


Local Government &
Social Care
OMBUDSMAN



**Review of local
government
complaints 2018-19**

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Ombudsman's foreword



I am pleased to present our Review of Local Government Complaints for 2018-19.

This review is one of a range of ways we share our complaints data. I write to local authorities each year to report complaint statistics and this report collates the individual data to provide a national picture. We publish data on the volume of complaints we receive and the decisions we make, and, this year, for the first time have published data on authorities' compliance with the recommendations we make to remedy complaints.

Today, we also launch our new interactive map of council performance. [Your Council's Performance](#) shows annual performance data for all councils in England. Too often, the discussions around complaints centre on the simplistic notion of numbers received; this new tool is the culmination of our efforts to focus on the lessons that can be learned and the wider improvements we can achieve through our recommendations. The map offers

a useful snapshot of the service improvement recommendations councils have agreed to and highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account. Thank you to those councils who volunteered to support the development of this work.

Our complaint statistics for 2018-19 tell us:

- > Over a third of the complaints and enquiries we received were about Education and Children's Services or Adult Social Care
- > We carried out 4,232 detailed investigations, compared with 4,020 the previous year
- > We upheld 58% of those complaints, up slightly from 57%
- > We continue to uphold the highest proportion of complaints about Benefits and Tax (69%), and the fewest about Planning and Development (37%)



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- > We made recommendations to remedy 1,929 upheld cases, up 11% on 2017-18
 - > We recorded 99.4% compliance with our recommendations to remedy fault

I welcome the constructive way in which the large majority of authorities work with us to remedy injustices and to take steps to improve services for others. There were no formal incidents of non-compliance from authorities to our recommendations last year – a great sign of the sector’s openness and willingness to put things right quickly. Indeed, we have seen the number of cases where authorities have offered a suitable remedy during their local complaints process, before the complaint came to us, increase by a fifth on last year.

The positive impact of the remedies we recommend often spreads beyond the individual that brought the complaint. This report highlights some of the landmark cases we have completed where our remedy and the positive response from the authority has resulted in significant improvements to local services.

Our public interest reports continue to be a key tool for us to share the lessons from the cases we investigate, as well as holding authorities to account. We published 43 reports during the year, nearly half of which were about Education and Children’s Services. Frequently, we reported cases where children and young adults were missing out on the education they’re entitled to, because of serious delays in councils completing Education, Health and Care plans. We are seeing a worrying rise in the number of investigations that warrant a public interest report in this area and will continue to closely monitor our casework in the coming year.

Where we identify common themes in the complaints we investigate we may publish a focus report or guidance note to help authorities

avoid similar problems. This year’s publications are summarised in this report. They include a focus report looking at the impact on our complaints of the huge changes local authorities have gone through in response to the pressures and challenges of the last decade. [Under Pressure](#) sets out how the complaints we investigate are becoming increasingly complex. With more of the clear-cut problems often resolved before coming to us, we are seeing more cases showing underlying problems with systems, policies and the way procedures are being applied.

I hope this report, the accompanying data, and the suite of information we publish, will help authorities to maximise the valuable insight from complaints and continue to learn and improve local services.



Michael King

Local Government and Social Care Ombudsman

July 2019



Key complaint themes

Key complaint themes

Sometimes we see issues occurring time and again and across different councils. Our focus reports are an opportunity to feed back the learning from the complaints we investigate. These themed reports, and our guidance notes for practitioners, highlight the complaints we regularly see and the approach we take in our investigations. Reports often include examples where, by taking a proactive approach to our investigations, councils have used the learning to make significant improvements to their services for other people in their area. We also include suggested questions for councillors to ask when scrutinising their authorities' performance.

These were the topics we commented on during the year:

[Firm Foundations: complaints about council support and advice for Special Guardians](#)

We highlight common faults that occur when councils do not give the right advice and information to people before they become special guardians. This can leave people uninformed when making important long-term decisions. We call on councils to develop clear, accurate and user-friendly information for both staff and potential guardians to minimise the risk of mistakes and highlight the practice guidance one council developed in response to our investigation.

