

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: Audit Committee
Report of: Interim Chief Executive
Date of Meeting: 22 February 2021
Subject: The Local Government and Social Care Ombudsman and the Housing Ombudsman Annual Review 2019/20
Wards Affected: All
1. Purpose of Report 1.1 Each year, the Local Government and Social Care Ombudsman for England issues a report summarising his work as independent arbiter of complaints about local government administration. A copy is available at each of the Group Offices. 1.2 This report highlights for Members the main issues dealt with by the Ombudsman, within the context of complaints involving Birmingham City Council.
2. Recommendation To receive this report concerning the Local Government and Social Care Ombudsman and Housing Ombudsman Annual Report for 2019/20.

Key Issues

- **This report compares Birmingham's performance against the Local Government and Social Care Ombudsman's and Housing Ombudsman's findings about the performance of councils in its remit across England.**

3. Annual Review

3.1 Content

The Local Government and Social Care Ombudsman (LGSCO) issues an Annual Review letter to every English Council, providing his statistics for the enquiries and complaints he has received concerning that Council.

In addition, Mr King presents his Annual Report to Parliament. Of these two items, the annual review letter concentrates on enquiries, complaints and their resolution and is most closely allied to the Council's handling of Ombudsman matters. The Annual Report is more general, including accounts for the service.

This report includes general information about the LGSCO's performance during 2019/20 and specific information about the Council's Ombudsman complaints.

3.2 Volume of Complaints

The Annual Review shows that there were 19,625 complaints and enquiries to the LGSCO last year, compared to 18,482 in 2018/19.

3.3 Volume of Complaints about Birmingham City Council

The number of complaints about Birmingham determined by the LGSCO in 2019/20 was **542**, this is an increase of about 120 cases from 2018/19. This is a 30% increase year on year compared to a 6% increase nationally as described above. But, in addition, the Housing Ombudsman investigates complaints against the Council, and he determined **49** complaints during the year, resulting in a total of **591** Ombudsmen determinations in 2019/20, an increase of 101 determinations overall compared to last year where there was a total of 490 determinations.

To give Members a complete picture of all contact with the two Ombudsmen, further information about Housing Ombudsman matters appears at paragraph 4 below.

3.4 Subject of Complaints

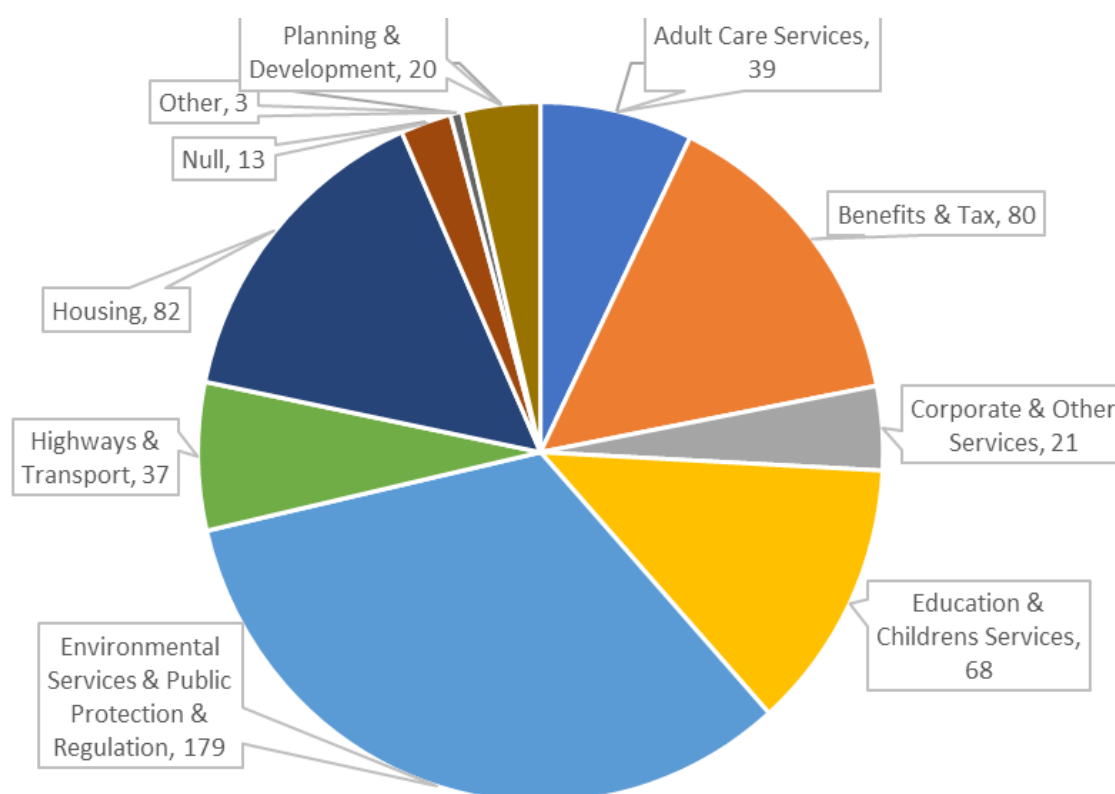
The LGSCO complaint statistics for 2019/20 have identified the following national trends;

