

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: Fran Lautman, Head of Customer and Digital Experience and Alex Bougatef, Interim Assistant Director of Legal Services

Report Author: Kirsty Adderley, Complaints Manager

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Executive Summary

At the end of the Council's corporate, Adult Social Care and Children's Social Care complaint processes, residents can approach the Local Government and Social Care Ombudsman (LGSCO) if they are dissatisfied with the outcome of their complaint. Each year, the LGSCO provides an annual review of Local Authorities' performance.

In 2023/24, the LGSCO received 71 complaints/ enquiries relating to Oldham Council, an increase from 59 in 2022/23. Despite the increase, the overall number of contacts the LGSCO received regarding Oldham Council remains relatively low when compared to the number of contacts the Complaints Team receives from residents.

In total, the LGSCO issued 72 decisions relating to Oldham Council in 2023/24. The majority of cases were not taken forward for detailed investigation but of the 14 cases that were taken forward, fault was found in 12 cases, giving an upheld rate of 86%. Out of the 12 upheld cases, Oldham Council had already identified a suitable remedy in 42%, a good indication that the Council is receptive of feedback and identifies appropriate ways to put things right.

The LGSCO's Annual Review showed that in 2023/24, the overall upheld rate for similar authorities nationally was 80%, and across the Greater Manchester authorities, the average upheld rate was 85%.

Recommendations

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

Local Government and Social Care Ombudsman Annual Review of Complaints 2023/24**1 Background**

1.1 The Council handles 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, Adult 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 review cases where the Council and the complainant still do not agree after the Local Authority's complaints procedure has been exhausted.

1.3 Each year, the results of the LGSCO's 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.

2 Current Position**National Perspective**

2.1 In July 2024, the LGSCO published the Annual Review of Complaints for 2023/24. Nationally, the review highlighted a rise in the number of complaints reaching the LGSCO, and upheld decisions.

2.2 Nationally, the number of complaints the LGSCO received increased from 15,488 in 2022/23 to 17,937 in 2023/24.

2.3 The LGSCO completed 4,003 investigations and upheld 3215 in 2023/24. This compares to 4,089 investigations and 3,035 upheld decisions in 2022/23.

2.4 Nationally, the upheld rate for similar authorities to Oldham Council increased to 80%.

2.5 The LGSCO highlighted 3 key areas; Education and Children's Services, which made up 26% of all complaints and enquiries received, Housing, which made up 14% of complaints and enquiries received and Adult Social Care, which made up 14% of complaints and enquiries received.

2.6 92% of Education complaints were upheld. The key issues highlighted were failures by Councils to carry out Education, Health and Care (EHC) Plan assessments and reviews in good time, not providing the support stated in EHC Plans and parents not receiving adequate information about what is happening to provide for their child's needs.

2.7 84% of complaints about Housing were upheld. The key issues highlighted were residents being denied access to housing registers, incorrect bandings, delays in reviewing and assessing housing needs, failure to accept duties in respect of homelessness, suitability

of temporary accommodation and delays in Councils responding to issues when they are raised.

- 2.8 In respect of Adult Social Care, 80% of complaints were upheld. The key issues were delays in the assessment of residents' needs, a failure to put the individual at the heart of the process and in communicating with them, and their families, effectively.
- 2.9 The LGSCO published 27 Public Interest Reports in 2023/24, none of which were in relation to Oldham Council.
- 2.10 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>.
- 2.11 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.
- 2.12 The upheld rate (i.e. how often fault is found when a complaint is investigated), the proportion of suitable remedies identified and compliance rates are all factors to take into consideration.

Regional Perspective

- 2.13 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 2023/24 and 2022/23.
- 2.14 Tables 2 and 3 show a comparison of the number of upheld complaints and upheld rates for GM Authorities.

