

# ***Review of Local Government Complaints 2020-21***

July 2021



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# Ombudsman's foreword



I am pleased to present our Review of Local Government Complaints for 2020-21 – an opportunity to reflect on a challenging year for both the sector and our wider communities.

While we are just beginning to evaluate the impact of the COVID-19 pandemic on our casework, a more immediate impact has been on the statistics we publish today. To allow authorities to respond to the first wave of the outbreak, we stopped taking new complaints and paused our existing investigations. We restarted casework in late June 2020, after a three month pause, and, after listening to your feedback, decided it was unnecessary to pause our casework again as we entered further lockdowns. Quite simply, as a result, the number of complaints we received and decided during the year is lower than in previous years.

Our complaint statistics for 2020-21 tell us:

- We are finding fault more often: we upheld 67% of complaints we investigated, up from 61% last year
- The uphold rate increased across all categories of complaint, except Environmental Services. We continue to uphold the highest proportion of complaints about Education and Children's Services (77%)

- We recommended 1,488 service improvements, up 2% on the previous year (as a proportion of all recommendations made)
- Compliance with our recommendations remains high at 99.5%

We published 40 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. While the breadth of our casework is represented, complaints about Education and Children's Services continue to dominate, being the subject matter in two fifths of our reports.

It is encouraging that compliance with the recommendations we make remains high; there were no formal incidents of non-compliance during the year or further reports issued. However, a handful of councils failed to implement recommendations they had agreed to, resulting in new complaints being opened. While it is unfortunate that we need to take this action, we do so to maintain public confidence in complaints systems and hold councils to account for their actions.

Pleasingly, many councils demonstrate a willingness to put things right for individuals and commit to often significant wider reviews and service changes to ensure others are not similarly affected by the faults our investigations uncover. I commend this approach and have detailed some case examples in this report. I hope others can learn from the added value these councils are gaining from their complaints.

***I am concerned about the general erosion to the visibility, capacity, and status of complaint functions within councils. These concerns are not new and cannot be wholly attributed to the trials of the pandemic.***

While the impact and response of councils to the pandemic is only beginning to play out in our casework, we have seen evidence of councils struggling to implement new policies at short notice and failing to properly take account of personal hardships caused by the pandemic when assessing people's circumstances. Encouragingly, there have also been many examples of councils performing well under pressure. We are paying close attention to this area of our casework and intend to publish our early experiences and findings later in the year.

More generally, the challenges of the past year have served to heighten my concerns about the pressures on complaint handling functions in councils. Our investigations regularly highlight local complaint systems that are failing to respond properly to those that raise concerns. While I do not underestimate the challenges councils are facing, nor the impact of the past 15 months, I am concerned about the general erosion to the visibility, capacity, and status of complaint functions within councils. These concerns are not new and cannot be wholly attributed to the trials of the pandemic.

Our view and advice to councils remains the same: good public administration is more important than ever and managing complaints effectively is not simply a transactional process. The public experience of local services provides unique insight that can be harnessed as a key driver for learning and improvement.

It is this view that drives our new programme of work; 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 also want to look at how we can be more explicit and set out firmer expectations of the standards we expect. There will be opportunities for authorities to get involved in this work and we will share more with you as it progresses, however, I know its success will rely on all councils committing to high quality, responsive complaint handling, and the operation of effective governance and accountability systems. I look forward to working with the sector on this ambition.

Alongside this report, we publish our complaints data at local authority level, and upload annual data to the [your council's performance map](#). Now with three years' worth of data on councils' complaint outcomes and commitments to improve, I encourage you to take a look at how your authority is performing.



