

Audit Committee – 24 November 2023

Title of paper:	Complaints Annual Assurance Report 2022-23	
Director(s)/ Corporate Director(s):	Ross Brown, Corporate Director for Finance and Resources Lucy Lee, Director for Customer Services	Wards affected: All
Report author(s) and contact details:	Vanessa Jenkins, Customer Experience Lead, vanessa.jenkins@nottinghamcity.gov.uk , 0115 87 61527	
Other colleagues who have provided input:	Marc Danyluk, Customer Hub Manager Patrick Skeete, Social Care Complaints and Representations Manager Dominic Omelia, Head of Customer Access Alvin Henry, Head of Waste and Cleansing Kevin Lowry, Strategic Director of Housing	
Does this report contain any information that is exempt from publication?		
No		
Recommendation(s):		
1.	to note the contents of this report.	

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
- under the Housing Services Customer Relations Team (See Appendices)

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 2022 to 31st March 2023. The information is taken from NCC records and the LGSCO 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 complaints processes play 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 and Social Care Complaints teams 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 LGSCO Assessment and Investigation teams. The Customer Experience Lead acts as a Link Officer between the LGSCO and NCC to liaise with Council services and ensure deadlines are met.
- 1.6 It is important to note in this year's Annual Letter from the LGSCO, they have provided advice to Councils when comparing statistics from previous years to be mindful of the following:

Advice on comparing statistics across years ×

In 2022-23 we changed our investigation processes, contributing towards an increase in the average uphold rate across all complaints. Consider comparing individual council uphold rates against the average rate rather than against previous years.

In 2020-21 we received and decided fewer complaints than normal because we stopped accepting new complaints for three months due to Covid-19.

- 1.7 The Ombudsman have also provided a note about the uphold rate for this year's annual review:

“A note about the uphold rate

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than in previous years.

This means that comparing uphold rates with previous years carries a note of caution. Therefore, we recommend comparing your authority's uphold rate with that of similar organisations, rather than previous years, to better understand performance."

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 current complaints handling processes, 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 For the period this review relates to there were three complaints teams within Nottingham City Council.

- **Social Care Complaints**

This team handles the complaints and statutory complaints processes in relation to Children's and Adults Social Care Services.

- **Housing Services Customer Relations Team**

Formerly Nottingham City Homes (NCH), this team handles the complaints and complaints processes which relate to Housing Services, such as tenancy and repairs issues, which fall under the jurisdiction of the Housing Ombudsman (HO).

- **Have Your Say (HYS)**

The HYS Team handles 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, such as a route of formal appeal. (An example of an exemption of the HYS process would be a dispute a penalty charge notice for a Parking or Bus Lane Contravention and the debt recovery process which follows, as this has a statutory route of appeal).

2.3 The LGSCO oversee some but not all 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 By definition a complaint must be: "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals."

2.5 The Council must recognise the difference between service requests and complaints and this is set out within the Council's complaints handling policies.

A service request is a request from an individual to the organisation requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly. A complaint must be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

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

3. The LGSCO Annual Review

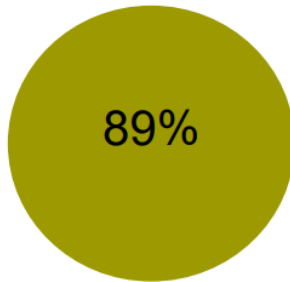
- 3.1 On 26th July 2023 the LGSCO published their annual review of local government and social care complaints for 2022-23. They have provided data to show how they are helping to improve local services and reporting on data for compliance with recommendations they have made, and the number of cases where each authority has provided a satisfactory remedy before the complaint reached the LGSCO. This section looks at the overall LGSCO data compiled in this year's 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 LGSCO received 15,488 complaints and enquiries about councils in England (it does not cover Scotland or Wales). Of those complaints 4,090 had detailed investigations and 74% were upheld. This compares to 15,826 complaints and enquires received in 2021-21, of which 4,048 had detailed investigations and 67% were upheld.
- 3.3 Within this year's Annual Review, the LGSCO has provided reflection on the uphold rate increase. "Like many organisations we have, in recent years, been focused on doing the most we can with the resources we have, prioritising cases where it is in the public interest to investigate. As a result, we are less likely to carry out investigations into 'borderline' issues and are finding a higher proportion of fault as a result. While allowing a more sustainable way for us to work, the change means that our uphold rate has increased seven percentage points from last year to 74%. We have reported a steadily increasing uphold rate for several years, but this year's increase is not wholly attributable to the nature of the cases that came to us and so comparison with previous years carries a note of caution."
- 3.4 This year's LGSCO Annual Review statistics tells us that nationally they continue to find the highest proportion of fault in complaints about Education and Children's Services, particularly with regards to complaints concerning children with special educational needs. SEND cases, alongside adult social care and homelessness cases, make up the majority of the Ombudsmen's casework.
- 3.5 The LGSCO 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.

