

Complaints



Corporate Complaints & Compliments Annual Report 2019 - 2020

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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 2019 to 31 March 2020.
- 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 demonstrate how some of the learning from complaints and compliments has been used to shape future service delivery and improve the overall customer experience.

2. Complaints and Compliments received in 2019-20

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 all 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 capturing compliments and comments about all Council services. The Complaints and Information team also look for opportunities to “fix and solve” issues through informal resolution as well as signposting to other organisations or alternative routes of redress as required.

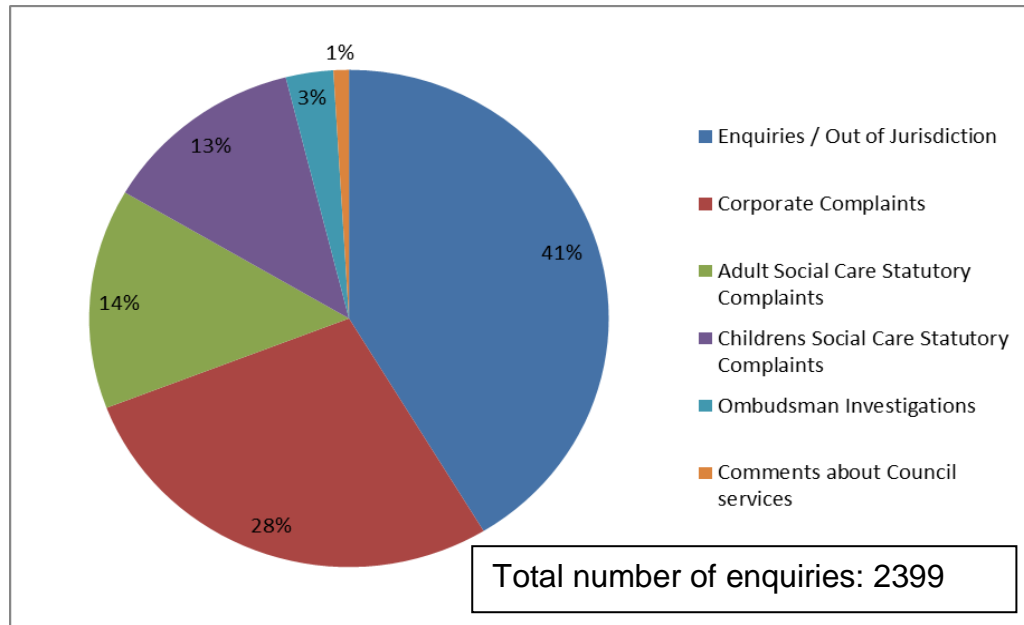
Whilst many of the above queries are quickly resolved, those where exemptions from the complaints procedure apply can often generate significant correspondence and phone calls.

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 and Information Manager acts as the nominated Link Officer and handles all correspondence between the Council and the Ombudsman.

2.2 Summary of all complaints, compliments and enquiries received in 2019-20

In total, the Complaints Team received and processed 2399 separate enquiries during 2019/2020, as depicted below

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



This represents a significant increase of 61% on prior year (1492).

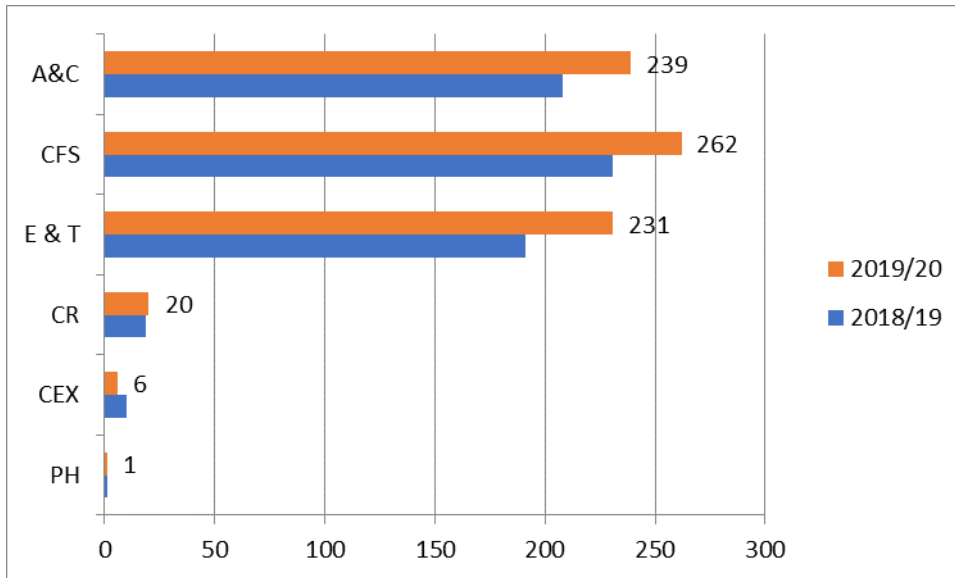
Although there has been an increase across most complaint types, the more significant factor is our improved diligence at recording all interactions that are handled by the Complaints and Information Team.

