

ANALYSIS OF LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2021/22



The Local Government and Adult Social Care Ombudsman (LGO) published the annual statistics for Plymouth City Council in autumn 2022.

This briefing provides:

- The overall context for Plymouth in relation to all LGO complaints (section 1)
- An analysis of the complaints received and lessons learned that relate to Adult Social Care (section 2).

Note regarding comparator analysis – section 1.2 provides comparator analysis, which compares Plymouth to its LGSCO group (see Appendix C). Section two provide comparator analysis which compares Plymouth to our CIPFA comparator group; using the CIPFA group (see also Appendix C).

SUMMARY OF KEY FINDINGS

- The number of complaints the LGO received relating to Plymouth City Council increased from 66* in 2020/21 to 87 in 2021/22.
- The average number of complaints that the LGO received relating to Plymouth City Council each month remained similar to the previous year, reducing slightly from 7.33 per month in 2020/21 to 7.25 per month in 2021/22.
- The categories of service with the highest number of complaints are: 1. Environmental Services, Public Protection and Regulation (21); 2. Education and Children's Services (19); and =3. Adult Care Services (15) and Highways and Transport (15). Nationally, the categories of service with the highest number of complaints are: 1. Education and Children's Services; 2. Planning and Development; 3. Adult Care Services; and 4. Housing.
- The upheld rate in Plymouth of 73.3% (of 15 subject to detailed LGO investigation) is higher than the rate of 64% in similar authorities and 66% nationally, although this is a decrease on the 77.8% (14 of 18) that were upheld in Plymouth in 2020/21. Overall, 12.5% of total decisions made (88) in 2021/22 were upheld, compared with 21.9% in 2020/21.
- Plymouth City Council's 100% compliance rate is higher than the rate of 99% in similar authorities and 99.7% nationally.
- The LGO found that in 27.3% of upheld cases, Plymouth City Council had provided a satisfactory remedy before the complaint reached the Ombudsman; this is higher than the average of 12% in similar organisations and 11% nationally.

**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 current data with previous years.*

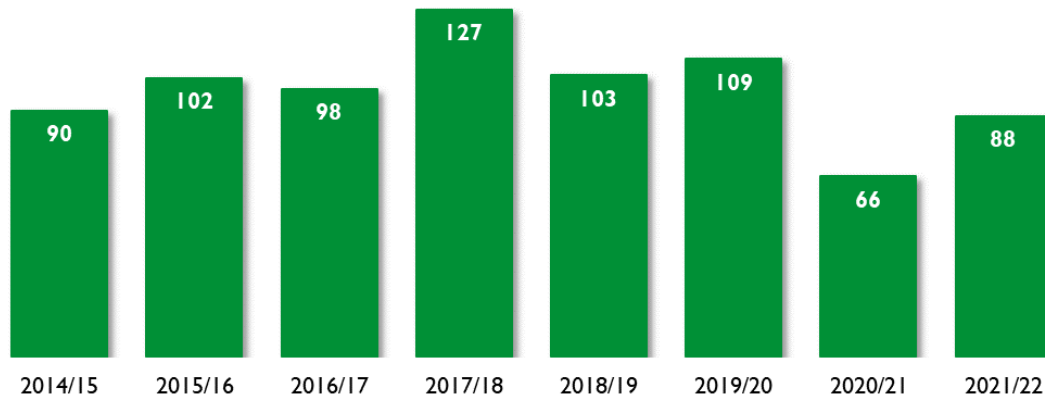
I. OVERALL PLYMOUTH CONTEXT

I.1 Complaints received about Plymouth

In 2021/22, 87 complaints and enquiries were received by the LGO for Plymouth.

As previously stated, the number of complaints reported in 2020/21 was heavily impacted upon by COVID-19, and therefore it is inadvisable to compare directly the annual figure for 2020/21 (66) to the latest number for 2021/22 (87). When comparing to the number of complaints received in 2019/20 (109), there has been a 20.2% decrease.

