

## AUDIT COMMITTEE 28 September 2018

<b>Title of paper:</b>	<b>Ombudsman Annual Letter</b>	
<b>Director(s)/ Corporate Director(s):</b>	Candida Brudenell	<b>Wards affected: All</b>
<b>Report author(s) and contact details:</b>	Amanda Wright – Customer Experience Lead <a href="mailto:Amanda.wright@nottinghamcity.gov.uk">Amanda.wright@nottinghamcity.gov.uk</a> 0115 87 63975	
<b>Other colleagues who have provided input:</b>		
<b>Recommendation(s):</b>		
1	To note the contents of the 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 2017 to March 2018. The information is taken from the LGO Annual Letter, which is issued to all Councils and is published on the Ombudsman's website.
- 1.2 There is a dedicated LGO Link Officer in the Council who facilitates all contact from the Ombudsman, through this the Council continues to maintain a good working relationship with the LGO teams and investigators, working in a timely manner to liaise with Council services to ensure deadlines are met.

#### The Have Your Say (HYS) Complaints process

- 1.3 Capturing customer experience and learning from complaints is important as it enables the council to reflect on feedback about its services in order to facilitate service improvements and innovation. The outcome of an upheld complaint can lead to a recommendation for a service improvement, it can be a small improvement such as updated information on our website for example, or a larger improvement such as a complete service re-design.
- 1.4 In Nottingham City Council, there are two complaints teams, one handling statutory complaints about Children's and Adults Social Care Services and one complaint team, Have Your Say (HYS) handling all other Council complaints and enquiries.
- 1.5 There are some areas not covered by the Have Your Say complaints process, this is because they are covered by another process or legal procedure, these are:
- 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

1.6 The LGO oversee some but not all of the Have Your Say exemptions, they do oversee Social Care and School Admission appeals, but they do not oversee the exemptions that have a prescribed appeal route, for example Penalty Charge Notices.

#### A new and quality focused approach

1.7 Over the past two years, there has been a deliberate drive within Customer Services to change the culture and approach to complaint handling for the HYS service. Starting in 2016 with a shift from a four-stage complaints process to the current two-stage process, which incorporated a complaint Review carried out by the Customer Experience Lead.

1.8 The HYS Team were empowered to take a new approach to complaints management, utilising their knowledge and experience in supporting services with their complaints investigation techniques and by quality monitoring the response before it was sent to the citizen. This ensures that there is now a consistently high standard of complaint response being provided to citizens from the Council. We work with teams and managers to ensure responses to complaints meet a consistent threshold and provide support and recommendations for improvement. This is a new approach for the council; previously there was an inconsistency in the quality of response.

1.9 A quality response is defined as one where all aspects of the complaint have been addressed in full by the service and the response is thorough, but written in a way that is easily understood by the complainant. This applies to Stage 1 and Review stage complaints.

1.10 As a result of this change, new HYS Complaint Handling policy and procedure for both stages was created and implemented and made available on the Council website, this new policy and procedure clearly set out the complaints procedure for citizens. The complaints process is transparent and contains details of how a complainant can contact the Ombudsman if they remain dissatisfied with the way their complaint was investigated.

1.11 All HYS staff received training in this new approach to complaint handling and receives ongoing support from the Customer Experience Lead.

1.12 To facilitate this cultural change within other Council services, specific complaint handling information has been developed in line with this approach and been made available on the Customer Service section of the Council intranet. This has been widely promoted to Managers across the Council; bespoke support is also available for service managers when needed. The Customer Charter also sets out expectations in respect of customer service standards.

