

# **Complaints**



## **Corporate Complaints & Compliments Annual Report 2018 - 2019**

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## **1. Purpose of Report**

- 1.1** To report statistical information to Members and Officers detailing Leicestershire County Council's (LCC) corporate complaints and compliment activity from 1 April 2018 to 31 March 2019.
- 1.2** To provide an open resource to anyone who wishes to scrutinize local services
- 1.3** To outline the key developments and planned improvements to the complaints processes operated by the Council.
- 1.4** To consider how some of the learning from complaints and compliments and can be used to improve the overall customer experience.

## **2. Complaints and Compliments received in 2018-19**

### **2.1 Introduction**

The Complaints Team manages and co-ordinates complaints relating to 3 separate complaints systems –

- i) Adult Social Care statutory process
- ii) Children's Social Care statutory process
- iii) Corporate Complaints process – these are complaints relating to other services provided by the Council where there is no access to a statutory complaints procedure.

In addition, the team deals with a wide range of interactions with customers that do not go on to become formal complaints. These include general queries, as well as matters which are exempt from consideration under our complaints policies. Further detail is provided in Section 2.4.

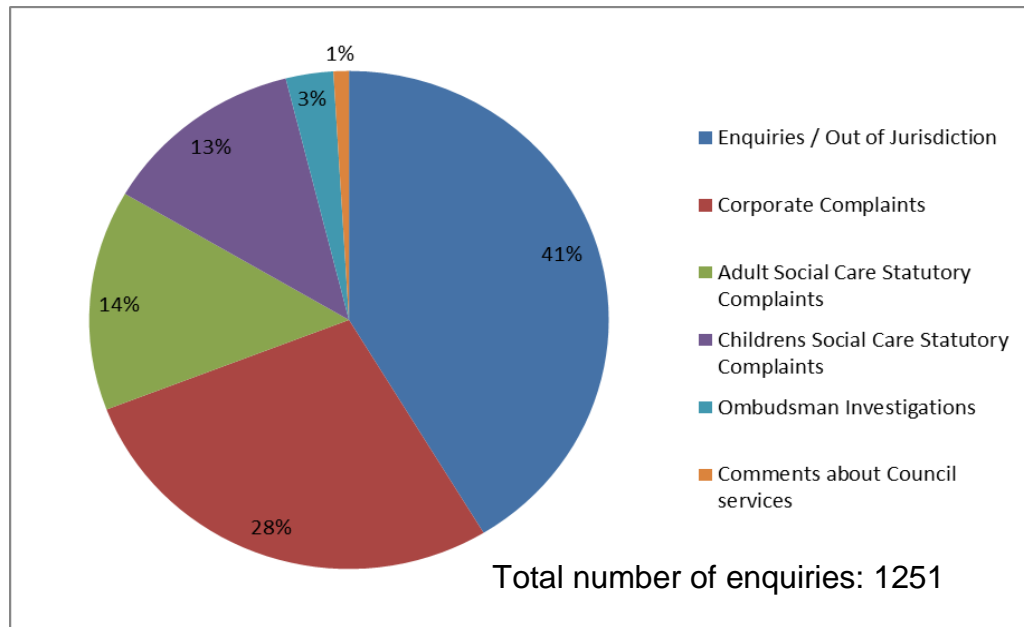
Whilst many of the queries are quickly resolved, those where exemptions from the complaints procedure apply can often generate significant correspondence and phone calls.

The team also, in liaison with the Director of Law and Governance, manage all complaints that are referred to the Local Government and Social Care Ombudsman (LGO). The Complaints Manager acts as the nominated Link Officer and handles all correspondence between the Council and the Ombudsman.

