

Complaints



Corporate Complaints & Compliments Annual Report 2020 - 2021

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1. Purpose of Report

- 1.1** To report statistical information on Leicestershire County Council's (LCC) corporate complaints and compliment activity from 1 April 2020 to 31 March 2021.
- 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 2020-21

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.

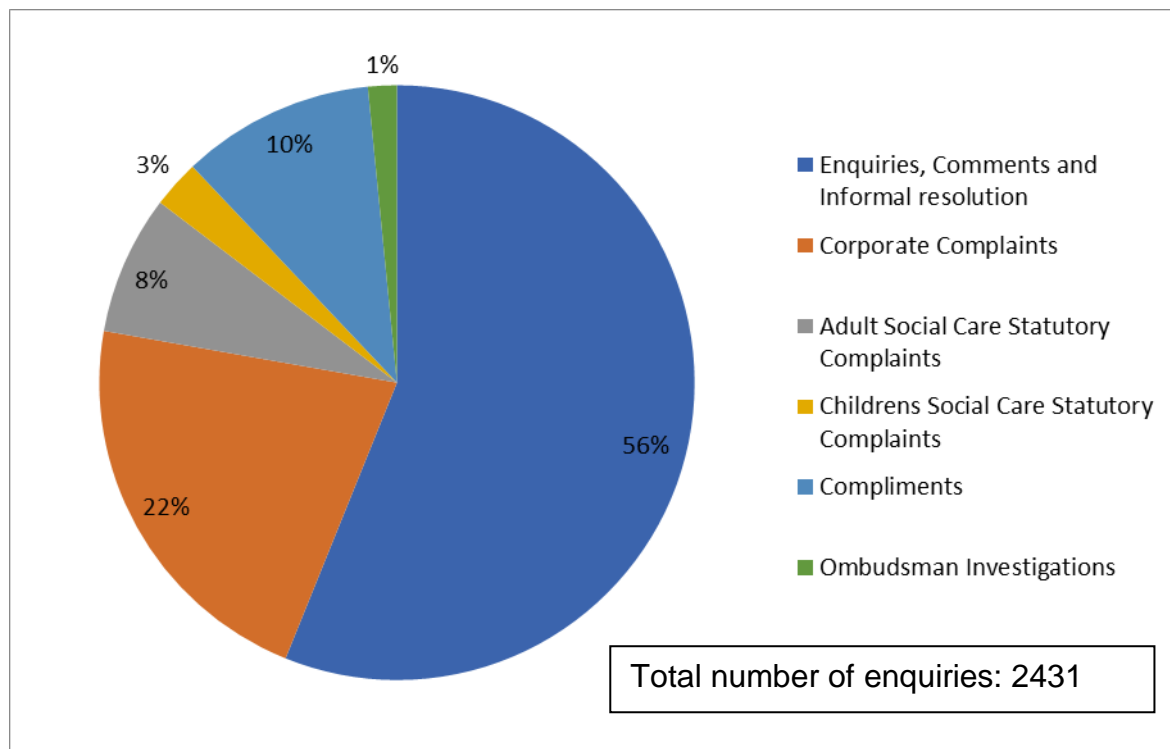
Whilst many of the above queries are quickly resolved, those where exemptions from the complaints procedure apply can often generate significant correspondence and phone calls.

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 2020-21

In total, the Complaints Team received and processed 2431 separate enquiries during 2020/2021, as depicted below

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



Following a sharp increase in 2019/20, this year 20/21 has seen a further marginal increase overall (2399).

