



Coventry City Council

## Public report

Cabinet Member for Policy and Leadership  
Ethics Committee  
Audit and Procurement Committee

20 November 2023  
14 December 2023  
18 March 2024

**Name of Cabinet Member:**

Cabinet Member for Policy and Leadership – Councillor G Duggins

**Director approving submission of the report:**

Chief Executive

**Ward(s) affected:**

All

**Title:**

Complaints to the Local Government and Social Care Ombudsman 2022/23

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**Is this a key decision?**

No

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**Executive summary:**

The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.

Coventry City Council's complaints policy sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.

Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued 19 July 2023, covers complaints to Coventry City Council between April 2022 and March 2023 (2022/23) (see Appendix 1).

This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2022/23. It focuses on upheld complaints, compliance with Ombudsman's recommendations, where the Council had provided a satisfactory remedy before the complaint reached the LGSCO, and how we compare to previous years and other local authorities.

**Recommendations:**

**The Cabinet Member for Policy and Leadership is recommended to:**

- 1) Consider the Council's performance in relation to complaints to the LGSCO.
- 2) Note the Council's complaints process and guidance.
- 3) Request the Audit and Procurement Committee to review and be assured that the Council takes appropriate action in response to complaints investigated and where the Council is found to be at fault.

**The Ethics Committee is recommended to:**

- 1) Comment on the findings.
- 2) Consider the Council's performance in relation to complaints to the LGSCO complaints that were upheld.
- 3) Note the Council complaints process and guidance.

**The Audit and Procurement Committee is recommended to:**

- 1) Consider the Council's performance in relation to complaints to the LGSCO.
- 2) Note the Council's complaints process and guidance.
- 3) Review and be assured that the Council takes appropriate actions in response to complaints investigated and where the Council is found to be at fault.

**List of appendices included:**

Appendix 1: Local Government and Social Care Ombudsman Annual Review Letter 2023  
Appendix 2: Local Government and Social Care Ombudsman Investigation Decisions in 2022/23 for Coventry City Council

**Background papers:**

None

**Other useful documents**

Local Government and Social Care Ombudsman Annual Review of Local Government Complaints 2022-23

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Yes – Ethics Committee on 14 December 2023 and Audit and Procurement Committee on 29 January 2024.

**Will this report go to Council?**

No

**Report title:**

Complaints to the Local Government and Social Care Ombudsman 2022/23

**1 Context (or background)**

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.
- 1.2 Coventry City Council's complaints policy published on the Council's website at [www.coventry.gov.uk/complaints/](http://www.coventry.gov.uk/complaints/), sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with the Council's decision after they have exhausted the Council's own complaints process.
- 1.3 Every year, the LGSCO issues an annual letter to the Leader and Chief Executive of every Council, summarising the number and trends of complaints dealt with in each Council that year. The latest letter, issued 19 July 2023, covers complaints to Coventry City Council between April 2022 and March 2023 (2022/23). The letter can be found in Appendix I.
- 1.4 This report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2022/23. This report focuses on upheld complaints, compliance with Ombudsman's recommendations, where the Council had provided a satisfactory remedy before the complaint reached the LGSCO,, and how we compare to previous years and other local authorities.
- 1.5 The Council has a robust policy for handling complaints. In addition to this annual report, the Council also produces formal reports on complaints about adult social care and children's social care, to Cabinet Member Adult Services and Cabinet Member Children and Young People respectively.

**2 Options considered and recommended proposal**

- 2.1 Across all councils, the LGSCO received 15,488 complaints and enquiries in 2022/23 down from 15,826 the previous year. The areas receiving the greatest number of detailed investigations was Children's Services (1263), Adult Services (898), and Housing (535).
- 2.2 For Coventry City Council, the LGSCO received 73 complaints and enquiries in 2022/23, which is less than the previous year 2021/22 that had a total of 93 complaints year.