## 2.2 Summary of all complaints and enquiries received in 2018-19

In total, the Complaints Team received and processed 1251 enquiries during 2018/2019, as depicted below

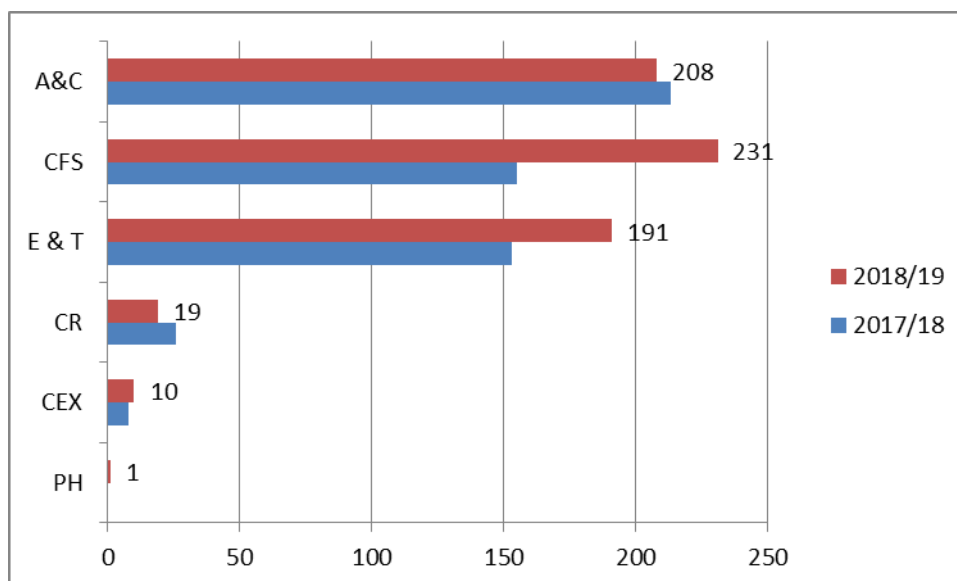
**Table 1: Breakdown of all complaints and enquiries received by the Complaints team**



This represents an overall slight increase of 4% on prior year (1208)

Formal complaints were received across all departments in 2018-19 as represented in the graphic below, contrasted with the figures for 2017-18.

**Table 2 – All complaints (statutory and non-statutory) by Department**

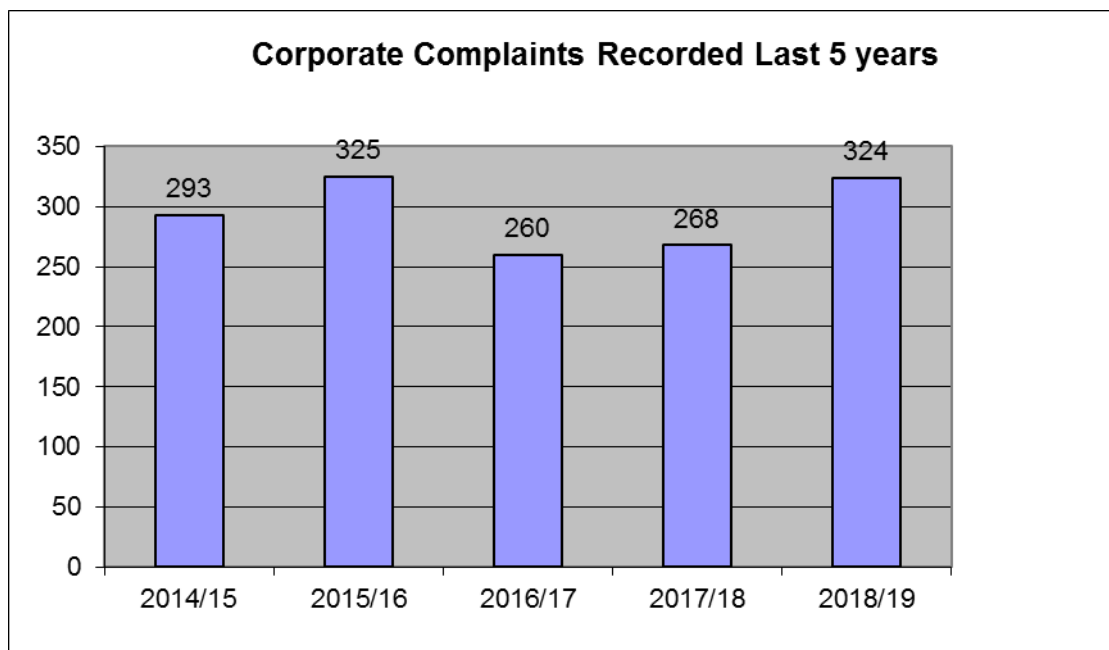


### 2.3 Corporate Complaints trend analysis

This report relates solely to the Council's corporate complaints and compliments processes.

