

Report to Governance, Strategy and Resources Scrutiny Board

Local Government and Social Care Ombudsman Annual Review of Complaints 2023/24

Portfolio Holder:

Councillor Peter Dean, Cabinet Member for Thriving Communities and Culture

Officer Contact:

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Report Author:

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31 July 2024

Overview

The purpose of this report to the Governance, Strategy and Resources Scrutiny Board is to share information regarding the key findings from the Annual Review Letter from the Local Government and Social Care Ombudsman (LGSCO) and to set out the actions we will take to evaluate and learn from the findings from the letter, in addition to the LGSCO's review report due on 24 July 2024.

A more detailed report will be presented at the next meeting in October 2024 with findings and actions to drive improvements as part of our commitment to work with a resident focus once the Council is able to access and review benchmarking data outlined in the Local Government Complaints 2023/24 report.

Recommendations

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

Members are asked to consider any further actions or potential service improvements.

1. Background

- 1.1 Oldham Council welcomes feedback from residents regarding the services it provides. Where complaints are raised, the Council is committed to making robust enquiries in order to establish whether anything could and should have been done differently. Responding to complaints in a fair, open and honest manner, and looking to improve services where problem are identified, is central to the way the Council works with a resident focus.
- 1.2 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
- 1.3 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.
- 1.4 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.
- 1.5 On 17 July 2024, the LGSCO issued its Annual Review Letter to Oldham Council. The Annual Review Letter provides a brief overview of the Council's performance in respect of enquiries received from the LGSCO in the financial year 2023/24.
- 1.6 Further information to allow benchmarking with other Greater Manchester Local Authorities, as well as the LGSCO's Review of Local Government Complaints 2023/24 report, has not yet been published. The LGSCO's review report will include key trends and statistics regarding the types of complaints being investigated and upheld nationally, which will allow for further analysis of Oldham's complaints and performance.

2. Overview of the Ombudsman's Annual Review Letter

- 2.1 During the period 1 April 2023 to 1 April 2024, the LGSCO completed 14 investigations in relation to Oldham Council.
- 2.2 Following these investigations, the LGSCO upheld 12 cases and found 2 to not be upheld, giving an uphold rate of 86%. This compares to an average uphold rate of 80% in similar organisations.
- 2.3 In 42% of upheld cases, Oldham Council had already provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 14% in similar organisations.

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- 2.4 Where the LGSCO upholds a complaint, it will often make recommendations to put things right or help to prevent similar situations arising in the future. Oldham Council complied with 100% of the recommendations put forward by the LGSCO. This compares to an average of 99% in similar organisations.
 - 2.5 Over the last 2 financial years (2022/23 and 2023/24), the average uphold rate for Oldham Council has been 70%. This compares to an average of 78.5% in similar organisations.
 - 2.6 Over the last 2 financial years, Oldham Council has identified satisfactory remedies in 21% of upheld cases before they have reached the LGSCO. This compares to an average of 12% in similar organisations.
 - 2.7 Overall, although the uphold rate has increased for Oldham Council in 2023/24, this upward trend has been seen across similar organisations. When looking at the Council's performance over the last 2 years, the uphold rate is below average and the percentage of cases whereby the Council has identified suitable remedies through the its own complaints process is above average.

3. Next steps

- 3.1 A review of benchmarking data and the LGSCO's Review of Local Government Complaints 2023/24 report will be undertaken once this information is published. A more in depth report will be provided to the Governance, Strategy and Resources Scrutiny Board at October's meeting following this.

Service Improvements

- 3.2 The Complaints Team has recently moved directorates to the Assistant Chief Executive and sits within the Customer and Digital Experience service. The following service improvements are in delivery to improve the timeliness and quality of complaint responses.
- 3.3 The Complaints Team has recently produced new training materials for staff investigating and responding to complaints to help ensure high quality responses and fair outcomes are provided to residents. Training sessions have been provided to Adult Social Care and Children's Social Care staff, whereby the Council has a statutory duty in respect of complaints. Training sessions are due to be rolled out to colleagues in corporate services during quarter 2 of 2024/25.
- 3.4 The Complaints Team is also working with services to provide more frequent reports, moving from monthly to weekly reporting in respect of 'ongoing' complaints, with a view to promote the provision of timely responses to residents. This will be in place from August. Regular updates will also be provided to Management Board to identify services providing timely responses and where more focus is needed.
- 3.5 In addition, work is ongoing to review processes and systems within the Complaints Team, to ensure the team focus on effective complaint resolution focussing on quality and timeliness of responses and identification of service improvements.

4. Recommendations

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

4.2 Members are asked to consider any further actions or potential service improvements for the service to consider.

5. Appendices

5.1 Appendix 1 - Oldham Council Annual Review Letter 2023



17 July 2024

By email

Mr Catherall
Chief Executive
Oldham Metropolitan Borough Council

Dear Mr Catherall

Annual Review letter 2023-24

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 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will 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 ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

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. This year, we also provide the number of upheld complaints per 100,000 population.

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 give credit to 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 24 July 2024. 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.

Your organisation's performance

I welcome that your Council agreed to, and implemented, the recommendations we made in five cases during the year. However, it is disappointing that in four of those cases recommendations were not completed within the agreed timescales.

While I acknowledge the pressures councils are under, delays only add to complainants' frustration and, where service improvements remain outstanding, the risk of others being affected by the same fault remains. We share recommendations at the draft decision stage of our process and often propose a time period within which we expect any actions to be completed. It is important your Council engages fully with that process and is realistic in either confirming or seeking to negotiate the timeframe required to complete the actions.

I invite the Council to consider how it might reduce delays in complying with agreed recommendations in the current year.

Supporting complaint and service improvement

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

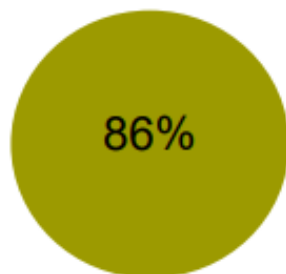
Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



86% of complaints we investigated were upheld.

This compares to an average of **80%** in similar organisations.

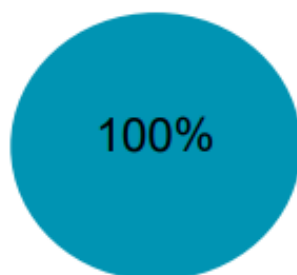
12
upheld decisions

This is 4.9 upheld decisions per 100,000 residents.

The average for authorities of this type is 4.4 upheld decisions per 100,000 residents.

Statistics are based on a total of **14** investigations for the period between 1 April 2023 to 31 March 2024

Compliance with Ombudsman recommendations



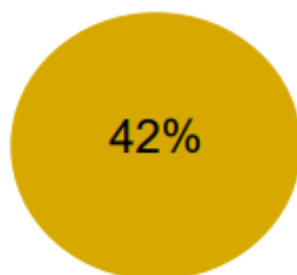
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **5** compliance outcomes for the period between 1 April 2023 to 31 March 2024

- 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



In **42%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **14%** in similar organisations.

5
satisfactory remedy decisions

Statistics are based on a total of **12** upheld decisions for the period between 1 April 2023 to 31 March 2024