

## **CORPORATE COMMITTEE 14 NOVEMBER 2019**

**Report title:** Published Ombudsman Report – Customer Services & Parking

**Wards:** All

**Portfolio:** Councillor Cabinet Member for Finance and Performance: Councillor Andy Wilson

**Report Authorised by:** Bayo Dosunmu: Strategic Director for Resident Services

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### **Report summary**

The Local Government and Social Care Ombudsman (LGO) published a report on 12 June following an investigation into a complaint about the handling of a penalty charge notice (PCN). The complaint was upheld with a finding of injustice.

The complainant, referred to in this report as Mr X, complained about how the Council failed to make reasonable adjustments when he tried to challenge a penalty charge notice (PCN) it issued to him for a parking contravention. Mr X says he was not able to challenge the PCN as a result of this. The LGO found the Council at fault for causing Mr X injustice. The LGO report recommended action that the Council should take to remedy the injustice.

### **Finance summary**

In order to remedy the injustice caused, the LGO recommended that the Council pay Mr X £750 compensation. This was completed in July 2019. There are no other finance implications.

### **Recommendations**

1. To note and consider the Local Government and Social Care Ombudsman's (LGO) findings and recommendations, as detailed in paragraph 2, below.
2. To note the improvements introduced.
3. To note the Council has agreed to the remedies recommended by the LGO.

## 1. CONTEXT

- 1.1 Mr X was issued with two Penalty Charge Notices (PCNs) (LJ08238589 and LJ09457963) for being parked in residents parking bay without a permit and for driving in a bus lane.
- 1.2 Mr X made a complaint that the Council failed to make reasonable adjustments (for dyslexia) when he tried to challenge the PCN issued to him for the parking contravention. The Council's process requires challenges to be submitted in writing, however Mr X's disability made this difficult for him, and he therefore requested that his challenge is submitted verbally rather than in writing.
- 1.3 Although reasonable adjustments have been in place since 2016 allowing challenges to be made over the telephone, this procedure was not followed in this instance and Mr X was unable to submit a verbal challenge to his PCNs.
- 1.4 PCN LJ08238589 issued on 22 September 2017 progressed to warrant stage and our enforcement agents were instructed and payment was received on 30 May 2018. PCN LJ09457963, issued on 14 June 2018, progressed to our charge certificate stage. However, the case was resent to the discount amount and payment was received on 28 December 2018.
- 1.5 Mr X stated the Council sent enforcement agents to his home to recover the money he owed. He says he asked the enforcement agents to make reasonable adjustments but they refused and he had to pay a significant amount of money to prevent his car from being taken away
- 1.6 While we acknowledge that initially Mr X was not able to access the reasonable adjustment already set up, once it was brought to the Parking Service's attention, clear instructions were issued to the Call Centre and the Representation and Appeals Officers in parking setting out the action required. Specifically for PCN LJ09457963 following an initial failing from 13 September 2018 the Parking Service made sincere and sustained efforts to contact Mr X to allow him to utilise the reasonable adjustment.
- 1.7 The LGO investigated the case and issued a public interest report upholding the complaint, setting out a number of recommendations that included changes to Lambeth council procedures in Parking and Customer Services.
- 1.8 The LGO report was issued on 12 June and an advertisement was placed in the South London Press and Southwark News providing full details of the LGO decision.

## 2. PROPOSAL AND REASONS

### **LGO recommendations and service improvements**

- 2.1 The section below outlines the specific recommendations made by the LGO and the subsequent action taken by the Council to address these. The LGO acknowledged in its report that the Council agreed to the recommendations and engaged positively with them to make sure it is able to comply. The LGO recommended that the Council:
  - *Should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members.*
- 2.2 The report is being considered by Corporate Committee on 14 November. The report was due to be considered by Corporate Committee on 26 September but was put back to 14 November in order that Corporate Committee could consider an urgent alternative item. The LGO agreed to this.

- *Pay Mr X £750 to acknowledge the distress caused and time and trouble he has been put to pursuing his complaint.*
- 2.3 Mr X was paid £750 compensation by BACS on 11 July 2019.
- *A senior officer should telephone Mr X to apologise for the Council's failure to make reasonable adjustments for him when challenging the PCNs.*
- 2.4 The Head of Revenues & Benefits called the complainant on 20 August 2019 to make the apology on behalf of the Council. Mr X stated he was delighted to be called by the Council. He accepted the apology and offered his services to the Council should we need to enhance our Equalities & Diversity culture in the area of dyslexia. This offer has been passed to the Equalities & Diversity team.
- 2.5 The LGO advised that the Council should take the actions listed above within three months of the date of LGO report.
- 2.6 The LGO also advised that Council should also take the following action to ensure it is meeting its legal duties under the Equality Act 2010.
- *Arrange relevant training on the Equality Act 2010 for customer service staff and appeals officers in its parking department.*
- 2.7 All Capita staff undergo Equalities & Diversity training annually as part of their mandatory training. New starters complete the training during their probation period and prior to taking Lambeth's call in the call centre. The annual renewal is related to the individual and not the business, so everyone's dates vary. The Lambeth Client team that manage the Capita contract confirm that this process is in place and robust and that all staff are up-to-date with their training.
- 2.8 Equalities & Diversity training has been undertaken by Parking Representation and Appeals Officers. All officers will have completed this training by the end of this year. In addition Equalities & Diversity training will be included as part of an induction process and will be reviewed annually.
- *Review its systems and procedures to ensure any reasonable adjustments are agreed with customers and properly recorded.*
- 2.9 This recommendation is supported by a recent review that there is an inconsistency in capturing residents' needs and vulnerabilities. As part of the review of systems as part of broader customer work and the digital programme we are exploring ways of capturing this.
- *Review its systems and procedures to ensure customers records are routinely checked for records of reasonable adjustments whenever contact is initiated by either the Council or the customer.*
- 2.10 Parking have reviewed their Parking Systems and have updated the existing reasonable adjustment procedure to ensure that reasonable adjustments requests are recorded. As a result, a process has been set up where Capita are to notify Parking should a customer request a reasonable adjustment. Parking will keep a log of these requests and check it on a weekly basis to ensure that cases are progressing with the reasonable adjustments taken into consideration.
- *Review the wording of PCNs to ensure they comply with the Equality Act 2010 and provide details of how to request reasonable adjustments and make contact other than in writing.*
- 2.11 Parking have reviewed the wording of our PCN's in conjunction with London Council's. We are currently in the process of updating our statutory documentation to include details about reasonable adjustments.