The total number of corporate complaints received increased by 20% during 2018-19.

**Table 3: Corporate Complaints recorded during the last 5 years**



### 2.4 Analysis of corporate complaint themes and significant changes from 2017-18

A key part of an effective complaints system is to highlight areas for improvement and to seek improvement of those services year on year.

In the 2017-18 corporate complaints annual report, the 5 services detailed below received the most complaints. Comparative data for 2018-19 shows some areas that have improved significantly whilst others have seen a further increase.

Service	2017 / 18	2018 / 19
Travel and Transport Services	32	26
Flooding, Drainage and Gullies	23	11
Special Educational Needs (SEN)	15	30
Recycling & Household Waste sites	15	29
Highways Network Management	15	20

It is pleasing to see a continuing downward trend in drainage and flooding complaints which 2 years ago was the single biggest area of corporate complaints. Whilst it is recognised that volumes will be significantly affected by weather, it is clear that there have been significant improvements in responding to concerns raised by residents.

Similarly there has been a reduction in the number of complaints made regarding Transport services. This category includes complaints about School, Social Care and SEN Transport. There are often significant challenges in trying to accommodate parental preferences and balancing this with the most cost effective way of providing transportation. This reduction also shows improvement in the level of engagement and communication with parents through this process.

Whilst the above are notable successes, it cannot be ignored that both SEN and Waste complaints have continued to see a rise in complaint volumes. Both will be the subject of more detailed analysis within this report.

## **2.5 Analysis of most common corporate complaints in 2018-19**

The list below details the 5 most frequent areas complained about during 2018-19

Service	2018 / 19
Special Educational Needs Assessment	30
Recycling and Waste Sites	29
Travel and Transport Services	26
Highways Network Management	20
Traffic Management / Calming	16

### Special Educational Needs Assessment

Before considering the key themes that have emerged regarding SEN complaints, it is important to set some background context to the volume of work that this team are dealing with.

The local authority (as at January 2019) had 4222 Education and Health Care Plans (EHCP) in place, all reviewed annually. This therefore represents a complaint rate of just 0.7%. Additionally this is a very complex area often with overlap into the Education Tribunal.

Notwithstanding the above, there are some clear themes emerging where performance can be improved. These include

- More consistent and timely communication with families

- Improving the links between both the Inclusion Service and Early Help and to reduce and shorten the duration of time where children are not in education
- Adequacy or otherwise of the named placement or support provision
- Quality of responses to parents

#### Recycling and Waste

In contrast to SEN, these complaints tend to be much less complex in nature. From analysis of the complaints, the most common themes were around

- Charges applied for non-household waste (8)
- Access arrangements to Waste sites at end of the working day (5)
- Skips being full or inaccessible (4)
- Perceived helpfulness of staff on-site (7)

In many cases such complaints are focused on policy rather than practice.

#### Travel and Transport Services

Complaints were received across a broad range of categories with no specific dominant theme. These included

- Issues with reliability of transport provision
- Delays in commissioning transport provision
- General complaints regarding handling of applications

#### Highways Network Management

This area encompasses co-ordination of both LCC work and utility companies. If it is solely about the performance or quality of the contractors work this is generally referred to them. Complaints in this category were therefore about publishing of information and scheduling of works.

It should be noted that the recent creation of posts within E&T has significantly help the Complaints team deal with these quickly and efficiently and this helps control escalation to formal complaints.

#### Traffic Management & Calming

This is another area which has seen a significant reduction in complaints across the last 2 years. This is driven by better up-front management of expectation and improvements in the timeliness of responses

The Complaints Manager would also note that Highways / Footway repairs do not feature in the top 5 categories. This is the first time for several years and reflects improvements in responsiveness to reactive matters.

