



Compliment and Complaints delivering Insight to Action

2016



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Introduction

This is the twelfth annual report on complaints against the County Council. This report also provides information for decisions issued by the LGO (Local Government Ombudsman) in 2016, as well as compliments recorded by the Council.

The Council's definition of a complaint is:

“A complaint is an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the County Council or its staff, affecting an individual customer or group of customers”

The Council has three procedures for dealing with complaints about services; the Adults' Social Care statutory procedure; the Children's Social Care statutory procedure; and the Corporate Complaints procedure. For ease of comparison, the terms stage 1, 2, and 3 are used throughout this report to refer to the equivalent stages in the different procedures. Full details of the procedures can be found on the Council's website, but put simply, the Council's aim is to resolve complaints for our customers as quickly and simply as possible. For this reason the initial stage is dealt with by the Manager responsible for the service, with an emphasis on trying to reach a resolution. If that resolution is not reached, the customer has the right to escalate matters to the next stage, where the complaint is looked into by a more senior person who has not been involved previously.

The Compliments and Complaints Team, which is part of the Customer Experience Service, is the central team supporting customers and staff to ensure that making a complaint is as easy as possible for all concerned. The team consists of:

David Tominey, Complaints and Representations Manager; and three Customer Relations Officers, Helen Thompson, Kerry Rickman and Duncan Macdonald.

The team can be contacted by emailing feedback@westsussex.gov.uk or calling 033 022 28222

Within the Customer Experience space we have a number of corporate measures which will help us focus on improving the service we provide our customers:

- Level of Satisfaction with the services received by our residents
- Residents finding it easy to access information service and support they need
- Freedom of information requests responded to within time
- The County Council response to recommendations from customer complaints.

Insight from complaints plays a key role in how we deliver the right outcome to our customers and in continually improving our service delivery. To achieve this there has been much activity within the way we collate and learn from our customer complaints. The Customer Experience team have been improving the way we report to senior managers with the development of the Compliments and Complaints Dashboard which will enable improved learning from complaints, locally and across the Council.

To support the delivery of the Compliments and Complaints Dashboard a new governance structure called Working Together Focus Group has been established which consists of Heads of Service meeting on a quarterly basis to review

complaints by directorate with the sole aim to develop a corporate view of identifying hot spots and trends. As a collective group next steps and actions will be agreed with a Senior Responsible Officer assigned to deliver improvements into their service with the focus of avoiding the complaint being repeated. More details of this can be found in section 3 of the report.

In this way, as well as putting things right for the individual service user, the Council learns from complaints in order to improve services for the future. The learning and service improvement opportunities from complaints can be much greater when aggregated across the whole service over a period of time, but it is also the case that useful organisational learning can be drawn from individual complaints. Examples of learning from complaints are given in this report.

1 The overall picture

Complaints recorded against the County Council from 1 January to 31 December 2016.

The table below shows the reasons recorded for complaints during 2016 in comparison with 2015.

Complaint Nature	2015	2016
Charging/Financial Assessment	18	47
Closure/Change/Transition between Services	1	5
Conduct of Staff	75	83
Behaviour	75	50
Competence		23
Failure Demand		10
Damage/Nuisance/Loss	10	7
Data Protection/FOI	20	21
Breach of Confidentiality	13	14
Failure to supply requested info	2	3
Inaccurate data on file	5	4
Operational Processes	32	45
Assessment	14	13
Eligibility		2
Legal proceedings	2	1
Safeguarding investigation	5	3
Service Request Refused		4
Other	11	22
Quality of Service	452	474
Communication with service - Avoidable Contact	99	64
Delays	49	65
Delivery	298	296
Discrimination	2	1
External service Quality Alert	4	2
Communication with service - Failure Demand		46
Use of recycling site	67	77
Waste Management policies and procedures	12	10
Grand Total	687	769

Explanatory notes:

1. Following a review of the 2015 figures as part of the production of a new reporting tool, some of those figures in this table have been restated and so differ slightly, but not significantly, from those appearing in the 2015 report as quoted in the text of this report. The new tool counts some compliments and complaints which were previously excluded either because they were diverted into another procedure or because they were credited to a contractor agency. Identifying these anomalies caused a delay in the release of the 2016 report, and the opportunity has been taken to re-align the directorates with the 2017 structure for ease of comparison going forward.
2. Figures in bold are the headline figures for a complaint category. Where a breakdown is available, the figures are shown immediately below.
3. The definition of avoidable contact used by the Council was amended in 2016 and a new category of failure demand was introduced. Taken together, these categories describe complaints arising from situations which were avoidable if the Council was easier to contact, or where contact had been promised but was that promise was not kept.

