

***Review of Local
Government
Complaints
2021-22***

July 2022

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Ombudsman's foreword



I am pleased to present our Review of Local Government Complaints for 2021-22.

Following disruption to our casework during 2020, the volume of our work returned to pre-pandemic levels and our complaint statistics for 2021-22 tell us:

- > We continue to uphold around two thirds of complaints we investigate
- > Complaints we investigate about Education and Children's Services have the highest uphold rate (77%)
- > We are recommending more service improvements than ever before, with 1,848 recommendations focused on policies, procedures and staff training

- > We issued 43 public interest reports about local authorities. Three quarters of which were about Education and Children's Services and Adult Care Services.
- > Compliance with our recommendations was at 99.7%

I am reassured to see that compliance with our recommendations remains high, signalling the system of redress we operate in is in good health. While it can sometimes be challenging to achieve compliance with our recommendations we cannot, and do not want to, override the local democratic process. Elected members play a significant role and are vital to the integrity of the process. I have been encouraged by several examples during the year of councillors holding officer decisions to account and striving to achieve the best outcomes for the people they represent.

While a small minority of councils failed to implement recommendations, a larger number failed to consistently complete recommendations within the timescales they had agreed.

Although we know delays can happen for a range of reasons, I encourage authorities to pay close attention to this final, but crucial, step in the complaints process; doing what you have agreed to do on time can help to rebuild complainants' trust and confidence after things have gone wrong. Additionally, delay in implementing our service improvement recommendations leaves authorities at risk of repeated failings. A complaint is not closed until the remedy is delivered; invest the time in this last step and keep sight of both the person and the opportunity to improve.

“

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Despite this concern, I am often impressed by authorities' commitment to significant service changes and reviews that ensure others will not be similarly affected by the faults our investigations uncover. Later in this report, I have detailed case examples that demonstrate authorities' commendable approach. I hope others can learn from the added value these councils are gaining from their complaints.

We have kept a close eye on our casework and the impact the pandemic has had on complaints and authorities' ability to respond to them. We issued a [report on our findings](#) earlier in the year and concluded that, overall, councils adapted well in the challenging circumstances with few issues uniquely attributable to the pandemic.

We did, however, find existing concerns were exacerbated, including the capacity of complaints teams to deliver a responsive, high-quality service. It is with this concern in mind that we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. I am often asked what 'good' looks like in complaint handling and this code will offer a clear framework for authorities to work within and measure themselves against. We will keep you updated as this work develops.

Alongside this report, we publish our complaints data at local authority level, and upload annual data to the [your council's performance map](#). Now with four years' worth of data on councils' complaint outcomes and commitments to improve, I encourage you to take a look at how your authority is performing.



Michael King
Local Government and
Social Care Ombudsman
July 2022

Putting things right

2,231

cases with
recommendations to
put things right

15,826

complaints and
enquiries received

1,848

recommendations
to improve services
for everyone*

11%

upheld cases where
we agreed with the
authority's remedy

4,130

recommendations
to remedy
personal injustice*

** In many cases, we will recommend more than one type of remedy. For example, we may recommend an authority makes an apology, pays a sum of money, and reviews a policy or procedure.*

Compliance with recommendations

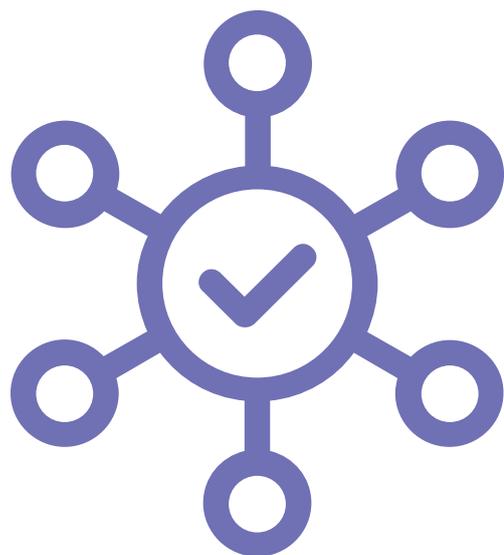


Our recommendations to put things right are non-binding and in most cases authorities agree to comply with our remedies.

We were satisfied with authorities' compliance with our recommendations in 99.7% of cases. But, in 18% of cases, compliance was not within the agreed timescales and was late. To ensure remedies are implemented on time, consider the following:

- > The timescales proposed for implementing recommendations at the draft decision stage to ensure they are achievable
- > Keep track and keep in touch; inform us of any delays
- > When a remedy is completed, let us know promptly and provide evidence
- > Apologies and payments to complainants should be simple to complete on time. Ensure your processes allow for swift action of these important remedies
- > The service improvement recommendations authorities agree to are reported publicly on our website; delay in implementation risks others being affected by the same fault.

There were seven cases where we were not satisfied that the authority had complied with our recommendations. When an authority fails to implement our recommendations, we can consider a range of actions, including issuing a public interest report and opening a new investigation into the authority's failure to provide the agreed remedy. Non-compliance is also reported publicly on our website.