For context, across all Highways categories, 48 formal complaints were received against 24,932 recorded enquiries (0.19%)

## **2.6 Enquiries and Out of Jurisdiction complaints**

As well as managing formal complaints, the Complaints Team is also well placed to proactively assist customers where they simply looking for assistance or struggling to contact the service they need.

Many such matters can be quickly and informally put right and where this is the case, the intervention is not formally recorded as a complaint. Our complaints policy specifies a window of opportunity of up to 24 hours to achieve such informal resolution. In all instances the complaints team will track the case to ensure resolution is made.

Similarly under our policy a request for service is not a complaint (e.g. a request for service could be a request to repair a pot-hole). A complaint would generally only arise should the request for service not be properly dealt with or there is evidence this has been reported previously.

The Complaints Team regularly handles calls of this nature and takes ownership of the case, liaising with the department to ensure they are responded to promptly.

During 2018-19, the Complaints Team handled 517 miscellaneous enquiries consisting of:

- First time requests for service which were passed to the relevant Customer Service Centre or other access point (152)
- Informal resolution within 24 hours (26)
- Providing general advice and guidance around council policies and services (51)
- Providing advice and signposting to the correct organisation e.g. District Councils, Academies, Health (55).
- Providing advice and signposting to alternative procedures for redress, for example internal appeals procedures, subject access requests, HR procedures (234)

Sometimes, these are simple matters for the team to resolve. Others can be extremely difficult cases; especially when managing expectations and where nothing more can be achieved through the complaints process.

Wherever possible, the Complaints Team aims to resolve customer complaints and concerns without the need to escalate into the formal

complaints process. This is good complaints handling practice with complaints being resolved as close to the point of origin as possible.

## **2.7 Compliments received**

241 compliments were recorded across all services during 2018-19, An increase on the recorded numbers in 2017-18 (188).

It is always encouraging to see visibility of the good work that is being delivered by the Council and it will remain a topic for discussion with departments to encourage and promote sending compliments in for central collation

A small selection of the compliments received about corporate services can be found in Appendix A of this document.

### 3. Service Performance 2018-19

The key performance indicators for speed of response, outcomes and identified learning are linked to complaints that have been *resolved* within any given reporting period rather than received.

This is important as it ensures that full data sets are able to be presented, both to departments on a quarterly basis, and at year end. It also avoids the scenario whereby Ombudsman findings of maladministration might not appear in annual reports (where outcomes are not known at the time of production).

It follows from all of the above that the figures presented below will not match the data presented in section two of this report which focused on complaints *received*.

