

Audit Committee – 24 September 2021

Title of paper:	Have Your Say Complaints Annual Assurance Report – Including Local Government Ombudsman Annual Letter 2020-21	
Director(s)/ Corporate Director(s):	Clive Heaphy, Interim Corporate Director of Finance and Resources	Wards affected: All
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Recommendation(s):		
1	To note the contents of this report	

1. Reasons for report and recommendations

1.1 This report provides a reflection on the complaints received

- under the Have Your Say (HYS) process
- under the statutory Social Care complaints process
- about the School Admissions appeals process

and the decisions made on these complaints about Nottingham City Council by:

- Nottingham City Council (NCC)
- the Local Government and Social Care Ombudsman (LGSCO or LGO)

for the period of 1st April 2020 to 31st March 2021. The information is taken from NCC records and the LGO Annual Review Letter, which is issued to all Councils and is published on the Ombudsman’s website.

1.2 Capturing customer experience and learning from complaints is important, it enables the Council to reflect on feedback about its services and facilitate service improvements and innovation. An outcome of an upheld complaint could be identifying a recommendation for a service or process improvement, which is welcomed as another source of reflection and learning for the organisation. The Council’s Customer Charter promises that we will use customer feedback to improve our services, and the Have Your Say feedback plays a vital role in achieving this.

1.3 Whilst it is important to capture customer experience, we also need to be mindful that each complaint represents time which the officer investigating and responding could have used on other activities. This is particularly relevant as the Council’s resources are shrinking. The Have Your Say team therefore aim to support colleagues to achieve lower complaint rates, by acting on insight and increase productivity, to help services get things right the first time and in keeping with the Council’s Customer Charter. This report helps to identify the level of success in achieving this aim within Council services.

1.4 We also note that a citizen’s opinion of Council services in general can be affected by their experiences with an individual service, so by providing a satisfactory service (and in some cases by effective communication of a well-organised, complete, and timely complaint investigation), colleagues can improve the Council’s reputation and future contact with citizens.

- 1.5 We continue to maintain a good working relationship with the LGO Assessment and Investigation teams. The Customer Experience Lead acts as a Link Officer between the LGO and NCC to liaise with Council services and ensure deadlines are met.
- 1.6 It is important to note in this year's report that the COVID-19 crisis has had an impact on Council services and the complaints we have received this year. The LGO also paused their casework and did not accept new complaints for three months between March and June 2020. The COVID-19 pandemic has resulted in different levels and types of complaints coming to us which therefore makes year on year comparisons of complaints difficult during the 2020-21 period.

2. Background

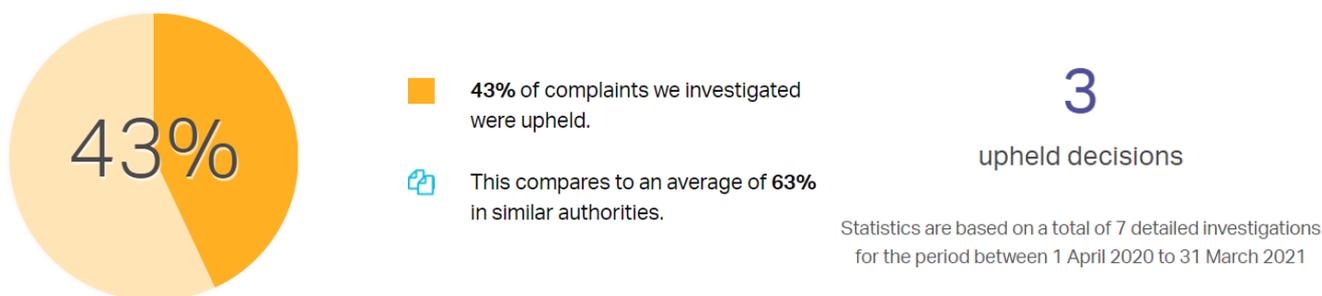
- 2.1 To enable Nottingham City Council to deliver high quality services it is important that we record and listen to feedback from people using Council services. Through the Have Your Say (HYS) process, we aim to handle comments, complaints and compliments in a fair and consistent way, maintaining openness and transparency. Complaints can help us identify any trends in service failures and make improvements by learning from root cause analysis.
- 2.2 There are currently two complaints teams within Nottingham City Council. One team handles the statutory complaints in relation to Children and Adults Social Care Services, and the HYS team handles the complaints and feedback for all other Council services. There are some areas that cannot be dealt with by the HYS complaints process as they are covered by another process or legal procedure. These exemptions include:
- 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
- 2.3 The LGO oversee some but not all of the HYS exemptions. This includes Social Care complaints and School Admissions appeals. They do not oversee the exemptions where there is a right to appeal or take legal action, such as Housing Benefit tribunals.
- 2.4 Refreshed in 2016, the HYS service operates a two-stage complaints handling process. At Stage 1, the customer's feedback is triaged to the appropriate service for investigation and response/remedy. If the customer remains dissatisfied once the complaint has completed the first stage of the process, they can request a review of the complaint handling at Stage 2, which is carried out by the Customer Experience Lead. Prior to 2016, there was a lengthier 4 stage complaints handling process, which was reviewed and replaced with the current 2 stage model,

