
Local Government & Social Care Ombudsman and Housing Ombudsman Complaints 2020-21

Audit and Risk Committee: 16 March 2022

Lead director: Colin Sharpe, Deputy Director of Finance

Useful information

- Ward(s) affected: All
- Report author: Nilkesh Patel (Service Improvement Manager)
- Author contact details: (0116) 454 2505
- Report version number: V1 (003)

1. Purpose of the report

- 1.1. To provide an update on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman in 2020-21 regarding Leicester City Council.

2. Recommendations:

- 2.1. Members are asked to:
 - a) Note and comment upon the report observations, including the comparisons and improvements within the administration of complaint handling.
 - b) Comment upon our actions for future change.

3. LGSCO annual complaints 2020-21

- 3.1. The LGSCO looks at complaints about most council services, including but not limited to adult social care, education and housing allocations. This is different to the Housing Ombudsman that manages complaints in relation to housing tenancy management, our role as a social landlord.
- 3.2. The LGSCO 2020-21 annual report outlines key statistics and themes happening nationally about the complaints made to the Ombudsman.
- 3.3. From March 2020 to July 2020, the LGSCO paused receipt of new complaints and investigation of existing cases because of the pandemic. This resulted in fewer complaints being made to the Ombudsman over the year and the outcomes of Leicester's investigations should be considered in this context.
- 3.4. The Ombudsman reports a total 68 complaints received during 2020-21 against Leicester City Council, with decisions made in 75 cases (investigations from previous years roll into the following year). This would compare favourably with the previous year's where 112 complaints were made, had the pause not been in place for 3 months of 2020-21.
- 3.5. The Ombudsman categorises service areas slightly differently to Leicester City Council's corporate complaints process. For example, benefits and tax is one area within the Ombudsman reporting arrangements whereas at Leicester, housing benefit and council tax are distinct reporting areas. Complaints relating to school

admissions appeals are categorised as legal challenge at the Council and administered by Legal Services.

3.6. In addition, the Ombudsman's method of calculation produces inconsistencies, as cases received during a financial year, but not investigated within that year, are treated differently in different reports. It is not possible to reconcile these discrepancies with the data available.

3.7. The table below shows the national compared to the local picture:

LGSC Ombudsman complaints investigated 2020/21				
Report themes	National 2020/21	National 2019/20	Leicester City Council 2020/21	Leicester City Council 2019/20
Complaints upheld rate	67%	61%	72%**	61%
Highest proportion of upheld complaints	Education and Children's Services 77%	Education and Children's Services 72%	Adult Care Services 50%	Public Protection & Regulation 33.3%
Councils are putting things right more often. *	10%	13%	8%	40.1%
Number of service improvements recommended	+ 2%	+12%	- 5%	+ 4.1%
Compliance with LGO recommendations	99%	99%	100%	100%

* Of upheld cases already offered a suitable remedy.

