

10 June 2013

Complaints: Annual Monitoring Report

Report by Chief Executive and Head of Law and Governance

Executive Summary

This report gives the numbers of complaints dealt with by the various service units of the County Council during the period 1 April to 31 December 2012; and other quantitative data, with commentaries. This period has been chosen because of the move to a new structure on 1st January 2013. It is intended that future reporting will be on a calendar year basis. The following comments take into account the shorter reporting period.

After a fall for the previous two years, the number of complaints recorded at stage one has risen slightly. The small overall rise is actually made up of two opposing changes; a continued fall in complaints about social care services and a rise in highways-related complaints. At least part of the reason for the rise in highways complaints was an increase in contacts from residents who were complaining about failure to keep them informed about progress. This appears to have been caused by tracking problems following a restructure of the teams, and has been addressed firstly by local process changes and more latterly by changes in responsibility for complaints handling.

The proportion of complaints escalated from stage one has increased again, from 10% to 12%. There is no obvious reason for this and it may not be statistically significant, but will be monitored. The ratio of complaints upheld to stage one complaints recorded remained almost unchanged at just over 29%.

The amount paid to complainants in compensation fell again from £12,364.60 for the full year to £5773.47. However as payments can be in the low thousands, this may be a matter of the timing of pay-outs rather than a trend.

The number of recorded compliments has increased again, and for the third year in a row has exceeded the number of recorded complaints. Once again the Library Service led the way. Not included in these figures, but worthy of separate mention, are 1474 compliments the Library Service received for the Summer Reading Challenge (up from 717 the year before) in which over 10,000 children take part.

The report also covers complaints dealt with by the Local Government Ombudsman. As the Ombudsman has not yet issued any figures for the last year, the draft report depends on the Council's record, and may need to be amended following the Ombudsman's publication.

There were no reports against the County Council issued by the Ombudsman during this period*. The Ombudsman issued decisions on 87 complaints in the nine month period, compared to only 81 in the previous full year. However this is almost entirely accounted for by the 18 decisions on blue badge appeals, which

was expected as the Council started to implement the tougher regulations issued by the DfT, meaning that some existing holders have been turned down for renewal. As the renewal period for a blue badge is three years, this increased level of appeals is forecast to continue for another two years, until all current holders have been through the renewal process.

** A report against the Council has recently been received and is dealt with as a separate agenda item*

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.

Recommendation

That the report be noted

1. Background

1.1 This is the eighth annual report to Standards Committee on complaints against the County Council. This report also provides information for 2012 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."

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 made to the County Council in from 1 April to 31 December 2012

2.1 The table below summarises the number of complaints recorded.

2.2 For ease of comparison, figures continue to be collated as far as possible under the same structure as 2009/10. Figures shown in brackets are for

equivalent service units (where applicable) for the **full previous financial year** (1 April 2011-31 March 2012)

Service	Complaints received			Complaints upheld or partly upheld	Complaints dealt with within timescale ^d	Compensation offered or paid (inc LGO decisions)	Compliments received
	Stage 1	Stage 2	Stage 3 ^a				
Adults' Services ^b	129 (175)	42 (23)	N/A	31 (45)	78% (88%)	£0 (£3760)	135 (184)
Children's Social care ^d	96 (130)	9 (15)	5 (2)	23 (28)	88% (83%)	£3702.04 (£7845)	36 (61)
Learning ^d	36 (25)	0 (3)	N/A	10 (6)	83% (100%)	£2071.43 (£0)	5 (16)
Children (other)	2 (1)	2 (0)	N/A (0)	1 (1)	100% (100%)	£0 (£0)	1 (0)
ADULTS AND CHILDREN TOTAL	263 (331)	53 (41)	5 (2)	65 (80)		£5,773.47 (£11,605)	177 (261)
Safety and Traffic Management	2 (7)	0 (3)	N/A	0 (4)	50% (100%)	£0 (£0)	20 (14)
Gatwick Diamond	56 (44)	2 (2)	N/A	13 (14)	85% (98%)	£0 (£0)	17 (17)
Coastal	44 (28)	1 (3)	N/A	16 (10)	90% (87%)	£0 (£0)	11 (12)
Rural	40 (32)	1 (1)	N/A	11 (11)	61% (91%)	£0 (£0)	26 (43)
Highways Commissioning ^h	11	0	N/A	3	50%	£0	16
Parking Strategy (inc Blue Badge) ^e	23 (2)	2 (0)	N/A	10 (1)	90% (100%)	£0 (£0)	3 (0)
Road Safety	0 (2)	0 (0)	N/A	0 (2)	N/A (100%)	£0 (£0)	7 (11)
Streetlighting ^h	1	1	N/A	0	100%	£0	1
Transport	23 (17)	0 (1)	N/A	8 (3)	96% (94%)	£0 (£759.60)	5 (4)
County and Local Development/ Strategic Planning	5 (6)	2 (1)	N/A	1 (6)	78% (100%)	£0 (£0)	0 (1)
Public Rights of Way	3 (3)	2 (1)	N/A	1 (0)	20% (100%)	£0 (£0)	3 (8)
Community Safety	0 (0)	0 (0)	N/A	0 (0)	N/A (N/A)	£0 (£0)	0 (0)
Library Services	27 (37)	1 (0)	N/A	6 (9)	91% (86%)	£0 (£0)	280 ^k (281)
Environment	2 (0)	0 (0)	N/A	0 (0)	100% (N/A)	£0 (£0)	0 (0)
Record Office	0 (0)	0 (0)	N/A	0 (0)	N/A (N/A)	£0 (£0)	103 (57)
Registration service	6 (9)	0 (0)	N/A	2 (4)	100% (89%)	£0 (£0)	20 (13)
Trading Standards	2 (3)	0 (0)	N/A	1 (0)	100% (100%)	£0 (£0)	40 (72)
Fire & Rescue Service	25 (26)	0 (0)	N/A	6 (2)	88% (100%)	£0 (£0)	37 (74)
Wastes Mgt	23 (41)	0 (3)	N/A	15 (22)	88% (91%)	£0 (£0)	4 (7)

