

Report to Governance, Strategy and Resources Scrutiny Board

Local Government and Social Care Ombudsman Annual Review of Complaints 2022/23

Portfolio Holder: Councillor Abdul Jabbar MBE, Cabinet Member
for Finance and Corporate Resources

Officer Contact: Anne Ryans, Director of Finance
Paul Entwistle, Director of Legal Services

Report Author: Kirsty Adderley, Complaints Manager
Ext. 0161 770 0400

5 October 2023

Purpose of the Report

To update the Governance, Strategy and Resources Scrutiny Board about Council performance in relation to enquiries received from the Local Government and Social Care Ombudsman (LGSCO) in the financial year 2022/23

Executive Summary

The LGSCO received 59 complaints/ enquiries relating to Oldham Council in 2022/23, a slight increase from 55 in 2021/22. Despite the increase, the overall number of contacts the LGSCO received regarding Oldham remains relatively low.

In total, the LGSCO issued 53 decisions relating to Oldham Council in 2022/23. The majority of cases were not taken forward for detailed investigation but of the 6 cases that were taken forward, fault was found in 2 cases, giving an upheld rate of 33%.

The LGSCO's Annual Review showed that in 2022/23, the overall upheld rate for Metropolitan Authorities increased from 68% to 77%. However, Oldham Council's upheld rate reduced significantly from 76% to 33%. On average, Greater Manchester (GM) Authorities had an average upheld rate of 70%.

Recommendations

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

Local Government and Social Care Ombudsman Annual Review of Complaints 2022/23

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, Adults Social Care complaints 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.

1.3 Each year, the results of the LGSCO Annual Review of Complaints and the Council's performance in this regard is submitted for scrutiny. It is the role of the Governance, Strategy and Resources Scrutiny Board to consider this information and this meeting is the first available meeting to consider this information.

2 National Perspective

2.1 In July 2023, the LGSCO published the Annual Review of Complaints for 2022/23. The review highlighted that nationally, the number of complaints the LGSCO received had reduced from 15,826 in 2021/22 to 15,488 in 2022/23. Of the complaints considered by the Ombudsman in the year, the response was agreed as follows:

- in 5,714 cases after an initial check of information;
- in 6,015 cases following an initial investigation; and
- in 4,089 cases following a detailed investigation. Of those cases that were subject to a detailed investigation, 3,035 complaints were ultimately upheld.

2.2 The Annual Review of Complaints highlights that the LGSCO has been prioritising cases where it is in the public interest to investigate and explains that fewer investigations have been carried out into 'borderline' issues. As a result, a higher proportion of complaints have been upheld nationally (74%).

2.3 The report showed that in 2022/23, the upheld rate for Metropolitan Authorities increased from 68% to 77%.

2.4 The LGSCO's upheld rate increased across all service areas but most notably there was an increase in the percentage of complaints upheld regarding Benefits and Taxation (an increase from 59% in 2021/22 to 79% in 2022/23).

2.5 The LGSCO continued to uphold the highest proportion of complaints in relation to Education and Children's Services (84%).

- 2.6 The LGSCO advises that compliance with recommendations remains high and commends Local Authorities for their commitment to significant service changes.
- 2.7 The LGSCO has stressed the importance of investment in complaint functions in order to attend to the experience of residents and achieve good outcomes.
- 2.8 The LGSCO is working with the Housing Ombudsman to produce a joint complaint handling Code of Practice, which will provide a standard for Local Authorities to work to. The LGSCO aims to consult on the Code and its implications later in the year.
- 2.9 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 in handling complaints. This is 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>
- 2.10 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.
- 2.11 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 2021/22 and 2022/23.

Table 1 – GM Authorities 2021/22 and 2022/23 - Total Complaints and Enquiries Received by the LGSCO

Authority	Complaints and Enquiries 2021/22	Complaints and Enquiries 2022/23
Rochdale	30	54
Oldham	55	59
Trafford	75	60
Wigan	62	62
Tameside	74	63
Bolton	66	64
Stockport	97	65
Bury	68	72
Salford	63	78
Manchester	134	148
Total	724	725
Average	72	73

- 3.2 The number of enquiries/ complaints received by the LGSCO regarding Oldham Council continues to be low compared to other GM Authorities as highlighted in Table 1.
- 3.3 The LGSCO receives and decides some cases in different business years; as such, the decisions issued in 2022/23 will relate to some complaints the LGSCO received in 2022/23 and some it received in previous years.
- 3.4 Five of the ten GM Authorities saw an increase in the number of upheld cases in 2022/23. There was a significant decrease in the number of upheld cases against Oldham, with 2 upheld decisions being issued compared to 13 in 2021/22. Oldham Council saw the lowest number of upheld decisions out of all GM Authorities.
- 3.5 Six of the ten GM Authorities saw an increase in the percentage of cases being upheld following detailed investigation by the LGSCO. In comparison, Oldham Council saw a significant decrease in its upheld rate, with its upheld rate of 33% being the lowest out of all GM Authorities.