which enables the Council to act on customer insight and improve the outcomes for citizens through analysing feedback.

- 2.5 The following analysis is reported by volume of complaints so that Councillors can understand better the experience of customers.

3. The Local Government Annual Review

- 3.1 On 29th July 2021 the LGO launched their annual review of local government and social care complaints for 2020-21. They have provided data to show how they are helping to improve local services and reporting on data for compliance with recommendations they have made, and the number of cases where each authority has provided a satisfactory remedy before the complaint reached the LGO. This section looks at the overall LGO data compiled in these years Annual Review Letter, and further sections give further context of how overall, this data is a very small percentage of the actual complaint handling dealt with by Nottingham City Council.
- 3.2 Nationally the LGO received 11,830 complaints and enquiries about councils in England (it does not cover Scotland or Wales). Of those complaints 3,144 had detailed investigations and 67% were upheld. This compares to 17,019 complaints and enquires received in 2019-20, of which 4,217 had detailed investigations and 61% were upheld.
- 3.3 This year's LGO Annual Review statistics tells us that nationally complaints about Education and Children's Services continue to dominate their casework, being two fifths of their reports. The highest proportion of complaints they investigated relate to Adult Social Care and Education and Children's Services and the fewest complaints investigated were about Highways and Transport and 'Other'.
- 3.4 The LGO publishes the information for the Annual Review on an interactive map, which is called 'Your Council's Performance.' This tool, which was implemented in 2019, gives a snapshot of the service improvement recommendations and highlights the key statistics and how they compare to similar authorities.
- 3.5 The link to the council performance interactive map is as follows:
<https://www.lgo.org.uk/your-councils-performance/nottingham-city-council/statistics>
- 3.6 The snapshot data published on the interactive map for NCC is shown as:



This is an improvement to last year where there were a higher number of detailed investigations of 19 cases, and 63% of these were upheld.

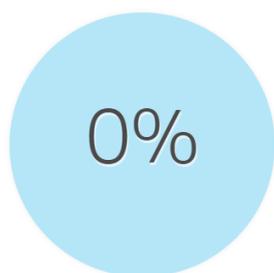


In **100%** of cases we were satisfied the Council had successfully implemented our recommendations.

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

Statistics are based on a total of 4 compliance outcomes for the period between 1 April 2020 to 31 March 2021

Nottingham City Council also achieved 100% satisfactory compliance outcomes last year on 11 compliance outcomes.



In **0%** of upheld cases we found the Council had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **10%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 7 detailed investigations for the period between 1 April 2020 to 31 March 2021

Last year Nottingham City Council had provided a satisfactory remedy in 8% of cases before the complaint had reached the LGO and received 1 satisfactory remedy decision.

3.7 The following key facts and figures will provide an in-depth analysis of the LGO's data published for NCC so that Councillors can identify areas that are performing well and areas for improvement considerations as well as see the root causes for these trends.

4. LGO Review Letter – Key facts and figures

4.1 The LGO Annual Review Letter shows that they received 52 complaints and enquiries about NCC for the 1st April 2020 to 31st March 2021 period and 43 were assessed and issued with decisions. 13 were treated as premature, 5 were requests for advice, 2 were either incomplete or invalid and 16 were closed after initial enquiries. 7 complaints involved detailed investigations by the LGO and 3 of these were upheld.

