



Walsall Council

Standards Committee

Monday 11 October, 2021 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Public access to meeting via: <https://youtu.be/ySZmG0hhZwI>

MEMBERSHIP:

Councillor Rasab (Chair)
Councillor Underhill (Vice-Chair)
Councillor Allen
Councillor Andrew
Councillor Burley
Councillor Follows
Councillor Lee
Councillor Samra
Councillor Young
(vacancy)

Independent Persons:

Mr A. Green
Sureya Ajaz
Deborah Mardner
Carl Magness

Quorum:

Four Members

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

A G E N D A

PART I - PUBLIC SESSION

1. Apologies
2. Substitutions
3. Declarations of Interest.
4. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
5. Local Government & Social Care Ombudsman – Annual Review, 2020/21 –
Copy enclosed
6. Dates of future meetings:-
 - Tuesday 1 February, 2022
 - Tuesday 5 April, 2022

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Local Government & Social Care Ombudsman – Annual Review 2020/21

Summary of report:

The report seeks to provide Members of the Committee with details relating to the role of the Local Government and Social Care Ombudsman, provide information on the number and range of complaints referred by the Ombudsman to the Council during the financial year 2020/21, and to submit for Committee's consideration the Ombudsman's annual letter for 2020/21 (**Appendix 1**).

Background papers:

None.

Recommendation:

1. To note the content of the report.

1.0 Background

The Local Government and Social Care Ombudsman (shortened in this report to LGSCO or the Ombudsman) investigates complaints escalated to them across a range of local authority functions and services, including commissioned services for example, registered adult social care providers.

1.1 Procedures

As noted in previous reports to this Committee, the LGSCO has sought to streamline its procedures to focus its resources on those complaints where it believes they can make a difference and where it is clear that the complainant has already exhausted local complaints procedures.

The Ombudsman's involvement usually has 2 potential stages:

1.1(i) Assessment - including Initial Enquiry and Initial Investigation

Complaints received by the Ombudsman are considered initially by an assessment team, who try to establish whether the complaint has already been responded to via the council's own procedures and whether that internal complaint process has reached a conclusion.

The Ombudsman will expect a prompt response to any assessment stage enquiries, usually within 5 working days.

At this stage, the ombudsman would also consider the following:

- Is the issue something that the law allows them to look into?
- Is there good reason for the Ombudsman to formally investigate the complaint?

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Below are the outcomes which can occur at the assessment stage, which will be shared with both the complainant and the council:

- **Invalid or incomplete** – Ombudsman was not given enough information to consider the issue.
- **Advice given** – Ombudsman provided the complainant with early advice or explained where to go for the right help.
- **Referred back for local resolution** – the complaint has been brought to the Ombudsman prematurely before the council was given the chance to consider it first.
- **Closed after initial enquiries** – Ombudsman assessed the complaint but decided against completing a full investigation. This might be because the law says they are not allowed to investigate it, or because it would not be an effective use of public funds for them to investigate.

1.1(ii) Detailed Investigation

If, following its assessment stage, the Ombudsman decides to move on to a full investigation of the complaint, then the council will be sent detailed enquiries relating to the case and is expected to respond to those enquiries within a set timescale, usually within 28 calendar days.

The Ombudsman may ask for specific documents, comments from relevant council officers or members, or answers to specific questions on the matter.

Based on the findings of the investigation, the Ombudsman will then issue a draft decision which the council and the complainant are invited to comment on. Feedback is requested within a set timeframe, usually within 10 working days.

The Ombudsman will then issue a revised Final Decision letter to the council and the complainant with two potential outcomes:

- **Upheld** – The Ombudsman found evidence of fault, or found that the council accepted fault early on.
- **Not upheld** - a detailed investigation was carried out but did not find evidence of fault on the part of the council.

The Ombudsman makes a decision on whether the organisation was at fault by:

- investigating what happened, and what should have happened, according to the laws and policies in place at the time.
- making recommendations to put things right if necessary.

When the Ombudsman has ‘upheld’ a complaint they will include recommended actions that the council should take within the final decision letter along with set timescales to complete the actions – usually between 1 and 3 months.

Some possible remedies that can be suggested are:

- An apology to the complainant.
- Financial payments – for time and trouble, or to reflect impact of council service failure.
- Review of policies and procedures.
- Staff training.

