

## Audit Committee – 30 September 2022

<b>Title of paper:</b>	<b>Complaints and Ombudsman Annual Assurance Report</b>	
<b>Director(s)/ Corporate Director(s):</b>	Clive Heaphy, Interim Corporate Director for Finance and Resources	<b>Wards affected:</b> All
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<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Recommendation(s):</b>		
<b>1.</b>	<b>to note the contents of this report</b>	

### 1. Reasons for 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 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022. 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 the Council 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, the Council 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 The Council also notes 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 The Council continues 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 pandemic has had an impact on Council services and the complaints the Council have received at the beginning of the 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 2021-22 period.

## **2. Background**

- 2.1 To enable Nottingham City Council to deliver high quality services it is important that the Council records and listens to feedback from people using Council services. Through the Have Your Say (HYS) process, the Council 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 20<sup>th</sup> July 2022 the LGO launched their annual review of local government and social care complaints for 2021-22. 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 15,826 complaints and enquiries about councils in England (it does not cover Scotland or Wales). Of those complaints 4,048 had detailed investigations and 66% were upheld. This compares to 11,830 complaints and enquires received in 2020-21, of which 3,144 had detailed investigations and 67% were upheld.

- 3.3 This year's LGO Annual Review statistics tells us that nationally complaints about Education and Children's continue to dominate their casework, being 3,145 of their complaints. The highest proportion of complaints they investigated relate to Adult Social Care, and Education and Children's Services and Planning and Development the fewest complaints investigated were about Corporate and Other Services and 'Other'.

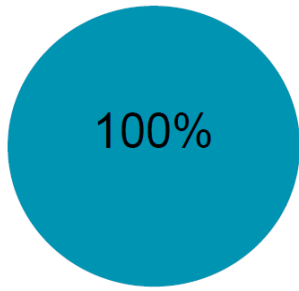
- 3.4 The LGO publishes the information for the Annual Review on an interactive map, which is called 'Your Council's Performance.' This tool, which was implemented in 2019, gives a snapshot of the service improvement recommendations and highlights the key statistics and how they compare to similar authorities.

- 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:



In comparison to the year previous 2020/21. This is an increase where there were a lower number of detailed investigations of 7 cases, and 43% of these were upheld.

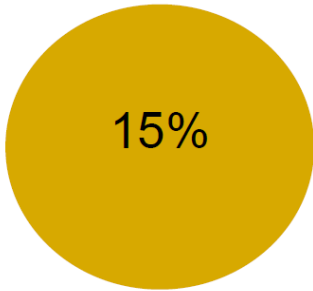


In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

Statistics are based on a total of **9** compliance outcomes for the period between 1 April 2021 to 31 March 2022

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

In comparison to the year previous 2020/21. Nottingham City Council achieved 100% satisfactory compliance on 4 compliance outcomes.



In **15%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

**2** satisfactory remedy decisions

Statistics are based on a total of **13** upheld decisions for the period between 1 April 2021 to 31 March 2022

This compares to an average of **12%** in similar organisations.

In comparison to the year previous 2020/21. Nottingham City Council had provided a satisfactory remedy in 0% of cases before the complaint had reached the LGO and received 0 satisfactory remedy decision. See paragraph 8.2 for explanation.

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 73 complaints and enquiries about NCC for the 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 period and 84 were assessed and issued with decisions. 23 were treated as premature, 7 were requests for advice, 2 were either incomplete or invalid and 32 were closed after initial enquiries. 20 complaints involved detailed investigations by the LGO and 13 of these were upheld.

4.2 This data shows an increase in upheld complaints from last year. The table below outlines the results of the LGO Annual Review for 2021/22 in comparison to the previous three years:

Annual Letter	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Received	104	75	52	73
Decided	98	86	43	84
Upheld	18	12	3	13
Not Upheld	8	7	4	7
Closed	72	67	36	64
Uphold Rate	69%	63%	43%	65%

