

Cabinet

14 September 2023

Local Government & Social Care Ombudsman – Annual Review and Summary of Upheld Complaints

Recommendation

That Cabinet receives and comments on the annual review and summary of upheld complaints issued by the Local Government and Social Care Ombudsman in the financial year 2022/23.

1. Executive Summary

- 1.1 Each year the Local Government and Social Care Ombudsman (LGSCO) produces a review letter which contains a summary of statistics on the complaints made about the Council for the year ended 31 March.
- 1.2 The LGSCO's letter for 2022/23 is attached at Appendix 1 and provides more detail in relation to the themes identified by the upheld cases and action being taken. The LGSCO's letter focuses on three key areas: complaints upheld; compliance with Ombudsman recommendations; and satisfactory remedy provided by the organisation prior to the complaint reaching the LGSCO.
- 1.3 Between 1 April 2022 to 31 March 2023 the LGSCO made 63 decisions in respect of Warwickshire County Council. Of those 63 decisions, the LGSCO only decided to undertake a detailed investigation into 15 cases and of those 15 cases the LGSCO upheld 11 complaints, not upholding the remaining 4 complaints. In the same period there was a total of 4,335 cases raised on the Council's customer feedback system, Contact Us and therefore the proportion of customers that complain to the LGSCO compared to the total number of customer contacts is very small. The number of complaints investigated and upheld by the LGSCO in 2022/23 decreased compared to the previous financial year when there were 19 detailed investigations with 14 being upheld. Proportionally this means between 1 April 2022 to 31 March 2023, 73% of complaints about the Council which were investigated by the LGSCO were upheld, which is 7% less than in similar organisations (80%) during the same period.
- 1.4 The LGSCO noted that they have been more selective about the complaints they look at in detail, prioritising those where it is in the public interest to investigate. This has resulted in a general trend towards finding fault in a higher proportion of cases. It is positive that against this backdrop the Council has seen a decrease in the number of upheld cases compared to the previous year.

- 1.5 In respect of the 11 complaints referred to in the “Compliance with Ombudsman recommendations” section of the Annual Letter, it is worth pointing out that these are not necessarily the same complaints as the 11 complaints upheld by the LGSCO in the same period although some will be. This is because the compliance decision (whether or not the Council has implemented the recommendations) is made after the decision to uphold the complaint, sometimes months after depending on the agreed timescales for implementation of the remedies and the rate in the annual letter is based on the compliance decisions that the LGSCO made in 2022/23.
- 1.6 Of the 11 complaints that the LGSCO made a compliance decision about in 2022/23, the Council implemented the recommendations to the satisfaction of the LGSCO in 100% of cases, which is positive. In terms of timeliness of implementation, in eight cases they were remedied within the timescales agreed and in the other three cases, the remedy was implemented but later than the agreed timescale. It is positive that we have seen an improvement on the position with an increasing number of complaints remedied within the timescales agreed with the LGSCO. This measure will be kept under review and proactive steps taken to ensure timescales agreed are achievable and implemented.
- 1.7 In respect of providing a satisfactory remedy before the complaint reached the LGSCO, the LGSCO found that in 0% of upheld cases the Council had provided a satisfactory remedy before the complaint reached the LGSCO. This is based on a total of 11 upheld decisions for the year 2022/23. This is compared with an average of 6% in similar organisations. The LGSCO encourages the early resolution of complaints and records this statistic to credit those that accept fault and find appropriate ways to put things right. There will be various reasons for why the Council has not provided a satisfactory remedy prior to LGSCO involvement which will depend on the specific facts of each case, for example, not wanting to incur financial expenditure prior to the LGSCO recommending this. Whilst the relatively low numbers of upheld complaints against the Council in 2022/23 indicates that this is unlikely to be a major cause for concern, guidance from the LGSCO on remedies will be circulated to relevant teams to encourage the early resolution of complaints.

