

**6 June 2016**

**Annual Monitoring Report of Complaints Regarding Levels of Service Delivery**

**Report by Chief Operating Officer and Director of Customer Service**

**Executive Summary**

This report gives the numbers of complaints dealt with by the various service units of the County Council during the period 1 January to 31 December 2015; and other quantitative data, with commentaries.

The number of complaints recorded at the first stage rose from 615 in 2014 to 673. This is not a significant change when compared with a figure of 757 in 2013 but obviously it will be monitored.

Despite this increase the number of complaints upheld at stage one stayed almost unchanged at 199 (up from 194); and the number of complaints escalated to stage two fell by 18% from 86 to 73, with a dramatic drop in the number arising from street lighting, where the PFI installation programme was largely completed during 2014. The number of complaints referred to the Local Government Ombudsman (LGO) remained steady at 71 compared to 73 in 2014.

The amount recorded as paid to complainants in compensation dropped from £14,559.30 to £6,200. This amount arose from 6 complaints. Following an LGO investigation, Children's Social Care agreed to pay £4,250 to a mother and daughter for lost educational and other opportunities during a period of residential care in 2012. Children's Social Care made three other payments totalling £1700, details of which can be found in section 3.2. After another LGO investigation, Trading Standards paid £150 to a resident for the time and trouble he was put to in pursuing the matter of correspondence he had sent which did not reach its intended recipient. £100 was paid to a mother for her time and trouble in ensuring her son did not miss out on a college place when there was a delay in issuing his Education, Health and Care Plan (these replace Statements of Educational Need).

The number of recorded compliments rose by 20% from 2504 to 3094, well exceeding the number of recorded complaints for the sixth year in a row with the Library Service once more the chief contributor. Not included in this figure are the 2319 compliments the Library Service received for the Summer Reading Challenge (up by 305 from the year before) in which over 10,000 children take part.

**Conclusions**

The number of formal complaints dealt with by the County Council is a tiny proportion of the total transactions with service users and the public. Each complaint is, however, an opportunity to improve satisfaction, for the

complainant and for customers generally. Monthly and quarterly reports go to senior managers across the Council, and the Social Care Complaint Manager makes personal reports to the appropriate meetings within the Adults' and Children's services. The service commentaries show that changes to policies and practices are being made as a result of complaints. This demonstrates that the County Council takes complaints seriously and applies the lessons learned from them.

## Recommendations

That the report be noted.

## 1. Background

- 1.1 This is the eleventh annual report to Standards Committee on complaints against the County Council. This report also provides information for complaints dealt with by the Local Government Ombudsman in 2015.
- 1.2 The learning and service improvement opportunities from complaints are much greater when aggregated across the whole service over a period of time than those derived from a single complaint. This is one reason why a monitoring and reporting system has been put in place. Examples of learning from complaints are given in this report.

## 2. Complaints recorded against the County Council from 1 January to 31 December 2015

- 2.1 The table below summarises the complaints and compliments recorded by directorate or service unit. *More detailed data can be found in the appendix*

NB 'Other' outsourced services refers to services which have been outsourced separately from the Support Services Outsource to Capita

