

Report to Performance Overview and Scrutiny Committee

Local Government Ombudsman Annual Review of Complaints 2020/2021

Portfolio Holder:

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Purpose of the Report

To update the Performance Overview and Scrutiny Committee about Council performance in relation to enquiries received from the Local Government and Social Care Ombudsman (LGSCO).

Recommendations

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

Local Government Ombudsman Annual Review of Complaints 2020/21

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 legislative requirements 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 2020/21. The 2020/21 review highlighted that it received 11,830 complaints and enquiries during the year. This figure is lower than previous years due to the Covid-19 pandemic. The LGSCO did not accept new complaints and stopped investigating existing cases between March and June 2020. Of the complaints investigated, 3,950 contacts were resolved at initial stage and 3,144 required a detailed investigation of which 2,104 were ultimately upheld.

2.2 Nationally, the report showed that in 2020/21, the upheld rate increased across all categories of complaint, except for Environmental Services. The LGSCO continues to uphold the highest proportion of complaints in relation to Education and Children’s Services (77%) with 40% of the public interest reports published by the LGSCO relating to complaints about Education and Children’s Services.

2.3 The LGSCO advises that compliance with recommendations remains high and commends the willingness of Local Authorities to put things right for individuals.

2.4 The LGSCO does raise concern regarding the pressure on complaint handling functions, citing a perceived general erosion to the visibility, capacity, and status of complaint functions within Local Authorities.

2.5 In terms of the impact of Covid-19, the LGSCO has seen evidence of Local Authorities struggling to implement new policies at short notice and failing to properly take account of personal hardships caused by the pandemic when assessing people’s circumstances. That said, the LGSCO has also found many examples of Councils performing well under pressure.

2.6 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 launched an interactive map setting out each Council’s performance. Annual letters to the Chief Executive and details of the Council’s performance can be found on the LGSCO website at <https://www.lgo.org.uk/your-councils-performance>

2.7 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 a 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 2019/20 and 2020/21.

Table 1 – GM Authorities 2019/20 and 2020/21 - Total Complaints reviewed by the LGSCO

Authority	Total Complaints Reviewed by the LGSCO 2020/21	Total Complaints Reviewed by the LGSCO 2019/20
Rochdale	31	49
Bury	35	72
Bolton	38	56
Stockport	38	64
Wigan	38	82
Salford	38	78
Tameside	43	65
Oldham	55	71
Trafford	58	93
Manchester	86	160

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 (below) 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 2020/21, the Council had 55 cases reviewed by the LGSCO of which 27% were investigated and 18% 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.

3.3 All GM Authorities, except for Trafford Council, saw an increase in the upheld rate.

Table 2 – GM Authorities - Upheld cases 2020/21

Authority	No. of cases investigated	No. of cases not upheld	No. of cases upheld	Upheld Rate %
Bolton	13	6	7	54
Tameside	16	7	9	56
Bury	11	4	7	64
Manchester	22	8	14	64
Oldham	15	5	10	67
Trafford	18	6	12	67
Wigan	4	1	3	75
Stockport	8	2	6	75
Salford	5	1	4	80
Rochdale	6	0	6	100

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 lower percentage 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 Unfortunately, the LGSCO did not consider that the Council had provided a satisfactory remedy in the 10 cases it upheld, before the complaint reached the Ombudsman. This compares to an average of 11% in similar authorities and 29% of Oldham cases considered by the Ombudsman in 2019/20. While 2020/21 was an unusual year because the LGSCO suspended complaints investigations for part of the year, the Council is keen to improve on this figure in the coming year.
- 4.3 Table 3 sets out the total number of complaints received by Oldham Council and the cases reviewed by and investigated by the LGSCO which demonstrates the low number of cases investigated when compared with Oldham Council's overall complaints' caseload

Table 3: The Number of LGSCO Enquiries and Oldham Council complaints 2020/21.

Oldham Council Complaints	2020/21 Caseload	Reviewed by LGSCO	Investigated by LGSCO
Number	911	55	15
Percentage	100%	6.0 %	1.6%

- 4.4 A snapshot of the overall position for the Council is set out at Table 4. The percentage of cases upheld has increased from 54% in 2019/20 to 67% in 2020/21. However, it should be noted that the upheld rate has increased nationally, with the average upheld rate for similar Local Authorities being 72%.

Table 4 – LGSCO decisions made for Oldham Council

Invalid or incomplete	Advice given	Referred back for local resolution	Closed after initial enquiries	Not upheld	Upheld	Total	Upheld rate (%)	Average upheld rate (%) of similar authorities
3	2	19	16	5	10	55	67%	72%

5 How we are improving the Complaints Service

- 5.1 The Complaints Service has recently undergone a full team restructure and all posts have now been filled.
- 5.2 A review of the Council's Corporate Complaints Policy and the introduction of a new Unreasonable Behaviour Policy was carried out in 2020/21 (both policies were reviewed by the Scrutiny Committee). Reviews of the Council's Adult Social Care and Children's Social Care Complaints Policies will also be undertaken this financial year.
- 5.3 Training is being arranged in 2021/22 for staff who undertake complaint investigations as well as for the Complaints Team and this will be delivered by the LGSCO. A review of staff

guides for those investigating and handling complaints is also in progress and any revisions will be incorporated as appropriate.

- 5.4 In 2021/22, the Complaints Team is focussing on providing excellent customer service, improving timescales for resolution of complaints and placing a strong emphasis on lessons learned and service development and improvement following complaints.
- 5.5 The Complaints Team will continue to engage with the North West Complaints forum where good practice is shared.
- 5.6 All customer feedback is important to the Council. In addition to handling 911 complaints in 2020/21, the Council also received 182 compliments from residents. This information supports the service improvement journey and recognises when things are going well.

6.0. Further information

- 6.1 The LGSCO has moved away from a focus on the volume of complaints 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 has created a wide range of information to support scrutiny Members to carry out the scrutiny function for complaints handling. This can be found at <https://www.lgo.org.uk/for-advisors/scrutiny>.

7.0 Conclusion

- 7.1 As members can see, the Council's overall 2020/21 performance is comparatively good. Members will be kept informed about progress both in terms of service improvement and LGSCO performance.

8.0 Recommendation

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