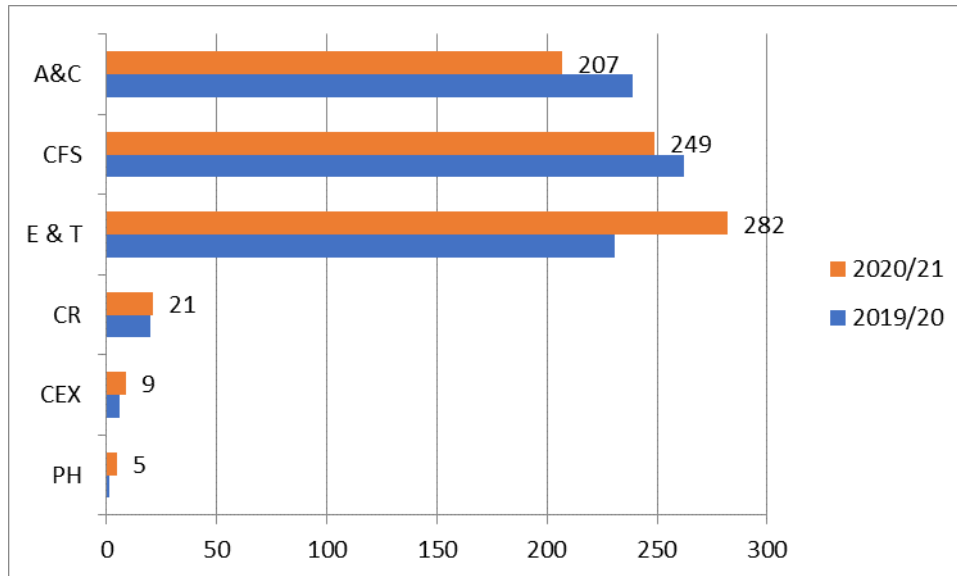
A significant number of enquiries do not need to be formally investigated as complaints but instead the public are assisted by the Complaints and Information team to access the appropriate service or to resolve any difficulties they are having.

These are collated under Enquiries, Comments and Informal Resolution. Further detail is provided on this under Section 2.6. At 56% of the overall volume this is a significant and increasing role for the team.

Contact Type	2019/20	2020/1	% Change
Enquiries, Comments and Informal resolution	1184	1364	+15%
Corporate Complaints	432	527	+21%
Adult Social Care Statutory Complaints	208	184	-11%
Childrens Social Care Statutory Complaints	119	63	-47%
Ombudsman Investigations	44	38	-14%
Compliments	412	215	-48%
	2399	2431	+1%

Formal complaints were received across all departments in 2020-21 as represented in the graphic below, contrasted with the figures for 2019-20.

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

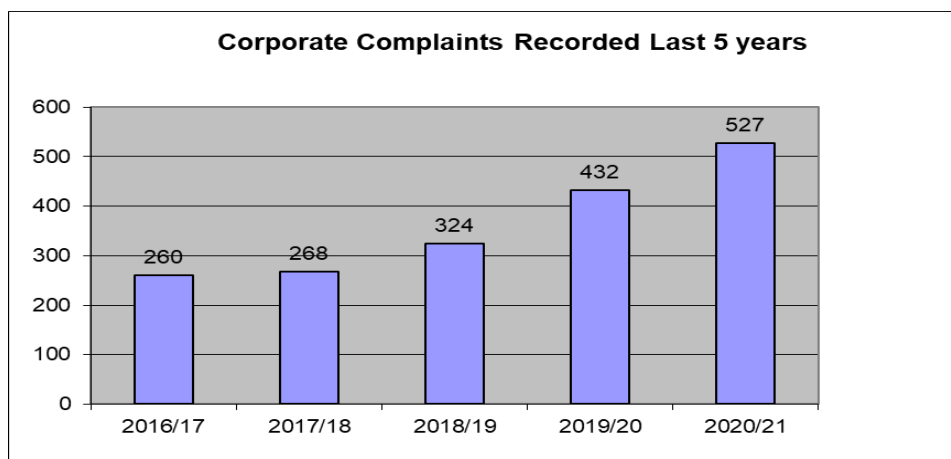


It should be noted that this report and the following analysis relates solely to the Council's corporate complaints and compliments processes

2.3 Corporate Complaints trend analysis

The total number of corporate complaints received increased by 21% during 2020-21. This follows a 33% rise from the previous year and continues the long-term trend of significant increase.

Table 3: Corporate Complaints recorded during the last 5 years



2.4 Analysis of corporate complaint themes and significant changes from 2020-21

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 2019-20 corporate complaints annual report, the 5 services detailed below received the most complaints. Comparative data for 2020-21 shows a mixed picture in terms of success in generating improvements.

