

**Local Government and Social Care Ombudsman – Annual Review 2022/23**

**Summary of report:**

The report provides Members of the Committee with details relating to the role of the Local Government and Social Care Ombudsman, providing information on the number and range of complaints referred by the Ombudsman to the Council during the financial year 2022/23, and to submit for Committee's consideration the Ombudsman's annual letter for 2022/23 (Appendix 1 below).

**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**

The Ombudsman's involvement in a complaint 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?

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 the 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 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](http://www.LGSCO.org.uk/link-officers).

## 1.2 National and Local Context 2022/23

### 1.2.1 National Context:

The Ombudsman highlighted the following key points nationally for 2022/23 in its Annual Review of Local Government Complaints, which pulls together the national picture of trends and common issues that arise from LGSCO complaints:

- Following disruption to LGSCO casework during 2020 and the first part of 2021, the volume of complaints in 2021/22 and 2022/23 has stabilised at pre-pandemic levels.
- 15,488** national complaints and enquiries were received in 2022/23, slightly down from 15,826 in 2021/22.
- 15,845** complaints were decided, down from 16,395 in 2021/22.
- 74%** of investigated complaints were upheld (66% in 2021/22).
- In 2022/23 the LGO changed its investigation processes contributing to a rise in the average uphold rate across all complaints (see further explanation in section below – Upheld Complaints)
- Of the 15,488 complaints received, 2,142 recommendations were made to improve council services – more than ever before (1,848 in 2021/22). These remedies include improving staff training, revising policies and procedures

and reviewing records to identify other people who have also been affected by the problems identified.

- g. 4,907 recommendations were also made to remedy individuals' personal injustice; including apologies, reimbursement of fees and reassessments for services which should have been provided.
- h. Nationally, the highest proportion of fault is found in complaints about Education and Children's Services, particularly with regards to complaints concerning children with special educational needs, and alongside adult social care and homelessness cases, these three areas make up the majority of LGO casework.
- i. 38 Public Interest reports on local authorities were issued about cases that raise serious issues or highlight matters of public interest that are given extra prominence and issued as public interest reports.
- j. Compliance with the Ombudsman's recommendations in final decisions was at 99.3%, down slightly from 99.8% in 2021/22.
- k. The Ombudsman comments in the annual letter that: *"Our latest statistics shed light on the harsh realities people across the country face in crucial aspects of their lives. Council leaders now need to focus on learning from common faults and injustices so they can make a significant difference to the people our local authorities serve."*

The LGSCO Annual Review of Local Government Complaints is available to download from their website: <https://www.lgo.org.uk/information-centre/news/2023/jul/ombudsman-stats-show-stark-reality-of-life-in-england-in-2023>

#### 1.2.2. Local Context:

- a. Walsall Council experienced a rise in the number of complaints received and determined during the year, compared with 2021/22.
- b. The service areas contributing to this rise were Children's Special Educational Needs Services (SEND) – reflecting the national trend referred to above - and Planning Services.
- c. The SEND service has experienced a rise in the number of complaint enquiries, generated partly by increased complaint activity from a locally based advocate for parents of SEND children. Of the 5 complaints upheld in 2022/23 in the Children's Services area, 4 were in the SEND category.
- d. Of the 17 Planning complaint enquiries determined by the Ombudsman, 15 were not investigated by the Ombudsman and either referred back to the Council for local resolution (10) or closed after initial enquiries (5).
- e. Walsall's performance against two key indicators used by the Ombudsman in its Annual Report is positive comparatively nationally and regionally in terms of compliance with the carrying out remedial actions and identifying remedies locally to avoid a formal investigation.

- f. Walsall Council's comparative performance against the rate of upheld complaints following full investigation indicates that Walsall is higher than the overall national average, metropolitan borough council average, and West Midlands councils' average.
- g. For the 9<sup>th</sup> consecutive year since the Ombudsman introduced its annual letter, Walsall Council was not the subject of a published report, indicating no serious concerns about any service or complaint issues in the Council.
- h. Internally within Walsall Council, a new corporate Customer Relationship Management system has been rolled out to record and process all corporate complaints received by the council. It is planned that Children's and Adult Social Care complaints will also transfer to this system so that all formal complaints will have a dedicated customer relationship system which should improve the efficiency of internal processes for managing LGSCO enquiries as all relevant information will be held in one system.

