

Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Mr O'Keefe
Chief Executive
Dudley Metropolitan Borough Council

Dear Mr O'Keefe

Annual Review letter 2020

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 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our 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 made several changes over recent years to improve the data we capture and report. We focus our statistics on these 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. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered 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.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

This year, I issued a public report about your Council involving a delayed Education, Health and Care Plan (EHCP). It also delayed in dealing with the complaint. The Council was asked to pay the complainant £2,300 for the loss of specialist education for the child and the time and trouble they were put to. I also asked you to provide details of the training provided to staff to reduce the risk of delay occurring in other cases.

I am pleased you provided evidence of compliance with the recommendations made enabling me to confirm satisfaction with the actions taken.

Unfortunately, your Council responded less positively in a second case concerning charging for adult social care. I issued a further report after the Council failed to comply with the recommendations made in a 2017 report. These included changing your procedures in respect of the administration of third-party top ups to minimise the chance of recurrence of the issues identified by the investigation. The reasons you gave for not changing the procedures were inadequate and you were asked to provide cogent reasons for continuing with a system where third parties are not given a choice to pay the top-up to the Council if they wish to do so. We do not consider the Council's system to be in line with Statutory Guidance.

You wrote to us after cabinet and full council meetings were held in February 2020. Neither the minutes of those meetings, nor your letter gave any reasons for continuing to depart from Statutory Guidance. It is extremely disappointing that despite being given a further opportunity to explain your reasoning, the Council has fundamentally failed to do so. I am not satisfied you have complied with the recommendations in the report or further report and the Council's failure to explain itself is almost unprecedented. I am likely to require you to publish a statement of non-compliance to highlight the issues and will contact you in due course about this.

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, 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 tool 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.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

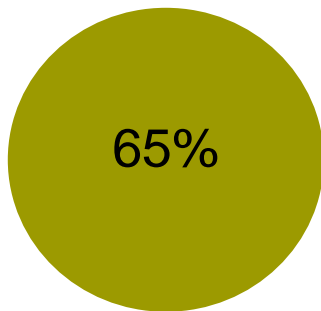
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath the name.

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

Complaints upheld



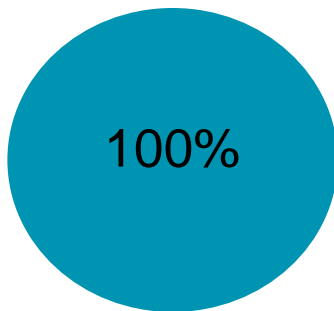
65% of complaints we investigated were upheld.

This compares to an average of **67%** in similar authorities.

11
upheld decisions

Statistics are based on a total of 17 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



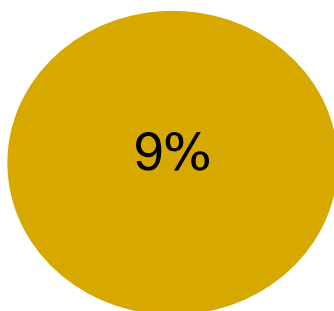
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

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

Statistics are based on a total of 7 compliance outcomes for the period between 1 April 2019 to 31 March 2020

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

Satisfactory remedies provided by the authority



In **9%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

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

1
satisfactory remedy decision

Statistics are based on a total of 17 detailed investigations for the period between 1 April 2019 to 31 March 2020