- They are finding fault more often; upholding 61% of complaints that were investigated in detail, up from 58% in 2018/19.
- The highest proportion of complaints were about Education and Children's Services, at 72%.
- In 13% of upheld cases, Councils had already offered a suitable remedy, up from 11% last year.
- 1,629 service improvements were recommended, up 12% on the previous year.
- Compliance with recommendations remains high at 99.4%.

3.5 Subject of Complaints about Birmingham City Council

Previously Housing matters have been our largest category; however this has been superseded by Environmental Services, Public protection and Regulation.

In 2019/20 the LGSCO determined 542 cases, as illustrated below;



The LGSCO combine both Regulatory Services and Waste Management into 'Environmental Service' category. This, however, causes a discrepancy when compared to our data because we record complaints for these services separately for each service area.

Appendix 1 is provided by the LGSCO and gives four different forms of information. The first demonstrates the subject matter and numbers of complaints received and determined by the Ombudsman about Birmingham in 2019/20.

3.6 Outcomes

For the period between 1 April 2019 to 31 March 2020, the LGSCO have recorded the following statistics for the Council;

- 119 complaints* (78%) were upheld, this compares to an average of 67% in similar authorities,
- In 100 cases (88%) the Council successfully implemented recommendations (Statistics are based on a total of 114 compliance outcomes for this period), this compares to an average of 100% in similar authorities,
- In 4%* of upheld cases the Council provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 11% in similar authorities.

** Statistics are based on a total of 153 detailed investigations for this period*

3.7 Reports

The LGSCO issued 63 public interest reports nationally in 2019/20, 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 and Health Care Plans.

The Council received two reports in 2019/20, concerning Education Transport and Waste Management. Both of these were reported to this Committee, in June and September 2019 respectively.

A report concerning Birmingham Children's Trust has been received this year (2020/21), which has also been reported to this Committee, on 26 January 2021, but this will feature in the statistics from the LGSCO next year due to the timing lag.

3.8 Settlements

We can advise that for 2019/20 the Council did not pay a local settlement greater than £10,000.

4. The Housing Ombudsman

The Housing Ombudsman's remit is quite wide-ranging, covering complaints concerning Landlord Services, Estate Management, Home Loss Payments, transfer applications outside the Housing Act 1996, Part 6 and complaints about property condition, repairs and improvements.