Service	Complaints received			Complaints upheld or partly upheld	Complaints dealt with within timescale ^d	Compensation offered or paid (inc LGO decisions)	Compliments received
	Stage 1	Stage 2	Stage 3 ^a				
COMMUNITIES TOTAL	293 (255)	12 (15)	N/A	93 (88)		£0 [£9,530.43 from 40 successful claims]^f (£759.60) [£18,475.13 From 58 successful claims]	593 (614)
HR Services	3 (6)	1 (1)	N/A	4 (3)	75% (86%)	£0 (£0)	0 (1)
Commercial Services	1 (3)	0 (1)	N/A	0 (2)	100% (75%)	(£0)	1 (0)
Communications and Marketing ^h	1	0	N/A	0	100%		0
Contact Centre ^g	3 (4)	0 (0)	N/A	2 (2)	67% (100%)	£0 (£0)	91 (75)
Customer Relations Team	0 (2)	0 (0)	N/A	0 (1)	N/A (100%)	£0 (£0)	16 (26)
Online Service Delivery	3 (2)	0 (0)	N/A	0 (2)	100% (100%)	(£0)	1 (5)
Support Services	1 (3)	0 (1)	N/A	1 (2)	100% (100%)	(£0)	7 (15)
CUSTOMERS AND CHANGE TOTAL	12 (18)	1 (3)		7 (10)		£0 (£0)	116 (122)
Democratic services	0 (0)	0 (0)	N/A	0 (0)	N/A (N/A)	£0 (£0)	0 (0)
Legal Services	3 (4)	1 (2)	N/A	3 (1)	100% (83%)	£0 (£0)	0 (0)
Travellers and Enforcement	0 (3)	0 (1)	N/A	0 (1)	N/A (100%)	£0 (£0)	(0)
LEGAL AND DEMOCRATIC SERVICES TOTAL	3 (7)	1 (3)		3 (2)		£0 (£0)	0 (0)
Resources and Performance	0 (1)	0 (0)	N/A	0 (1)	N/A (0%)	£0 (£0)	4 (3)
Finance	3 (17)	0 (0)	N/A	2 (5)	67% (82%)	£0 (£0)	1 (0)
Capital and Asset Management	1 (4)	0 (1)	N/A	0 (3)	0% (80.0%)	£0 (£0)	0 (0)
FINANCE AND PERFORMANCE TOTAL	4 (22)	0 (1)		2 (9)		£0 (£0)	5 (3)
PUBLIC HEALTH, WELLBEING AND SAFEGUARDING^j	8 (3)	2 (0)		1 (0)	100% (100%)	£0 (£0)	3 (5)
NOT DIRECTORATE SPECIFIC	0 (3)	1 (1)	N/A	1 (1)	100% (100%)	£0 (£0)	0 (0)
WSCC TOTAL	583 (639)	70 (64)	5 (2)	172 (190)	-	£5,773.47 (£12,364.60)	894 (1005)

^a Following changes to other procedures over the last few years, 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. For the period covered by this report, no determination was made of whether the complaint was 'upheld'. This approach has been amended from January 2013. From this date complaints where early resolution has been achieved will be split into those where a fault has been remedied and those where no fault has been identified.

^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 Most expressions of dissatisfaction about the 'Blue Badge' service are about eligibility decisions. These are directed via the appeals procedure and do not show up in the Council's recorded figures until the LGO stage

^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. Figures for the current reporting period show a lower average payout, which is attributed to a single, larger than usual, payment the year before relating to an expensive high performance car.

^g Almost all complaints against the Contact Centre are received and handled within their parent company processes. Those referred to here are those received by WSCC and passed on. Two complaints received by the Contact Centre were reported to the Council as upheld over the period.

