

13 March 2024		ITEM: 25
Cabinet		
Local Government & Social Care Ombudsman (LGO) Report Publication		
Wards and communities affected: N/A	Key Decision: Non-Key	
Report of: LGO Report Publication in respect of a complaint received by a Thurrock Council resident citing the Council's failure to provide them with a reliable and effective assisted bin collection service.		
Accountable Assistant Director: Paul Southall, Interim Assistant Director Street Scene & Leisure, Public Realm		
Accountable Director: Claire Demmel, Interim Executive Director of Place		
Version: Final / Cabinet		

Executive Summary

The Local Government & Social Care Ombudsman (LGO) wrote to the Chief Executive on 12th February 2024 to advise they had completed their investigation into the complaint received by a Thurrock Council Resident, Miss Y, citing the Council's failure to provide her with a reliable and effective assisted bin collection service.

Miss Y has a disability, and the Council has provided an Assisted Bin collection service for several years. However, there had been historic repeated issues with the service, which at the time of the initial complaint, were ongoing despite previous complaints to the LGO and the Council's promises to resolve these.

Following its investigation, the LGO has found against the Council for causing injustice to Miss Y and have made several recommendations which the Council must conform with within three months of the decision as well as confirm the actions it has taken or proposes to take.

The Council has accepted and actioned all these recommendations. The LGO has confirmed that they have published the report on their website on 20 February 2024.

Commissioner Comment:

Commissioners have been consulted on the content of this report and agree with the recommendations made.

1. Recommendation(s)

- 1.1 That the final report by the Local Government and Social Care Ombudsman should be considered at its full Council, Cabinet or other appropriately delegated committee of elected members.**

2. Introduction and Background

- 2.1 The Council provides an assisted bin collection service for residents whose disability or illness prevents them from taking their bins to the kerbside, and who have nobody in their household who can do this.
- 2.2 In 2020, Miss Y complained to the LGO about problems with her assisted bin service.
- 2.3 During the period from 2019 Miss Y reported 15 missed collections and bins not being returned correctly during the previous 12 months, even though the Council had monitored her collections for a time during this period.
- 2.3 In 2021, Miss Y complained to the LGO again about missed bin collections and other issues during the period since her previous complaint. The LGO found fault and the Council agreed to carry out further monitoring until August 2022.
- 2.4 In February 2023 Miss Y reported further problems to the Council as the problems with her collections were still happening. Collections were being missed, and bins left in the wrong place, sometimes blocking her driveway. She was unhappy it had failed to resolve the problems; despite the action it had taken following her previous complaints.
- 2.5 The Council investigated her concerns and Managers handed out laminated instructions about the assisted bins to crews before their collection rounds. The waste service implemented a system to place stickers on all assisted bins to help crews identify them.
- 2.6 Miss Y was provided with contact details for the waste team so she could report any issues directly.
- 2.7 In April 2023 Miss Y complained to the LGO again advising that there were still issues with the bin collection service.
- 2.8 Miss Y reported several issues to the Council, including missed collections and bins blocking her driveway, in the period from September 2022.
- 2.9 Following concerns raised in February 2023, the Council carried out further monitoring from March to June 2023 however Miss Y reported further issues in July 2023, once the monitoring had ended.
- 2.9.1 Following this report, the waste service implemented a new process and provided photos and written instructions to crews to show where Miss Y's bins should be returned. The crews would also confirm to their supervisor that her bin had been returned to its correct location. A supervisor would also monitor the situation for two months to check the instructions for Miss Y's collection had been properly followed.

3. Issues, Options and Analysis of Options

- 3.1 The Council accepted that there were problems with Miss Y's bin collection service between 2019 and July 2023.

3.2 The LGO findings state that:

Miss Y relies on the assisted service to allow her to use the bin collection service the Council provides to all its residents.

What is a routine bin collection for most residents becomes a weekly source of problems and worry for Miss Y because of the repeated failures in the service.

If the bin has not been moved to the roadside her rubbish will not be collected by the crews. If a bin is left blocking her driveway, she is unable to leave her house on her own until this has been moved.