Service	2019/20	2020/21
Special Educational Needs Assessment	58	38
School and SEN Transport	47	69
Highway and Footway Maintenance	38	48
Environmental Services	36	21
School Admissions and Inclusion Services	23	11

Although there were good reductions in volumes of SEN Assessment complaints during the year, this area remains a focus as early data from 2021-22 suggests it is again rising. There has however been significant work taking place to re-structure the area which will take time to bed in.

Environmental Services (predominantly Grass Cutting and Drainage) saw good reductions in volume as did School Admissions complaints.

Highway and Footway maintenance complaints rose, predominantly to do with lower priority work that was also impacted by the pandemic. It is not flagged as an area of concern.

School and SEN Transport complaints however continued to rise and was a significant pressure point during Quarter 2 and 3. Predominantly concerning delays in arranging transport for SEN students. Again, the pandemic was a factor, but it should not be ignored that this area has seen a steady increase over the last few years in complaints and needs further work to improve how we communicate with parents which was often at the heart of the complaints.

2.5 Analysis of most common corporate complaints in 2020-21

The list below details the 5 most frequent complained about services during 2020-21.¹

Service	2020/21
SEN & School Transport	69
Waste Management	69

¹ This list excludes the 88 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 2020-21

Highway and Footway repair	58
SEN Assessment	38
Environmental Services	21

SEN & School Transport

Most complaints were received around the start of the academic year in September 2020. These were predominantly about delay in commissioning and arranging transport for students. Clearly the pandemic and delays in receiving government guidance played a part but there was also insufficient capacity to handle the resultant enquiries and manage expectations. Additional resources were deployed but it is important to look at how this can be improved for next year's requests.

Waste Management

In June 2020 and as part of service re-design in response to the pandemic, a change was made that required appointments to be made for using the recycling and household waste sites. An electronic booking system was created at pace and inevitably there were some limitations to the technology which led to queries and on occasion complaints.

Of the 69 formal complaints recorded, 35 were generated through issues with the booking system. Removing these figures, the overall numbers are in line with previous years.

It is also worth stating that a substantial number of bookings were made in 2020-21 so this represents a very small number that translated to formal complaints. During the summer of 2022 the requirement for bookings for most individuals will be removed.

Highway and Footway Repairs

Analysis of complaints received under this category show that there is a small number that pertain to high priority "category 1" reports where response timeframes remain consistently good.

Complaints are more prevalent for work assessed as lower priority and to be scheduled in batches along with wider work. The last year has been a challenging landscape and this has been seen in some of this work taking longer to schedule. This remains a challenge as to how we manage public expectations.

SEN Assessment

The most common theme of complaint within this area was around the rigour of sending out EHC plans in a timely fashion and responding to parent enquiries. Some of this has been down to staffing constraints but there have also been several opportunities identified to improve processes and which should help drive improvements moving forwards.

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. There were just 6 complaints recorded around this area last year.

The other principal category is Grass Cutting (15). Again, there have been very similar volumes to last year. It should be noted that this does not include those where it is simply about the grass-cutting policy (e.g. number of cuts, collection of grass cuttings)

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 pothole). 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 2020-21, the Complaints Team handled 1,364 miscellaneous enquiries consisting of:

- First time requests for service which were passed to the relevant Customer Service Centre or other access point (452)
- Informal resolution within 24 hours. This includes provision of advice and information about Council services and policies (595)
- Providing advice and signposting to the correct organisation e.g. District Councils, Academies, Health (260).
- Providing advice and signposting to alternative procedures for redress, for example internal appeals procedures, subject access requests, HR procedures (93)

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.

This year has highlighted that as services increasingly look to become “digital first” there will be an increase in enquiries that overspill into the Complaints arena. This has been most prevalent with the Waste sites booking system where a few residents have struggled with being able to complete this task online and turned to the complaints process to resolve this.

2.7 Compliments received

255 compliments were recorded across all services during 2020-21. This is down from 2019-20 but is likely under-represented this year due to the pandemic pressures on services maintaining the rigour of sending these through for central collation.

