

## Governance Committee

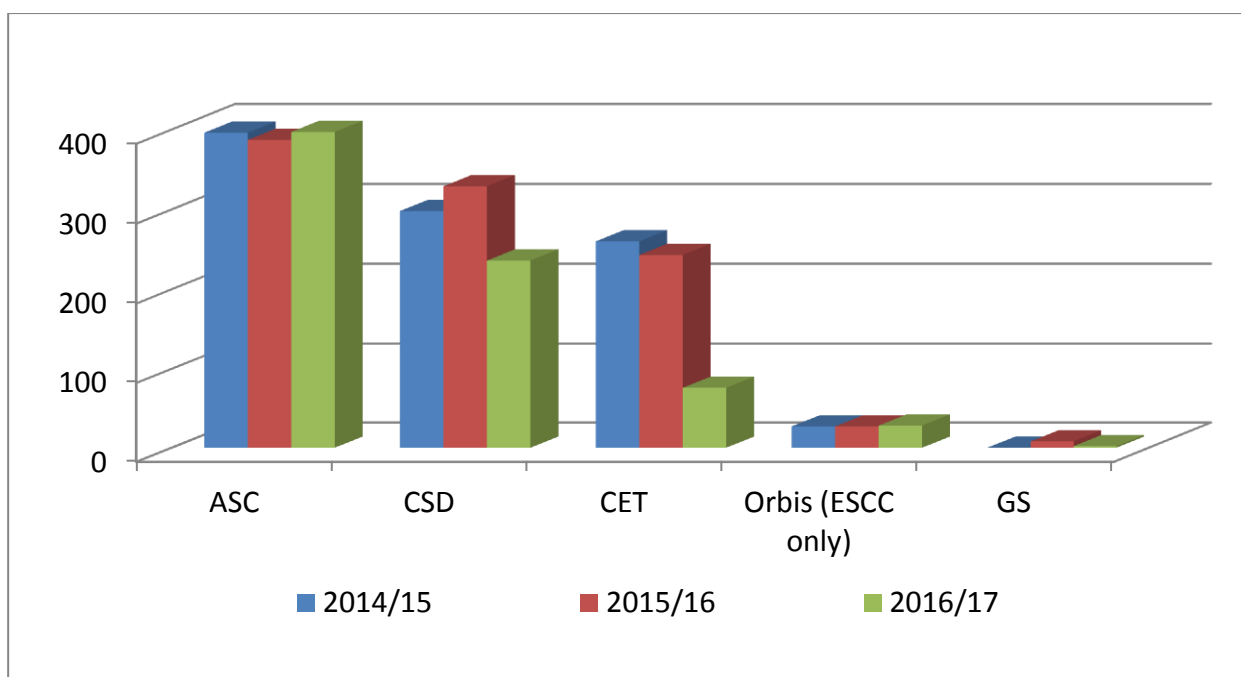
14 November 2017

### Appendix 3 Complaints and compliments by department 2016/17

#### 1. Summary

**1.1** The chart below shows the number of complaints received this year by department compared with 2014/15 and 2015/16. The Council received 739 complaints in 2016/17 compared with 995 complaints in 2015/16, which represents a 26% decrease. The number of complaints for Adult Social Care (ASC), Orbis (ESCC only), and Governance Services (GS) remain constant.

**1.2** There has been a decrease in complaints in Children's Services (CSD) which is believed to be linked to the change to the structure of handling complaints through the Family Information Service. Further details are provided in the section for CSD. There has been a significant decrease in complaints within Communities, Economy and Transport (CET). This is linked directly to the implementation of a contracted service provider to deliver the majority of the Council's Highway Services, and to the way highways complaints are now being handled. Further details are provided below in the section for CET. Please note comparisons of complaints and compliments between departments are not valid due to the nature of the different services provided by each department.