The Ombudsman’s decisions are published on their website 3 months after a case is closed and all recommended actions have been carried out; these decision notices will identify the

council concerned, but otherwise are written so as to maintain the confidentiality of the complainant and other parties whose actions are described in the notice.

The LGSCO may, on rare occasions, issue a formal report of maladministration. There are six criteria to assist in deciding when to issue a report, including where there are recurrent faults, where there has been 'significant fault, injustice or remedy' by scale or the number of people affected, non-compliance with an LGSCO recommendation, a high volume of complaints about one subject or 'a significant topical issue', or in case of 'systemic problems and/or wider lessons'. In cases where a formal report is issued, it must be considered by the Council, as set out in the Council's constitution.

Further details on how the LGSCO works can be found in the *Manual for Councils* issued to assist particularly in respect of the day to day working relationship between Ombudsman staff and each council's designated 'link officer'. This manual is available on the Ombudsman's website via the link www.LGSCO.org.uk/link-officers.

1.2 National and Local Context 2020/21

1.2.1 National Context:

The Ombudsman's management of complaints during COVID-19 resulted in complaints being delayed in their assessment and investigation. They ceased taking new complaints on 30 March 2020 and only re-instated accepting new cases from 29 June 2020. This was in recognition of the impact of the pandemic on councils, the LGSCO not wishing to divert resources to respond to their enquiries. Activity on all ongoing cases was also paused and timescales for dealing with complaints were adjusted to allow council services more time to respond. The impact of this is reflected in the numbers reported in this 2020/21 annual report, both in terms of the number of complaints received and determined.

Note that Walsall Council agreed with the Ombudsman to be a voluntary early adopter and participant in resuming 'business as usual', recommencing engagement on existing cases from May 2020, ahead of receiving and processing new LGSCO enquiries from 29 June 2020.

The Ombudsman highlighted the following key points nationally for 2020/21 in its Annual Review of Local Government Complaints, which pulls together the national picture of trends and common issues that arise from LGSCO complaints:

- a. A challenging picture for local government overall.
- b. 11,830 complaints and enquiries received, down from 17,019 in 2019/20 due to the COVID19 pandemic.
- c. 67% of investigated complaints upheld - the highest ever rate nationally – up from 61% in 2019/20.
- d. Education and Children's services are a particular area of concern for local authorities; more than three quarters of the complaints investigated in this area are upheld.
- e. The COVID-19 crisis has had an impact on the cases received this year. This is partly due to the fact that casework was paused and the Ombudsman did not accept new complaints for three months between April and June 2020.
- f. The impact and response by councils to the pandemic is only starting to become evident in LGSCO casework, but there is some 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. The Ombudsman intends to publish early experiences and findings later in 2021.

- g. The challenges of the past year have served to heighten concerns about the pressures on complaint handling functions in councils. Investigations regularly highlight local complaint systems that are failing to respond properly to those that raise concerns; the Ombudsman is 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.

The LGSCO Annual Review of Local Government Complaints is available to download from their website <https://www.LGSCO.org.uk/information-centre/news/2021/jul/ombudsman-annual-review-highlights-widening-cracks-in-council-complaints-systems>.

1.2.2. Local Context:

- a. Walsall Council experienced a fall in the number of complaints received and determined during the year, which reflects the trend across other authorities and nationally against the background of the pandemic. In effect, this year's data relates to only 3 full quarters owing to the Ombudsman ceasing investigations for 3 months from April 2020, so caution needs to be taken when comparing volumes with previous and future years.
- b. As mentioned above, Walsall Council volunteered to re-commence receiving new enquiries from the Ombudsman at the earliest possible stage in June 2020.
- c. The re-commencement of casework by the LGSCO resulted in increased caseload work for the Assurance Team where the LGSCO link officer is based. For information also, the link officer at the start of 2020/21 retired from the council in December 2020 and a new officer has taken up that role.
- d. Walsall's performance against the key indicators used by the Ombudsman in their Annual Report is very positive comparatively nationally and regionally (see details below in Section 1.4).
- e. In the LGSCO Annual Letter (Appendix 1), the Ombudsman makes reference to the effectiveness of complaint handling functions in councils and has identified it as an area of concern. As a result, the Ombudsman is looking to develop a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. Walsall Council's link officer has already engaged with that process by taking part in a focus group with link officers from other authorities.
- f. Internally within Walsall Council, a new corporate Customer Relationship Management system is currently being introduced which will be used to record and process all complaints received by the council. Having one dedicated customer relationship system will improve the efficiency of internal processes for managing LGSCO enquiries as all relevant information will be held in one system.