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

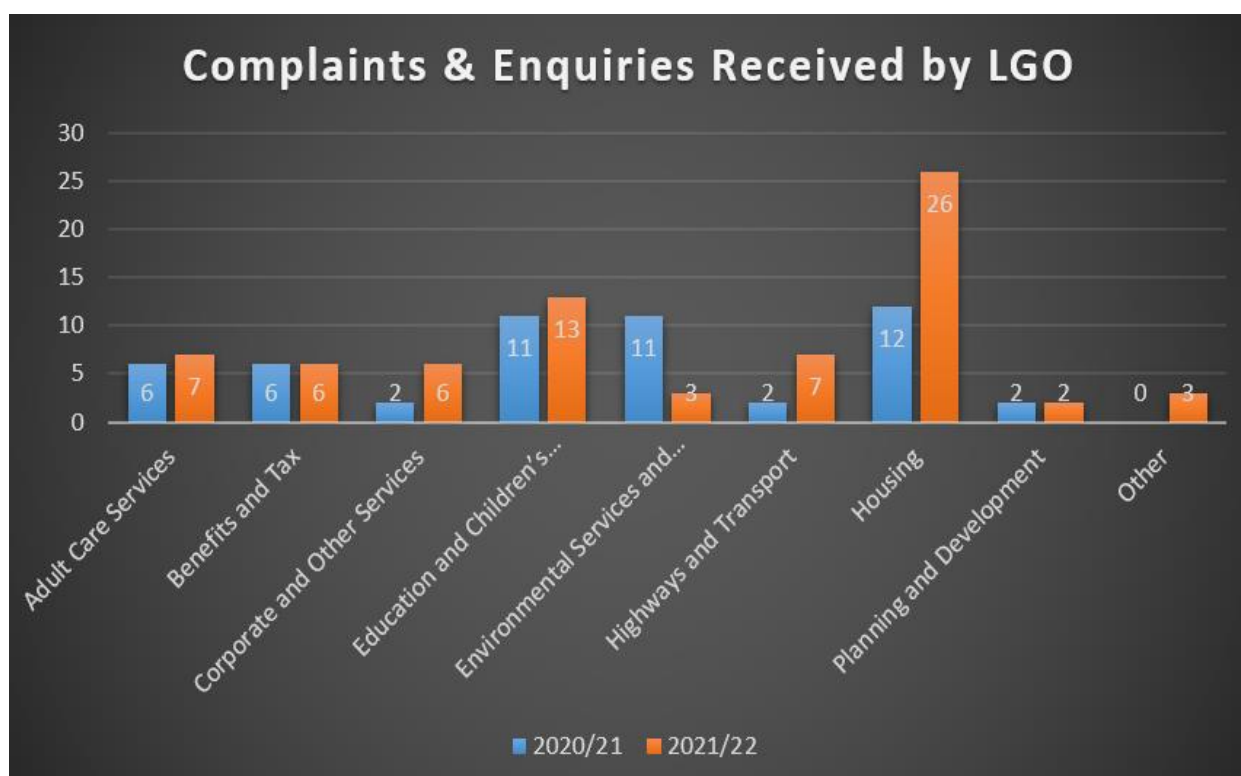
and June 2020. This reduced the number of complaints they received and decided in the 2020-21 year. This needs to be considered when comparing data from previous years.

4.4 The Council recognises that the 20 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 the Council have attempted to identify any learning applicable.

4.5 The LGO categorise the complaints they receive. Looking at the 2022 Review data in more detail, a breakdown of the information published in by the LGO in their given categories is shown as follows:

<b>Service Category</b>	<b>Received</b>	<b>Decided</b>	<b>Upheld</b>	<b>Not Upheld</b>	<b>Premature/Closed/Incomplete/Invalid</b>
Adult Care Services	7	7	1	1	5
Benefits and Tax	6	8	3	1	4
Corporate and Other Services	6	6	0	0	6
Education and Children's Services	13	14	2	1	11
Environmental Services and Public Protection and Regulation	3	4	1	1	2
Highways and Transport	7	9	2	1	6
Housing	26	31	4	2	25
Planning and Development	2	2	0	0	2
Other	3	3	0	0	3
<b>Total</b>	<b>73</b>	<b>84</b>	<b>13</b>	<b>7</b>	<b>64</b>

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



- 4.6 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.
- 4.7 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.
- 4.8 In some cases the LGO will not publish the decision statement for an investigation. Only 20 decision statements are available for their NCC casework for 2021-22 and the Council 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.
- 4.9 After reviewing each individual case's decision statement summaries, the complaints have been identified as follows:

NCC Service	Upheld	Not Upheld
Adult Social Care	1	1
Benefits & Tax	3	1
Education & Children's Services	2	1
Environmental Services & Public Protection & Regulation	1	1
Highways & Transport	2	1
Housing	4	2
<b>Total</b>	<b>13</b>	<b>7</b>

- 4.10 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.