#### The LGO Annual Letter 2017/18

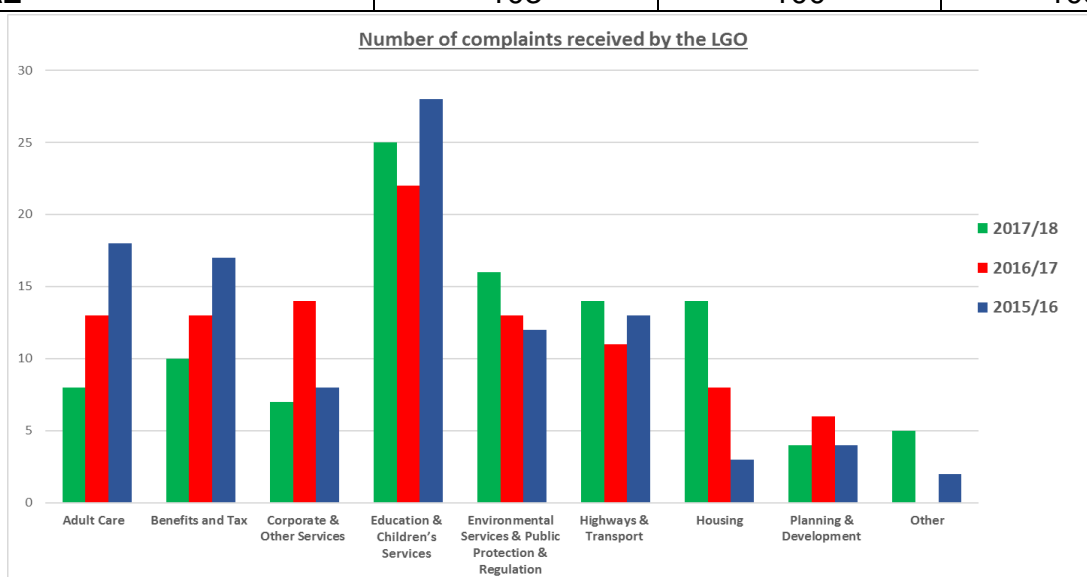
1.13 Key facts

- Nationally the LGO received 17,452 complaints about councils in England (it does not cover Scotland or Wales), of those complaints on average 57% were upheld.
- The HYS service handled 2778 complaints last year, 3.5% of those complaints were assessed by the LGO.
- The LGO received 103 complaints about Nottingham City Council; they assessed 98 and decided to carry out 15 investigations. Of those 15 investigations, only 4 were upheld.
- Of the 98 complaints that were assessed, 30 had not been through the HYS complaints procedure.
- 69% of the complaints assessed by the Ombudsman had completed the HYS complaints process. Of these 0 were upheld.
- This year Nottingham City Council achieved one of the lowest upheld rates in the country at 27%, well under the national average of 57% and significantly less than the average of the Core Cities of 62%

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

1.14 In 2017-18 the Local Government Ombudsman (LGO) received 103 complaints about Nottingham City Council services. This was three more than the previous year but whilst this is an increase, after assessment the LGO only investigated 15 complaints and upheld 4. In 2016/17 8 complaints were upheld (35%) and in 2015/16 13 (48%) were upheld.

Service	Number of Complaints received by the LGO		
	2017/18	2016/17	2015/16
Adult Care	8	13	18
Benefits and Tax	10	13	17
Corporate & Other Services	7	14	8
Education & Children's Services	25	22	28
Environmental Services & Public Protection & Regulation	16	13	12
Highways & Transport	14	11	13
Housing	14	8	3
Planning & Development	4	6	4
Other	5	0	2
<b>TOTAL</b>	<b>103</b>	<b>100</b>	<b>105</b>



- 1.15 The table below details the decisions made by the LGO during their assessment. 48 complaints were referred back to the Council for local resolution; this means that the complainant contacted the LGO before their complaint had completed the complaints process. The LGO will only investigate complaints that have completed local resolution.

Decision	2017-18	2016-17	2015-16
Upheld	4	8	13
Not upheld	11	15	14
Incomplete or Invalid complaint	7	5	9
Advice given	4	2	3
Referred back for local resolution	48	40	40
Closed after initial enquiries	24	28	33

#### Upheld Complaints 2017/18

- 1.16 The National upheld rate for Ombudsman complaints is 57%; Nottingham City Council has an upheld rate of 27%. The highest upheld rate area is London with 63%.
- 1.17 The table below gives a further breakdown of the percentage of upheld complaints. Of the 4 that were upheld 1 was about Adult Care Services, 1 was about Corporate & Other Services, 1 was about Environmental Services & Public Protection & Regulation and 1 was about Housing. The complaints that were upheld were about subjects excluded from the Have Your Say process.

Service	Complaints decided by LGO	Number upheld	Percentage upheld
Adult Care Services	7	1	14.2%
Corporate & Other Services	8	1	12.5%
Environmental Services & Public Protection	15	1	6.6%
Housing	11	1	9.0%

#### Upheld Complaint detail

- 1.18 Upheld complaint about Adult Care Services. This complaint was about the complainant expecting residential care to be free when they were then charged. The Ombudsman found fault with the way the Council had communicated with the family, the Council offered to waive the fees for the first four weeks of residential care. The Ombudsman was satisfied with the Council's actions of Financial Redress. As a result of this complaint the Council advised that it will work together with the NHS, through its current programme of "Discharge to Assess", to develop a joint robust policy and procedure in respect of intermediate care, assessment and Reablement beds which are all jointly commissioned. This will ensure that such communication failings do not recur in the future.
- 1.19 Upheld complaints about Corporate & Other Services. This complaint was about a citizen who complained about an interaction with a Council's Community Protection Officer (CPO). The Ombudsman found no evidence of fault but that the Council was at times insensitive when responding to the complaint and recommended an apology be made to the complainant, the Council accepted this recommendation and apologised to the complainant.

- 1.20 Upheld Complaint about Environmental Services & Public Protection & Regulation. This complaint was about an administrative delay involved with the resolution of an ongoing antisocial behaviour complaint. The Ombudsman found fault causing injustice and recommended an apology. An apology was provided and improvements were made to the administrative process.
- 1.21 Upheld complaint about Housing. This complaint was about damage to a hedge on a private property when a Nottingham City Homes contractor was repairing a fence. The Ombudsman found fault with the Council for damaging the hedge and recommended compensation. The Council accepted this recommendation.

## 2 **BACKGROUND**

### National comparisons- core cities

- 2.1 The table below shows a comparison of Nottingham City Council against the other core cities of Birmingham, Bristol, Manchester, Liverpool, Leeds, Sheffield and Newcastle.
- 2.2 The average national upheld rate for Ombudsman complaints is 57%. The geographical area, which has the lowest upheld rate, is the South East region at 48%; Nottingham City Council has an upheld rate of 27%. The highest upheld rate area is London with 63%.
- 2.3 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	103	455	129	167	189	172	67	147
Total % upheld complaints	27%	60%	46%	73%	66%	67%	58%	74%
Complaints received								
Adult Care	8	51	12	18	35	32	8	35
Benefits & Tax	10	97	26	32	13	17	9	32
Corporate & other services	7	18	6	9	12	11	2	14
Education & children's services	25	49	15	40	46	46	11	30
Environmental services	16	93	11	19	18	17	12	19
Highways & Transport	14	29	14	26	24	33	10	5
Housing	14	102	23	16	18	16	9	6
Planning & development	4	13	10	6	21	11	6	5
Other	5	3	12	1	2	3	0	1

## 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.