1.3 Detail of Complaints received and determined in 2020/21

The annual letter includes statistics relating to:

- Complaints received 2020/21 by the LGSCO.
- Decisions made by the LGSCO.
- The council's compliance with recommendations made by the Ombudsman during the year (2020/21).

The Annual Review Letter is attached and headline figures appended to the letter are available on the Ombudsman's website (www.LGSCO.org.uk/informationcentre) along with equivalent performance figures for previous years, and for all other local councils and public bodies subject to LGSCO enquiries.

Headlines from this year's annual letter:

- Overall, the Ombudsman received 39 complaints relating to Walsall Council; 26 less than in 2019/20 (65).
- Where detailed investigations were undertaken the proportion of complaints upheld has decreased (improved). In 2020/21 64% of complaints that were fully investigated were upheld (9 out of 14) compared to 67% (12 out of 18) in 2019/20.
- The Ombudsman recorded 100% satisfaction with the council's compliance in the cases where they recommended a remedy, though, as highlighted, one action was delivered slightly outside of Ombudsman timescales.

Where the Ombudsman receives a complaint and it is immediately clear that the complaint has not been made to the council first, the Ombudsman will advise the complainant that they should make their complaint locally first. In those cases, the Ombudsman will not inform the council of the action they have taken, however, those complaints **will** be included in the Ombudsman's statistics.

Complaints received during 2020/21

The Committee will note that there were 39 complaints *received by* the LGSCO relating to Walsall Council in 2020/21 (65 complaints in 2019/20). These were categorised as follows:

Category	Number of LGSCO cases 2020/21 (2019/20)
Adult Care Services	11 (13)
Benefits & Tax	1 (9)
Corporate and Other Services	1 (2)
Education and Children's Services	15 (21)
Environment Services	2 (4)
Highways & Transport	1 (5)
Housing	1(4)
Planning and Development	6 (6)
Other	1(1)
Total	39 (65)

Members should note that the categories used here by the Ombudsman may not match exactly how the council allocates different [Page 9 of 19](#) to service areas or directorates.

Complaints determined during 2020/21

During 2020/21 the Ombudsman determined 44 complaints (61 in 2019/20) relating to Walsall Council. These were categorised as follows:

Category (Determinations)	2020/21 (2019/20)
Incomplete or Invalid	4 (4)
Referred back for Local Resolution	14 (19)
Closed After Initial Enquiries	12 (20)
Detailed Investigations - Not Upheld	5 (6)
Detailed Investigations - Upheld	9 (12)
Total Determinations	44 (61)
Detailed Investigations – Uphold Rate	64% (67%)

The totals shown in the two tables above do not match as there will be some cases received in one year which are determined in the following year.

Detail on those Complaints which were determined as ‘Upheld’.

The 9 complaints categorised as ‘Upheld’ related to adult care services (4), education and children’s services (3), housing (1) and environment services (1).

For information, the specific number as per the council’s service area has been included in brackets.

Summary details relating to the 9 complaints which were categorised as ‘Upheld’ are set out below. The full decision notices are available on the Ombudsman’s website. All notices are written in a way which protects the confidentiality of individuals concerned.

Complaint [19 003 580](#), decided on 23 October 2020 Housing (Housing Support)

Complaint: Landlord complaint regarding homelessness tenancy and resulting anti-social behaviour caused by tenants, and costs incurred by him.

Summary: The Ombudsman upholds Mr X’s complaint about the council’s failure to share what it knew about two individuals it housed in a property he managed. The council knew about the tenants’ history of anti-social behaviour. It disclosed some information but failed to disclose information that might have dissuaded Mr X from accepting the tenants. Mr X would not have accepted the tenants if he had known. Mr X experienced prolonged anti-social behaviour from the tenants and had to take legal action to evict them.

Remedy: The council will apologise to Mr X and make a payment to acknowledge the injustice to him and his family - £2,500 to recognise the impact on him and his family of prolonged exposure to the tenants’ anti-social behaviour and £300 to recognise the inconvenience and frustration of having to take action to evict the tenants. It will also review its policies about the use of private sector rented accommodation and for tackling anti-social behaviour.