4.11 Of the 13 upheld complaints, one relates to Adult Social Care and two relate to Education & Children's Services which do not fall under the Have Your Say complaints process. The other cases do fall within the Have Your Say process.

4.12 In 2021/22, it is reported the Council has agreed to make improvements to services following an investigation from the LGO on 3 cases, relating to Children's Care Services, Parking Enforcement and Housing Aid 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>

4.13 No Public Interest Reports were published against Nottingham City Council by the LGO in 2021/22. Details of historical reports are available for viewing at

<https://www.lgo.org.uk/your-councils-performance/nottingham-city-council/publicreports>

## **5. HYS COMPLAINTS – KEY FACTS AND FIGURES**

5.1 At Nottingham City Council every effort is made to deliver a huge range of services to the highest standards, but inevitably in a city of over 300,000 residents, the Council won't always get it right or meet everyone's expectations particularly where customers have complained about policy or statutory decisions.

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. The Council 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.

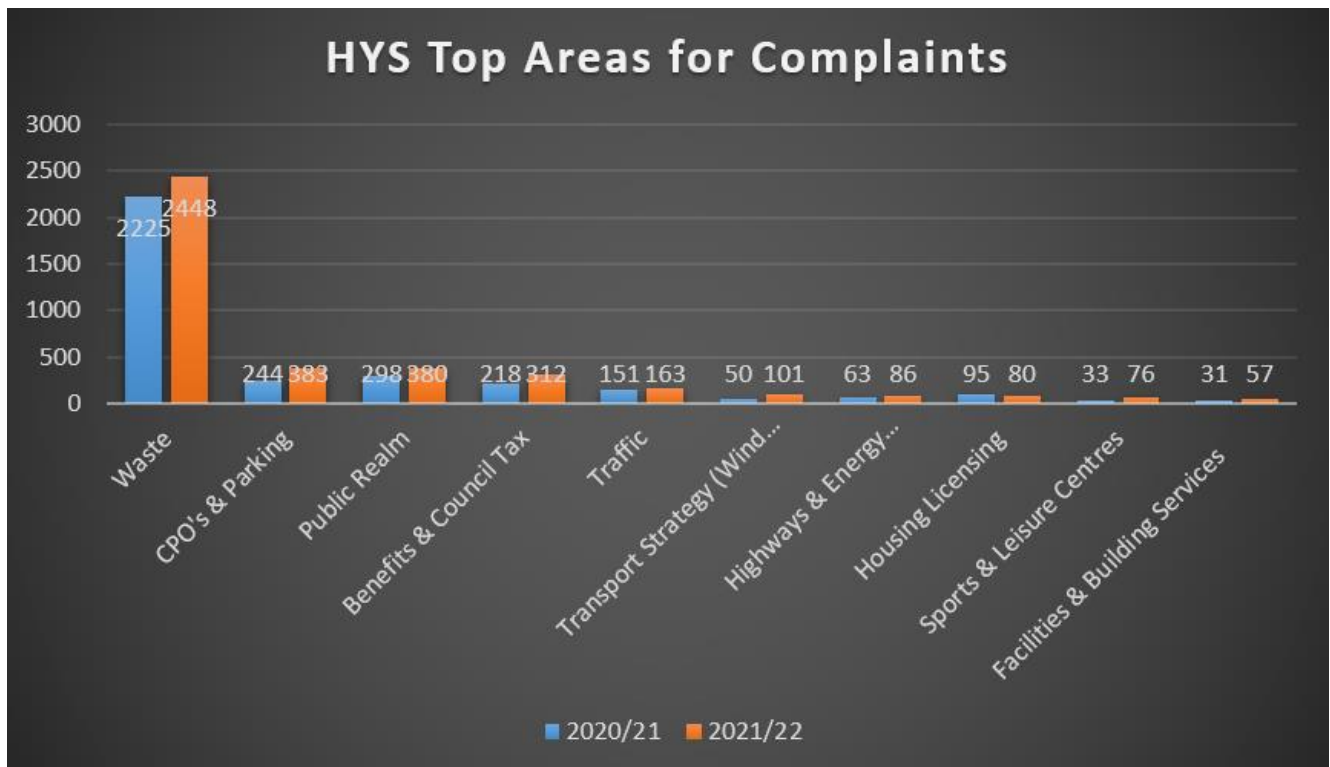
5.3 From April 1<sup>st</sup> 2021 to 31<sup>st</sup> March 2022 the HYS service have processed 4888 Stage 1 complaints and 86 Stage 2 complaint reviews.