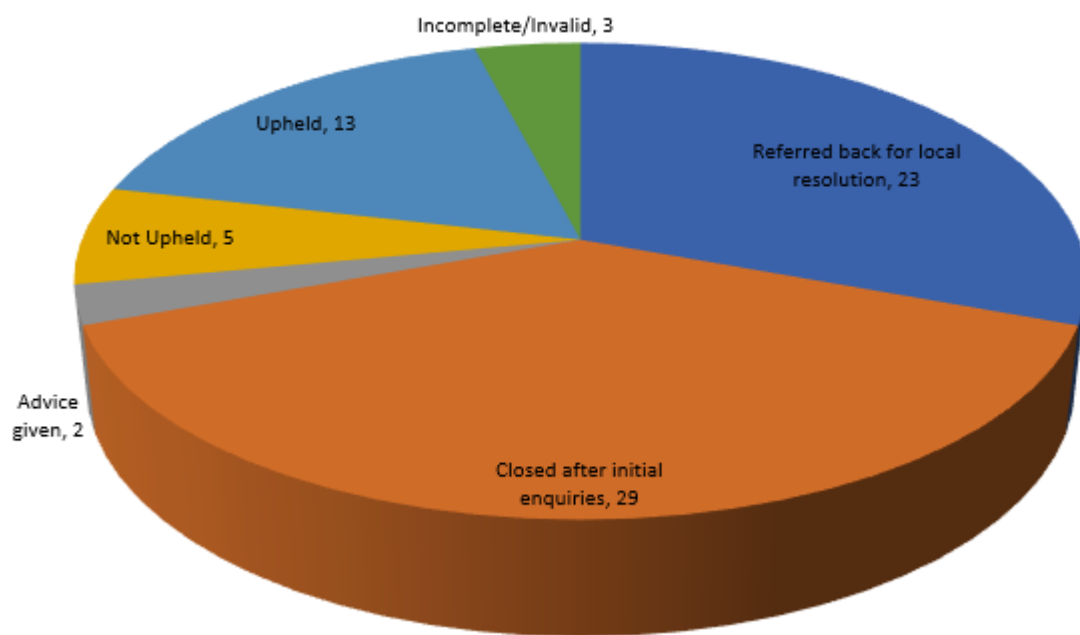
** please see section 4.3 for further clarification

3.8. A further difference between the procedures includes how the decision outcomes of the complaints investigated are recorded. The table below compares the different recorded outcomes.

Leicester City Council's outcomes	Ombudsman outcomes
Justified	Upheld
Partially Justified	Upheld
Not Justified	Not Upheld
Rejected	Closed / Rejected / Invalid / incomplete
Triaged (Service request)	Local Resolution/provided advice

4. Outcomes of the LGSCO complaints investigated for Leicester

- 4.1. The Ombudsman uses a twofold test to identify (i) maladministration i.e. fault, coupled with (ii) injustice. Where a fault is established, the Ombudsman provides a public report which details statutory duties the council must undertake. These include publishing a notice in a newspaper, make copies of the report available to public, bringing the report to the attention of elected members and to report back to the LGSCO within 3 months on actions taken.
- 4.2. Of the 75 complaints where decisions were recorded by the Ombudsman, the following outcomes were recorded:
- 4.3. The LGSCO progressed 18 of the 75 complaints to investigation stage. Of these, 13 (17% of the total) were upheld. The LGSCO's published 'uphold rate' is therefore 72% (13 out of 18), an increase of 9% on the previous year's 61%. This is largely due to the circumstances of the complaints, which were deemed sufficient to merit proceeding to the investigation stage, resulting in greater scrutiny. Even though complaints to the Ombudsman fell, there is no direct consequential expectation the uphold rate would fall too.
- 4.4. No fault was found in 5 cases (7%) and the complaint was not upheld.
- 4.5. The Ombudsman referred 23 (31%) of cases to the council for the local resolution. In these cases, the Ombudsman did not investigate the complaint, identifying it should be dealt with by the council, giving us the opportunity to re-visit the complaint and offer a remedy.
- 4.6. The initial enquiry was closed in 29 (39%) cases. No investigation was undertaken as the complainant has not exhausted the council's complaint policy/process before asking the Ombudsman to investigate.
- 4.7. An outcome of rejected as incomplete or invalid was found in 3 (4%) cases. Outcomes of this nature are usually where the complaint is not under the jurisdiction of the LGSCO.
- 4.8. Advice was given for 2 (2%) cases.
- 4.9. In addition, in 1 of the upheld cases, the Ombudsman found the council had provided a satisfactory remedy before the complaint reached the Ombudsman. This one case is 8% and compares to an average of 10% in similar authorities.
- 4.10 The pie chart below summarises the outcomes of the LGSCO complaints for Leicester.



Further charts and detail of the findings and outcomes from the report can be found in the appendices.