Complaint [19 006 093](#), decided on 17 June 2020 Category: Adult Social Care (Access Team)

Complaint: About an Adult Social Care assessment report being incorrect leaving the service user without the support he required.

Summary: The council was at fault for not promptly sharing the Care Act assessment with the complainant. This did not cause significant injustice. There is no evidence of fault in how the council carried out a social care assessment of his needs, nor how it responded to his complaint about this or decided to restrict his contact.

Remedy: No recommended actions or remedies.

Complaint [19 006 572](#) decided 26 May 2020 Education & Children's Services (Safeguarding and Family Support)

Complaint: That the council had reduced a child's care package without considering the impact on the child's mother, who was their main carer, and without undertaking a carer's assessment.

Summary: There was no fault in the council's decision to reduce the care package. It failed to carry out a parent carer assessment or produce a plan to transition to adult social care, but this did not cause significant injustice. There was a delay in the complaint handling which caused time and trouble.

Remedy: The council agreed to apologise to the complainant and to pay £200 to acknowledge the avoidable time and trouble the family was put to in pursuing their complaint.

Complaint [19 012 207](#) decided on 28 August 2020. Environmental Services (Community Protection).

Complaint: Complaint relating to noise nuisance from a neighbouring property; the complainant also said that the council had not taken account of his disabilities.

Summary: There was fault in the delay in the council's consideration of the complaint made in September 2018 but the Ombudsman could not say that made any difference to the outcome. There was fault in the handling of Mr B's contact in February 2019 and the subsequent logs he made through the noise apps this year. The council should have considered how it could make adjustments for Mr B so he would be able to provide evidence or information about what was happening at the property. He did not receive a satisfactory response from the council to the complaints he made.

Remedy: The council should apologise to him and should also arrange for an officer to contact him to see if there are still problems. The council should then consider what action it should take bearing in mind the adjustments Mr B needs for his disabilities.

Complaint [19 013 986](#) decided 29 September 2020 Adult Care Services (Community Care & Partnerships)

Complaint: That the council failed to tell the complainant that her son was required to pay towards the cost of his care plan. She also said that the council wrongly charged her son for care he had not received and sent invoices to an incorrect address. She also claimed that the council's actions caused stress to herself and her son.

Summary: The council's failure to engage with the complainant and her son regarding the accruing arrears, its error in issuing the invoices to an incorrect address and its failure to provide an adequate explanation of the costs constitutes fault on the part of the council.

Remedy: The council agreed to provide an apology; a full explanation of the costs/charges of the son's care plan; remind staff to update the council's billing system as soon as it is notified about a service user's change of address and to write off the outstanding invoices totalling £3,279.66.

Complaint [19 018 061](#) decided 16 December 2020 Education & Children's Services (SEND service)

Complaint: A parent complained that the council failed to deliver suitable support for his children's special educational needs and to reassess their needs. He also complained that the council failed to respond to his complaints.

Summary: The delay in re-assessing 2 of the children caused the parent and his family significant injustice. He was inconvenienced, caused frustration, and put to time and trouble by having to chase the council to fulfil its statutory duties. The family have experienced uncertainty about the provision that 2 of the children are entitled to and their education provider. This distress would have been avoided if the council had fulfilled its statutory duties.

Remedy: The council agreed to issue an apology; make a payment of £1,000 for the avoidable distress and inconvenience caused by the council's delay in issuing EHC plans for 2 children; issue staff with guidance about the procedure and timescales for EHC reassessment; review the council's procedures to ensure they comply with the SEN regulations and Code in respect of the process and timescales for responding to reassessment requests and issuing final plans.

Complaint [19 019 437](#) decided 16 December 2020 Adult Care Services (Community Care & Partnerships; Finance)

Complaint: that the council did not clearly explain that the complainant's elderly relative would be responsible for paying a client contribution towards the cost of her residential care home place and delayed in sending invoices for the contribution. As a result, the family were not aware of the client contribution until the council issued an invoice for £6,390.23 in November 2019, some nine months after the relative was placed in the care home.

Summary: The council was at fault as it did not provide sufficient information for the service user and her family to know she had to pay a contribution towards her care home fees. The council also delayed in sending an invoice to the family for the client contribution. The faults caused distress to the family and the complainant was put to avoidable time and trouble in pursuing the complaint.

