

# LOCAL GOVERNMENT OMBUDSMAN REVIEW 2020/21



The Local Government and Adult Social Care Ombudsman (LGO) published the annual statistics for Plymouth City Council on 28 July 2021.

This briefing provides:

- summary of key findings
- the overall context for Plymouth in relation to all LGO complaints (section 1);
- an analysis of the complaints received and lessons learned for the four top categories of service (sections 2 to 5).

*Note regarding Comparator analysis – section 1.2 provides comparator analysis which compares Plymouth to its LGSCO group (see Appendix C). Sections two to five provide comparator analysis which compares Plymouth to our CIPFA comparator group; using the CIPFA group (see Appendix C) for these sections allows more detailed analysis of complaints received.*

## SUMMARY OF KEY FINDINGS

- The number of complaints the LGO received relating to Plymouth City Council reduced from 109 in 2019/20 to 66\* in 2020/21
- The average number of complaints the LGO received relating to Plymouth City Council each month reduced from 10 per month in 2019/20 to seven per month in 2020/21
- The categories of service with the highest number of complaints are: 1. Environmental Services/ Public Protection/ Registration (14); 2. Adult Social Care (12); 3. Education/ Children's Services (10); and 4. Planning/ Development (9). Nationally, the categories of service with the highest number of complaints are: 1. Education/ Children's Services; 2. Planning/ Development; 3. Adult Social Care; and 4. Housing
- The upheld rate in Plymouth of 78% (of 18 subject to detailed LGO investigation) is higher than the national rate of 67%, and 63% in similar authorities. 21.9% of total decisions made were upheld.
- Plymouth City Council's 100% compliance rate is higher than the national rate of 99%, and comparator group (also 99%)
- The LGO also found that in 14% of upheld cases, Plymouth City Council had provided a satisfactory remedy before the complaint reached the Ombudsman; this is higher than the national average of 11% and 10% for the comparator group.

*\*To allow authorities to respond to the COVID-19 pandemic, the LGO did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints received and decided in the 2020/21 year. Please consider this when comparing with data from previous years.*

## I. OVERALL PLYMOUTH CONTEXT

### I.1 Complaints received about Plymouth

In 2020/21, 66 complaints and enquiries were received by the LGO for Plymouth.

As previously stated, the number of complaints reported in 2020/21 is heavily impacted upon by COVID-19, and therefore it is unadvisable to compare directly the annual figure for 2020/21 (66) to the number for 2019/20 (109).

Chart one shows that in 2020/21, 66 complaints were received, which is down from 109 in 2019/20 and the lowest annual number received for the last seven years.

Chart one - Complaints received



Source: The Local Government and Adult Social Care Ombudsman (LGO)

Comparisons can be made by taking into account the average number of complaints received each month. In 2020/21 the monthly average of complaints received is seven (based on a nine month year). This compares to 10 in 2019/20 (based on an 11 month year) and nine a month in 2018/19 (based on a full 12 month year). Chart two shows that when the number of complaints received is represented as a monthly average, the numbers are still lower than those received in 2019/20 and in previous years.

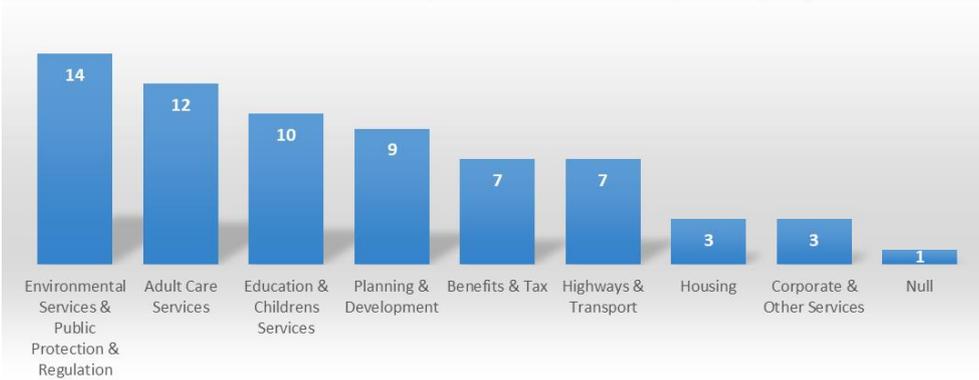
Chart two - Complaints received on average, per month



Source: The Local Government and Adult Social Care Ombudsman (LGO)

Chart three illustrates how the complaints are distributed by complaints category. Environmental Services/ Public Protection/ Regulation and Adult Care Services received the most complaints, followed by Education & Children's Services and Planning & Development.

