

8 June 2015

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 2014; and other quantitative data, with commentaries.

The directorate structure reflects that at the end of 2014. Items recorded prior to the restructure in 2014 have been re-allocated appropriately.

The number of complaints recorded at the first stage fell from 757 in 2013 to 615. This is largely attributable to the milder winter; complaints between February and April were down from 233 to 130 and this reduction is largely in Highways and Transport.

By contrast the number of complaints upheld at stage one rose from 151 to 194 and the number of complaints escalated to stage two rose from 86 to 62. However almost half of the stage two complaints (38) arose from the street lighting installation programme, which was at its most busy during 2014. The number of complaints referred to the Local Government Ombudsman (LGO) dropped from 91 to 73.

The amount paid to complainants in compensation rose from £10,715.34 to £14,559.30. This amount arose from 7 complaints. 2 of these were Adults' complaints decided by the Ombudsman, and details can be found in paragraphs 3.1 and 5.2; 2 were complaints about SEN provision and details can be found in paragraph 3.3. The Ombudsman also awarded a small remedy payment to a blue badge applicant who was originally turned down and then found to be eligible on re-assessment. The Council made two goodwill payments, one to a couple whose wedding photographs had been used without permission in a publication; and one following an external computer booking failure for the driver training course.

The number of recorded compliments more than doubled to 2504, exceeding the number of recorded complaints for the fifth year in a row with the Library Service once more the chief contributor. Not included in this figure are the 2014 compliments the Library Service received for the Summer Reading Challenge (up from 1819 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. 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 tenth 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 2014.
- 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 2014

- 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
Care, Wellbeing and Education	112	45	63%	24	17	193	£ 12,344.31
Adult Operations							
Family Ops - Childrens' social care	121	27	64%	9	12	66	
Other Family Operations	28	8	53%	2	1	27	£ 1,350.00
Education and Skills	19	9	67%	0	7	2	
Public Health and Social Care Commissioning	15	5	80%	1	0	12	
Chief Operating Officer	0	0	n/a	0	0	0	
COO							
Commercial Director	0	0	n/a	0	0	0	
Director of Economic Growth	1	1	100%	0	0	0	
Communities and Public Protection	11	1	77%	1	1	145	
Communities and Regulatory Services							
Emergencies and Resilience	0	0	n/a	0	0	0	
Fire and Rescue	10	3	73%	0	0	39	
Corporate Resources and Services	4	1	100%	0	1	2	£ 550.00
Finance and Resources							
Law, Assurance and Strategy	10	1	100%	0	8	3	
Workforce, OD and Delivery Support	3	2	100%	0	0	2	
Outsourced Services	83	25	100%	38*	4	76	
Other Outsourced Services							
Outsourced Support Services	17	14	88%	0	0	72	
Residents Services	15	4	93%	0	1	1599	
Customer Service							
Highways and Transportation	143	41	88%	9	18	257	£ 315.00
Planning and Infrastructure	11	3	82%	2	3	6	
Policy and General	1	1	100%	0	0	0	
Waste Management	11	3	100%	0	0	3	
TOTAL	615	194	74%	86	73	2504	£ 14,559.31
Previous Year	757	151	74%	62	91	1237	£ 10,715.34

* Under the pfi arrangement, first stage complaints relating to streetlighting are dealt with by the service provider, SSEC. These complaints are not recorded by WSCC. Stage two is carried out by WSCC if stage one does not achieve resolution.

All 38 stage two reviews for outsourced services recorded in 2104 relate to streetlighting provision.

** 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.

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 983 claims arising from incidents in 2014, out of which 636 have been settled, including payments to 95 claimants totalling £27,215.28. Of the 347 claims so far not settled, offers have been made to 90 claimants totalling £25,079.67.

3. Notable service commentaries are as follows:-

3.1 Adults' Services

Adults' services reflects the general trend of more compliments (193) being received than complaints (112). That is a slight reduction (from 201) in compliments, but the number of complaints dropped more steeply when compared with the 132 recorded in the previous year.

In 2013 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 or the complainant is notified that the timescale needs to be extended. In 2014 this had improved to 83% of 99 responses. Only 3 complaints (7%) exceeded the 20 day target without agreement. One of these took 21 days and the other two took 22.

Following an Ombudsman's decision on a separate complaint in 2013, the Council agreed to review previous decisions on the treatment of interests in property using the new guidelines. One case was identified in which the outcome would have been different and as a result a family was reimbursed £10,340.46 for payments they had made towards a relative's residential care. (Please note this was incorrectly reported in last year's annual report as having been paid in 2013).