Remedy: The council agreed to provide an apology for the distress caused by the failure to provide clear information; make a payment of £250 to acknowledge the distress caused; make a further payment of £100 to acknowledge the avoidable time and trouble caused in pursuing the complaint; review its leaflet on paying to live in a care home and other information given to service users about care home charges to ensure they are fully aware they will be charged a client contribution even if their capital is less than £14,250; ensure, by training or other means, that officers also explain the client contribution when providing or discussing information to service users on care home charges and record an explanation has been provided.

Complaint [20 001 400](#), decided on 04 March 2021 Adult Care Services (Finance)

Complaint: The service user's representative complained that the council, as her financial appointee, failed to ensure she claimed a personal independence payment, meaning that she missed out on benefit she was entitled to receive.

Summary: There was a delay in the complainant receiving the benefits and some of this delay was due to council fault. The social worker from a different council – where the complainant was residing - wrote to council to advise the care provider was no longer supporting the complainant, that her housing benefit had stopped and was no longer receiving ESA. There is no evidence that Walsall Council contacted the care provider or complainant at that time to clarify what was happening with her finances, resulting in a 4 month delay.

Remedy: The council agreed to pay the complainant £500 to acknowledge the service user's missed opportunity to claim DWP benefit caused by the council's delays.

Complaint [20 008 076](#), decided on 05 January 2021 Education and Children's Services (Corporate Parenting)

Complaint: Incorrect information shared by the council caused distress to the complainant.

Summary: The Ombudsman assessment found that the council had already apologised for this error.

Remedy: No further remedy required as the council had already provided an apology which was seen as sufficient. The complainant had nonetheless chose to pursue his complaint with the Ombudsman.

Compliance with remedies

Since 2017/18 the Annual Review Letter has included details of complaints where the Ombudsman, in making a decision, has also set out a remedy. The Ombudsman monitors whether councils have fulfilled the terms of such remedies and the present Annual Review Letters now includes a table indicating where a council has complied with remedies within the Ombudsman's set timescale, is late complying, or where a council has not complied with the remedy.

In Walsall's case, there were six complaints where a remedy was set out for the council to carry out during 2020/21. The Annual Letter indicates that in **all cases**, the Ombudsman was satisfied that the council had implemented their recommendations. However in one case one element of the proposed remedies was not achieved within the Ombudsman's set timescale.

The late compliance was in relation to a planning enforcement complaint received in 2019/20, but closed in 2020/21. The remedial action was: 'that the council should review its procedure to ensure in future there is an early consideration of whether legal advice is needed to decide if an existing enforcement notice can be used and questions of possible immunity when there has been a significant passage of time.' The action was completed but outside the 3 month deadline required by the Ombudsman.

1.4 Comparative figures and statistics

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Data provided by the Ombudsman as part of its Annual Report enables comparison to be made between Walsall and national outturns and with other local authorities. Committee

members will note that comparative figures relating to neighbouring West Midland authorities are attached (**Appendix 2**).

Walsall can be seen to perform well compared with both national and regional outturns. Some of the headline comparisons for Walsall in 2020/21 taken from the LGSCO data are:

National:

- 67% of complaints upheld nationally compared with 64% for Walsall. [72% for all similar authorities – Metropolitan Borough Councils]
- Councils are putting things right more often. In 11% of upheld cases, councils had already offered a suitable remedy before the complaint was made to the Ombudsman, the same rate as for Walsall (see case reference 20008076 above).
- Compliance with recommendations remains high at 99 % nationally (100% for Walsall).

West Midlands:

- Walsall received fewer complaints and enquiries in 2020/21 than all West Midland authorities in Appendix 2, with the exception of Solihull.
- The percentage of complaints investigated and upheld by the Ombudsman was lower for Walsall than all West Midland authorities with the exception of Wolverhampton.

Good Practice

Committee is asked to note that the Ombudsman also has an important role in identifying, from the complaints that it receives from citizens and service users across the country and from its interaction with councils, particular issues and areas of concern which it shares with councils generally via bulletins, news releases and in particular specific focus reports.

In 2020/21, the LGSCO issued the following focus reports:

- Helping to improve Council Services to Children in Care.
- LGSCO Good Complaint Handling.
- Guide for Practitioners- Children's Statutory Complaints Process.

