

27 June 2012

Complaints Annual Monitoring Report

Report by Chief Executive and Customer Relations Team Manager

Executive Summary

This report gives the numbers of complaints dealt with by the various service units of the County Council during 2011/12 and other quantitative data, with commentaries. A more detailed report will be published on the County Council website by the end of June.

The number of complaints recorded at stage one continues to fall, which in a period when services are being restructured across the Council is perhaps unexpected, although it may be that such a large amount of publicity was given to the reduction in nationally available budget allocation that residents are more accepting of change than they would otherwise be. However for a number of service changes, such as the reassessment of all Adults' social care client, the detailed planning that went into the process has undoubtedly also been a factor.

The proportion of complaints escalated from stage one has increased to from 8% to 10%, which is not surprising; when fewer complaints are received overall, it is likely that the proportion received from 'determined' complainants will rise. Gratifyingly, this increase in escalation has not been accompanied by an increase in the ratio of complaints upheld to stage one complaints recorded, which has dropped again this year to 29% from 33%.

Changes to the statutory complaints procedure for Adults' social care in September 2009 introduced the idea of 'Early Resolution', encouraging the manager responding to the complaint to have an early discussion with the complainant in an attempt to agree a way forward, which is then confirmed in a letter. This has proved very successful, with 28% of complaints in 2011/12 settled in this manner. Early Resolution has the potential to offer a quicker solution to complainants; a solution which the complainant has a part in designing; a reduction in the necessary correspondence, since no acknowledgment letter is required. The Committee is therefore asked to consider the introduction of Early Resolution as the favoured first step in the County Council's Corporate Complaints Procedure.

The amount paid to complainants in compensation was high last year due to one single Ombudsman decision which resulted in a backdated payment to an Adults' Services customer. This year's drop of 60% to £12,364.60 was therefore in line with our expectations.

At the same time as a drop in recorded complaints, the number of recorded compliments increased to 1005 from last year's high of 842, mainly thanks to the Library Service more than doubling their contribution, following a

reminder issued by the service to managers in anticipation of the 'Christmas compliments period. This meant the Council maintained the position of compliments outstripping complaints, which according to our records was only achieved for the first time last year. Not included in these figures, but worthy of separate mention, are 717 compliments the Library Service received for the Summer Reading Challenge in which over 10,000 children took part.

The report also covers complaints dealt with by the Local Government Ombudsman. *NB The final LGO report is awaited, these comments/figures are based on the initial draft.* Eighty-one complaints were decided by the Ombudsman. This is an increase from seventy in 2010-11 and is attributable to the use of the streamlined appeals procedure for Adults' social care. The reassessment process was subject to the appeals procedure where clients did not agree with the outcome, and the final stage of this procedure is to ask the Ombudsman to consider the Council's handling of the process. Thus far, although the Ombudsman has asked the Council to strengthen some of the associated information, there have been no findings against the Council following appeals after reassessment.

Once again there were no reports against the County Council issued by the Ombudsman. Seventeen complaints were decided as a local settlement (up from sixteen); of these six involved a remedy payment. The others involved either a formal apology or a piece of normal business.

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. 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. This was the main objective of the complaints review initiated by the former Resources and Information and Liaison Services (RILS) Select Committee in 2003.

Recommendations

- (1) That the Committee agree the adoption of Early Resolution into the Corporate Complaints Procedure
- (2) That the report be noted

1. Background

1.1 This is the seventh full-year annual report to Standards Committee on complaints against the County Council. This report also provides information for 2011/12 complaints dealt with by the Local Government Ombudsman.

1.2 The staff guidelines on handling complaints state:

"A complaint is a simple means for our customers to voice their concerns about our services. By resolving a complaint effectively we can improve our

services and the confidence of our customers ... Complaints are valuable because they provide a chance to put things right if there has been an error and make sure that the same mistake is not repeated."