2. Complaints to the LGCSO and action taken

- 2.1 In the year 2022/23 the LGSCO received 59 complaints and enquiries and made 63 decisions in respect of Warwickshire County Council (which includes a number of decisions in respect of complaints received by the LGSCO in the previous year). The outcomes of these decisions were as follows:
- 2.1.1 Advice given = 5
- 2.1.2 Closed after initial enquiries= 24
- 2.1.3 Incomplete/invalid= 2

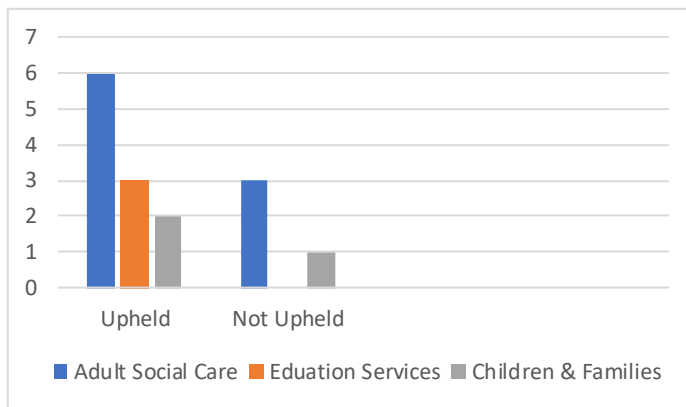
2.1.4 Referred to the Council for local resolution = 17

2.1.5 Full investigation undertaken= 15

2.2 This demonstrates that in the majority of cases (76%) complaints or enquiries that are made to the LGSCO about the Council are not subject to a full investigation.

2.3 Of the 15 cases that were subject to full investigation, 11 complaints were upheld and four were not upheld, giving the Council an uphold rate of 73%. This is lower than the average for similar organisations in this period (80%).

2.4 The upheld complaints were in relation to Adult Care Services, Education Services and Children & Families. The below table shows the breakdown and how many complaints were upheld and not upheld.



2.5 The uphold rate for each of these areas was as follows:

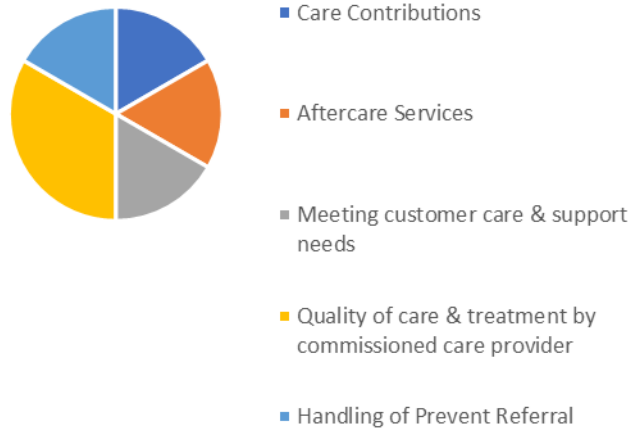
2.5.1 Adult Social Care = 67% - 9 complaints were fully investigated and 6 were upheld.

2.5.2 Education Services = 100% - 3 complaints were fully investigated and 3 were upheld.

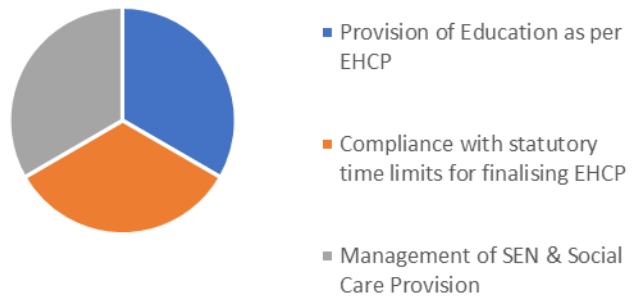
2.5.3 Children & Families = 67% - 3 complaints were fully investigated and 2 were upheld.

