

# Report to Audit and Risk Assurance Committee

**29 September 2022**

<b>Subject:</b>	Local Government and Social Care Ombudsman and Housing Ombudsman Annual Review for the Year Ending 31 March 2022
<b>Director:</b>	Neil Cox Director – Business Strategy & Change
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## **1 Recommendations**

- 1.1 That the Audit and Risk Assurance Committee considers and notes the Local Government and Social Care Ombudsman's (LGO) Annual Review appended to this report for the year ending 31 March 2022.

## **2 Reasons for Recommendations**

- 2.1 This report is to present the LGO's Annual Review for the year ending 31 March 2022 which is appended to this report. (Appendix 1)
- 2.2 The Annual Review provides a summary of the complaints that the LGO has dealt with in relation to the Council.
- 2.3 It is noted from the Annual Review that the LGO received 58 complaints and enquiries about the Council in 2021/22. The LGO carried out 30 detailed investigations of which 20 cases were upheld. Comparisons to previous years' complaints and enquiries are stated in Table 1 below.




- 2.4 The Housing Ombudsman Service (HOS) does not publish an annual review report but their annual statistics are also detailed in Table 1 below.




**Table 1**

Year	Number of Complaints		
	LGO	HOS	TOTAL
2021/22	58	32	90
2020/21	78	19	97
2019/20	115	65	180

- 2.5 From the statistical information provided by the HOS, a total of 32 enquiries were received concerning the Council in 2021/22. There were 12 detailed investigations undertaken of which 6 were upheld in favour of the complainant, 6 are still awaiting a decision from the HOS.
- 2.6 All Investigating Officers have been advised of the Annual Review and reminded of the importance of dealing with and responding to the Ombudsman's complaints promptly as well as ensuring all appropriate and necessary lessons are learnt to ensure continuous service improvement.

### **3 How does this deliver objectives of the Corporate Plan? (select relevant category and inc narrative how deliver)**

	Best start in life for children and young people
	People live well and age well
	Strong resilient communities: Recommendations from the Ombudsman assist with service improvements and good administrative practice.

	It is also important that the Council considers the nature of the complaints made and their outcomes so as to ensure that the Council's reputation is not adversely affected and where appropriate, remedial steps taken to prevent the recurrence of such complaints.
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	A connected and accessible Sandwell

## 4 Context and Key Issues

- 4.1 The LGO's Annual Review for the year ending 31 March 2022 (Appendix 1) provides a summary of the complaint outcomes that the Ombudsman has dealt with in relation to the Council.
- 4.2 Within the Annual Review letter, the LGO state that they find it disappointing that in more than a fifth of cases where they made recommendations to remedy a complaint, the Council did not complete the agreed actions on time. On some occasions, the LGO stated that they had to repeatedly chase for updates, sometimes receiving no response or any explanation for the delay.

The same concerns were raised in last year's letter, which the LGO finds particularly disappointing to have again seen similar issues this year. One adult social care case was significantly delayed. It took over five months for the appropriate evidence of compliance to be provided. The Council explained difficulties with resources and the need to refocus and redirect work due to the Covid-19 pandemic was a causal factor in the delay.

- 4.3 The LGO received 58 complaints and enquiries about the Council during the year 2021/22. According to Council records 28 of these matters were preliminary matters raised with the council. The remaining 30 were accepted and dealt with by the LGO.

4.4 A breakdown of the service areas of the complaints and enquiries is provided in Table 2 below.

**Table 2**

<b>Service Area</b>	<b>Complaints received by LGO</b>	<b>Preliminary matters (referred to the Council) (see para 4.5 below)</b>
Adult Care Services	11	
Benefits and Tax	17	
Corporate and Other Services	0	
Education and Children's Services	10	
Environmental Services	5	
Highways and Transport	2	
Housing	10	
Planning and Development	3	
Other	0	
<b>TOTAL</b>	<b>58</b>	<b>28</b>

4.5 The preliminary complaints and enquiries were either of a general nature or matters that involve initial enquiries being raised with and addressed by the council, which may progress to an investigation.

### **Complaint Outcomes LGO Matters**

4.6 The LGO has reported that 58 decisions were made for matters that they considered. This included 30 detailed investigations which resulted in 20 being upheld and 10 not being upheld. A breakdown of the LGO decisions is provided in Table 3 below.

**Table 3**

<b>Decision Type</b>	<b>Narrative</b>	<b>Number</b>
Detailed Investigations: Cases Upheld	Cases upheld in favour of the Complainant result in	<u>20 upheld:</u>

	findings of maladministration and or injustice and the council has to carry out remedial or follow up action and in some cases payment as a resolution. Some cases can result in no further action required.	Maladministration and Injustice – 16  Maladministration – 4  Fault found – 0  No further action - 0
Detailed Investigations Cases Not Upheld	Cases not upheld have not been found in favour of the Complainant and result in no findings of maladministration and or no further action being required by the Council	<u>10 not upheld</u>  No Maladministration – 7  No fault found –  Other Reasons - 3
Advice Given	Advice is provided to the Complainant by the LGO and no formal letter is issued to the Council.	4 Advice is provided by the LGO and does not require any investigation by the council
Closed after Initial Enquiries	The Council receives a letter informing us that they received a complaint and that no further action is required, or the matter is out of the LGO jurisdiction.	4 These cases do not require any investigation by the council it has been closed by the LGO
Referred Back for Local Resolution	No formal letter is issued to the Council.	18 These cases do not require any investigation by the LGO as the

		complainant has been advised to revert back to the council.
Incomplete/Invalid	No formal letter is issued to the Council	2 These cases do not require any investigation by the council as the nature of the complaint is incomplete/invalid.

