

9 June 2014

Annual Monitoring Report of Complaints Regarding Levels of Service Delivery

Report by Chief Operating Officer 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 January to 31 December 2013; and other quantitative data, with commentaries.

Following comments by Standards Committee members on last year's report, the title has been changed; and the format of the report has been simplified, reducing the number of services to approximate with the directorate structure.

Although not statistically significant, the number of complaints recorded at the first stage showed a very slight rise in comparison with 2012; from 737 to 757.

By contrast the number of complaints escalated to the second stage (including the 'Final Response letter' in Adults') has dropped markedly from 85 to 62, despite fewer complaints being upheld at stage one (160 down from 182). This is encouraging and, it is to be hoped, an indicator of good work done at the first stage. Of these 62, 4 were withdrawn prior to response, and of the remaining 58, 19 were upheld or part upheld. 11 of the 58 exceeded the agreed timescale for response, but of these 6 were 1 day late and 2 were 2 days late.

The amount paid to complainants in compensation rose slightly from £8773.47 to £10,715.34. This amount arose from 6 complaints. 4 of these were Adults' complaints decided by the Ombudsman, and details can be found in paragraphs 5.2 and 5.3. The remaining 2 were Children's Social Care complaints and details can be found in paragraph 3.2.

The number of recorded compliments (1240) has exceeded the number of recorded complaints for the fourth year in a row with the Library Service once more the chief contributor. Not included in this figure are the 1819 compliments the Library Service received for the Summer Reading Challenge (up from 1474 the year before) in which over 10,000 children take part.

The report also covers complaints dealt with by the Local Government Ombudsman. In previous years the Ombudsman has issued her own statistical report on the complaints she has received against each Council. However it appears that this is no longer to be the case. Figures in this report therefore depend upon the Council's records and cannot be cross-referenced against an 'official' figure as has been done previously.

One report against the County Council was issued by the Ombudsman during this period. The report related to the way the Council calculated beneficial interest in

a property as part of the charging process in Adults Services. The report was discussed by the Standards Committee at the June 2013 meeting and can be found in full on the Council's website. The number of complaints investigated by the Ombudsman in 2013 fell to 91 from 101 in 2012.

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.

Recommendations

That the report be noted.

1. Background

- 1.1 This is the ninth 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 2013.
- 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 2013

- 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 agreed timescale	Stage two*	LGO**	Compliments	Compensation paid
Adults	132	32	74%	10	20	201	£3,771.20
Childrens' social care	114	18	84%	8	6	44	£6,944.14
Children's other	6	0	100%	0	0	8	nil
Communities Commissioning	211	41	87%	19	45	98	nil
Finance and Assurance	32	13	100%	1	14	193	nil
Fire and Rescue	12	3	100%	0	0	25	nil
Health and Social Care Commissioning	7	5	80%	0	1	14	nil
Other Outsourced Services	98	0	100%	11	2	35	nil
Outsourced Support Services	6	3	100%	3	0	89	nil
Public Health	1	1	100%	0	0	0	nil
Service Operations	137	35	92%	10	3	457	nil
Strategic Development	1	0	100%	0	0	2	nil
TOTAL	757	151	86%	62	91	1240	£10,715.34
Previous Year	737	182		85	101	894***	£8,773.47

* The statutory children's social care procedure is the only procedure which contains a local stage 3. In 2013 there was one stage 3 review panel held.

** Both Adults' social care and Blue Badge (reported within Communities Commissioning) 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.

*** Compliments shown are for the nine months Apr-Dec 2012. The way compliments are recorded and reported has changed so that the full calendar year total is not available

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, but were not available at the time of printing. They will be presented verbally at the meeting.

3. Notable service commentaries are as follows:-

3.1 Adults' Services

Adults' services reflects the general trend of more compliments (201) being received than complaints (132). The number of complaints is also well down when compared with the 129 recorded in the previous nine months.

Adults' services had the lowest percentage of complaints responded to within agreed timescales (74% of 127 responses sent during the year). The target for response is ten working days, with a maximum target of twenty working days unless an extension is agreed. Only 9 complaints (7%) exceeded the 20 day target, and three of these were in fact within 23 days. This has not been raised by complainants as a matter of general concern, but the Social Care Complaints Manager will be working with responding managers to improve the compliance rate.

4 payments were made following Ombudsman's decisions on complaints, and these are listed in paragraphs 5.2 and 5.3.