2.6 The upheld decisions broadly fall into the following categories:

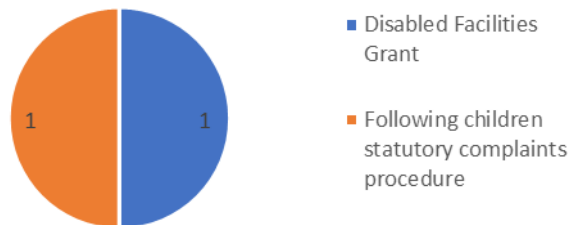
Adult Social Care - Upheld Complaints



Education Services- Upheld Complaints



Children & Families-Upheld Complaints



2.7 In respect of all 11 complaints upheld in 2022/23 the LGSCO made recommendations for the Council to remedy the fault found.

- 2.8 In terms of learning from upheld complaints, officers from Legal Services and the Customer Relations Team continue to monitor themes arising and work with relevant service areas to highlight areas of concern. Focus Reports and formal Reports issued by the LGSCO are also brought to the attention of relevant service areas. The LGSCO guidance on remedies will also be circulated with relevant officers to encourage early resolution of complaints where appropriate.
- 2.9 Significant work has also been undertaken to look at and improve the Council's customer journey and interactions of the public with the Council. It is hoped that this work will be a catalyst for greater communication between customers and the Council and thus help to reduce dissatisfaction and referrals to the LGSCO.
- 2.10 Performance in relation to LGSCO complaints is one of the Council's Corporate Health Measures. For 2022/23 there was a target of no more than 70% upheld LGSCO decisions out of all detailed investigations undertaken. This was based on an average uphold rate of 71% for similar local authorities in 2021/22. The Council's uphold rate for 2022/23 was 73% (11 out of 15 upheld) which meant the target was exceeded by 3%. However, the Council's uphold rate for 2022/23 has reduced since 2021/22 (when it was 74%) and similar authorities in 2022/23 have averaged an uphold rate of 80% and therefore despite not meeting its target the Council's performance has improved in 2022/23.

3. Compliance with LGSCO recommendations

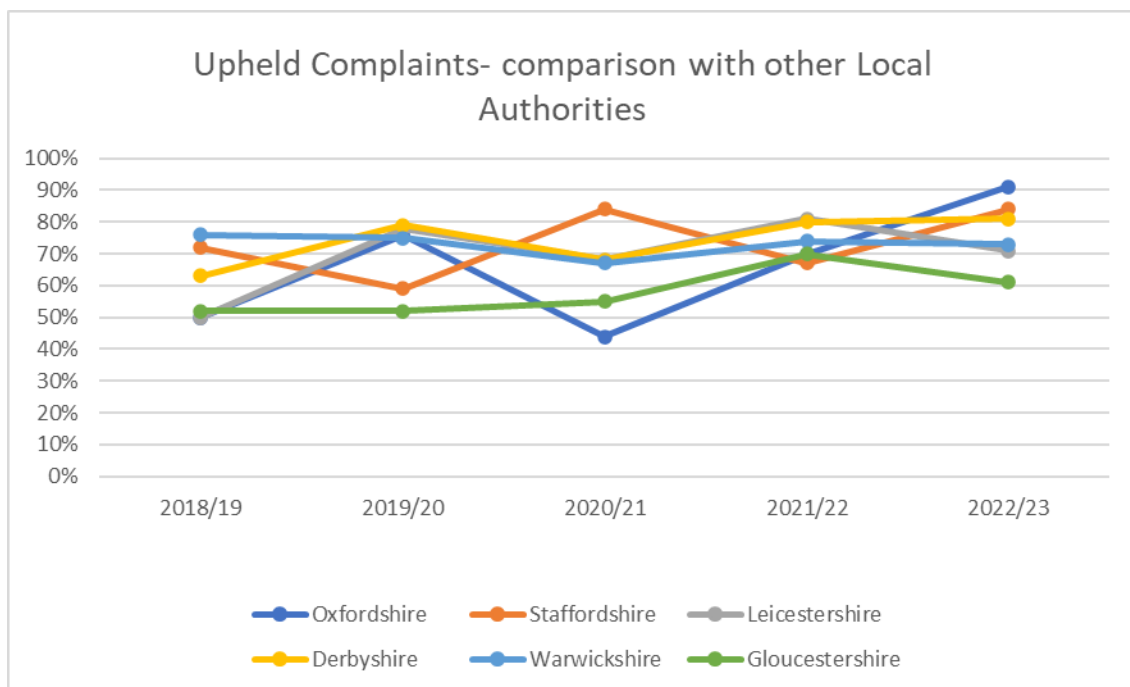
- 3.1 In 2022/23 the LGSCO was satisfied that in 100% of cases the Council had successfully implemented the remedies proposed by the LGSCO. This compares to an average of 100% in similar local authorities and is based on a total of 11 compliance decisions made by the LGSCO in this period.
- 3.2 In respect of these 11 remedies implemented they breakdown as follows:
- 3.2.1 **Apology** – was given in eight cases.
- 3.2.2 **Financial redress** – was given in all 11 cases - either to remedy a loss of service or quantifiable loss or to remedy avoidable distress/time and trouble. None of the financial remedies implemented in 2022/23 were at the level that required approval by the Regulatory Committee (i.e. where a payment offered to remedy fault exceeds £1000 and were therefore approved by officers under delegated authorities)
- 3.2.3 **Training and/or guidance** – was provided in two cases.
- 3.2.4 **New appeal/review or reconsidered decision** – was provided in two cases.
- 3.2.5 **Reassessment** – was provided in one case.