^h Not previously reported separately

^j 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 1474 compliments received for the Summer Reading Challenge

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

Adults' Services

- 3.1 The number of stage one complaints recorded has levelled off, after dropping for two years running. The proportion of complaints being escalated has increased, but this has not resulted in an increase in the proportion of upheld complaints, which seems to indicate that complainants are more determined rather than more justified. The level of compliments reported is also more or less unchanged.
- 3.2 Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include: -

Improved communications between hospital social work teams and area office teams
Mental health colleagues given training in support planning with particular regard to SMART outcomes
Appeals procedure guidance amended to strengthen opportunities for customers to discuss the reasons for their appeal

Children's Social Care

- 3.3 Levels of complaints remained constant but response timescales continued to improve.
- 3.4 During much of this period operational social care complaints and responses were an area of concentration for the Head of Improvement, and the Social Care Complaints Manager contributed 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. This was one of the factors which led to the improved OFSTED report. It will be important for the service to continue to build on this performance in the changed circumstances of an improved rating and with the changes to the structure.
- 3.5 Changes to policy and/or service delivery that have taken place or been recommended as a result of complaints include: -

Core assessments should be shared with the parent in person in order to allow discussion of outcome
Training given on issues regarding making changes to contact arrangements outside the court process
Social workers reminded that comments about religious beliefs should only be made in the context of a balanced and professional opinion

Children's Services (Learning)

- 3.6 After two years of large reductions, the level of stage one complaints rose; but without an accompanying rise in escalation to stage two, which may be an indication that complaints are being handled well. Unfortunately average response timescales rose, possibly because of the increase in complaints.

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

Advice issued about circumstances where proof of address and/or residency are required
SEN statement must always name the Council's preferred school, even where agreement is reached for attendance elsewhere
Advice issued on primacy of parental to information over child's desire for confidentiality

Infrastructure

- 3.8 The levels of complaints and compliments recorded both rose in this period, which may be due to better reporting within the directorate following a restructure which focussed 'customer-facing' activity on a smaller number of teams. There continued to be occasional examples of timescales continuing to slip in dealing with complaints, but it is hoped that recent further changes will reduce this problem by streamlining the process.
- 3.9 Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include: -

Publicity of the requirement for a licensed crossover to be constructed if wishing to regularly drive over pavement to access property
Work with hospices to support fast-tracking of blue badges for terminally ill residents
Wider notification of planned road closures

Wastes Management

- 3.10 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 for the third year in a row reported complaints overall have fallen, and the number of complaints upheld is also down. However, the level of recorded compliments has also fallen this year and we will be reminding all teams yet again to ensure they pass compliments on.
- 3.11 Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include: -

Recycling point staff reminded of responsibility to offer assistance to elderly customers
Regulatory guidance sought on when/whether commercial items can become household waste

Fire and Rescue Service

- 3.12 There was an increase in the levels of recorded complaints and upheld complaints, as well as a reduction in recorded compliments. This may be simply a return to previous levels after an excellent previous year, but will need to be monitored.

Library Service

- 3.13 Complaints performance was once again almost unchanged in this period. 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.
- 3.14 The Library Service must once again be congratulated for the compliments recorded this year. As well as increasing the level of compliments for 'business as usual' once more after doubling them last year, the service more than doubled the compliments for the Summer Reading Challenge from 717 to 1474.
- 3.15 Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include: -

Improved publicity of opening hours over bank holidays etc
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Improved disability access signage

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.

5. Local Government Ombudsman

- 5.1 At the time of producing this report, the Local Government Ombudsman had not yet produced her draft statement of the number of complaints against each local authority. The following commentary is based on the figures recorded by the Customer Relations Team, but amendments may be necessary once the final report is received.
- 5.2 Complaints received by the Ombudsman against West Sussex County Council continue to rise. This is an expected trend, as the Council has introduced another appeals procedure (for applicants for 'blue badges'), the final stage of which is an appeal to the Ombudsman.
- 5.3 During the April-December 2012 period, the Ombudsman notified the Council of 87 complaints decisions. Of these some fault was identified in 21 cases. In each of these the Ombudsman and the Council agreed a suitable remedy, usually an apology. The Council agreed financial remedies in four cases; £2071.43 where transport costs had not been paid to the parents of a child with a statement of educational need who was attending a school further away than the Council's preferred school; £1202.04 to grandparents in lieu of family fostering payments; £500 for the distress to foster carers caused by poor practice during the ending of a placement; and £2000 to a young man who had been looked after for a failure to find accommodation.

5.4 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).

5.5 An anonymised list of cases dealt with by the Ombudsman is available from Dave Loveman on request.

6. **Customer Focus Appraisal**

A Customer Focus Appraisal is not required as this report is for information.

7. **Implications**

There are no resource or risk management implications arising from this report as it is for information. There are no Human Rights Act or Crime and Disorder Act implications.

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Background papers:

[WSCC Complaints Procedure: Guidance for Staff](#)

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