- 1.3 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. This is the third year in which a central monitoring and reporting system for compliments and complaints, and the learning they generate, has been in place. This central system is administered by the Customer Relations Team, which also gives support and advice on complaints handling and processes to both staff and customers.

2. Complaints made to the County Council in 2011/12

- 2.1 The table below summarises the number of complaints recorded.

Complaints 2011/12

For ease of comparison, figures continue to be collated as far as possible under the same structure as 2009/10. Previous year's figures and equivalent service units (where applicable) shown in brackets.

Service	Complaints received			Complaints upheld or partly upheld	Complaints dealt with within timescale	Compensation offered or paid (inc LGO decisions)	Compliments received
	Stage 1	Stage 2	Stage 3 ^a				
Adults' Services ^b	175 (224)	23 (17)	N/A (0)	45 ^c (54)	88% (84%)	£3760 (£22,669.70)	184 (175)
Children's Social care ^d	130 (198)	15 (14)	2 (1)	28 (62)	83% (80%)	£7845 (£0)	61 (56)
Learning ^d	25 (53)	3 (3)	N/A (0)	6 (20)	100% (80%)	£0 (£8,335)	16 (12)
Children (other)	1 (1)	0 (0)	0 (0)	1 (1)	100% (100%)	£0	0 (2)
ADULTS AND CHILDREN TOTAL	331 (476)	41 (34)	2 (1)	80 (137)		£11,605 (£31,004.70)	261 (243)
Safety and Traffic Management/ Engineering and Traffic Management	7 (5)	3 (3)	N/A	4 (1)	100% (87.5%)	£0 (£0)	14 (3)
Highways Northern/Gatwick Diamond	44 (32)	2 (5)	N/A	14 (13)	98% (95%)	£0 (£0)	17 (11)
Highways Southern/Coastal	28 (38)	3 (3)	N/A	10 (8)	87% (98%)	£0 (£0)	12 (21)
Highways Western/Rural	32 (37)	1 (4)	N/A	11 (13)	91% (83%)	£0 (£0)	43 (35)
Parking Strategy ^e	2	0	N/A	1	100%	£0	0
Road Safety	2 (5)	0 (1)	N/A	2 (1)	100% (83%)	£0 (£0)	11 (4)
Transport	17 (12)	1 (2)	N/A	3 (6)	94% (96%)	£759.60 (£0)	4 (5)

Service	Complaints received			Complaints upheld or partly upheld	Complaints dealt with within timescale	Compensation offered or paid (inc LGO decisions)	Compliments received
	Stage 1	Stage 2	Stage 3 ^a				
County Development and Local Development	6 (5)	1 (0)	N/A	6 (2)	100% (100%)	£0 (£0)	1 (0)
Public Rights of Way	3 (2)	1 (0)	N/A	0 (1)	100% (50%)	£0 (£0)	8 (15)
Community Safety	0 (2)	0 (1)	N/A	0 (1)	N/A (100%)	£0 (£0)	0 (1)
Library Services	37 (36)	0 (0)	N/A	9 (11)	86% (91%)	£0 (£0)	281 ^k (132)
Environment	0 (2)	0 (0)	N/A	0 (0)	N/A (50%)	£0 (£0)	0 (1)
Record Office	0 (1)	0 (0)	N/A	0 (1)	N/A (100%)	£0 (£0)	57 (42)
Registration service	9 (8)	0 (0)	N/A	4 (6)	89% (100%)	£0 (£9)	13 (1)
Trading Standards	3 (3)	0 (1)	N/A	0 (0)	100% (100%)	£0 (£0)	72 (112)
Fire & Rescue Service	26 (28)	0 (0)	N/A	2 (7)	100% (86%)	£0 (£0)	74 (89)
Wastes Mgt	41 (70)	3 (1)	N/A	22 (34)	91% (87%)	£0 (£0)	7 (12)
COMMUNITIES TOTAL	255 (286)	15 (21)	N/A	88 (105)		£759.60 [£18,475.13 From 58 successful claims]^f (£9) [£22,360.67 from 87 successful claims]	614 (484)
HR Services	6 (3)	1 (0)	N/A	3 (1)	86% (100%)	£0 (£0)	1 (2)
Other Business Services ^g	(6)	(0)	N/A	(5)	(83%)	(£0)	(14)
Commercial Services ^h	3	1	N/A	2	75%	£0	0
Contact Centre	4 (4)	0 (0)	N/A	2 (4)	100% (100%)	£0 (£0)	75 (120)
Customer Relations Team	2 (5)	0 (0)	N/A	1 (3)	100% (100%)	£0 (£0)	26 (14)
Online Service Delivery ^h	2	0	N/A	2	100%	£0	5
Support Services ^h	3	1	N/A	2	100%	£0	15
CUSTOMERS AND CHANGE TOTAL	18 (18)	3 (0)		10 (13)		£0 (£0)	122 (153)
Democratic services	0 (1)	0 (1)	N/A	0 (0)	N/A (100%)	£0 (£0)	0 (1)
Legal Services	4 (5)	2 (5)	N/A	1 (3)	83% (N/R)	£0 (£0)	0 (3)
Travellers and Enforcement	3 (0)	1 (0)	N/A	1 (0)	100% (N/A)	£0 (£0)	0