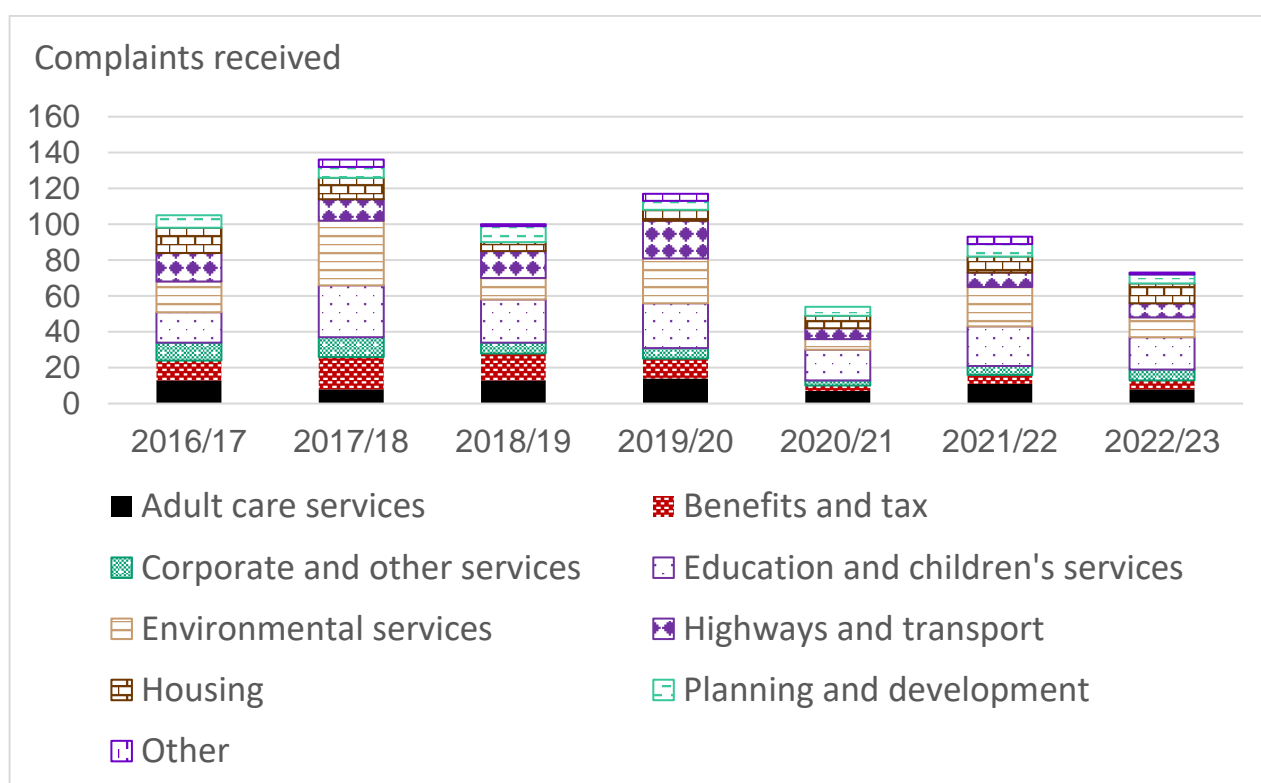
2.3 Figure 1.

**Figure 1: Complaints and enquiries received by category**

Category (as defined by LGSCO)	Complaints in 2021/22	Complaints in 2022/23
Adult care services	11	8
Benefits and tax	5	5
Corporate & other services	5	6
Education & children's services	22	18
Environmental Services & Public Protection & Regulation	22	11
Highways & transport	8	8
Housing	9	11
Planning & development	7	5
Other	4	1
<b>Total</b>	<b>93</b>	<b>73</b>