3.6 The link to the council performance interactive map is as follows:
<https://www.lgo.org.uk/your-councils-performance/nottingham-city-council/statistics>

3.7 The snapshot data published on the interactive map for NCC is shown as:

Upheld Decisions



89% of complaints we investigated were upheld.

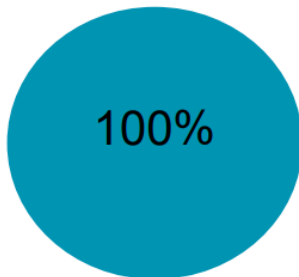
This compares to an average of **72%** in similar organisations.

8
upheld decisions

Statistics are based on a total of **9** investigations for the period between 1 April 2022 to 31 March 2023

This is a decrease in the number of detailed investigations in comparison to 2021/22 where 20 investigations were carried out, with 13 of these (65%) being upheld.

Compliance



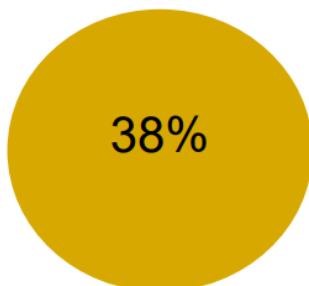
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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

Statistics are based on a total of **5** compliance outcomes for the period between 1 April 2022 to 31 March 2023

In comparison to the previous year, 2021/22 where Nottingham City Council achieved 100% satisfactory compliance on 9 compliance outcomes.

Local Resolution



In **38%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **13%** in similar organisations.

3
satisfactory remedy decisions

Statistics are based on a total of **8** upheld decisions for the period between 1 April 2022 to 31 March 2023

In comparison to the previous year, 2021/22 where Nottingham City Council

had provided a satisfactory remedy in 15% of cases before the complaint had reached the LGSCO and received 2 satisfactory remedy decisions.

This is a key positive outcome of the LGO Review, as it clearly shows that Nottingham City Council are resolving an increasing proportion of complaints locally, and as shown in section 7, Nottingham City are performing extremely well in this area in comparison to other Local Authorities.

- 3.8 The following key facts and figures will provide an in-depth analysis of the LGSCO'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. LGSCO Review Letter – Key Facts and Figures

- 4.1 The LGSCO Annual Review Letter shows that they received 66 complaints and enquiries about NCC for the 1st April 2022 to 31st March 2023 period and 62 were assessed and issued with decisions. 24 were closed after initial enquires, in 4 cases advice was given, 2 were either incomplete or invalid and 23 were referred back for a local resolution. 9 complaints involved detailed investigations by the LGSCO and 8 of these were upheld and 1 not upheld.

- 4.2 This data shows that the number of upheld complaints has reduced. The table below outlines the results of the LGSCO Annual Review for 2022/23 in comparison to the previous three years:

Annual Letter	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
Received	75	52	73	66
Decided	86	43	84	62
Upheld	12	3	13	8
Not Upheld	7	4	7	1
Uphold Rate	63%	43%	65%	89%