Learning from complaints

Our casework provides a unique insight into the concerns of people who use local services. Where we identify recurrent problems across authorities, we will publish a [focus report](#) to feed back the learning from the complaints we investigate to the sector. These reports shine a spotlight on issues and help authorities to learn from others' mistakes and improve services. The reports also act as a useful tool for elected members; we include [suggested questions](#) councillors can use as part of their role to scrutinise services.

These were the topics we commented on during the year:

[Unprecedented pressure: Learning from complaints about council and care provider actions during the COVID-19 pandemic](#)



We look at the first 18 months of investigations to reveal how council and care providers coped with the unprecedented pressures and conclude the pandemic exposed fault lines that were already present.

While acknowledging the personal tragedies we heard, our investigations

did not suggest a systemic collapse of services, with evidence that councils and care providers pulled together under stress to maintain services as far as could be reasonably expected.

Authorities can use the report as a tool to help reflect and learn on how they worked differently during COVID.

[Help! Learning to improve council services for domestic abuse victims](#)



As councils take on more responsibility under the Domestic Abuse Act, we urge them to reflect on their practices and procedures using the lessons from our casework.

Issues highlighted include councils questioning victims' lived experiences and

downplaying the impact of the trauma they have endured, failing to work with other local services to keep victims safe, and leaving people at risk for longer than necessary.

Councils should use the learning from the report to drive action and improvement.

Decisions and reports

We are one of the only Ombudsman schemes to publish the decisions we make. We do this to share learning and be transparent.

Our decisions are published at www.lgo.org.uk/decisions and can be searched by theme, key word, category, decision outcome, date and organisation.

Cases that raise serious issues or highlight matters of public interest are given extra prominence and issued as public interest reports.

Our press releases highlight our public interest reports and can be found at www.lgo.org.uk/information-centre/news



Education & children's services

1,069 detailed investigations
77% upheld

21 published reports

[Birmingham City C:
Disabled Facilities Grant](#)

[LB Haringey: Disabled
Facilities Grant](#)

[Birmingham City C:
Education - Transport](#)

[LB Lewisham - Care of
Looked After Child](#)

[Birmingham City C:
Education - Transport](#)

[LB Redbridge: Education
- SEN provision and EHC
Plans](#)

[Bournemouth, Christchurch
and Poole Council:
Children's Services - Family
and Friends carers](#)

[Leeds City C: School
Admissions](#)

[Central Bedfordshire
Council: Education - SEND](#)

[Manchester City
C - Education - SEN
assessment and reviews](#)

[City of Wolverhampton
Council: Children's
Services - Adoption](#)

[Staffordshire CC:
Education - Transport](#)

[Devon CC: Education -
SEND](#)

[Staffordshire CC: Children's
Services - Leaving Care](#)

[Hertfordshire CC:
COVID-19](#)

[Staffordshire CC:
Education - SEN
assessments and reviews](#)

[Isle of Wight C: Education
- SEN provision and EHC
Plans](#)

[West Sussex CC:
Children's Services -
Adoption](#)

[LB Camden: Child
Protection](#)

[Wirral MBC: Education
SEN provision and EHC
Plans](#)

[LB Croydon: Children's
Services - Other](#)



Adult care services

990 detailed investigations
69% upheld

13 published reports

[Devon CC: Charging](#)

[LB Ealing: Safeguarding](#)

[Dudley MBC: Home care](#)

[Lincolnshire CC: Charging](#)

[Essex CC: Assessment](#)

[North Yorkshire CC:
Charging](#)

[Gloucestershire CC:
Assessment](#)

[Northumberland CC:
Charging](#)

[Kent CC: Assessment](#)

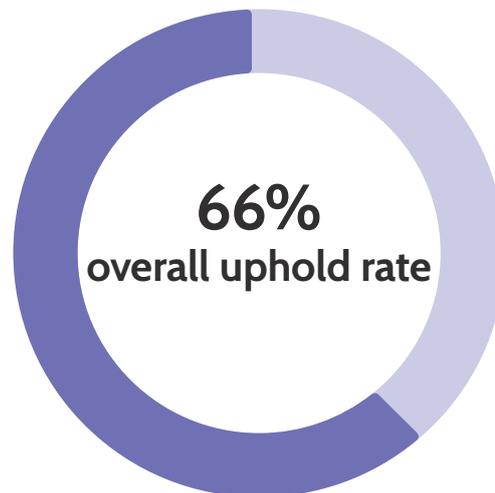
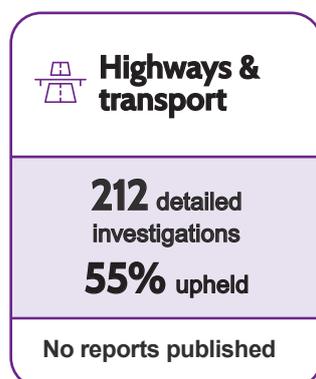
[Nottinghamshire CC:
Safeguarding](#)

[LB Bexley: Charging](#)

[Rotherham MBC:
Safeguarding](#)

[LB Croydon: Care plan](#)

Decisions and reports



The impact of a single complaint



A single complaint can make a difference to many people. During our investigations, we will assess if others could be affected by the same issue and recommend ways for services to improve. The most positive outcomes are achieved when authorities commit to our service improvements and the case summaries below are great examples of this. By sharing them here, we are giving all authorities the opportunity to learn and check their own practice in these areas.