**1.3** The sections below provide a breakdown by department of complaints to the Local Government & Social Care Ombudsman (LGO) where decisions were made in 2016/17. This year there were 21 complaints upheld by the LGO. This section (1.3) highlights the common themes of faults found and recommendations made by the LGO for these 21 upheld complaints.

**1.3.1** The LGO upheld complaints where customers or service users experienced delays in responses and poor communications. They also upheld complaints when it found that the Council was unclear to service users what assessments were being carried out and decisions were being made about their needs (in particular school transport, blue badges, care plans, special educational needs, occupational health, and care costs). This in turn made service users question if the assessments were correct and if they had provided the correct evidence needed. The LGO found in these instances that the Council was at fault as it may have made incorrect assessments and

decisions, which caused injustice as service users may not have received services they are entitled to receive.

1.3.2 The actions the LGO recommended and that the Council agreed to were to remedy these faults. The LGO recommended apologies were given when incorrect assessments caused delays, errors, distress or frustration. The LGO recommended re-assessments to re-evaluate with correct information and to review the decisions (such as school transport appeals and blue badge assessments).

1.3.3 The LGO further recommended that if these re-assessments concluded that services should have been provided, then the delay in receiving the services must be rectified by providing what has been missed over that time, either arranging extra provision (e.g. therapy), or reimbursement (e.g. school transport, blue badge, care costs).

1.3.4 The LGO identified that processes had been unclear and that the stages and decisions of the assessments (and re-assessments) should be communicated clearly to the service users. The LGO views this as good practice and it recommended in all relevant circumstances that clear explanations of decisions should be recorded and communicated, and the Council demonstrates the evidence that was used to come to those decisions.

1.3.5 In order to imbed this good practice, the LGO recommended in the majority of these upheld complaints that training and clear procedures were provided for council officers and panel members who carry out the assessments. They should receive clear guidance on how to record how decisions were made and the evidence they were based on. This also included reviewing information provided to the customers or service users, for example, improving the wording of the School Transport Policy, and improving explanations given about the cost of residential care.

## 2. Adult Social Care

	2016/17	2015/16	Change
<b>Number of complaints received</b>	<b>397</b>	<b>387</b>	<b>↑2.6%</b>
<b>Number of complaints upheld/partially upheld</b>	<b>194</b>	<b>148</b>	<b>↑31.1%</b>
<b>Number of compliments</b>	<b>1363</b>	<b>1740</b>	<b>↓21.7%</b>

### 2.1 Summary

2.1.1 There was a slight increase (2.6%) in the complaints received about Adult Social Care (ASC) services compared to last year. There has also been an increase in the number of complaints being upheld or partially upheld. In 2016/17 48.9% of our complaints were upheld or partially upheld compared to 41% in 2015/16.

2.1.2 ASC recorded fewer compliments this year but the department received almost 350% more compliments about its services than complaints.

### 2.2 Action taken to improve the service

2.2.1 The following section provides the top three themes of complaints for ASC in 2016/17 and actions and recommendations related to these themes. It also provides other improvements that have been made.

2.2.2 80 complaints related to assessment functions and 31 (39%) of these were upheld or partially upheld and these related to:

- Eligibility assessments for social care support, Occupational Therapy adaptations and equipment and provision of a Blue Badge.
- Financial assessments to identify the amount someone pays towards their care.

2.2.3 Of these 80 complaints 38 (48%) were about disputing the outcome or decision of the assessment. With stringent application of national eligibility criteria it is not surprising that this is an issue and people do have the opportunity to appeal these decisions, if they can provide further information. Often issues are compounded if there has been some shortfall in communication. Learning is generally addressed at practitioner and team level.

2.2.4 63 complaints were about the provision of service and 39 (62%) of these were upheld or partially upheld, which was the highest percentage overall. The main issues were about delay in receiving a service and then the quality of services falling below expectation. These issues, in part, could be attributed to the capacity limitations within the independent sector home care market that have resulted in delays in providing services that meet clients' and carers' wishes. The department continues to take steps to increase home care capacity and availability, both in-house and in the independent sector, in an attempt to address a shortfall that is a national problem.