Table 2 – GM Authorities - Upheld Cases 2022/23

Authority	Number Investigated	Number of Cases Not Upheld	Number of Cases Upheld	Upheld Rate %
Oldham	6	4	2	33
Rochdale	8	5	3	38
Manchester	36	14	22	61
Trafford	21	7	14	67
Salford	9	2	7	78
Tameside	19	4	15	79
Wigan	15	3	12	80
Stockport	22	3	19	86
Bury	25	3	22	88
Bolton	18	1	17	94
Total	179	46	133	704
Average	18	5	13	70

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 Council is willing to take responsibility when things go wrong and work with residents to resolve the issue appropriately.
- 4.2 In 2022/23, Oldham Council saw a decrease in both the number of upheld cases and the overall upheld rate. Oldham Council's upheld rate was 33%; in its Annual Review of Complaints, the LGSCO highlighted that nationally, the average upheld rate for Metropolitan Authorities was 77% and when looking at GM Authorities, the average upheld rate was 70%.
- 4.3 Table 3 below shows the services against which decisions were issued following detailed investigation by the LGSCO.

Table 3 – Oldham Council Upheld Cases 2022/23

Service	Number of Cases upheld	Number of Cases not upheld
Children’s Services	1	1
Adult Social Care	1	1
Highways	0	1
Housing	0	1
Total	2	4

- 4.4 Of the upheld decisions, 1 related to a school admission appeal hearing held in the year 2022/23 and 1 related to an Adult Social Care complaint that was responded to by the Council in 2021/22.
- 4.5 The LGSCO is satisfied that the Council has implemented the recommendations it made in both cases (100%).
- 4.6 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 2022/23. It should be noted that not all complaints and enquiries received by the LGSCO progressed to the detailed investigation stage.

Table 4 - The Number of LGSCO Enquiries and Oldham Council Complaints 2022/23

Oldham Council Complaints	Complaints received by Oldham Council in 2022/23	Complaints/enquiries received by the LGSCO
Number	543	59
Percentage	100%	11%

- 4.7 A snapshot of the decisions made by the LGSCO in respect of Oldham Council is set out at Table 5.

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
4	2	23	18	4	2	53	33%	77%

- 4.8 All customer feedback is important to the Council. In addition to 543 complaints, the Council’s Complaints Team also recorded 161 compliments.
- 4.9 In addition, the Complaints Team recorded 2,252 service requests, 109 Children’s Services representations and 18 safety/ safeguarding concerns; 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 has developed a training package (delivered in the form of a briefing session) for staff that are involved in investigating and responding to complaints. This briefing session has been well received so far. The Complaints Team will continue to roll out the briefing session to all relevant staff in the coming months.
- Quality checks of responses drafted by services and by the Complaints Team continue to be undertaken and feedback provided.
- Representatives from the Complaints Team continue to 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.
- The Complaints Manager regularly attends Quality Improvement Group meetings for Children's Social Care.
- The Complaints Manager regularly attends Customer Experience meetings for Adult Social Care.
- The Complaints Team produces regular update reports for services to help improve timeliness and provide an oversight of ongoing complaints for senior managers.
- Where focus reports are issued by the LGSCO, the Complaints Team works with relevant Directors to identify possible implications for the Council.

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 / enquiries were received by the LGSCO in relation to Oldham Council in 2022/23. Additionally, both the number of upheld cases and the upheld rate have reduced and these figures are lower than average for similar Authorities, both nationally, and across Greater Manchester.

7.2 The Complaints Team will continue to work with services in order to provide good quality responses to residents at the earliest opportunity.

8.0 Recommendation

8.1 It is recommended that Governance, Strategy and Resources Scrutiny Committee considers the report and comments as appropriate.

9 Appendices

9.1 Appendix 1 - Oldham Council Annual Review Letter 2023

Local Government &
Social Care
OMBUDSMAN

19 July 2023

By email

Mr Catherall
Chief Executive
Oldham Metropolitan Borough Council

Dear Mr Catherall

Annual Review letter 2022-23

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 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. 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.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

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.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

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 were satisfied 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 26 July 2023. 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

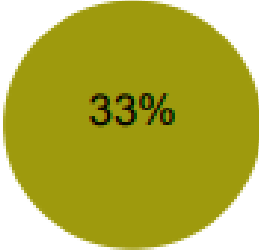
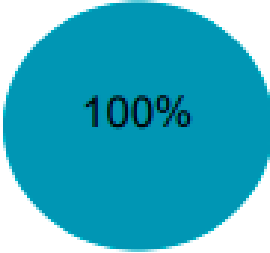
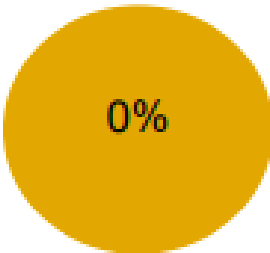
I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Paul Najsarek
Interim Local Government and Social Care Ombudsman
Interim Chair, Commission for Local Administration in England

Complaints upheld		
	<p>33% of complaints we investigated were upheld.</p> <p>This compares to an average of 77% in similar organisations.</p>	<p>2 upheld decisions</p> <p>Statistics are based on a total of 6 investigations for the period between 1 April 2022 to 31 March 2023</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 99% in similar organisations.</p>	<p>Statistics are based on a total of 2 compliance outcomes for the period between 1 April 2022 to 31 March 2023</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 10% in similar organisations.</p>	<p>0 satisfactory remedy decisions</p> <p>Statistics are based on a total of 2 upheld decisions for the period between 1 April 2022 to 31 March 2023</p>