The table below summarises the complaints and compliments recorded by directorate or service unit in 2016.

Complaints by Directorate	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
Communities and Public Protection							
Communities	17	5	29%	100%	0	2	2350
Public Protection	11	4	36%	79%		2	154
Outsourced Support Services							
Outsourced Support Services	71	45	63%	87%	1		116
Other outsourced services							
Other outsourced services	78	31	40%	no data	4	2	74
Economy, Infrastructure and Environment							
Highways and Transport	144	33	23%	90%	17	10	116
Energy, Waste & Environment	10	2	20%	no data			8
Economy	22	3	14%	91%	7	4	3
Children's, Adults', Families, Health & Education							
Children's Social Care	164	38	23%	77%	13	13	28
Adults' Services	178	61	34%	80%	26	17	225
Education and Skills	34	9	26%	97%	3	6	70
Social Care Commissioning	1	1	100%	100%			2
Policy and Practice					1		1
IPEH	32	9	28%	81%	1	1	2
Safeguarding							7
Law and Assurance							
Law and Assurance	1		0%	100%		9	
HR and Occupational Change							
HR and Occupational Change	5	3	60%	100%		1	
Finance, Performance & Procurement							
Finance, Performance & Procurement							2
Corporate Finance	1		0%	100%	1		
Chief Exec's Department							
Chief Exec's Department							2
Total Complaints	769	244	32%	75%	74	67	3160

Explanatory notes:

4. The Adults' social care *appeals process* offers customers direct recourse to Local Government Ombudsman (LGO) review, as does the process for applying for a Blue Badge (reported within Highways and Transport). The LGO figures reported in relation to these processes do not reflect a failure to resolve issues locally through complaints processes, but represents the numbers of appeals that has been referred for review.

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

At the time of producing the annual report, the Council had received 558 claims arising from incidents in 2016, out of which 551 had been settled, including payments to 123 claimants totalling £49,081.21.

Of the 7 claims so far not settled, offers had been made to 3 claimants totalling £22,985.58.

The 2015 figures at this point were:

107 Settled with payment	£130,789.41
376 Settled with nil payment	
4 Outstanding with offers so far totalling	£107,876.21
7 Outstanding with nil offered	
Total Claims	494

NB These payments may also include the Council's costs.

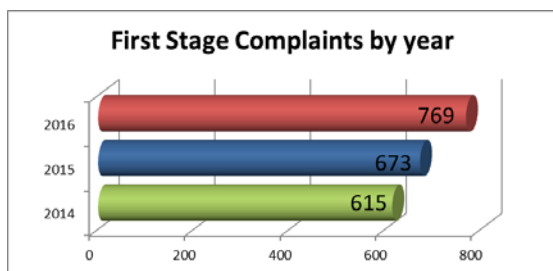
2 Analysis of overall figures

The number of complaints recorded at the first stage increased from 673 in 2015 to 769 in 2016. This represents an increase of 14% but it is worth comparing the two figures with those previously reported in 2012 (737); 2013 (757); and 2014 (615).

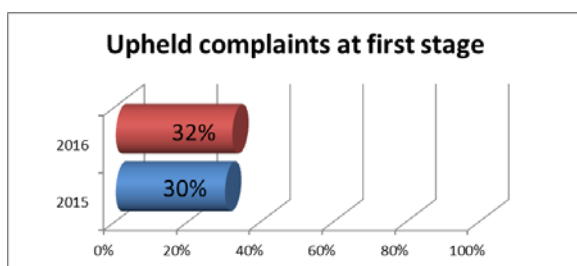
As the Council is a service provider, it is not surprising that a sizeable percentage (38% in 2016) of complaints refer to the delivery of service. The Complaints and Compliments Team are continually seeking to define these complaints more precisely in order to make better use of the information to improve services.

The number of formal complaints dealt with by the County Council is a fraction of one percent in proportion to the total transactions with service users and the public. If taken as a percentage of calls to the Customer Service Centre it would be 0.18%, however there are many more customer contacts through other channels. However this comment is in no way meaning that the Council simply accepts the level of complaints we have received. We want to avoid any customer needing to complaint, but also regard every complaint as an opportunity to learn and to implement changes that will avoid future complaints being made, improving our customers' experience and in turn our customers' satisfaction levels with the Council.

