

LOCAL GOVERNMENT AND SOCIAL CARE AND HOUSING OMBUDSMAN ANNUAL REVIEW 2021/22

14 February 2023

Legal & Governance - Professional Standards Team



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Ombudsmen Annual review 2021/22

- 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.
- Similarly, the Housing Ombudsman issue a performance report for each landlord which provided residents with more information and insight and learning for landlords to improve their services. They also produce a national landlord report plus geographical analysis of their 2021-22 determinations by region and district.

LGSCO Annual review – Areas of Concern

During the year (2021/22) the LGSCO issued 5 public interest reports about the Council;

- City Operations Directorate (Refuse and Recycling complaint) – LGSCO reference 20011230
- Adults and Social Care Directorate (Disabled Facilities Grant complaint) – LGSCO reference 21000323
- Children and Families Directorate (2) (Home to School Transport complaint) – LGSCO references 19016798 and 19019859
- City Housing Directorate (Housing Allocation complaint) – LGSCO reference 20007658.

City Operations Directorate

- The LGSCO raised concerns in their annual review letter last year about ongoing problems with waste collections and were disappointed to issue a report about further failings this year.
- The LGSCO are concerned there continues to be significant ongoing systemic issues with the Council's waste collection service.
- The LGSCO continue to receive regular complaints, with 90% of investigated complaints being upheld.
- Despite concerns having been raised since 2019, there appears to have been limited improvements.

Remedy Compliance

- The LGSCO recorded their satisfaction with the Council's compliance in **77** cases where they recommended a remedy.
- In **24** of these cases, remedies were not completed within the agreed timescales.
- The Council delayed by almost four months in ensuring effective monitoring of waste collection, further reinforcing the concerns previously set out about ongoing, systemic issues in that department.
- This is the third consecutive year where the LGSCO have raised concerns about delays in the remedy process and yet these delays persist.
- The Council have recently introduced an improved system for monitoring and recording remedy compliance.
- The data captured is shared with CLT and the Chief Executive and is incorporated into one to one meetings with Directors.
- These improvements have been shared with the LGSCO personally and were noted as a welcome commitment to improvement.

Volumes of Complaints

The Annual Review shows that nationally, there were **15,826** complaints and enquiries to the LGSCO during 2021/22, compared to 11,830 in 2020/21. This reflects an overall increase in tendency of UK citizens to complain of 34%.

Volume of Complaints about Birmingham City Council

The number of complaints about Birmingham determined by the LGSCO in 2021/22 was **461**, this is an increase of about 70 cases (18%) over 2020/21.

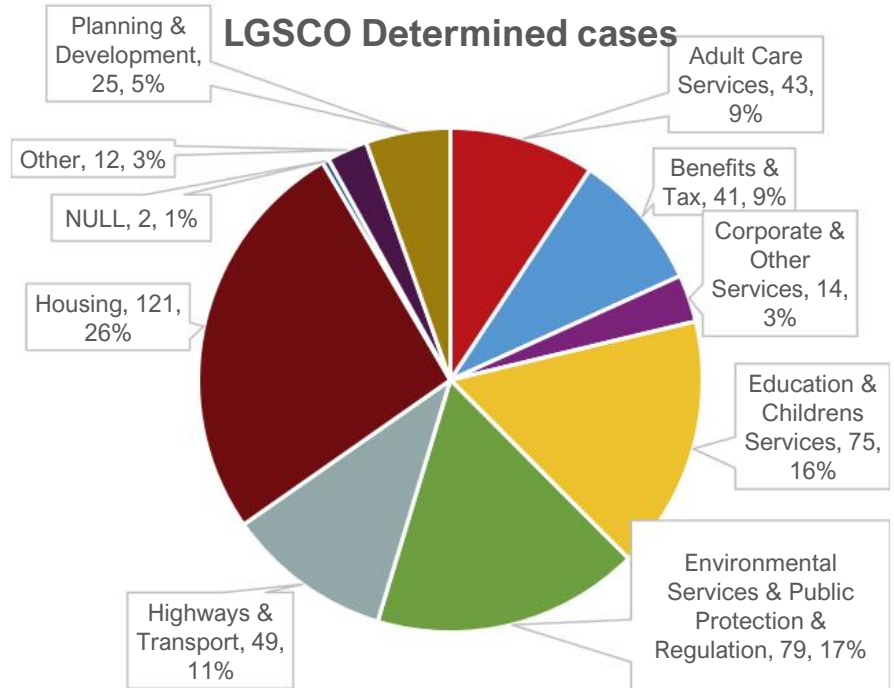
Subject of Complaints Nationally

The LGSCO complaint statistics for 2021/22 have identified the following national trends;