Chart three - Complaints received by category



Source: The Local Government and Adult Social Care Ombudsman (LGO)

### 1.2 Complaint decisions and compliance

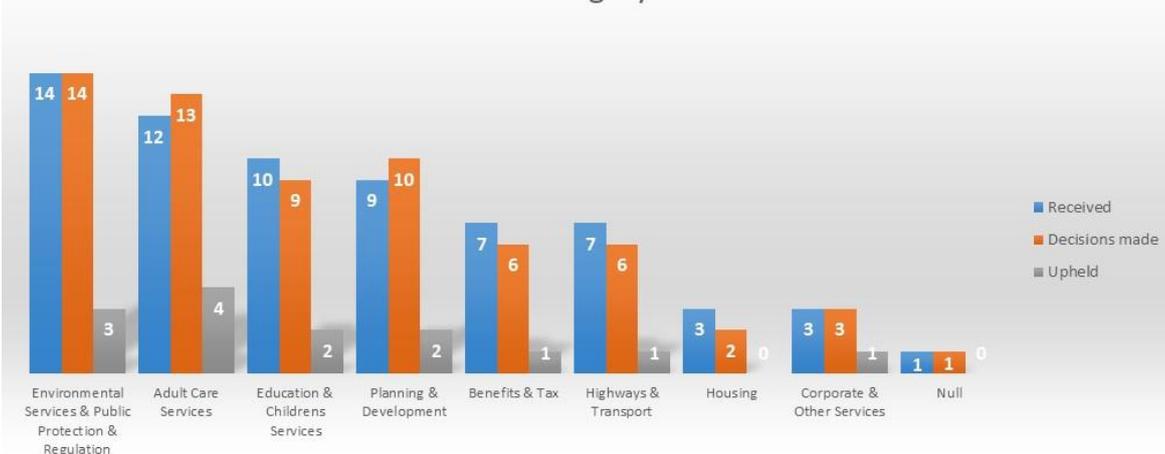
In 2020/21, a total of 64 decisions were made by the LGO for Plymouth. In Plymouth, the LGO conducted a detailed investigation into 18 complaints, 14 (78%\*) of which were upheld. This equates to 21.9% of total decisions made being upheld.

The upheld rate in Plymouth of 78% compares unfavourably to the national rate of 67%, and 63% in similar authorities.

Chart four below shows by category the number of complaints, decisions made and upheld. This shows that the category with the highest number of upheld complaints is Adult Care Services (4). The category with the highest upheld percentage is Corporate & Other Services with 33.3% (1 of 3) upheld.

*\*Please note that the 78% upheld rate for Plymouth is based on the number upheld of the 18 detailed investigations. The upheld rates reported by category above and in table one are based on upheld of all decided complaints (not just detailed investigations).*

Chart four - Complaints received, Decided and Upheld by category



Source: The Local Government and Adult Social Care Ombudsman (LGO)

Table one: Number of LGO complaints received and the percentage of all complaints with an upheld outcome, by category

Category	Number of complaints	Number of decisions made	Upheld	% of all complaints upheld
Environmental Services & Public Protection & Regulation	14	14	3	21.4%
Adult Care Services	12	13	4	30.8%
Education & Children's Services	10	9	2	22.2%
Planning & Development	9	10	2	20.0%
Benefits & Tax	7	6	1	16.7%
Highways and Transport	7	6	1	16.7%
Housing	3	2	0	0%
Corporate and Other Services	3	3	1	33.3%
Null	1	1	0	0%
<b>TOTAL</b>	<b>66</b>	<b>64</b>	<b>14</b>	<b>21.9%</b>

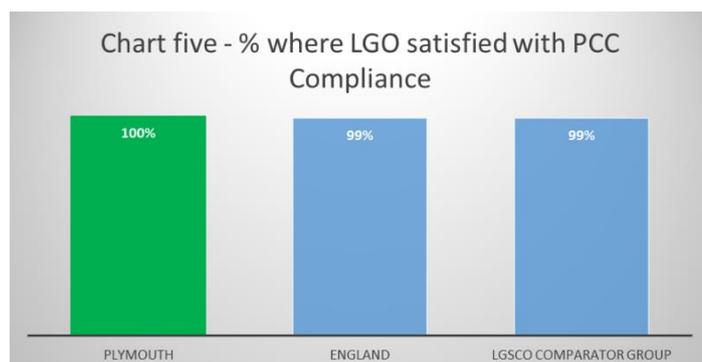
Source: The Local Government and Adult Social Care Ombudsman (LGO)