2.2.5 There were at least 35 complaints that ASC received which involved the Accounts Receivable Team in relation to Adult Social Care clients. There is overlap between ASC and services provided by Orbis, and these complaints involve co-ordination of both in order to respond. However, 25 of these complaints were not logged as ASC complaints but under Orbis as they were directly related to services provided by Orbis. These are also discussed in section 5.0 below. Of the 35 involving Accounts Receivable Team at least 25 (71%) were upheld in full or partially. Disputes about charges and delays in the invoicing process have often been an element in complex multi-issue complaints. The complaints have taken a long time to unpick as they are generally related to whole system pathways. A Payment Process Review has been commissioned. This route cause analysis project is underway to identify the issues and implement learning to help reduce the errors and become more customer focussed.

2.2.6 Other actions taken to improve services in 2016/17 were:

- Respite and day opportunities for people with learning disabilities made some immediate service improvements to ensure a one service approach at all times. Changes across both sites were made to ensure care plans were followed, there was clear communication, better recording and clear escalation pathways when concerns were raised. All changes were undertaken to improve how the two sites work together for the benefit of all their clients.
- Health and Social Care Connect (HSCC) referral process were reviewed to minimise any delay in referring to therapy services. Actions included:
  - Processes now ensure that the faxed delivery receipt is always obtained and attached to referral paperwork.
  - HSCC staff now routinely ask Intermediate Care Bed units to check the Activity Transfer List for entries against their unit name when they call them every morning.
- The Older Peoples Mental Health Team revised how they allocated Carers Assessments between teams and how they shared information between carers and assessment teams.

## **2.3 Compliments**

2.3.1 ASC has continued to receive far more compliments about our services than complaints. People's comments clearly show how much they have valued support, often referred to as both life changing and affirming.

2.3.2 This year people appear to have particularly valued our Joint Community Rehabilitation Service (313), Carers Services (191) and Supported Accommodation/SAILS provision (122).

## **2.4 Local Government & Social Care Ombudsman (LGO)**

2.4.1 The table below sets out the LGO findings for complaints about Adult Social Care.

Year	Investigations			Invalid/ incomplete	Referred back	Advice given	Total
	Upheld	Not upheld	Closed after initial enquiries				
2016/17	6	3	11	1	6	1	28
2015/16	19	14	13	5	15	-	66

2.4.2 There has been a significant reduction in all areas of complaints investigated and considered by the LGO:

- 57.6% reduction in the number of complaints received
- 66% reduction in the complaints investigated
- 68% reduction in the complaints upheld

It is of note that these reductions have occurred following last year's review of how we handled complaints. Our increased emphasis on ensuring the process was client and resolution focussed may have had an impact in achieving a more satisfactory resolution when things have gone wrong.

2.4.3 Further analysis for Adult Social Care is provided in their Annual Complaints Report. The report is available later in the year and is published on the Council's website: [Comments, compliments and complaints annual report](#). This report is provided under the Local Authority Social Services and National Health Service Complaints (England) Regulations, 2009.

### 3. Children's Services

	2016/17	2015/16	Change
<b>Number of complaints received</b>	<b>236</b>	<b>329</b>	<b>↓28.3%</b>
<b>Number of complaints upheld/partially upheld</b>	<b>78</b>	<b>157</b>	<b>↓50.3%</b>
<b>Number of compliments</b>	<b>408</b>	<b>496</b>	<b>↓17.7%</b>

#### 3.1 Summary

3.1.1 Children's Services received a total of 236 complaints during the reporting period, a decrease of 28.3% from last year. The main drop was in complaints from adults on behalf of young people which fell from 314 to 216, a drop of 31%. The number of complaints from children and young people rose from 14 to 20. In 2016/17 32% of complaints were upheld/partially upheld compared to 48% in 2015/16. Digital channels now account for 88% of complaints related contact, up from 66% last year.

