

## AUDIT COMMITTEE – 25 NOVEMBER 2016

<b>Title of paper:</b>	Local Government Ombudsman Annual Letter Audit Report 2016	
<b>Corporate Director:</b>	Candida Brudenell Corporate Director for Strategy & Resources / Assistant Chief Executive	<b>Wards affected:</b> All
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<b>Recommendation(s):</b>		
1	To note the contents of the report.	

### **1 REASONS FOR RECOMMENDATIONS**

This report provides a reflection of the complaints received and the decisions made on complaints about Nottingham City Council by the Local Government Ombudsman (LGO) for the period of April 2015 to March 2016.

Capturing customer experience and learning from complaints is important, it enables the council to reflect on feedback about its services and facilitates service improvements and innovation. An outcome of an upheld complaint can be a recommendation for a service improvement which is welcomed as another source of reflection and learning for the organisation.

We continue to maintain a good working relationship with the LGO teams and investigators, working in a timely manner to liaise with teams to ensure deadlines are met.

During this period the Customer Service Department at the Council began reviewing the organisations complaints process, with the intention of changing it from a four stage to a two stage process; this was in order to make it easier for citizens to complain. The new process would involve a review at stage 2 which would reflect on whether the complaint had been responded to appropriately.

Nationally the LGO received 19,702 complaints about councils in England (it does not cover Scotland or Wales), of those complaints on average 51% were upheld.

### **Complaints received by the LGO about Nottingham City Council**

In 2015-16 the Local Government Ombudsman (LGO) received 105 complaints about Nottingham City Council services.

<b>Service</b>	<b>Number of LGO complaints received</b>
Adult Care	18
Benefits and Tax	17
Corporate & Other Services	8
Education & Children's Services	28
Environmental Services & Public Protection & Regulation	12

Highways & Transport	13
Housing	3
Other	2
Planning & Development	4
<b>TOTAL</b>	<b>105</b>

The three most common services that the LGO receives complaints about are Education and Children's Services, Benefits and Tax and Adult Care Services. This reflects the national average.

### **Complaint decisions made by the LGO**

In 2015-16 the LGO made decisions on 112 complaints, 27 of these complaints were investigated and 13 were upheld, this gives the council a 48% uphold rate. This is an increase on upheld complaints from the previous year 2014-15 where the LGO received 109 complaints about Nottingham City Council, 26 were investigated and 6 upheld. It is not known why there has been an increase in complaints that were upheld.

The table below breaks down the decisions made on the complaints received by the LGO.

Service	Not upheld	Upheld	Referred back for local resolution	Closed after initial enquiries	Advice given	Incomplete / invalid
Adult Care	1	2	10	3	0	2
Benefits and Tax	3	5	7	4	0	1
Corporate & other services	0	0	2	5	0	1
Education & children's services	6	3	10	6	0	4
Environmental services	1	0	8	3	0	0
Highways & Transport	1	2	1	10	0	1
Housing	1	1	0	0	1	0
Planning & development	0	0	1	2	0	0
Other	0	0	0	0	1	0

The table below shows the number of decisions made by the LGO for 2014-15 in comparison with 2015-16. It also provides a comparison of the number of upheld complaints for both years.

In 2015-16 there was an increase in the number of upheld complaints about Benefits and Tax services from 0 upheld to 5 upheld complaints. There was also an increase in the number of upheld complaints about Adult Services from 0 to 2. The number of upheld complaints about Education and Children's Services remained the same at 3. The number of upheld complaints about Housing reduced from 2 to 1.

## Upheld complaints

The highest number of upheld complaints was about the Benefits and Tax service with 5 upheld complaints, followed by the Education and Children's Services with 3 upheld complaints; this reflects national trends as detailed in the LGO Review of Local Government Complaints 2015-16 Report (which is included for reference with this report). 40 complaints were referred back to the council for local resolution and 33 were closed after initial enquiries were made.

	Decisions made 2014-15	Upheld complaints 2014-15	Decisions made 2015-16	Upheld complaints 2015-16
Adult Care	14	0	18	2
Benefits and Tax	25	0	20	5
Corporate and other services	5	0	8	0
Education and children's services	23	3	29	3
Environmental services	7	0	12	0
Highways and Transport	11	0	15	2
Housing	16	2	3	1
Planning and development	7	1	3	0

A frequent topic of complaint about the Education and Children's Services is the school admissions process, with parents complaining to the LGO about the decision of an appeal for a school place. Two of the complaints that were upheld were about a school admissions appeal decision from the same family but different siblings; it is unclear why this was recorded as two separate complaints as the hearing covered both children. The recommendation from this complaint was that the letter that is sent to parents explaining the decisions from appeal hearings is written in a way that is clearer for the citizen to understand. This comment has been reflected on and the letter has been changed.

Service	Number of Upheld LGO complaints
Adult Care	2
Benefits	5
Education	3
Highways	2
Housing	1
TOTAL	13

A clear theme within the upheld complaints is *Communication and Administration*, often the complaint is a result of a communication breakdown within a department or between services. A number of upheld complaints identified failings within the Council's complaint process. There is now a new complaints process used by the council.

The table below breaks down in detail the upheld complaints.