#### 3.1 Responsiveness to corporate complaints

**Table 4: Corporate Complaints Performance against timescales**

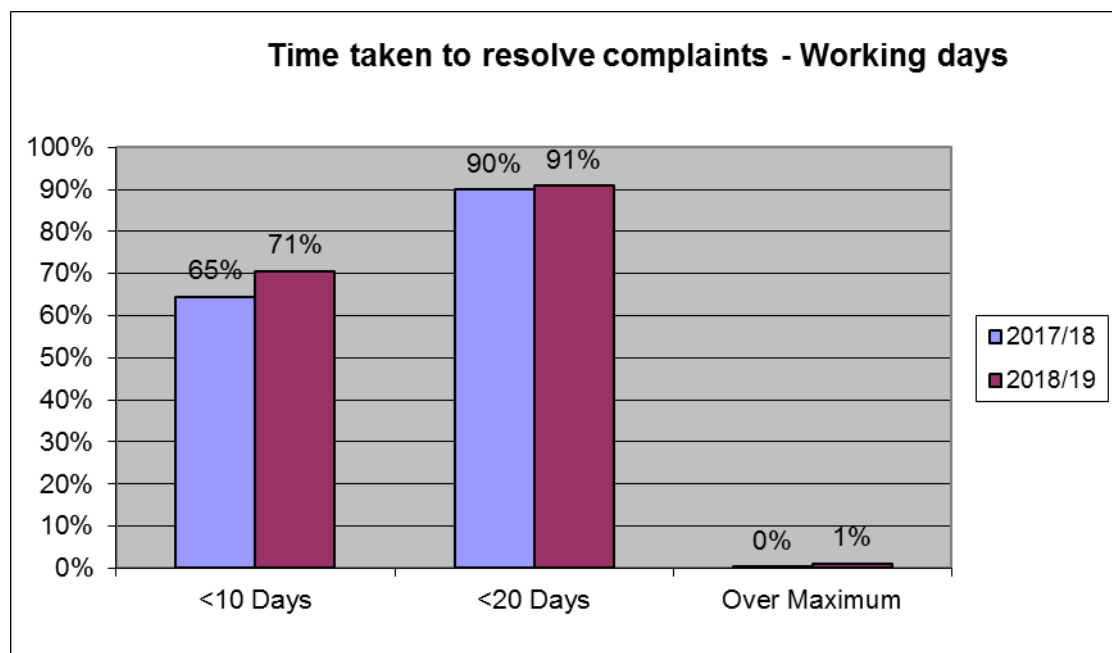


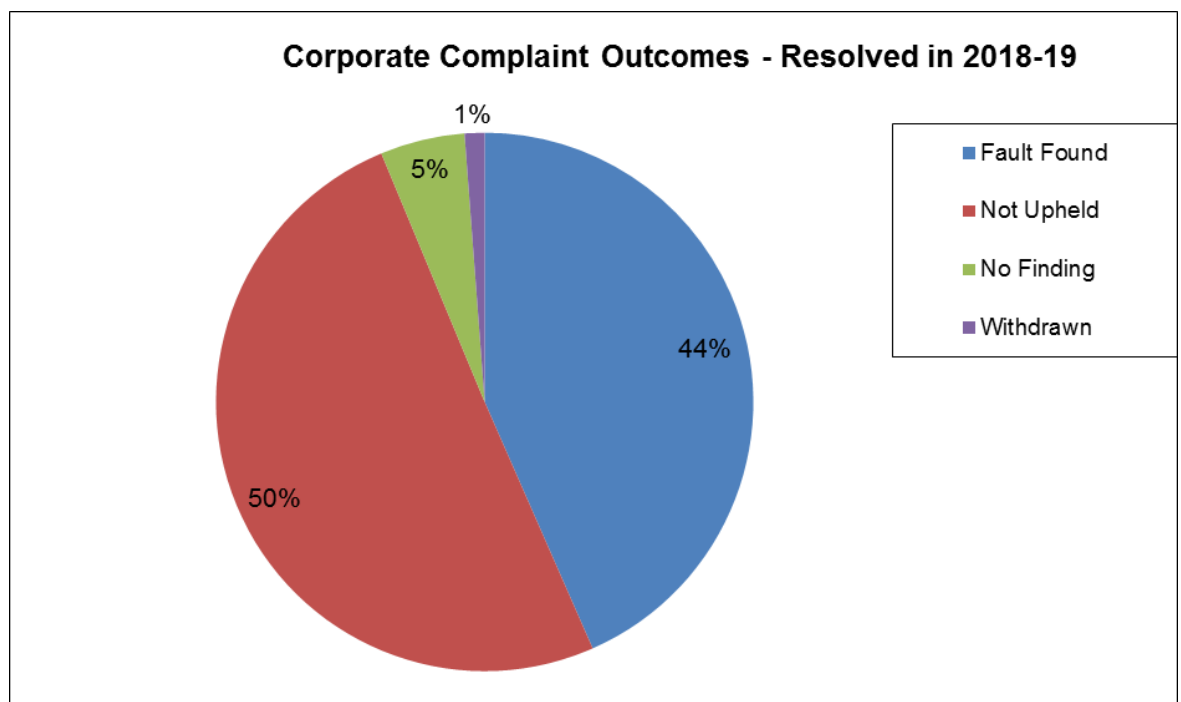
Table 4 above shows a summary of time taken to respond to complaints, providing a comparison between the current reporting year and the previous one.

The table above shows a further improvement in responding to complaints with 71% being resolved within 10 working days. Both our performance indicators of 60% within 10 working days and 90% within 20 working days have been met this year

4 complaints were not concluded within 65 working days. This is an increase from last year. One of these complaints was independently investigated which inevitably takes longer. In the other three cases resolution was elongated by different issues being raised by the complainant.