**Michael King**  
Local Government and  
Social Care Ombudsman  
July 2021

## Putting things right

# 1,726

cases with  
recommendations to  
put things right



# 11,830

complaints and  
enquiries  
received



# 1,488

recommendations  
to improve services  
for others\*

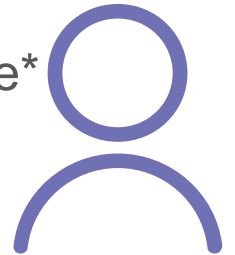
# 11%

upheld cases where  
we agreed with the  
authority's remedy



# 3,104

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.*

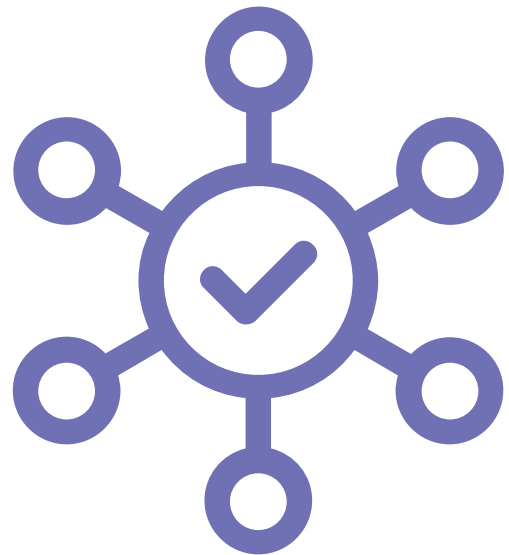
# Compliance with recommendations



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

- We were satisfied with authorities' compliance with our recommendations in 99.5% of cases. But, in 18% of cases, compliance was not within the agreed timescales and was late.
- In nine cases we were not satisfied that the authority had complied 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

Our casework provides a unique insight into the concerns of people who use local services. Where we identify recurrent problems across authorities, we will publish a [focus report](#) to feed back the learning from the complaints we investigate to the sector. These reports highlight concerning issues and help authorities to learn from others' mistakes and improve services. The reports also act as a useful tool for elected members; we include [suggested questions](#) councillors can use as part of their role to scrutinise services.

In addition, our guidance notes for practitioners set out what we expect from local complaint handling and how we will approach investigations about common areas of complaint.

These were the topics we commented on during the year:

## Home truths: how well are councils implementing the Homelessness Reduction Act?



This [report](#) shares the learning from our first 50 detailed investigations about the Homelessness Reduction Act, giving practical advice to councils from our early findings. The Act, introduced in 2018, gave people new rights when homeless or threatened with homelessness,

aiming to help people earlier and prevent them becoming homeless. We have found delays in the process and difficulties in how the newly required Personalised Housing Plans are administered. We call on all councils with homelessness responsibilities to read the report and review their practices in light of our good practice advice.

## Careless: helping to improve council services to children in care

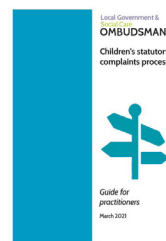


This [report](#) highlights the stories from the complaints we receive from children and young people in the care of their local authority. 'Looked after children' are statistically much more likely to have poorer outcomes

than children living with their parents – making councils' decisions about them even more critical. We share case studies from our investigations and offer good practice suggestions, including actively promoting to children in care how to raise concerns or make a complaint, and the importance of having effective policies on exercising discretion to investigate historical complaints.

We issued two guides for practitioners aimed at helping authorities to get things right before cases get escalated to us:

## Guide on the Children's Statutory Complaints Procedure



Being the area about which we receive most enquiries from councils, we published our [guide](#) on managing the statutory children's complaints procedure. It sets out what we expect from councils and how they should apply the government guidance, while answering the common queries

we receive based on the learning from our cases. We also stress our position, that the regulations and statutory guidance must be followed as set out in law regardless of any concerns about the effectiveness of the process councils may have.

## Guidance on Effective Complaint Handling for Local Authorities



A relaunch of our long-standing [guidance](#), this practical guide offers advice on how to run a complaints system that is effective, fair and helps to drive service improvement within local authorities. It runs through the steps authorities need to take to ensure complaints are properly identified, investigated,

and put right where necessary.

# Decisions and reports

We are one of the only Ombudsman schemes to publish the decisions we make. We do this to share learning and be transparent.

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

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](http://www.lgo.org.uk/information-centre/news)



## Education & children's services

**800** detailed investigations  
**77%** upheld

### Published reports

[Norfolk CC – Education – alternative provision](#)

[Buckinghamshire CC – Education – transport](#)

[Coventry CC – Education – transport](#)

[Leicestershire CC – Education – other](#)

[Nottingham CC – Education – transport](#)

[Sheffield CC – Education – SEN provision & EHC plans](#)

[Birmingham CC – Children's Services – family & friends carers](#)

[Surrey CC – Education – transport](#)

[Kent CC & LB Croydon – Children's Services – child protection](#)

[Somerset CC – Children's Services – child protection](#)

[Cornwall C – Education – alternative provision](#)

[Leicestershire CC – Education – alternative provision](#)

[Newcastle CC – Children's Services – child protection](#)

[Isle of Wight C – Children's Services – child in need](#)

[LB Redbridge – Education – SEN transition to EHCP](#)



## Adult care services

**801** detailed investigations  
**72%** upheld

### Published reports

[LB Barking & Dagenham – transport](#)

[Hertfordshire CC – assessment](#)

[RB Windsor & Maidenhead – home care](#)

[LB Harrow – transport](#)