These are collated under Enquiries, Comments and Informal Resolution. Further detail is provided on this under Section 2.6

Contact Type	2018/19	2019/20	% Change
Enquiries, Comments and Informal resolution	529	1184	123.8%
Corporate Complaints	348	432	24.1%
Adult Social Care Statutory Complaints	179	208	16.2%
Childrens Social Care Statutory Complaints	158	119	-24.7%
Ombudsman Investigations	37	44	18.9%
Compliments	241	412	71.0%
	1492	2399	60.8%

Formal complaints were received across all departments in 2019-20 as represented in the graphic below, contrasted with the figures for 2018-19.

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



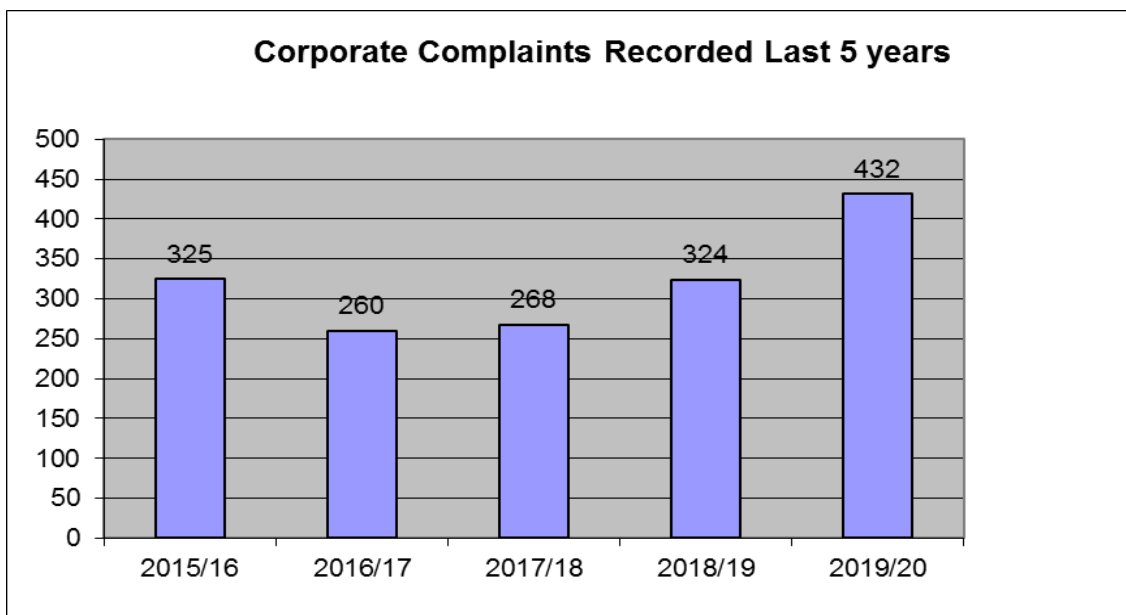
There is a consistent increase across the three main departments this year with no single department showing disproportionate increases.

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 33% during 2019-20. This represents a significant increase compared to the previous years.

Table 3: Corporate Complaints recorded during the last 5 years



2.4 Analysis of corporate complaint themes and significant changes from 2018-19

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 2018-19 corporate complaints annual report, the 5 services detailed below received the most complaints. Comparative data for 2019-20 shows a mixed picture in terms of success in generating improvements.

