

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Ms Cadman OBE  
Interim Chief Executive  
Birmingham City Council

Dear Ms Cadman OBE

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations 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 organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Your organisation's performance**

During the year, we issued five public reports about your Council.

Having raised my concerns in last year's letter about ongoing issues with waste collections, it was extremely disappointing that it proved necessary to issue a report about further failings. Our investigation found the Council had, for a significant period, consistently failed to return the communal bins serving a block of flats to the designated area due to a dispute over which service area was responsible for returning them. The complainant had to regularly attempt to move the bins herself to prevent them obstructing pavements and blocking a bus stop. I recommended the Council apologise and make a payment to the complainant in recognition of the frustration and difficulties the Council's failure to return the bins had caused. I also recommended the Council contact the complainant to explain the steps it would take, and when, to ensure the empty bins were returned to the collection point.

Unfortunately, the Council initially failed to accept our findings and recommendations when we issued a draft decision, and it was therefore necessary to issue a public report. I am pleased to note the Council has since accepted and implemented our recommendations and I was able to confirm satisfaction with the actions taken.

It is concerning there continues to be significant ongoing systemic issues with the Council's waste collection service. We continue to receive regular complaints and of those we investigate, we uphold over 90%. Despite concerns having been raised with the Council since 2019, when we also issued a public report about failings to collect waste, there appears to have been limited improvements. Residents are not getting the service they are entitled to. I would urge the Council to robustly tackle the issues at the heart of these problems and ensure an improved service for residents.

We also issued a public report about your Council's handling of home adaptations to meet a disabled child's needs. Our investigation found the Council failed to keep accurate and detailed records and to evidence a proper decision-making process. We also found the Council at fault because building works were not to an acceptable standard. To remedy the injustice, I recommended the Council pay a financial remedy to recognise the distress, uncertainty, and impact the faults had on the complainant and his son. I also recommended the Council pay for inspection works, any remedial works, and for the works needed to complete the home adaptations.

I am pleased the Council accepted our recommendations. I welcome the Council's new Disabled Facilities Grant policy, which will help to avoid replicating the circumstances that led to this case.

A third public report related to two different families and concerned the Council's handling of home to school transport arrangements. Our investigation found the Council had wrongly expected parents to accompany their children on the journey to school, could not show how it considered the suitability of the transport offered to the children, and did not ensure the transport could be accessed without families incurring additional costs. The failures meant the families incurred unnecessary costs as well as the stress and inconvenience of having to accompany their children to school on unsuitable transport.

I am pleased the Council accepted our recommendations that it apologise to both families, reimburse their costs and make further payments to recognise the injustice caused. I was particularly impressed by the Council's commitment to review other cases that had been affected by the same fault and the efforts it took to identify families entitled to have costs reimbursed. The Council has agreed this reimbursement, estimated to be in the region of £100,000 and I welcome the actions being taking to ensure families receive the money they are entitled to. The Council has also committed to making the information public, to alert families whose contact details are no longer up to date to enable them to request reimbursement.

The fourth public report detailed the Council's delay in processing applications to the housing register. Our investigation found it took the Council six months to assess the complainant's application. The delay in this case was not an isolated incident. We found systemic delay, resulting in a wait time of up to 12 months for the Council to deal with applications.

The Council acknowledged the extent of its backlog and had already taken some steps to try and improve matters, including hiring additional staff. The Council agreed to our recommendations to apologise to the complainant and backdate her application to the date she applied. It also agreed to improve its service for future applicants by committing to an application processing time of four to six weeks. The Council also committed to reviewing its Housing Allocations Policy to ensure any delay by the Council did not impact on an applicant's priority band date and to deal with any other complaints about delay in line with our report.

The Council complied with our recommendations fully and within the agreed time frame. I was pleased to note that by January 2022, the Council had succeeded in reducing the wait time to four months and projected that it would achieve its goal of 6 weeks by March. The Council also launched the statutory consultation for a revised Housing Allocations Policy. I was pleased to see the proposed scheme includes a commitment that the Council will deal with applications in a timely manner.

It is positive that we recorded our satisfaction with the Council's compliance in 77 cases where we recommended a remedy. However, it is disappointing that in 24 of these cases, remedies were not completed within the agreed timescales. Concerningly, 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 I have raised concerns about delays in the remedy process and yet these delays persist. I once again invite the Council to consider how it might make improvements to act on our recommendations within the agreed timescales.

This year, we have investigated a number of complaints involving children and young people with special educational needs. In all but one case we found significant systemic failings, which reflect the findings of the Ofsted and CQC reinspection of May 2021. In many of these complaints, children and young people were out of education, and not receiving alternative provision or the provision they are legally entitled to, significantly impacting them and their families, and profoundly affecting future opportunities. We intend to work collaboratively with the Commissioner, appointed by the Department for Education, and the Improvement Board to ensure our recommendations support and reinforce the work being undertaken to address the issues identified.

## **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

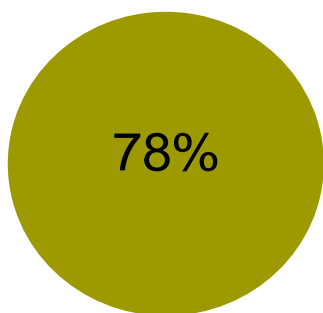
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



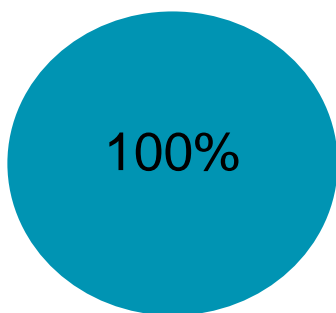
**78%** of complaints we investigated were upheld.

This compares to an average of **68%** in similar organisations.

**100**  
upheld decisions

Statistics are based on a total of **128** investigations for the period between 1 April 2021 to 31 March 2022

### Compliance with Ombudsman recommendations



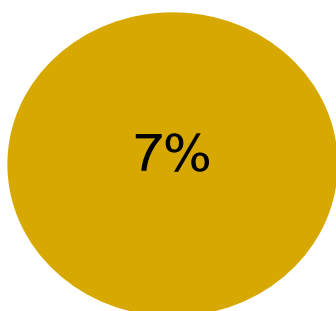
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **77** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **7%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **11%** in similar organisations.

**7**  
satisfactory remedy decisions

Statistics are based on a total of **100** upheld decisions for the period between 1 April 2021 to 31 March 2022