Table 1 – GM Authorities - Total complaints and enquiries received by the LGSCO 2023/24 and 2022/23

Authority	Complaints and enquiries 2023/24	Complaints and enquiries 2022/23	2 year average complaints and enquiries
Tameside	55	63	59
Bolton	59	64	62
Rochdale	60	54	57
Wigan	63	62	63
Trafford	69	60	65
Oldham	71	59	65
Stockport	75	65	70
Salford	75	78	77
Bury	78	72	75
Manchester	163	148	156

Total	768	725	747
Average	76.8	73	75

Table 2 – GM Authorities - Upheld cases 2023/24

Authority	Number Investigated	Number of Cases Not Upheld	Number of Cases Upheld
Rochdale	6	1	5
Wigan	8	0	8
Trafford	13	4	9
Bolton	10	1	9
Tameside	12	2	10
Salford	11	0	11
Stockport	16	5	11
Oldham	14	2	12
Bury	26	3	23
Manchester	31	7	24
Total	147	25	122
Average	15	3	12

Table 3 – GM Authorities - Upheld rates 2023/24 and 2 year averages

Authority	2023/24 uphold rate (%)	2 year average uphold rate (%)	2023/24 upheld cases per 100,000 people	2 year average upheld cases per 100,000 people
Trafford	69%	68%	3.9	4.9
Stockport	69%	78%	3.7	5.1
Manchester	77%	69%	4.2	4.1
Rochdale	83%	61%	2.2	1.8
Tameside	83%	81%	4.3	5.4
Oldham	86%	60%	4.9	2.9
Bury	88%	88%	11.8	11.6
Bolton	90%	92%	3	4.4
Wigan	100%	90%	2.4	3
Salford	100%	89%	4	3.3
Average	85%	78%	4.44	4.65

2.15 Seven of the ten GM Authorities saw an increase in the number of complaints and enquiries made to the LGSCO.

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- 2.16 The LGSCO receives and decides some cases in different business years; as such, the decisions issued in 2023/24 will relate to some complaints the LGSCO received in 2023/24 and some it received in previous years.
- 2.17 Five of the ten GM Authorities saw an increase in the number of upheld cases in 2023/24 and six saw an increase in the percentage of cases being upheld following detailed investigation by the LGSCO.
- 2.18 The average upheld rate for Greater Manchester authorities was 85%.
- 2.19 The LGSCO has released a new statistic as part of this year's annual review. It is a measure of the number of upheld cases per 100,000 people. The average was 4.44 upheld cases per 100,000 across Greater Manchester for 2023/24.

Local Perspective

- 2.20 The number of enquiries/ complaints received by the LGSCO regarding Oldham Council has increased since 2022/23, as is the case with most GM Authorities.
- 2.21 The majority of contacts regarding Oldham Council related to Education and Children's Services (18 contacts) and Adult Social Care (15 contacts).
- 2.22 There were increases in contacts about Education and Children's Services (increase from 15 to 18), Benefits and Tax (increase from 4 to 8), Housing (increase from 4 to 7), Corporate Services (increase from 3 to 6), Highways and Transport (increase from 4 to 5) and Planning and Development (increase from 4 to 5).
- 2.23 Oldham Council saw both an increase in the number of upheld decisions and upheld rate when compared with 2022/23. However, there were several decisions that were issued in April 2024, relating to investigations that commenced in the financial year 2022/23. This means a lower upheld rate for 2022/23 and a higher rate for 2023/24. When looking at the 2 year average, Oldham Council has the second lowest number of upheld decisions (14 decisions) and the lowest upheld rate out of the Greater Manchester authorities (60%).
- 2.24 Oldham Council's rate of upheld decisions per 100,000 people was 4.9 for 2023/24 but its 2 year average is 2.9, compared to an average of 4.65 across GM Authorities.
- 2.25 The LGSCO also monitors the proportion of upheld cases whereby Local Authorities have already identified suitable outcomes/ remedies as part of their own complaint processes. In 42% of the upheld cases decided by the Ombudsman in 2023/24, Oldham Council had already identified a suitable outcome/ remedy. This is the highest rate across GM Authorities and compares to a national average of 14% and GM average of 16%.
- 2.26 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, and the proportion of cases whereby a suitable remedy has already been offered before the case reaching the LGSCO, suggests that Oldham Council is willing to take responsibility when things go wrong and work with residents to resolve the issue appropriately.
- 2.27 Table 4 below shows the services against which decisions were issued following detailed investigation by the LGSCO.