The Complaints and Representations Manager will monitor figures in the next reporting year (2017) to ascertain whether 2016 figures represent an unusual increase in complaints traffic.



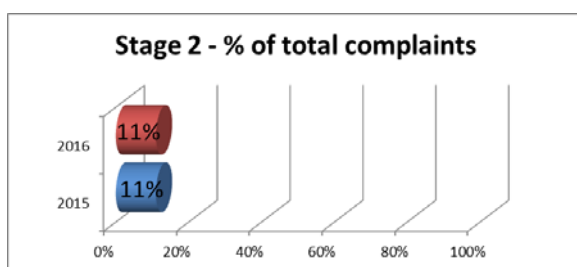
There was a very slight increase in the percentage of complaints recorded as upheld in this reporting period. A total of 244 (32%) of complaints were upheld in 2016, compared to 199 (30%) in 2015.



If a complainant is not satisfied with the response at the initial stage, they have the opportunity to escalate their complaint for consideration at a more senior level.

There are different names for this stage under the different procedures, but this report describes them all as stage 2 for ease of comparison. The number of complaints considered at stage two remained consistent, with 74 stage two complaints recorded in 2016, compared with 73 in 2015.

The number of complaints considered at stage two represents 11% of the total number of complaints received at stage one in 2016, which mirrors the 11% recorded in 2015.



Once a customer has exhausted the Council's complaints and appeals procedures, they have the option to ask the Local Government Ombudsman (LGO) to consider their complaint.

The number of decisions reached by LGO also decreased slightly, with 61 decisions recorded in 2016 compared with 67 decisions recorded in 2015. It is not possible to predict accurately how many complaints will be escalated to the LGO, but improving staff performance when considering complaints at a local level should remove the customer need to escalate to the LGO at all. Local resolution is key to improving the customer experience, and escalations will remain a focus for continual monitor and review, as we try to resolve complaints for customers as quickly and simply as possible.

2.1 Financial remedies

The complaints process is not designed to facilitate compensation payments. The Council will sometimes offer goodwill gestures, or ex-gratia payments in recognition of identified fault, but this is in itself quite rare. The LGO has a published guide on remedies for complaints scenarios, and this guidance is used when payments are considered as a result of a complaint being upheld.

Financial remedy payments are not 'compensation' but they are a method recommended by the LGO for resolving complaints where the Council has been at fault and is unable to resolve the situation in another way. The volume of complaints considered by the Council covers a range of issues raised by customers, which means that it will always be hard to predict what overall levels of financial remedy are likely to be offered by the Council.

The amount recorded as paid to complainants in financial remedy resulting from complaints investigations decreased significantly from £6,200 in 2015 to £1,517.02 in 2016.

This amount arose from 4 complaints. Adults' Social Care waived a total of £517.02 in fees for three complainants. Children's Social Care made a single payment of £1000 to a parent when it emerged that a letter sent some years ago regarding a child's behaviour had not reached its intended destination, which had had a knock on effect when the parent later made contact with another authority.

2.2 Compliments

When a customer is so satisfied with the service they have received that they make a special mention of it, the Council records this as a compliment.

The number of recorded compliments rose from 3094 to 3160, with the Library Service once more the chief contributor.

Not included in this figure are the 2994 compliments the Library Service received for the Summer Reading Challenge (up from 2319 in 2015) in which over 10,000 children take part.

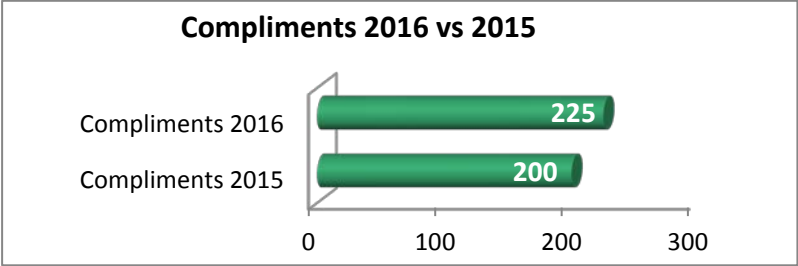
3 Major Service commentaries

3.1 Adults' Services

Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	178	61	34%	80%	26	17	225
2015	126	39	31%	86%	27	16	200

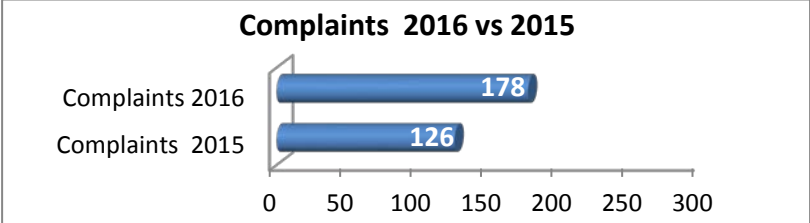
Adult's Services is the service within WSCC with the highest budget spend and is also the number 1 service for customer contact with the Council. It follows that it is also the service with the highest number of complaints. To put this into context in the financial year 2016/17 13,944 people received a service provided or

commissioned by Adult's Services^{1*}. This shows that approximately 1.3% of customers were so dissatisfied with their service that they complained to the Council.