[Under Pressure: the impact of the changing environment on local government complaints](#)

We reveal the stark reality of how the huge changes councils have made in the last decade, often in response to unprecedented financial pressures, are now playing out in the complaints we investigate. We highlight the common themes for councils to look out for, where poor change management can lead to service failure for local people, including risks when restructuring services and using new partnerships to deliver services. We encourage councils to focus on getting the basics right when faced with major transformation and published our revised guidance [Principles of Good Administrative Practice](#) to help guide the good governance and delivery of local services.

We produced guidance for practitioners on:

[Summer born admissions](#)

Parents of children born between April and the end of August can ask to delay their school start until they reach compulsory school age. Our guidance on how we consider complaints about school admissions for summer born children sets out the correct decision-making process for admission authorities.

[Recording planning decisions](#)

This guidance shares the insight from our investigations to help councils to reach robust decisions on planning matters. We focused on the importance of clearly setting out and explaining how material planning considerations have been considered, making it clear what has been taken into account and making clear records of decisions and the reasons for them.



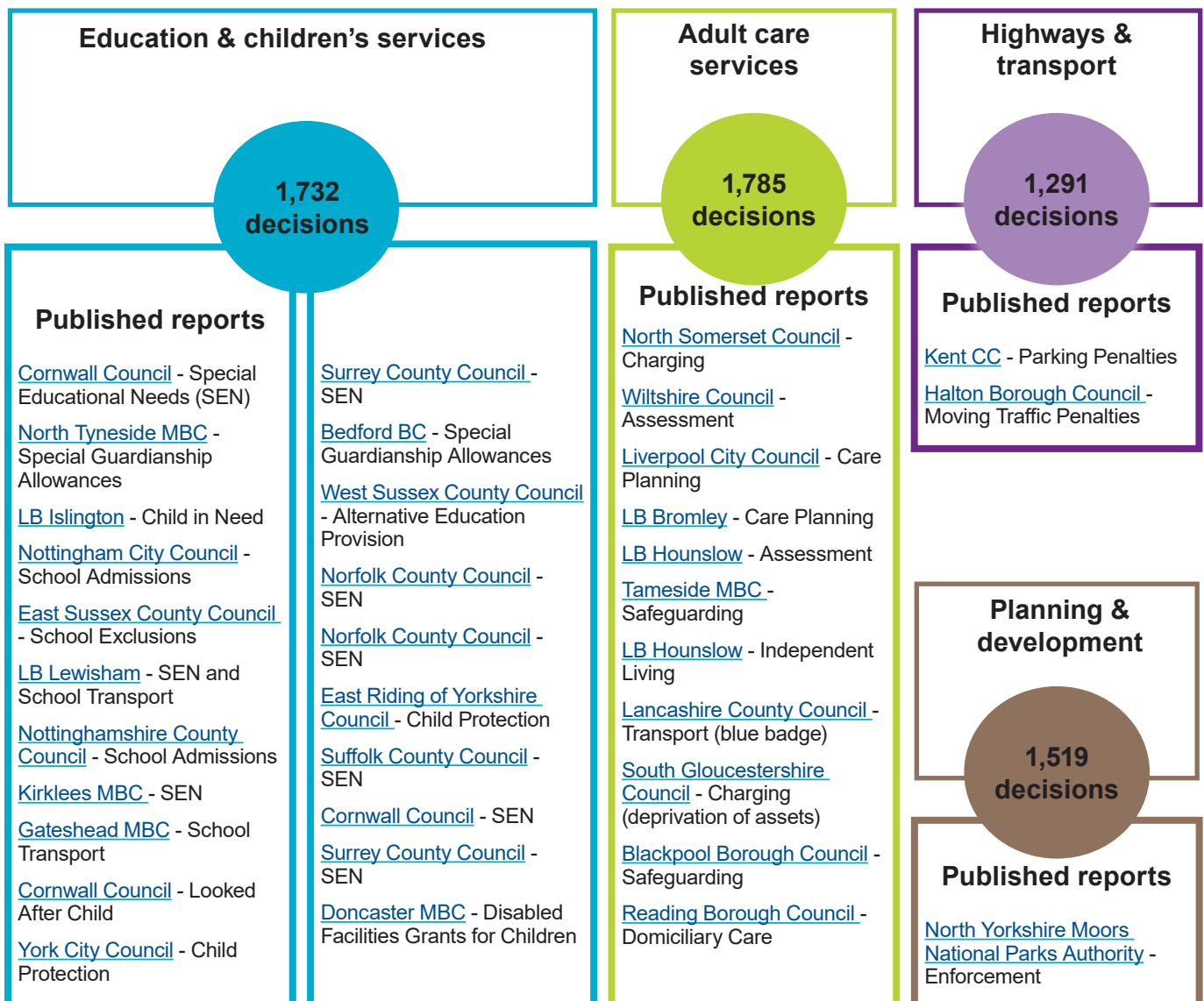
Public interest reports

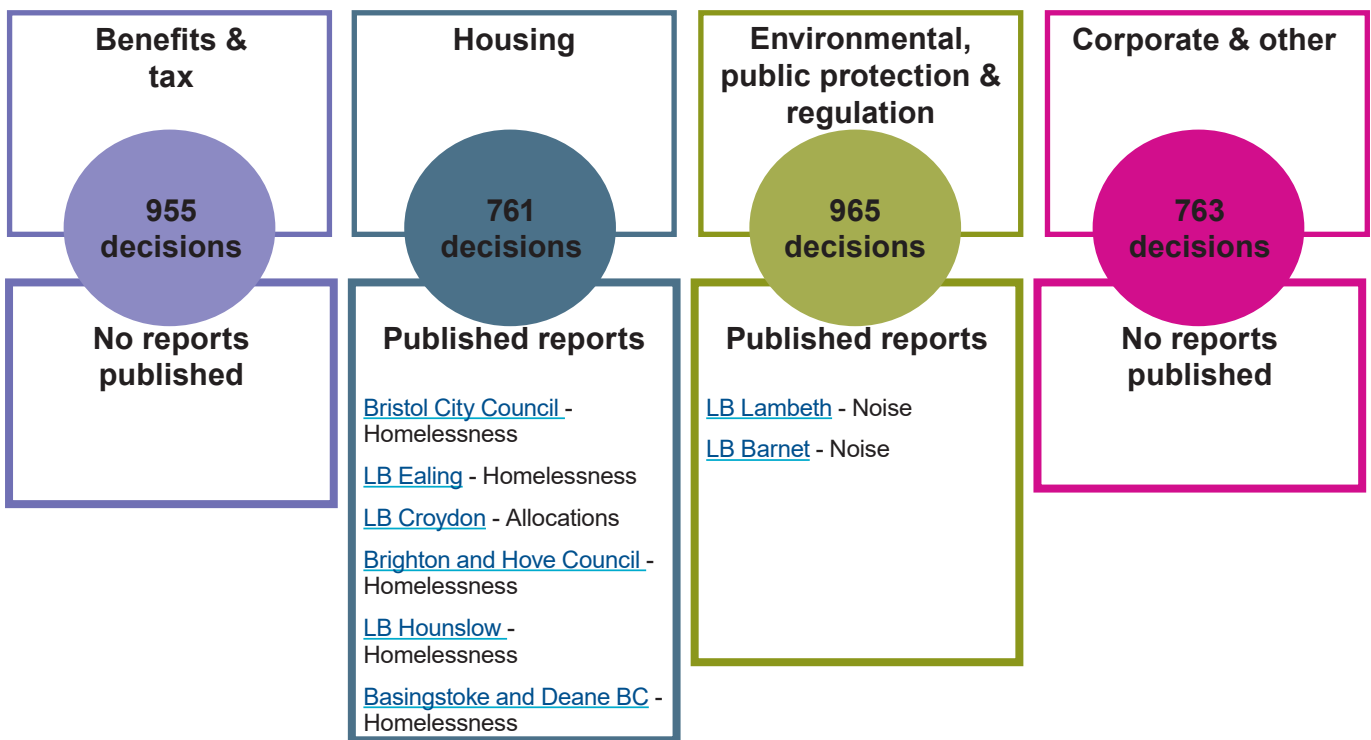
We are one of the only Ombudsman schemes to publish every decision we make. We do this to share learning and improve the transparency of our work.

