

**Report to Overview and Scrutiny, Performance and Value for Money Select Committee**

## **Local Government Ombudsman Annual Review of Complaints 2019/20**

**Portfolio Holder:**

Councillor Abdul Jabbar MBE, Deputy Leader and Cabinet Member for Finance and Green

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### **Purpose of the Report**

To update the Overview and Scrutiny, Performance and Value for Money Select Committee about Council performance in relation to enquiries received from the Local Government and Social Care Ombudsman.

### **Recommendations**

It is recommended that members of the committee consider the report and comment as appropriate.

## Local Government Ombudsman Annual Review of Complaints 2019/20

### 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 (LGSCO) 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 LGSCO has published the Annual Review of Complaints for 2019/20. The 2019/20 review highlighted that across all agencies within the jurisdiction of the LGSCO, 17,019 cases were reviewed, of which 5,723 were resolved at initial investigation stage; 4,215 required a detailed investigation of which 2,586 were ultimately upheld.

2.2 Nationally, the report showed that in 2019/20, the LGSCO upholds the highest proportion of complaints about education and children's services (72%). In addition, over a third of the public interest reports published by the LGSCO related to education and children's services.

2.3 The LGSCO welcomed the constructive way in which most Local Authorities work with them to remedy injustices and to take steps to improve services for residents.

2.4 Due to the COVID-19 pandemic, the LGSCO ceased casework to allow authorities and care providers space to deliver crucial frontline services. Although casework has now resumed, and the LGSCO will continue to uphold their principles and thresholds for decision making, there is recognition of the practical and logistical challenges faced by authorities in dealing with the crisis.

2.5 In addition to the Annual Review of Complaints, the LGSCO 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 LGSCO has also recently launched an interactive map setting out each Council's performance. This can be found on the LGSCO website at <https://www.lgo.org.uk/your-councils-performance>

2.6 The LGSCO 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 Greater Manchester (GM) Authorities in 2018/19 and 2019/20.

**Table 1 – GM Authorities 2018/19 and 2019/20. Total Complaints reviewed by the LGSCO**

Authority	Total Complaints Reviewed by the LGSCO 2019/20	Total Complaints Reviewed by the LGSCO 2018/19
Rochdale	49	50
Bolton	56	75
Stockport	64	67
Tameside	65	83
<b>Oldham</b>	<b>71</b>	<b>80</b>
Bury	72	65
Salford	78	84
Wigan	82	56
Trafford	93	79
Manchester	160	174

3.2 The number of cases reviewed by the LGSCO does not reflect the number of cases actually investigated by the LGSCO 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 LGSCO would suggest good performance. In 2019/20, the Council had 71 cases reviewed by the LGSCO of which only 18.3% were investigated and 9.9% upheld. However, the Council's overall aim would be to reduce the percentage of cases that are upheld by the LGSCO and to learn and improve services as a result of those upheld decisions.

**Table 2 – Upheld cases by GM Authorities 2019/20**

Authority	No of cases investigated 2019/20	No of cases not upheld	No of cases upheld	Upheld Rate %
Wigan	14	10	4	29
Bury	15	9	6	40
Bolton	7	4	3	43
Tameside	15	8	7	47
Rochdale	15	8	7	47
<b>Oldham</b>	<b>13</b>	<b>6</b>	<b>7</b>	<b>54</b>
Stockport	17	7	10	59
Manchester	29	12	17	59
Trafford	27	8	19	70
Salford	17	5	12	71

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## 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 LGSCO 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 In 29% of upheld cases the LGSCO found that the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 11% in similar authorities.
- 4.3 Table 3 sets out the Council's caseload and the cases reviewed by and investigated by the LGSCO which demonstrates the low number of cases investigated when compared with the overall complaints' caseload

**Table 3: The Number of LGSCO Enquiries and Oldham Council complaints 2019/20.**

<b>Oldham Council Complaints</b>	<b>2019/20 Caseload</b>	<b>Reviewed by LGSCO</b>	<b>Investigated by LGSCO</b>
Number	1,102	71	13
Percentage	100%	6.4%	1.2%

- 4.4 In addition to the annual review of complaints, the LGSCO writes to each Local Authority's Chief Executive each year to set out the Council's annual performance on complaints. As advised above, 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 7 upheld cases, the LGSCO 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 LGSCO). The percentage of cases upheld has reduced from 71% in 2018/19 to 54% in 2019/20. The LGSCO advises that the Council's upheld rate of 54% compares to an average of 67% in similar authorities nationally

**Table 4 – LGSCO decisions made for Oldham Council**

<b>Invalid or incomplete</b>	<b>Advice given</b>	<b>Referred back for local resolution</b>	<b>Closed after initial enquiries</b>	<b>Not upheld</b>	<b>Upheld</b>	<b>Total</b>	<b>Uphold rate (%)</b>	<b>Average uphold rate (%) of similar authorities</b>
3	1	29	25	6	7	71	54	67

## 5 How we are improving the service

- 5.1 The Council is currently undertaking a review of the Complaints Service and a proposed restructuring of the team is currently being consulted upon. This review will include a review of all policies and procedures, improving timescales for resolution and placing a stronger emphasis on service development and improvement following complaints.

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5.2 The Council commissioned LGSCO best practice training to cover Adult Social Care, Children’s Social Care and Corporate Complaints and this training was delivered in 2019/20. The training supported those officers involved in LGSCO investigations to improve the quality of those investigations. The team also engages with 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 2019/20, 174 compliments were recorded, 179 comments and 47 concerns.

## **6 Further information**

6.1 The LGSCO 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 LGSCO 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.LGSCO.org.uk/scrutiny](http://www.LGSCO.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 LGSCO performance.

## **8 Recommendation**

8.1 It is recommended that the Overview and Scrutiny, Performance and Value for Money Select Committee consider the report and comment as appropriate.