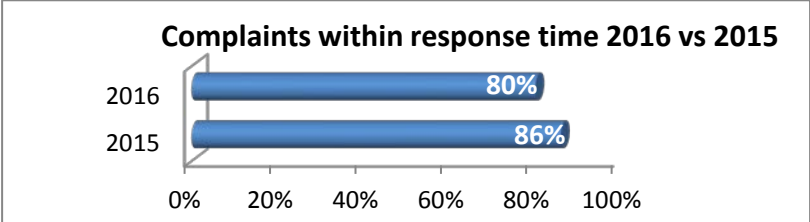
Adults' services received more compliments than complaints with a slight increase in compliments received in this reporting period;

The number of complaints recorded against Adults' services (178) has increased by 41% in comparison to the number of formal complaints recorded in 2015;



The increase in complaints is believed to be due to the more robust definitions now being followed by the Compliments and Complaints Team, but this will need to be monitored.

The Council's corporate target for complaints responses 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. The percentage of complaints responded to within agreed timescale;

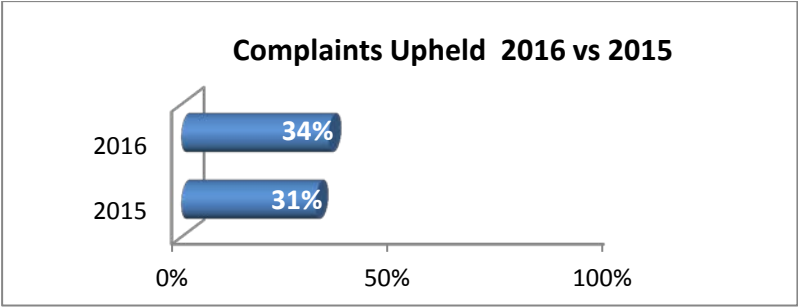


The percentage of complaints responded to within agreed timescale in 2016 was 80%, which represents a slight drop from the figure of 86% reported in 2015.

The Complaints Manager will continue to monitor these figures in 2017, as it is expected that staff should be able to respond, in most cases, within the agreed timescale.

¹ *source : Local Account report 2016/17 https://www.westsussex.gov.uk/media/9298/local_account_report.pdf

It is recorded that 34% of complaints considered at the first stage were upheld in Adults' services; this percentage is a slight increase on the figure reported in 2015.



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

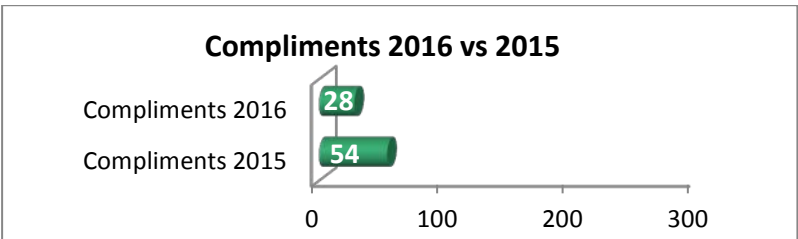
- A review of the process for blocking the issuing of invoices to prevent late implementation or late removal of blocks
- Improvements to the way Best Interest Meetings are minuted to ensure differing viewpoints are captured
- Letters regarding client contribution to costs re-worded to clarify how contributions are calculated

3.2 Children's Social Care Services

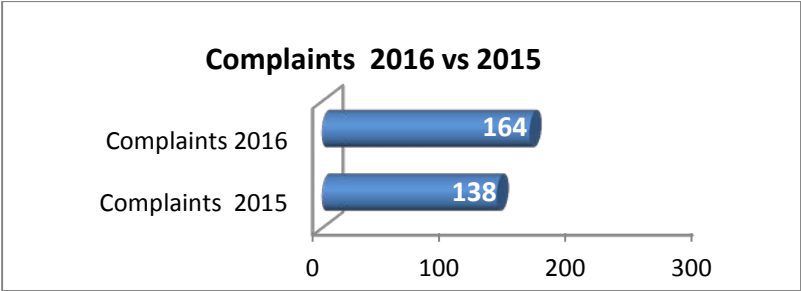
Children's Social Care	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	164	38	23%	77%	13	13	28
2015	138	16	12%	84%	7	11	54

