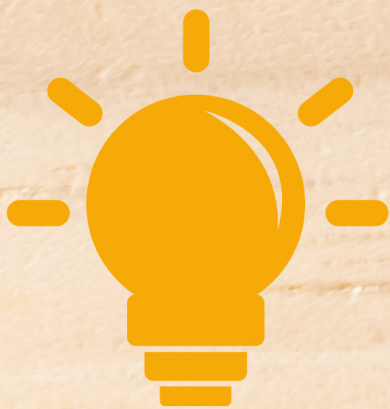




***Review of Local
Government
Complaints
2019-2020***



July 2020

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Ombudsman's foreword



I am pleased to present our Review of Local Government Complaints for 2019-20.

Alongside this report, we publish our complaints data at local authority level, and upload annual data on our [interactive map - your council's performance](#).

Launched last year, our performance map supports our focus on complaint outcomes and the learning opportunities our investigations offer. The user-friendly tool is helping to increase public scrutiny and accountability of councils by setting out where they have got things wrong and what commitments they have made to improve, as well as how they fare against similar authorities. I encourage you to take a look at how your council is performing.

Our complaint statistics for 2019-20 tell us:

- We are finding fault more often: we upheld 61% of complaints we investigated in detail, up from 58% last year
- We uphold the highest proportion of complaints about Education and children's services (72%)

- Councils are putting things right more often. In 13% of upheld cases, councils had already offered a suitable remedy, up from 11% last year
- We recommended 1,629 service improvements, up 12% on the previous year
- Compliance with our recommendations remains high at 99.4%

We published 63 public interest reports during the year. These reports allow us to share the lessons from the cases we investigate, as well as holding authorities to account. Over a third of these reports were about Education and children's services, with several demonstrating continued failings across the sector to properly provide Education, Health and Care (EHC) plans. In response to the significant number of investigations we have carried out and the concerning uphold rate – sitting at an unprecedented 91% for the year, we published a [third focus report on the issue](#). I urge all councils with responsibilities for EHC plans to learn from the experiences of the families and children highlighted in the report and to take steps to avoid the problems that appear to beset the system.

Ombudsman's foreword

The complexity of the cases we investigate has certainly increased over recent years, often exposing procedural and policy errors, no doubt a result of the challenging environment local government operates in. For us, it clearly shows that fixing complaints one by one is short-sighted and ultimately serves as a lost opportunity to spot wider lessons and do better.

Single complaints offer great potential to prevent problems reoccurring and improve services for others. This is why our recommendations focus both on remedying individual injustice and achieving wider service improvements. We made 12% more service improvement recommendations this year. We have highlighted cases in this report where councils have demonstrated their commitment to learning and improving from complaints and I commend their approach.



Single complaints offer great potential to prevent problems reoccurring and improve services for others. This is why our recommendations focus both on remedying individual injustice and achieving wider service improvements.



I welcome the constructive way most authorities work with us to remedy injustices and take steps to improve. When we uphold complaints, we closely monitor when our recommendations are implemented. We take action on the rare occasions they are not. There were no formal incidents of non-compliance to our recommendations during the year – a positive indication of the value the sector places on complaints and our investigations. However, we have issued a handful of further reports this year about councils who have missed opportunities to learn from our investigations. While overall compliance with recommendations remains high, we will continue to shine a spotlight on the small minority who fail to deliver.

The end of 2019-20 saw an abrupt pause to our casework in response to the exceptional operational challenges local authorities and care providers faced because of the Covid-19 pandemic. We did not take this decision lightly, but it was the right thing to do to allow authorities and care providers space to deliver crucial frontline services.

Some four months in, and without a clear end point to the pandemic, I am aware that services must adapt and continue to be delivered within this new reality, including our own. We have resumed our casework and are taking new complaints again. To support bodies in our jurisdiction we have issued [guidance on good administrative practice and handling complaints during the Covid-19 crisis](#).

Looking ahead, while we will continue to acknowledge the practical and logistical challenges faced by authorities in dealing with the crisis, we will resume our usual principles and thresholds to our decision-making. We will continue to support high quality public administration and the full delivery of all statutory duties. We remain committed to exposing failings to rigorous public scrutiny.

I hope this report, and the accompanying suite of data and information, will help authorities to maximise the valuable potential of complaints and drive improvements in local services.

