

# Local Government & Social Care OMBUDSMAN

19 July 2023

*By email*

Mr Lewis  
Chief Executive  
Liverpool City Council

Dear Mr Lewis

## **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.

### **Your organisation's performance**

This year we issued two public reports about your Council. One report detailed the [Council's handling of a homelessness application](#). Our investigation found the Council failed to act in line with its statutory duties and did not respond to the applicant for almost a year. This meant they were street homeless for six months during the COVID pandemic, while in need of surgery. They then had to seek help from a different council and live in another area away from their children for four months. The Council also did not properly consider their complaint about its handling of their application, causing further distress and time and trouble.

The Council accepted our recommendations to apologise to the family, make payments for distress, risk of harm while street homeless, and time and trouble spent making the complaint. We also asked the Council to review its procedures for homelessness referrals and issue reminders to its staff about its statutory homelessness duties and its process for contacting homelessness applicants. The Council responded positively, but after we issued the final report, noted we had referenced the wrong cabinet member in our recommendations and asked us to change this before we published the report. We told the Council we could not make this change after we had already issued the final report. In future, I ask the Council to ensure it provides a thorough and complete response at draft report stage so we can make any necessary changes.

I welcome the Council's responsiveness to our investigation. The Council has not yet considered our report at a committee of elected members, but we are satisfied it has so far kept us updated about its progress in completing this action.

Our other report detailed a [complaint about services provided to disabled children](#). Our investigation found two children missed out on two thirds of their assessed care and support needs over an 18 month period because the Council failed to pay the correct level of direct payments. We recommended, and the Council agreed, to make payments to each child to

acknowledge the impact the fault had on them and a payment to the children's mother to acknowledge the distress and time and trouble caused to her. We also recommended the Council make a further payment because of delays and poor complaint handling. Finally, we recommended the Council carry out a review of its direct payment policy.

In another case, we found the Council demonstrated a positive approach to complaint handling by quickly accepting fault and offering a suitable remedy in response to our enquiries. We welcome organisations remedying fault at the earliest opportunity and would encourage the Council to continue this approach, wherever possible.

We also welcome the Council's positive response to our external review of its complaints processes and complaint handling. The Council continues to work on improving its processes and since the review we have noted, from last year's statistics, an increase in the proportion of complaints that were satisfactorily remedied by the Council before being brought to us. We hope to see further improvements in the year ahead.

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

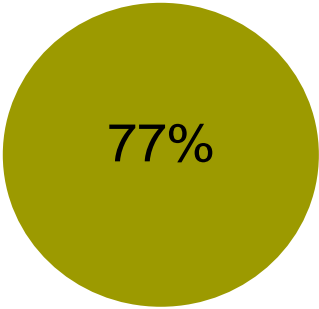
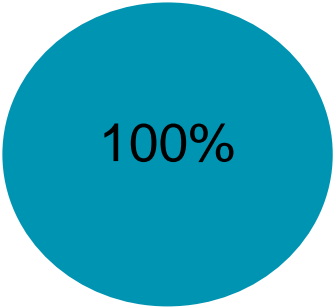
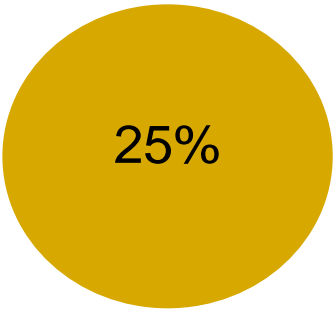
I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. 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  
Interim Chair, Commission for Local Administration in England

Complaints upheld		
	<p><b>77%</b> of complaints we investigated were upheld.</p> <p>This compares to an average of <b>77%</b> in similar organisations.</p>	<p><b>20</b> upheld decisions</p> <p>Statistics are based on a total of <b>26</b> investigations for the period between 1 April 2022 to 31 March 2023</p>
Compliance with Ombudsman recommendations		
	<p>In <b>100%</b> of cases we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of <b>99%</b> in similar organisations.</p>	<p>Statistics are based on a total of <b>17</b> compliance outcomes for the period between 1 April 2022 to 31 March 2023</p>
<ul style="list-style-type: none"><li>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.</li></ul>		
Satisfactory remedy provided by the organisation		
	<p>In <b>25%</b> of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of <b>10%</b> in similar organisations.</p>	<p><b>5</b> satisfactory remedy decisions</p> <p>Statistics are based on a total of <b>20</b> upheld decisions for the period between 1 April 2022 to 31 March 2023</p>