These, and other focus reports published in previous years and in the current year, are available for downloading on the LGSCO's website <https://www.LGSCO.org.uk/information-centre/reports>

In addition the LGSCO produces and circulates via email a newsletter *Ombudsman Link*, a *Care Provider Bulletin* for private care providers, and circulates each week, again via email, a list of decisions published that week in five service areas: benefits and taxation, adult social care, children and education, housing and planning. This offers a rich resource of information from which to learn best practice from complaints.

2.0 Resource and legal considerations:

There are no specific financial implications arising from this report. In some cases, the local settlement of particular complaints may include a financial element, for the complainant's 'time and trouble' in pursuing the matter, and in appropriate cases the payment of sums reflecting the impact of the council's failings on the complainant. Details of any financial redress incurred is provided alongside the summary of upheld complaints in **Section 1.3** above.

The Ombudsman service operates in accordance with provisions in the Local Government Act 1974, as amended by subsequent legislation. As noted above, the LGSCO has issued a new manual for councils setting out operational matters relating to its procedures available on its website.

3.0 Performance and Risk Management issues:

The Ombudsman's annual letter and annual report provides details relating to the number of complaints received, and the outcome of complaints. See www.LGSCO.org.uk/information-centre

The annual letter no longer provides figures for the average time taken to provide a response to the Ombudsman's enquiries. The councils LGSCO link officer works with services to ensure that responses to Ombudsman enquiries are quality assured and made within expected timescales.

4.0 Equality Implications:

Details relating to the Ombudsman service are available on the council website and in the council's own complaints leaflets. The Ombudsman no longer produces its own complaint leaflets; details are set out on its website: it encourages complainants or others seeking advice on a possible complaint to contact the service by phone or via the Ombudsman's website.

5.0 Consultation:

There is no requirement to consult on this report.

Author:

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Appendix 1

21 July 2021

By email

Dr Paterson
Chief Executive
Walsall Metropolitan Borough Council

Dear Dr Paterson

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

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.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

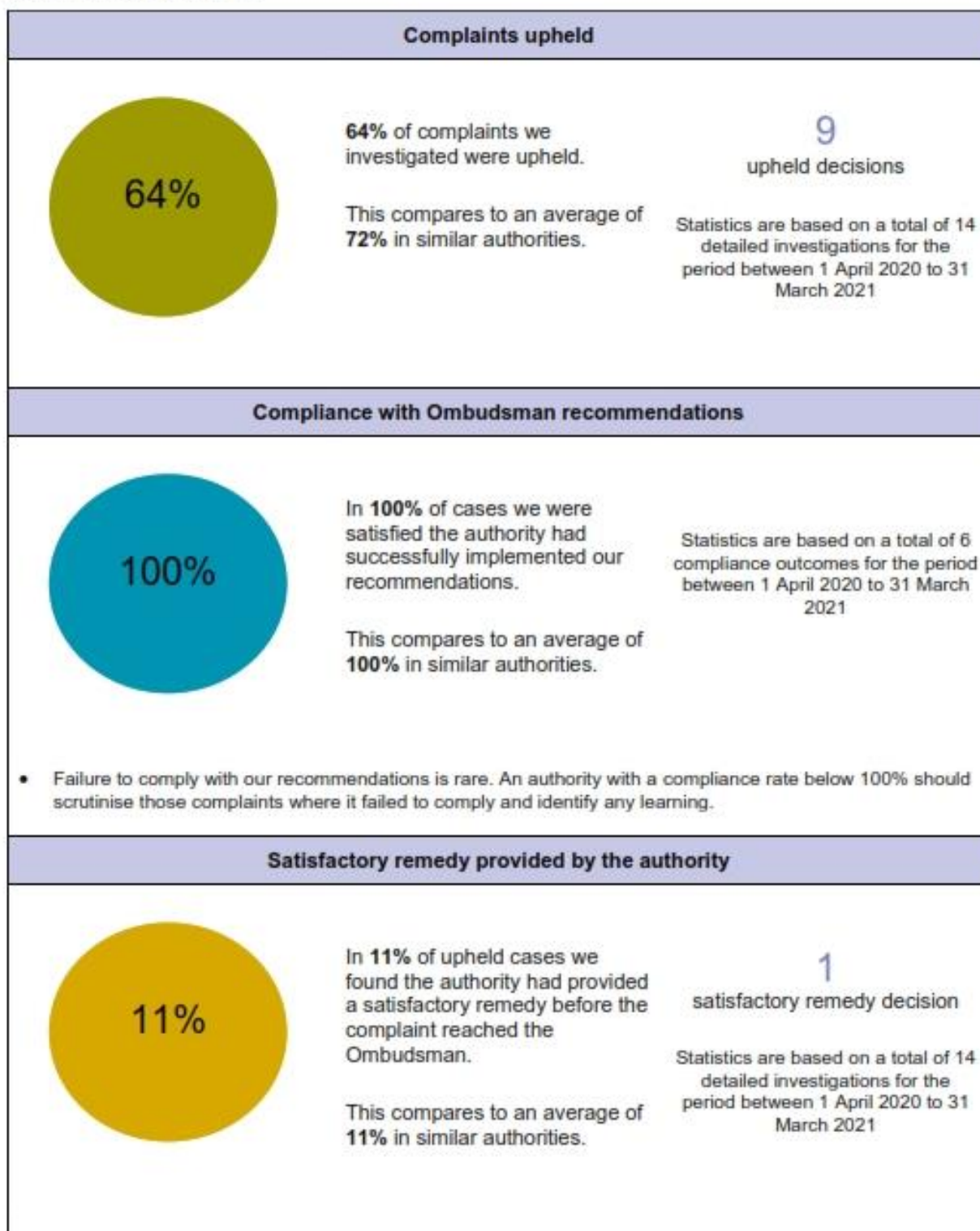
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.LGSCO.org.uk/training.