5. Upheld Cases

- 5.1. Where a case is upheld, remedies are identified. These can be changes to a council policy, an offer of compensation or simply a formal apology. Of the 13 upheld complaints, the Ombudsman made recommendations to the council to offer a remedy to the complainant in 7 instances.
- 5.2. Leicester City Council accepted and complied with the remedies suggested in all cases. Therefore, Leicester's compliance rate remains 100%, compared to the national figure of 99%.
- 5.3. However, we failed to comply with the 3-month timescale set by the Ombudsman in two cases. One related to obtaining older paperwork, which delayed the service's response time. The second case related to adaptations to a property to include a wet room, which could not be undertaken due to Covid-19 and restrictions on entering properties. The LGSCO acknowledged this remedy would be difficult to undertake with the pandemic.
- 5.4. The table in appendix 5 shows where a service area was instructed to apply a remedy and which category of remedy was applied.
- 5.5. On the advice, recommendation, and feedback from the Ombudsman, a number of detailed service improvements were made. These are set out in Appendix 7. All service improvements have been implemented and shown to be embedded in working practices within services.

6. Comparisons

- 6.1. Nationally, of those upper quartile authorities where a similar number of complaints were investigated, the average upheld rate is 73% which is close to Leicester City of 72%. It is disappointing to report Leicester's upheld outcome rate of 72% compares less favourably to the previous year (61%), and it is to be noted that fewer complaints were made. Comparable data is limited as the national picture includes some authorities with 100% uphold rate, having received only one or two complaints to the LGCSO.
- 6.2. The overall picture at Leicester is comparable to the national average. Of the LGSCO comparators, Leicester received the 2nd highest number of complaints (68) and 75 decisions, with Bristol receiving 98 complaints and decisions made on 95 investigations. The other East Midlands authorities, together with Bristol (which is our nearest comparator by population), reported an average upheld rate of 69% of claims compared to Leicester's 72%, with the national average picture reporting 67%.
- 6.3. Appendix 6 details this information in a table format including the East Midlands data.

7. Housing Ombudsman

- 7.1 The Housing Ombudsman investigates complaints about the provision or management of social housing, i.e. the Council as a social housing landlord.
- 7.2 Unlike the LGSCO, the Housing Ombudsman does not produce an annual letter to each council, nor publish national or local comparators.
- 7.3 Based on our own internal records, 16 complaints were received by the Ombudsman. Of these, four were upheld, three were not upheld and nine were not investigated. The complaints related to tenancy management and repairs.
- 7.4 The actions from the four upheld complaints included compensation to the tenants of up to £400, ensuring repairs were completed, and staff training.

8. Future changes

8.1. The following actions are agreed as objectives for services to continue to improve outcomes for residents following complaints made to the council. The Complaints Team will continue to act as an independent, impartial body, administering complaints, acting on behalf of the complainant to resolve issue(s) relating to council services.

- **Continuously Review** policy and procedures. The team will ensure council services continue to analyse complaints and recommendations they receive from the Ombudsman, supporting continued positive service improvement.
- **Monitor.** The role of the complaints team is to monitor that the service implements the recommendation(s), agreeing the activity and actions and timeframe, together with monitoring. Interventions happen at the point the recommendation is made, with an interim meeting/confirmation to ensure implementation and finally at the point of conclusion, usually within 3 months of the recommendation being made.
- **Service responsibility.** The service area is responsible for implementation. In addition, there is an expectation the service will analyse the suggested improvement and the impact this has upon service delivery, customer and stakeholder outcomes, to ensure these have been improved. Thus, a similar complaint will have been mitigated.
- **Remedies.** These need to be proportionate, appropriate and reasonable. Similar remedies are appropriate for similar cases, but services must consider each case on its merits. The key principle is that the remedy should as fair as possible, putting the complainant back in the position as if the issue had not occurred.
- **Adverse decisions.** The complaints team will monitor whether repeat complaints are made of a similar nature.
- **Reporting.** New reporting arrangements are in development to ensure the corporate complaints team can link previous recommendations when investigating a new complaint. Plans are in place for improved consistency of reporting through aligning Leicester's policy outcomes to mirror the reporting of the LGSCO from April 2022.