Table 4 – Oldham Council investigations and upheld cases 2023/24

Service	Number of investigations	Number of cases upheld	Number of cases not upheld
Adult Social Care	5	5	0
Revenues	2	2	0
Children's Services	2	1	1
Highways	2	1	1
Housing	1	1	0
Environmental Health	1	1	0
Planning	1	1	0
Total	14	12	2

2.28 There has been an increase in the number of investigations and upheld cases against Adult Social Care (an increase from 1 upheld decision to 5). Increases can also be seen regarding Revenues (increase from 0 upheld decisions to 2), Highways (increase from 0 upheld decisions to 1), Environmental Health (increase from 0 upheld decisions to 1) and Planning (increase from 0 upheld decisions to 1).

2.29 Further information on the upheld cases can be found in the table below.

Table 5 – Issues identified as part of LGSCO investigations

Service	Outcome	Summary of identified issue
Adult Social Care	Upheld	Regarding a fall at a residential home
Adult Social Care	Upheld	Regarding a financial assessment and delay in updating a resident's care and support plan
Adult Social Care	Upheld	Regarding a financial assessment
Adult Social Care	Upheld	Regarding an Approved Mental Health Practitioner assessment
Adult Social Care	Upheld (already remedied)	Regarding a delay in obtaining information from a third-party organisation, as agreed with a resident

Children's Social Care	Upheld	Regarding signposting to Stage 2 of the statutory Children's Social Care complaints process
Environmental Health	Upheld (already remedied)	Regarding the content of an email sent to a resident
Highways	Upheld (already remedied)	Regarding delays in communication
Housing	Upheld	Regarding delays in considering a prosecution under the Protection from Eviction Act
Planning	Upheld	Regarding consideration of a planning application
Revenues	Upheld (already remedied)	Regarding procedural issues in relation to debt collection
Revenues	Upheld (already remedied)	Regarding delays in processing information and lack of clarity in written correspondence

2.30 The LGSCO made recommendations in respect of 5 cases and is satisfied that the Council implemented all recommendations put forward. However, it has highlighted that in 4 cases, the recommendations were made outside of the stipulated timeframe.

2.31 Through the Council's own complaints process, and following the outcomes of the LGSCO's investigations, the following actions have been taken, or are in progress, to help reduce the risk of the issues complained of occurring again in the future:

- The findings of LGSCO decisions have been shared with management from relevant services in order learning can be considered and shared.
- A review of the non-residential charging policy and accompanying staff guidance within Adult Social Care is ongoing.
- A range of booklets providing information on Adult Social Care charges has been produced.
- The local policy for Approved Mental Health Practitioners has been reviewed and training has been provided to relevant staff.
- The s117 policy has been reviewed alongside colleagues from Pennine Care NHS Foundation Trust.
- The Revenues service has ensured that relevant staff are aware of when to accept payment arrangements and signpost for additional support.
- Staff within the Revenues service have also been reminded of the process to follow when residents request that their call is escalated.
- The Housing service has refreshed training to ensure staff are aware of relevant policies, procedures and timescales.
- The Revenues service has revised wording in standard correspondence to provide greater clarity regarding the cancellation of summons costs.

2.32 Table 6 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 2023/24. It should be noted that not all complaints and enquiries received by the LGSCO progressed to the detailed investigation stage.

Table 6 - The number of LGSCO enquiries and Oldham Council complaints 2023/24

Oldham Council complaints	Complaints received by Oldham Council in 2023/24	Complaints/enquiries received by the LGSCO
Number	398	71
Percentage	100%	18%

2.33 A snapshot of the decisions made by the LGSCO in respect of Oldham Council is set out at Table 7.

Table 7 - 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 (nationally)
2	1	31	24	2	12	72	86%	80%

2.34 All customer feedback is important to the Council as part of our commitment to work with a resident focus. In addition to 543 complaints, the Council’s Complaints Team also recorded 175 compliments.