During the year, our Complaints and Compliments webpage has been refreshed to ensure that it is more visible how to make a compliment and there are early signs of more being received through the online channel.

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 2020-21

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

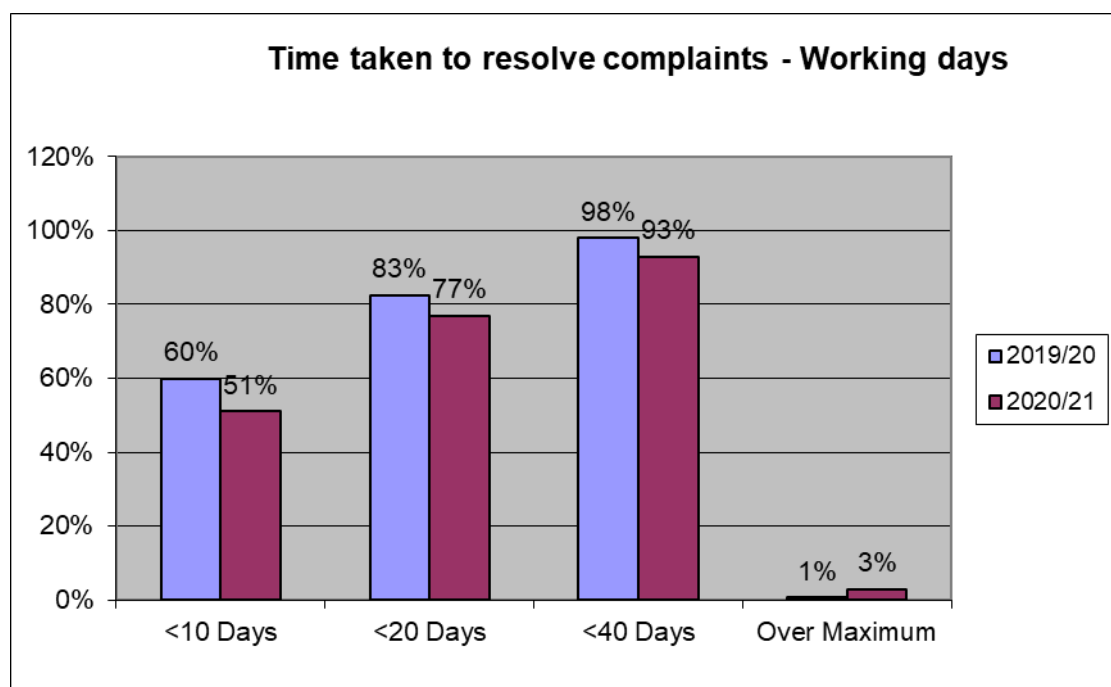


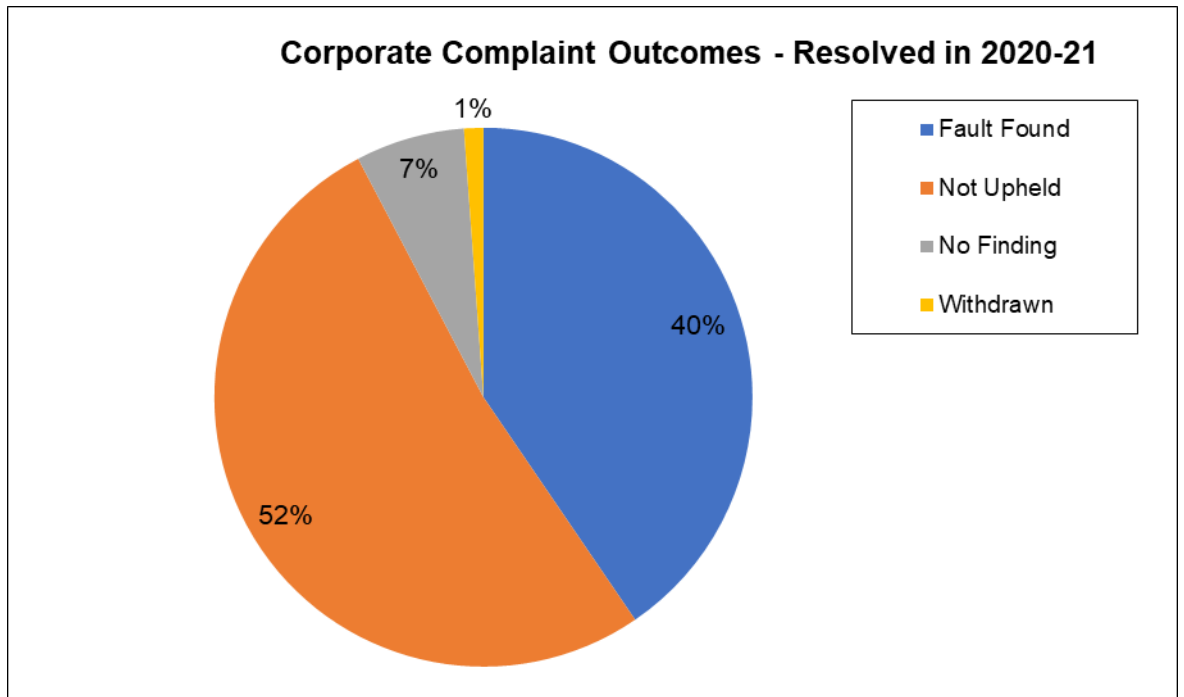
Table 4 above shows a summary of time taken to respond to complaints, providing a comparison between the current reporting year and the previous one.

Unsurprisingly there has been some pressure on services responding to complaints this year particularly at the height of the pandemic. It is encouraging however to note that 77% of all corporate complaints were still responded to within 20 working days and just 17 (3%) took longer than our policy maximum of 65 working days to complete the process.