### 1.2.3 Context regarding increases in local complaint activity

#### **Planning:**

Often complaints to the LGO regarding the planning service are as a result of dissatisfaction in a planning outcome, for example an enforcement case closed due to insufficient harm to amenity, or an application being approved despite objections from neighbours. This is reflected in the fact that rarely do the LGO find the service at fault as process has been followed – only 2 planning complaint investigations were upheld in 2022/23 and in 2021/22.

A backlog of complaints had built up, partly caused by demands on the service and staff resources. This has contributed to the delay in responding to complaints via the corporate CRM system within local timescales which in turn has resulted in complainants contacting the LGO in higher numbers than previously. The planning service has introduced management systems and provided further staff training on the CRM system to ensure that complaints are dealt with in accordance with local timescales to help reduce the number of complainants contacting the LGO. There are currently only two live complaints on the CRM system and overall, the number of complaints received has also been reducing as the backlog of planning applications continues to be reduced.

#### **SEND:**

The following recent improvement activities have been completed by the service:

- Identified and implemented an improved system whereby it is able to identify when cases have failed to meet the statutory four-week target, confirmed the action it will take following an annual review and developed a policy that explains what action the Council will take when the target is not met; i.e. how it will escalate such cases for further action and by whom etc;

- Provided guidance to staff about the Council’s duties in relation to s19 alternative education provision and their responsibilities in respect of this;
- Undertaken a review of activity at director level of a fault case and provided a report to the Ombudsman outlining its findings regarding lessons learned, service improvements made or planned.

### 1.3 Detail of Complaints received and determined in 2022/23

The annual letter includes statistics relating to:

- Complaints received in 2022/23 by the LGSCO.
- Decisions made by the LGSCO.
- The council’s compliance with recommendations made by the Ombudsman during the year (2022/23).

The Annual Review Letter is attached and headline figures appended to the letter are available on the Ombudsman’s website along with equivalent performance figures for previous years, and for all other local councils and public bodies subject to LGSCO enquiries <https://www.LGSCO.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

The Ombudsman also produces an interactive map which shows the performance details for all councils <https://www.lgo.org.uk/your-councils-performance>

#### Headlines from this year’s annual letter:

- Overall, the Ombudsman received 59 complaints relating to Walsall Council, up by 18 from 2021/22, but fewer than in 2019/20 (65), the year before the pandemic.
- In 2022/23 84% of complaints that were fully investigated were upheld (12 out of 14) compared to 67% (6 out of 9) in 2021/22.
- The Ombudsman recorded 100% satisfaction with the council’s compliance in the cases where they recommended a remedy (based on 8 compliance outcomes).

#### Complaints received during 2022/23

The Committee will note that there were 59 complaints *received by* the LGSCO relating to Walsall Council in 2022/23 (41 complaints in 2021/22). These were categorised as per the following table:

Category	Number of LGSCO cases <b>2022/23</b> (2021/22)
Adult Care Services	<b>7</b> (6)
Benefits & Tax	<b>7</b> (8)
Corporate and Other Services	<b>3</b> (1)
Education and Children’s Services	<b>16</b> (12)
Environment Services	<b>4</b> (2)

Highways & Transport	3(2)
Housing	2 (2)
Planning and Development	17 (7)
Other	0 (1)
<b>Total</b>	<b>59 (41)</b>

Members should note that the categories used here by the Ombudsman may not match exactly how the Council allocates different functions to service areas or directorates.

There has been an increase in numbers received in all areas apart from Benefits & Tax and Housing; the 2 areas of highest increase are Planning & Development (10 more) and Education & Children's Services (4 more).

### Complaints determined during 2022/23

During 2022/23 the Ombudsman determined 54 complaints (46 in 2021/22) relating to Walsall Council. The outcomes of the Ombudsman's decision are set out in the table below.

Category (Determinations)	2022/23 (2021/22)
Advice Given	0 (1)
Incomplete or invalid	1(4)
Referred for local resolution	20(15)
Closed after Initial Enquiries	19(17)
Detailed Investigations – Not Upheld	2(3)
Detailed Investigations - Upheld	12(6)
Total Determinations	54(46)
Uphold Rate	84% (67%)

Note: The totals shown in the received and determined tables do not match as there will be some cases determined in one year which were received in the previous year.

#### 1.4 Upheld Complaints

There have been twice as many upheld complaints in 2022/23 compared with 2021/22.