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

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

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





Landmark cases

During the year, we published a number of cases that demonstrate how a single complaint and a council's constructive attitude to remedy injustice and improve services can make a difference to many people. By highlighting them, we are giving all councils the opportunity to learn and check their own practice in these areas. Below are the case summaries, and full details can be found by clicking on the links, or you can search the case reference numbers at www.lgo.org.uk/decisions

Housing for young people

Case reference: [17005652](#)

Our investigation found Cornwall Council repeatedly provided inappropriate accommodation for a young person and failed to properly assess the boy's needs. The boy spent five weeks in a tent, four weeks in a static caravan and several nights sleeping rough after approaching the council for help. We recommended the council should conduct a review of its procedures for accommodating young people and take steps to ensure there is sufficient accommodation available. The council confirmed it was going to invest significant funds in accommodation suitable for housing young people.

Personal budgets for adult social care

Case reference: [16015946](#)

Our investigation found that Wiltshire Council was setting maximum budgets when calculating the cost of people's care. A complaint about a man's care being cut revealed that the council was using an outdated matrix tool to calculate personal budget amounts. The tool was contrary to the Care Act 2014 and we reminded all councils that eligible care needs must be based on assessed needs not on capped-costs. The council agreed to stop using the tool and to review all similar cases to ensure no other service users had been similarly affected. This review resulted in revised provision for 13 other service users.

Noise nuisance

Case reference: [17018747](#)

Investigating a complaint about London Borough of Lambeth Council's handling of a complaint about noisy neighbours, we exposed how it had adopted a flawed policy in order to limit the number of noise complaints it investigated. This resulted in the complainant, and more than 6,300 other residents, being denied a statutory public protection service. We recommended, and the council accepted, to change its restrictive policy and offer to investigate any ongoing concerns in all outstanding noise nuisance complaints.



Meeting special educational needs

Case references: [17007085](#) & [18003453](#)

We published two reports about children with Special Education Needs (SEN) being left without suitable education due to Norfolk County Council failing to complete their Education, Health and Care plans on time. The council accepted our recommendations to make a wide range of service reviews, and our reports were closely linked to the council's decision to invest a further £120m into services for children with SEND.



Special Guardianship Allowances

Case reference: [17002928](#)

Alongside our Special Guardianship focus report, we issued a report about North Tyneside Council, revealing systematic underpayment of Special Guardianship Allowances for more than 170 families. The council agreed to all our recommendations, including backdating payments to all families to 2013 (the date of our previous focus report on this topic).



16,899
complaints and
enquiries received





Using the statistics

When looking at data for individual authorities, it is important to understand that, taken alone, the volume of complaints does not indicate the quality of an authority's services. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being a warning sign of wider problems. Equally, low complaint volumes can be a worrying sign that an organisation is neither seeking nor listening to user feedback, rather than a sign that all is well.

Complaint volumes should be used as the start of a conversation, rather than an absolute measure of the corporate health of an authority. We consider an authority's willingness to accept fault where it has occurred and to put things right as a more insightful marker than the number of complaints they receive.

As such, we now seek evidence that recommendations have been complied with (not only agreed to) and record where we are satisfied that a recommendation to remedy fault has been achieved (or otherwise). This means we can now report data about how an authority

has complied with the recommendations we have made to remedy complaints about them.

What we publish

- ✓ You can download the [data tables for our local government complaints 2018-19](#), which provides information at a local authority level.
- ✓ Our new [interactive map](#) provides councils, and those that scrutinise them, with a powerful suite of data to track progress against actions they have agreed to. You will also find councils' annual performance data and letters here.
- ✓ You can view [annual performance letters](#) for authorities not included on the interactive map.



Supporting local scrutiny

How councillors can use our data to support scrutiny

Many local authorities already use our annual letters and complaint statistics to report to scrutiny committees and other oversight functions. We hope our interactive performance map will be a useful addition to the information available to scrutineers.

We suggest some **key lines of enquiry** for councillors to consider about their authority.