9. Financial, legal, equalities, climate emergency and other implications

9.1 Financial implications

Effective management of complaints and learning from the outcomes helps to reduce staff time taken upon investigating and responding, and also reduces the cost of financial remedies.

Colin Sharpe, Deputy Director of Finance, ext. 37 4081

9.2 Legal implications

It is important to understand that the LGSCO publishes all “decisions” on their website, and this includes details of cases (suitably anonymised) whether they are upheld or rejected. However, in some cases, where they deem there to be a public interest in learning lessons from a complaint they will issue a “public interest report”, which will oblige the Council to issue a press release about the findings, report the matter to Elected Members, and report back to the LGSCO on remedial action taken (30 – 31 Local Government Act 1974). <https://www.lgo.org.uk/make-a-complaint/possible-outcomes>

City Barrister & Head of Standards, Kamal Adatia, ext 37 1401

9.3 Equalities implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity and foster good relations between people who share a ‘protected characteristic’ and those who do not. In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Whilst there are no direct implications arising from this report, having an effective complaint procedure helps to deal with complaints quickly, fairly and consistently. It also has the potential to help make improvements that lead to increased customer satisfaction for service users from across all protected characteristics. Future changes identified in the report need to ensure equality considerations are embedded and put into practice as appropriate.

Equalities Officer, Surinder Singh, ext. 37 4148

9.4 Climate Emergency implications

There are no climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

9.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None

10. Background information and other papers:

LGO annual report [Ombudsman annual review highlights widening cracks in council complaints systems - Local Government and Social Care Ombudsman](#)

11. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)? No

12. Is this a “key decision”? No

13. Summary of appendices:

All appendices relate to the LGSCO

Appendix 1	Annual review letter 2021
Appendix 2	Complaint outcomes by service area compared to 2019/20
Appendix 3	Complaints received and decided by service area
Appendix 4	Ombudsman decisions by service area
Appendix 5	Remedies directed by the Ombudsman
Appendix 6	Ombudsman decisions for comparator councils
Appendix 7	Service improvements following Ombudsman findings

Appendix 1 – Leicester City Council annual review letter 2021

Local Government & Social Care OMBUDSMAN

21 July 2021

By email

Mr Keeling
Chief Operating Officer
Leicester City Council

Dear Mr Keeling

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

Compliance with recommendations - We recommend ways for authorities 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 authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

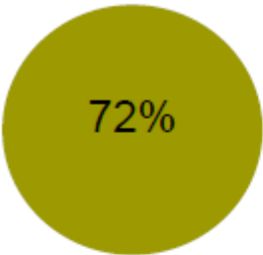
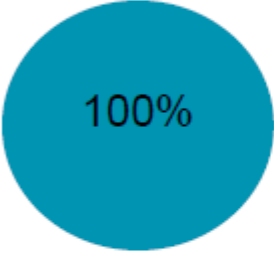
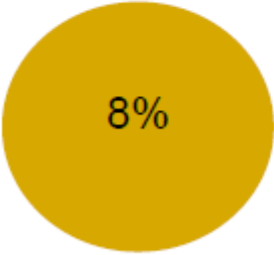
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