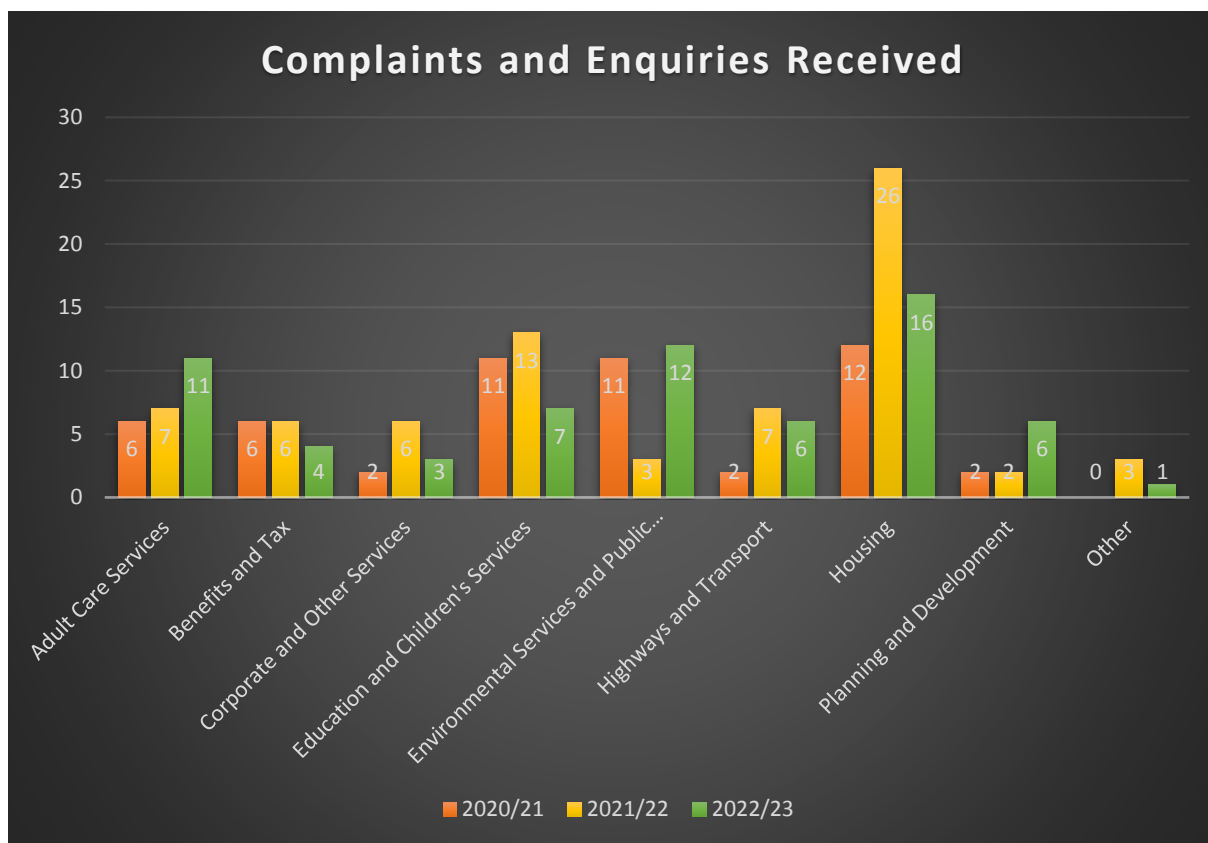
- 4.3 This data needs to be considered alongside the note from the Ombudsman ([see 1.6](#)) that in 2022-23 the LGSCO has changed their investigation process which has contributed to an increase in the uphold rate nationally, and is reflected in the 2022-23 decrease in decided cases and increased uphold rate.
- 4.4 It is also worth noting that in order to allow authorities to respond to the Covid-19 pandemic, the LGSCO 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.
- 4.5 Aside from the anomaly of the complaints for 2020-21 due to the pandemic, it is a positive indicator that 8 upheld cases is a decrease on recent years, even in the circumstances that the LGSCO are being more selective with the cases they investigate and issue more upheld decisions on

4.6 The Council recognises that the 9 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.

4.7 The LGO categorise the complaints they receive. Looking at the 2023 Review data in more detail, a breakdown of the information published in by the LGSCO in their given categories is shown as follows:

Service Category	Received	Decided	Upheld	Not Upheld	Premature/Closed/ Incomplete/Invalid/ Advice Given
Adult Care Services	11	10	1	0	9
Benefits and Tax	4	5	2	0	3
Corporate and Other Services	3	4	0	0	4
Education and Children's Services	7	6	1	0	5
Environmental Services and Public Protection and Regulation	12	11	3	0	8
Highways and Transport	6	5	0	0	5
Housing	16	14	1	0	13
Planning and Development	6	6	0	1	5
Other	1	1	0	0	1
Total	66	62	8	1	53

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



4.8 It is important to note that the categories defined in the LGSCO review data do not always accurately reflect the department and service area that the complaint would relate to within NCC.