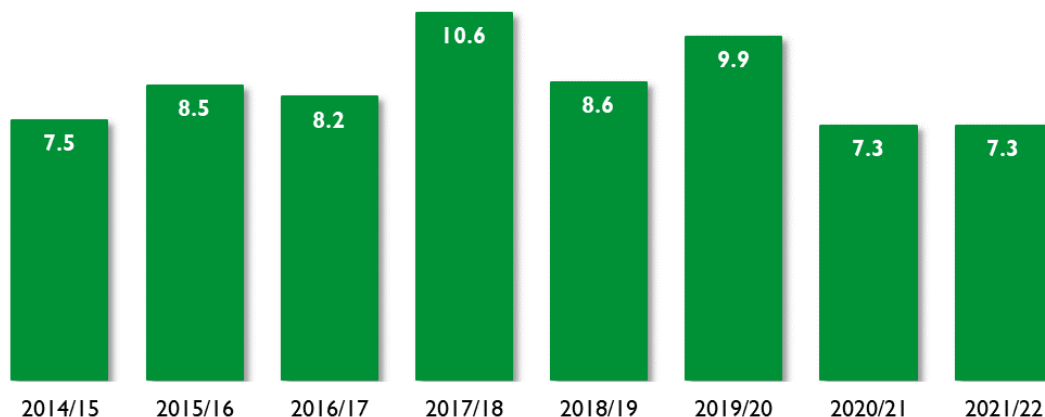
Chart one: Total number of complaints received



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 2021/22, the monthly average of complaints received was 7.25. This compares to 7.33 in 2020/21 (based on a nine month year) and 10.58 in 2019/20 (based on an 11 month year). Chart two shows that when the number of complaints received is represented as a monthly average, the numbers are lower than those received in previous years.

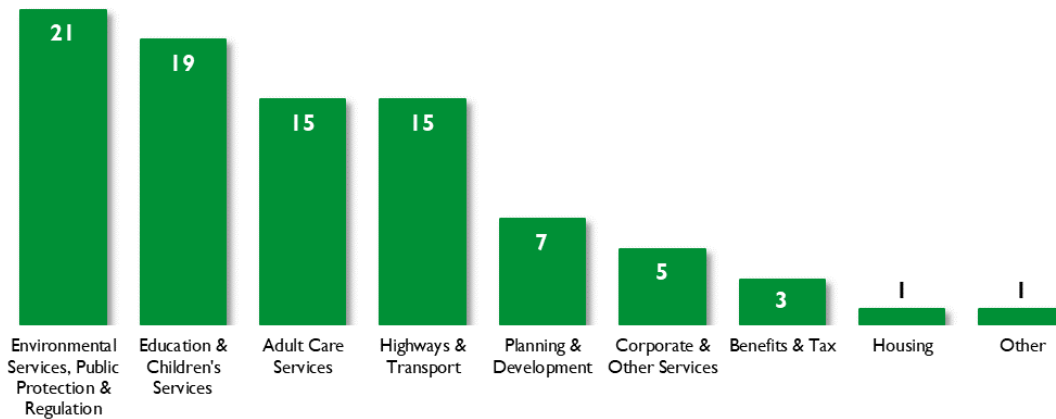
Chart two. Average number of complaints received per month



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

Chart three illustrates how the complaints are distributed by complaint category. Environmental Services, Public Protection and Regulation, and Education and Children's Services received the most complaints, followed by Adult Care Services and Highways and Transport.

Chart three: Complaints received by category



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

1.2 Complaint decisions and compliance

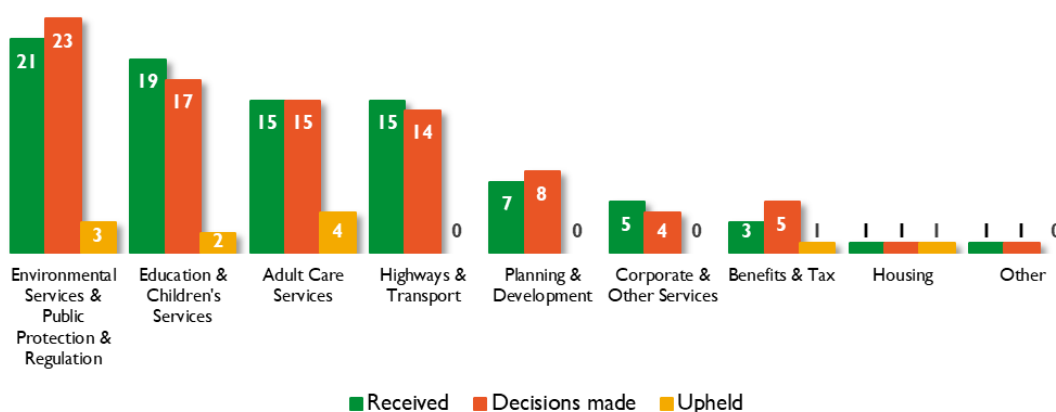
In 2021/22, a total of 88 decisions were made by the LGO for Plymouth. In Plymouth, the LGO conducted a detailed investigation into 15 complaints, 11 (73.3%*) of which were upheld. This equates to 12.5% of total decisions made being upheld and is lower than in 2020/21, during which 14 complaints were upheld (77.8% of detailed investigations; 21.9% of total decisions).