- 3.2.6 **Procedure or Policy change/review** – was provided in two cases.
- 3.2.7 **Provide information/advice to person affected** – was provided in one case.
- 3.2.8 **Provide services to person affected** – was provided in two cases.

4. Comparison to previous years and other local authorities

4.1 Compared to the previous year (2021/2022), the number of upheld complaints has fallen from 14 upheld complaints to 11 and the percentage of upheld complaints out of all that were fully investigated has fallen slightly from 74% to 73%. No formal reports were issued against the Council by the LGSCO in 2022/2023.

4.2 In terms of how this Council compares to other similar shire counties the below graph shows the number of upheld complaints over the past few years which demonstrates that Warwickshire is largely tracking the trend of other similar Councils, with lower rates than some:



5. LGSCO Review of Local Government Complaints 2022/23

5.1 The LGSCO’s Review of Local Government Complaints 2022/23 was published on 26 July 2023 and commented on a number of key points at a national level:

5.1.1 This year the LGSCO have upheld 7% more complaints than last year and report that uphold rates have been increasing steadily each year. However, they acknowledge some of the increase may come from their decision to

prioritise those cases in the public interest and not to investigate borderline cases.

- 5.1.2 LGSCO upheld more complaints about Education and Children's services than any other service area. The average uphold rate for these types of complaints reached 84%. This is an all-time high.
- 5.1.3 More service improvements were recommended than ever before with 2,412 recommendations focused on delivering policy change, procedure review or staff training.
- 5.1.4 LGSCO published 38 public interest reports, with Education and Children's Services, Adult Care Services and Housing the subject matter in most cases.
- 5.1.5 Compliance with LGSCO recommendations was 99.3%. However, in 19% of cases compliance was not within the agreed timescales and was late.
- 5.2 The full report can be found online at <https://www.lgo.org.uk/information-centre/news/2023/jul/ombudsman-stats-show-stark-reality-of-life-in-england-in-2023>

6. Financial Implications

- 6.1 Financial implications of the individual upheld decisions have been included within the body of the report and have been met from within existing budgets.

7. Environmental Implications

- 7.1 None

8. Supporting Information

- 8.1 None

9. Timescales associated with the decision and next steps

- 9.1 None

Appendices

- 1. Appendix 1-LGSCO Annual Letter

Background Papers

- 1. None

	Name	Contact Information
Report Author	Sioned Harper – Senior Solicitor & Team Leader	sionedharper@warwickshire.gov.uk
Director	Sarah Duxbury – Director for Governance and Policy	sarahduxbury@warwickshire.gov.uk
Executive Director	Rob Powell – Executive Director for Resources	robpowell@warwickshire.gov.uk
Portfolio Holder	Cllr Yousef Dahmash - Portfolio Holder for Customer & Transformation	yousefdahmash@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): None – this is a County wide report

Other members: Cllrs Birdi, Boad, Feeney, Roberts and Warwick.