

Report to Performance Overview and Scrutiny Committee

Local Government Ombudsman Annual Review of Complaints 2021/2022

Portfolio Holder:

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

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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) in the financial year 2021/22.

Executive Summary

The LGSCO received 55 complaints/ enquiries relating to Oldham Council in 2021/22, a slight reduction from the previous year; this is a relatively low number when compared to other GM authorities.

Along with the majority of GM authorities, the Council has seen an increase in the number of cases upheld and the overall upheld rate. In total, 69 final decisions were issued by the LGSCO in relation to Oldham Council. The majority of cases were not taken forward for detailed investigation but of the 17 cases that were taken forward for investigation, fault was found in 13 cases, giving an upheld rate of 76%.

Going forward, the Complaints Team aims to reduce the percentage of complaints that are upheld by the LGSCO and will continue to work with services to provide good quality responses to residents at the earliest opportunity.

Recommendations

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

Local Government Ombudsman Annual Review of Complaints 2021/22

1 Background

1.1 The Council deals with complaints about the services it provides according to the requirements of five different sets of legislation:

- The Local Government Act 1974 - Corporate complaints
- The Children Act 1989 - Children's Social Care complaints
- The Local Authority Social Services and NHS Complaints Regulations 2009 - Adult Social Care complaints
- The Housing Act 1996 - Housing complaints
- The Localism Act 2011 - Housing complaints

1.2 Corporate complaints and both Adults and Children's Social Care complaints 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 In July 2022, the LGSCO published the Annual Review of Complaints for 2021/22. The review highlighted that nationally, the number of complaints the LGSCO received had returned to pre-pandemic levels, increasing from 11,820 in 2020/21 to 15,826 in 2021/22. Of the complaints investigated, 6,427 contacts were resolved at the initial stage and 4,048 required a detailed investigation of which 2,678 were ultimately upheld.

2.2 The report showed that in 2021/22, the upheld rate remained similar across the majority of complaint categories. However, notable changes could be seen in an increase in the upheld rate for complaints relating to Environmental Services and Protection (increase from 58% in 2020/21 to 68% in 2021/22) and a decrease in the upheld rate for complaints relating to Benefits and Taxation (70% in 2020/21 to 59% in 2021/22).

2.3 The LGSCO continued to uphold the highest proportion of complaints in relation to Education and Children's Services (77%).

2.4 The LGSCO issued 43 public interest reports, 75% of these reports related to Adult Social Care and Education and Children's Services. The types of cases that result in such reports are usually where the impact on an individual is significant or where there have been many complaints about the same issue. An example of such a case was where a Council took so long to complete adaptations to a family home to support a child with disabilities, the adaptations were no longer suitable.

2.5 The LGSCO advises that compliance with recommendations remains high and commends Local Authorities for their commitment to significant service changes and reviews that ensure others will not be similarly affected by the faults identified.

2.6 The LGSCO continues to raise concerns about the capacity of complaints teams to deliver responsive, high-quality services and announced they will be working with the Housing Ombudsman to develop a joint Complaint Handling Code for Local Authorities against which to measure their complaints handling functions.

- 2.7 In terms of the impact of COVID-19, the LGSCO found that Local Authorities had adapted well to the challenging circumstances that were presented.
- 2.8 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. An interactive map setting out each Council's performance is also available on the LGSCO website. The letter sent to Oldham's Chief Executive is attached at Appendix 1. In addition, 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>.
- 2.9 The LGSCO is clear that the number of complaints and enquiries received should not be taken in isolation when reviewing a Local Authority's performance as this number can be affected by factors such as demographics, local conditions, the expectations of residents and the quality of signposting.
- 2.10 The number of complaints that are upheld by the LGSCO and the upheld rate (i.e. how often fault is found when a complaint is investigated), as well as the Council's willingness to accept fault and put things right are other factors to be considered.

3 Regional Perspective

- 3.1 Table 1 compares the number of complaints and enquiries received by the LGSCO relating to Oldham Council to that of the other Greater Manchester (GM) authorities in 2020/21 and 2021/22.

Table 1 – GM Authorities 2020/21 and 2021/22 - Total Complaints and Enquiries Received by the LGSCO

Authority	Complaints/ Enquiries 2020/21	Complaints/ Enquiries 2021/22
Rochdale	39	30
Oldham	58	55
Wigan	38	62
Salford	51	63
Bolton	38	66
Bury	38	68
Tameside	43	74
Trafford	53	75
Stockport	38	97
Manchester	102	134
Total	498	724
Average	49	72

- 3.2 The total number of complaints and enquiries received by the LGSCO increased nationally, and with the exception of Oldham and Rochdale Councils, other GM Authorities saw an increase in the number of complaints and enquiries received by the LGSCO.