**Note:** As referred to in the national context section 1.2.1, the LGSCO have changed their approach to complaint investigation this year contributing towards an increase in the average uphold rate across all complaints. For resource reasons, they have prioritised cases where it is in the public interest to investigate. As a result, they have been less likely to carry out investigations into 'borderline' issues and are finding a higher proportion of fault as a result, meaning that the national uphold rate has increased from 67% last year to 74%. They have reported a steadily increasing uphold rate for several years but have confirmed that this year's increase is not wholly attributable to the nature of the cases that were referred to them and so comparison with previous years carries a note of caution.

The Ombudsman has advised councils to consider comparing individual council uphold rates against comparator averages rather than against previous years. On both counts, the numbers for Walsall Council have risen.

The **12** - (6 in 21/22) - complaints that were categorised as 'upheld' in 2022/23 related to:

- Adult Care services **3** (1),
- Education and children's services **5** (3)
- Planning Services **2** (2),
- Benefits and Tax **1** (0),
- Highways and Transport **1** (0)

It is worth noting that 2 of the 12 upheld complaints related to where the Council was seen to have already put things right prior to an Ombudsman investigation. These are still categorised as 'upheld' by the Ombudsman despite having been satisfactorily addressed already.

A third upheld complaint related to the local complaint process used rather than any fault with service delivery.

Details relating to the 12 complaints which were categorised as 'upheld' are set out below. The full decision notices are available on the relevant complaint link provided and on the Ombudsman's website. All notices are written in a way which protects the confidentiality of individuals concerned.

a) Complaint [20-010-478](#) – 03 May 2022 - Planning

Summary: There was fault by the Council as it identified breaches of pre-commencement planning conditions in February 2021 but has supplied no evidence that it had taken any action since then. Mr X complained about damage to his property by the developer because of the delay, but damage to property is a private matter between him and the developer.

Remedies: Provision of information and advice - the Council's proposal to review progress and in addition, to tell Mr X of the result, remedied the injustice.

b) Complaint [21-010-229](#) - 26 May 2022 - Planning

Summary: Mr C complained the Council wrongly approved his neighbour planning application and failed to take appropriate enforcement action. He also said a Planning Committee member was biased towards the applicant. The Council failed to give proper reasons for the planning decision it made. It also caused delays in its enforcement investigation.

Remedies: The Council agreed to apologise and make payment to Mr C for the injustice it caused him. It has already taken action to prevent similar failings in the future.

c) Complaint [21-004-225](#) – 09 June 2022 SEND



Mrs X complained about how the Council dealt with her child's Education, Health and Care Plan annual reviews. She said it failed to provide her child with suitable education and provision. Mrs X also complained the Council provided her with inaccurate responses to her complaints. The Council was at fault for its delays, non-completion and failing to properly follow statutory guidance during the Education, Health and Care Plan annual review processes. This caused Mrs X's family significant distress, frustration and time and trouble and the child was disadvantaged by not having an up-to-date Plan for two years.

Remedies: The Council:

- provided the Ombudsman with evidence of the internal processes the Council has in place to monitor the progress of its Education, Health and Care Plan annual review process timeliness.
- provided details of the action it has taken to address delays in processing annual reviews to ensure such delays do not continue to occur and say how this has been implemented.
- undertook an audit of Education, Health and Care Plan annual reviews of the 30 cases identified by Ofsted following its recent inspection of the Council's SEND services as part of the monitoring process to ensure the Council is carrying out annual reviews in a timely manner, issuing decision notices and completing Education, Health and Care Plan annual review processes in accordance with statutory guidelines.
- shared the Education, Health and Care Plan review audit finding with the Ombudsman.

d) Complaint [21-007-329](#) – 26 July 2011 SEND

Mrs X complained the Council has not dealt properly with her daughter's education. The Council did not consider whether her daughter needed alternative education provision properly. Her daughter lost some educational opportunity.

Remedies: The Council apologised and paid Mrs X £4,500.

e) Complaint [21-016-025](#) – 16 Aug 2022 SEND

Mr X complained that the Council failed to ensure provision in his daughter Y's Education, Health and Care (EHC) Plan was delivered. The Council was at fault as it failed to ensure Y received the speech and language therapy set out in her Plan.

Remedies: The Council made a symbolic payment to Mr X of £300 to acknowledge the loss of provision to his daughter in line with the Plan.

f) Complaint [21-014-226](#) – 21 Aug 2022 ASC Domiciliary Care

Ms C complained about the care her father received from a homecare agency commissioned by the Council. There was fault with regards to some aspects of the care Mr F received

Remedies: The Council apologised for relevant aspects of the care provided.

g) Complaint [22-007-025](#) – 28 Sept 2022 ASC Finance/Charging

The Ombudsman did not investigate this complaint about the Council mishandling a direct debit instruction to pay for Mr X's sister's care. This is because the Council made a suitable offer to remedy the injustice caused by the delays and further investigation by the Ombudsman would not lead to a different outcome.