Service	2018 / 19	2019 / 20
Special Educational Needs Assessment	30	58
Recycling and Waste sites	29	28
Travel and Transport Services	26	47
Highways Network Management	20	9
Traffic Management / Calming	16	16

It is pleasing to see a downward trend in Network Management complaints. The principal complaint in this area has traditionally been around publication of clear information relating to road closures. This has been an area that has seen clear improvement in accessibility of this information and improvements with the Customer Service Centre's ability to resolve at first point of call.

Waste Management and Traffic Management have both seen near identical volume this year. Most complaints in these areas are now around policy decisions for example the need to have a waste permit system, or prioritisation of increasingly scarce funding for traffic calming measures. In this context neither area is highlighted as a topic of concern.

It is however difficult to ignore the continued rise in complaints around SEN which saw a significant rise for the 3rd year running and remains an area where levels of fault exceed the organisational average.

Travel and Transport Services also saw a rise last year. This was heavily impacted by a pause in progressing operational planning for SEN Transport and whilst the outcome of a Judicial Review was awaited. This led to a significantly condensed window to approve and commission transport for students and led to a number of complaints.

2.5 Analysis of most common corporate complaints in 2019-20

The list below details the 5 most frequent areas complained about during 2019-20.¹

Service	2019 / 20
Special Educational Needs Assessment	58
Transport and Travel Services	47
Highway and Footway Maintenance	38
Environmental Services	36
School Admissions and Inclusion Service	23

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:

- Poor Communication
- Quality of EHCP plans
- Fulfilment of Annual Reviews in all instances

At the heart of many complaints has been lack of sufficient contact with families from SEN Officers. Significant additional resources have now been put in place and this is starting to reduce complaint numbers though it may yet take a bit of time for the impact to be fully realised.

There have also been several adverse Ombudsman decisions in this area as explored in more detail in Section 5 of this report

¹ This list excludes the 40 complaints about Childrens Social Care and where the complainant lacked access to the statutory complaints procedure. These themes are explored in the Childrens Social Care Annual Report 2019-20

Transport and Travel Services

Complaints in this area were very heavily impacted by not having all SEN transport arrangements in place for the start of the academic year. This also impacted on the team's ability to deal with requests for changes to pick-up times and other routine requests which understandably were held until all transport requests had been fulfilled.

Highway and Footway Maintenance

This is a broad category and as such no surprise that a number of complaints were received. Traditionally this features in the top 5 each year given the large number of enquiries the Council receives. To put this in context, 20,300 reports were received of Highway defects, each one representing a potential complaint. These remain very low numbers set against this broader context (0.18%) and a marginal reduction on 2018-19 (0.19%)

Analysis of this area does not reveal any clear themes emerging with the following broad complaint types recorded

- DELAY 13
- DECISION MAKING 10
- QUALITY OF WORK 8
- CUSTOMER CARE 6
- COMMUNICATION 1

Delay is the highest area mentioned and this is almost exclusively for jobs that are assessed as lower priority, re-surfacing, forestry and others. The challenge here is management of expectations where clear timescales for a response cannot be provided.

Environmental Services

This service encompasses Drainage and Grass Cutting amongst other categories. These have previously been listed separately in annual reporting but now follow the organisational structure.

It is worth reflecting that historically, Drainage alone was often one of the highest ranked complaints and over the last 3 years there have been significant improvements in the work of this team.

Our gully emptying contract, now entering the second year has doubled the number of gullies emptied on an annual basis. This coupled with improvements to how we communicate with residents has manifested in greatly reduced volumes this year (23)

The other principal category is Grass Cutting (12). Again, this has seen significant reductions in complaints over the last few years with improved information about schedules and our general approach.

For the first time this year complaints have been split equally between those seeking more cuts and those concerned about environmental impact in rural areas and thereby seeking reduced cuts. This shows the difficulty in achieving a service that delivers for everyone.

Admissions and Inclusion Services

The final service in the top 5 is the Admissions and Inclusion services. This ranges from complaints about allocation of school places to more complex situations whereby children are not in receipt of education.