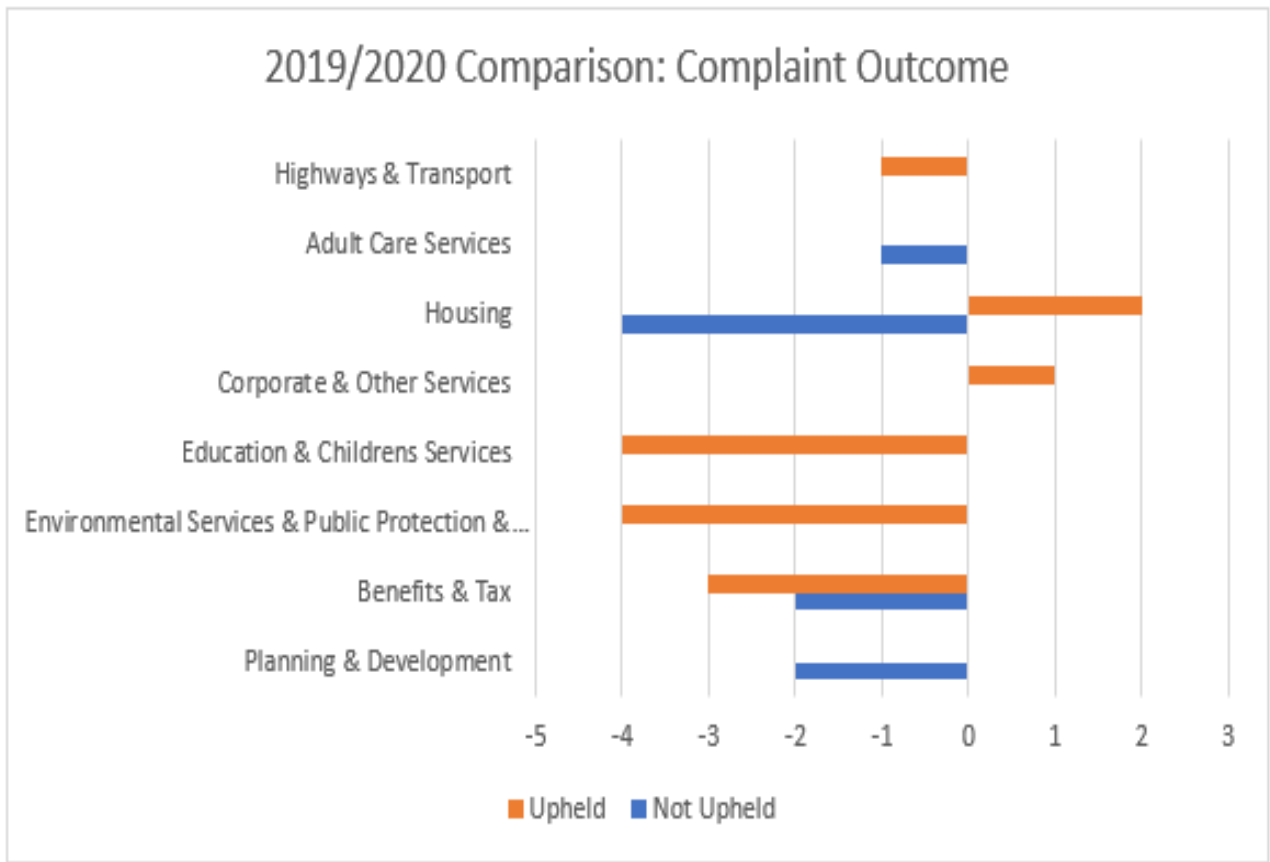
Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld		
 <p>72%</p>	<p>72% of complaints we investigated were upheld.</p> <p>This compares to an average of 63% in similar authorities.</p>	<p style="text-align: center;">13 upheld decisions</p> <p>Statistics are based on a total of 18 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
 <p>100%</p>	<p>In 100% of cases we were satisfied the authority had successfully implemented our recommendations.</p> <p>This compares to an average of 99% in similar authorities.</p>	<p>Statistics are based on a total of 7 compliance outcomes for the period between 1 April 2020 to 31 March 2021</p>
<ul style="list-style-type: none"> • Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning. 		
Satisfactory remedy provided by the authority		
 <p>8%</p>	<p>In 8% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 10% in similar authorities.</p>	<p style="text-align: center;">1 satisfactory remedy decision</p> <p>Statistics are based on a total of 18 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