The Housing Ombudsman has reported for 2019/20 as follows:-

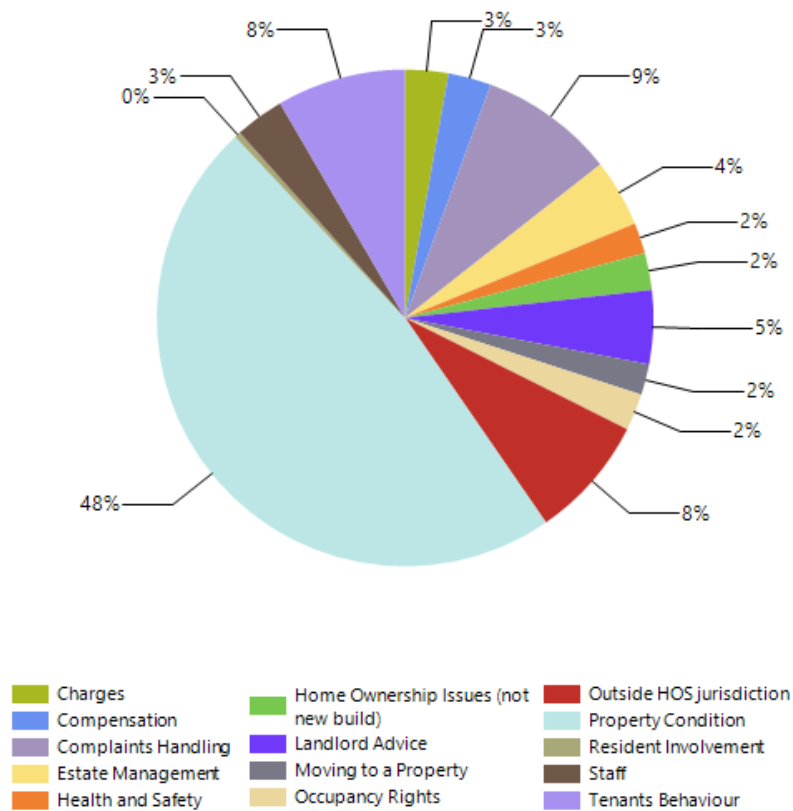
Nationally, 14,093 enquiries and complaints were received by the Housing Ombudsman Service this year, this has declined since last year with a fall of approximately 2,790. For the first time in three years, the number of determinations at 2,138 was higher than the number of cases in our formal remit at 1,981. On the cases determined, we found full or partial maladministration in 39%, an increase of 2% on the previous year.

The key national data highlights from the report are:

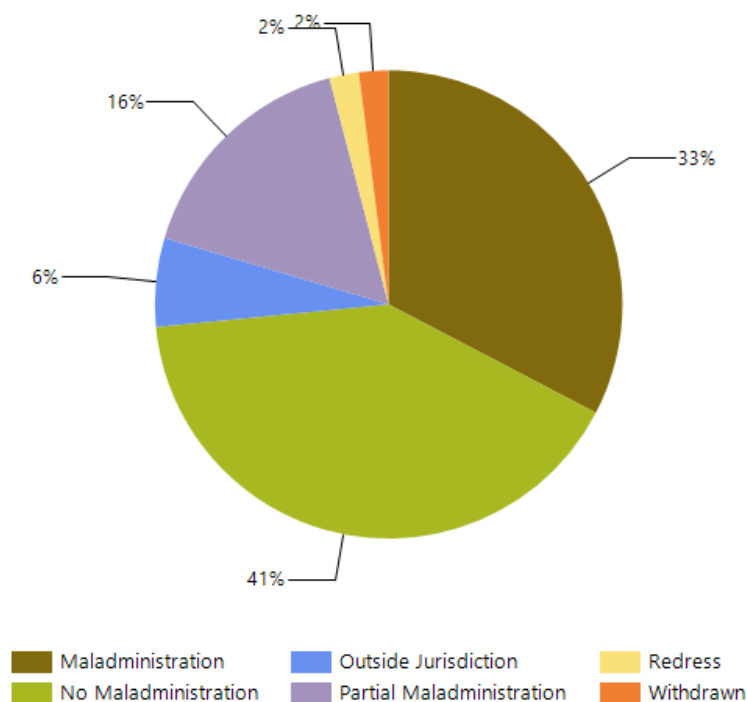
- The average determination rate for formal investigations was below the six month target at 5.8 months, the first time the target has been achieved
- All cases were determined within 12 months, exceeding the target of 99%
- Repairs continues to be the largest category of complaint received at 38% of the overall number
- High levels of compliance with our orders at 95% within three months and 99% within six months, meeting the targets
- The 2,617 orders and recommendations we issued were made up of 1,618 orders and 999 recommendations
- Landlords were ordered to pay compensation to residents totalling £412,214.54 across the year.

At a local level, the HOS have recorded **250** enquiries and complaints against Birmingham City Council in 2019/20;

Birmingham City Council - 2019 / 2020



Outcome of determinations: Birmingham City Council - 2019 / 2020



Birmingham City Council achieved 100% compliance with orders within the 3 month and 6 month time period allocated for completion.

The total cost of compensation orders was £4,450 which is an increase of 50% from last year.

5. Police and Crime Panels

The Police Reform and Social Responsibility Act 2011 established Police and Crime Commissioners, plus Police and Crime Panels. As the Police and Crime Commissioners perform the decision-making processes previously undertaken by Police Authorities, they are a 'body in jurisdiction' for the LGSCO. Police and Crime Panels, insofar as they are a committee of a local authority, also fall within the LGSCO's jurisdiction for non-criminal matters.

