

Local Government & Social Care OMBUDSMAN

22 July 2020

By email

Ms Ridgwell
Chief Executive
Lancashire County Council

Dear Ms Ridgwell

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 two public reports about your Council, both of which involved its children's services. The first concerned the Council's refusal to investigate a parent's complaint through its children's services complaints procedure, insisting it needed the consent of their child to do so. This was contrary to statutory guidance. An earlier investigation into the matter had resulted in the Council being asked to consider the parent's complaint appropriately, under the statutory children's complaint process. The Council initially agreed to do so once care proceedings had concluded but then refused because the child had not provided consent. Despite further communication between this office and the Council, it maintained its position.

The investigation found fault with the Council's actions, both in the original complaint the parent made, the Council's lack of support to the family, and its continued refusal to investigate the parent's complaint without the child's consent. We recommended the Council provide the parent with a personal remedy for their time and trouble in bringing the complaint and avoidable distress arising from failings by its children's services. We also recommended the Council take action to ensure its children's services staff understand our views on consent when accepting complaints. The Council readily complied with the recommendations, which I welcome.

The second public report concerned a parent and their family of five, two of whom were foster placements following a 2005 care order, living in a three-bedroom property. The care order said if the parent purchased the property, the Council would arrange for it to be extended, and would provide a people carrier vehicle. The complainant purchased the property and in 2007, the Council granted planning permission to extend the property. However, it took until 2011 before the Council agreed to fund the work. The building work did not start and there were various delays until, in 2016, the Council told the complainant it would now not fund the extension. There were then further delays about the possibility of a further extension. In total, the complainant and their family were living in unsuitable accommodation for ten years. Additionally, the Council did not make a decision, in line with the care order, on funding for a people carrier vehicle or reimburse storage costs. The Council agreed to the recommendations to apologise, pay the complainant a total of £24,500 to reflect the avoidable distress suffered living in overcrowded conditions, and agreed to reimburse her storage costs. I am satisfied with the action it has taken.

While I welcome that the Council agreed to and implemented the recommendations made during the year, it is disappointing that in six cases, remedies were not completed within the agreed timescales. While I appreciate the pressures local authorities are under, delays in implementing remedies adds to complainants' injustice. Additionally, the actions you agree

to take, and your performance in implementing them, are reported publicly on our website, so are likely to generate increased public and media scrutiny in future. I would ask the Council to reflect on the way it implements remedies, with a view to providing us with more timely responses in the future.

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.

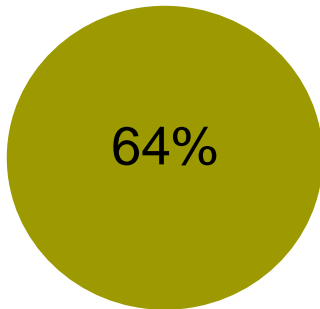
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included 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 stylized flourish at the end.

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

Complaints upheld



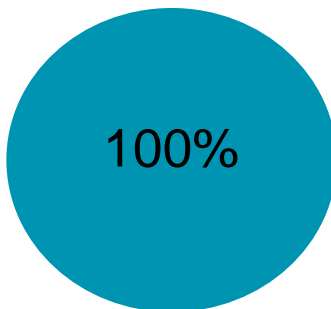
64% of complaints we investigated were upheld.

This compares to an average of **66%** in similar authorities.

28
upheld decisions

Statistics are based on a total of 44 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



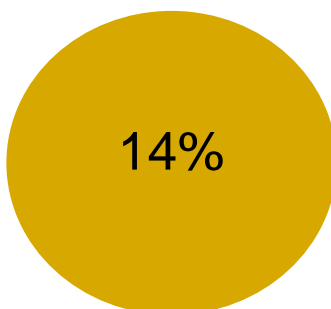
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

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

Statistics are based on a total of 25 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 **14%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **9%** in similar authorities.

4
satisfactory remedy decisions

Statistics are based on a total of 44 detailed investigations for the period between 1 April 2019 to 31 March 2020