2.4 Figure 2 sets out how the number of complaints and enquiries received by the LGSCO in last 6 years.

**Figure 2: Complaints and enquiries received in last 7 years**



- 2.5 In 2022/23 there was a slight decrease in complaints and enquiries. There was a significant decrease from 22 to 11 complaints in Environmental Services enquiries and complaints. The category with the highest number of complaints and enquiries was Education and Children's Services with 18 (down from 22 in 2021/22).
- 2.6 It is not possible to comment on the Council's overall performance based solely upon the number of complaints or enquiries to the LGSCO. Interpretation is challenging in relation to number as a high number of complaints may indicate that a council has been effective at signposting people to the LGSCO through their complaints handling process. Equally it could be argued that a high number of complaints may highlight that a council needs to do more to resolve issues through its own complaints process.
- 2.7 When dealing with an enquiry, the LGSCO can choose to investigate cases where it sees merit in doing so. Following an investigation, the LGSCO can decide if a complaint is: **upheld** – where a council has been at fault and this fault may or may not have caused an injustice to the complainant; or where a council has accepted it needs to remedy the complaint before the LGSCO makes a finding on fault; or **not upheld** – where, following investigation, the LGSCO decides that a council has not acted with fault.
- 2.8 In 2022/23 the LGSCO made **81** decisions down from 87 the previous year:
- **1 x** incomplete/invalid.
  - **4 x** advice given;
  - **24 x** referred back for local resolution.
  - **32 x** closed after initial enquiries; and
  - **20 x** complaints investigated, of which **17** were upheld and **3** were not upheld.
- 2.9 The number of complaints investigated (20 complaints in 2022/23) were up from previous years (14 in 2021/22, and 13 in 2020/21).
- The LGSCO upheld a larger proportion of complaints they investigated than in previous years: 85% of complaints were upheld (17 out of 20) in 2022/23, compared to 71% (10 out of 14) in 2021/22, 77% (10 out of 13) in 2021/20, and 50% (11 out of 22) in 2020/19.
  - This compares to the Chartered Institute of Public Finance and Accountancy (CIPFA) statistical neighbours upheld rate of 74% and West Midland Combined Authority (WMCA) upheld rate of 81% and a national upheld rate of 74% for 2022/23.
  - The tables below, sets out how Coventry compares to its CIPFA statistical neighbours (Figure 3) and with the West Midlands Combined Authority (WMCA) constituent authorities (Figure 4).

**Figure 3: Complaints investigated: comparison with CIPFA nearest neighbours 2022/23**

Overall, **74%** of complaints were upheld among Coventry and its 15 statistical neighbours. The authority with the highest percentage of complaints upheld in 2022/23 is Bolton (94%) and lowest is Oldham (33%). Coventry has the second highest upheld rate (85%).

<b>Local Authority</b>	<b>Not Upheld</b>	<b>Upheld</b>	<b>% Upheld</b>	<b>Total</b>
Bolton	1	17	94%	18
<b>Coventry</b>	<b>3</b>	<b>17</b>	<b>85%</b>	<b>20</b>
Medway	3	14	82%	17
Wolverhampton	2	9	82%	11
Leicester	5	21	81%	26
Sandwell	4	17	81%	21
Salford	2	7	78%	9
Bradford	8	26	76%	34
Sheffield	7	19	73%	26
Derby	4	10	71%	14
Newcastle upon Tyne	3	7	70%	10
Kirklees	5	11	69%	16
Bristol	14	31	69%	45
Blackburn and Darwin	4	3	43%	7
Rochdale	5	3	38%	8
Oldham	4	2	33%	6

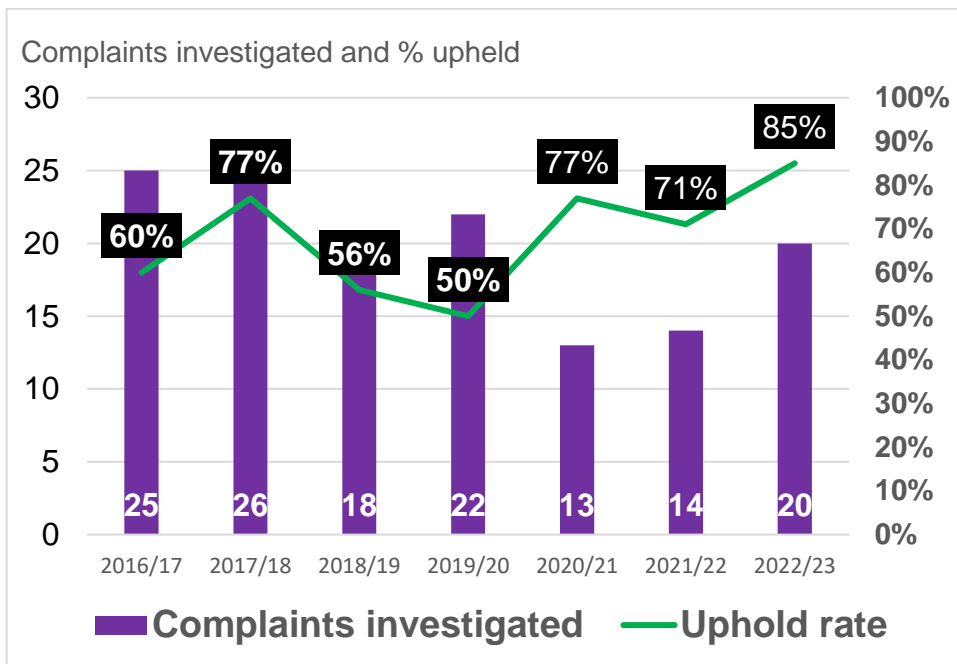
**Figure 4: Complaints investigated: comparison with WMCA constituent authorities 2021/21**

