

Report to Overview and Scrutiny Board

Local Government Ombudsman Annual Review of Complaints 2018/19

Portfolio Holder:

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Purpose of the Report

To update the Overview and Scrutiny Board about Council performance in relation to enquiries received from the Local Government and Social Care Ombudsman.

Recommendations

It is recommended that the Overview and Scrutiny Board consider the report and comment as appropriate.

Local Government Ombudsman Annual Review of Complaints 2018/19

1 Background

- 1.1 The Council deals with complaints about the services it provides according to the requirements of three different sets of legislation:
- The Local Government Act 1974 for Corporate complaints
 - The Children Act 1989 for Children's Social Care complaints
 - The Local Authority Social Services and NHS Complaints Regulations 2009 for Adult Social Care complaints.
- 1.2 These complaints procedures have the Local Government and Social Care Ombudsman (LGO) as the last stage in the process. The Ombudsman's role is to enquire into cases where the Council and the complainant still do not agree after the Local Authority's complaints procedure has been exhausted and the complainant still wants the case to be reviewed.

2 National Perspective

- 2.1 The LGO has published the Annual Review of Complaints for 2018/19. The 2018/19 review highlighted that across all agencies within the jurisdiction of the LGO, 18,482 cases were reviewed, of which 5,315 were resolved at initial investigation stage, 4,458 required a detailed investigation of which 2,588 were ultimately upheld.
- 2.2 Nationally, the report showed that in 2018/19, over a third of complaints concerned Education or Social Care with 4,232 investigations carried out for these services, compared with 4,020 the previous year. Of these complaints, 58% were upheld, up slightly from 57% in 2017/18.
- 2.3 The LGO welcomed the constructive way in which most Local Authorities work with them to remedy injustices and to take steps to improve services for residents. Cases where the Local Authority has offered a suitable remedy during the complaints process before the case went to the LGO have risen by a fifth in 2018/19.
- 2.4 In addition to the Annual Review of Complaints, the LGO writes to each Local Authority's Chief Executive every year to set out the Council's annual performance on Complaints. This can be a useful starting point for Members to scrutinise performance. The LGO has also recently launched an interactive map setting out each Council's performance. This can be found on the LGO website at www.lgo.org.uk/your-councils-performance
- 2.5 The LGO is clear that the number of complaints taken in isolation is not necessarily an indicator of a Local Authority's performance. The volume of complaints should be considered alongside the upheld rate (i.e. how often fault is found when a complaint is investigated). It is also important to acknowledge the Council's willingness to accept fault and put things right when things go wrong.

3 Regional Perspective

- 3.1 Table 1 compares the review rate of the Council to that of the other GM authorities in 2018/19 and 2017/18. It shows that comparatively, the number of complaints reviewed by the LGO has increased for most Councils.

Table 1 – GM authorities 2018/19 and 2017/18. Total Complaints reviewed by the LGO

Authority	Total Complaints Reviewed by the LGO 2018/19	Total Complaints Reviewed by the LGO 2017/18
Rochdale	50	48
Wigan	56	75
Bury	65	40
Stockport	67	70
Bolton	75	66
Trafford	79	64
Oldham	80	62
Tameside	83	75
Salford	84	65
Manchester	174	160

- 3.2 The number of cases reviewed by the LGO does not reflect the number of cases actually investigated by the LGO which is far smaller. Table 2 sets out the comparative picture for GM Local Authorities. It can be complex to compare comparative performance. For example, high rates of upheld complaints would suggest poor performance but if the numbers investigated are low, this would suggest better performance. Equally, a low percentage of cases investigated when compared with those reviewed by the LGO would suggest good performance. In 2018/19, the Council had 80 cases reviewed by the LGO of which only 17.5% were investigated and 12.5% upheld. However, the Council's overall aim would be to reduce the percentage of cases that are upheld by the LGO and to learn and improve services as a result of those upheld decisions.

Table 2 – Upheld cases by GM authorities 2018/19

Authority	No of cases investigated 18/19	No of cases not upheld	No of cases upheld	Upheld Rate %
Bury	16	10	6	38
Stockport	22	12	10	45
Manchester	38	17	21	55
Wigan	9	4	5	56
Salford	12	5	7	58
Tameside	19	8	11	58
Oldham	14	4	10	71
Trafford	26	6	20	77
Rochdale	11	2	8	82
Bolton	29	5	24	83

4 Local Perspective

- 4.1 The Council works hard to resolve complaints at an early stage in the complaints process to avoid the need for residents to pursue issues further. The low number of cases reviewed by the LGO and ultimately investigated suggests that the Council is willing to take responsibility when things go wrong and work with residents to resolve the issue appropriately.
- 4.2 Table 3 sets out the Council's caseload and the cases reviewed by and investigated by the LGO which demonstrates the low number of cases investigated when compared with the overall complaints' caseload

Table 3: The Number of LGO Enquiries and Oldham Council complaints 2018/19.

Oldham Council Complaints	18/19 Caseload	Reviewed by LGO	Investigated by LGO
Number	1,389	80	14
Percentage	100%	5.8%	1%

- 4.3 In addition to the annual review of complaints, the LGO writes to each Local Authority's Chief Executive each year to set out the Council's annual performance on complaints. This information can be a useful starting point for Members to scrutinise the performance of the Council and issues affecting local people. A snapshot of the overall position for this Council is set out at Table 4. Of the 10 upheld cases, the LGO also recognise that the Council had already determined fault and offered a suitable remedy in 2 cases that were investigated (these cases are still recorded as upheld by the LGO). The percentage of cases upheld has reduced from 75% in 2017/18 to 71% in 2018/19.

Table 4 – LGO decisions made for Oldham Council

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
4	0	38	24	4	10	71	80
Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.							

5 How we are improving the service

- 5.1 The Council is currently undertaking a root and branch review of the Complaints Service. This includes considering options for integration of Health and Social Care complaints, reviewing all policies and procedures, improving timescales for resolution and placing a stronger emphasis on service development and improvement following complaints.
- 5.2 The Council has commissioned LGO best practice training to cover Adult Social Care, Children's Social Care and Corporate Complaints and this training will be completed before December 2019. The aim of the training is to support those officers involved in

LGO investigations to improve the quality of those investigations. The team also engages in the regional Complaints Officer group where good practice is shared.

- 5.3 Customer feedback is also important to the Council. In addition to handling complaints, the Council also listens to compliments and comments and these support the service improvement journey and recognise when things are going well. In 2018/19, 156 compliments were recorded and 183 comments.

6 Further information

- 6.1 The LGO has moved away from a focus on complaints volumes and pays more attention to the lessons that can be learned from complaints and the wider improvements that can be achieved for residents and this is now more widely publicised.
- 6.2 The LGO is keen that scrutiny Members play an active role in holding their Local Authority to account on complaints and have created a wide range of information to support scrutiny Members to carry out the scrutiny function for complaints handling. This can be found at www.lgo.org.uk/scrutiny.

7 Conclusion

- 7.1 As members can see, the Council's overall performance is comparatively good. The service is proactive in addressing issues of concern and has an improvement plan in place as set out in Section 5. Members will be kept informed about progress both in terms of service improvement and LGO performance.

8 Recommendation

- 8.1 It is recommended that the Overview and Scrutiny Board consider the report and comment as appropriate.