2.35 Furthermore, the Complaints Team recorded 1,760 service requests, 89 Children’s Services representations and 1 safety/ safeguarding concern; the Complaints Team works with services to help resolve such contacts to customers’ satisfaction at the earliest opportunity to prevent escalation.

Improvements

2.36 The Complaints Team has recently undergone a service review during summer 2024 to help ensure the team, and the services it supports, are best able to work with a resident focus. As a result of this, a number of potential changes to processes and systems have been recommended, with new processes to be implemented during quarter 3 of 2024/25.

2.37 The Complaints Team has worked closely with the Customer Support Centre to identify ways in which the non-complaint related contact it receives can be re-directed to the most appropriate place. This piece of work is ongoing and it is hoped that this will free-up capacity within the Complaints Team in order it can focus on complaint related tasks.

2.38 Training on investigating and responding to complaints has been delivered and continues to be rolled out across services. The training now includes a section on what is expected in terms of LGSCO responses in order to help ensure timely responses and remedy completion.

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- 2.39 The frequency of complaint progress reports has increased from monthly to weekly to ensure services have an increased understanding of the complaints that have been received and outstanding actions.
 - 2.40 Work is ongoing with Strategy and Performance to implement a complaints dashboard to identify trends and to highlight the timeliness of responses.
 - 2.41 Quality checks of responses drafted by services continue to be undertaken and feedback provided.
 - 2.42 Representatives from the Complaints Team continue to attend the North West Complaints Forum where good practice is shared.
 - 2.43 Representatives from the Complaints Team continue to attend available workshops and conferences organised by the LGSCO to ensure we remain up to date with policy and guidance.
 - 2.44 Representatives from the Complaints Team attend Quality Improvement Group meetings for Children's Social Care and Customer Experience meetings for Adult Social Care.

Further information

- 2.45 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.
- 2.46 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>.

Conclusion

- 2.47 Although there has been an increase in the number and proportion of upheld complaints, there were a number of cases which crossed over into the 2023/24 period, meaning a lower rate for 2022/23 and higher rate for 2023/24. When looking at the 2 year average, Oldham Council is performing well and figures indicate that it is receptive of feedback and willing to put things right where issues arise.
- 2.48 The Complaints Team will continue to work with services in order to progress the recommended improvements to processes in order to ensure a high-quality complaints service is provided to the residents of Oldham.

Recommendation

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

3 Appendices



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.

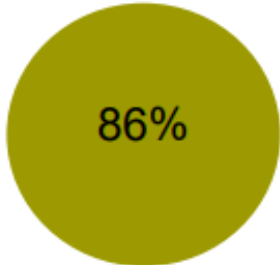
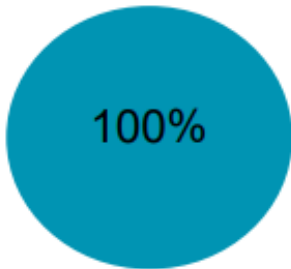
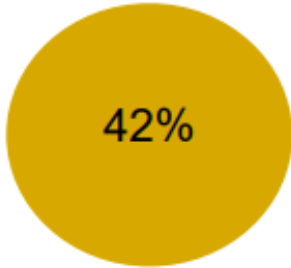
Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 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		
	<p>86% of complaints we investigated were upheld.</p> <p>This compares to an average of 80% in similar organisations.</p>	<p>12 upheld decisions</p> <p>This is 4.9 upheld decisions per 100,000 residents.</p> <p>The average for authorities of this type is 4.4 upheld decisions per 100,000 residents.</p> <p>Statistics are based on a total of 14 investigations for the period between 1 April 2023 to 31 March 2024</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 5 compliance outcomes for the period between 1 April 2023 to 31 March 2024</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 42% 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 14% in similar organisations.</p>	<p>5 satisfactory remedy decisions</p> <p>Statistics are based on a total of 12 upheld decisions for the period between 1 April 2023 to 31 March 2024</p>