Council has agreed it will produce an action plan to identify ways of improving its housing register appeal review response times and ensuring it meets its published timeframes. This should include a timeframe for any action.
11	Housing	Fault for not taking a homeless application or providing X with help to try and secure accommodation. X did not receive any assistance to help relieve his homelessness.	<ul style="list-style-type: none"> • Apology • Financial redress: Avoidable distress/time and trouble • Provide services to person affected • Procedure or policy change/review 	Remind staff and update any internal policy or procedure to reflect that a person does not need to complete a referral form to make a homeless application

3. Briefing - Investigation into two complaints against the London Borough of Camden by the Local Government and Social Care Ombudsman

3.1 This public interest report was presented to the RCP Scrutiny Committee on 6th September 2022 as part of the Business Grants Review Report.

3.2 Since 1 April 2020, the Council has supported businesses through both reliefs and grants. As part of this complex matrix of multiple grant schemes, LGSCO upheld two complaints made against the London Borough of Camden in September 2020 into the Council's handling of the COVID-19 Small Business Grant Fund and Retail, Hospitality and Leisure Grant Scheme and published a public interest report in January 2022.

3.3 Mr G and Mr H complained that the Council refused their businesses grants under the schemes set up in March 2020 to support businesses impacted by the COVID-19 pandemic.

3.4 The complaint centred around the interpretation of Government guidance that was unclear and contradictory in cases where the information held by the Business Rates Team at the relevant date of eligibility was updated after the announcement of grants. The LGSCO found fault causing injustice and made the following recommendations:

3.5 a) The Council to review its decision to refuse Mr G a Small Business Grant (SBG) taking account of Government guidance and our analysis. If the review finds Mr G should have received a grant, then the Council will make a payment equivalent to what he would have received (the scheme now being closed). The review should be undertaken by an officer not involved in the

original decision to refuse Mr G an SBG. The review can request Mr G provide evidence to satisfy the Council he was trading from and occupying the premises he leases on 11 March 2020

Action taken: The Council has repeatedly asked Mr G to provide evidence to reassess his claim which has not been forthcoming. Since the original application, further evidence has come to light that suggests the business has not traded for a number of years. If he does provide evidence to support his original claim of trading it will be assessed independently by a senior manager within the Council who was not part of the original decision-making process on this claim.

- 3.6** b) Pay Mr G £100 to reflect the time and trouble he has been put to in making a complaint about its decision.

Action taken: Mr G has not provided his bank details to enable payment to be made. Once this has been provided, the Council will pay the £100.

- 3.7** Pay Mr H's company (Company B) £25,000 to reflect its non-payment of a Retail, Hospitality and Leisure grant which the business should have received last year

Action taken: The original £25k grant amount was paid on 8/12/21 following an independent reassessment of the case by the Head of Council Tax and Business Rates as a result of evidence being provided to both show occupation and trade from the premises in question for March 2020 as well as a recent bank statement (as at December 21) to comply with the government's anti-fraud requirements.

- 3.8** Pay Mr H £250 to reflect the time and trouble he has been put to in making a complaint about its decision

Action taken: The £250 compensation was paid on 8/12/21 alongside the £25k grant.

- 3.9** The Council to consider its approach moving forward if it is contacted by any other business concerned that it did not process their grant application correctly. This could include those who contacted it previously when it did not have any procedure in place to consider such representations. The Council should therefore provide us with a written assurance about how it will treat any such expressions of dissatisfaction it receives from businesses within 12 months of the date of this report. As a minimum we would expect the Council to offer those businesses access to its complaint procedure with input from officers not involved in the decision complained about and to signpost to us if they remain dissatisfied.

Action taken: The complaints relate to the very first set of government grants that were set up in a rush with limited guidance for local authorities. Repeated requests for clarification to Government went unanswered or resulted in contradictory guidance. It was left to council services to deal with challenges at a time business rates services across the country were dealing with huge volumes of demand to both assess grants as well as focus on the day-to-day requirement of collecting business rates and dealing with relief queries to minimise expenditure for businesses. By the time the LGSCO decision was published regarding the two cases in question, the original scheme had long

been closed and the Council was processing the subsequent LRSG (closed) and (Open) schemes as a result of the second wave of Covid in November 2020. Camden had already learnt lessons from the first scheme by creating a dedicated business grant team with a clear escalation process in place for cases where customers disputed any refusals, including enabling applicants to use the Council's formal complaints process if they wished to challenge decisions, which was actively promoted. Camden led with a number of authorities on feeding back to the Department for Business, Energy & Industrial Strategy (BEIS) on the issues their guidance, conflicting responses to questions raised through the email channels, etc. caused for businesses. BEIS looked to address them in subsequent schemes which seems to have had a positive impact not just for Camden but nationally. There are a number of authorities around the country who have had LGSCO complaint outcomes go against them on the original schemes but there is limited information on any complaints being upheld by the LGSCO against the decisions made on the numerous other schemes implemented from November 2020 onwards.

3.10 A third similar case was investigated by the LGSCO where it initially decided against the Council but following submission of further evidence and strong legislative arguments, the LGSCO's final decision found no fault by the Council in refusing the grant.

3.11 Click for LGSCO Report:

[London council set to learn from how it handled COVID business grants - Local Government and Social Care Ombudsman](#)

4 Cases with delays in completing remedies

No.	Service	Summary of case	Remedies	Delay
1	Adult Social Care (Assessment & Contributions Team)	Did not deal properly with financial assessment. Fault found for not having a charging policy. No fault in how Council undertook the financial assessment.	<ul style="list-style-type: none"> Apology Produce and Publish a charging policy 	Apology was provided within the timescale. Delay in producing a charging policy document. Pandemic still ongoing so services had other priorities and reduced staff resources. Producing a charging policy was not high priority. The action was completed once pressures from the pandemic had eased.
2	Council Tax & Business Rates (Business Grants)	Council has turned down application for Business Grant. Fault found in assessing application	<ul style="list-style-type: none"> Apology Pay Business Grant & Compensation (£10,250) 	Payment was delayed. Council appealed the decision and submitted further information but LGSCO maintained its position. Service was extremely busy in October 2021 with Business Grants scheme and payments were taking a long time to process.
3	Landlord Services (Right to Buy)	Council unable to establish property layout sufficiently for a Right to Buy application causing significant delays in sale.	<ul style="list-style-type: none"> Apology Compensation Remind officers to keep accurate records 	Apology and Compensation paid in time. Managers did not provide evidence until September that they had reminded officers to keep accurate records.

		Fault found in establishing layout and structural changes during a Right to Buy application and poor record keeping		
4	Housing Needs Group (Housing Register)	<p>Council delayed processing a Housing Register Application and did not award correct points.</p> <p>Fault found in length of time for Stage 1 and Stage 2 (Housing Register Appeal Review). No fault found in consideration of application or points awarded.</p>	<ul style="list-style-type: none"> • Apology • Compensation £100 	<p>Compensation was offered but resident refused to take it.</p> <p>Resident had made several related complaints prior to this and continues to submit complaints. She does not accept the decisions of the service nor of LGSCO</p>