Complaints intelligence has shown that there is some work to be done in improving the linkages between Admissions, Inclusion Services and SEN teams to ensure that we have the appropriate mechanisms in place to ensure we know about any situation whereby a child is not in education and can then act swiftly in response.

Significant work has been carried out in the department on this area to bring about the required improvements.

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 2019-20, the Complaints Team handled 1,184 miscellaneous enquiries consisting of:

- First time requests for service which were passed to the relevant Customer Service Centre or other access point (384)

- Informal resolution within 24 hours. This includes provision of advice and information about Council services and policies (445)
- Providing advice and signposting to the correct organisation e.g. District Councils, Academies, Health (130).
- Providing advice and signposting to alternative procedures for redress, for example internal appeals procedures, subject access requests, HR procedures (127)

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

412 compliments were recorded across all services during 2019-20, A significant increase on the recorded numbers in 2018-19 (241) likely down to increased awareness of sending these to our Complaints unit.

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 2019-20

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 can 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 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

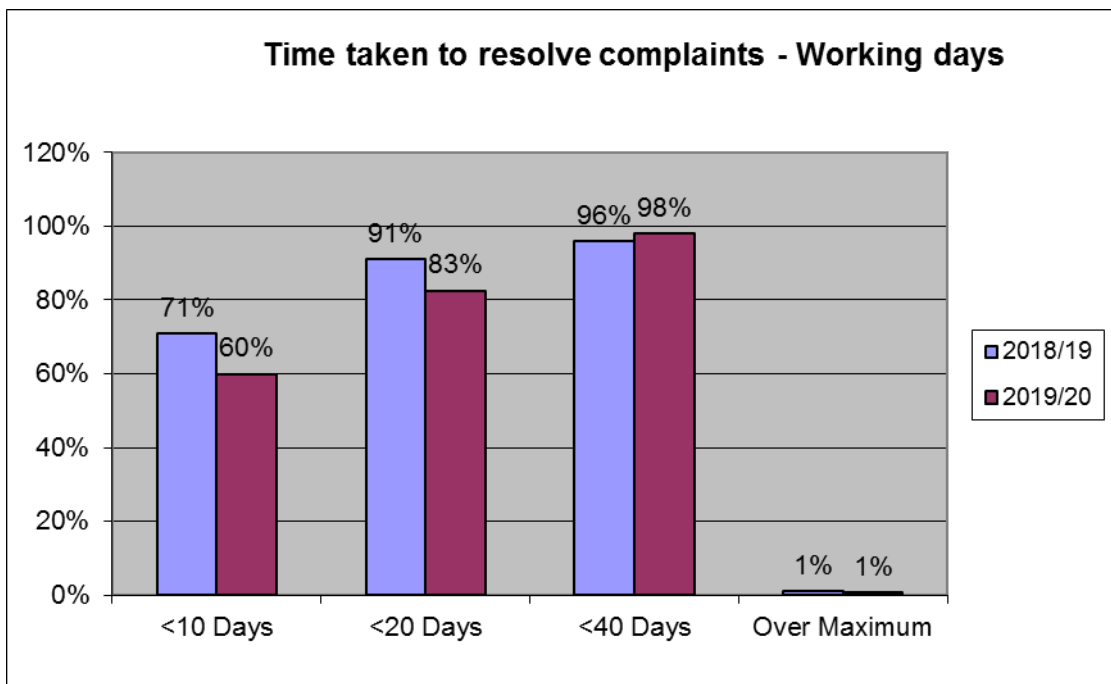


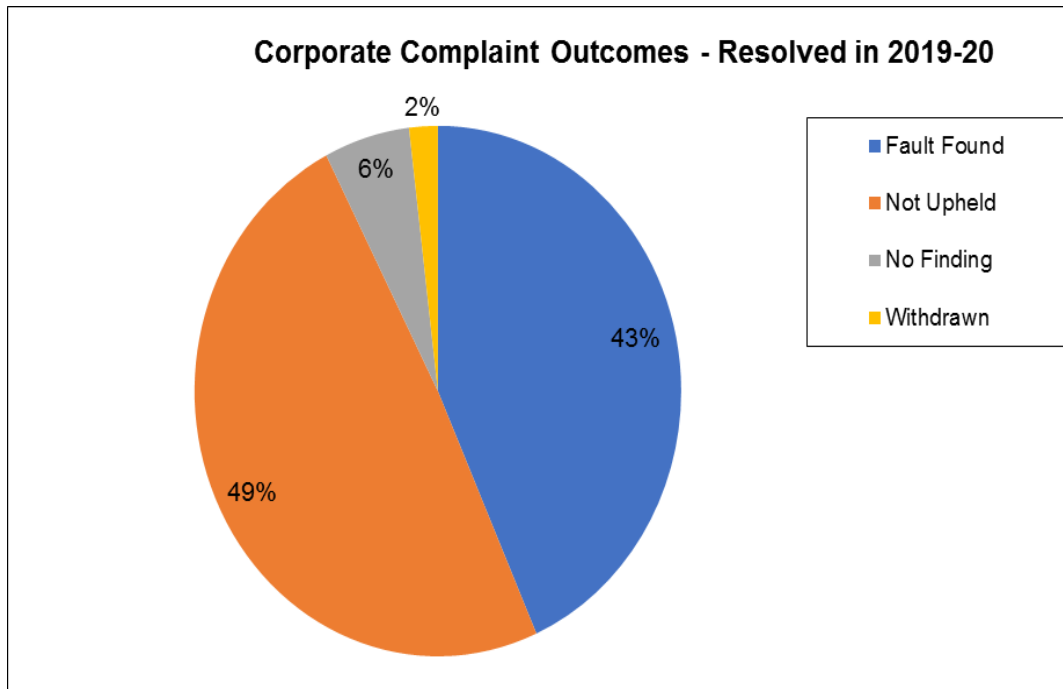
Table 4 above shows a summary of time taken to respond to complaints, providing a comparison between the current reporting year and the previous one.

There has been an additional indicator added this year to measure responsiveness within 40 working days. Although there has been a dip in responsiveness at 10 working days, it is important to note that we have added a “review” stage to the corporate complaints procedure this year and this will have impacted on this. With 98% of complaints responded to within 40 working days this continues to be healthy performance.

Just 3 complaints were not concluded within 65 working days (the maximum allowed under our policy) This is a slight reduction from last year (4).

3.2 Corporate Complaint Outcomes & Resolutions

Table 5: Corporate complaints recorded by outcome.



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 183 (43%) complaints were upheld to some extent following investigation, this is almost identical to last year (44%)

Twenty-four 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 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.

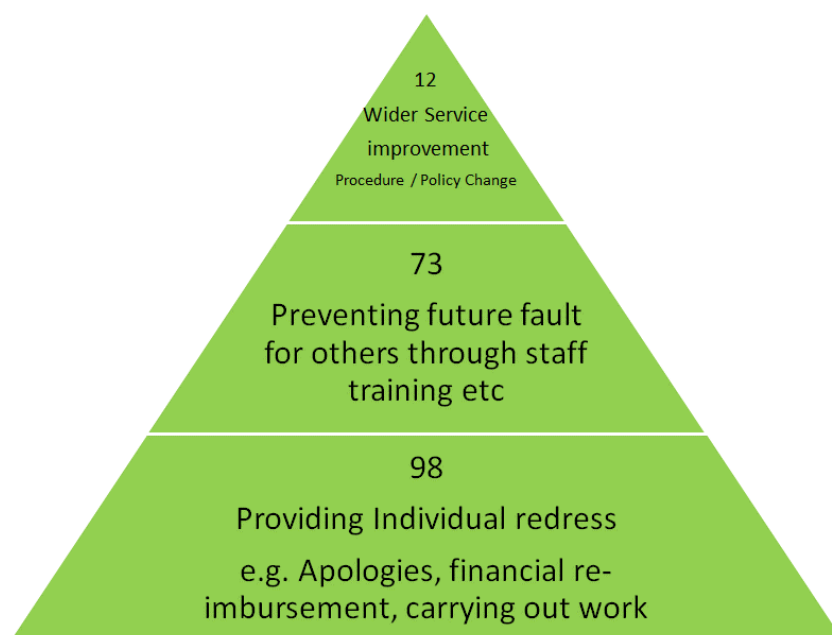
Occasionally issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council