### 3.2 Corporate Complaint Outcomes & Resolutions

**Table 5: Corporate complaints recorded by outcome.**



In order to align with Local Ombudsman data classification and simplify our own reporting, the Council no longer differentiates between whether a complaint was partly or fully upheld. Instead, the Complaints team will assess all complaints responded to and classify as either “Fault Found” or “Not Upheld”

Table 5 above shows that 145 (44%) complaints were upheld to some extent following investigation, this is a slight increase from 2017-18 but not considered significant.

Seventeen complaints were resolved with no finding. This is where there was insufficient evidence to make a finding (e.g. two irreconcilable versions of events).

Prompt acceptance and ownership of any mistakes can help prevent costly complaint escalation.

## 4. Learning from corporate complaints

Complaints are a valuable source of information which can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from complaints to improve the experience for others.

Lessons can usually be learned from complaints that were upheld but also in some instances where no fault was found but the Authority recognises that improvements to services can be made.

Occasionally during the course of an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council

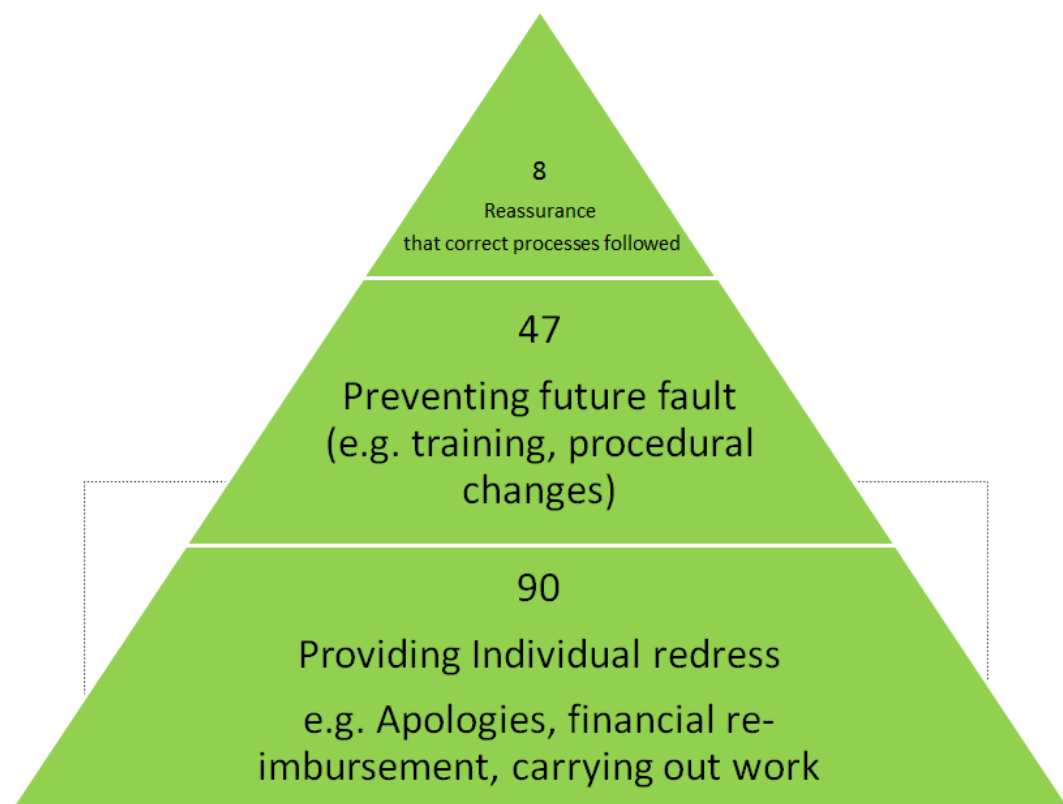
#### **4.1 Remedial actions taken from resolved complaints 2018-19**

All of the 145 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Remedial action typically consists of both individual redress (e.g. apology, carrying out overdue work) and wider actions that may affect many. On occasions, fault has already been remedied so the complaints process is used to re-assure that appropriate action has been taken.