The upheld rate in Plymouth of 73.3% compares unfavourably to the rate of 64% in similar authorities.

Chart four below shows by category the number of complaints received, decisions made and upheld. This shows that the category with the highest number of upheld complaints is Adult Care Services (4), while the category with the highest upheld percentage is Housing with 100% (1 of 1) upheld.

**Please note that the 73.3% upheld rate for Plymouth is based on the number upheld of the 15 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 decisions made with an upheld outcome, by category

Category	Number of complaints received	Number of decisions made	Number of complaints upheld	% of all decisions upheld
Environmental Services, Public Protection & Regulation	21	23	3	13.0%
Education & Children's Services	19	17	2	11.8%
Adult Care Services	15	15	4	26.7%
Highways & Transport	15	14	0	0.0%
Planning & Development	7	8	0	0.0%
Corporate & Other Services	5	4	0	0.0%
Benefits & Tax	3	5	1	20.0%
Housing	1	1	1	100%
Other	1	1	0	0.0%
TOTAL	87	88	11	12.5%

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

In summary, of the 88 decisions made by the LGO:

- 47.7% (42) were closed by LGO after initial enquiries
- 31.8% (28) were referred back for local resolution
- 12.5% (11) were upheld following detailed investigation
- 4.5% (4) were not upheld following detailed investigation
- 2.3% (2) were found to have been invalid or incomplete
- 1.1% (1) was recorded as advice given (but not upheld).

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

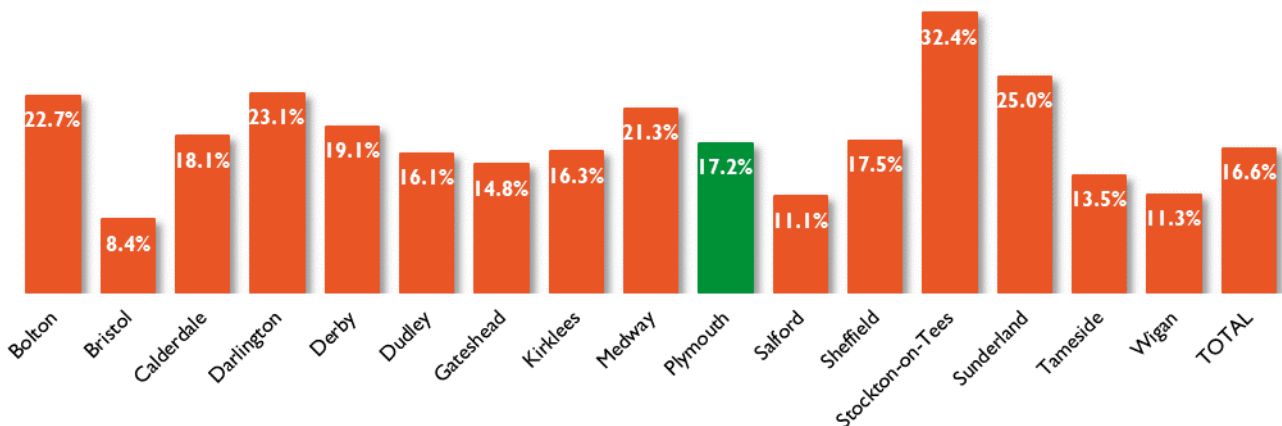
The LGO was satisfied that Plymouth City Council had successfully implemented recommendations based on nine compliance outcomes between 1 April 2021 and 31 March 2022. Plymouth City Council's 100% compliance rate is higher than the national rate of 99.7% and LGSCO comparator group (99%).