Michael King
Local Government and Social Care Ombudsman
July 2020

Putting things right

2,039

cases with recommendations to put things right



17,019

complaints and enquiries received



1,629

recommendations to improve services for others*

13%

upheld cases where we agreed with authority's remedy



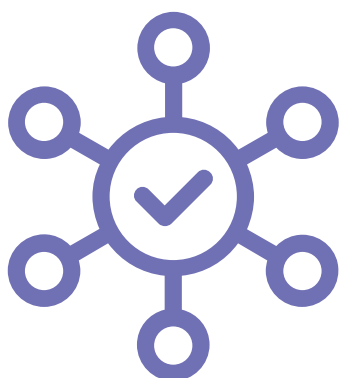
3,746

recommendations to remedy personal injustice*



** In many cases, we will recommend more than one type of remedy. For example, we may recommend an authority makes an apology, pays a sum of money, and reviews a policy or procedure.*

Compliance with recommendations



While our recommendations to put things right are not 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 17% of cases this compliance was late.
- In 0.6% 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.

Learning from complaints

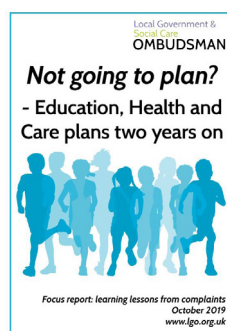
Sometimes we see issues occurring time and again and across different authorities. Our [focus reports](#) are an opportunity to feed back the learning from the complaints we investigate. These themed reports, and our guidance notes for practitioners, highlight the complaints we regularly see and the approach we take in our investigations.

We will often highlight cases where proactive, responsive councils have used the learning from complaints to make significant improvements to services. We also include suggested questions for councillors to ask when scrutinising their authorities' performance.

These were the topics we commented on during the year:

[Not going to plan? Education, Health and Care plans two years on](#)

Two years on from sharing our experience of the first one hundred investigations into complaints about Education, Health and Care (EHC) plans our evidence suggests a system in crisis, which is getting worse. We reveal we are upholding an unprecedented 9 out of every 10 investigations and raise concerns about authorities gatekeeping services by changing eligibility criteria and basing some decisions on financial cost rather than meeting assessed need. Serious issues we highlight include severe delays when issuing an EHC plan, failing to anticipate local needs, poor communication and preparation for meetings, and lack of oversight by senior staff.



[Focus on Housing Benefit](#)

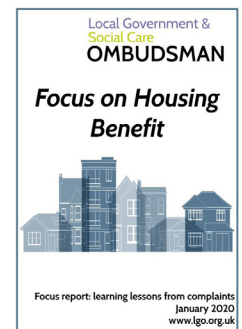
We highlight the human cost when housing benefit is not properly administered, including in extreme examples, families left at risk of losing their homes. Despite being replaced by Universal Credit, with some 3.6 million of the most vulnerable households still relying on housing benefit, our report reminds

councils to properly administer the service. We share good practice, including ensuring families are properly advised of their appeal rights, and that recovery action is not progressed before appeal deadlines have expired.

We published guidance for practitioners on:

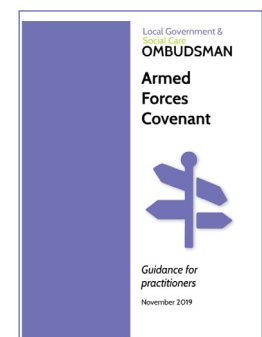
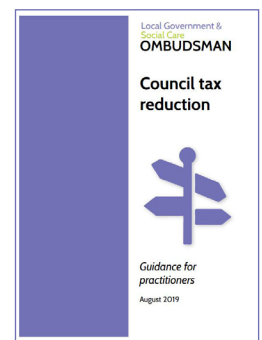
[Council Tax Reduction](#)

We share insight from our investigations about complex council tax reduction complaints. These schemes replaced the centrally administered council tax benefit in 2013. With no national regulations to comply with, these locally administered schemes can be susceptible to inconsistent processes and giving unclear advice to the public. Our good practice points are aimed at ensuring councils deal with cases consistently and fairly.



[Armed Forces Covenant](#)

This guidance helps councils to meet their obligations set out in the Armed Forces Covenant. The covenant pledges that servicemen and women, and their families, will not be disadvantaged by their roles compared to others, when applying for council services. Our document highlights learning points from our complaints, particularly around school admissions, school transport and housing.



Decisions and 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.