#### 3.2 Action taken to improve the service

3.2.1 Children's Services continue to use the learning from complaints and how people contact us as a key driver in improving the services offered by the department and in improving our digital offer. Using information around access channels and complaint themes we have been able to improve customer journeys to key departments through revisions to website architecture and amendments to automated telephone systems. We have also used learning taken from complaints to improve, and in some cases create, new web content aimed at better informing our customers, so preventing complaints where lack of clarity has been an issue.

3.2.2 We believe the reduction in complaints from parents and families is down in part to the change to the structure of handling complaints, in that all complaint correspondence is now filtered through our Family Information Service, meaning that a solution-focussed approach can be taken by experienced advisers to get the best outcome for the customer. This may be by the formal complaints route or it could be a referral to another service or some other kind of online advice or guidance.

3.2.3 A key area of learning for us this year was around summer born children and the mixed messages that had come out from central government versus the realities within the Admissions Service. As a result of this feedback from vexed parents we were able to clarify our online advice, creating new bespoke content to address the specific points that had led to confused and frustrated parents raising complaints. This was an amalgam of feedback taken through the Family Information Service, from complaints, and advice taken from our in-house web editor that led to the publishing of new content online. We expect this specific change to have a significant and positive impact on complaints around this area of service and believe this type of approach will be more common as part of the learning from complaints feedback cycle as we further the department and the council's digital by design agenda.

### 3.3 Compliments

3.3.1 The total number of compliments received throughout the year is down slightly from 496 to 408, but the ratio of compliments per complaint is up from 1.5 to 1.7. The drop in compliments may be linked to the reduction in contact generally although compliment volumes can be highly volatile due to certain areas of service generating high number of compliments in a short space of time. For example the East Sussex Music Service will receive large numbers of compliments after concerts or other public performances. Moving forward we plan to share the positive messages coming through the compliments with key members of staff so that this can be learnt from in the same way as we learn from complaints.

### 3.4 Local Government & Social Care Ombudsman

3.4.1 The table below sets out the LGO findings for complaints about Children's Services:

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Total
	Upheld	Not upheld				
2016/17	15	7	6	1	11	40
2015/16	5	4	9	2	13	33

3.4.2 Of the 40 complaints, 22 complaints were investigated and of those 15 (68%) were upheld.

3.4.3 There will be further analysis of these complaints in the Children's Services Annual Complaints Report. The report is published on the Council's website later in the year: [Children's Services Annual Complaints Report](#). This report is required under The Children Act 1989 Representations Procedure (England) Regulations 2006.

## 4. Communities, Economy & Transport (CET)

	2016/17	2015/16	Change
Number of complaints received	76	243	↓68.7%
Number of complaints upheld	20	54	↓63.0%
Number of compliments	716	619	↑15.7%

### 4.1 Summary

4.1.1 There has been a significant drop in complaints received in CET in 2016/17. The reduction in complaints has occurred across all CET services, but has been particularly significant in highways. This is due to the way highways complaints are being handled since the new contractor for East Sussex Highways took over on 1 May 2016. Previously initial complaints about highways have been

logged as corporate complaints at too early a stage; this was in large part because the Highways Contact Centre was part of the Customer Services Team and it was common for initial complaints simply to be escalated to a corporate complaint as a way of resolving them, without the correct triage to ascertain that the customer had sought unsuccessfully to resolve the issue directly with the service.

4.1.2 Under the new highways contract complaints are initially dealt with by the contractor as the service provider, as this provides a direct opportunity for the contractor to seek to resolve the issue with the customer. If the complaint remains unresolved the customer is able to raise this as a corporate complaint to the Customer Services Team. This is in line with the Corporate Complaints Policy where services always seek to resolve the concern or issue directly, and with how other contracted-out services (e.g. the Veolia contract) handle initial complaints from dissatisfied customers.