Full details of these cases can be found by clicking on the links, or you can search the case reference numbers at www.lgo.org.uk/decisions



Fairer treatment of family foster carers

Case reference: [19 014 589](#)

Our investigation found that Bournemouth, Christchurch & Poole Council failed to properly consider an aunt and uncle as family foster carers meaning they missed out on the financial support they were entitled to.

We recommended, and the council agreed, to backdate fostering allowance for the couple as well as make payments for distress caused.

The council also agreed to consider complaints from other family carers who may have been disadvantaged in a similar way; as a result, a further six families received a remedy for the support they had missed out on.



**76% of Family
& Friends carers
complaints upheld**

“A further six families received a remedy for the support they missed out on.”

The impact of a single complaint



Housing register delay reduced
Case reference: [20 007 658](#)

An investigation into significant delay in processing an application to Birmingham City Council's housing register found the case was not an isolated event.

We found systemic delay, resulting in a wait time of up to 12 months for the council to deal with applications. The council agreed to our recommendations to apologise to the complainant and backdate the application. It also agreed to improve its service for future applicants by committing to an application processing time of four to six weeks and to reviewing its Housing Allocations Policy to ensure any delay by the council did not impact on an applicant's priority band date.

Within three months of our report the council reported it had succeeded in reducing the wait time to four months and was on course to achieve its goal.



**69% of housing
allocations
complaints upheld**

“Within three months the council reported it had reduced the wait time to four months and was on course to achieve its goal.”

The impact of a single complaint



Affordable care home placements offered

Case reference: [20 003 362](#)

Our investigation found that Dudley Metropolitan Borough Council failed to offer a care home placement within the personal budget it had set, leaving the complainant with no choice but to pay a third-party top-up fee.

The council agreed to apologise and refund the top-up fees paid. We also asked it to review its procedures to ensure people were always offered an affordable care home placement within their personal budget.

The council agreed and volunteered to make further improvements by carrying out staff training and procedural changes that would help avoid the same faults from recurring.

To determine if others had already been similarly affected, we asked the council to review other cases. As a result, it reimbursed a further 29 families.



81% of residential care complaints upheld

“We asked the council to review other cases.

“As a result, it reimbursed a further 29 families.”



The impact of a single complaint



Education for out of school pupils reviewed

Case reference: [19 018 501](#)

Our investigation found Central Bedfordshire Council failed to provide alternative education to a young boy who was unable to attend regular school, meaning he missed out on a year of education.

We recommended payments to the boy's family and a review of its policy for pupils out of school to ensure that decisions and actions about non-attendance are taken quickly, named officers are assigned to cases and alternative education provision is made available.

In light of the complaint, the council also agreed to review the cases of other pupils out of school who may have been similarly impacted.



**90% of Alternative
Provision complaints
upheld**

“The council also agreed to review the cases of other pupils who may have been similarly impacted.”

Raising the profile of complaints

Listening to public concerns is an essential component of a well-run, accountable authority that is committed to public engagement, learning and improvement. We encourage officers and elected officials to use the information we publish to determine the health of their local complaints system.

Complaints officers can use the range of information we publish to support their own complaint handling, learning from cases we have published and the remedies we have recommended. They can raise the profile of complaints in their authority by feeding relevant information into service areas, management teams and to elected members.

Elected members have important roles in scrutinising local performance and retain the final decision on whether to accept our non-binding remedies and service improvements. They can champion the voice of complainants and use local democratic processes to hold officers to account where appropriate.

Resources to use

- > Our [council performance map](#) places all our council complaint statistics in a single, interactive hub. It is a mine of searchable information and allows comparisons to be made between similar councils.
- > Each council page also includes our annual review letters, links to decisions we have made, public interest reports published, and every service improvement the council has agreed to make. Annual review letters of other authorities can be found here.
- > We also publish [data tables](#) providing complaints information at local authority level, which can be freely analysed and segmented.

What to look for

- > **Uphold rates** show the proportion of investigations in which we find some fault and can indicate problems with services. How does your authority compare against the national averages or other similar authorities?
- > **Offering a suitable remedy** for a complaint before it comes to us is a good sign your authority can accept fault and offer appropriate ways to put things right. How often does your authority do this, and how does it compare with others?
- > **Compliance rates** show the proportion of cases in which we are satisfied our recommendations have been implemented (based on the evidence authorities give us). Compliance below 100% is rare. Does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?
- > **Service improvement recommendations** show what your authority agrees to do to make things better for everyone. Do you track the service improvements your authority agrees to make? How are they being implemented, and their impact monitored?

We want authorities to operate, and benefit from, excellent complaint systems. Where support is needed to achieve this, we offer online complaint handling training.

To find out more visit www.lgo.org.uk/training.

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