[Westminster CC – assessment](#)

[Brighton & Hove CC – assessment](#)

[Hampshire CC – assessment](#)

[Cornwall C – direct payments](#)

[Cornwall C – charging](#)

[Lincolnshire CC – charging](#)

[Nottinghamshire CC – assessment](#)

[Surrey CC – residential care](#)



# Decisions and reports



## Housing

**330** detailed investigations  
**71%** upheld

### Published reports

[LB Haringey – Homelessness](#)

[LB Merton – Homelessness](#)

[LB Enfield – Allocations](#)

[East Lindsey DC – Allocations](#)

[LB Harrow – Private housing disrepair](#)

[LB Redbridge – Homelessness](#)

[LB Wandsworth – Homelessness](#)



## Highways & transport

**190** detailed investigations  
**58%** upheld

### Published reports

[LB Merton – Enforcement Agents – Transport](#)

[LB Tower Hamlets – other](#)

[Sheffield CC – Highway repair](#)



## Corporate & other

**60** detailed investigations  
**62%** upheld

### Published reports

[LB Barking and Dagenham - Local Authority public health duties](#)



## Benefits & tax

**220** detailed investigations  
**70%** upheld

### Published reports

[Calderdale MBC – Council Tax](#)



## Planning & development

**436** detailed investigations  
**45%** upheld

### Published reports

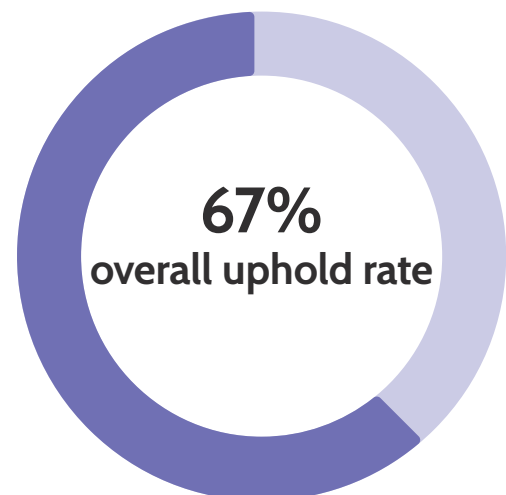
[Warwick DC – Planning application](#)



## Environment & public protection

**307** detailed investigations  
**58%** upheld

No published reports



# The impact of a single complaint

## Overview

During the year, we investigated many cases that demonstrate how a single complaint and a council's constructive attitude to improving services can make a difference to many people. By highlighting them here, 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](http://www.lgo.org.uk/decisions)



### **Failure to recognise family and friends carers of a vulnerable child leads to service review of private fostering placements**

Case reference: [19 005 305](http://www.lgo.org.uk/decisions)

Our investigation found Birmingham City council failed to support a family who had taken responsibility for a young, unaccompanied girl whose mother had sadly died. The council wrongly considered the arrangements to be private fostering and the family did not receive the financial or practical support they were entitled to as family and friends carers. We recommended, and the council agreed, that payments should be made to the child and family for the uncertainty and distress caused, and allowances and costs reimbursed.

Because we were concerned the same failings may have occurred in similar cases, we asked for all private fostering cases to be reviewed to ensure arrangements in place were suitable. The council undertook thorough reviews and voluntarily produced new promotional materials and training on private fostering arrangements in order to reduce the risk of similar failings.



**79% of Family  
& Friends carers  
complaints upheld**

# The impact of a single complaint



**Call for rejected applicants to reapply after finding poor recording of Blue Badge decisions**

Case reference: [19 011 326](#)

We found that London Borough of Barking & Dagenham failed to correctly interpret the Department for Transport's guidance regarding Blue Badge applications. It was unable to provide evidence showing how it had made the decision to reject a complainant's application and did not keep applicants' details on file. We were concerned other applicants were likely to have been disadvantaged by the council's actions. The council agreed to a range of recommendations to amend its procedures, train staff and improve record keeping. Significantly, it agreed to publish a notice on its website inviting any rejected Blue Badge applicants from within the previous six months to reapply.



**78% of transport complaints upheld**



# The impact of a single complaint



## Commitment to policy change after woman and child fleeing domestic violence are left unsupported

Case reference: [19 006 011](#)

Our investigation found London Borough of Wandsworth failed to properly consider relaxing its local area connection criterion when a single mother fleeing domestic violence asked for help. Instead of considering the woman and her child as homeless, it encouraged her to withdraw her homelessness application and apply to the council where she had suffered violence for help. We recommended, and the council agreed, to make payments to the woman for the months she was in unsuitable accommodation. It also agreed to our service improvement recommendations to train its officers about the duty owed to those fleeing domestic violence and amend its housing allocation policy.