In summary, of the 64 decisions made by the LGO;

- 6.3% (4) were found to have been Invalid or Incomplete
- 1.6% (1) was recorded as advice given (but not upheld)
- 34.4% (22) were referred back for local resolution
- 29.7% (19) were closed by LGO after initial enquiries
- 6.3% (4) were not upheld following detailed investigation
- 21.9% (14) were upheld following detailed investigation.

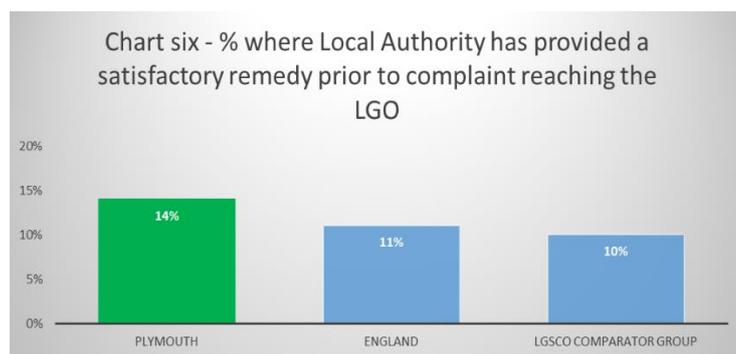
A more detailed breakdown of these outcomes can be found in **Appendix B**.

Chart five shows that in 2020/21 the LGO were satisfied that the Council had successfully implemented recommendations based on seven compliance outcomes between 1 April 2020 and 31 March 2021. Plymouth City Council's 100% compliance rate is higher than the national rate of 99% and LGSCO comparator group (also 99%).



Source: The Local Government and Adult Social Care Ombudsman (LGO)

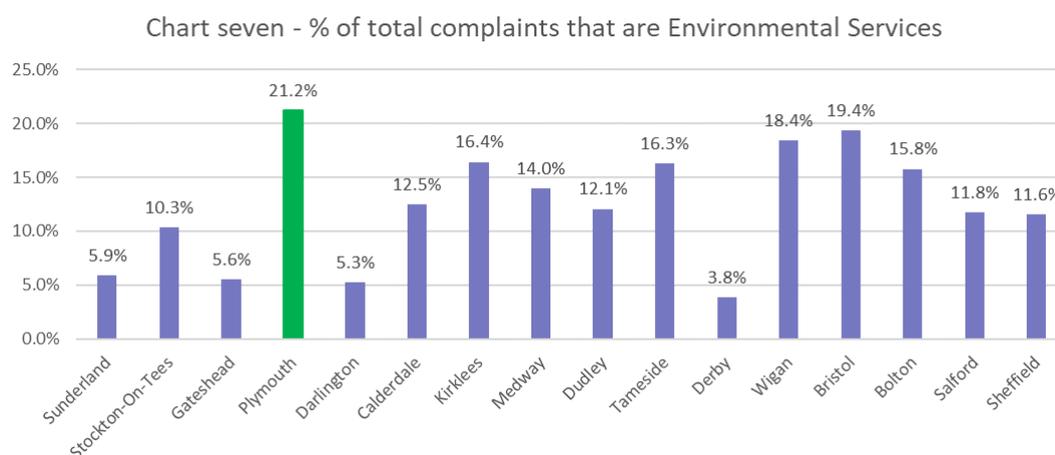
Chart six illustrates that the LGO found that in 14% of upheld cases, Plymouth City Council had provided a satisfactory remedy before the complaint reached the Ombudsman; this is higher than the national average of 11% and 10% for the LGSCO comparator group.



Source: The Local Government and Adult Social Care Ombudsman (LGO)

## 2. PLYMOUTH COMPLAINTS AND LESSONS LEARNED REGARDING ENVIRONMENTAL SERVICES/ PUBLIC PROTECTION AND REGULATION

The average percentage of complaints received about Environmental Services/ Public Protection and Regulation within the CIPFA Family Group is 13.8% of total overall complaints received. In 2020/21, Plymouth (14/ 21.2%) had the highest percentage of total complaints for this category, and only Bristol (19) had a higher actual number of complaints.