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

Public interest reports

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

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



Education & children's services

910 detailed investigations
72% upheld

Published reports

Birmingham City Council - school transport	Dorset CC - special educational needs
LB Hackney - special educational needs	LB Bexley - school transport
LB Hackney - special educational needs	Rochdale MBC - friends and family carers
West Sussex CC - alternative provision	East Riding of Yorkshire Council - adoption
Lancashire CC - statutory complaints procedure	Sandwell MBC - other children's services
Dudley MBC - special educational needs	Wolverhampton City Council - fostering
Oxfordshire CC - alternative provision	LB Richmond upon Thames - special educational needs
Leicester City Council - other provision	East Sussex CC - school transport
Derbyshire CC - special educational needs	Derby City Council - special educational needs
Lancashire CC - friends and family carers	Luton Borough Council - special educational needs
Leeds City Council - alternative provision	
Worcestershire CC - special educational needs	



Adult care services

986 detailed investigations
68% upheld

Published reports

LB Barking and Dagenham - charging	Somerset CC - assessment and care planning
Staffordshire CC - assessment and care planning	Sheffield City Council - transport
Wirral MBC - domiciliary care	Salford City Council - assessment and care planning
Bolton MBC - assessment and care planning	Derbyshire CC - safeguarding
Suffolk CC - direct payments	Nottinghamshire CC - direct parents
Somerset CC - assessment and care planning	Norfolk CC - assessment and care planning
Staffordshire CC - assessment and care planning	North Yorkshire CC - assessment and care planning

* Some public interest reports relate to multiple cases. Further reports published are detailed on page 8.

Decisions and Reports



Housing

413 detailed investigations

66% upheld

Published reports

[RB Kensington and Chelsea - homelessness](#)

[LB Haringey - homelessness](#)

[Oadby and Wigston BC - homelessness](#)

[Maidstone BC - allocations](#)

[LB Tower Hamlets - homelessness](#)

[Folkestone and Hythe DC - homelessness](#)



Environment & public protection

456 detailed investigations

64% upheld

Published reports

[Birmingham City Council - refuse and recycling](#)

[LB Barnet - enforcement](#)

[Daventry DC - noise](#)

[Trafford Council - refuse and recycling](#)



Benefits & tax

282 detailed investigations

65% upheld

Published reports

[LB Hillingdon - housing benefit and council tax benefit](#)

[LB Haringey - housing benefit and council tax benefit](#)

[LB Islington - business rates](#)

[LB Haringey - business rates](#)



Highways & transport

293 detailed investigations

56% upheld

Published reports

[Stockport MBC - parking](#)

[LB Lambeth - parking](#)

[LB Wandsworth - parking](#)

[Cherwell DC - parking](#)



Planning & development

735 detailed investigations

40% upheld

Published reports

[Shropshire Council - other planning](#)



Corporate & other

142 detailed investigations

42% upheld

No published reports

Decisions and Reports

Further reports

Issuing a further report is one of the ways we hold local authorities to account by highlighting their failings publicly. When an authority fails to satisfactorily implement a recommendation or fails to respond to a decision, we will issue a further report.

We published four further reports during the year:

- **West Sussex County Council** – Education and children’s services – [17 008 448](#): councillors considered the wrong version of our report at a meeting and declined to comply with the recommended remedy. Our further report was issued, and the council agreed to the actions we recommended.
- **Lincolnshire County Council** – Adult care services - [16 003 268](#): we had previously recommended the council ensure they were giving people the option to pay a care top up fee directly to the council. The council failed to do this, and our further report asked the council to, again, review its procedures and ensure it fully complied with statutory guidance.
- **Dudley MBC** – Adult care services – [16 00 2186](#): the council failed to comply with recommendations we made in 2017 to make changes to its top up fees. We issued a further report asking the council to ensure it was properly adhering to statutory guidance.
- **Medway Council** – Education and children’s services – [17 015 628](#): the council failed to review its home to school transport policy despite recommendations we made in an investigation in 2016. Our further report asked the council to consider its policy and make changes to ensure it complies with statutory guidance.



The impact of a single complaint



Housing benefit error leads to wider audit Case reference: [18 015 518](#)

Our investigation found repeated failures to calculate a woman's housing benefit correctly led to her young family being pressured to leave their rented property. London Borough of Haringey Council then failed to progress the homelessness application, and when the woman wanted to appeal, it failed to refer her to the tribunal.

The council agreed to our recommendations to make payments for the distress caused and to recognise the accommodation the family had been placed in was unsuitable, as well as to reimburse storage costs.

The council also agreed to investigate how the calculation errors had occurred and to audit cases where a similar error could have been made. It agreed to correct any mistakes identified by the audit.

The council then exceeded what was asked by completing a second audit of cases to ensure similar mistakes had not affected other service users.



