
Local Government & Social Care Ombudsman and Housing Ombudsman Complaints 2021/22

Audit and Risk Committee

Date of meeting: 15 March 2023

Lead director: Amy Oliver, 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: V1.3

1. Purpose of the report

- 1.1. To provide an update on the complaints made to Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman in 2021-22 and the actions taken.

2. Recommendations

- 2.1. The Committee is asked to note the report and make any observations to the Director of Finance.

3. Summary of complaints to the LGSCO

- 3.1. The LGSCO can investigate individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other public service organisations. If the LGSCO decides to investigate a complaint, they look at whether organisations have made decisions the right way.
- 3.2. Before complaining to the LGSCO, the person should have given the Council a chance to sort out the problem and have gone through all stages of the Council's complaints process.
- 3.3. The LGSCO 2021-22 annual report outlines key national statistics and themes. The national picture shows complaints to the Ombudsman increased from 11,830 in 2020/21 to 15,826 in 2021/22. It may be helpful to note the Ombudsman suspended the receipt of new complaints for 3 months in 2020/21 due to the pandemic.
- 3.4. The Ombudsman reported a total of 73 complaints were received during 2021/22 for Leicester City Council but 74 were reviewed during the same period, with decisions made in the 20 cases (either upheld / not upheld) that were investigated.
- 3.5. 68 complaints had been reviewed in 2020/21, and our 2021/22 number compares favourably with the national trend.
- 3.6. The Ombudsman uses a two-fold test to identify (i) maladministration i.e., fault coupled with (ii) injustice. Where a fault is established against the Council, the Ombudsman provides a public interest report where the most serious cases of maladministration are reported. Other faults are dealt with via published statements which details statutory duties the Council must take, including publishing a notice in the newspaper, making copies of the report available to public, bringing the report

to the attention of elected members and reporting back to the LGSCO within three months on actions taken.

3.7. The Ombudsman's method of recording decisions is by financial year, and not all complaints received are investigated within that same year, so some data sets may show a small discrepancy.

3.8. The table below shows the national and the local headline picture:

Leicester City Council Ombudsman complaints upheld 2021/22				
Report themes	National results 21/22	National results 20/21	Leicester results 21/22	Leicester results 20/21
Complaints upheld rate	66%	67%	60%	72%
Highest proportion of upheld complaints	Education and Children's Services 77%	Education and Children's Services 77%	Adult Care Services 25%	Adult Care Services 50%
Councils are putting things right more often. *	11%	10%	17%	8%
Percentage of service improvements recommended from total investigated complaints	11.7%	12.6%	7%	10%
Compliance with LGO recommendations	99.7%	99%	100%	100%

* percentage of upheld cases already offered a suitable remedy

3.9. Leicester continues to deliver an improved position on the number of recommendations received and '*putting things right more often*'.

3.10 It is worth noting the Ombudsman categorises service area slightly differently to the Council's corporate complaints process (the subject of a separate report elsewhere on the agenda). For example, benefits and taxation is one area within the Ombudsman reporting arrangements whereas at Leicester, housing benefit and council tax are distinct reporting areas.

3.11 A further difference between the procedures is how the decision outcomes of the complaints investigated are recorded. The table below shows the different recorded outcomes. Leicester has moved to the Ombudsman's recording method from May 2022, therefore directly comparable data will be available in future reports.