4.2 This data shows a decrease in upheld complaints from last year. The table below outlines the results of the LGO Annual Review for 2020 in comparison to the previous three years:

Annual Letter	2018	2019	2020	2021
Received	103	104	75	52
Decided	98	98	86	43
Upheld	4	18	12	3
Not Upheld	11	8	7	4
Closed	83	72	67	36
Uphold Rate	27%	69%	67%	43%

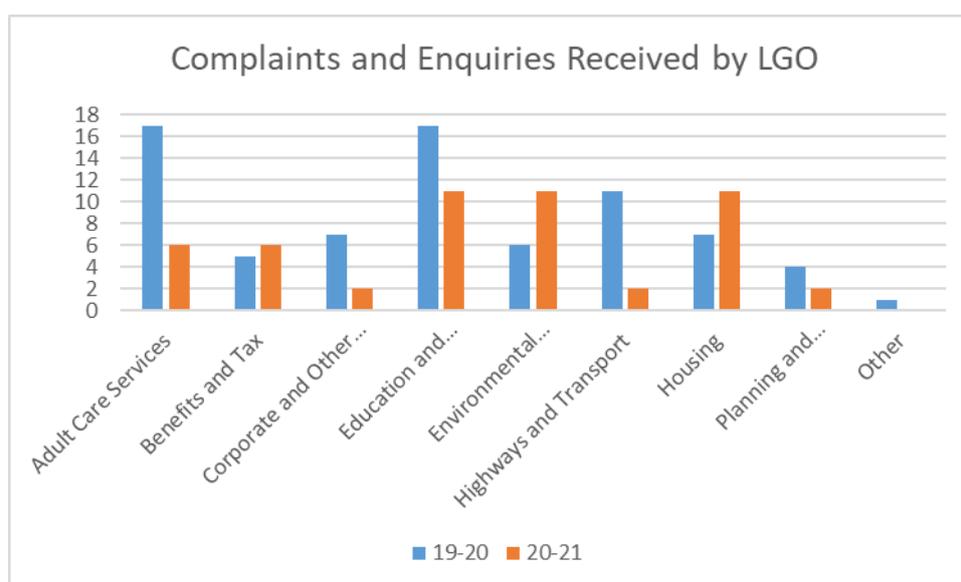
4.3 It is worth noting that in order to allow authorities to respond to the Covid-19 pandemic, the LGO did not accept new complaints and stopped investigating existing cases between March

and June 2020. This reduced the number of complaints they received and decided in the 2020-21 year. This needs to be considered this when comparing data from previous years.

- 4.4 We recognise that the 7 cases investigated is a very small sample of all complaints dealt with by NCC and that statistically it may not be representative of our complaints process. However we have attempted to identify any learning applicable.
- 4.5 The LGO categorise the complaints they receive. Looking at the 2021 Review data in more detail, a breakdown of the information published in by the LGO in their given categories is shown as follows:

Service Category	Received	Decided	Upheld	Not Upheld	Premature/Closed/Incomplete/Invalid
Adult Care Services	6	7	0	2	5
Benefits and Tax	6	3	0	0	3
Corporate and Other Services	2	2	0	0	2
Education and Children's Services	11	12	2	1	9
Environmental Services and Public Protection and Regulation	11	9	0	9	0
Highways and Transport	2	0	0	0	0
Housing	12	7	0	0	7
Planning and Development	2	3	1	1	1
Other	0	0	0	0	0
Total	52	43	3	4	36

- 4.6 This compares to last year's annual review as follows:



- 4.7 It is important to note that the categories defined in the LGO review data do not always accurately reflect the department and service area that the complaint would relate to within NCC.
- 4.8 To better understand the areas for focus from the LGO statistics, it is important to look at the complaints decision statements and public reports in more detail in order to establish which service area that it falls within at NCC.

- 4.9 In some cases the LGO will not publish the decision statement for an investigation. Only 19 decision statements are available for their NCC casework for 2020-21 and we also do not have all data on complaints to the LGO that were incomplete/invalid or premature. Therefore this report will reflect in more detail on the decisions that were published for the upheld and not upheld outcomes.
- 4.10 After reviewing each individual case's decision statement summaries, the complaints have been identified as follows:

NCC Service	Upheld	Not Upheld
Adult Social Care	0	2
Children's Integrated Service	1	0
Education Strategy	1	1
Planning	1	1
Total	3	4