Children's Social Care is one of the areas where the number of complaints is significantly higher than the number of compliments. The nature of the work undertaken by Children's social care in relation to ensuring the welfare of children and young people is often perceived to be intrusive by the families the Council works with. It is to be expected that the work Children's social care staff are obliged by statute to pursue creates an imbalance in the amount of complaints and compliments received in comparison to other areas of within the Council.

There was also a noticeable decrease in the number of recorded compliments in 2016 when compared with the number recorded in 2015, representing a difference of 48%. The Compliments and Complaints Team will be reminding managers of the importance of recording compliments centrally;

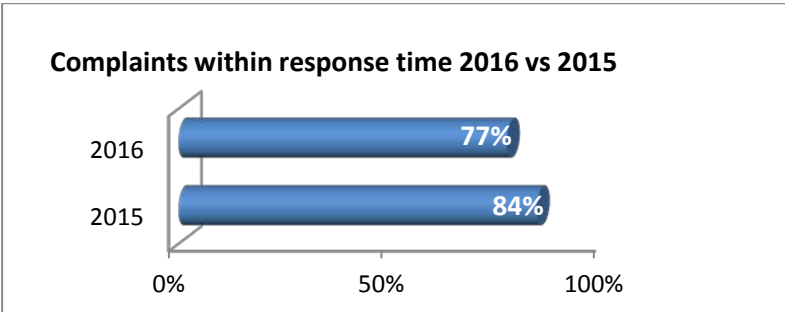


The number of complaints recorded against Children’s services has increased by 19% when compared with the number of formal complaints recorded in 2015;

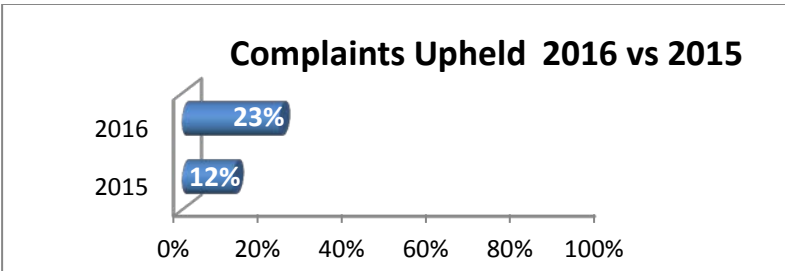


The Council’s corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children’s social care has the same targets.

The percentage of Children’s complaints responded to within agreed timescale shows a drop from 2015, from 84% to 77%;



A total of 23% of Children’s services complaints were upheld in 2016, representing a slight increase when compared with the 12% reported 2015;



The number of complaints recorded and upheld has increased considerably and this is ascribed to a more rigorous approach taken by managers within the service, but will need to be monitored over time.

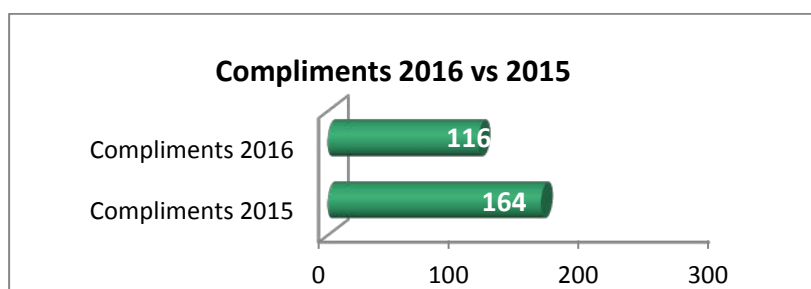
A payment of £1000 was made to a complainant in 2016 as a result of Children’s services complaints. A miscommunication on in relation to a file dating back to 2009 had subsequently resulted in inaccurate information being passed to a partner agency. A full and final settlement was agreed with the complainant. Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from complaints includes:

- The introduction of a process for analysing and managing the early stages of allegations of historic abuse
- Letters to be sent to birth parents reiterating the support available which has been detailed during court proceedings
- Robust processes introduced to ensure management involvement when it is proposed that a child is placed with, or moves to live with, a relative or family friend