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

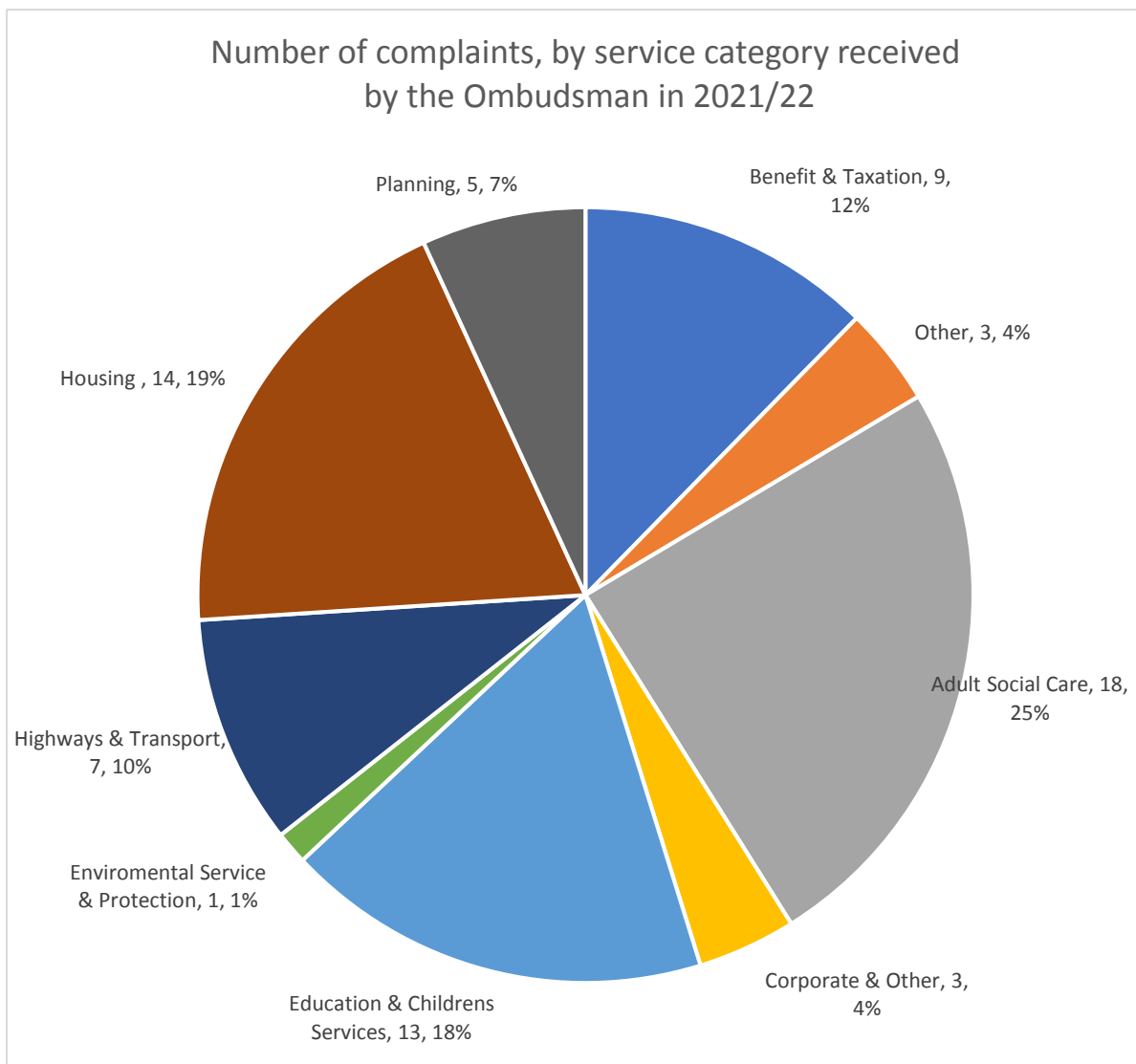
4. Detailed Outcomes of the LGSCO complaints investigated for Leicester

4.1. Of the 74 complaints reviewed, 20 were subject to detailed investigations by the Ombudsman. The complaint outcome was upheld for 12 of these (60%) and not upheld for 8 (40%). The table below details the outcomes recorded for the 74 cases:

Ombudsman outcome 2021/22	Number of cases	Comment
Upheld (the Council was found at fault)	12	These were mainly in Adults, Children's and Benefits & Tax. We are maintaining our position, with 60% of detailed investigations upheld compared to 72% the previous year.
Not upheld (the Council was found not at fault)	8	40% of the detailed investigations were found to be 'not upheld', compared to 28% in 2020/21
Closed after initial enquiries	26	The complaint was assessed but a decision against completing an investigation was made. This might be because the law says they were not allowed to investigate it, or because it would not be an effective use of public funds if they did.
Advice given	2	Early advice was given or explained where to go for the right help.
Invalid/ incomplete	6	LGCSO were not given enough information to consider the issue
Referred back for local resolution	20	The Ombudsman found the complaint was brought to them too early because we were not given the chance to consider it first.
Total	74	

4.2. The 74 complaints received are shown by service in the chart below.

4.3. Note that the Housing complaints relate to matters such as homelessness, housing advice and allocations; whereas complaints by tenants and leaseholders are considered by the Housing Ombudsman and covered later in this report. School admissions appeals are categorised as a legal challenge and are not represented in this report.



4.4 Further statistics and detail of the findings and outcomes for Leicester can be found on the Ombudsman's website at

<https://www.lgo.org.uk/your-councils-performance/leicester-city-council/statistics>

5. Compliance and remedies

- 5.1. Where the Ombudsman found fault or maladministration, they require the Council to either remedy the situation or comply with an instruction; often both and multiple actions are made against one case. Remedies can be changes to a Council policy, an offer of compensation or a formal apology. Of the 12 upheld complaints, the Ombudsman made recommendations to the Council to offer a remedy to the complainant in 10 instances.
- 5.2. The Council accepted and complied with the remedies suggested in all cases. We failed to meet the 3-month timescale set by the Ombudsman in one case. This was because a refund payment made by the service area (Revenues & Benefits) was raised 3 days after the target date. The service apologised for not raising the refund in a timely manner. Measures are in place to ensure this does not happen again.
- 5.3 All recommendations have been implemented and shown to be embedded in working practices within services.
- 5.4 For additional detail, Appendix 1 shows where a service area was instructed to apply a remedy and which categories of remedy were applied.

6. Comparisons with other councils

- 6.1. Leicester's upheld outcome rate of 60% of complaints subject to detailed investigation has improved compared to the previous year (72%), with a similar number of complaints made. Note this is the only compatible comparison that can be shared; the national picture details some authorities with 100% uphold rate having received only one or two complaints to the LGCSO.
- 6.2. The table below shows Leicester and some similar councils.