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

• Waste	2448
• CPO's & Parking	383
• Public Realm	380
• Benefits & Council Tax	312
• Traffic	163
• Transport Strategy (Wind Scooters)	101
• Highways & Energy Infrastructure	87
• Housing Licensing	80
• Sports and Leisure Centres	76
• Facilities and Building Services	57

5.5 This is comparable to the previous year's reporting, with seven of the top ten areas for complaints remaining the same areas as 2020-21.





- 5.6 Compared with last year's figures, the Council can see there has been an increase in the volume of complaints dealt with by HYS from 4157 Stage 1's in 2020-21 to 4888 in 2021-22, although the number of stage 2 Complaint Reviews has decreased from 102 in 2020-21 to 86 in 2021-22.
- 5.7 Looking at the top areas for complaints the Council can see that the level of complaints have remained on par with last year in most areas, with Waste (Neighbourhood Services) remaining 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 2021-22 the highest volume of complaints were in relation to replacement bins and missed domestic bin collections. During the Covid pandemic and following the lifting of restrictions, Waste faced various difficulties as case numbers increased and staff self-isolated. A limited service was implemented for missed bins and the garden service was restricted to make sure statutory services of general household waste and recycling collections had minimum disruption.
- 5.9 The Council 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. As there is a high level of complaints for this area, with the Services support the Council aim to resolve these at the earliest stage as possible.
- 5.10 Of the 4888 Stage 1 complaints handled through the HYS process, 86 were reviewed by the Customer Experience Lead at Stage 2. With only 1.8% 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. This is an improved position on the previous year's percentage which was 2.5%.



5.11 There were 10 upheld decision for LGO complaints that was covered by the HYS process. This is a positive 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 2021/2022 a total of 252 new complaints were received and considered about Children’s Integrated Services. This is a decrease compared with the previous reporting period when 280 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, 95% of complaints were resolved at this stage. At stage two the Social Care Complaints Service allocates an independent investigator to investigate the complaint. There were 24 stage two investigation requests received during the last reporting period, compared with 22 in the previous year. Most of these were resolved or withdrawn and only 5 required an investigation. 100% of investigations were completed within the statutory timescale.

6.5 The final stage is an Independent Complaints Review Panel comprising of three Independent People. There were 2 stage three panels during the last reporting period. The panels were held via Zoom; all the panels agreed with the Independent Investigators’ findings and ratified their recommendations.

### **Resolutions offered**

6.6 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 3 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 one panel made one additional recommendation.

### **Local Government Ombudsman investigations**

6.7 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.

6.8 The Ombudsman considered nine new complaints, of which four were investigated. The Ombudsman found maladministration and injustice in two cases, but a recommendation was only made in respect of one investigation. Of the two cases where maladministration and injustice was found one was an adult social care case in which the Ombudsman recommended

a financial payment be made to the complainant in recognition of the injustice and distress caused. This related to the citizen's care at a care home in Essex which was commissioned by the Council. The other case concerned Children's Integrated Services and related to the placement of children with the complainant and resulted in a financial payment being made to him in recognition of distress and his time and trouble. The Ombudsman also recommended a review be carried out by a senior manager into the decisions taken before the children's move to the complainant's care which was completed.

## Adult Services

6.9 In 2021/2022 a total of 187 complaints were considered about adult social care services, which is a marked increase from 128 in the previous year, but marks a return to customary levels, following the lifting of many COVID restrictions.