One other payment was made following the Ombudsman's decision on a complaint, and the details are given in paragraphs 5.2.

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

Improved and extended training for day centre staff around observed behavioural change
Additional staff introduced to assist with triaging of work at Carepoint
Wording improved in charging leaflet to improve information to customers about how respite care is paid for

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. Complaints increased slightly from 114 in 2013 to 121, but compliments increased by 50% from 44 to 66.

In 2013 there was only one stage 3 review panel, and in 2014 this reduced further to nil, although there is a panel being held in 2015 which results from a complaint started in 2014.

No payments to complainants were recorded during 2014.

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

Training for staff on managing difficult meetings to achieve best results
Guidance for Independent Complaints Investigators reviewed and strengthened regarding triangulation of evidence
Requirement introduced for short period of joint working between Adoption Support Team and Children's team to ensure smooth handover

3.3 Other Care, Wellbeing and Education services

These services include Safeguarding, Education and Skills, SEN and Health and Social Care Commissioning. Between them they accounted for 41 compliments and 62 complaints. Only 3 complaints were escalated to stage two, although because the admissions appeals system bypasses the complaints procedure, 8 LGO investigations took place. Two payments were made following complaints. A total of £750 was paid for lost opportunity to a pupil whose school had not fully supplied the equipment listed in the statement of SEN; and a total of £600 was paid to two children with SEN, also for lost educational opportunity.

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

Additional equipment and resources now listed on front page of SEN file for easy reference and comparison when checking actual provision by school
Instruction given to staff on how to deal with FoI requests received locally

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 2014 recorded 142 compliments and only 3 new complaints, none of which was upheld. Fire and Rescue recorded 39 compliments and 10 complaints. An LGO investigation took place into Trading Standards' failure to answer a letter but we were able to inform the Ombudsman that this was due to a routing problem which arose when the office moved and which had already been addressed.

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

Following an arrival timescale being underestimated for a resident requesting FRS support for a flooding problem, mobilising teams will now take more information on the level of risk and will give advice for dealing with flooding

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 reduce in 2015 as re-provisioning is due to be completed during the first half of the year.

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

Following discussions with WSCC, automatic three step consideration process introduced by SSEC for complaints about excess light pollution

Although a complaint of discrimination was not upheld, further anti-discrimination training was given to staff at recycling centre

3.6 Residents Services

The majority of complaints in this area are to do with Highways issues. After a number of complaints about poor communication (particularly during the bad winter weather) in 2013 a restructuring of the Customer Service side took place during 2014, with the aim of freeing up operational staff to concentrate on the business. There have been fewer complaints about customer service during the latter period, but accurate comparison is difficult because so far there has been no equivalent period of sustained bad weather.

As reported above, the major contributor of compliments is the Library Service which yet again increased compliments for the Summer Reading Challenge, from 1819 to 2014. As is usual, these are not included in the table above. However the Driver Training Courses provided by the Council on behalf of Sussex Police are also proving to be well regarded by participants, receiving 160 compliments during the year.

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

Customer Service Standards updated to include reference to voicemails and to expectations for customer behaviour. Further work on service standards is being carried out during 2015

Code of conduct introduced for self-employed presenters of Driver Training Courses

A review of traffic signage in Hayward Heath to ensure drivers make maximum use of the new relief road

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. Elected Members did suggest in 2014 that forms should contain an explanation of why this information is important, and this is to be considered during a review of the relevant section on the new website.

5. Local Government Ombudsman

- 5.1 Complaints received by the Ombudsman against West Sussex County Council fell again in 2014, having dropped in 2013 for the first time in a few years. This appears to be due to a fall in the number of adults appealing against care decisions, along with a drop in 'blue badge' appeals as the changes in eligibility criteria in both areas have fed through the system. However it is likely that there will be an increase in Adults' cases as reassessments are carried out following the introduction of the Care Act.
- 5.2 During 2014, the Ombudsman notified the Council of 84 complaints decisions. Of these some fault was identified in 18 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 four cases; £2003.85 was paid to an Adults' services customer as reimbursement for extra costs incurred when a cheaper care agency might have been available, and for the resulting injustice; a total of £1350 was paid to three children with SEN (see 3.3 for details); and £150 was paid to a customer for the inconvenience resulting from an incorrect refusal of a blue badge.
- 5.3 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, 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 2014 annual report to Standards Committee](#)

No background papers.

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