Remedies: Suitable remedies already provided by Council – although still recorded as an upheld complaint by the Ombudsman.

h) Complaint [22-004-289](#) – 10 Oct 2022 Education & Children's Services

The Council was at fault for not dealing with Ms B's complaint about her special guardianship allowance under the statutory children's complaint procedure. This meant that Ms B did not have access to an independent investigation of her complaint. The Council agreed to consider the complaint under the correct procedure.

Remedies: Complaint processed as a statutory complaint.

i) Complaint [22-003-257](#) – 14 Dec 2022 ASC Residential Care

Ms C complained about the withdrawal of services and standard of care provided to her mother, Ms D. The Council was at fault for failing to properly assess Ms D's needs. The Council commissioned Care Provider failed to properly communicate with the family and get advice about how to support Ms D.

Remedies: The Council apologised to Ms C and Ms D for the faults identified and paid Ms D £300 and Ms C £250 in acknowledgement of the injustice caused by these faults. This was in addition to procedural and training steps it has already agreed to take.

j) Complaint [19/22-009-319](#) – 05 Jan 2023 Benefits/Tax

Mrs X complained the Council ignored her request for a business grant which caused her financial loss and distress. The Council was found to be at fault and apologised and subsequently made the grant payment.

Remedies: The Council paid Mrs X £300 for distress and uncertainty and £200 for time and trouble and agreed to ensure that there was no recurrence.

k) Complaint [22-008-714](#) – 25 Jan 2023 SEND

Mrs X complained the Council delayed issuing an EHCP after the annual review. This meant Child Y was without the correct provision. The Council was at fault for delaying issuing the EHCP, which caused Child Y to be left without provision, and at fault for failing to ensure delivery of the agreed provision.

Remedies: The Council apologised and paid a financial remedy to correct the missing provision of £2,400, and a payment of £450 for distress and time and trouble experienced.

l) Complaint [22-013-425](#) – 15 Feb 2023 Highways & Transport - Traffic Management

Summary: 'The Ombudsman will not investigate this complaint about parking enforcement in the complainant's road and an alleged breach of planning control. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. There is not enough evidence of fault in the way the Council has carried out its enforcement role, and we are satisfied with the actions it has taken, or proposes to take, to in response to the complaint.'

Remedies: None required as the Council had already apologised for the delay in responding to the complaint and had put in place actions to address parking and planning issues raised.

#### **1.4.1 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 9 complaints where a remedy was set out for the council to carry out during 2022/23. The Annual Letter indicates that in **all cases**, the Ombudsman was satisfied that the council had implemented their recommendations, and that all were carried out within timescale. (see Appendix 1 below)

#### **1.5 Comparative figures and statistics**

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**).

Some of the headline comparisons for Walsall in 2022/23 taken from the LGSCO data are:

##### **National:**

- 74% of complaints upheld nationally compared with **86%** for Walsall. [77% for all similar authorities – Metropolitan Borough Councils].
- In 10% of upheld cases, councils had already offered a suitable remedy before the complaint was made to the Ombudsman; the comparable figure for Walsall was **17%**.
- Compliance with recommendations remains high at 99.3% nationally (**100% for Walsall**).

##### **West Midlands:**

- Walsall received fewer complaints and enquiries in 2022/23 than all West Midland authorities in Appendix 2, except for Wolverhampton and Solihull.

- The percentage of complaints investigated and upheld by the Ombudsman was higher than all West Midland authorities with 12 of 14 upheld (however 2 of these did not go to a full investigation and removing those 2 from the figures would give an outturn of **71%**). The equivalent figures for the WM councils were:

	<b>B'ham</b>	<b>Cov</b>	<b>Dudley</b>	<b>Sandwell</b>	<b>Solihull</b>	<b>Wolv</b>	<b>Walsall</b>	<b>Walsall Revised</b>
<b>Investigated</b>	153	20	27	21	13	11	14	14
<b>Upheld</b>	128	17	21	17	7	9	12	10 (without 2 not upheld)
<b>% Uphold rate</b>	<b>84%</b>	<b>85%</b>	<b>78%</b>	<b>81%</b>	<b>54%</b>	<b>82%</b>	<b>86%</b>	<b>71.5%</b>