There were 259 complaints investigated across the WMCA area, of which 211 were upheld and 48 were not upheld. That means, 81% of complaints were upheld among the seven constituent authorities of the WMCA. The authority with the highest percentage of complaints upheld in 2022/23 is Walsall (86%), lowest is Solihull (54%). Coventry is the second highest out of seven on (85%). However, the ombudsman has made us aware that they are more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. This has meant that changes in uphold rates this year are not solely down to the nature of the cases going to the ombudsman. The ombudsman is less likely to carry out investigations on ‘borderline’ issues, so they are naturally finding a higher proportion of fault overall. Although 85% is a high upheld rate it is still based on a low number of cases (17 cases in total)

Local Authority	Not Upheld	Upheld	% Upheld	Total
Walsall	2	12	86%	14
<b>Coventry</b>	<b>3</b>	<b>17</b>	<b>85%</b>	<b>20</b>
Birmingham	25	128	84%	153
Wolverhampton	2	9	82%	11
Sandwell	4	17	81%	21
Dudley	6	21	78%	27
Solihull	6	7	54%	13

**Figure 5: Complaints investigated, and percentage upheld over the last 7 years**

Figure 5 sets out how the number of complaints investigated, and the percentage of complaints upheld by the LGSCO for the last 6 years.



2.10 Of the 17 upheld complaints for Coventry, 15 complaints were remedied by the LGSCO and 2 the LGSCO found that Coventry had provided a satisfactory remedy before the complaint reached them (12%). This compares to an average of 10% in similar authorities. 12 complaints resulted in some form of financial redress or reimbursement.

2.11 Following a decision, the LGSCO will typically issue a statement setting out its findings and its decision. If the LGSCO decides there was fault or maladministration causing an injustice to the complainant, it will typically recommend that a council take some action to address it. Wherever possible the LGSCO publishes decision statements on its web pages although this would not happen where the content of the report could identify the individual complainant. In some cases, where the LGSCO upholds a complaint, the LGSCO may choose to issue a formal report of maladministration.

2.12 In 2022/23 the Ombudsman issued Coventry City Council with a formal report, the report was issued - upheld, maladministration and injustice. The report was considered at full Council on the 21 June 2022. The Ombudsman found our policy regarding issuing a Community Trigger to be unacceptable. The remedies were completed and satisfied on 29 September 2023. The Ombudsman were satisfied with the Council's response in accordance with section 31(2) of the Local Government Act 1974. Further details in Appendix 2.

2.13 The following table, Figure 6, sets out details about the complaints that the LGSCO investigated in by our service area.

