

# Local Government & Social Care OMBUDSMAN

19 July 2023

*By email*

Ms Kerswell  
Chief Executive  
London Borough of Croydon

Dear Ms Kerswell

## **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**

During the year, we issued more public reports about your Council than last year, experienced more significant delays in getting the information we needed to progress our investigations, and noted many instances where the Council was late acting on agreed recommendations.

We issued four public reports about your Council this year. In the first, the Council [failed to review the suitability of temporary accommodation](#) provided to a homeless family. Our investigation found the Council failed to consider a change in the size of the complainant's family and whether the subsequent overcrowding of the property posed a risk to the complainant's health or her children. The complainant and her four children had been living in an unsuitable, overcrowded studio flat for over 18 months, which caused them significant distress and substantially impacted their wellbeing.

We asked the Council to apologise, arrange suitable alternative accommodation and make a payment of £5,000 to recognise the impact on the complainant and the family. To improve services and prevent the same errors causing injustice to others, we also asked it to review its procedures for keeping the suitability of temporary accommodation under review. I am pleased to note the Council arranged alternative accommodation for the family even before we issued our final report. However, I am disappointed there were delays in the Council completing the agreed service improvement recommendations and considering our report at its cabinet meeting.

A second [public report](#) found faults in the way the Council, and NHS organisations, dealt with a vulnerable young woman's health and social care services, section 117 aftercare, supported living referral, and support for her parents as carers. A Section 117 aftercare package is a legal entitlement, which should have helped to ensure the woman was not readmitted to hospital. The faults put her at significant risk of self-harm and had a major impact on her and her family's finances.

We made recommendations for all three organisations and were pleased they were accepted in full. We recommended that the Council apologise and offer a financial payment to the woman and her parents in recognition of their avoidable distress, frustration, uncertainty, loss of legal entitlements, increased risk of harm, lost opportunities, lost disability benefits, and outrage. The Council agreed to complete carers' assessments for the woman's parents and to ensure she had a care plan that clearly set out her section 117 aftercare. It also agreed to review its processes for carers' assessments and to ensure staff properly understand the law relating to supported accommodation referrals. Finally, the Council agreed to work together with the NHS organisations to improve section 117 record keeping and to ensure all residents entitled to section 117 aftercare had the appropriate care plans.

In a third [public report](#), we found the Council failed to provide respite for the mother of a disabled teenager. The Council had refused suitable respite care based on cost, without properly assessing need. We also found failings in the Council's complaint handling, where it frustrated the mother's attempt to pursue a complaint under the statutory complaint procedure for complaints about children's services.

We asked the Council to apologise to the family and pay them £4,000 to recognise the injustice caused by receiving insufficient or no respite service for almost three years, and for the distress and time and trouble caused. The Council completed these actions in the agreed timeframe. We also asked the Council to undertake service improvements to prevent a repeat of these events and it has provided us with evidence that it has improved its commissioning of respite care services for children and provided relevant training to staff. We are satisfied with the actions it has taken following our public report.

A fourth [public report](#) investigated the Council's failure to safeguard the child of a young person leaving care. Our investigation found the Council failed in its legal duty to ensure the mother and child had a suitable place to live and, as a result, for the next five years they lived in accommodation they could not afford. Furthermore, our investigation found the Council failed to intervene when the young person's brother went to live with her. He had recently left prison and was at risk of gang-related violence, which in turn placed the whole household at risk.

The Council commissioned a complaint investigation under the statutory children's complaints procedure, but we found this was subject to significant delay and the stage two report lacked depth of analysis. To remedy the injustice caused, we asked the Council to reimburse the cost of one year's university fees (£9,250), which the young person had missed due to the fault. We also asked the Council to make further payments totalling £1,300 for the distress and time and trouble caused. To ensure wider service improvements, we asked the Council to undertake work to understand why it did not make enquiries when it was aware the young person and her child were at possible risk of harm. The Council responded positively to our report and accepted our recommendations.

There were many occasions during the year that our investigations were delayed by your Council's failure to respond in a timely way to the information we had requested. We understand that in complex cases it can sometimes be difficult to respond to our enquiries on time. Where we agree an extension, the response will still be noted as late.

The Council's response to our investigations enquiries was significantly late in 14 cases. In two cases, the Council took over 80 days to respond, and in a further three cases, the Council took

over 40 days to respond. There were instances where the Council asked for time extensions, but these were sometimes requested on the day responses were due. Disappointingly, there were occasions where the Council then failed to meet agreed extensions.

I am particularly concerned that in two cases we had to alert the Council of our ability to issue a witness summons before it responded to our enquiries. This is rare action for us to have to take. These two cases, although the most serious, unfortunately sit alongside several other instances where investigators had significant concerns about the quality of evidence provided by the Council.

It is important that councils learn from complaints and remedy the injustice caused as a result of fault. It is also important that councils deliver on the actions they have agreed to within the agreed timescales. Your Council agreed to, and implemented, 45 recommendations during the year, however, it is disappointing that in 13 cases, your Council did not complete the agreed recommendations on time. In some cases, the Council was late making agreed payments to the complainant, action that should be simple to administer, in others there was delay in acting on the agreed service improvements.

While I acknowledge the pressures councils are under, such delays add to the injustice already suffered by complainants and others. Even when delays are minimal, it reduces the confidence residents have in the Council when it fails to act within the timescales it has agreed. I invite the Council to consider how it might make improvements to reduce delays in the remedy process and to ensure it tells us promptly when it completes a remedy.

While we have evidence of prompt, good quality responses and many recommendations were completed on time, I am concerned that the Council's complaint handling has fallen below the standards we expect. I ask that you 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. I would welcome meeting with you to discuss how we can support improvements and will write to you separately about this.

### **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

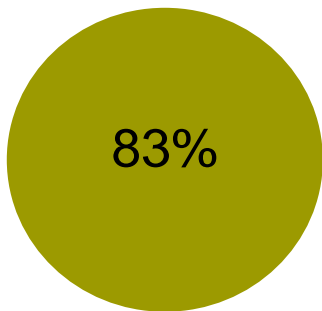
105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



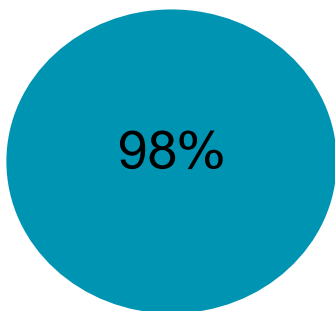
**83%** of complaints we investigated were upheld.

This compares to an average of **77%** in similar organisations.

**57**  
upheld decisions

Statistics are based on a total of **69** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



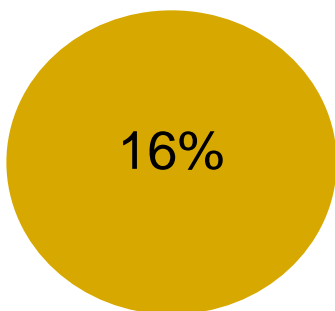
In **98%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **45** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- 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 **16%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **15%** in similar organisations.

**9**  
satisfactory remedy decisions

Statistics are based on a total of **57** upheld decisions for the period between 1 April 2022 to 31 March 2023