- 3.3 The LGSCO receives and decides some cases in different business years; as such, the decisions issued in 2021/22 will relate to some complaints the LGSCO received in 2022/21 and some it received in previous years.
- 3.4 In 2021/22, the number of decisions issued by the LGSCO increased for all GM Authorities, with 69 decisions issued in relation to Oldham Council, compared to 55 the previous year.
- 3.5 All GM Authorities saw an increase in the number of cases upheld in 2021/22, with the exception of Trafford Council. Oldham Council received 13 upheld decisions, 6th highest out of the GM Authorities.
- 3.6 Most GM Authorities saw an increase in the percentage of cases being upheld following investigation by the LGSCO. With the exception of Salford, Bolton and Stockport Councils, GM Authorities had an upheld rate above the average rate for Metropolitan Borough Councils (68%).

Table 2 – GM Authorities - Upheld Cases 2021/22

Authority	No. of cases investigated	No. of cases not upheld	No. of cases upheld	Upheld rate (%)
Salford	21	11	10	48%
Bolton	22	8	14	64%
Stockport	14	5	9	64%
Manchester	47	14	33	70%
Trafford	14	4	10	71%
Wigan	7	2	5	71%
Rochdale	18	5	13	72%
Bury	15	4	11	73%
Oldham	17	4	13	76%
Tameside	21	4	17	81%
Total	196	61	135	N/A
Average	20	6	14	69%

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 complaints that go onto be investigated and upheld by the LGSCO, when compared to the number of complaints received by the Council, suggests that the Oldham Council is willing to take responsibility when things go wrong and work with residents to resolve the issue appropriately.
- 4.2 Unfortunately, the LGSCO found there was fault in 13 of the complaints that progressed to the detailed investigation stage, which gives an upheld rate of 76%. Whilst 2021/22 was unusual because of the increase in the number of decisions issued by the LGSCO, the Council is keen to improve on this figure in the coming year.
- 4.3 In 2 of the cases upheld by the LGSCO, the Council had already identified suitable remedies to put things right for the complainant, and the Ombudsman did not make further recommendations. This means that out of the 69 decisions made by the LGSCO, it was found the Council was not at fault or had already identified suitable outcomes and remedies in 84% of cases.

4.4 Table 3 below shows the services against which upheld decisions were issued.

Table 3 – Oldham Council Upheld Cases 2021/22

Service	Number of Cases upheld	Number of Cases not upheld
Adult Social Care	5	1
Registrars	2	0
Highways	1	0
Parking	1	0
Planning	1	1
Complaints	1	0
Education	1	1
Environmental Health	1	0
Revenues	0	1
Total	13	4

4.5 Of the upheld decisions, 8 related to complaints that were initially made to the Council in 2020-21, 4 from 2019-20 and 1 from 2018-19.

4.6 The LGSCO is satisfied that the Council has implemented recommendations it made in 100% of cases.

4.7 As well as the LGSCO making recommendations in respect of complaints that were upheld, the Complaints Team and involved services have worked together to identify additional service improvements. The improvements have included:

- Informing staff from the Planning Service of the importance of ensuring notification processes are followed correctly
- Informing staff from the Registrars Service that advice should not be provided to informants regarding the inclusion of formerly known as names on birth certificates
- Reminding staff within the Parking Service that discretion should be applied where late representations are submitted and where it is deemed appropriate, further correspondence to clarify matters should be sent
- Updating the template letter sent by the Complaints Team in which complainants are advised that a complaint cannot progress whilst legal proceedings are ongoing
- Sending the process for recording/ retaining information to staff from the Registrars service
- Instructing Discretionary Housing Payment (DHP) assessors to check bank details provided by phone and email against council tax records to ensure there are no discrepancies

4.8 Table 4 sets out the total number of complaints received by Oldham Council and the number of complaints and enquiries that were received by the LGSCO in 2021-22. It should be noted that not all complaints and enquiries received by the LGSCO will have progressed to formal investigation stage.

Table 4 - The Number of LGSCO Enquiries and Oldham Council Complaints 2021/22

Oldham Council Complaints	2021/22 Caseload	Complaints/enquiries received by the LGSCO
Number	743	55
Percentage	100%	7%

4.9 A snapshot of the overall position for the Council is set out at Table 5. The percentage of cases upheld has increased from 67% in 2020/21 to 76% in 2021/22. However, it should be noted that the upheld rate has increased nationally for Metropolitan Borough Councils.