**Figure 6: Complaints investigated by service area in 2021/22 compared to 2022/23**

Service area	2021/22				2022/23			
	Upheld	Not upheld	% upheld	Response time (days)	Upheld	Not upheld	% upheld	Response time (days)
Adult social care	3	1		18	4	1		18
Bereavement Services					1			0
Children's services	3			20	1			18
Council tax	1			15				
Highways		1		15		1		23
Household waste assisted collections	1			0	3			12
Household waste collections					2			9
Housing services	1				3			16
Housing Benefit	1			5				
Parking Services		1		15				
Planning	1			0	2	1		10
Regulatory Services					1			10
<b>Total</b>	<b>10</b>	<b>4</b>	<b>71%</b>	<b>15</b>	<b>17</b>	<b>3</b>	<b>83%</b>	<b>13</b>



- 2.14 This year saw an increase in the number of detailed investigations completed 20 compared to 14 in 2021/22. There was an increase in detailed investigations relating to Adult Social Care, Bereavement Services, Household waste collections, Household waste assisted collections, Housing Services, Planning and Regulatory services in 2022/23.
- 2.15 The LGSCO typically expects councils to respond to investigation enquiries within 20 working days. This target was reached in 2022/23.
- 2.16 Satisfactory remedy decisions are complaints where the Ombudsman has decided, while the authority did get things wrong, the authority had offered a satisfactory way to resolve it before the complaint was referred to the Ombudsman. In 2022/23 the LGSCO found 12% of upheld cases Coventry had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to 10% in 2021/22, 10% in 2020/21 and 18% in 2019/20.

**Figure 7: Satisfactory remedy provided before the complaint reached the Ombudsman comparison with other WMCA constituent authorities**

211 complaints were upheld in WMCA area and on 19 complaints the Ombudsman considered that the authority provided a satisfactory remedy before the complaint reached them (9%).

Local Authority	Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman		Total Number of complaints upheld
	%	Number	
Solihull	43%	3	7
Wolverhampton	22%	2	9
Walsall	17%	2	12
<b>Coventry</b>	<b>12%</b>	<b>2</b>	<b>17</b>
Birmingham	7%	9	128
Sandwell	6%	1	17
Dudley	0%	0	21

- 2.17 The LGSCO Annual Review Letter includes a statistic- compliance with Ombudsman’s recommendations. The [interactive data map of council performance](#) shows performance data for all councils in England. In 2022/23 the Ombudsman was satisfied we successfully implemented all of their recommendations 100%. This was based on 17 compliance outcomes. 7 Environmental Services & Public Protection & Regulation. 4 Adult Care Services, 3 Housing, 2 Planning & Development, 1 Education & Children’s services.

**Figure 8: Compliance with Ombudsman recommendations**

Local Authority	Complaints where compliance with the recommended remedy recorded	
	Number	% where remedy successfully implemented
Birmingham	122	98%
Dudley	16	100%
Sandwell	13	100%
<b>Coventry</b>	<b>11</b>	<b>100%</b>
Walsall	8	100%
Wolverhampton	7	100%
Solihull	6	100%

2.18 Following the investigations, the LGSCO recommended some changes to the Council’s processes and procedures. A summary of the recommendations is set out in the learning from complaints table (Figure 9). Further details about the outcomes of each of the complaints investigated this year and the actions taken are set out in Appendix 2.

**2.19 Figure 9: Learning from complaints**

Service Area	Summary of actions agreed
Adult Social Care	The Council has made sure that it has procedures in place to give people information about the care system and how it works when they initially approach the Council for assistance.
Housing	Relevant staff have been reminded of the proactive duty to make reasonable adjustments under the Equality Act and ensure this is communicated to applicants.

<p>Household Waste Collection and Assisted Waste Collection</p>	<p>The Council's published information states it will attempt to collect a missed bin within one working day, where an owner or resident makes a valid missed bin report. The Council will send the Ombudsman details of the actions it will take to ensure it complies with its published information.</p> <p>The Council agreed to review its policies and procedures for assisted refuse collections to ensure: refuse workers are properly alerted to new assisted collections; and arrangements remain clear to refuse workers throughout the duration of the assisted collection.</p> <p>The Council agreed to review its policies and procedures for missed refuse collection reports to ensure: reports are properly recorded, responded to, and monitored for repeated issues; refuse workers and supervisors are alerted to repeated issues; and follow-up actions are recorded.</p> <p>The Council agreed to review its policies and procedures for complaints about refuse and recycling to ensure: complainants receive considered responses and are told how to escalate their complaint, both within the Council's complaints procedure and to the Ombudsman; complaints are monitored for repeated issues; and promised actions are followed up on.</p>
<p>Regulatory Services</p>	<p>The Council reviewed the Community Trigger Policy and procedures with its partners, to ensure that it reflects a pro-active approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem. Ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review.</p>
<p>Planning</p>	<p>The Council reminded its staff and crematorium management to consider the impact intensification of use within a council site may have on neighbours, and whether noise or other assessments should be completed before the changes take place.</p>