The Local Government and Social Care Ombudsman issued guidance during the year that it would take a sympathetic view to complaint response timescales but stressed the importance of clear communication with complainants to manage expectations. This is routinely done by the Complaints and Information team.

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 210 (40%) complaints were upheld to some extent following investigation, this is a slight drop from 2019-20 (43%)

Thirty-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.

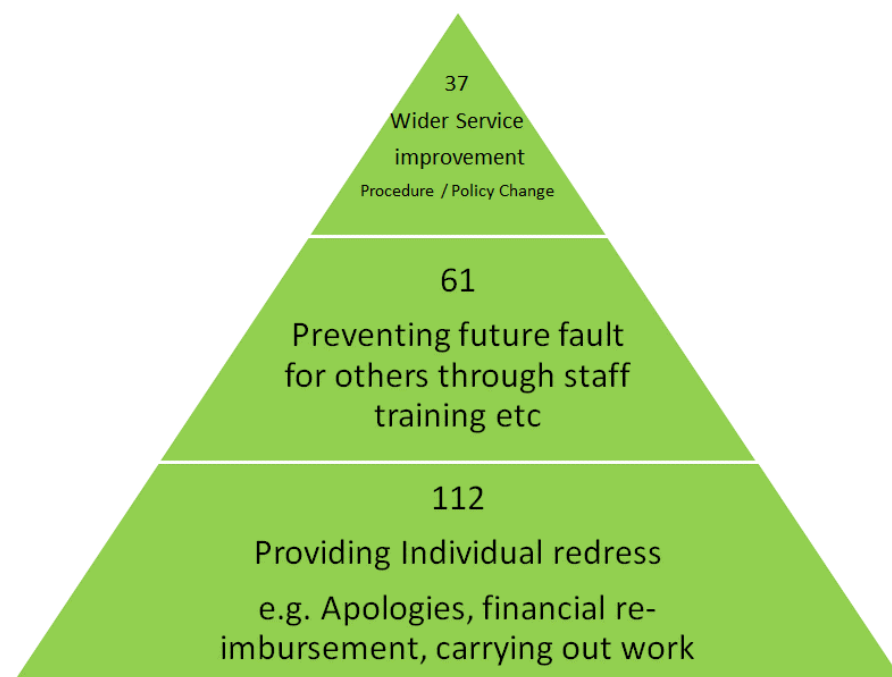
Occasionally issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council

4.1 Remedial actions taken from resolved complaints 2020-21

All the 210 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 2020-21. 48% of complaints upheld resulted in actions that should improve service for other residents. This is very similar to 2019-20 and shows continued efforts to learn from complainants’ experiences and to improve things for the wider public.