Service	Complaints received			Complaints upheld or partly upheld	Complaints dealt with within timescale	Compensation offered or paid (inc LGO decisions)	Compliments received
	Stage 1	Stage 2	Stage 3 ^a				
LEGAL AND DEMOCRATIC SERVICES (POLICY AND PARTNERSHIP) TOTAL	7 (6)	3 (6)		2 (3)		£0 (£0)	0 (1)
Resources and Performance	1 (0)	0 (0)	N/A	1 (N/A)	0% (N/A)	£0 (£0)	3 (0)
Finance	17 (9)	0 (1)	N/A	5 (2)	82% (70%)	£0 (0)	0 (3)
Capital and Asset Management (Property)	4 (6)	1 (2)	N/A	3 (4)	80.0% (87.5%)	£0 (£0)	0 (0)
FINANCE AND PERFORMANCE TOTAL	22 (15)	1 (3)		9 (6)		£0 (£0)	3 (3)
PUBLIC HEALTH, WELLBEING AND SAFEGUARDING^h	3	0		0	100%	£0	5
NOT DIRECTORATE SPECIFIC	3 (0)	1 (0)	N/A	1 (0)	100% (N/A)	£0	0
WSCC TOTAL	639 (801)	64 (64)	2 (1)	190 (264)	-	£12,364.60 (£31,013.70)	1005 (842)

^a A new statutory procedure for **Adults' social care** was introduced on April 1st 2009 which does not include stages (see ^bcommentary below). As the Corporate procedure now only has two stages, the only three-stage process remaining is in Children's social care.

^b Under the 2009 statutory procedures for Adults a number of classifications are possible for the first approach. For convenience these are all reported here as stage one. The second stage of the procedures is 'Final response' which is reported here as stage two, but this does not equate to the old independent investigation stage; it is simply a review of the outcome by the Area Ops Manager to ensure they are in agreement with the decision before the complainant is referred to the Ombudsman. In addition some complaints about Adults' services (e.g. those made by a relative who is not a carer) are dealt with under the corporate complaints procedure, which retains the two-stage approach.

^c Under the Adults' procedures, team managers are first required to consider whether an early resolution to the complaint might be possible. If so then a call is made to the complainant to discuss the way forward. This shortening of the process with personal contact is a benefit of the new procedure. Where this call is successful an early resolution is recorded. No determination is therefore made of whether the complaint was 'upheld'. The records show that of the 198 complaints, early resolution was attempted in 60 and a resolution was reached in all but 4 cases. In addition a parallel process for appeals against decisions was in use for its first full year. Appeals are not recorded as complaints. The process was used for appeals against the outcome of the reassessment against the new eligibility criteria. The figures to 16 May 2012 show that 77 appeals had completed the final internal stage of consideration by the Head of Health and Social Care. Of these 74 were to

do with the reassessment process and of those 11 had been upheld or partly upheld.