4.1 Remedial actions taken from resolved complaints 2019-20

All the 183 complaints where fault has been found have been reviewed 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. The diagram below shows the actions taken during 2019-20. 46% of complaints upheld resulted in actions that should improve service for other residents. This is a good improvement to 2018-19 (33%)

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
The Blue Badge online application process is cumbersome and overly complicated	Worked with our 3 rd party supplier to simplify the process
General maintenance of Burrough Hill Country Park not as good as expected	We have acted to increase frequency of emptying of bins and there is a programme to replace some of the signage which has become worn
We did not respond promptly to a tribunal instruction re an EHCP	We investigated and found a process flaw in that Tribunals wrote to named officers. To ensure no delay they now write to a generic mail-box, so they can be triaged in case of absences
We don't use best practice gender categories on School Admissions application forms	After investigation we made some changes in line with advice of the Equalities Officer
There is a lack of clarity around the process with Dropped Kerb applications	We listened to the feedback and have made some changes to the Information Sheet which accompanies application forms
You are cutting too much grass in the rural areas and impacting on wildlife	<p>We have listened to the growing feedback in this area and have implemented changes for the 2020 season</p> <ol style="list-style-type: none"> I. Reduced the first rural cuts to visibility only II. Are running a pilot "Urban Wildflower project" where some parishes or community groups look after verges
You are not responsive enough to highways reports	Our business intelligence services have been working with allowing a better insight into our data. We now can access real time data updated every 15 minutes enabling staff to monitor performance and better understand our customer's needs.
You are wasting tax-payer money and resources printing leaflets	We have significantly scaled back the number of printed leaflets we produce with a shift to Digital first principles
It's hard to get through to my SEN officer and they appear to have too	We have recognised this and other concerns with the stability of the

much on	workforce in this area and significantly increased the resources available. This includes administrative support to help ensure no responses are missed.
Your mobile library is parking in an inconvenient place	We always endeavour not to cause obstructions in the Highway and found an alternative place for the vehicle to set down
Your computers at Loughborough Library are not very responsive	We recognised that they needed upgrading and have a refreshment plan in place for this

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 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 2020 and will be reported through the Corporate Governance Committee in November 2020.

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 2019-20

During the year 2019-20, the Local Government Ombudsman opened enquiries into 44 new complaints. This can be further segmented by department and alongside the last 2 year's figures:

Department	2019/20	2018/19	2017/18
Environment and Transport	7	7	9
Children and Family Services	20	13	19
Adults and Communities	15	10	14
Corporate Resources	1	1	0
Chief Executives	1	0	5
Multiple departments	0	1	0
TOTAL	44	32	47

5.2 Decisions made by the Local Government and Social Care Ombudsman 2019-20

The LGO made Final Decisions on 36 cases during the year with outcomes recorded as:

- Three identified as outside of the Ombudsman's remit and discontinued on this basis
- Thirteen 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.
- Four were closed after detailed investigation and with no maladministration found

- Sixteen cases of maladministration and injustice were found

The numbers of cases where the Ombudsman highlighted maladministration doubled this year from 8 in 2018-19

No Public reports were issued against the Council during the year.

Seven of the sixteen maladministration findings related to corporate services with brief details set out below:

Case 1 – Highways: Assessment of Highway

Mr C complained that since the Council resurfaced the highway outside his house, his family had been experiencing noise and vibrations from use by heavy goods vehicles which affects their sleep.

The Ombudsman found fault in some of the Council's communication and decision not to undertake further site visits but considered the Council's offer of an apology sufficient.

Case 2 – SEN:

Mrs F complained the Council failed to offer appropriate education to her child, G. It delayed issuing an Education, Health and Care Plan. The Council accepted fault and agreed to make a payment of £4,850 for missed educational provision, distress and time and trouble and to change its procedures.

Case 3 – SEN:

The Council failed to provide suitable alternative education for Mrs B's daughter, C, when she was unable to attend school due to anxiety. The Council also failed to support C and her family, arrange a multi-agency meeting or make a referral to Autism Outreach.