## **4.2 Action taken to improve the service**

4.2.1 The proportion of complaints that were upheld or partially upheld in 2016/17 is 26% which remains a similar proportion to the previous year at 22% in 2015/16.

4.2.2 The following are areas where improvements were made as a result of upheld and partially upheld complaints:

- There were a number of complaints which involved poor communication, and two main areas were identified where improvements could be made:
  - Poor communication between staff was causing delay to works and responses to customers. This was due to multifaceted communications between Council staff, staff employed by service providers, and other partners. To resolve this, managers who hold responsibility for outsourced services ensured that the division of responsibility between contracted service providers and Council staff, for handling complex issues and complaints, was clearly understood on both sides.
  - Some acknowledgements and responses were being missed and some customers were not being kept informed, which were resulting in enquiries being escalated to corporate complaints. Awareness was raised with managers about the need to adhere to response times for enquiries and complaints. Teams were instructed to review enquiries as soon as they are allocated so that staff can adequately plan time to respond within the customer service standards. This also includes keeping customers informed if a full response cannot be provided in the normal timeframe.
- In response to poor information provided on the website, improvements were made to make more information available about the services delivered by teams in CET.

## **4.3 Compliments**

4.3.1 Compliments recorded for CET have increased from 619 in 2015/16 to 716 in 2016/17. Within the year, the Highways Team had improved how they capture their compliments received, for example by social media, phone calls or comments made by the public to staff working out on the network, which has increased the total number of compliments.

4.3.3 Compliments continue to be high which indicates that teams continue to deliver high quality services and show their commitment to the customers. Compliments for CET services fall into five main categories:

- Work and repairs carried out: Customers appreciated quick and effective works and repairs. They appreciated the quality of the work, commitment from staff, and how work carried out improves their accessibility and experience of their activities.
- Quality of service and staff in general

- Appreciation of staff helping on a specific query, issue or concern. This includes taking the time to help with and answer queries; responding quickly; providing thoughtful and considered responses; doing that extra bit to help; helping in difficult situations or circumstances; listening; and finding resolution for issues or concerns.
- Staff keeping the customer informed and up-to-date with the progress of their enquiries.
- Facilities or activities offered.

#### 4.4 Local Government & Social Care Ombudsman

4.4.1 The table below sets out the LGO findings for complaints about CET:

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Total
	Upheld	Not upheld				
2016/17	-	1	4	-	4	9
2015/16	3	4	3	2	3	15

4.4.2 Only 1 (11%) of the 9 complaints was investigated and it was not upheld.

#### 5. Orbis (ESCC only)

	2016/17	2015/16	Change
Number of complaints received	28	27	↑3.7%
Number of complaints upheld	22	13	↑69.2%
Number of compliments	20	n/a	-

##### 5.1 Summary

5.1.1 The number of complaints received for Orbis (ESCC only) has remained almost the same for 2016/17. The percentage of upheld and partially upheld has increased by 69.2%.

5.1.2 The 22 upheld or partially upheld complaints covered the following subject matter:

- Issues with payments (20) for care costs such as unclear or incorrect charges and invoicing, delays or incorrect payments, and wording of billing letters.
- Issue with school meals (1) provided to a pupil.
- Lack of response (1) regarding flooding of a resident's property following a new school construction.

##### 5.2 Action taken to improve the service

5.2.1 As discussed in section 2.2.5 there is an overlap of complaints involving ASC and Orbis. ASC has identified an increase in partially and fully upheld complaints relating to ASC and Accounts Receivable Team in Orbis. A Payment Process Review has been commissioned to investigate. This is a root cause analysis project to identify and unpick the issues of the pathways within these complex and multifaceted complaints. The aim is to implement learning to help reduce the errors and become more customer focussed.