^d Stage 1 numbers here include 'representations', expressions of dissatisfaction not reaching the threshold of the complaint procedure, or made by a third party who does not have sufficient involvement to warrant access to the complaints procedure.

^e Figures not separately reported previously for this unit

^f Legal claims for compensation are not counted as complaints and are handled as insurance matters by the Legal Services Unit. However to inform members of the costs of claims against Infrastructure, these figures are included in this report. The figures shown for 11/12 are for claims for pothole damage settled in the financial year, and are from a total of 413 claims determined (856 in 2010-11).

^g These services reported separately for 2011/12 (marked ^h)

^j This directorate has not previously been reported separately. These figures do not include returns for the Independent Review Unit which have been reported in Children's Social Care for reasons of consistency around the OFSTED inspections

^k Does not include 717 compliments received for the Summer Reading Challenge

3. Notable service commentaries are as follows:-

3.1 Adults' Services

The number of complaints recorded has dropped for the second year running. This is attributed to the new appeals system and to the statutory definition which removed the requirement to record verbal complaints resolved within 24 hours.

The number of compliments reported is again slightly up on last year – this follows a general reminder to teams of the need to report compliments centrally as a counter-balance to complaints but in a year when every client was re-assessed this was unexpected and is a tribute to the whole directorate.

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

Amendments to the 'Paying for non-residential care' leaflet to specifically mention the Fairer Charging Policy
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Improvements to the letters set out after reassessment to give a more detailed explanation of any reduction in eligibility
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Work with residential providers to improve their updating of key documents
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3.2 Children's Services (Social Care)

Response timescales have improved slightly but the continued high overall workload means they could still be better. The reminder service introduced last year by the Customer Relations Team has been well received, but the take-up of the offer to send holding letters extending the timescale has not been sufficient –

we will be pushing this service this year and this should result in a further improvement.

All operational social care complaints and responses are seen by the Head of Improvement, and the Social Care Complaints Manager contributes to meetings of the Quality and Performance Management team as well as leading sessions on learning from complaints at the regular Quality and Performance workshops for staff.

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

Child protection procedures reviewed in relation to allegations of fabricated illness
Procedures tightened to ensure pathway plans for young people leaving care are in place and of the appropriate standard
Social workers reminded that in cases where parents have learning difficulties, an advocate may be as important as an interpreter would be to parents who do not speak English well

3.3 Children’s Services (Learning)

Stage one complaints dropped by over 50% from 53 to 25; and this in itself was down from 143 the year before. The service should be congratulated for this improvement.

Not recorded under the complaints procedure, but worthy of note is the fact that a recent independent survey showed that the SEN tribunal receives a much lower number of appeals from West Sussex than from comparable neighbouring authorities.

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

Admissions appeals leaflets revised to improve explanation of where schools should be named by parents for an in-year transfer request
School transport appeals procedure formalised and clearly documented
Guidance on time ‘exempted’ from SEN timescales strengthened

3.4 Infrastructure

The number of complaints and compliments recorded was little changed this year, which is a good sign in a period where there was considerable restructuring of the directorate. There are occasional examples of timescales continuing to slip in dealing with complaints, and these are being addressed and appropriate support offered by the Customer Relations Team.

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

Improvements to the communications process between the Contact Centre and operational teams
Sub-contractors reminded of need to pass on details of complaints/incidents promptly and appropriately

Changes made to improve skip licence application process and associated information for applicants
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3.5 Wastes Management

Wastes Management complaints include those made to WSCC about the staff at recycling sites, who are employed by contractors Viridor or Shadow. These complaints tend to be about the attitude or behaviour of staff when enforcing WSCC policies, so it is gratifying to note that reported complaints overall have fallen for the second year in a row, and the number of complaints upheld is also down. However, recorded compliments have also fallen this year and we will be reminding all teams yet again to ensure they pass compliments on.