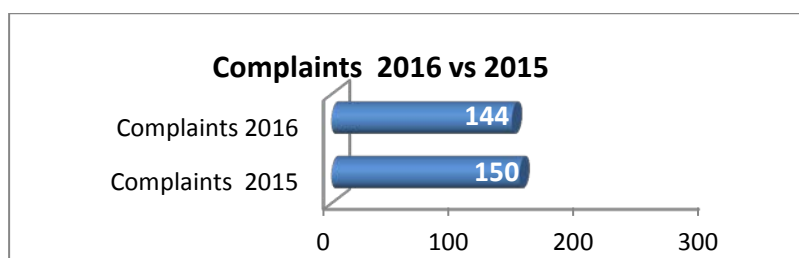
3.3 Highways and Transport

Highways and Transport	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	144	33	23%	90%	17	10	116
2015	150	31	21%	91%	15	28	164

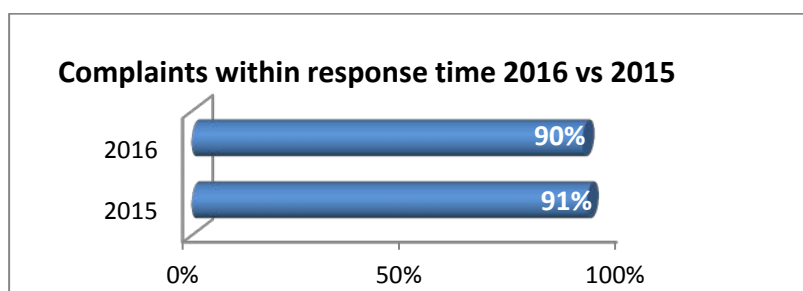
There was a noticeable decrease in the number of recorded compliments when compared with the number recorded in 2015. The Compliments and Complaints Team will be reminding all services about the importance of recording compliments centrally.



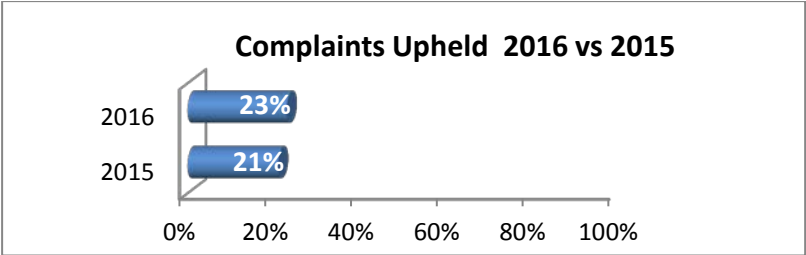
The number of complaints recorded against Highways and Transport service numbered 144, which is consistent when compared with the 150 formal complaints recorded in 2015;



In 2016 we saw a slight drop in performance from 2015 where complaints were responded to on time. A total of 90% of complaints were responded to within the agreed timescale, when compared with 91% in 2015;



The percentage of Highways and Transport services complaints that were upheld represents a slight increase when compared with the reported figure in 2015



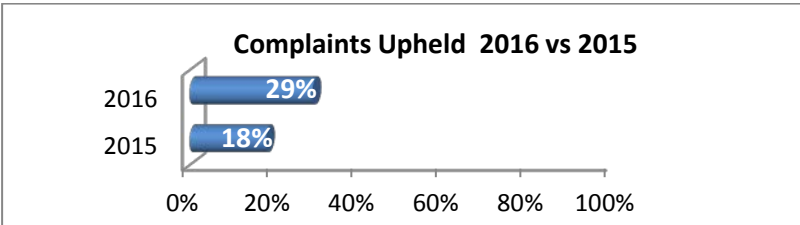
No changes to policy and/or service delivery took place as a result of a complaint investigation in this period, although there were recommendations for individual members of staff, which were managed through formal supervision sessions.

3.4 Communities

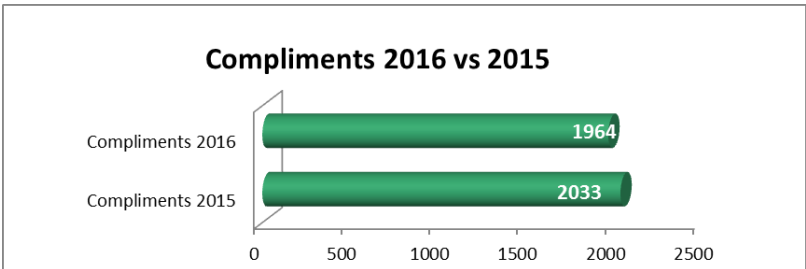
Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	17	5	29%	100%	0	2	2350
2015	38	7	18%	100%	4	1	2337

The Communities directorate houses a broad range of services from Libraries to Wellbeing to Registration Service.