6.10 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	24 (29)
Concern about the quality or appropriateness of the service	63 (32)
Delay in Decision Making	7 (4)
Delivery or non-delivery of services including complaints procedures	16 (1)
Quantity, frequency, change or cost of a service	1 (5)
Attitude or behaviour of staff	27 (21)
Application of eligibility and assessment criteria	1 (0)
Impact on an individual of a local authority policy and Assessment, care management and review	0 (1)
Not Recorded	48 (35)

Note: Previous reporting period's figures in brackets

6.11 Complaints about the quality and/or appropriateness of a service continued to be the most common complaint.

6.12 The breakdown of complaints was broadly similar to the previous reporting period; however, there was an increase in complaints about the failure to deliver a service. 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.

6.13 19% of complaints about Adult Social Care were either fully or mostly upheld, which is slightly less than in previous years. All complaint responses were provided within timescale.

6.14 Complaints are often resolved by way of a written response, an investigation or mediation, except for 6 that were considered by the Ombudsman. The Ombudsman only investigated 2 of the 6 complaints he received; he found maladministration in one and recommended a £300 payment be made to the complainant. The maladministration related to the care provided by a care home outside of Nottingham City, but as the care was commissioned by the council, it was found to be responsible.

## 7. National Comparisons

7.1 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 Nottingham City Council compares to other city councils.

7.2 Comparisons for complaints as whole are currently available. The Council will continue to seek to source this data.

7.3 Nottingham is 1 of 11 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 English 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
<b>Total LGO Investigations</b>	20	128	34	47	41	20	8	25
<b>Total Upheld Decisions</b>	13	100	22	33	26	15	4	18
<b>% Upheld</b>	65%	78%	65%	70%	63%	75%	50%	72%

7.4 As reflected in the Annual LGO Letter and Council Performance Map, Nottingham City Council has performed extremely well to authorities deemed similar with only Newcastle having done better. This is great result for Nottingham City Council.

## 8. Summary and Action

8.1 The information compiled in this report aims to provide a clearer understanding of the published LGO statistics for Nottingham City Council in 2021-22. 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.

8.2 On reflection of the key facts and figures, it is clear that NCC's complaints policy works well and the Council resolve the vast majority of the complaints it receives at the early stages. It is worth noting that the LGO statistics can show a complaint as upheld even if it has already been resolved by the Council. The Customer Experience Lead previously raised this with the LGO who provided the following 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 the Council decides the authority has done all it can to put things right. The Council 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, the Council sees 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.

- 8.3 The Customer Charter commits to citizens that the Council 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 the Council utilises 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. To improve how the Council does this in the future, the Customer Charter is being refreshed alongside a new Customer Insight Strategy with the aim to deliver even better results for citizens based on their needs.
- 8.4 The Customer Experience team engages in continuous development opportunities both with the LGO and as best practice amongst other councils. Relevant learning has been used to improve complaint handling across the council and embedded in our corporate learning and development packages with an aim for greater understanding of our complaint policies and practices, improved consistency in our delivery and service to customers. Customer service, complaint handling and using customer insight to shape service delivery are all part of the Council's mandatory training package. 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.
- 8.5 As part of Customer Services transformation journey, the Council are using customer insight to add value to the customer experience. Performance dashboards have been created to give an easy to view overview of comments, compliments and complaints together with other key performance indicators, in order to develop methods to analyse and identify trends, improve the customer journey and enable our service delivery to be more efficient. This will enable us to engage with services to give them further detailed understanding into what our citizens are telling us so the Council are able to be more effective in resolving key issues and to make changes in how the Council provides services for the better and to reduce complaints.
- 8.6 The work being undertaken through the Together for Nottingham Plan recognises the importance of customer insight and the Customer First Programme focuses on how our customers access our services, particular our 'front door' and encompasses a range of improvement milestones.
- 8.7 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 through 2020-2021 and additionally 2021-2022 where parts of the year were still affected by the pandemic for example the challenges faced by Waste as noted in point 5.8.

## **9. Published Documents Referred to in Compiling this Report**

9.1 The published documents referred to in this report are:

- The Local Government & Social Care Ombudsman Annual Review Letter 2022  
*Published 27<sup>th</sup> July 2022*
- The Local Government & Social Care Ombudsman Review of Local Government Complaints 2021-22  
*Published 27<sup>th</sup> July 2022*