**65% of benefits and
tax decisions upheld**

The impact of a single complaint



Commitment to improve EHC plan review process
Case reference: [18 012 490](#)

Our investigation found Luton Borough Council had failed to ensure children in its area with Education, Health and Care (EHC) plans had an annual review of their plan. By not having a robust annual review process, as required by the law, the council did not have an adequate system to monitor if the support set out in EHC plans was delivered.

The council had already accepted it was at fault in this case and agreed to our recommendations for wider service improvements. This included producing a detailed action plan to improve its EHC plan annual review process, which fed into the council's wider improvements for children with special educational needs.



**91% of Education,
Health and Care plan
complaints upheld**

The impact of a single complaint



Service resources reviewed to prevent further homelessness failures
Case reference: [19 000 068](#)

After finding London Borough of Tower Hamlets at fault for how it dealt with a pregnant homeless woman after she was evicted from the family home, we recommended the council make a payment to the woman and support her to find affordable and suitable accommodation.

The council had failed to do enough to prevent the woman becoming homeless under new homelessness prevention laws.

The council committed to learn from its errors by putting in place an action plan demonstrating it has properly considered the resources it puts into delivering the service, helping to ensure others are not affected in the same way in future.



75% of homelessness complaints upheld

The impact of a single complaint



Improvements to monitoring missed bin collections

Case reference: [19 003 291](#)

Our investigations found a range of issues with Trafford Council's waste and refuse collection service, including failing to return bins and missed garden and food waste collections. While the council had responded appropriately to the problems, it had failed to take steps to prevent the same issues reoccurring.

The council confirmed it was already in a formal process with its waste contractor to review performance and address service delivery issues and agreed to our recommendations to monitor collections and review its missed collection process.

Importantly, the council also agreed to ask its Overview and Scrutiny Committee to consider the recent changes to the waste collection service, engaging the local democratic process in oversight of the situation.



87% of refuse and recycling complaints upheld

The impact of a single complaint



Blue badge applications reviewed
Case reference: [18 017 471](#)

We found that Sheffield City Council's failure to offer a face-to-face mobility assessment to a blue badge applicant was contrary to its own policy and the guidance in place at the time.

The council accepted it was at fault early on in our investigation and arranged the appropriate assessment for the woman. It also agreed to our recommendations to apologise and make a payment for the time and trouble in pursuing the complaint.

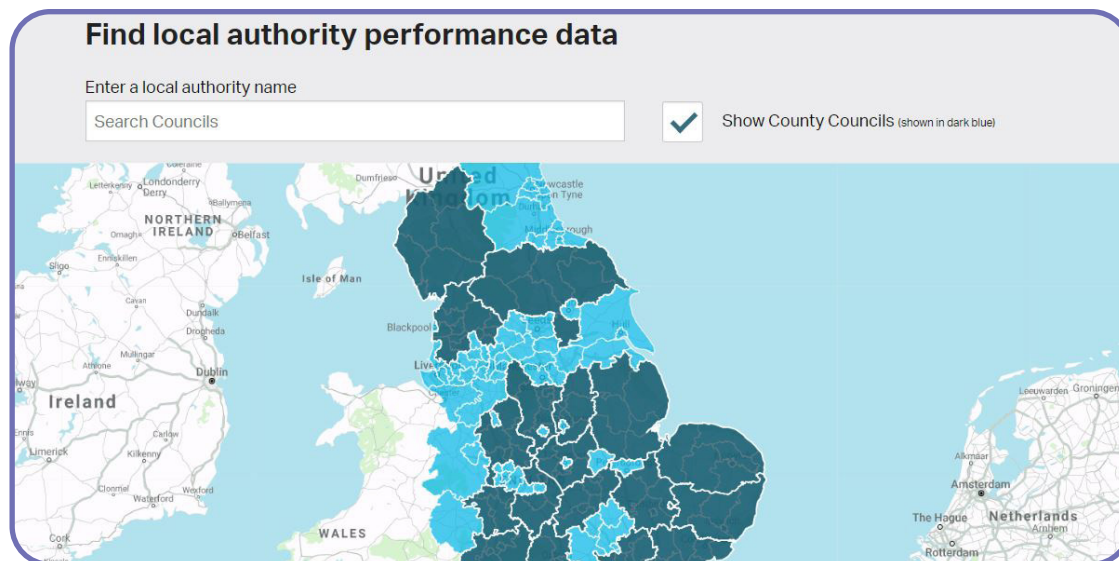
To the council's credit, it recognised its approach to blue badge assessments may have caused injustice to other applicants. It identified those affected and agreed to offer them an assessment by a physiotherapist.