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

Alternative containers being investigated to reduce risks from asbestos

Clearer guidelines issued as to when items cease to be the 'property' of the person who brings them to the site

3.6 Fire and Rescue Service

There has been very little change in the numbers of complaints recorded, although compliments are slightly down from 89 to 74. However only two complaints were upheld after investigation, which is an excellent return. All complaints were responded to within timescale.

3.7 Library Service

Complaints performance was almost unchanged this year. Less than one complaint per week is received across a service with a very large number of interactions with the public; and less than one per month was upheld.

The Library Service must be congratulated for the compliments recorded this year. As well as more than doubling compliments for 'business as usual' from 132 to 281, the service also received 717 compliments for the Summer Reading Challenge, in which over 10,000 children took part – only just missing out on the 1000 compliments mark.

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

Introduction of a more regular cleaning of computer keyboards

Changes to layout to reduce disturbance to users
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4. Equalities Monitoring

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.

5. Local Government Ombudsman

- 5.1 The Local Government Ombudsman has recently produced her draft statement of the number of complaints against each local authority in 2011/12. The Customer Relations Team Manager has commented on some small discrepancies, and a final report is awaited. The following commentary is based on the draft report but amendments may be necessary once the final report is received.
- 5.2 Complaints received by the Ombudsman against West Sussex County Council have risen for the third year in a row, up to 129 this year from 119 last year. The number of complaints actually determined (excluding premature complaints) rose from 70 to 81. This rise is largely comparable with the number of appeals received by the Ombudsman following the reassessment of all Adults' social care clients.
- 5.3 26 complaints (against 11 last year) were deemed premature and were sent through to be dealt with under the County Council's own complaints procedures.
- 5.4 The following table summarises how complaints against the County Council were determined. New descriptions have been used by the Ombudsman this year, and comparisons with last year are not possible: -

Report issued against the Council	0
Injustice remedied during enquiries	17
No or minor injustice	19
Not enough evidence of fault	17
Investigation not justified	12
No reason to use exceptional power to investigate	6
No power to investigate	10
<i>Premature Complaints</i>	<i>11</i>

- 5.5 The functional split of cases determined (excluding premature ones), with last year's figure given in brackets, is as follows: -

Social Services – Adults	34	(23)
Social Services – Children	18	(5)
Education	13	(20)
Highways and Transport	10	(12)
Housing	1	(1)
Planning	2	(2)
Other	2	(7)

- 5.6 There is no clear reason why the number of cases 'determined' for Children's social care should have risen, and due to a new form of report from the Ombudsman a comparison is difficult. However it is worth noting that in 10 of the 18 cases the determination was that the Ombudsman should not proceed to the investigation stage.
- 5.7 The Ombudsman records the time the Council takes to respond to his first enquiries on a complaint at the investigation stage, measured in calendar

days from the date he sends his enquiry to the date he receives a substantive response, with a target of a response in 28 calendar days. There were 43 such enquiries in 2010/11 and the average response time was slightly above the target at 28.5 days. The LGO's draft report for 2011/12 indicates that the timescale was slightly improved this year at 26.3 days for 37 enquiries.

5.8 The Ombudsman produces an "annual letter", commenting on the results and on general liaison with the Council. The letter in full will be placed on both the County Council's website and that of the Ombudsman (www.lgo.org.uk).

5.9 A list of cases dealt with by the Ombudsman is available from Dave Loveman on request.

6. **Implications**

There are no resource, Crime and Disorder Act or Human Rights Act implications directly arising from this report. There is a reputational risk to the County Council if customer relations matters are not treated seriously – this report demonstrates that complaints and compliments are acted on and taken into account in service provision and planning.

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Background papers:

WSCC Complaints Procedure: Guidance for Staff
Local Government Ombudsman complaint statistics (*not yet available*)

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