4.9 To better understand the areas for focus from the LGSCO 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.

4.10 In some cases the LGSCO will not publish the decision statement for an investigation and the Council also do not have all data on complaints to the LGSCO 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 on the 9 detailed investigation carried out.

4.11 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	0
Benefits & Tax	2	0
Education & Children's Services	1	0
Environmental Services & Public Protection & Regulation	3	0
Highways & Transport	0	0

Housing	1	0
Planning & Development	0	1
Total	8	1

4.12 This breakdown of the casework gives a clearer picture about which Council service the upheld and not upheld LGSCO complaint outcomes relate to and allow us to accurately identify service failures and improvements by carrying out root cause analysis.

4.13 Of the 8 upheld complaints, 1 relates to Adult Social Care and 2 relate to Education and Children’s Services which do not fall under the Have Your Say complaints process. The other cases do fall within the remit of the Have Your Say process.

4.14 In 2022/23, it is reported the Council has agreed to make improvements to services following an investigation from the LGSCO on 2 cases, one relating to Children’s Care Services and the other about 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>

4.15 No Public Interest Reports were published against Nottingham City Council by the LGO in 2022/23. Details of historical reports are available for viewing at: <https://www.lgo.org.uk/your-councils-performance/nottingham-city-council/publicreports>

4.16 To understand the impact that Public Reports have on the Local Authority – please refer to further information from the Ombudsman: <https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/information-for-link-officers?chapter=8>

5. HYS Complaints – Key Facts and Figures

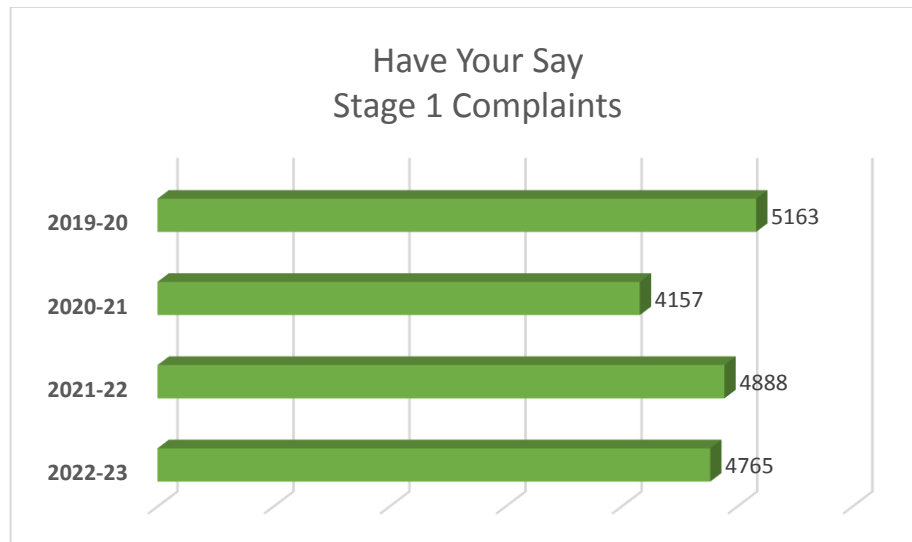
5.1 At Nottingham City Council every effort is made to deliver a huge range of services to the highest standards, but inevitably in a city of over 300,000 residents, the Council won’t always get it right or meet everyone’s expectations particularly where customers have complained about policy or statutory 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 LGSCO by also offering people who remain unsatisfied an independent review to resolve things, before involving the Ombudsman.