Source: The Local Government and Adult Social Care Ombudsman (LGO)

In 2020/21, Plymouth received 14 complaints and enquiries relating to Environmental services/ Public Protection and Regulation; this is down from 21 the previous year. When monthly averages are compared the number received is also down (1.9 per month in 2019/20 and 1.6 per month in 2020/21). Nationally the number of complaints for this category is also down.

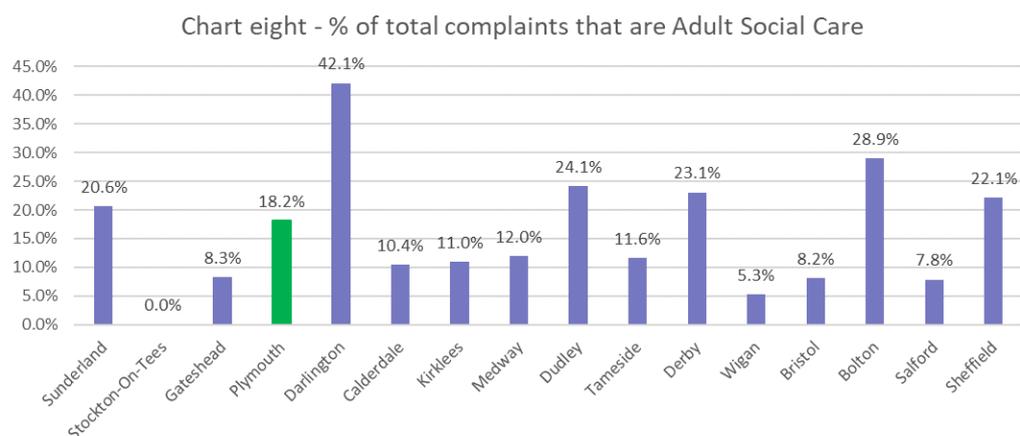
Table two: Detail on upheld complaints relating to Environmental Services/ Public Protection and Regulation

Complaint Description	Remedial Action	Changes and Learning
I Mr X complained on behalf of his relative, Mr Y, about noise nuisance from a business premises near Mr Y's home. The Council was at fault. There was delay and errors in how the Council managed Mr Y's case,	Financial redress: Avoidable distress/time and trouble. Procedure or policy change/ review	The Council will review its procedures to ensure it has an effective system to review active statutory nuisance cases and monitor staff mailboxes when a staff member is absent from work for an extended period.

	which caused Mr Y frustration and distress.		
2	The Ombudsman finds fault with the Council for not completing maintenance on a verge subject to a Section 38 agreement. The Ombudsman also finds fault with the Council for not providing clear information about its responsibility for the area. Mr A has had to spend unnecessary time and trouble pursuing this.	Financial redress: Avoidable distress/time and trouble. Apology. Provide services	None recorded
3	The Ombudsman found fault on Mr Y's complaint about the way the Council dealt with his report of homophobic abuse. It failed to ensure these were referred on to the police. The agreed action remedies the injustice caused. There was no fault in the way it dealt with his reports of noise or antisocial behaviour.	Apology. Provide training and/or guidance	The Council agreed to remind relevant officers of the need to carefully check reports for allegations of noise nuisance and homophobic abuse and ensure they are actioned.

### 3. **PLYMOUTH COMPLAINTS AND LESSONS LEARNED REGARDING ADULT SOCIAL CARE SERVICES**

The average percentage of complaints received about Adult Social Care (ASC) Services within the CIPFA Family Group is 15.0% of the total overall complaints received. In 2020/21, six local authorities within the similar LA group had a higher percentage of ASC complaints than Plymouth (12/ 18.2%); this is due to lower totals in other LAs, with only two LAs (Sheffield and Bristol) having a higher actual number of complaints in this category.



Source: The Local Government and Adult Social Care Ombudsman (LGO)

In 2020/21, Plymouth received 12 complaints and enquiries relating to Adult Social Care; this is down from 18 the previous year. When monthly averages are compared the number received is also down (1.6 per month in 2019/20 and 1.3 per month in 2020/21). Nationally the number of complaints for this category is also down.