<b>Service</b>	<b>Complaint</b>	<b>Outcome and Actions</b>	<b>Issues identified</b>
<b>Adult Care – Occupational Therapy (OT)</b>	Two year delay for equipment requested after an OT assessment-specialist bed, chair and bathroom support equipment. The complainant also raised concerns about the drains in the bathroom.	That the council did assess and respond to the needs of the complainant in regard to the bed, chair and bathroom equipment appropriately but there were delays assessing and responding to issues about drains. Found poor communication between OT service and Nottingham City Homes. Compensation was paid to the complainant £150.	Communication between services.
<b>Adult Care – Respite stay in Care Home</b>	Complaint about inaccurate record keeping at a council funded care home for a citizen on a respite stay. No next of kin, or medication information recorded.	Complaint upheld and complainant received £175 compensation. Care home given an action plan of recommendations which were fulfilled after two visits.	Record Keeping, Information Governance and Safeguarding.
<b>Housing – housing register</b>	That the council removed the complainant from the housing register inappropriately after drugs were found by the police during a raid on a visitor to the property.	That the policy of removal from the housing register was unclear and needed review. That there was no clear detail about the length of time for removal- it was recommended that the policy be amended to reflect a specific time period and then the opportunity of review. The policy should also include information on the process of re-applying.	Council failed to include a timescale for ineligibility. Recommendations for review of council policy and procedure on removal from housing register. Policy was reviewed.
<b>Highways – bus lane penalty charge</b>	That the Council did not use discretion to cancel a penalty charge notice when the complainant drove in a bus lane on two occasions within the same day.	Council found not to have considered the recommendations of a tribunal to waive a penalty charge because two had been issued on the same day. Council acted on recommendations to waive charge in draft decision document from LGO so no further action required.	Tribunal recommendations be followed.
<b>Highways- bus lane penalty charge</b>	That the council issued two penalty charge notices for driving in a bus lane when the complainant does not own that car.	Councils recognition system was recognising the wrong digit in the car number plate. Penalty charges were issued correctly. But the LGO upheld the complaint because the complainant was incorrectly told they could not use the	Complaints procedure delay.

		complaints procedure to complain – then when it was found the complainant could use the complaints procedure it took many months to respond to the complaint. £100 compensation issued to the complainant for the frustration and delay with the complaints procedure.	
<b>Education- Children's Social Care Complaints investigation</b>	Unhappy with the way social services investigated a complaint about the complainant. Feels that the stage three response did not address all the concerns raised and did not remedy the complaint.	There was a delay in corresponding with the complainant. Council wrote an apology letter acknowledging this. The council did not promptly respond to the complainant at stage 1, but no significant injustice caused by this.	Communication
<b>Education- school appeals</b>	Complainant unhappy with school appeals decision.	No fault with the way appeal was conducted, but decision letter did not explain the decision clearly.	Communication
<b>Education – school appeals</b>	Complainant unhappy with school appeals decision.	No fault with the way appeal was conducted, but decision letter did not explain the decision clearly.	Communication
<b>Benefits- Council Tax</b>	Complainant states that the council caused a delay when issuing a receipt for a payment and that this caused the complainant stress.	LGO decided to not progress with the investigation. Because an apology and receipt has been given to the complainant by the council.	Administration
<b>Benefits- Council Tax</b>	That a discount was removed from the complainants council tax account based on incorrect information. That £500 was demanded from the complainant.	The council apologised for the error and refunded the £500; £150 was awarded compensation for the distress caused to be offset against future council tax payments.	Communication breakdown
<b>Benefits- Council Tax</b>	Complaint about administrative errors in processing council tax and housing benefits.	The council did make errors in administration, causing the complainant to be underfunded for housing benefit and council tax. The council refunded this money and apologised and reimbursed any bank and credit card charges that were caused to the sum of £32.	Communication, Administration
<b>Benefits- Housing Benefit</b>	That the council suspended incorrectly the complainants housing benefit based on incorrect	LGO found no fault with way council acted and they are allowed to suspend benefits if they have reason to check the	Complaints procedure delay

	information and that the complaint about the issue was not dealt with appropriately.	information they have received. Complaint handling was found to be inadequate and delays were experienced. Compensation of £100 paid to complainant.	
<b>Benefits- Council Tax</b>	Complaint about delays updating and processing council tax account information.	Apology and £50 compensation given to complainant. Service improvement- council tax staff to ensure they scan all documents onto Images Document System.	Administration

### **National comparisons- core cities**

The table below shows a comparison of Nottingham City Council against the other core cities of Birmingham, Bristol, Manchester, Liverpool, Leeds, Sheffield and Newcastle.

The national average for upheld complaints is 51%, Nottingham has a lower than average percentage of complaints being upheld at 48%. The Council figures reflect the national trend with Adult Care, Benefits and Tax and Education and Children's Services being one of the main subjects of complaints.

	<b>Nottm City</b>	<b>B'ham</b>	<b>Bristol</b>	<b>Manchester</b>	<b>Leeds</b>	<b>Sheffield</b>	<b>N'castle</b>	<b>Liverpool</b>
Total LGO complaints	112	523	183	140	217	199	68	180
Total % upheld complaints	13 48%	71 66%	29 64%	28 68%	22 40%	21 47%	2 17%	21 55%
Adult Care	18	55	14	17	24	32	11	33
Benefits & Tax	17	132	33	23	27	24	15	42
Corporate & other services	8	11	15	7	16	12	2	18
Education & children's services	28	71	23	30	56	34	13	31
Environmental services	12	88	24	18	30	23	6	31
Highways & Transport	13	48	18	24	15	40	7	11
Housing	3	80	28	10	22	25	8	6
Planning & development	4	32	28	11	26	8	33	6
Other	2	6	0	2	1	1	0	2

## **2 BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING EXEMPT OR CONFIDENTIAL INFORMATION**

2.1 None

## **3 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

3.1 None