5.3 Since 2016, the HYS service operates a two-stage complaint 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.

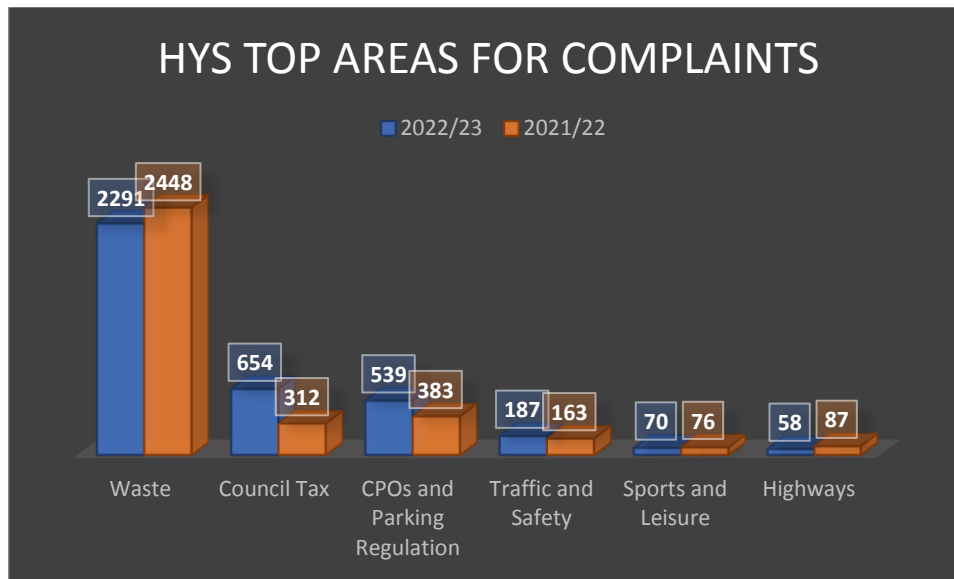
- 5.4 From April 1st 2022 to 31st March 2023 the HYS service have processed 4765 Stage 1 complaints and 21 Stage 2 complaint reviews.
- 5.5 This is consistent with previous years, (excluding during the COVID-19 pandemic in 2020-21)



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

Waste, Cleansing & Grounds		
1	Maintenance	2291
2	Council Tax	654
3	Parking Regulation & Compliance	312
4	CPOs	227
5	Traffic & Safety	187
6	Sports & Leisure	70
7	Highways	58
8	Trees	53
9	Housing Aid	52
10	Parks & Open Spaces	46

This is comparable to the previous year’s reporting, with seven of the top ten areas for complaints remaining about the same services as 2021-22.



- 5.6 Compared with last year's figures, the Council can see volume of Stage 1 complaints remains similar to previous years. There was a decreased of 86 stage 2 Complaint Reviews in 2021-22 to 21 in 2022-23.
- 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 issues 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 2022-23 the highest volume of complaints were in relation to bulky waste collection issues, street cleansing and missed garden bin collections.
- 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 the Waste and Cleansing service. However as there were no detailed investigations by the LGSCO 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 Waste and Cleansing service's support, the Council aim to resolve these at the earliest stage as possible.
- 5.10 **Head of Service for the Waste and Cleansing service, Alvin Henry, has reflected on this report and provided the following insights:** "Waste services recognises the complaints within 22/23 and despite being similar to previous years, on reviewing the figures, our service are proposing a change some our current operational provisions. We will be reviewing the missed bin process to reflect improved outcomes to mitigate the number of complaints. Where appropriate all repeated concerns are communicated to the crews correspondingly. The creation of an API (Application Programming Interface) to connect any HYS reports to previous online reports should they have been

rejected due issues such as contamination, will support if any complains should be upheld or not.”

- 5.11 Of the 4,765 Stage 1 complaints handled through the HYS process, 21 were reviewed by the Customer Experience Lead at Stage 2. With only 0.4% 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 a significantly improved position on the previous year’s percentage which was 1.8%.
- 5.12 There were 6 upheld decision for LGSCO complaints that was covered by the HYS process. 2 of these cases had also been identified as remedied locally through the complaints process ([see 9.2 for explanation](#)). This is a positive indicator that the HYS two-stage complaint handling process ensures most complaints are remedied at the early stages. Only an extremely small proportion (0.1%) of the total complaints dealt with by the HYS service have been investigated and upheld by the LGSCO.