The diagram below shows the actions taken during 2018-19. 33% of complaints upheld resulted in actions that should improve service for other residents. This is almost identical to 2016-17 (32%)

***Table 6: Summary of actions taken following complaint investigation***



A sample of positive improvements the Council has made is set out below.

You complained that	We Have
We took too long to finalise my daughter's EHCP and there is a lack of engagement with parents.	Reduced the amount of temporary SEN Officers and recruited to full establishment  Introduced new working models to increase capacity within the team
Our waste site operatives are rude and unhelpful	Whilst we also have received a number of compliments this year, we have rolled out customer care training across all sites
I had a wasted journey to the waste site as your skips were all full when I arrived	Improved the pro-active expectation management around busy periods (e.g. Bank Holidays)
We don't co-ordinate effectively when carrying out highways improvements	We have reviewed our working practices to improve this area
We failed to provide updates in connection with Coroners enquiries	Changed our procedures to improve quality of hard copy files when taken from case management system
There is not enough constructive engagement with parents through the EHCP process	We have taken steps to stabilise the work-force and reduce level of temporary workers. New working models will further increase the capacity of SEN Officers to spend more time working with families and less on administration
Not enough notice provided around a road closure	We have reviewed our processes and issued reminders of the importance of evidencing that this has taken place
There is mis-leading information published on your web-site regarding for eligibility for Free School meals	We accepted the wording was open to mis-interpretation and have amended this
It was a very difficult process to find information about paint recycling	Through the customer care training offer we have raised expectation of site operatives to provide signposting advice
My adult learning course was rushed and I felt unsupported by the tutor	Provided one to one coaching support for the tutor to improve future delivery

## **5. Local Government and Social Care Ombudsman enquiries**

Should a complainant remain dissatisfied following internal consideration of their complaint, they can take their complaint to the Local Government and Social Care Ombudsman to seek independent investigation.

The Ombudsman will usually check with the Authority whether or not the complaint has exhausted the Local Authority's complaints procedure. Where this has not been done, the Ombudsman will usually refer the complaint back to the Authority, to give us an opportunity to attempt to resolve the complainant's concerns through our internal complaints processes first.

The Ombudsman publishes some headline information on each Council's performance every year, although at time of writing this report this information has not been released. This data is expected late July 2019 and will be reported through the Corporate Governance Committee in October 2019.

It is important therefore to note that the figures below are the details the Council holds for LGO enquiries. Coupled with this, there has been a change in how we record complaints which means that premature complaints can no longer be reported on

### **5.1 New enquiries made by the Local Government Ombudsman 2018-19**

During the year 2018-19, the Local Government Ombudsman opened enquiries into 36 new complaints. This can be further segmented by department and alongside last year's figures:

<b>Department</b>	<b>2018/19</b>	<b>2017/18</b>
Environment and Transport	7	9
Children and Family Services (includes social care)	13	19
Adults and Communities (includes social care)	10	14
Corporate Resources	1	0
Chief Executives	0	5
Multiple departments	1	0
<b>TOTAL</b>	<b>32</b>	<b>47</b>

### **5.2 Decisions made by the Local Government Ombudsman 2017-18**

The LGO made Final Decisions on 26 cases during the year with outcomes recorded as:

- Seven identified as outside of the Ombudsman's remit and discontinued on this basis

- Eight were closed after initial enquiries (the Assessment stage) with no further action. Typically this is where the LGO feel they are unlikely to find any fault or are satisfied with the Council's response.
- Five were closed after detailed investigation and with no maladministration found
- Six cases of maladministration and injustice were found

The numbers of cases where the Ombudsman highlighted maladministration increased this year but not significantly. No Public reports were issued against the Council.

Only two of the six maladministration findings related to corporate services with brief details set out below:

#### **Case 1 – School Admissions:**

Mrs A complained about inaccurate advice given when applying for a School place. The Ombudsman found procedural fault and recommended that the Council admit under exceptional circumstances. The Council also agreed to re-imburse the costs of school uniforms purchased (c.£50)

#### **Case 2 – Advice around Independent Visitor Role:**

Mrs B complained to the Ombudsman that she had been given wrong information about whether she could apply for the above role. The Council had already accepted this fault, offered an apology and had corrected the position within 24 hours. The Ombudsman considered this a suitable remedy

The remaining 4 cases where fault was found relate to either Adults or Childrens Social Care and details will appear within the respective statutory reports.