Directorate/Service		Stage One	Stage One Upheld	Stage One % within ten days or notified extension	Stage two	LGO**	Compliments	Compensation paid
Care, Wellbeing and Education	Adult Operations	132	46	84%	23	12	197	
	Family Ops - Childrens' social care	136	25	79%	7	9	50	£5,950
	Other Family Operations	31	12	95%	4	2	36	
	Education and Skills	16	5	88%	2	7	2	£100
	Public Health and Social Care Commissioning	6	1	83%	4	1	4	
Chief Operating Officer	COO	0	0	n/a	0	0	0	
	Commercial Director	2	0	100%	0	0	0	
	Director of Economic Growth	0	0	n/a	0	0	0	
Communities and Public Protection	Communities and Regulatory Services	1	0	100%	2	2	124	£150
	Emergencies and Resilience	0	0	n/a	0	0	1	
	Fire and Rescue	8	3	100%	0	0	38	
Corporate Resources and Services	Finance and Resources	5	2	75%	0	0	1	
	Law, Assurance and Strategy	12	4	100%	1	9	6	
	Workforce, OD and Delivery Support	1	0	100%	0	1	0	
Outsourced Services	Other Outsourced Services	67	25	100%	4	1	97	
	Outsourced Support Services	34	21	93%	1	0	37	
Residents Services	Customer Service	36	8	94%	4	1	2327	
	Highways and Transportation	147	38	89%	15	24	164	
	Planning and Infrastructure	24	3	83%	6	2	6	
	Policy and General	2	0	100%	0	0	0	
	Waste Management	13	6	100%	0	0	4	
<b>TOTAL</b>		<b>673</b>	<b>199</b>	<b>86%</b>	<b>73</b>	<b>71</b>	<b>3094</b>	<b>£6,200</b>
Previous Year		615	194	74%	86	73	2504	£14,559.31

\*\* Both Adults' social care and Blue Badge (reported within Highways and Transportation) have an appeals process separate to the complaints procedure, but which has the LGO as the final stage. LGO figures for these Directorates are not therefore direct escalations of local complaints.

Legal claims for compensation are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team. Figures for successful claims for damage caused by potholes are traditionally given within this report.

At the time of the annual report the Council had received 457 claims arising from incidents in 2015, out of which 285 have been settled, including payments to 67 claimants totalling £16,079.66. Of the 172 claims so far not settled, offers have been made to 25 claimants totalling £14,160.31.

At the same point last year, the figures were:

95	Settled with payment -	£27,215.28
541	Settled with nil payment	
90	Outstanding with offers so far totalling -	£25,079.67
257	Outstanding with nil payment	
Total Claims - 983		

**NB These payments may also include our costs.**

**3. Notable service commentaries are as follows:-**

**3.1 Adults' Services**

Once again Adults' services received more compliments (197) being received than complaints (132). That is a slight increase (from 193) in compliments, but the number of complaints also rose (from 112) back to the level recorded in 2013.

The Council's usual target for complaint response is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. Having improved the percentage of complaints responded to within agreed timescales from 74% in 2013 to 83% in 2014, it is heartening that Adults' services maintained this level despite the increase in complaints coming in, and that 14 responses were recorded as having been sent within 2 days.

Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include: -

Staff guidance on Best Interests Meetings updated and training promoted
A briefing note was circulated following a complaint which involved new Care Act responsibilities for Housing
All staff reminded of relevant IT policy with especial reference to social media

### 3.2 Children's Social Care

Children's Social Care is one of the areas where the number of complaints is significantly higher than the number of compliments, but this is to be expected given the nature of the work undertaken. Recorded compliments were down from 66 to 50 but were still double the number of upheld complaints (25).

Only seven complaints were escalated to stage two in 2015, and one stage 3 review panel was held in 2015, which resulted from a complaint started in 2014.

Four payments to complainants were recorded during 2015. Following an LGO investigation, Children's Social Care agreed to pay £4,250 to a mother and daughter for lost educational and other opportunities during a period of residential care in 2012. A payment of £500 was made following confusion over which authority was responsible for an assessment; £550 was paid to foster carers in recognition of the poor quality of a social worker's report on their care, also after an LGO investigation; and £650 was paid to a foster carer to cover backdated costs while a young person was in residence.

Changes to policy and/or service delivery that have taken place or been recommended as a result of complaints include: -

A Management Instruction was issued giving guidance on responsibility for assessment of Care Leavers or Older Children Looked After originally from other authorities but who are resident in West Sussex
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Complaint used as case study on importance of prioritising urgent referrals
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Review of procedures for cross service and partnership working when a child is considered to require a mental health act assessment
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### 3.3 Other Care, Wellbeing and Education services

Other services in this directorate accounted for 42 compliments and 53 complaints (compared with 41 compliments and 62 complaints in 2014). 6 complaints were escalated to stage two, although because the admissions appeals system bypasses the complaints procedure, 8 LGO investigations took place. £100 was paid to a mother for her time and trouble in ensuring her son did not miss out on a college place when there was a delay in issuing his Education, Health and Care Plan.

Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include: -

Training was given to Personal Advisers to help them better support care leavers into Higher Education
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All standard letters from SEN Advice Team reviewed to ensure there is clarity about timescales and deadlines
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### 3.4 Communities and Public Protection

Although most public attention for this directorate is probably focused on the Fire and Rescue Service, it also contains Trading Standards, which in 2015 recorded 124 compliments and only 1 new complaint. Fire and Rescue recorded 38 compliments and 8 complaints, little changed from 2014. Following an LGO investigation into a complaint initiated in 2014 (and mentioned in last year's report) Trading Standards

paid £150 to a resident for the time and trouble he was put to in pursuing the matter of correspondence he had sent which did not reach its intended recipient.

### 3.5 'Other' Outsourced Services

Stage one complaints under this heading refer almost entirely to the management of recycling sites by Viridor. Following changes to the contract in April 2013, stage one complaints are dealt with by the contractor, and only the totals are reported for recording although they are followed up by the Wastes Contracting team. The great reduction in escalated complaints was as forecast due to the re-provisioning of streetlighting being largely completed towards the beginning of the year.

### 3.6 Residents Services

The majority of complaints in this area are inevitably to do with Highways issues. However the restructuring of the Customer Service side of Highways last year is taking effect and has vastly reduced the number of follow-up calls customers are making.

As reported above, the major contributor of compliments to the whole Council is the Library Service which also yet again increased compliments for the Summer Reading Challenge. These are not recorded in the general table simply because they would overwhelm the rest of the compliments received.

Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include:-

Policy on unreasonable persistence and behaviour updated to include consideration of the time period between repetitions
Documentation reviewed to improve clarity around necessary information when arranging a marriage

## 4. Equalities Monitoring

4.1 The process for monitoring complaints by age, gender, race and disability continues to produce insufficient data to form any realistic judgement as to the effectiveness of the procedure for hard to reach groups. Where cross-checking with other databases (such as Frameworki) is possible this is done, but our experience is that complainants do not generally see giving this information as a priority in making or resolving a complaint and it is our general practice not to increase complainants' frustration by attempting to collect this data.

## 5. Local Government Ombudsman

5.1 Complaints received by the Ombudsman against West Sussex County Council fell (if only slightly) for the third year in a row in 2015.

5.2 Of the 71 LGO enquiries initiated in 2015;

- 24 were closed with no further action after initial enquiries;
- 16 were deemed to be out of the Ombudsman's jurisdiction (these are often complaints about the Council's decision not to make an offer for pothole damage, which are within the remit of the small claims court)

- 16 were not upheld with no maladministration being found;
- 4 were deemed to be premature as they had not completed our complaints procedures;
- And some fault was identified in the remaining 11.

In each of the cases of fault the Ombudsman and the Council agreed a suitable remedy, usually an apology or a re-assessment/review. Financial remedies were agreed in a very small number of cases and these are described under the service reviews above.

5.3 An anonymised list of cases dealt with by the Ombudsman is available from the Customer Relations Manager on request and a link to anonymised decision reports can be found on our 'Complaints Performance' webpage.

## 6. **Implications**

6.1 Other than the compensation outlined, there are no resource implications. There are no Crime and Disorder Act implications.

6.2 A positive environment for considering complaints and robust recording mitigates against a risk that the Council could fail to learn from complaints or might fail to communicate with customers over their complaints. The Council's processes were recently audited as satisfactory, and an action plan has been introduced to address some minor weaknesses.

6.3 Full account of the Human Rights Act is taken when dealing with complaints about the care of individuals.

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## **Appendix:**

Spreadsheet: [Data accompanying 2015 annual report to Standards Committee](#)

No background papers.

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