We are pleased to advise that there were no complaints against the Council about Police and Crime Panels in 2019/20.

6. Learning from Complaints as a route to Service Improvement

A formal review of the Corporate complaint process was undertaken last year following feedback received from citizens, internal stakeholders and Members of the Council. The feedback expressed high levels of dissatisfaction over the Council's complaint process. We understand that the new complaints process has been approved and work is underway towards implementation across the Council.

Consideration is always given to the recommendations and where advised, steps have been taken to improve departmental information and where service improvements can be achieved.

The Professional Standards team are in the process of updating and improving recording/capturing data and will be providing a detailed overview to directorates on a quarterly basis along with other key information from the wider Professional Standards Team remit. This will assist the directorates with keeping track their ombudsman complaints, identifying trends, lessons learned and areas of concern.

7. Legal and Resource Implications

No specific legal implications have been identified (see para. 9 below), and resources are committed by individual Directorates in resolving Ombudsman complaints.

8. Risk Management & Equality Impact Assessment Issues

No specific issues have been identified.

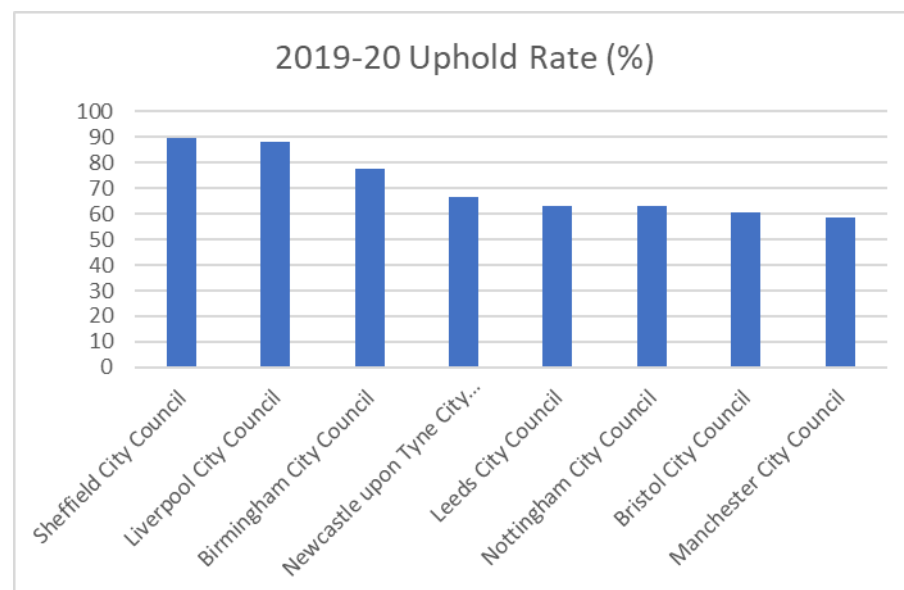
9. Compliance Issues

City Council policies, plans and strategies have been complied with in this report. Where failings have been highlighted by the Ombudsman, individual directorates have been advised when they may have been in breach of their own policies and asked to take action. This has resulted in revision of current procedures and/or retraining of staff. Where reports have been issued, they have been escalated to Overview & Scrutiny per the Constitution in addition to being highlighted to the Chief Executive.

10. Update from last year

During last year's presentation to this Committee we were asked how Birmingham City Council compared to Leeds City Council. However, we have carried out a comparison of the core cities in term of the upheld rate. The figures show that our upheld rate was less than Sheffield City Council and Liverpool City Council but not Leeds who we were asked to compare against. The LGSCO don't consider Nottingham or Bristol as being "similar authorities".

Rank	Authority Name	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Total	Uphold Rate (%)	Average uphold rate (%) of similar authorities
1	Sheffield City Council	8	7	40	53	4	34	146	89	67
2	Liverpool City Council	9	2	46	47	3	22	129	88	67
3	Birmingham City Council	27	33	180	149	34	119	542	78	67
4	Newcastle upon Tyne City Council	4	2	21	17	6	12	62	67	67
5	Leeds City Council	11	13	58	63	18	31	194	63	67
6	Nottingham City Council	3	2	29	33	7	12	86	63	56
7	Bristol City Council	9	6	44	48	13	20	140	61	56
8	Manchester City Council	11	2	46	72	12	17	160	59	67



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Attachments: Appendix 1 LGSCO Complaints and Decisions Table