- 4.11 This breakdown of the data gives a clearer picture about which Council service the upheld and not upheld LGO complaint outcomes relate to, and allow us to accurately identify service failures and improvements by carrying out root cause analysis.
- 4.12 Of the 3 upheld complaints, one relates to school transport and one was adoptions, neither of which fall under the Have Your Say complaints process. The other related to the Planning service and was handled outside of the complaints process initially before the LGO became involved.
- 4.13 Since April 2018, it is reported the Council has agreed to make improvements to services following an investigation from the LGO on 14 cases. These are highlighted on the Council's performance page on the LGO website here:
<https://www.lgo.org.uk/your-councils-performance/nottingham-city-council/serviceimprovements>
- 4.14 In the last five years the LGO have published 2 Public Interest Reports against Nottingham City Council. These relate to a 2018 complaint investigation concerning a Schools Admissions Appeal and a 2020 complaint concerning Schools Transport. The full reports can be viewed here:
<https://www.lgo.org.uk/information-centre/news/2020/dec/mum-left-in-debt-after-council-stopped-autistic-son-s-school-transport>
<https://www.lgo.org.uk/information-centre/news/2018/jul/city-council-told-to-reconsider-school-admission-appeal-after-ombudsman-investigation>
- 4.15 A closer look at the complaints data held by NCC will help us to understand the complaints trends and address where things have gone wrong. This will be broken into the HYS complaints, Social Care complaints and School Admissions complaints.

5. Have Your Say complaints – Key facts and figures

- 5.1 Here at Nottingham City Council we work very hard to deliver a huge range of services to high standards, but inevitably in a city of 300,000 residents, we won't always get it right or meet everyone's expectations.
- 5.2 The Have Your Say complaints process focuses on early resolution and as such the vast majority of issues are resolved in this way. We have helped to minimise the number of cases being referred to and upheld by the Local Government Ombudsman by also offering people

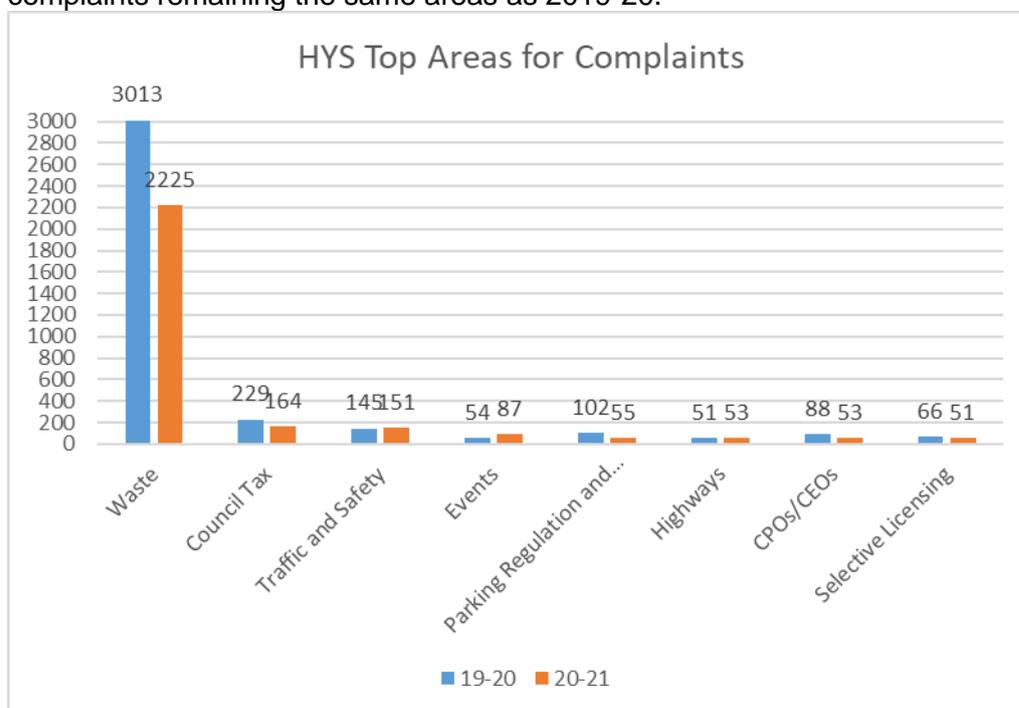
who remain unsatisfied an independent review to resolve things, before involving the Ombudsman.