- The LGSCO continue to uphold around two thirds of complaints they investigate.
- Complaints they investigate about Education and Children's Services have the highest uphold rate (77%).
- The LGSCO are recommending more service improvements than ever before, with 1,848 recommendations nationally, focused on policies, procedures and staff training.
- Compliance with recommendations nationally was at 99.7%

Subject of Complaints about Birmingham City Council

- Again, this year, both the City Housing directorate and Environmental Services, Public Protection and Regulation (City Operations) complaints resulted in the highest number of determinations in comparison to other directorates.
- In 2021/22 the LGSCO determined **461** cases against the Council



Outcomes

For the period between 1 April 2021 to 31 March 2022, the LGSCO have recorded the following statistics for the Council;

- 100 upheld decisions* (78%), this compares to an average of 68% in similar authorities,
- In 100% of cases the Council successfully implemented recommendations (Statistics are based on a total of 77 compliance outcomes for this period), this compares to an average of 100% in similar authorities,
- In 7%* 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 128 investigations for this period*

Reports

The LGSCO issued 43 public interest reports nationally in 2021/21. Three quarters of which were about Education and Children's Services and Adult Care Services.

Settlements

We can advise that for 2020/21 the Council did not pay a local settlement greater than £10,000.

However, in a City Housing – Homelessness complaint where we were issued with a public interest report (LGSCO reference 21015013). One of the recommended actions was to make payment of £29,700. This amount was payable in sums of £300 for each month the Complainant spent in unsuitable temporary accommodation from July 2014 until the Council ended its duty in October 2022. Whilst this matter does not fall within the reporting period of 2021/22, we are reminding you this matter which was reported to the Committee in January 2023.

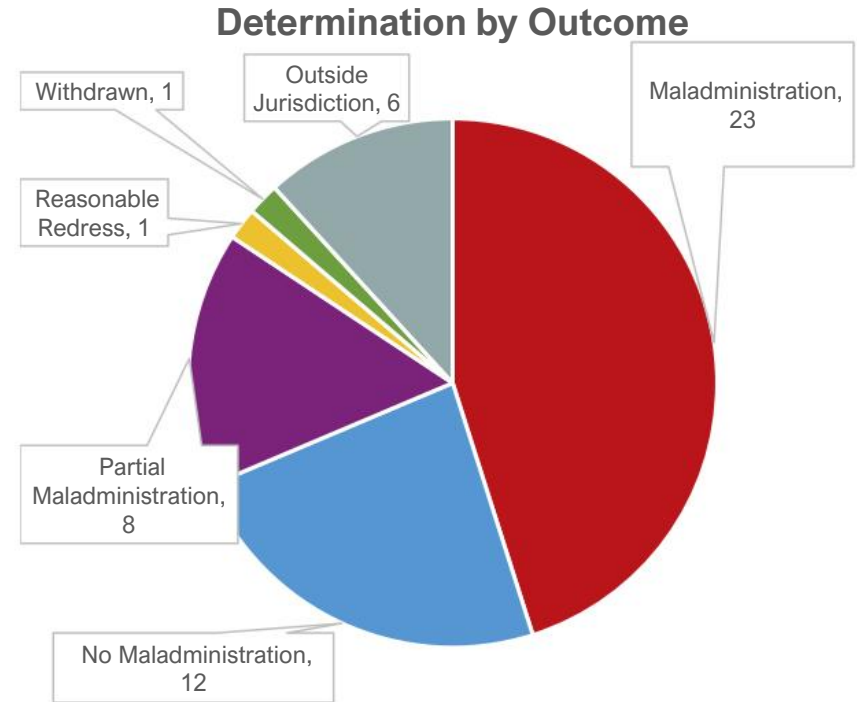
Housing Ombudsman - Annual complaints Performance report 2021/22

The HO's annual performance report shows that they found **54%** maladministration for the Council in their findings made during 2021/22. This rate of maladministration is higher than average for the sector.