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

Regular reports now run to identify cases where charge sheets have been sent out for signature but not returned
Day service introduced requirement that all customer information is received before first day of attendance and an initial risk assessment completed within 24 hours of admission
Hospital teams to offer initial review a few weeks after discharge even where person does not qualify for financial support

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.

One stage 3 review panel was held in 2013, a reduction from 5 in 2012, and it is to be hoped that this reduction proves stable. This one panel largely upheld the complaints about failures of the Council to properly fulfil its corporate parenting role, and a payment of £5000 was agreed.

One other payment, of £1944.14, was made following a complaint. This was an ex-gratia payment to a couple who incurred legal costs during an application for Special Guardianship.

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

Guidance for independent complaints investigators improved to enhance robustness of reports
Management instruction and practice guidance on removal of children from foster care reviewed and strengthened
Locum social workers to be provided with letter of identification for home visits

3.3 Communities Commissioning

Although Communities Commissioning had the highest number of recorded complaints, it should be stressed that almost exactly one third of these, 70 out of 211, were received in March 2013 and related to the highways problems caused by the severe winter weather.

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

Amended arrangements made for schools to refer pupils at risk of exclusion
Arrangements made with Age UK to find trustworthy volunteers to collect Blue Badge where resident cannot do so in person
Early introduction of new drivers/escorts to parents of children with disabilities to be part of standard arrangements

3.4 Finance and Assurance

The severe winter weather in March 2013 also led to an unexpected rise in claims and an attendant lengthening of the time taken to deal with them. This in turn meant that more than half the complaints to Finance and Assurance during the year were about the time taken to process claims.

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

Customer Service standards reviewed to include arrangements when out of office
Amendment to IT system to ensure 'withheld' numbers are not visible

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. However nearly all the 'escalated' complaints were in relation to other services, generally streetlighting managed by SSEC, who do not report their local complaints but refer customers back to the County Council for a stage two review if they cannot reach agreement. Complaints about streetlighting are expected to remain high until the re-provisioning is completed during 2015.

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

Review of risk assessment being undertaken relating to pedestrian access to recycling sites
Procedures tightened up to prevent members of public rummaging through bins at recycling sites

3.6 Service Operations

The majority of complaints in this area are to do with Highways issues, but the increase in work in that area after the bad weather also led to an increase in complaints about poor communication. The Highways and Transport service have made a number of changes to address this, including the appointment of a Customer Relationship Manager at the beginning of 2014 to head up a restructuring of the Customer Service side.

As reported above, the major contributor of compliments is the Library Service which yet again increased compliments for the Summer Reading Challenge, from 1474 to 1819. As is usual, these are not included in the table above.

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

Introduced process for checking requests for schools IT and monitoring delivery times
Consideration being given to volunteer community liaison role for sudden severe weather episode

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 Complaints received by the Ombudsman against West Sussex County Council fell in 2013 for the first time in a few years. This may be a reflection of the previous high levels of appeals feeding through from adults whose care packages were reduced following the introduction of the new social care eligibility criteria in April 2011. A similar reduction is anticipated once the new 'blue badge' criteria have been applied across the three year renewal cycle.
- 5.2 During 2013, the Ombudsman notified the Council of 93 complaints decisions. Of these some fault was identified in 13 cases. In each of these the Ombudsman and the Council agreed a suitable remedy, usually an apology or a re-assessment. The Council agreed financial remedies in three cases; £170 to pay for a trip to a Cliff Richard concert for an adult with learning difficulties who had not had his care properly reviewed; writing off a charge of £106.20 and paying £250 for a son's time and trouble in pursuing the complaint after his mother's residential placement was not reviewed in a timely way; and £250 to a couple for their time and trouble in pursuing the complaint following a poor review of the care package for their adult stepson.
- 5.3 During 2012 the Ombudsman also published a report against the Council following a long investigation of a complaint originally brought in 2010 about the Council's decision on the share (beneficial interest) a woman held in her daughter's property. The report was discussed at the Standards Committee meeting in June 2012 and published on the Council website. The Council agreed to pay a total of £2995 in compensation, and also to review previous decisions in the light of new procedures. One faulty decision was identified, and in March 2013 a family were reimbursed £10,340.46 for the cost of their father's residential care.
- 5.4 An anonymised list of cases dealt with by the Ombudsman is available from the Customer Relations Manager on request.

6. Implications

- 6.1 Other than the compensation outlined in the executive summary, 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.

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 2013 annual report to Standards Committee

Background Papers:

None.

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