Yours sincerely,



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



NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Appendix 2

West Midlands Metropolitan Councils – complaints and enquiries received by the LGSCO 2020/21 - (2019/20 shown in brackets)										
	Adult Care Services	Benefits and tax	Corporate and other services	Education and Children's Services	Environment Services, Public Protection and Regulation	Highways and Transportation	Housing	Planning and Development	Other	Total
Birmingham	40 (40)	44 (81)	8 (23)	60 (78)	69 (179)	22 (39)	102 (83)	15 (22)	2 (16)	362 (561)
Coventry	7 (14)	3 (11)	3 (6)	17 (25)	6 (25)	6 (21)	7 (6)	5 (5)	0 (4)	54 (117)
Dudley	14 (18)	1 (8)	3 (3)	13 (27)	7 (5)	5 (8)	9 (12)	5 (3)	1 (3)	58 (87)
Sandwell	10 (24)	24(30)	2 (5)	12 (18)	9 (10)	2 (7)	13 (16)	3 (3)	3 (2)	78 (115)
Solihull	5 (9)	3 (2)	4 (0)	14 (13)	7 (4)	2 (1)	4 (6)	9 (11)	0 (0)	48 (46)
WALSALL	11 (13)	1 (9)	1 (2)	15 (21)	2 (4)	1 (5)	1 (4)	6 (6)	1 (1)	39 (65)
Wolverhampton	7 (6)	3 (10)	3 (2)	9 (20)	8 (11)	1 (2)	4 (8)	5 (1)	0 (1)	40 (61)

West Midlands Metropolitan Districts - complaints determined by the Ombudsman 2020/21 - (2019/20 shown in brackets)								
	Invalid or complete	Advice given	Referred back for local resolution	Closed after initial enquiries	Not Upheld	Upheld	Upheld rate	Total
Birmingham	21 (27)	27 (33)	123 (180)	90 (149)	23 (34)	107 (119)	82% (78%)	391 (542)
Coventry	3 (12)	2 (1)	31 (39)	17 (42)	3 (11)	10 (11)	77% (50%)	66 (116)
Dudley	1 (4)	4 (6)	19 (31)	15 (22)	7 (6)	17 (11)	71% (65%)	63 (80)
Sandwell	10 (12)	6 (5)	22 (49)	24 (22)	3 (2)	13 (15)	81% (67%)	78 (105)
Solihull	1 (3)	2 (3)	16 (11)	14 (15)	2 (4)	8 (5)	80% (56%)	43 (41)
WALSALL	4 (4)	0 (0)	14 (19)	12(20)	5(6)	9 (12)	(64%) (67%)	44 (61)
Wolverhampton	3 (4)	2 (2)	14 (23)	11 (21)	5 (5)	6 (7)	55% (58%)	41 (62)

<https://www.LGSCO.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>