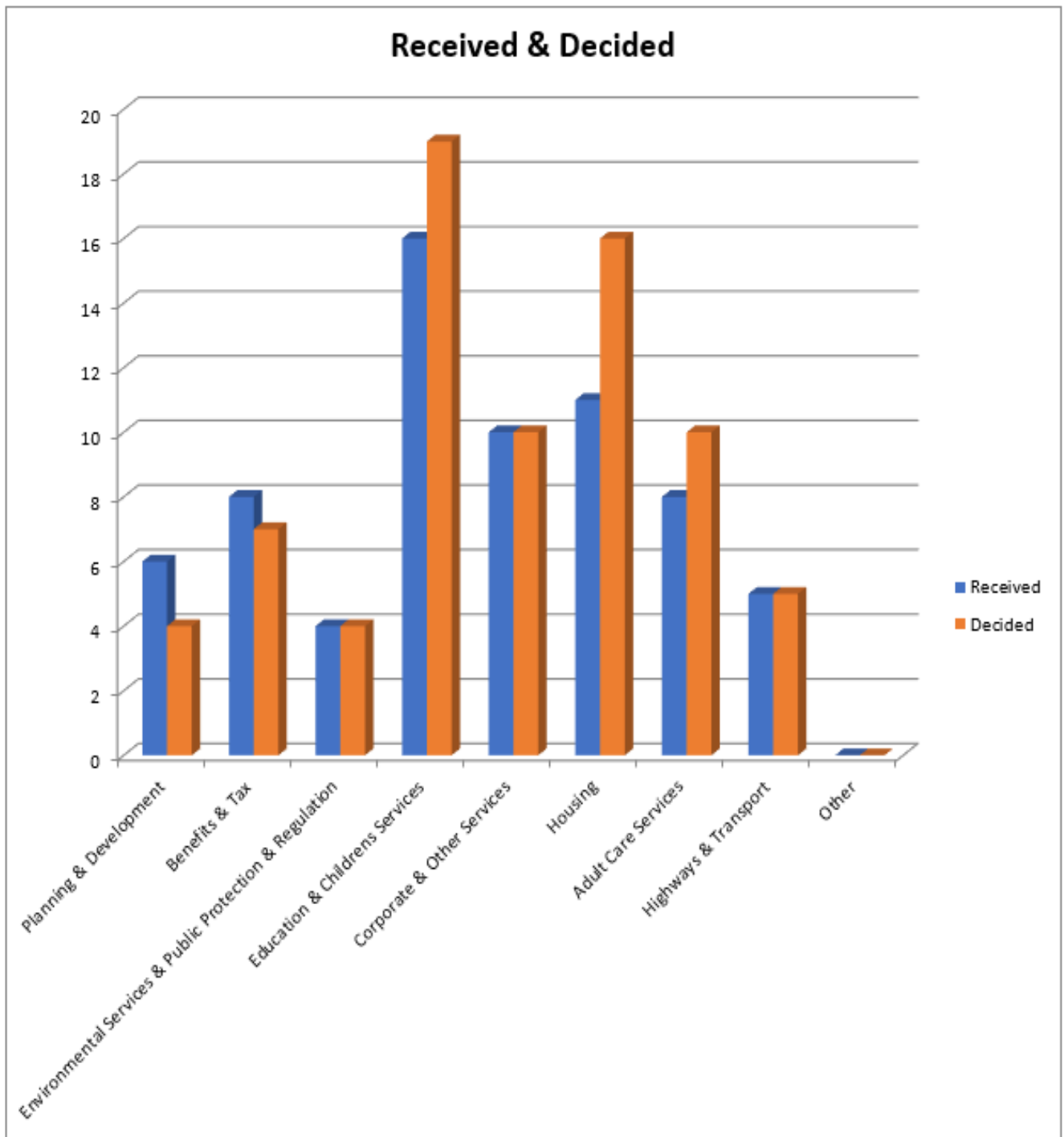
Appendix 2:

The chart below shows the increases or decreases in investigated LGSCO complaint outcomes per service area, compared to 2019:



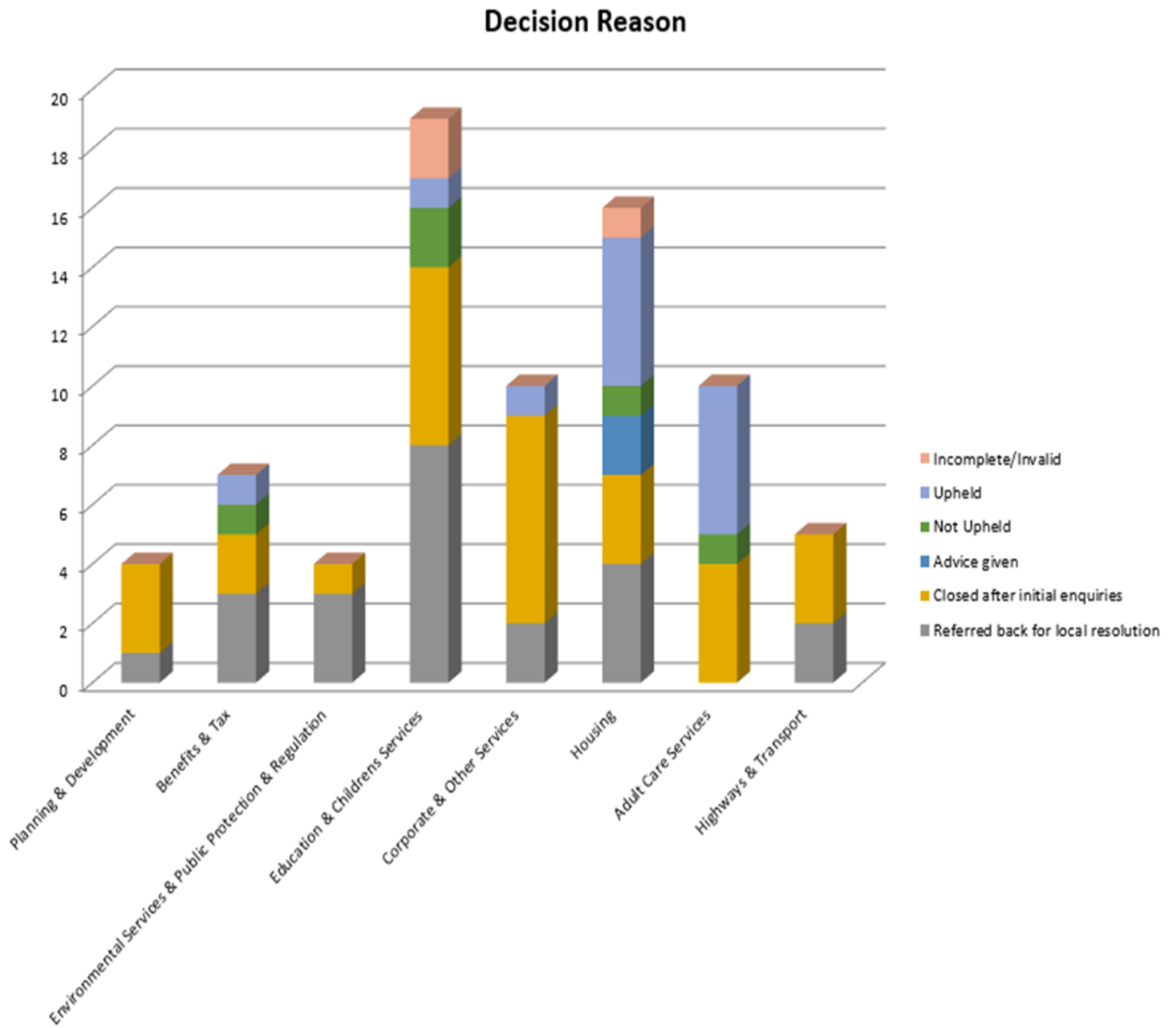
Appendix 3:

The chart below shows the LGSCO complaints received and decided per service area.