5.3 From April 1st 2020 to 31st March 2021 the HYS service have processed 4157 Stage 1 complaints and 102 Stage 2 complaint reviews.

5.4 The top ten areas for complaints dealt with by HYS were:

- Waste 2225
- Council Tax 164
- Traffic and Safety 151
- Events 87
- Parking Regulation & Compliance 55
- Highways 53
- CPOs/CEOs 53
- Trees 52
- Selective Licensing 51
- Transport Strategy (Wind Scooters) 50

5.5 This is comparable to the previous year's reporting, with eight of the top ten areas for complaints remaining the same areas as 2019-20.



5.6 Comparing with last year's figures, we can see there has been a decrease in the volume of complaints dealt with by HYS from 5163 Stage 1's in 2019-20 to 4157 in 2020-21. The volume of stage 2 Complaint Reviews remain on a consistent level with 102 in 2020-21 from 99 in 2019-20.

5.7 Looking at the top areas for complaints we can see that the level of complaints have remained on par with last year in most areas, including complaints regarding Waste (Neighbourhood Services) being the dominant area citizens contact NCC to make a complaint about.

5.8 The high volume of HYS complaints for waste are primarily residents complaining about issues with their bin collection such as complaints about frequently missed collections, the Assisted Pull Out service and replacement bins. For 2020-21 the highest volume of complaints were in relation to replacement bins and missed domestic bin collections.

- 5.9 We can identify from the HYS data that the primary reason for complaints over the last three years continues to be around service delivery by Neighbourhood Services. However as there were no detailed investigations by the LGO for complaints within this service area, it is evident that the complaints were resolved at stage 1 or stage 2 within the HYS process.
- 5.10 The Have Your Say team provides monthly reports to Heads of Services regarding customer feedback statistics, to highlight any trends in complaints and assist with root cause analysis.
- 5.11 Of the 4157 Stage 1 complaints handled through the HYS process, 102 were reviewed by the Customer Experience Lead at Stage 2. With only 2.5% of the total complaints progressing to Stage 2, this demonstrates that an overwhelming majority of complaints were resolved at the early stages and that the HYS quality assurance of complaint responses is an effective process.
- 5.12 There was 1 upheld decision for LGO complaints that was covered by the HYS process. This is a good indicator that the HYS two-stage complaint handling process ensures most complaints are remedied at the early stages. Only a very small percentage (0.2%) of the total complaints dealt with have been investigated and upheld by the LGO.

6. Social Care Complaints – Key facts and figures

- 6.1 The Social Care Complaints Service manages the statutory social care complaints procedure for both Children and Adult services. The statutory processes are different for both service areas.

Children's integrated Services

- 6.2 In 2020/2021 a total of 280 new complaints were received and considered about Children's Integrated Services. This is an increase compared with the previous reporting period when 240 complaints were received.
- 6.3 The children's statutory social care procedure has three distinct stages; local resolution, investigation and independent review.
- 6.4 At the first stage, (local resolution) the Social Care Complaints Service refers complaints onto operational managers in order for them to consider and respond to the complaint. The Social Care Complaints Service records and monitors these responses. As with previous years, 87% of complaints were resolved at this stage.
- 6.5 At stage 2 the Social Care Complaints Service allocates an independent investigator to investigate the complaint. There were 22 stage 2 investigation requests received during the last reporting period, compared with 8 in the previous year. For four consecutive years 100% of investigations were completed within the statutory timescale; however in the last reporting period one investigation was concluded 2 days outside of the timescale.
- 6.6 The final stage is an Independent Complaints Review Panel comprising of three Independent People. There were 7 stage 3 panel requests during the last reporting period. The panels were held via Zoom, due to COVID restrictions; all the panels agreed with the Independent Investigators' findings and recommendations.

Resolutions offered

- 6.7 **Stage 1:** Stage one complaints received a written explanation and where a complaint was upheld or partly upheld an apology was also provided. New or review assessments were undertaken in some instances.

Stage 2: Of the 8 stage two investigations where an element of the complaint was partly upheld, all were offered an apology.

Stage 3: The panels accepted the investigators' findings, and two panels made additional recommendations.

Local Government Ombudsman investigations

- 6.8 Complainants can make a complaint to the Ombudsman at any time but the Ombudsman will usually ask complainants to complete the local authority complaints process before considering complaints himself.
- 6.9 The Ombudsman considered nine new complaints, of which only one was investigated. This case was reported in the previous year's report, but the decision was delayed due to COVID, and was only issued during this reporting period. There was no finding of fault against the council in any of the new complaints reviewed by the Ombudsman.

