

AUDIT COMMITTEE – 24 November 2017

Title of paper:	Ombudsman Annual Letter	
Director(s)/ Corporate Director(s):	Candida Brudenell, Corporate Director for Strategy and Resources	Wards affected: All
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Other colleagues who have provided input:		
Recommendation(s):		
1	To note the contents of this report.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 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 2016 to March 2017.
- 1.2 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.

2 BACKGROUND

- 2.1 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.
- 2.2 Nottingham City Council has a two-stage complaints process co-ordinated through the Have Your Say Team. From June 2016 a new approach to complaints management has been implemented, with a greater emphasis on quality. Complaint responses are quality monitored at stage 1 and stage 2.
- 2.3 There is a focus on quality so that the citizen receives a full and thorough complaints response that addresses all aspects of the complaint.
- 2.4 There are some exemptions not covered by the Have Your Say Process; this includes
- Appeals against refusal of planning permission or against conditions placed on a grant of planning permission
 - A complaint about social care services (children and adults)
 - A school admission or exclusion appeal
 - A complaint about a school
 - A complaint from a City Council employee about an employment matter

- An appeal against the issue of a penalty charge notice by the parking enforcement team and the recovery process which follows
- Dispute a fixed penalty for environmental crimes (including dog-fouling)
- Dispute a penalty charge notice for Bus Lane Contravention
- Any appeal against the exercise of a police power
- A complaint about the refusal of disabled badges for parking exemption
- A complaint about the independent Rent Officer
- A complaint about Anti-Social Behaviour
- A complaint about Nottingham City Homes
- Appeals regarding Resident Permits/Dispensation Access Permits

2.5 The LGO oversee some but not all of the Have Your Say exemptions such as Social Care and School Admission appeals, but they do not oversee the exemptions that have a prescribed appeal route, for example penalty charge notices.

2.6 Nationally the LGO received 16,500 complaints about councils in England (it does not cover Scotland or Wales), of those complaints on average 54% were upheld.

2.7 Complaints received by the LGO about Nottingham City Council

2.7.1 In 2016-17 the Local Government Ombudsman (LGO) received 100 complaints about Nottingham City Council services. This was less than the previous year.

Service	Number complaints received by the LGO 2016/17	Number of complaints received by the LGO 2015/16
Adult Care	13	18
Benefits and Tax	13	17
Corporate & Other Services	14	8
Education & Children's Services	22	28
Environmental Services & Public Protection & Regulation	13	12
Highways & Transport	11	13
Housing	8	3
Planning & Development	6	4
Other	0	2
TOTAL	100	105

2.7.2 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.

2.8 Complaint decisions made by the LGO

2.8.1 In 2016-17 the LGO made decisions on 98 complaints, 23 of these complaints were investigated and 8 were upheld, this gives the council a 35% uphold rate.

2.8.2 This is a decrease on upheld complaints from the previous year 2015-16 where the LGO made decisions on 112 complaints about Nottingham City Council, 27 were investigated and 13 upheld, the council uphold rate last year was 48%.

Decision	2016-17	2015-16
Incomplete or Invalid complaint	5	9
Advice given	2	3
Referred back for local resolution	40	40
Closed after initial enquiries	28	33
Not upheld	15	14
Upheld	8	13

2.9 Upheld Complaints 2016/17

2.9.1 The National upheld rate for Ombudsman complaints is 54%, the East Midlands has the lowest upheld rate at 44%, Nottingham City Council has an upheld rate of 35%. The highest upheld rate area is London with 60%.

2.9.2 The table below gives a further breakdown of the percentage of upheld complaints. Of the 8 that were upheld 4 were about Adult Care Services, 3 were about Education & Children's Services (School Admissions) and 1 was about Environmental Services & Public Protection & Regulation.

Service	Not Upheld	Upheld
Adult Care Services	42.86%	57.14%
Benefits & Tax	100.00%	0.00%
Corporate & Other Services	100.00%	0.00%
Education & Children's Services	62.50%	37.50%
Environmental Services & Public Protection & Regulation	66.67%	33.33%
Highways & Transport	100.00%	0.00%
Housing	100.00%	0.00%
Planning & Development	100.00%	0.00%
Total	65.22%	34.78%

2.10 Complaint detail

2.10.1 4 Complaints upheld by the LGO were about Adult Care Services. In the 4 upheld complaints, the Ombudsman found maladministration leading to injustice:

- The Ombudsman found that a care home that had been commissioned by the council to provide residential care for a citizen had maintained poor records, the council took action to rectify this and paid the citizen £150.
- The Ombudsman found the council did not take sufficient steps to ensure a daughter was able to visit her father in a care home, the Ombudsman recommended a letter of apology.
- The Ombudsman it was found that the council took too long to arrange a citizen's direct payment, but felt that the council's actions in providing a backdated payment represented a suitable resolution to the complaint.
- The Ombudsman found that a citizen remained in respite for longer than necessary and that this was the result of the council's delay. No

recommendation was made because the Ombudsman felt that the council's suggestion to waive two weeks' of the citizen's charges represented a reasonable resolution to the complaint.

2.10.2 2 of the 8 upheld complaints were school admission appeals. In 2016/17 there were 577 appeals heard, 8 complaints, and 2 upheld. In 2015/16 there were 447 appeals and 8 complaints with none upheld.

- The Ombudsman found that almost all the complaints about the Panel's conduct and the administration of the school place appeal were unjustified, but one aspect of the case was upheld for appeal – the child would benefit from attending a school very close to the family home, which was not sufficiently considered by Panel. The recommendation was that a fresh panel be arranged. This was carried out.
- The Ombudsman found that there was fault in the way an appeal panel conducted an appeal against the refusal of a school place, but this fault has not caused an injustice as it would not have altered the panel's decision as the year group the complainant was applying to was full. The only fault was that there were 15 teachers for 14 classes.

2.10.3 1 upheld complaint was about school transport.

- The Ombudsman found that almost all of the complaints about the Panel conduct and administration were unjustified, another new panel was arranged to re-consider providing free transport for the child. This was carried out.

2.10.4 1 upheld complaint was about Environmental Services & Public Protection & Regulation.

- This complaint was about invoicing a Landlord for works carried out to a property. The Ombudsman found that the amount detailed in the invoice was correct but there were errors in the invoices produced. This was rectified by the service, who then also reviewed and improved the administration processes in this area.

2.11 National comparisons- core cities

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

2.11.2 The average national upheld rate for Ombudsman complaints is 54%. The geographical area, which has the lowest upheld rate, is the East Midlands at 44%; Nottingham City Council has an upheld rate of 35%. The highest upheld rate area is London with 60%.

2.11.3 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.

	Nottingham City	Birmingham	Bristol	Manchester	Leeds	Sheffield	Newcastle	Liverpool
Total LGO complaints	100	465	157	125	192	177	63	174
Total % upheld complaints	35%	62%	56%	33%	59%	49%	73%	57%
Complaints received								
Adult Care	13	44	16	16	27	33	11	29
Benefits & Tax	13	114	26	23	14	20	9	38
Corporate & other services	14	21	12	10	10	6	3	13
Education & children’s services	22	52	12	43	52	36	8	35
Environmental services	13	73	19	19	17	4	11	16
Highways & Transport	11	38	15	17	17	50	6	10
Housing	8	83	32	12	22	16	9	8
Planning & development	6	22	20	4	42	10	5	12
Other	0	5	4	0	0	0	4	2

3 BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING EXEMPT OR CONFIDENTIAL INFORMATION

3.1 None.

4 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

4.1 Annual Letter from the LGO.