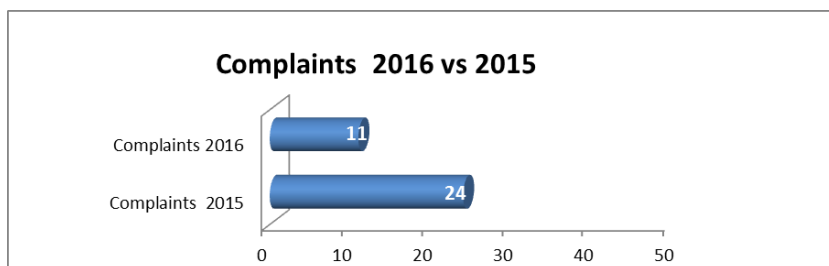
The percentage of Communities services complaints that were upheld increased from 18% in 2015 to 29% in 2016;



The traffic received in relation to Library services dwarfs the other services in the directorate on account of the huge number of compliments received. The service saw a small decrease on the compliments recorded in 2016 (1964) when compared to 2015 (2033);



There was however a marked decrease in complaints recorded for Library services when compared to 2015. A total of 11 complaints were received in the reporting period, compared with 24 recorded complaints in 2015;



In 2015 and 2016, Libraries responded to 100% of complaints within 10 working days.

No changes to policy and/or service delivery took place as a result of a complaint investigation in this period, although there were recommendations for individual members of staff, which were managed through formal supervision sessions.

3.5 Public Protection

Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	11	4	36%	79%		2	154
2015	9	3	33%	100%	2	2	156

Within Public Protection, both Trading Standards and the Fire Service are services where the number of compliments received outweighs the number of complaints received.

Only 4 complaints were formally logged against Trading Standards in 2016 (1 was logged in 2015) but 112 compliments were recorded in the same period, which is consistent with the number of compliments recorded in 2015 (110).

The Fire Service statistics remain steady when compared with the 2015 returns.

In 2016, 7 complaints and 42 compliments were logged for the Fire Service compared to 8 complaints and 46 compliments in 2015.

No changes to policy and/or service delivery took place as a result of a complaint investigation in this period.

3.6 Education & Skills

Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	34	9	26%	97%	3	6	70
2015	36	15	42%	97%	5	12	34

Services within Education & Skills accounted for 34 formal complaints, and 70 compliments. Of those complaints, 26% were upheld, and 97% were responded to on time.

The number of complaints is consistent with the reported figures in 2015. There has been a large increase in compliments received within the service just over twice the number that were recorded in 2015.

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

- Publication of a document explaining team roles and timescales after application for an Education, Health and Care Plan
- Change of working practices within care leaver support to ensure only key staff are involved in planning

3.7 Other Outsourced Services

Other outsourced services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	78	31	40%	no data	4	2	74
2015	69	25	36%	no data	4	1	97

Stage one complaints under this heading refer almost entirely to the management of recycling sites by Viridor, with 77 of the 78 recorded complaints relating to waste management.

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. In 2017-18 the Compliments and Complaints Team will be seeking to improve our understanding of complaints received by our major contractors.