The council showed its commitment to learning from the complaint by agreeing to review the way it deals with applications for blue badges so that, in future, all applicants are offered an assessment by a physiotherapist in accordance with the legislation and statutory guidance.



**68% of adult social
care complaints
upheld**

Raising the profile of complaints



Assessing performance

Our council [performance map](#) places all our council complaint statistics in a single, interactive hub. It is a mine of searchable information that can be used by council officers to learn from complaints, by councillors to scrutinise decisions about their authorities, and by residents to hold their local authorities to account. It also allows comparisons to be made between similar councils.

Performance map

Every council has a dedicated page where we show the following key statistics:

- **Complaints upheld** - We uphold complaints when we find fault in an authority's actions. This includes where the authority accepted fault before we investigated. By focusing on how often things go wrong, rather than simple volumes of complaints received provides a clearer indicator of performance.
- **Compliance with recommendations** - We recommend ways for authorities to put things right when faults have caused injustice. We try to put people back in the position they were in before the fault and we monitor authorities to ensure they comply with our recommendations. 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 remedies provided by the council** - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving them. We recognise cases where a council has taken steps to put things right before the complaint came to us. In these instances, the authority upheld the complaint and we agreed with how it offered to put things right.

Each council page also includes our annual review letters, links to decisions we have made, public interest reports published, and every service improvement the council has agreed to make.

As part of this report, we also publish [data tables](#) providing complaints information at local authority level, which can be freely analysed and segmented.

“Complaints are a valuable tool for local authorities, providing an early warning of possible problems, free intelligence from people who use services, and a tool for supporting good governance, risk and audit functions.”

How councillors can use our data to support scrutiny

As a councillor, you can use information about complaints to help identify issues affecting local people. Using the [statistics we publish](#), we suggest some key lines of enquiry for you to consider about your authority.

- **Uphold rates** show the proportion of investigations in which we find some fault and can indicate problems with services. How does your authority compare against the national averages or other similar authorities?
- **Offering a suitable remedy** for a complaint before it comes to us is a good sign your authority can accept fault and offer appropriate ways to put things right. How often does your authority do this, and how does it compare with others?
- **Compliance rates** show the proportion of cases in which we are satisfied our recommendations have been implemented (based on the evidence authorities give us). Compliance less than 100% is rare. Does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?
- **Service improvement recommendations** show what your authority agrees to do following our investigations, to make things better for everyone. Do you track your authority's service improvements? How are they being implemented, and their impact monitored?

You can also ask questions to get assurance your authority's complaints processes are operating successfully.

- How quickly does your authority respond to complaints?
- How does it make sure all partners it commissions services from have effective complaint handling processes?
- Does your authority's complaints procedure clearly tell people of their right to come to the Ombudsman?



Resolving complaints effectively

We think that councils are best placed to put things right when they go wrong, and we want to see councils resolving complaints before they reach the Ombudsman.

While we already offer [a range of resources](#) to support good complaint handling, we have trialled

a new bespoke approach, focusing on a council's specific issues and challenges.

Working in partnership with a small number of councils*, we developed a tailored plan of support focused on identifying and implementing solutions to improve complaint handling.



Case study: London Borough of Tower Hamlets

Issues identified

The council was occasionally late when responding to our investigation enquiries and often asked for more time to provide the information we asked for. Responses to complaints about the council's housing services were particularly affected. When we did uphold complaints, the council complied with our recommendations and there was good evidence of it getting things right at the local level by offering suitable remedies before complaints reached us. We met with council officers and confirmed the commitment of its senior leadership to address the issues identified.

Agreed actions

- Monthly progress calls to identify issues and discuss possible solutions
- Improved tracking of enquiries and responses by the council
- Better communication with our investigators when delays occur
- Deliver effective complaint handling training to the council's housing team
- Meet with the council's senior leadership team to highlight our role and the benefits of effective complaint handling locally.

Outcomes so far

The council's average response times to our enquiries reduced from 35 to 20 working days

With our support and senior level buy-in at the council, Tower Hamlets was able to resolve the issues we identified quickly and effectively. The trial demonstrated the benefits of an open approach to improving complaint handling with the support of bespoke plan from us. In the future, we hope to identify more authorities willing to engage with us on improving their complaint handling.

**Using our casework data and information, we identified councils that could benefit from support to improve their responses to our investigations. Tower Hamlets was one of several councils we invited to take part in the pilot. Councils participated voluntarily.*

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