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 2022/2023 a total of 295 new complaints were received and considered about Children’s Integrated Services. This is an increase compared with the previous reporting period when 252 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, over 90% 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 29 stage two investigation requests received during the last reporting period, compared with 24 in the previous year. Most of these were resolved or withdrawn and only 8 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 5 stage three panels during the last reporting period. The panels were held via Microsoft Teams; 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 8 stage two investigations, 7 of the investigations upheld at least 1 element of the complaint. where an element of the complaint was partly upheld, all were offered an apology.

Stage 3: The panels accepted the investigators' findings, and recommendations. The panel recommendations were all accepted and completed in accordance with action plans.

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 During the last reporting period, 3 people asked the Ombudsman to review their complaints, compared with 9 in the previous reporting period. The Ombudsman concluded that two complaints were premature and decided not to investigate the third. Complainants are also advised about appropriate advocacy services, which may support them in making a complaint. Consequently, there were no findings made of maladministration against the Council.

Adult Services

6.9 In 2022/2023 a total of **221** complaints were considered about adult social care services, which is an increase compared with 2021/2022 when the Social Care Complaints Team received 187 new complaints about adult social care services.

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	27 (24)
Concern about the quality or appropriateness of the service	88 (63)
Delay in Decision Making	8 (7)
Delivery or non-delivery of services including complaints procedures	9 (16)

Quantity, frequency, change or cost of a service	3 (1)
Attitude or behaviour of staff	30 (27)
Application of eligibility and assessment criteria	0 (1)
Impact on an individual of a local authority policy and Assessment, care management and review	1 (0)
Not Recorded	55 (48)

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; 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 34% of complaints about Adult Social Care were either fully or mostly upheld, which is an increase compared with 19% during 2021/2022. 35% of complaints were not upheld or mostly not upheld; and 31% were either not pursued by the complainant or no findings were made. All complaint responses were provided within timescale.
- 6.14 Complaints are often resolved by way of a written response, an investigation or mediation. In 2022/2023, 4 adult social care complaints were considered by the Ombudsman, compared with 6 in the previous year's reporting period. The Ombudsman decided 1 complaint was premature and a further 3 did not warrant investigation, either because there was insufficient evidence of fault or because the Ombudsman decided that the Council had already provided a sufficient remedy. One complaint was classed as upheld although the Council had already provided a sufficient remedy.

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
Total LGO Investigations	9	153	45	36	54	26	10	26
Total Upheld Decisions	8	128	31	22	37	19	7	20
% Upheld	89%	84%	69%	61%	69%	73%	70%	77%
Compliance with Recommendations %	100%	98%	100%	100%	100%	100%	100%	100%
Satisfactory Remedies %	38%	7%	23%	9%	14%	0%	29%	25%

7.4 As reflected in the Annual LGO Letter and Council Performance Map, it is clear that Nottingham City Council has performed extremely well in the area of satisfactory remedies compared with other authorities. This is where, in upheld cases, the LGO found the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This is a positive result for Nottingham City Council and reflects well on our complaints handling processes.

8. Complaint Handling Code Consultation

The LGO are launching a consultation on a joint Complaint Handling Code with the HO. The Code will apply to all local councils in England. The consultation will run until **23 November 2023**.

[Joint Complaint Handling Code - Local Government and Social Care Ombudsman](#)

8.1 What is the joint Code?

Some councils, such as NCC are within both Ombudsman's jurisdictions, the LGSCO and HO have partnered to make the joint Code the single gold standard for complaint handling in the local government sector. A joint Code will make it easier for the Council to have confidence that it is employing best practice and for local people to hold councils and social landlords to account. It will also align complaints about housing management, which are already subject to the Code through the Housing Ombudsman Scheme, with other local authority services.

8.2 Why a joint complaint handling Code is being introduced?

The challenges in local government and housing are significant and the complaints received by the LGSCO and HO are increasing in both volume and complexity. This demands an innovative response that supports councils and social landlords to deal with complaints effectively and improve standards, resulting in better services for local people.