### **3 Results of consultation undertaken**

3.1 None identified or undertaken.

### **4 Timetable for implementing this decision.**

4.1 The LGSCO Link Officer function is now located as part of the Council's Customer Service Team. All communication between the local authority and the LGSCO, such as complaints, enquiries, investigations, and remedies, all go via the Ombudsman Liaison Officer.

4.2 The Council's own guidance and process for dealing with LGSCO complaints is set out in Complaint Handling Guidance. Following the 2017 annual letter, this guidance was updated to ensure that investigations, particularly upheld complaints, are properly communicated to elected members. As a result:

- complaints to the LGSCO will continue to be formally reported to the Cabinet Member for Policy and Leadership and the Audit and Procurement Committee every year (this report) – and in addition, this report is also being considered by the Ethics Committee.
- complaints about adult social care and children's social care, including cases investigated by the LGSCO, will also continue to be reported through an annual report to the Cabinet Member Adult Services and Cabinet Member Children and Young People respectively.
- where an investigation has wider implications for Council policy or exposes a more significant finding of maladministration, the Monitoring Officer will consider whether the implications of that investigation should be individually reported to relevant members; and
- should the Council decide not to comply with the LGSCO's final recommendation following an upheld investigation with a finding of maladministration or should the LGSCO issue a formal report (instead of a statement), the Monitoring Officer will report this to members under section 5(2) of the Local Government and Housing Act 1989.

### **5 Comments from the Director of Finance and Resources and the Director of Law and Governance**

#### **5.1 Financial implications**

There are no direct financial implications associated with this report. Financial remedies resulting from any complaints are typically paid out of service budgets. In 2022/23 there were 13 complaints which resulted in some form of financial remedy or reimbursement. This is detailed in Appendix 2. These were paid out of budgets from the relevant service areas. The amount paid out in 2022/23 was £15,920.69.

#### **5.2 Legal implications**

The statutory functions of the LGSCO are defined in the Local Government Act 1974. These are: to investigate complaints against councils and some other authorities; to investigate complaints about adult social care providers from people who arrange or fund their own adult social care; and to provide advice and guidance on good administrative practice. The main activity under Part III of the 1974 Act is the investigation of complaints, which it states is limited to complaints

from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.

The LGSCO's jurisdiction under Part III covers all local councils, police and crime bodies; school admission appeal panels and a range of other bodies providing local services; and under Part IIIA, the LGSCO also investigate complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

There is a duty under section 5(2) of the Local Government and Housing Act 1989 for the Council's Monitoring Officer to prepare a formal report to the Council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGSCO has conducted an investigation in relation to the matter.

## **6 Other implications**

### **6.1 How will this contribute to the One Coventry Plan**

(<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>)

The One Coventry Plan the Council's vision and priorities for the city. The vision: One Coventry – Working together to improve our city and the lives of those who live, work and study here. Effective management and resolution of complaints, as well as learning from complaints, help ensure that Council services meet the needs of local residents and communities and helps build a foundation of trust in order for the Council to have new conversations with residents, communities and partners to enable people to do more for themselves as active and empowered citizens.

### **6.2 How is risk being managed?**

It is important that the Council takes action and learns from the outcome of complaints. Appendix 2 sets out the actions Council has taken; for example, providing training, instruction and guidance to staff and improving communications between services to help to manage risk of the likelihood of the same fault happening again.

### **6.3 What is the impact on the organisation?**

The co-ordination and management of complaints to the LGSCO often involves considerable time of officers of all levels of seniority. It involves collecting a significant amount of data, preparing and writing formal responses, and chasing to meet timescales set out; and where appropriate, external input from partner organisations and commissioned services.