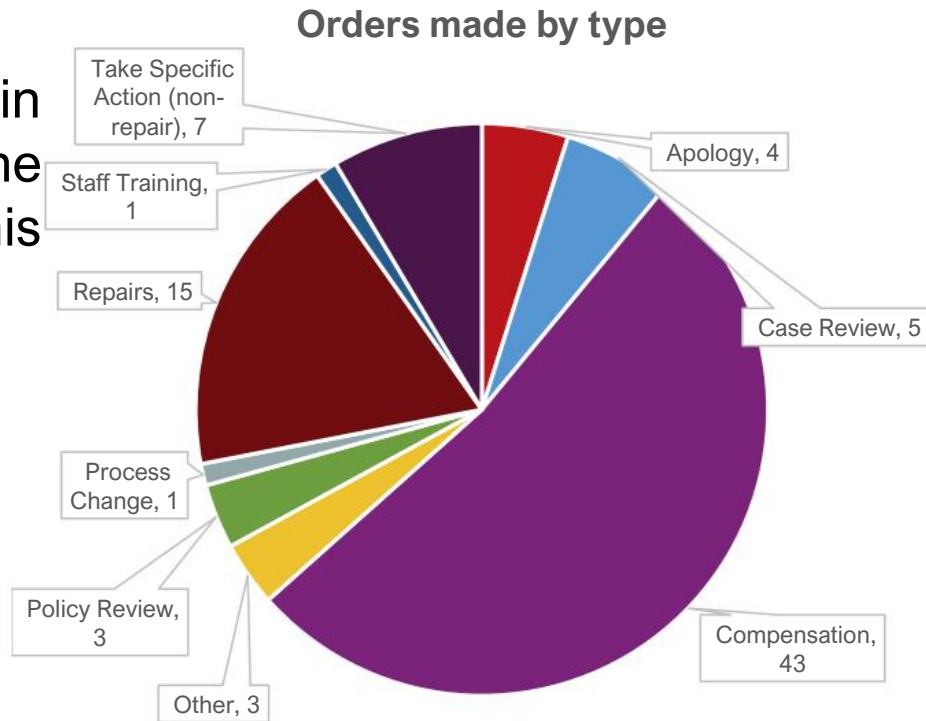
During 2021/22 they upheld at least one part of the complaint in 48% of their cases.

Housing Ombudsman's performance report for the Council

- For the Council the Housing Ombudsman has reported for 2021/22 as follows:-
- The Housing Ombudsman determined **51** complaints about the Council during the year, the determination outcomes are set out in this graph.
- Of the 51 cases determined, **42** resulted in a finding against the Council.



In total 82 orders were made in cases determined during the period and are set out in this graph.



Order compliance

- 98% of orders complied with within 3 months.
- 2% complied with in more than 3 months.
- 100% of orders complied with within 6 months.

Compensation

The total amount of compensation ordered in determinations made between 1 April 2021 to 31 March 2022 was **£10,756.00**.

Learning from Complaints as a route to Service Improvement and Engagement with the Ombudsmen

The Council introduced a new Corporate complaints procedure which was launched at the beginning of this review period (April/May 2021). A review of the complaints procedure was carried out and identified that the process was performing badly and was in “crisis” and intervention was urgently needed. As a result of the review a number of changes were made to the complaint process.

Next steps in the process to further assist with service improvements are as follows;

- Further training of Complaints Leads by LGSCO to improve the Quality of response
- Embedding strong communication with citizens throughout the journey of a complaint
- Effective Triage of complaints for early intervention
- Addressing service failure with Contractors and the impacts of failure
- Align root cause analysis and upheld Ombudsman outcomes with improvement activity to reduce complaints

Engagement with the Ombudsmen

We have had recent engagement with both Ombudsmen. We met with Mick King, LGSCO Ombudsman in late November 2022, where we discussed wider learning from complaints and changes to our systems and processes. We shared information on the new complaints procedure and the improvements that have been made within the Professional Standards Team.

The Ombudsman was pleased with the improvements being made and encouraged the Council to take individual complaints as an opportunity to learn as this influence's good governance and public accountability.

In June 2022, the Council were notified of the Housing Ombudsman investigation under Paragraph 50 of the Housing Ombudsman Scheme.

- Paragraph 50 (amended to Paragraph 49 during the review period) of the Scheme allows the Housing Ombudsman to conduct further investigation to ascertain whether there is a systemic failure.
- The review period was for six month from 15 March 2022 until September 222.
- To date we have attended two meetings with HO officers; first meeting to discuss the investigation and engagement during the monitoring period.
- The second meeting was following receipt of the draft report, where we were invited to provide comments to be included in the final report and advised of the next steps in the process and future engagement with the HO.

The final report was published on 17 January 2023, a number of recommendations were made which are due for completion on 17 April 2023.

Future years

We propose to separate the LGSCO and HO annual reports for future years with a view to providing more accurate and timely updates. We receive the LGSCO report in July and the HO report in September/October each year. Due to the time lapse between receipt of the reports and presentation to this Committee, we propose to present the reports separately. This will allow for our reports to be more succinct, highlighting concerns and attaching reports as appendices, which will be more digestible. We accept that this may take up more time on the Committee's agenda, however, the time allocated will be equal but at different points in the year.



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