5.2.2 For the Accounts Receivable Team, in response to the partially upheld or upheld complaints, there were two main areas where actions and improvements have been made. These were identified as staff training where preventable errors were made, and improvements to procedures. Staff training was carried out on the following topics, but not exclusively:

- Resolving when accounts get out of sync with payments

- Instalment processes
- Data protection refresher training
- Keeping providers up-to-date and informed (a responsibility shared with ASC)

Where it was possible to identify lessons learned, procedures and information were improved, for both staff and customers, such as:

- Improvements to template letters, statements, and reminders, including new contact details and better explanations. A review is also included within the service's improvement plan.
- Improved information about processing payments.
- Development of reporting which identifies missing data on providers and actions taken.
- Implementation of an improved process for large and late invoicing, which runs prior to billing, so the client can be given an explanation with the invoice.
- Improved communications to explain that clients are able to meet with Accounts Receivable Team face to face to help resolve issues.
- Improvement plans for the finance systems to ensure the right invoices are despatched from the right system.
- Updates with reflect procedural changes in ASC, resulting in reports giving clear weekly charges and adjustments.
- Extra check points put in place in order to identify potential issues early on.
- Improved communication with clients regarding the invoicing cycle.

5.2.2 As reported in the 2015/16 report, it is specified in the Orbis partnership Inter Authority Agreement (IAA), *Orbis must have a process in place to log any complaints or any complimentary feedback received from any Customer or member of the public with regard to the Services provided under this Agreement. The Orbis log shall be in line with the Councils' policies and procedures in place and as updated.* The coordinated Orbis process is in development and options are being considered, through engagement across the partnership (now also including Brighton and Hove City Council) including with the Customer Services Team at ESCC.

### 5.3 Compliments

5.3.1 There were 20 compliments captured for the Accounts Receivable Team in 2016/17. These compliments were relating to how helpful and efficient the staff on were this team and how much customers appreciated it. As part of the work to develop an Orbis process to log any complaints or any complimentary feedback, ideas are being explored to give an accessible facility to give compliments. Further work will be carried out between Business Operations and the Customer Services Team in CET to clarify how better to report on compliments for the next annual report.

### 5.4 Local Government & Social Care Ombudsman

5.4.1 There were no LGO complaints made for this department in 2016/17.

## 6. Governance Services

	2016/17	2015/16	Change
<b>Number of complaints received</b>	<b>2</b>	<b>8</b>	<b>↓75.0%</b>
<b>Number of complaints upheld</b>	<b>1</b>	<b>4</b>	<b>↓75.0%</b>
<b>Number of compliments</b>	<b>0</b>	<b>1</b>	<b>↓100.0%</b>

### 6.1 Summary

6.1.1 There was only one complaint partially upheld for Governance Services which was due to the lack of a response to a customer regarding a claim.



## 6.2 Action taken to improve the service

6.2.1 There were no common themes or actions to be drawn from the partially upheld complaint.

## 6.3 Compliments

6.3.1 No compliments recorded in 2016/17.

## 6.4 Local Government & Social Care Ombudsman

6.4.1 There were no LGO complaints made for this department in 2016/17.

## 7. Chief Executive's Office

7.1 Complaints are often addressed to the Chief Executive (CE) or Leader, and so are received through the CE Office. However, the complaints are about issues with services provided by departments rather than the CE Office itself, so these are recorded by the relevant department and are part of their figures.

7.2 There was one complaint logged in 2016/17 about staff attitude within the support team for the CE Office. This complaint was not upheld and the staff member had handled the challenging member of the public in an appropriate manner.

## 8. Local Government & Social Care Ombudsman - other complaints

8.1 There are two remaining LGO complaints for 2016/17 where decisions were made by the LGO. These were under the category "Housing" and "Environmental Services & Public Protection & Regulation". However, these two complaints were not investigated so we are uncertain where these fall as the Council is not notified about details of the complaints not investigated. The complainants were referred back to find a local resolution and this may not have involved the Council but a local district or borough council which we may conclude based on the categories provided.

Year	Investigations		Closed after initial enquiries	Invalid/incomplete	Referred back	Total
	Upheld	Not upheld				
2016/17	-	-	-	-	2	2