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 computers at Loughborough library was slow and unusable	We arranged a refreshment of the equipment to improve their performance
Highways works gang were not maintaining sufficient social distance whilst undertaking works	We updated our guidance to operational teams on this important area
The issuing of a Blue Badge renewal was delayed	We identified training needs for the officer dealing with this enquiry
The number of van slots for attending waste sites is too limited	We increased the availability of these for the sites
There is a lack of clarity around what can be recycled at the Waste sites	We listened to the feedback and have made some changes to the web content to clarify this.
A bench at Watermead Country Park was in disrepair	We inspected all the benches and identified a number to go onto the schedule of works and this work is now being undertaken
We are not clear enough with families about the Section 47 process	We agreed to create new information leaflets on this subject to improve public understanding
SEN Officers do not respond quickly enough to queries	We have added extra business support to respond to routine enquiries and free up capacity of SEN Officers for more complex issues
The Waste staff were unhelpful in dealing with enquiries	We received many compliments for this site but took the opportunity to deliver some customer care training for the individual involved
We started transport provision without a meet and greet	This was a judgement call that it was better to start the provision than delay but reminded all staff of the need to communicate clearly if making that decision.
We delayed in consulting with Schools over whether they could meet need the educational needs of a child	There was an opportunity to improve how we monitor completion of these and other tasks. New processes introduced

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 2021 and will be reported through the Corporate Governance Committee in November 2021.

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 20120-21

During the year 2020-21, the Local Government Ombudsman opened new enquiries into 25 complaints. This can be further segmented by department and alongside the last 2 year's figures:

Department	2020/21	2019/202	2018/19
Environment and Transport	13	7	7
Children and Family Services	7	20	13
Adults and Communities	3	15	10
Corporate Resources	1	1	1
Chief Executives	1	1	0
Multiple departments	0	0	1
TOTAL	25	44	32

It should be noted that the LGO paused casework for some 3 months during the pandemic and this will have impacted on the volume of new enquiries received. However, it is pleasing to see the reduction in new enquiries regarding Adult Social Care.

5.2 Decisions made by the Local Government and Social Care Ombudsman 2020-21

The LGO issued Final Decisions on 38 cases during the year. Ombudsman complaints can take several months to conclude so some will relate to complaints received in 2019/20. The outcomes reached were as follows:

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

- Seventeen 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
- Twelve cases of maladministration and injustice were found

The numbers of cases where the Ombudsman highlighted maladministration reduced slightly from 18 in 2019-20

Two Public reports were issued against the Council during the year. This marks the first public reports issued against the Council since 2013. The Ombudsman uses Public Reports for several reasons including to highlight topical issues and highlight significant fault and learning.

Benchmarking with statistical comparative neighbours will be undertaken and reported to Corporate Governance Committee following receipt of the Council's Annual Review Letter expected in late July 2021.

Six of the twelve maladministration findings related to corporate services with brief details set out below:

Education & SEND

Case 1 – Nursery Education: Unfair top up charged by Nursery – Issued as Public Report

Mr F complained that he was charged a “top-up” by a Nursery provider for childcare that should have been free.

The Council initially challenged the findings but upon review accepted that there were clear issues with the transparency of invoicing operated by the Nursery provider.

The Council agreed to a compensatory payment of £1,200 and apologised to Mr Roche. It provided updated guidance for all providers on charging and their obligations to ensure the entitlement to 30 hours care was completely free of charge. It also committed to identifying whether any other families were affected by this issue at the Market Harborough setting and to take appropriate action in response.

Case 2 – School Admissions / Inclusion Services: Issued as Public Report

Mrs B complained that the Council failed to provide full time education for her daughter following a house move.

The Council had already accepted fault which resulted in a significant period of missed education. There were failings in how services linked together and in how the Fair Access Protocol was applied.

