

Local Government & Social Care OMBUDSMAN

21 July 2021

By email

Ms Cadman
Interim Chief Executive
Birmingham City Council

Dear Ms Cadman

Annual Review letter 2021

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 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to 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 focused statistics on 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.

Compliance with recommendations - We recommend ways for authorities 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 authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways 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.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, 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 resource 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.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

During the year, we issued one public report about your Council relating to family and friends carers. Our investigation found the Council failed to recognise and understand its responsibilities towards a young, unaccompanied girl whose mother had sadly died. A family had taken responsibility for the child and the Council wrongly considered this to be a private fostering arrangement. It failed to support the family as family and friends carers and left the child in a vulnerable position when it failed to secure her legal status due to her uncertain immigration status. We also found the Council failed to engage with the child's mother before her death to explore her views on future care arrangements.

We found the Council's actions caused significant injustice to the girl and the family caring for her. It failed to recognise the girl as a looked after child so she did not benefit from the additional support and protection this would have provided. The family caring for her did not receive the financial and practical support they were entitled to.

We recommended you make payments to the child and family for the uncertainty and distress they had been caused. We asked you to pay the allowances the family should have been entitled to and reimburse the costs incurred in applying for the girl to have leave to remain in the country and citizenship.

Because we were concerned the same failings may have occurred in similar cases, we asked for all private fostering cases to be reviewed to ensure arrangements in place were suitable and appropriate. We also asked that open cases of unaccompanied children were reviewed to ensure appropriate support was being offered to secure their immigration status.

I am pleased you accepted the recommendations in full and subsequently provided evidence of compliance. I was particularly impressed with the thoroughness of the reviews we asked you to complete and welcome the initiative taken in producing new promotional materials and training on private fostering arrangements. The willingness to take appropriate steps to reduce the risk of repetition is encouraging.

Unfortunately, we have continued to receive a significant number of complaints about recycling and refuse collection, the subject of a public report issued in 2019. At the time of the report, we received assurances that appropriate action would be taken to resolve the systemic issues causing the problems with collections.

During the year, we investigated 44 complaints about recycling and refuse collections and upheld over 95% of these. The ongoing issues should be a significant concern to you as it evidences a poor service to the residents of the city. Although the financial recommendations are modest, at between £100 -£400 per complaint, cumulatively the total spent by the Council on remedying the injustice on these cases was over £7,000. I hope you take further action to address the ongoing pattern of failures and that I see a reduction in the number of cases coming to my office.

While it is pleasing that we recorded our satisfaction with your Council's compliance in 89 cases where we recommended a remedy, it is disappointing that in 20 of these cases remedies were not completed within the agreed timescales. Several cases involved simple and straightforward recommendations, such as the issue of an apology or a payment. While I acknowledge the pressures councils are under, such delays add to the injustice already suffered by complainants. 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 reported my concerns about delays in the remedy process last year and it is concerning that the issues persist. I invite the Council to consider how it might make improvements to reduce delays in the remedy process, including informing us promptly when it completes a remedy.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our

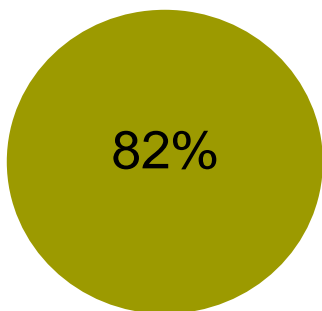
face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,

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

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

Complaints upheld



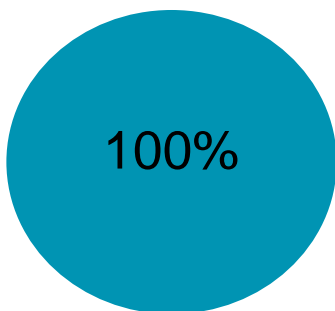
82% of complaints we investigated were upheld.

This compares to an average of **72%** in similar authorities.

107
upheld decisions

Statistics are based on a total of 130 detailed investigations for the period between 1 April 2020 to 31 March 2021

Compliance with Ombudsman recommendations



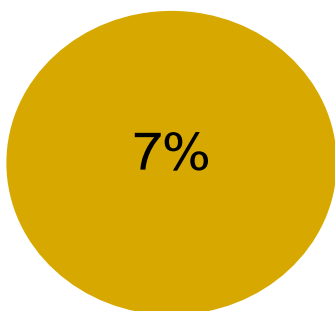
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

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

Statistics are based on a total of 89 compliance outcomes for the period between 1 April 2020 to 31 March 2021

- 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 remedy provided by the authority



In **7%** 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.

7
satisfactory remedy decisions

Statistics are based on a total of 130 detailed investigations for the period between 1 April 2020 to 31 March 2021

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.