In 27.3% of upheld cases, the LGO found that Plymouth City Council had provided a satisfactory remedy before the complaint reached the Ombudsman; this is higher than the national average of 11% and 12% for the LGSCO comparator group.

2. PLYMOUTH COMPLAINTS AND LESSONS LEARNED REGARDING ADULT CARE SERVICES

The average percentage of complaints received about Adult Care Services within the CIPFA Family Group is 16.6% of the total overall complaints received. In 2021/22, eight local authorities within the similar LA group had a higher percentage of Adult Care Services complaints than Plymouth (15/17.2%).

Chart five: Percentage of total complaints received related to Adult Care Services



In 2021/22, Plymouth received 15 complaints and enquiries relating to Adult Care Services; this is up from 13 the previous year. When monthly averages are compared the number received is slightly down (1.3 per month in 2021/22 and 1.4 per month in 2020/21).

Table two: Detail on upheld complaints relating to Adult Care Services

Complaint description	Remedial action	Service improvement recommendations
<p>Mr X complains about poor quality care provided to his late mother, Mrs P, while resident at Dxxxx Nursing Home. In particular, he complains about:</p> <ol style="list-style-type: none"> Failure to ensure Mrs P received effective treatment for a chest infection. Failure to ensure Mrs P received appropriate nutrition and sufficient hydration. Failure to properly monitor Mrs P's diabetes. The decision to try and evict Mrs P from the Dxxxx Nursing Home shortly before her death. <p>Mr X says the actions of the Council and the Dxxxx Nursing Home contributed to his mother's premature death and caused him significant distress.</p> <p>Mr X also complained about poor care provided to Mrs P in previous care homes</p>	<p>Apology</p> <p>Financial redress:</p> <p>Avoidable distress/time and trouble</p>	<p>None recommended by the LGO.</p>

and the Council's refusal to allow Mrs P to return home.

The complainant, who I will call Ms B, says the Council failed to properly assess her mother's (Mrs C's) care and support needs. The Council failed to understand Mrs C's needs were primarily health needs and failed to complete a Continuing Healthcare initial checklist until pressed to do so by Ms B. The Council's poor support planning resulted in only two care calls per day, which meant Mrs C's medication could not be properly managed, and the Council had to contact the NHS to see if the medication regime could be changed. The Council did not properly understand and assess Mrs C's fluctuating health needs and fluctuating capacity. The Council offered no assessment or support to Ms B as a carer.

Ms B says the failures in assessment meant Mrs C's needs were not properly understood and catered for, and family struggled to pick up the slack without any support. Ms B, her Aunt, and her brother had to visit several times a day to help Mrs C with medication, incontinence, making and prompting to eat meals, and support through the night. The family each have their own health issues and difficulties and found it very stressful to manage.

Mr and Mrs B complain on behalf of their adult daughter, Ms C. They say the Council failed to properly assess Ms C's needs, her mental capacity to make certain decisions, and there were delays in the assessments and the sharing of information. They disagree with the care plan and the outcome of the mental capacity assessment.

The complainant, whom I shall refer to as Dr X, complained the Council failed to properly consider her application for a Blue Badge. Dr X says it failed to show how it had considered all the issues raised in her application when it decided to refuse her application.

Dr X wants the Council to review the assessment. In doing so Dr X wants the Council to properly consider the pain and difficulty she has in walking. Plus, Dr X wants the Council to consider the impact on her of being unable to leave her home if she cannot park close to facilities.

Apology
Financial redress:
Avoidable
distress/time and
trouble
Provide training
and/or guidance

Remind relevant officers that care and support assessments must meet the requirements of the Care and Support statutory guidance.
Assessments must agree how a person's needs should be met. Any needs that a carer is meeting should be clearly documented, and the Council should consider putting in place plans to respond to any breakdown in the caring relationship.
Remind relevant officers of the duty to offer carers' assessments.

Apology
Financial redress:
Avoidable
distress/time and
trouble
Reassessment

None recommended by the LGO.

Apology
Financial redress:
Avoidable
distress/time and
trouble
Reassessment
Procedure or policy
change/review

The Council accepted its decision letter responding to the Blue Badge application did not give detailed reasons for its decision as required in government guidance. The Council agreed to change its decision letter template to comply with that guidance.