Councils face significant challenges at this time. Despite this, many local authorities deliver a good standard of service to their residents. The aim of the joint Code is to equip the Council to gather evidence to identify strengths and weaknesses in the services we deliver, enabling us to make better use of limited resources.

The quality of complaint handling within an organisation and the willingness to learn from complaints is an essential measure of corporate health. The Code puts complaint handling at the heart of corporate governance in councils, requiring regular reporting of performance allowing for effective scrutiny of service delivery.

The Code **will not** apply to areas where there are already statutory complaints processes such as certain complaints about adults and children's social care services.

The Code puts responsibility on councils to put things right as soon as possible without the public having to escalate their concerns to the Ombudsman. It is the Ombudsman's strong belief that there should be a single model of complaint handling which makes it easier for local people to hold their local authority or social landlord to account.

8.3 Who does the Code apply to?

The joint Code applies to local councils. At this stage, it does not apply to the other organisations the LGSCO investigates.

The LGSCO intends to issue the Code under their power to issue "advice and guidance about good administrative practice" to the organisations they deal with under section 23(12A) of the Local Government Act 1974. Therefore, the Code will be statutory guidance for local councils.

The consultation for the Code will also enable the HO to make its existing Complaint Handling Code – which is the basis for the joint Code – statutory under the Social Housing (Regulation) Act.

8.4 Next Steps for Nottingham City Council

The Council is being asked to complete two surveys in response to the consultation.

This is because the HO is updating its existing Code and consulting to put it on a statutory footing under the Social Housing (Regulation) Act 2023 whereas this is a completely new Code for the LGSCO.

This means each Ombudsman needs to ask different questions as part of the consultation process in order to consider the impact it has on the organisations they deal with.

The key officers who should be involved in preparing a single, coordinated response are:

- Chief Executive
- Monitoring Officer
- Member(s) responsible for monitoring complaint performance within your council.
- Director(s)/ Senior officer responsible for complaint handling
- Director of Housing (if applicable)

9. Summary and Action

9.1 The information compiled in this report aims to provide a clearer understanding of the published LGO statistics for Nottingham City Council in 2022-23. 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.

9.2 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."

9.3 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.

- 9.4 The HYS 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 HYS team continues to support services with complaint handling processes.
- 9.5 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.
- 9.6 The Customer Experience Lead provides regular updates to the Statutory Officers on the casework that is being investigated and decided on by both LGSCO and HO. This is reported to the Statutory Officers meetings and ensures that they are sighted on the complaints escalated through both Ombudsmen procedures and that there is robust monitoring of areas where fault or injustice has been identified, how this has been remedied and any service improvements as a result of Ombudsmen investigations and decisions.
- 9.7 The work being undertaken through the Together for Nottingham Plan recognises the importance of customer insight and the Customer Support Transformation Programme focuses on how our customers access our services, particular our 'front door' and encompasses a range of improvement milestones.
- 9.8 Further to the outcome of the consultation of the Joint Code with the LGSCO and HO, Nottingham City Council will review its current complaints practices further to ensure that they are aligned with the Code and any new guidance issued by both Ombudsmen.

9.9 The current proposed Joint Code has a requirement the Council has a single policy for dealing with complaints covered by the code as individuals must not be treated differently based on the service they are complaining about. The Customer Support Transformation Programme has already brought Corporate Complaints and Social Care Complaints together into the same service. Further work is ongoing with regards to complaints about Housing.

9.10 It is also recommended that the Council is aware for future reporting that the LGSCO is continuing to work towards being more selective with the complaints they select for investigation and issuing decisions on. This will reflect in future Review Letters and it is likely we will see an increase in upheld decision due to there being a decrease in cases that have a full investigation.

10. Published Documents Referred to in Compiling this Report

10.1 The published documents and resources referred to in this report are:

- The Local Government & Social Care Ombudsman 'Annual Review Letter 2022-23' *Published 26th July 2023*
- The Local Government & Social Care Ombudsman 'Review of Local Government Complaints 2022-23' *Published 26th July 2023*
- 'Your Council's Performance' Interactive Map
<https://www.lgo.org.uk/your-councils-performance>