Therefore, it is ideal for complaints to the Council to be resolved informally at first point of contact, or resolved through the Council's own internal complaints procedures, adult social care complaints procedures, or children's social care complaints procedures, as appropriate. This would improve satisfaction for local residents and communities, as well as save Council time and resources. The Council also publishes guidance on complaints handling.

#### **6.4 Equalities/EIA**

Members of the public are encouraged to speak up and tell the Council if they have anything to say about Council services; if the Council does not get it right for them; or if they think the Council has done something well. This is set out in the Council's complaint policy ([www.coventry.gov.uk/complaints/](http://www.coventry.gov.uk/complaints/)).

To ensure that everyone is able to provide feedback, the Council accepts comments, compliments and complaints via face-to-face contact, telephone calls, letters, emails, or via an online form on the Council's website; and proportionate equalities monitoring data is also collected. Members of the public are informed that they can ask somebody else to act on their behalf, for instance, a friend or relative or Citizens Advice.

Where necessary and appropriate, translation and interpretation services, correspondence in large print, audiotape, or braille, or the services of an advocate (for instance, Barnardo's) is also available. Should a complainant remain dissatisfied following the conclusion of the Council's complaints process, they are able to refer their complaint to the LGSCO. The Council's complaint policy and individual response letters detailing the findings of the Council's own complaints investigations makes it clear how members of the public can do so.

This year, a number of upheld complaints include an equality dimension, for instance, three related to assisted household waste collections provided to people experiencing poor health, mobility issues or disability. In this context, meeting the public sector equality duty would mean having due regard to the need to advance equality of opportunity between people who share a protected characteristic and those who do not; in practical terms this would require the Council to remove or minimise disadvantages suffered by people due to their protected characteristics and taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people. Therefore, ensuring improvements are made to delivery of services for customers with protected characteristics is essential to ensure that the Council meets its statutory obligations in relation to equalities.

#### **6.5 Implications for (or impact on) climate change and the environment**

None

#### **6.6 Implications for partner organisations?**

Investigations by the LGSCO may involve not only services directly provided by Coventry City Council, but also commissioned or outsourced services. In such cases, the Council liaises with partner organisations and third-party contractors to comment or provide information as part of an investigation.

**Report author:**

**Name and job title:**

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<b>Andrew Walster</b>	Director of Streetscene & Regulatory Services	Streetscene & Regulatory Services	11/10/2023	27/10/2023
<b>Andy Williams</b>	Director of Business, Investment & Culture	Business, Investment & Culture	11/10/2023	27/10/2023
<b>Colin Knight</b>	Director of Transportation & Highways	Transportation & Highways	11/10/2023	27/10/2023
<b>Rachael Sherwood</b>	Customer Service Manager- Improvement and Development	Customer Services	11/10/2023	31/10/2023
<b>Jaspal Mann</b>	Policy, Equalities & Diversity Officer	Public Health & Wellbeing	11/10/2023	18/10/2023
<b>Kirston Nelson</b>	Chief Partnerships Officer	Education & Skills	11/10/2023	27/10/2023
<b>Alison Duggal</b>	Director of Public Health & Wellbeing	Public Health & Wellbeing	11/10/2023	27/10/2023
<b>Pete Fahy</b>	Director of Adults & Housing	Adult Services& Housing	11/10/2023	27/10/2023
<b>Richard Moon</b>	Director of Property Services & Development	Property Services & Development	11/10/2023	27/10/2023
<b>Susanna Newing</b>	Chief People Officer	Human Resources	11/10/2023	27/10/2023
<b>Suzanne Bennett</b>	Governance Services Co-ordinator	Law & Governance	27/09/2023	27/09/2023
<b>Names of approvers for submission:</b> (officers and members)				
<b>Barry Hastie</b>	Director of Finance and Resources	Finance & Resources	02/11/2023	09/11/2023
<b>Oluremi Aremu</b>	Head of Legal & Procurement Services	Law & Governance	02/11/2023	07/11/2023
<b>Julie Nugent</b>	Chief Executive		02/11/2023	06/11/2023
<b>Councillor G Duggins</b>	Cabinet Member for Policy and Leadership		07/11/2023	07/11/2023

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