

20 July 2022

By email

Mr Henderson
Chief Executive
Staffordshire County Council

Dear Mr Henderson

Annual Review letter 2022

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 2022. The information offers valuable insight about your organisation's approach to complaints. 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.

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.

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 agreed 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 27 July 2022. 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

During the year, we issued three public reports about your Council. The first detailed the Council's delay, over several years, in providing a final Education, Health & Care Plan. Our investigation also found the Council failed to provide a personal budget in a timely way. We concluded the faults led to a prolonged period of uncertainty, stress, frustration and missed opportunities for the child and her parents, plus unnecessary time and trouble. I am pleased the Council accepted our recommendations and apologised to the family and made a payment for the uncertainty, missed opportunities, stress and frustration caused.

In a second public report the Council wrongly refused to fund home to school transport for a girl transitioning from school to post-16 education. The Council suggested it did not have a duty to provide transport as the girl could use public transport, but our investigation found this view was not in line with statutory guidance. I am pleased the Council accepted our recommendations; it apologised to the family and reconsidered the girl's appeal, backdated payments the family would have been entitled to, and made a payment to the girl's mother to acknowledge the uncertainty and resulting upset caused by the flawed decision-making process. The Council also agreed to audit a sample of its school transport applications. That audit found 32 children with similar circumstances, of which, around a quarter were reviewed.

A third public report detailed your Council's failure to properly deal with a late complaint from a care leaver under the children's statutory complaints process. Our investigation found the Council did not properly evidence how it considered that the woman's age and vulnerability could have affected her ability to complain about the events at the time and whether it could still hold a fair and effective investigation when deciding it would not do so. To remedy the injustice identified we recommended the Council reconsider its decision. We also recommended it provide a proper explanation to the woman if it decided not to investigate and inform her of her right to bring the complaint back to my office. I am pleased that, despite originally disagreeing with the recommendations, the Council accepted our findings and proposed remedy.

In the past three years I have written to express concern about your Council not completing remedies within the agreed timescales. I am disappointed to find the issue has persisted during the last year. I welcome that your Council agreed to, and implemented, the recommendations we made in 29 cases during the year, however, it is disappointing that in almost half of these cases, remedies were not completed within the agreed timescales. This includes one case with a delay in excess of six months. Given we invite comments on the proposed timescales, it is difficult to understand why your Council is unable to complete a significant proportion on time.

I also draw your attention to your Council's late responses to our investigation enquiries. Our records tell us responses were late in 80% of cases. My investigators will often agree an extension with a council; however, we have found your Council also failed to meet extended deadlines. It is particularly concerning that on three occasions we had to threaten to issue a witness summons to obtain the information we needed. It is also disappointing to note that my investigators have commented on your Council's poor attitude towards complaints, particularly when liaising about children's statutory complaints.

Your Council's complaint handling has fallen below the standards we expect. As you will appreciate, poor quality and delayed responses to our enquiries prevent our office from conducting our work in an efficient manner and may unnecessarily add to injustice suffered by complainants. **I ask that you urgently consider your Council's approach to all aspects of its complaint handling, prioritising good standards of administrative practice, and seeking to improve the process and outcomes for people who complain to you.** In doing so, if there is any support we can provide, please contact us.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

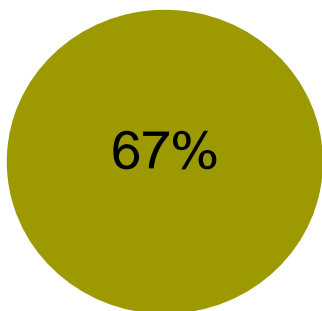
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



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

Complaints upheld



67% of complaints we investigated were upheld.

This compares to an average of **71%** in similar organisations.

31
upheld decisions

Statistics are based on a total of **46** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations



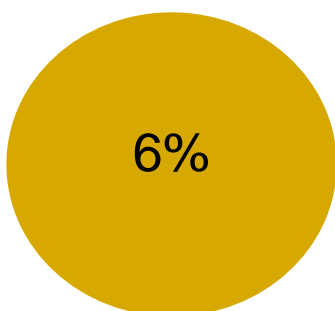
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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

Statistics are based on a total of **29** compliance outcomes for the period between 1 April 2021 to 31 March 2022

- 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.

Satisfactory remedy provided by the organisation



In **6%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **8%** in similar organisations.

2
satisfactory remedy decisions

Statistics are based on a total of **31** upheld decisions for the period between 1 April 2021 to 31 March 2022