## HOS Matters

4.7 With regards to HOS matters, there were 12 detailed investigations and 6 were determined in favour of the Complainant. A breakdown of the HOS Service area/decisions is provided in Table 4 below.

**Table 4**

Service Area	Complaints received by Housing Ombudsman	Preliminary matters (referred to the Council) (see para 4.5 above)
Housing Management	4	
Repairs	3	
Housing Solutions	1	
ASB	3	
Right to Buy/ Home Ownership?	1	
<b>TOTAL</b>	12	20

Decision Type	Narrative	Number
Detailed Investigations: Cases Upheld	Cases upheld in favour of the Complainant result in findings of maladministration and or injustice and the council has to carry out remedial or follow	<u>6 upheld</u>  Maladministration – 1  No Maladministration - 5

	up action and in some cases payment as a resolution. Some cases can result in no further action required.	
Detailed Investigations Cases Not Upheld	Cases not upheld have not been found in favour of the Complainant and result in no findings of maladministration and or no further action being required by the Council	<u>0 Not upheld</u>  No Maladministration –  No fault found –  Complainants request - 0
Closed after Initial Enquiries	The Council receives a letter informing us that they received a complaint and that no further action is required, or the matter is out of the HOS jurisdiction.	0 These cases do not require any investigation by the council it has been closed by the HOS
Referred Back for Local Resolution	No formal letter is issued to the Council.	16 These cases do not require any investigation by the HOS as the complainant has been advised to revert back to the council.
Incomplete/Invalid	No formal letter is issued to the Council	4 These cases do not require any investigation by the council as the nature of the complaint is incomplete/invalid.

## 5. Alternative Options

- 5.1 There are no alternative options arising, the council is obliged to formally receive and consider the LGO Report.

## 6. Implications

<b>Resources:</b>	<p>There are no resource implications arising directly as a result of this report save for compensatory payments that have been made in relation to local settlements.</p> <p>This amounts to £2,530 for the LGO matters and £842.87 in relation to the HOS matters (Please see Appendix 2 for the full breakdown).</p> <p>There has been a decrease in the level of compensatory payments made by the council this year which totals £3,372.87, compared to a total of £8,700 for the previous year.</p>
<b>Legal and Governance:</b>	<p>The Local Government Act 1974 defines two main statutory functions for the Ombudsman:</p> <ul style="list-style-type: none"><li>• To investigate complaints against Councils and other authorities; and</li><li>• To provide advice and guidance on good administrative practice.</li></ul> <p>Since 2010, the LGO have already operated with jurisdiction over all registered adult social care providers to investigate complaints about care funded and arranged privately. In 2017, the LGO changed its name to include the 'Social Care Ombudsman' to recognise the social care sector.</p> <p>The LGO has stated in their annual letter (see Appendix 1) that they know the Council, just like the LGO, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay.</p> <p>It is the LGO's continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic.</p>



	<p>Through the lens of this recent upheaval and adjustment, the LGO urges us to consider how our organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.</p> <p>The LGO want to support our organisation to harness the value of complaints and they will continue to develop their programme of support. Significantly, they are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. They are aiming to consolidate their respective approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. The LGO will keep us informed as this work develops, and expect that, once launched, they will assess our compliance with the code during their investigations and report our performance via their annual letter.</p>
<b>Risk:</b>	Relevant risk management issues have been detailed within the main body of this report
<b>Equality:</b>	There are no equality issues arising from this report.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report. However, recommendations from the LGO assist with service improvement and good administrative practice.
<b>Social Value</b>	There are no direct social value implications, however as detailed above in Health and Wellbeing, recommendations from the LGO assist with service improvement and good administrative practice.

## 7. Recommendations

- 7.1 The Customer Feedback Team as the Ombudsman Link for the Council, forward on any request for information from the Ombudsman to the relevant service area within 1 working day of receipt. The Customer Feedback Team also chase up the service area to get a response within the requested deadlines set. Our recommendation moving forward is that the Customer Feedback Team will update the LGO and HOS on each chase up and initial receipt of request.

- 7.2 The Customer Feedback Team will apply tighter deadlines with our service areas on Ombudsman cases where they exceed more than 10 days (some deadlines vary and can be up to 1 calendar month). The requests for information will be set at 10 working days to respond, which brings them into line with Stage 1 complaint responses, Cllr. enquiries and MP responses. The Customer Feedback Team will be able to work closely with colleagues where the case is complex and ensure that communications with the LGO and HOS is maintained.
- 7.3 The Customer Feedback Team have worked with Learning and Development to provide a compulsory E-learning training package for service areas to remind officers who deal with Ombudsman cases of the importance of the work of the Ombudsman and the potential reputational damage caused if we do not adhere to the timescales provided by the Ombudsman. It is vital that this is now rolled out and that service areas ensure staff complete the necessary training.

## **8. Appendices**

- Appendix 1 LGO Annual Review Letter
- Appendix 2 Table of Financial Payments April 2021 – March 2022 - LGO & HOS

## **9. Background Papers**

There are no Background Papers with this report