Complaints upheld:

- ✓ Does the Ombudsman uphold particularly high or low numbers of complaints in particular service areas?
- ✓ Compare the number of upheld complaints against the number of complaints made to your authority, or against other similar authorities, to build a picture.

Our decisions:

- ✓ Do we refer a high number of complaints back to your authority to consider first? This may show that people are not being properly signposted to the local complaints process.
- ✓ Uphold rates show the proportion of investigations in which we find some fault and can indicate problems with services. Compare these with the national averages in this report or against other authorities.

Putting things right:

- ✓ How often does your authority offer a suitable remedy for a complaint before it comes to us? This is a good sign that your authority is able to accept fault and offer appropriate ways to put things right for people.
- ✓ Use the interactive map to look at the service improvement recommendations your authority agrees to make following our investigations. How are they being implemented, and their impact monitored?
- ✓ What is your authority's compliance rate? This indicates our satisfaction with the evidence your authority has provided to implement a recommendation it has agreed to.

Complaint handling

- ✓ How quickly does your authority respond to complaints?
- ✓ How quickly does your authority look to put things right when there is evidence of fault?
- ✓ How does your authority make sure all partners it commissions services from also have effective complaint handling processes?
- ✓ Does your authority's complaints process clearly signpost to the Ombudsman?





Supporting local scrutiny

These are some examples of councillors using our data and casework in scrutiny sessions and improving local services as a result:

Following our public report finding fault in a homelessness case, London Borough of Haringey's councillors subjected the council's response to the report to intensive scrutiny.

The session concluded by recommending officers consider going beyond the remedies we had recommended. We welcome this approach and the democratic accountability it demonstrates.

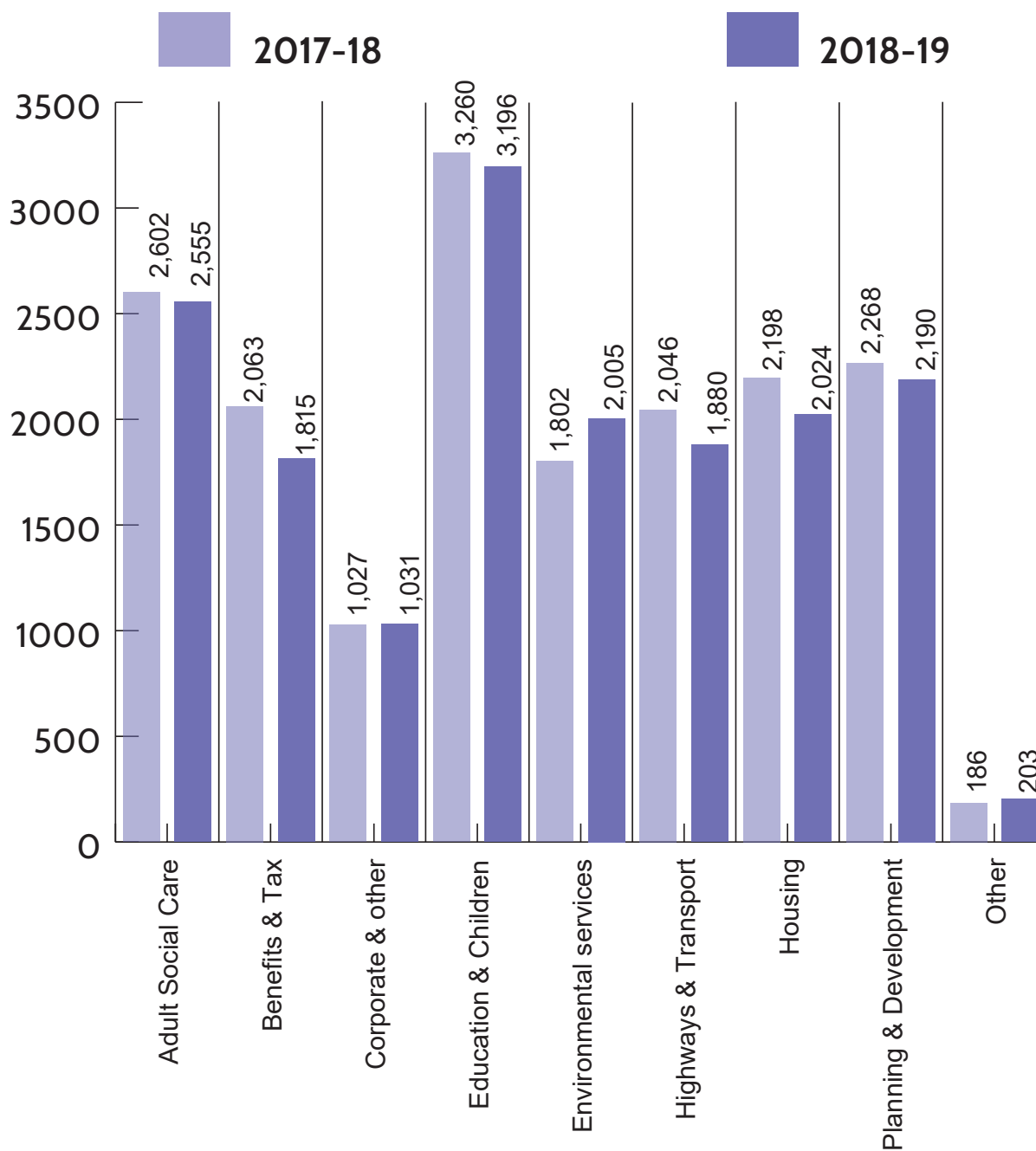
Nottinghamshire County Council's Governance and Ethics Committee has taken the decision to scrutinise all complaints where we find fault to ensure lessons are properly learned. This is a good example of our casework contributing to the health and transparency of local democracy.