## 1.6 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 2022/23, the LGSCO issued the following focus reports:

- Equal Access – getting it right for people with disabilities.
- Out of School, Out of Sight – ensuring children out of school get a good education.
- Equal Justice: learning lessons from complaints about people’s human rights
- More Home Truths – learning lessons from complaints about the Homelessness Reduction Act

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>

The LGSCO also published 2 good practice guides which are aimed at helping authorities to get things right before cases are escalated to the Ombudsman:

- Section 117 Aftercare – common mistakes highlighted in complaints about the aftercare of patients receiving support under the Mental Health Act.
- Deprivation of Capital - sets out the Ombudsman’s approach to investigating complaints from people where their local authority has decided they have intentionally deprived themselves of capital when assessing how much they should contribute to their care.

- In addition, the LGSCO circulates a weekly list of decisions published that week in five service areas: benefits and taxation, adult social care, children and education, housing and planning.

## **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](http://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 council's 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.

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## **Appendix 1**

19 July 2023

Dear Ms Hindson

### **Annual Review letter 2022-23**

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 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. 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.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **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.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

**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 were satisfied 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 26 July 2023. 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.

### **Supporting complaint and service improvement**

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit

[www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,

Paul Najsarek. Interim Local Government and Social Care Ombudsman

## Complaints upheld

86%

86% of complaints we investigated were upheld.

This compares to an average of 77% in similar organisations.

12 upheld decisions

Statistics are based on a total of 14 investigations for the period between 1 April 2022 to 31 March 2023

## Compliance with Ombudsman recommendations

In 100% of cases Walsall successfully implemented recommendations

This compares to an average of :

99% in similar organisations.

- 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

17%

In 17% of upheld cases, we found that Walsall Council provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 10% in similar organisations.

2 satisfactory remedy decisions

Statistics are based on a total of 12 upheld decisions for the period between 1 April 2022 to 31 March 2023



## Appendix 2

<b>West Midlands Metropolitan Councils – complaints and enquiries received by the LGSCO 2022/23 - (2021/22) shown in brackets)</b>										
	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	37 (40)	39 (40)	15(11)	65(69)	77 (86)	81(57)	144(124)	24(22)	18(14)	490 (463)
Coventry	8 (1)	5 (5)	6(5)	18(22)	11 (22)	8(8)	11(9)	5(7)	1(4)	73(93)
Dudley	10 (14)	6 (4)	3(9)	17(13)	7(16)	4(1)	19(21)	3(7)	0(2)	73(87)
Sandwell	21 (14)	14 (16)	8(6)	11(13)	13(9)	4(4)	29(16)	7(7)	0(3)	105(92)
Solihull	5 (7)	4 (3)	1(3)	15(17)	1(4)	3(2)	5(4)	7(12)	2(0)	37(52)
<b>WALSALL</b>	<b>7 (6)</b>	<b>7 (8)</b>	<b>3(1)</b>	<b>16(12)</b>	<b>4(2)</b>	<b>3(2)</b>	<b>2(2)</b>	<b>17(7)</b>	<b>0(1)</b>	<b>59(41)</b>
Wolverhampton	5 (3)	2 (2)	4(2)	11(8)	8(5)	1(2)	7(9)	3(4)	1(1)	42(36)

<b>West Midlands Metropolitan Districts - complaints determined by the Ombudsman 2022/23 - (2021/22 shown in brackets)</b>								
	Invalid or complete	Advice given	Referred back for local resolution	Closed after initial enquiries	Not Upheld	Upheld	Upheld rate	Total
Birmingham	28 (25)	30(39)	138(124)	164(145)	25(28)	128(100)	84 % ( 78%)	506(461)
Coventry	1(2)	4(3)	24(29)	32(39)	3(4)	17(10)	85 % ( 71%)	81(87)
Dudley	8(6)	5(9)	15(23)	23(27)	6(7)	21(14)	78 % ( 67%)	78(86)
Sandwell	4(5)	8(4)	46(29)	28(29)	4(10)	17(20)	81 % ( 67%)	107(92)
Solihull	1(1)	3(4)	13(22)	12(22)	6(4)	7(11)	54 % ( 73%)	42(64)
<b>WALSALL</b>	<b>1(4)</b>	<b>0(1)</b>	<b>20(17)</b>	<b>19(17)</b>	<b>2(3)</b>	<b>12(6)</b>	<b>86 % ( 67%)</b>	<b>54 (44)</b>
Wolverhampton	4 (0)	3(4)	7(8)	19(16)	2(5)	9(8)	82% (62%)	44(41)

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