Adult Services

- 6.10 In 2020/2021 a total of 128 complaints were considered about adult social care services, which is a marked reduction from 213 in the previous year. However, the last twelve months have been unlike any other year, as the country wrestled with the COVID pandemic. With relatives unable to visit loved ones in hospitals and care homes, and often unable to visit relatives who were isolating in their own homes, these factors may help to explain why there has been a reduction in complaints about the care provided.
- 6.11 The Adult procedure has a one-stage process, which allows flexibility within the management of a complaint. The Complaints Team usually refers complaints in the first instance to operational managers or commissioned services for their consideration and response. Where the complaint has potentially serious implications for either an individual or the Department or it is complex, it may be necessary to undertake/commission an investigation.

Category of Complaint	Number
Unwelcome or disputed decision	29 (74)
Concern about the quality or appropriateness of the service	32 (55)
Delay in Decision Making	4 (8)
Delivery or non-delivery of services including complaints procedures	1 (7)
Quantity, frequency, change or cost of a service	5 (2)
Attitude or behaviour of staff	21 (22)
Application of eligibility and assessment criteria	0 (0)
Impact on an individual of a local authority policy and Assessment, care management and review	1 (1)
Not Recorded	35 (39)

Note: Previous reporting period's figures in brackets

- 6.12 Complaints about unwelcome decisions and the quality and/or appropriateness of a service continue to be the most common complaints.

- 6.13 The breakdown of complaints was broadly similar to that of the previous reporting period. Where the category of complaint was “not recorded” it is because these were mostly out of jurisdiction complaints, including complaints made by professionals; complaints about other agencies e.g. the NHS or another council; complaints where a citizen’s consent was not forthcoming; and complaints made by those who lacked the sufficiency of interest to be able to make a complaint on someone else’s behalf etc.
- 6.14 20% of complaints about Adult Social Care were either fully or mostly upheld, which is slightly less than in previous years.
- 6.15 Complaints are often resolved by way of a written response, an investigation or mediation, except for 5 that were considered by the Ombudsman, which is a marked reduction from 16 that were considered by the Ombudsman during the previous year. The Ombudsman investigated 3 of the 5 complaints he received, but he did not find fault or maladministration, and so these complaints were not upheld.

7. School Admissions – Public Interest Report 2018

- 7.1 School Admissions appeals are covered by a separate process not covered by HYS or Social Care complaints. However, it is mentioned within this report due to the volume of complaints about this appeals process investigated by the LGO.
- 7.2 On 5th July 2018 the LGO published a Public Report dated 17th May 2018 further to a complaint investigation about a schools admissions appeal. (See paragraph 4.13).
- 7.3 Further to this report, and other LGO investigations about this service area, the School Admissions team have reviewed their Appeals process and made changes which reflect the recommendations set out by the LGO. The report was also brought before Audit Committee and discussed in closed session in July 2018.
- 7.4 The LGO have been provided with the evidence that the remedies have been carried out which is reflected in NCC’s 100% compliance with LGO recommendations.

8. School Transport – Public Interest Report 2020

- 8.1 School Transport appeals are covered by a separate process not covered by HYS or Social Care complaints. However, it is mentioned within this report due to a public interest report being the outcome of the LGO’s investigation into this particular complaint.
- 8.2 On 3rd December 2020 the LGO published a Public Report dated 10th November 2020 further to a complaint investigation about a schools transport provision. (See paragraph 4.13).
- 8.3 Further to this report, the School Transport team agreed to review its procedures to ensure decisions on school transport, and appeals against those decisions, are dealt with properly. The report was also brought before Audit Committee and discussed in closed session on 26th February 2021.
- 8.4 The LGO have been provided with the evidence that the remedies have been carried out which is reflected in NCC’s 100% compliance with LGO recommendations.
- 8.5 The Ombudsman has given the following statement in the LGO’s Annual Review Letter:

“I am pleased the Council unreservedly accepted our recommendations that it apologise to the family and make a payment of £8,311 to reflect the boy’s loss of schooling, the family’s distress and time and trouble, and costs incurred in getting him to school. I was also pleased to note that, having already carried out procedural and policy changes in response to earlier

investigations, the Council has agreed and implemented further procedural changes, which will help avoid replicating the circumstances that led to this case.”