	Number of Complaints	No of Complaints Investigated	Number of complaints upheld	Upheld rate
Leicester City	74	20	12	60%
Bristol City	122	34	22	65%
Derby City	43	5	4	80%
Coventry City	87	14	10	71%
Nottingham City	84	23	13	56%

7. Housing Ombudsman

- 7.1. The Housing Ombudsman investigates complaints by tenants and leaseholders of the Council's housing stock.

7.2. The Ombudsman received 15 complaints, of which 12 were investigated and 6 were upheld. Some 9 related complaints to repairs of which 5 were upheld; and 6 related to tenancy management of which 1 was upheld.

7.3. It is apparent that the Housing Ombudsman repeatedly reminds Leicester that the policies the service applies must be up to date; a plan of action has been drafted to remedy this issue.

7.4. Unlike the LGSCO, the Housing Ombudsman does not produce an annual letter, nor publish national or local comparator complaints statistics. However individual landlord performance reports were published for landlords with five or more cases determined in 2021/22. The report for Leicester can be viewed at https://www.housing-ombudsman.org.uk/wp-content/uploads/landlord_reports/36251-Landlord-Report-2021-2022-Leicester-City-Council.pdf

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

8. Continuous Improvements/ future changes

8.1. The Complaints Team will continue to act in an independent and impartial manner, administering complaints, acting on behalf of the complainants to resolve issue(s) relating to Council services. Key points are:

- The team will ensure Council services continue to analyse complaints and the Ombudsman's recommendations. This will help to ensure services make changes, including to policies and procedures, to secure a positive difference for their clients and our residents, supporting continued positive service improvement. Thus, the likelihood of a future similar complaint will have been mitigated.
- The team monitors that services implement the recommendation(s), agreeing the activity and actions and timeframe. The team ensure these are completed and adhered to, and compliance is fulfilled. Interventions happen at the point a 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. The team will also monitor whether repeat complaints are made of a similar nature.
- Remedies should be proportionate, appropriate and reasonable. Similar remedies are appropriate for similar cases, but each service must consider each case on its own merits. Considering a particular incident, whether applying an existing remedy is appropriate or whether a new remedy should be suggested. The key principle is that the remedy should as far as possible put the complainant back in the position they would have been if the complaint or issue had not occurred.

8.2 Following on from the remedies and compliance recommendations over recent years, the Council is continuing to:

- Improve communication with residents/service users regards complaints
- Review policies to identify service improvements
- Train staff to apply the relevant policy to the correct intervention
- Ensure refunds and compensation payments are timely.

9.1 Financial implications

There are no direct financial implications arising from this report.
Martin Judson, Head of Finance

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 interests 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 (s30 – 31 Local Government Act 1974).

Kamal Adatia, City Barrister

9.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

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.

The Equality Act 2010 also requires that reasonable adjustments be made so that disabled people can access services as far as reasonable on the same terms as non-disabled people. This duty is on-going and anticipatory and, therefore, reasonable and proportionate steps to overcome barriers which may impede people with different kinds of disabilities. In making reasonable adjustments, a service provider should not wait until a disabled person wants to use their services, they must think in advance about what people with a range of impairments might reasonably need.

There are no direct equalities implications arising from the report as the report is to provide an update, rather than for decision. Having an effective complaints procedure helps to deal with complaints quickly, fairly and consistently.

Having a range of contact options for complainants to make their complaints to the Council aims to meet the needs of its service users in accessing the procedure. It provides an opportunity to gather valuable customer insight, it also has the potential to help make improvements that lead to increased customer satisfaction for service users from across all protected characteristics.

Surinder Singh, Equalities Officer Tel 37 4148

9.4 Climate Emergency implications

There are no significant climate emergency implications directly 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 identified

10. Background information and other papers:

LGSCO annual report: [Review of Local Government Complaints 2021/22](#)

LGSCO: [Leicester City Council performance data](#) and annual letters

Housing Ombudsman: [Landlord performance report 2021/22](#)

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:

Appendix 1 – Detailed remedies determined by the LGCSO

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This table details the service area where the Ombudsman has found fault, identifies the remedy which must be applied and identifies where the remedy has been completed; and confirms the Ombudsman's 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
Adult Care Services	✓	✓	✓	✓			✓	Remedy complete and satisfied
Benefits & Tax	✓	✓	✓	✓				Remedy complete and satisfied
Benefits & Tax								No remedy recommended
Education & Children's Services	✓	✓		✓				Remedy complete and satisfied

Education & Children's Services	✓	✓	✓	✓		✓		Remedy complete and satisfied
Education & Children's Services	✓	✓		✓				Remedy complete and satisfied
Education & Children's Services								No remedy recommended
Housing	✓			✓				Remedy complete and satisfied
Housing	✓	✓	✓	✓		✓		Remedy complete and satisfied