Table three: Detail on upheld complaints relating to Adult Social Care

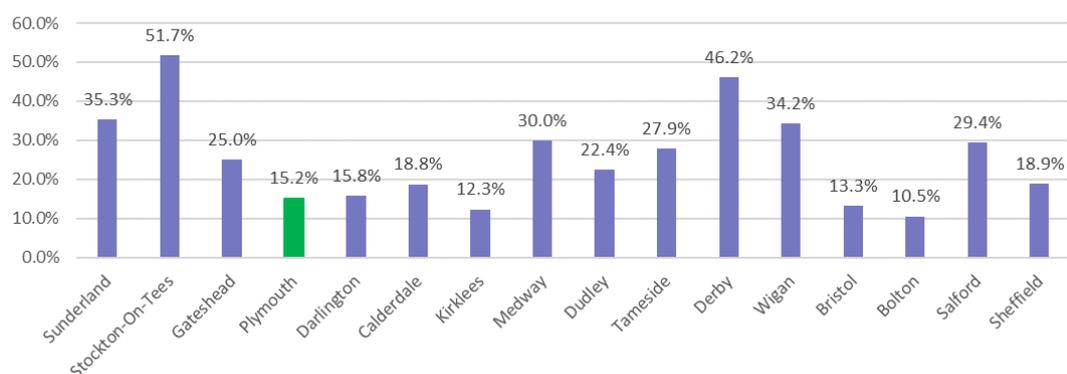
Complaint Description	Remedial Action	Changes and Learning
1 Mr C complained about the way in which the Council dealt with his request for adaptations and his subsequent complaint. The Ombudsman found fault with the way in which the Council communicated with Mr C.	Apology. Financial redress: Avoidable distress/time and trouble. Provide training and/or guidance. Procedure or policy change/review	The Council has agreed to create a leaflet through which it will inform clients, who have requested an adaptation to their property, how it will process their request, what priority has been allocated to their case, expected timescales and how to make a complaint. The Council will develop an action plan to ensure its clients, who ask for an adaptation to their property, will receive an Occupational Therapy Assessment in a timely manner, as well as periodic updates. The Council has agreed to review the way through which staff make decisions when a client asks the Council to make a (reasonable) adjustment in the way or method through which it communicates with them.
2 Description not published to maintain confidentiality	Apology. Financial redress: Avoidable distress/time and trouble. Financial Redress: Quantifiable Loss. Procedure or policy change/review. Provide training and/or guidance	The Council will ensure all Plymouth City Council appointed contractors used for the delivery of Disabled Facilities Grant (DFG) works are Deposit Protection Scheme (DPS) registered. The Council will deliver a training session to relevant officers using this as a case study to highlight the need to take concerns about building work seriously and to investigate them thoroughly. The Council will review the Council's DFG policy considering the faults found in this decision to identify whether any processes can be made more robust, for example the DPS and the contractor payment procedure.
3 Mr C complains about the Council's decision to reduce his care support. He says that, as a result, he is no longer able to go to the cinema, theatre and football matches between April and September each year. Mr C also complains that, even though his hours have been reduced, the contribution he has to pay towards his support has not reduced.	Apology. Financial redress: Avoidable distress/time and trouble. Reassessment. Provide training and/or guidance	The Council has agreed to share the lesson learned around care reviews with staff involved in adult social care assessments and reviews.
4 Mrs C complained about the care her (late) father received at the care home commissioned by the Council, and the information	Apology	When a council commissions another organisation to provide services on its behalf, it remains responsible for those services and for the actions of the organisation providing them. So, although

she received from the Council before he went there.		fault was found with some of the actions of the care provider, I have made recommendations to the Council.
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#### 4. PLYMOUTH COMPLAINTS AND LESSONS LEARNED REGARDING EDUCATION AND CHILDREN'S SERVICES

The average percentage of complaints received about Education and Children's Services within the CIPFA Family Group is 22.7% of total overall complaints received. In 2020/21, Plymouth (10/ 15.2%) had the fourth lowest percentage of complaints for this category.

Chart nine - % of total complaints that are Education and Children's Services



Source: The Local Government and Adult Social Care Ombudsman (LGO)

In 2020/21, Plymouth received 10 complaints and enquiries relating to Education and Children's Services, which is down from 16 the previous year. When monthly averages are compared the number received is also down (1.5 per month in 2019/20 and 1.1 per month in 2020/21). Nationally the number of complaints for this category is also down.