If a bin has not been returned to its correct location by the crew, she has to ask someone else to do this and she has to ask family and friends for help with these failures in the service or make a phone call to the waste team to ask for their assistance.

3.3 The LGO found that this affected Miss Y's independence, dignity, and ability to manage what should be a routine part of everyday life and that the failings in the service continued to cause her worry and distress and meant that she was treated less favourably than someone without a disability.

3.4 The Council accepted that from the period 2019 to July 2023 Miss Y had experienced issues with her assisted waste collection service. However, since this time the Council has undergone several changes and implemented robust measures, which has stabilised its waste collection service and as a result, Miss Y's waste collections have remained consistent in recent months.

The following statement should be published in response to the LGOs published report:

The Council can confirm that it complies with the Equality Act 2010 and by virtue, the waste collection service offers an 'Assisted Bin' collection service to residents who are not able to take their bins to the kerbside because of disability or ill health and have nobody in their household who can do this.

The Councils accepts that from the period 2019 to July 2023 Miss Y has experienced issues with her assisted waste collection service. However, since this time, the Council has undergone a number of changes and implemented robust measures, detailed below, which has stabilised its waste collection service and as a result, Miss Y's waste collections have remained consistent in recent months.

- A new Interim Assistant Director Street Scene and Leisure joined the Council in July 2023.
- A new Interim Head of Service and Operations Manager joined the service in September 2023 and October respectively.
- The monitoring process has been reviewed and takes place on a daily basis with photographic evidence taken. Any issues or concerns raised during the monitoring process are addressed then rectified the same day.
- The use of Bartec, the crews in cab scheduling and routing system, has been mandated to ensure the crews can identify assisted properties on their rounds.
- A rolling programme of placing yellow stickers on assisted bins was introduced in 2023, to assist crews with identifying properties with assisted collections. It has been confirmed Miss Y's bins have been issued with yellow stickers.

- The service has adopted new tools, namely Power Bi, to assist with identifying and monitoring trends from complaints and service requests.
- Training has been delivered in the form a Toolbox Talk in October 2023 on 'Properties with Assisted Collections' to ensure Crews are aware of the importance of ensuring these collections are made and bins are returned to properties.
- Miss Y has been provided with the direct telephone number and email address should she need to contact the Waste Team at any time.
- Miss Y's property has been consistently monitored since September 2023.
- Miss Y's property will remain on monitoring indefinitely.

4. Reasons for Recommendation

- 4.1 Following its investigation, the LGO has found fault on the Council (part by causing injustice to Miss Y) and have made several recommendations which the Council must confirm it has complied with within three months of the decision as well confirm actions it has taken or proposes to take.

The Council has accepted and actioned all these recommendations.

The LGO has advised that they will now publish the report on their website on or after 20 February 2024

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 N/A

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 N/A

7. Implications

N/A

7.1 Financial

The LGO finding have instructed that a payment of £350 is made to Miss Y to reflect the worry and distress its failures have caused her.

Implications verified by: **Laura Last**
Finance Manager

7.2 Legal

Implications verified by: **Jayne Middleton-Albooye**
Interim Head of Legal Services

The LGSCO investigates complaints about maladministration and service failure. In accordance with s. 31 (2) the Local Government Act 1974, as amended, there is a requirement for the report to be considered in full by the Council's Executive.

The Public Sector Equality Duty (under the Equality Act 2010) applies to the Council when it makes decisions, designs policies and delivers services. The duty requires the Council to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The report outlines the LGSCO's findings in respect of the Council's Equality Act duties and states the Council needs to reflect equality considerations into its delivery, in this case in relation to disability.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Community Development Team Leader

Diversity and equality implications are set out in the body of this report.

All information regarding Community Equality Impact Assessments can be found here:
<https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 Risks

N/A

7.5 Other implications

N/A

8. Background papers used in preparing the report

Final report by the Local Government and Social Care Ombudsman

9. Appendices to the report

- Appendix 1 – LGO Final Report

Report Author:

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Street Scene & Leisure, Public Realm