The Council accepted these failings and apologised to the family, made a payment of £2,100, and agreed to a review of its policies and procedures.

Case 4 – SEN:

There was delay by the Council in consulting schools when Ms X requested a change of placement. There was also fault by the Council in a failure to ensure special educational provision in an EHC plan was in place, and in the subsequent handling of a complaint about this issue.

The Council apologised and offered a financial remedy of £1,450 and to make service improvements to remedy the injustice caused.

Case 5 – SEN:

The Council failed to provide an education for daughter, X, who has special educational needs, for six months and failed to carry out an education, health and care plan assessment in a timely fashion.

The Council had already refunded private tuition and transport costs incurred by Ms C and apologised. The Ombudsman found that the education provision was

the wrong type and therefore had been of limited value. For this reason, it recommended an additional payment for missed education provision. The total payment made was £11,300

Case 6 – SEN:

Mrs B complained that the Council did not provide support identified for her daughter in an Education, Health and Care Plan and then failed to amend that plan in good time.

The Ombudsman found fault and that this caused added demands to Mrs B supporting her daughter. Mrs B's daughter also suffered her own distress because of missing education.

The Council accepted the findings apologised and agreed to a payment of £1,750

Case 7 – SEN:

Mr X complained that a Council officer failed to contact a school sixth form as she agreed. He says this left his son, Mr Z without post16 provision.

The Council accepted there was no record the officer did what she promised and offered an apology and a payment of £100. The Ombudsman agreed this was a satisfactory remedy given the School was unlikely to agree to admit Mr Z

The remaining 9 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.

In-house training focused on the core techniques of investigation and responding to complaints continues to be promoted. This has been well received and is now run every quarter for managers.

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. Four 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.

7. Concluding Comments

There has been a 39% increase in complaints across all types over the last 3 years. This mirrors the national trend and has created some challenges this year.

Despite these increases, responsiveness to complaints remains good evidenced by the 99% of complaints resolved within our policy timescale.

This report highlights specific concerns around SEN / EHCP complaints which continues the trend seen last year. 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. There has been a lot of work undertaken to address some of the issues as set out within this report, but it remains an area where clearly further improvement is required.

Similarly, this year saw specific problems with SEN Transport. Although the reasons have been clearly identified, it is important that these lessons are drawn forward into the new season and to offer a more seamless return to school for parents.

This report also provides evidence of good service improvement as evidenced by the record number of compliments recorded.

APPENDIX A – Sample of compliments received

- Customer impressed with S from Trading Standards who helped her and vulnerable father after dealing with rogue trader and burglary in area – **Trading Standards**
- Excellent care offered by staff at Glenfield Registrar office – **Registration Services**
- Customer noted she provided very good feedback during Ofsted webinar and highlighted she has received excellent service from the SEND department – **SEN team**
- Managing Director of Post 16 Provider described M SEN Officer support and professionalism as outstanding – **SEN Team**
- Primary School Teacher has found E SEND Caseworker extremely thorough with her advice and time taken to understand each child. – **SEN Team**
- Customer found S SEN Officer's support organisation and concern during a primary school mediation meeting for her son outstanding. – **SEN Team**
- Thank you to P School Admissions Officer and to her staff for all the support received during the admission period – **School Admissions**
- Thanks for the support in helping us keep afloat as a nursery provider – **Education Sufficiency**
- Visitor to Leicestershire Traded Services very much appreciated J Pensions Officer efforts explaining pension options – **Pensions**
- Thanks for sorting drainage issues after making a complaint – problem sorted in great time – **Complaints and Information & Environmental Services**
- Thanks to V on reception for dealing with my blue badge application so well – **Reception team**
- Councillor found Sharnford workshop presented by L and S very helpful and received great positive feedback from residents. - **Highways**
- Thank you to the team for your superb work clearing the cycle route between Hathern and Kegworth. Great work - **Highways**
- Thank you to the SEND Transport Team and Abbey Taxis for the excellent service provided. – **Transport and Travel Services**
- Councillor appreciates V Senior Engineer and her team keeping regular contact with two flooded Residents – **Flooding team**
- Drainage team did an excellent job. Their perseverance was outstanding. – **Environmental Services**

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