4 Local Government Ombudsman

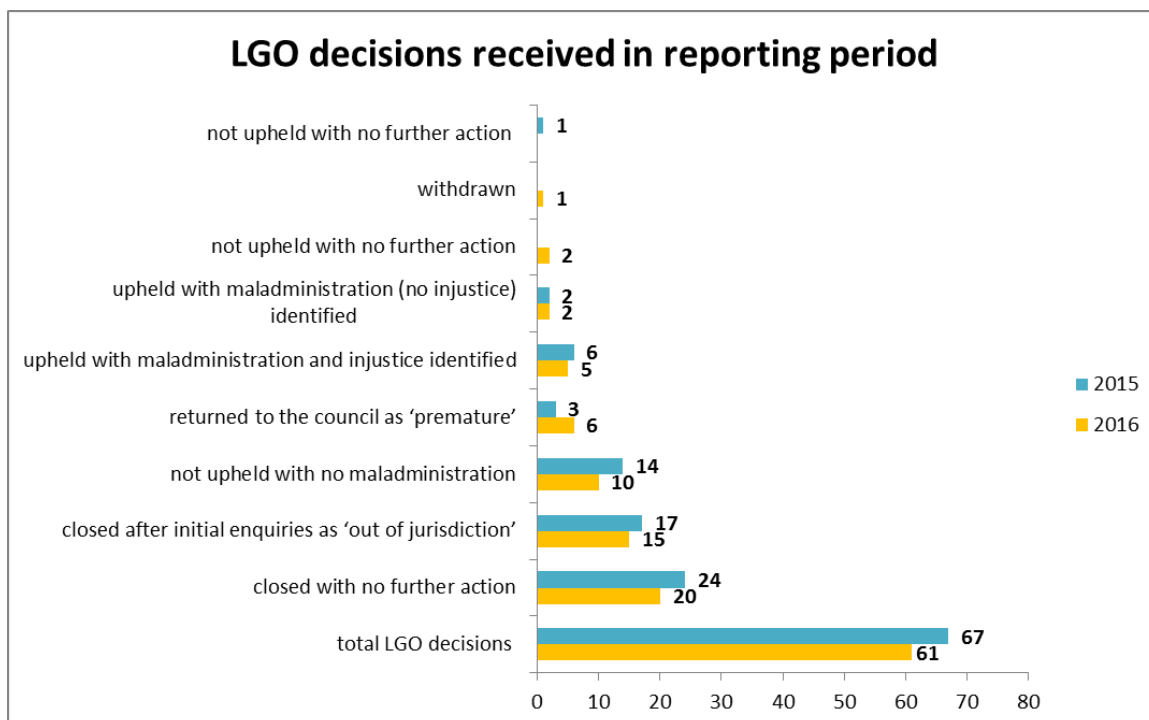
A total of 67 Ombudsman enquiries were formally logged in 2016, which represents a 6% decrease from the 71 recorded in 2015.

The number of decisions issued by the Ombudsman in 2016 (61) decreased slightly in comparison to the number issued in 2015 (67).

Of the 61 decisions issued in 2016:

- 20 were closed with no further action
- 15 were closed after initial enquiries as 'out of jurisdiction';
- 10 were not upheld with no maladministration;
- 6 were returned to the council as 'premature';
- 5 were upheld with maladministration and injustice identified;
- 2 were upheld with maladministration (no injustice) identified;
- 2 were not upheld with no further action;
- 1 was withdrawn

In each of the seven cases where fault was identified, the LGO and the Council agreed a suitable remedy, usually an apology or a review of decision.



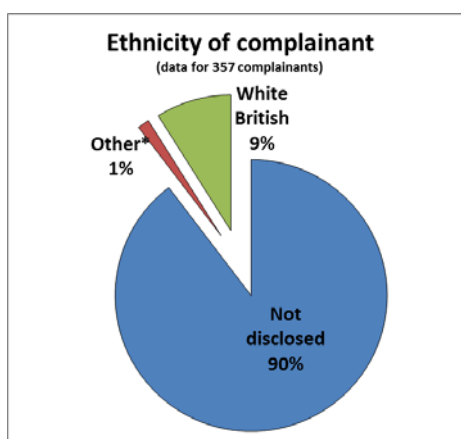
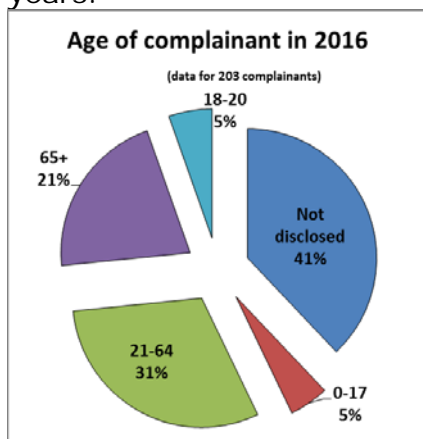
An anonymised list of cases considered by the LGO is available from the Complaints & Representations Manager David.Tominey@westsussex.gov.uk and all anonymised decision reports are held on file and accessible on request. The reports can also be downloaded from the LGO website.

5 Equalities Monitoring

The process for monitoring complaints by age, sex, race, disability, religion or belief, and gender reassignment has historically produced insufficient data to form any realistic judgement as to the effectiveness of the procedure for individual groups.

The Customer Relations Team has undertaken an audit of all social care complaints received in 2016 in order to better understand who is utilising the complaints process and what this tells us when compared to the population statistics of West Sussex.

The data captured for 2016 is not complete but is an improvement on previous years.



*Other made up of:
 White Other
 Any other mixed background
 Other Ethnic Group
 Chinese
 Other Black