- *Review information on the Council's website and any other literature regarding challenging PCNs to ensure the information given complies with the Equality Act 2010 and provides details of how to request reasonable adjustments and make contact other than in writing.*

2.12 Parking have reviewed their website pages and have created a dedicated page regarding how customers can request reasonable adjustments for parking issues.

2.13 In addition, the Head of Organisational Development & Learning plans to review all Council material related to Equalities & Diversity to ensure that requests for reasonable adjustment for non-visible disabilities, such as dyslexia, are adequately covered. As part of the comprehensive, Council-wide, customer contact review changes to the council website will ensure residents and customers will be able to easily find information on how to make a request for reasonable adjustment due to a disability, and how the Council will deal with that request.

- *Review hand over arrangements with its enforcement agents to ensure details of any agreed reasonable adjustments are passed over and that its enforcement agents are aware of the need to make reasonable adjustments.*

2.14 Parking have reviewed their handover arrangements with their enforcement agents and as part of the weekly checks will notify them of any reasonable adjustments.

2.15 The LGO advised that the Council should take these actions within six months of the date of LGO report.

### **3. FINANCE**

3.1 The Council agreed to pay £750 compensation to Mr X, in line with the LGO's recommendations. There is an existing budgetary provision within Resident Services to cover the payment of the compensation.

3.2 It is not expected that there will be any other financial implications arising from this report, but the impact of the listed recommendations will need to be monitored to ensure that no further cost are forthcoming.

### **4. LEGAL AND DEMOCRACY**

4.1 The Council's constitution requires the Corporate Committee to consider any adverse report issued by the Local Government Ombudsman, which includes a finding that injustice has been caused to a person aggrieved in consequence of maladministration, together with the action to be taken by the Council in response (including any compensation payments made).

4.2 There were no further commentary from Democratic Services.

### **5. CONSULTATION AND CO-PRODUCTION**

5.1 Not applicable.

### **6. RISK MANAGEMENT**

6.1 Failure to put in place the LGO recommended remedies may realise risks in compliance with the Equality Act and our promises as part of the Future Borough Plan.

## **7. EQUALITIES IMPACT ASSESSMENT**

- 7.1 An Equalities Impact Assessment is not required for this report. However, Lambeth Equalities & Diversity have been sent a copy of the LGO report and actions and plan to review all related Council material, including the Council web site, to ensure that non-visible disabilities such as dyslexia, are adequately covered.

## **8. COMMUNITY SAFETY**

- 8.1 Not applicable.

## **9. ORGANISATIONAL IMPLICATIONS**

### **Environmental**

- 9.1 None.

### **Staff and accommodation**

- 9.2 None.

### **Procurement**

- 9.3 None.

### **Health**

- 9.4 None.

## **10. TIMETABLE FOR IMPLEMENTATION**

- 10.1 Paragraphs 2.2 and 2.4 set out the LGO's expectations around the timetable for the implementation of the actions set out in its report. The Council is required to produce evidence to demonstrate that the actions have been implemented.

## AUDIT TRAIL

<b>Consultation</b>				
<b>Name/Position</b>	<b>Lambeth directorate / department or partner</b>	<b>Date Sent</b>	<b>Date Received</b>	<b>Comments in paragraph:</b>
Councillor Andy Wilson	Councillor Cabinet Member for Finance and Performance	22.10.19	22.10.19	
Bayo Dosunmu, Strategic Director	Resident Services	21.10.19		
Andrew Ramsden	Finance & Investment	21.10.19	31.10.19	3.2
Alison McKane, Director of Legal and Governance	Legal and Governance	21.10.19	5.11.19	
David Rose, Democratic Services	Legal and Governance	21.10.19	22.10.19	4.1
Neil Fenton, Assistant Director Parking & Enforcement	Resident Services	21.10.19	31.10.19	
Shannon Consses, Parking & Enforcement Service Delivery Manager	Resident Services	21.10.19	31.10.19	1.4, 1.5
Tim Hillman-Brown, Head of Revenues & Benefits	Resident Services	21.10.19	For info	
David Couldridge, Contract Manager	Resident Services	21.10.19	22.10.19	2.10
Vanessa Wilson, Interim Directorate Programme Manager	Resident Services	21.10.19	For info	

## REPORT HISTORY

<b>Original discussion with Cabinet Member</b>	N/A
<b>Report deadline</b>	01.11.19
<b>Date final report sent</b>	05.11.19
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	No
<b>Key decision report</b>	No
<b>Date first appeared on forward plan</b>	N/A
<b>Key decision reasons</b>	N/A
<b>Appendices</b>	Appendix A – LGO Report