Table 5 - LGSCO Decisions made concerning 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
0	2	22	28	4	13	69	76%	68%

4.10 All customer feedback is important to the Council. In addition to 743 complaints, the Council's Complaints Team also recorded 133 compliments.

4.11 The Complaints Team also recorded 1,379 service requests, 366 concerns and 37 comments; the Complaints Team works with services to help resolve such contacts to customers' satisfaction at the earliest opportunity to prevent escalation.

5 Improving the Complaints Service

5.1 The Complaints Team is constantly striving to improve its performance and has taken a range of actions in order to demonstrate progress. These actions are set out below:

- The Complaints Team arranged for the LGSCO to provide a training session to staff members that regularly deal with complaints; it is intended to arrange this training session again in Q4 of 2022-23
- Templates for complaint responses have been reviewed and issued to staff that investigate complaints
- A guide to investigations and responses has been devised and issued to staff that investigate complaints
- Quality checks of responses drafted by services and by the Complaints Team continue to be undertaken and feedback provided
- Representatives from the Complaints Team attend the North West Complaints Forum where good practice is shared
- Representatives from the Complaints Team continue to attend workshops/conferences organised by the LGSCO
- A review of upheld LGSCO cases has been completed by the Complaints Team and meetings will be arranged with involved services to see if any further learning can be taken forward
- The Complaints Team is reviewing its reporting alongside the Performance Improvement Team to help ensure complaints information, including key trends and service improvements, is readily available

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- The Complaints Team attends quality improvement meetings and customer experience meetings with Children's Social Care and Adult Social Care services and shares information regarding complaints
 - The Complaints Team has been working with the Executive Director for Place and Economic Growth to improve responsiveness to complaints received about the directorate

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 Although the figure should not be treated in isolation, a relatively low number of complaints and enquiries were received by the LGSCO in relation to Oldham Council in 2021/22; the Council's complaint responses readily include information regarding the LGSCO and as such, the Complaints Team is satisfied that complainants are aware of their rights to escalate their concerns to the LGSCO should they remain dissatisfied with the Council's response.
- 7.2 Along with the majority of other GM Authorities, Oldham Council has seen an increase in the number of upheld decisions and the upheld rate in 2021-22. The Complaints Team aims to reduce the percentage of complaints that are upheld by the LGSCO and will continue to work with services to provide good quality responses to residents at the earliest opportunity.

8.0 Recommendation

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

9 Appendices

- 9.1 Appendix 1 - Oldham Council Annual Review Letter 2022

20 July 2022

By email

Ms Wilkins
Chief Executive
Oldham Metropolitan Borough Council

Dear Ms Wilkins

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

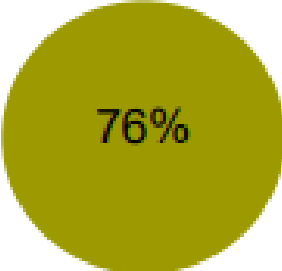
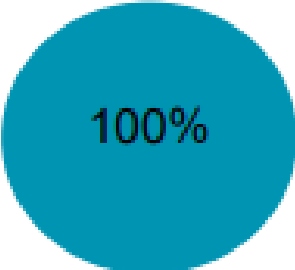
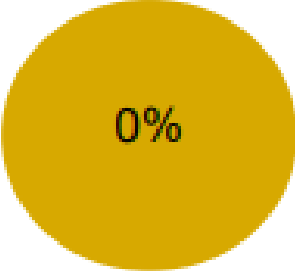
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

We were pleased to deliver three online complaint handling courses to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld		
	<p>76% of complaints we investigated were upheld.</p> <p>This compares to an average of 68% in similar organisations.</p>	<p>13 upheld decisions</p> <p>Statistics are based on a total of 17 investigations for the period between 1 April 2021 to 31 March 2022</p>
Compliance with Ombudsman recommendations		
	<p>In 100% of cases we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of 100% in similar organisations.</p>	<p>Statistics are based on a total of 12 compliance outcomes for the period between 1 April 2021 to 31 March 2022</p>
<ul style="list-style-type: none">Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.		
Satisfactory remedy provided by the organisation		
	<p>In 0% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 11% in similar organisations.</p>	<p>0 satisfactory remedy decisions</p> <p>Statistics are based on a total of 13 upheld decisions for the period between 1 April 2021 to 31 March 2022</p>