**75% of homelessness complaints upheld**

# The impact of a single complaint



**Review launched of couples separated by care needs after man suffers when council splits him from his wife**

Case reference: [18 015 872](#)

Royal Borough of Windsor & Maidenhead Council committed to reviewing cases where couples had been separated by their care needs after our investigation found they did not properly consider or assess the needs of a man living at home when his wife was moved to a care home. The man's health quickly deteriorated, and he sadly died before his family's concerns were responded to. The council gave a fulsome apology for what happened and made a payment to the family. It agreed to our service improvement recommendations to review other similar cases, ensure its assessment practice is consistent and Care Act compliant, review its commissioning practice, and follow up to ensure care providers sustain improvements following complaints of poor practice.



**82% of home care complaints upheld**



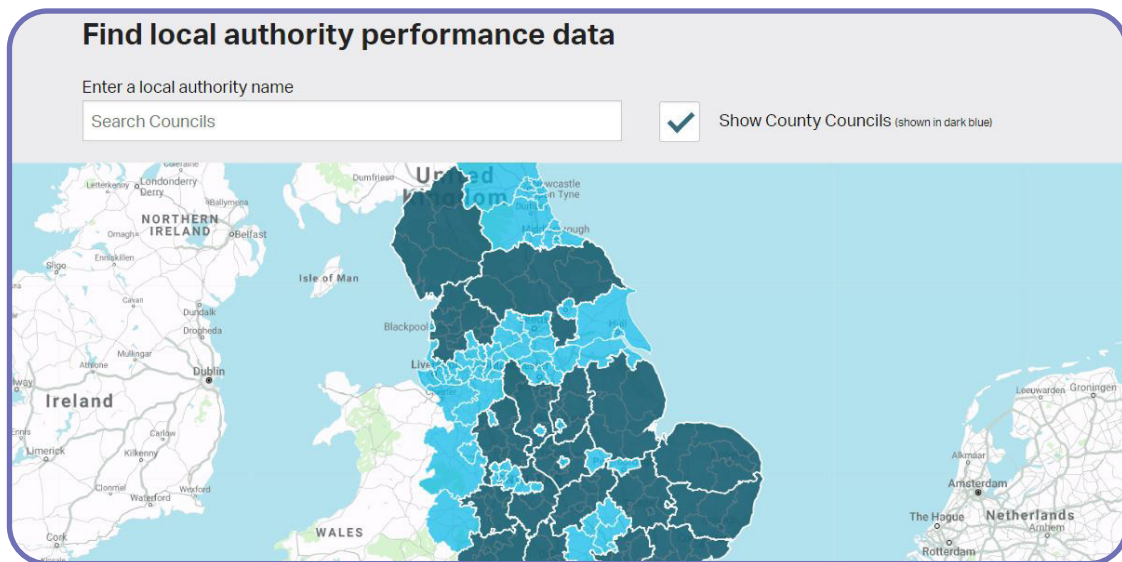


# Raising the profile of complaints

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.

## 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 the performance of their authority, and by members of the public to hold their council to account. It also allows comparisons to be made between similar councils.



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

- **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.

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.



# Raising the profile of complaints

## How elected officials can use our data to hold authorities to account

Listening to public concerns is an essential component of a well-run, accountable local authority that is committed to public engagement, learning and improvement. As a councillor or member of parliament, you can use information about complaints to help identify issues affecting local people and assess how your council is responding to them. Using the statistics we publish, we suggest some key lines of enquiry for you to consider.

- **Uphold rates** show the proportion of investigations in which we find some fault and can indicate problems with services. How does your council 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 below 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 the service improvements your authority agrees to make? How are they being implemented, and their impact monitored?

### Binding decisions: non-binding recommendations

Our decisions on fault and injustice are binding and can only be challenged through the courts.

Our remedies and service improvements are non-binding recommendations. The final decision on whether to accept our recommendations rests with elected members.

This is an important distinction and maintains local democracy as the central tenet to the complaints process.

Elected members are vital to the integrity of the process. They can champion the voice of complainants and use local democratic processes to hold officers to account where appropriate.

We recently saw Cornwall councillors successfully overturn a proposal by its officers not to comply with all of the recommendations we made to put right the fault we found in an adult care case. Councillors cited the importance of putting right the injustice, regardless of the expected cost of doing so. The case demonstrates the valuable role councillors play in upholding public confidence in the complaints system.

**Local Government and Social Care  
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