9. National Comparisons

- 9.1 Although there are many differences in how local authorities across England will deliver their services, and in the varying demographic of customers they serve, it is still important to consider how we compare to other city councils.
- 9.2 Comparisons for complaints as whole are currently available. We will continue to seek to source this data.
- 9.3 Nottingham is 1 of 10 core cities in the UK (8 in England). Due to the low numbers of complaints investigated for each core city, the variation year on year in upheld rate can be significant and a city can go from best to worst performing on this statistic or vice versa in successive years, without the underlying performance of the systems concerned being responsible. The table below shows a comparison of Nottingham City Council’s LGO statistics against the other core city authorities of Birmingham, Bristol, Manchester, Liverpool, Leeds, Sheffield and Newcastle:

	Nottingham City Council	Birmingham City Council	Bristol City Council	Manchester City Council	Leeds City Council	Sheffield City Council	Newcastle upon Tyne City Council	Liverpool City Council
Total LGO Investigations	7	130	23	22	33	24	14	27
Total Upheld Decisions	3	107	19	14	25	17	10	20
% Upheld	43%	82%	83%	64%	76%	71%	71%	74%

- 9.4 As reflected in the Annual LGO Letter and Council Performance Map, Nottingham City Council has performed comparably well to authorities deemed similar.

10. Summary and Action

- 10.1 The information compiled in this report aims to provide a clearer understanding of the published LGO statistics for Nottingham City Council in 2020-21. It is important to remember, when looking at the figures, that the Annual Review should form the start of the conversation about measuring corporate health, and low/high volumes do not solely indicate good or bad performance.
- 10.2 On reflection of the key facts and figures, it is clear that actually NCC resolve the vast majority of the complaints it receives at the early stages. Although the LGO statistics show a complaint as upheld it may have already been resolved by the Council. The Customer Experience Lead previously raised this with the LGO who provided comment in 2019:

‘A complaint is upheld where there is evidence of maladministration, this is normally following a detailed investigation. However, there are cases where an authority will have already accepted fault and without needing to carry out a detailed investigation we decide the authority has done all it can to put things right. We still mark these cases as upheld, because fault has been identified in a complaint that has come to us. The decision statement, your annual statistics and our interactive map all reflect these cases in a positive light. While the complaint was upheld, the authority provided a satisfactory remedy before the complainant reached the Ombudsman. If an authority has 10 upheld complaints, but has satisfactorily remedied 8, we see that as a positive message where the authority is putting things right early. By then using the learning

from upheld complaints, the authority can continue to improve its local services to prevent the same thing happening again.'

- 10.3 The Customer Charter commits to Citizens that we will listen to them and use their feedback to improve services across the Council, work together as one Council, and aim to get it right first time. It is important we utilise the Have Your Say data to effectively deliver those commitments and continuously improve Council services. Looking at the areas of high complaints, such as those in Waste, Customer Service is actively engaging with Service Heads to identify complaint trends and root causes to improve the customer experience and reduce complaint figures for the next reporting period.
- 10.4 The Customer Experience Lead has attended the LGO open course on Effective Complaint Handling and has worked to develop a complaint handling training course for Nottingham City Council. This will aim to increase colleague understanding of the HYS process and to develop a more consistent approach to complaint handling across all council services. The e-learning course on the Council's complaint handling and HYS process went live in July 2020 and is available on the intranet for all Council employees. The Customer Services Management team also helped develop and deliver a new and improved face to face Customer Service training session to both new starters and current employees across all service areas. Support and Information is available on the Intranet to all colleagues and the Have Your Say team continues to support services with complaint handling processes.
- 10.5 Customer Services are in the process of reviewing how HYS captures data about the comments, compliments and complaints in order to develop more efficient methods to analyse and identify trends.
- 10.6 Due to the COVID-19 pandemic, the period of 2020-21 was an extremely challenging year for Council services. Despite there being a 3 month period where LGO casework paused, NCC have continued to maintain effective complaints handling which is reflected in the figures presented in this report.

11. Published Documents

11.1 The published documents referred to in this report are:

- The Local Government & Social Care Ombudsman Annual Review Letter 2021
Published 28th July 2020
- The Local Government & Social Care Ombudsman Review of Local Government Complaints 2020-21
Published 28th July 2020