Appendix 4:

The graph below shows the LGSCO decisions made by service areas (as defined by the Ombudsman).



Appendix 5: This table details the service area where the LGSCO has found fault identifies the remedy which must be applied and identify where the remedy has been completed and confirms the LGSCO satisfied with our compliance.

Category	Remedy Financial redress	Remedy Apology	Remedy Training and guidance		Remedy Avoidable distress/time and trouble	Remedy Loss of service, Quantifiable loss	Remedy Procedure or policy change /review	Remedy other	Satisfaction with Compliance
Adult Care Services	✓	✓	✓		✓			✓	Remedy complete and satisfied
Adult Care Services	✓	✓			✓			✓	Remedy complete and satisfied
Adult Care Services		✓							Remedy complete and satisfied
Benefits & Tax							✓	✓	Remedy complete and satisfied
Corporate & Other Services		✓					✓		Remedy complete and satisfied
Housing	✓	✓	✓		✓		✓		Remedy complete and satisfied

Appendix 6:

The tables below show the complaints and enquiries decided and remedy outcomes for the East Midlands cities and Bristol City Council, the nearest non-metropolitan district to Leicester, by population size:

Decisions Made								
	Incomplete or Invalid	Advice Given	Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
Leicester	3	2	23	29	5	13	72%	75
Nottingham	2	5	13	16	4	3	43%	43
Derby	0	0	8	13	3	9	75%	33
Coventry	3	2	31	17	3	10	77%	66
Bristol	9	7	22	34	4	19	83%	95

Satisfactory remedy provided by the authority before the complaint reached the Ombudsman		
	Upheld Cases	% of Upheld Cases
Leicester	13	8%
Nottingham	3	0%
Derby	9	22%
Coventry	10	10%
Bristol	19	16%

Compliance with Ombudsman recommendations			
	Compliance on time	Compliance late	Non-compliance
Leicester	7	0	0
Nottingham	4	0	0
Derby	7	0	0
Coventry	10	0	0
Bristol	21	0	0

Appendix 7:

On the advice, recommendation, and feedback from the Ombudsman, the following service improvements were made:

- The council will review its approach to record-keeping both in terms of its actions when dealing with complaints of untidy land and in its complaint handling. It will tell the Ombudsman of the outcome (corporate and other services)
- Complete training for staff as to the right to adaptations for occupiers where there is a risk of falling at home. (care services)
- The council will improve record keeping when it grants time extensions and correct potential inconsistencies on how it applies its housing policy. (Housing services)
- The council should review its guidance for officers concerning disabled facilities grant applications. This should include the importance of confirming any changes to a disabled facilities grant application in writing to applicants. (Housing)
- The council should consider a checklist or guidance for homeowners to encourage them to consider the implications and capability of any proposed works on other aspects of the property. (Housing)
- The council has agreed to remind relevant staff that personal housing plans must be kept under review when there is a change in duty. (Housing)
- The council agreed to remind relevant staff of the need to consider the suitability of interim accommodation and keep records of decisions about suitability. (Housing)
- The council has agreed to remind staff of the importance of keeping accurate records and issuing correct and relevant decision letters promptly. (Housing).
- The council has agreed to remind relevant staff of the legal requirement to be satisfied that an applicant is eligible before accepting any homelessness duty. (Housing)
- The council has agreed to ensure it completes all requests for statutory reviews of homeless decisions. (Housing)
- The council has agreed to remind relevant staff of the need to consider support needs as part of the homelessness assessment and personalised housing plan. (Housing)
- The council has agreed to remind relevant staff of the need to approach issues of domestic violence with sensitivity and care. The council should consider if staff need refresher training on this subject. (Housing)
- Update the council policy about council tax discretionary relief to include a person's right to appeal decision to the valuation tribunal. (Benefits and tax).