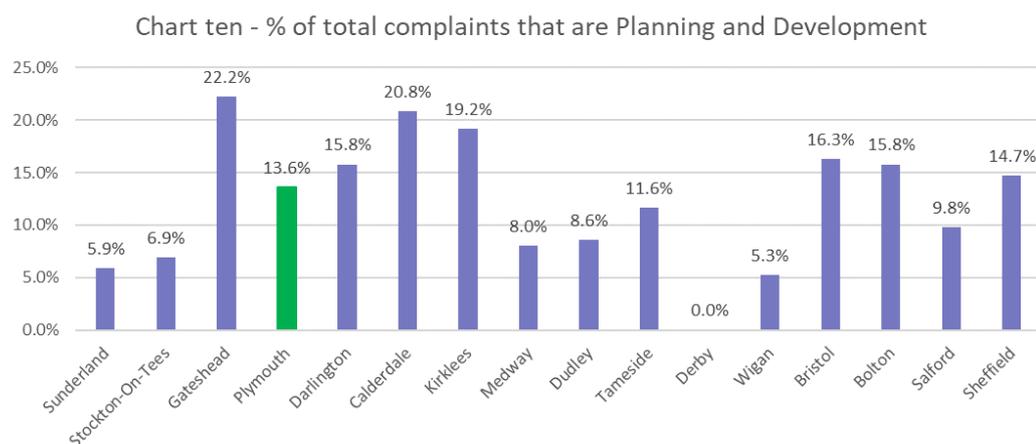
Table four: Detail on upheld complaints relating to Education and Children's services

Complaint Description	Remedial Action	Changes and Learning
1 Ms D complains about the way the Council has dealt with her approval as a foster carer. She considers the Council wrongly downgraded her approval and did not give her adequate notice or reasons for the decision. This meant she lost what was effectively her income. She says the Council provided inaccurate information in a reference which meant she did not get a job she had applied for.	Financial redress: Avoidable distress/time and trouble	Not recorded by LGO – service learning detailed below:  Produce a clear and explanatory decision letter about any IRM or Panel outcome following an ADM's decision in future ( <i>the IRM/Panel/ADM referenced here is regarding Fostering Panel decisions, not Stage 3 Complaint Panel decisions</i> )
2 Stage one complaint that social worker acted unprofessionally, did not make a proper assessment, didn't allow inaccuracies to be corrected, misinformed the Initial Child Protection Conference (ICPC) that their child was unnecessarily subject to a child protection plan and was in	Financial redress: Avoidable distress/time and trouble. Financial Redress: Quantifiable Loss	Not recorded by LGO – service learning detailed below:  Financial consideration should have been considered further at Stage 2 and Stage 3 and acted upon

possession of irrelevant sensitive information. This led to financial problems and distress. The LGO complaint is in relation to the Council's response at Stage two and its offer of financial redress at Stage two.		
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## 5. PLYMOUTH COMPLAINTS AND LESSONS LEARNED REGARDING PLANNING AND DEVELOPMENT

The average percentage of complaints received about Planning and Development services within the CIPFA Family Group is 13.1% of total overall complaints received. In 2020/21, Plymouth (9/ 13.6%) had the eighth highest percentage of complaints for this category.



Source: The Local Government and Adult Social Care Ombudsman (LGO)

In 2020/21, Plymouth received nine complaints and enquiries relating to Planning and Development services, which is no change from the previous year. When monthly averages are compared the number received is slightly higher this year (0.8 per month in 2019/20 and 1.0 per month in 2020/21). Nationally the number of complaints for this category also increased (from 185 per month in 2019/20 to 193 per month in 2020/21).

Table five: Detail on upheld complaints relating to Planning and Development services

Complaint Description	Remedial Action	Changes and Learning
1 Complaint that the Council has not met its legal obligation to request a bat survey, despite knowing there were bats on site; failed to make sure accurate information was available to the public during the planning application consultation period; failed to refer the application to the planning committee, against its own policy; delayed in responding to his complaint; falsely told him during the complaint process that the Council had no financial interest in the development.	None required as although upheld, no significant personal injustice to the complainant was found.	None recorded
2 Mr X complained about the Council's failure to protect his	Apology. Financial redress: Avoidable	The Council will ensure it has effective policies to meet its

	privacy from development on his neighbour's land.	distress/time and trouble. Procedure or policy change/review. Provide training and/or guidance	obligations to disabled service users and to keep adequate records to show it has done so. The Council will ensure its officers are aware of the Council's obligations and act in accordance with them.
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