The Council agreed to a compensatory payment of £7,500 and a comprehensive action plan including procedural reviews and staff training.

Case 3 – SEN:

Mrs C complained that the Council had failed to ensure provision of the education and therapy named within her daughter's EHCP

The Ombudsman found fault both that therapy provision had not been commissioned and that the Council had unreasonably delayed responding to a Tribunal Order.

The Council agreed to make compensatory payments of £1,200 in recognition of missed provision and time and trouble. It also agreed to review processes around responding to Tribunal Orders.

Case 4 – SEN:

Mrs D complained that the Council delayed issuing an EHCP following an annual review meeting.

The Council accepted the Ombudsman finding and agreed to a compensatory payment of £100 recognising the time and trouble raising the complaint.

Case 5 – SEN and Disabled Childrens:

Mrs E complained that the Council had failed to notify of cessation of Public Law Outline (PLO) proceedings and had not ensured the content of an EHCP plan was delivered appropriately

The Council apologised for the delay in notifying of PLO proceedings being ceased and agreed to make payments of £447.50 in recognition of any distress and some missed therapy provision. It also agreed to re-imburse for some therapy sessions which had been privately procured.

School and SEN Transport**Case 6 – SEN Transport:**

Mrs B complained that the Council changed the transport provision for her son without adequate notice and delayed in carrying out a risk assessment process

The Council accepted the findings and whilst the Ombudsman investigated had already resolved the transport issue by a change of provider. A reminder to all staff of the importance of ensuring notice was provided whenever changes to transport were proposed was issued.

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 also acts 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 has been paused this year. This was initially to the pandemic pressures but also some resourcing pressures. This offer will be resumed in 2021.

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.

7. Concluding Comments

This has been a challenging year with services having to adapt to the pandemic pressures and there has continued to be a rise in corporate complaints recorded.

Despite these increases, responsiveness to complaints remains largely good evidenced by the 97% of complaints resolved within our policy timescale. There was also a clear reduction in the number of adverse decisions made by the Ombudsman during the year, recognition that the implementation of the “review” stage is helping mitigate these.

This report highlights specific concerns around SEN Transport and adopts a cautious position on the reduction in SEN / EHCP complaints. Although volumes have reduced this year, it remains the area the Council has seen the most adverse decisions by the Ombudsman, and it is too early to tell whether the extensive improvement work undertaken has resolved all of the underlying issues.

APPENDIX A – Sample of compliments received

- Thank you to the Highways Team for the great resurfacing work. Accommodated residents really well on the day– **Highways Operations**
- Thank you Kanan for doing a great job supporting schools and– **SENA**
- 16 separate compliments to the team at Mountsorrel refuse centre for doing a great job in difficult times – **Waste Management**
- Thank you to the Highways team for your succinct and comprehensive briefing and answering questions on behalf of residents and Parish Council– **Highways Schemes**
- Thank you to Debbie and team for your response regarding the proposed road closure petition– **Network Management**
- Thank you for your time and support today with the traveller challenge at Willow Farm Business park – **MATU**
- Thank you for all your help, support and organising contractors throughout the flood issue at Pennine House. – **Operational Property**
- Thank you to Lee for taking the time to reply to the request for relocation of Start of Speed Limit – **Traffic Management**
- Thank you to Amy and team for the hard work and dedication shown during the recent heavy and torrential weather – **Drainage team**
- Thank you to the SEN transport team for arranging transport for my son – **SEN Transport**
- Thank you to Ashley, Gareth and Kevin for all your support with the reduced service for year 10 students – **School Transport**
- Thank you to Peter and the forestry team for your excellent work completed on Hathern Road - **Forestry**
- Thank you, E&T team, for the refreshed white lines painted on the roads. They look great - **Highways**
- Thank you to the Post 16 team for all your help and support – **SENA**
- Special thanks to Peter in the risk assessment team for his care and expertise with the risk assessment. – **SEN Transport**
- Thank you, Edwin & staff, for your prompt response and actions in alleviating our concerns regarding the flooding problems on Chapel Street. - **Environmental Services**

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