## **6. Oversight and support provided by Complaints service**

The Complaints Team continues to support departments to both manage and learn from complaints. The key services offered by the team are:

1. Complaints advice and support
2. Production of Performance Reports
3. Liaison with the Local Government and Social Care Ombudsman
4. Quality Assurance of complaint responses
5. Complaint handling training for managers
6. Acting as a critical friend to challenge service practice
7. Support with persistent and unreasonable complainants

The Complaints Manager offers regular assistance in a number of complex cases and to act as a single point of contact within the Authority. This helps manage protracted disputes and ensures consistent responses are issued.

Over the last 12 months the Complaints Manager has developed an in-house training offer focused on the core techniques of investigation and responding to complaints. This has been well received and is now run every quarter for managers.

A new case management system was implemented in September 2018. This has helped bring efficiencies to the complaints team and is starting to offer improved analysis and reporting

In line with the Council's Unreasonable Complainants Policy, the Complaints Manager also supports departments with managing challenging complainants. This can include seeking to restrict contact with the organisation due to the frequency of contact and the impact on officer time. Two such protocols have been issued in the last 12 months.

Assistance continues to be routinely provided to managers in drafting comprehensive responses to complaint investigations. This helps ensure a consistency of response and that due process is followed.

Quarterly complaints reports are produced and presented to Departmental Management Teams or Senior Leadership Teams as appropriate. The Complaints Manager also regularly meets quarterly with each department's Intelligent Client to talk through complaints matters.

The Complaints Manager is the Chair of the Eastern Region complaints managers group which represents the interests of some 18 local authority complaints professionals and ensures knowledge of the latest policy developments across all complaint types. This group allows for the sharing of good practice in complaints resolution.

## **7. Concluding Comments**

Despite the 21% increase in complaint volumes this year, there has continued to be improvements in the handling of corporate complaints across the board. This is evidenced in the high proportion of complaints resolved within 10 working days and the reduced number of complaints escalating to the Ombudsman.

This report highlights one specific concern around growing number of SEN / EHCP complaints. In this regard Leicestershire is not unique as it is an area regularly cited by the Local Government and Social Care Ombudsman as an area of national concern.

Whilst, in the context of the overall work being undertaken by this team, complaint volumes remain relatively low there are clear opportunities to further improve this area and the department have a number of work activities in progress to deliver these improvements.

This report also provides evidence of good service improvement in response to last year's key themes and the Complaints Manager will continue to work with senior leadership teams to support such positive improvements during 2019-20.

## APPENDIX A – Sample of compliments received

- I just want to thank you personally and from M, I have a feeling you were instrumental in helping us sort this issue also I feel you were the most understanding about our situation– **School Admissions**
- I have to congratulate you on the condition of your roads these must rate as the best I have ridden on in a long time. compared to the Pot Hole ridden roads of my home county of Staffordshire – **Highways**
- Thanks for your involvement in helping to resolve the situation regarding the hedge on Hinckley Road. This has been ongoing for some time and the Parish Council are very appreciative of your efforts – **Highways Enforcement team**
- We received a great deal of support from several teams within the Directorate, notably the Transport Strategy and Policy, the Network Data & Intelligence Team, the Traffic and Signals Team. Partnership working at its best - **Highways**
- Thank you for the excellent and courteous service received when contacting the Adult Customer Services team – **Customer Service Centre**
- Staff at Lount Tip always very friendly and helpful – **Waste Management**
- I am very grateful and appreciate all the help that SENA has given over the last few months... I hear a lot of negative things about SENA however, in my view you are great – **SEN Assessment**
- The lady who dealt with me on the phone was excellent. Her whole manner was really good. – **Driver Education Team**
- Thank you for allowing the replacement of the heating and hot water system boilers at Greenfield Primary School. The work carried out at both sites was implemented smoothly, in a very timely manner and with good communication throughout the project. – **Operational Property Services**