Statistics

The following statistics are an accumulation of the annual data we publish for individual authorities. They include each English local authority, National Parks Authorities, the Greater London Authority, Transport for London, and the Environment Agency.

Complaints and enquiries received

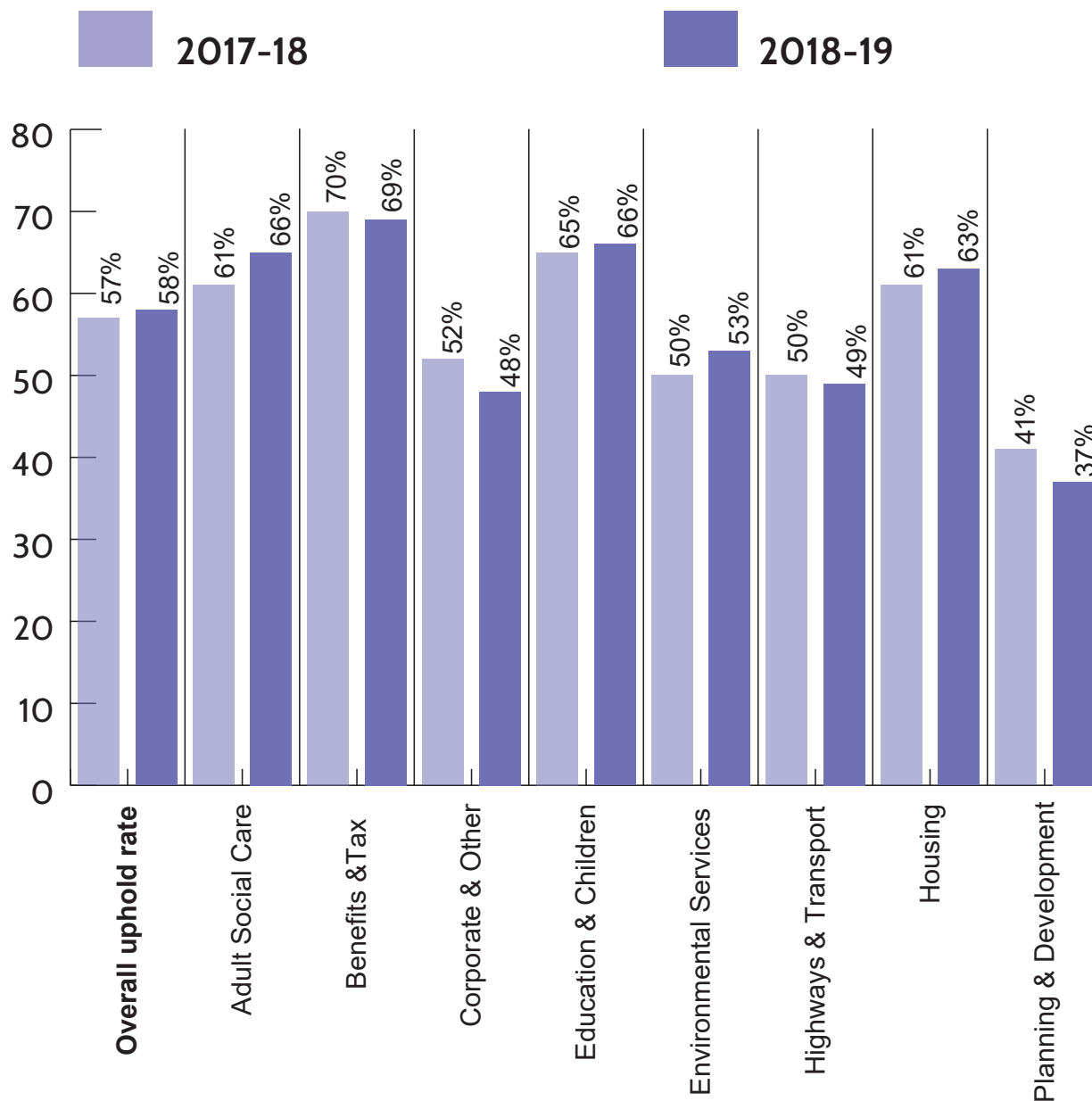


Decisions made and investigations completed

		
Step 1 Initial Check	Step 2 Initial investigation (assessment)	Step 3 Detailed investigation
<p>We carry out some basic checks, like whether:</p> <ul style="list-style-type: none"> ! the council or care provider has had the chance to consider the complaint ! it looks like we might be the right people to help at this stage 	<p>We decide whether to investigate the complaint by checking if:</p> <ul style="list-style-type: none"> ! the issue is something the law allows us to look into and; ! there is good reason for us to formally investigate 	<p>We make a decision on whether the organisation was at fault by:</p> <ul style="list-style-type: none"> ! investigating what happened, and what should have happened, according to the laws and policies in place at the time ! making recommendations to put things right if necessary
<p style="text-align: center;">7,136 cases decided at initial check</p> <p style="text-align: center;">(compared with 8,135 in 2017-18)</p>	<p style="text-align: center;">5,150 cases decided by initial investigation</p> <p style="text-align: center;">(compared with 4,808 in 2017-18)</p>	<p style="text-align: center;">4,232 cases decided by detailed investigation</p> <p style="text-align: center;">(compared with 4,020 in 2017-18)</p>



Uphold rates



2,446

investigations upheld
(58%)
compared with 2,275
in 2017-18 (57%)

1,786

investigations not
upheld
compared with 1,745 in
2017-18



Recommendations



1,929

cases with
recommendations to put
things right



3,525

recommendations to
remedy personal injustice*



1,450

recommendations to
improve services for
others*



11%

more cases with
recommendations than last
year



11%

upheld cases where we agreed
with authority's remedy

** In many cases, we will recommend more than one remedy. We have changed the way we record and report data to provide more accurate statistics, so this year's data are not directly comparable with 2017-18.*





Compliance with recommendations

While our recommendations to put things right are non-binding, in most cases authorities work with us constructively to comply with our remedies.

- > We were satisfied with authorities' compliance with our recommendations in 99.4% of cases. But, in 8% of cases this compliance was late.
- > In 1% of cases we were not satisfied with authorities' compliance 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.

Types of recommendations

- ✓ Recommendations to remedy personal injustice typically include: an apology, financial redress, provision of services, writing off a debt, or a new appeal or review of a case. They can also encompass creative recommendations to fix things based on the person's circumstances.
- ✓ Recommendations to improve services typically include: a review of policies, change to practices, training staff, and awareness raising of issues within the authority and to the public. We can also ask authorities to put things right specifically for others that did not directly complain to us but may have been affected by the issues found within an investigation.



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