

# Southend-on-Sea Borough Council

Agenda  
Item No.

Report of the Chief Executive  
to  
Cabinet

On  
7<sup>th</sup> November 2017

Report prepared by:  
Val Smith – Knowledge and Information Manager  
Charlotte McCulloch – Customer Service & Complaints Manager  
Michael Barrett – Complaints Officer

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**Annual Report – Comments, Complaints and Compliments – 2016/17**  
**All Scrutiny Committees**  
**Executive Councillors: Councillors Courtenay, Cox, Lamb and Salter,**  
**A Part 1 Public Agenda Item.**

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## 1. Purpose of Report

1.1 This report is to:

- Fulfil the Council's statutory duty to produce an annual report on compliments and complaints received about its Children and Adult social care functions.
- Provide performance information about comments, complaints and compliments received across the Council for 2016-17
- Fulfil the duty of the Monitoring Officer to report to members on the findings of certain Local Government Ombudsman investigations
- Seek agreement for minor updating of the Corporate comments, complaints and compliments process
- Contribute towards the Council's values to be open, honest and transparent.

## 2. Recommendation

2.1. **To note the Council's performance in respect of compliments, comments and complaints for 2016-17 and to refer each separate report to the respective Scrutiny Committee.**

## 3. Background

- 3.1. Legislation requires that statutory processes are in place to deal with complaints relating to children and adults social care, to advertise that process and produce annual reports.
- 3.2. As the statutory process requires the Children and Adults' Social Care reports to be shared with the Care Quality Commission and the Department of Health this necessitates three separate reports for the Council, including a separate report on the Council's corporate comments, complaints and compliments process.

- 3.3. The latter encompasses the Monitoring Officer's duty under section 5(2) of the Local Government and Housing Act and the Local Government Act 1974 to report to members a summary of the findings of the Local Government Ombudsman.
- 3.4. Details of performance are contained in the respective reports under:  
**Appendix A** – Compliments, Concerns and Complaints – Adult Social Care Services.  
**Appendix B** – Compliments and Complaints – Children's Social Care Services.  
**Appendix C** - Corporate Comments, Complaints and Compliments and Monitoring Officer report.
- 3.5. The table below sets out a comparison of the total number of complaints received for the previous three years by Department.

As can be seen, the figures reflect a steady upward trend in the number of complaints being received by the Council.

The largest increase in volume was in the Department for Place and was as a result of a peak in complaints over a 3 month period following major alterations to refuse collection days.

Department	2013/2014	2014/2015	2015/16	2016/17
Department of the Chief Executive	44	43	66	54
Department for People (including statutory)	227	246	304	326
Department for Place	375	376	351	486
Public Health	0	0	1	0
<b>Grand Total</b>	<b>646</b>	<b>665</b>	<b>722</b>	<b>777</b>

- 3.6. Comments and compliments are also received, with numbers shown below.

Department	2013/2014	2014/2015	2015/16	2016/17
Department of the Chief Executive	1694	1326	1673	1301
Department for People (including statutory)	521	474	416	302
Place	288	222	337	838
<b>Grand Total</b>	<b>2503</b>	<b>2022</b>	<b>2426</b>	<b>2462</b>

The largest increase in volume was in the Department for Place and resulted from a large number of comments about alterations to refuse collection days.

## **4. Lessons Learnt and Service Improvements**

4.1 Whilst responding to feedback in a timely manner it is important for Council services to reflect on lessons learnt and improving outcomes. This is recognised by the Local Government Ombudsman's principles of good complaints handling of being customer focused, putting things right and seeking continuous improvement.

Examples of service improvements undertaken throughout the year as a result of customer feedback include:

- Individual complaint findings being fed directly into the review of anti-social behaviour service provision
- Website content with advice for those with suicidal thoughts, training being commissioned for staff who may interact with customers with suicidal thoughts
- The introduction of an independent formal Subject Access Request review process for customers who feel they have not been supplied with all relevant information
- Guidance for Housing staff regarding housing applicants with overnight care and for certain applicants for housing who have a previously un-discharged main homelessness duty
- Improved explanatory information for customers about charges for adult social care
- Introduction of real-time alerts for missed adult social care appointments
- Staff reminded to involve both parents when concerns about a child are raised
- Staff reminded to ensure families are told of changes to their child's social worker

More detailed examples are contained in App A (Appendix 8), Appendix B (paragraph 12) and Appendix C (para 4.7).

## **5. Future developments**

5.1 In the process of preparing this report, informal discussions were held with a number of senior officers to identify changes which might be necessary to the complaints procedures.

5.2 It is intended that there will be changes to the level within the organisation at which responsibility for complaints responses within the corporate non-statutory procedure will lie. In future, this will be as follows:

- Stage 1 response – Supervisor, Team Leader or similar
- Stage 2 response – Group Manager or Director
- Stage 3 response – Chief Executive or Deputy Chief Executive and Leader or Deputy Leader

This will better reflect the current senior management structure and will provide more flexibility within the process, aiming to avoid the delays which can occur at peak times or in periods of absence.

- 5.3 To ensure quality of response, those unfamiliar with the role will receive appropriate training and guidance before taking on the responsibility.
- 5.4 It is recognised that more effective and contemporaneous use could be made of insight from complaints. Data will in future be analysed to a greater extent and more frequently to learn lessons, identify areas of concern and improve service delivery.
- 5.5 To recognise a change in methods of communication, the corporate non-statutory procedure will be expanded to include complaints received over Social Media. Any response to such a complaint will however be routed through more conventional channels. The procedure will in future also include any complaints regarding the standard of spoken English of frontline staff. This is to comply with the Code of Practice on the English language requirements for public sector workers (Part 7 of the Immigration Act 2016).
- 5.6 The review highlighted that a small number of customers are behaving in an unreasonable manner when interacting with the Council. This might be abusive, threatening or offensive in nature or overly frequent contact which inhibits the Council's ability to carry out essential work.
- 5.7 Although this applies to a minority of customers, such contacts can result in a disproportionate uptake of Council resources and may be distressing to the parties concerned. For this reason guidance on how the Council will respond to unreasonable complainant behaviour will be produced. In the interest of transparency, it will be published on the Council's website.
- 5.8 In a separate matter, the Local Government Ombudsman service has recently renamed itself as the Local Government and Social Care Ombudsman. This is to better reflect their jurisdiction over all registered social care providers and their ability to investigate complaints about care funded and arranged privately, as well as that arranged through local authorities.

## **6. Corporate Implications**

### **6.1 Contribution to Council's Vision & Corporate Priorities**

Customer feedback and complaints management is directly relevant to the Council's corporate priorities to deliver strong, relevant and targeted services that meet the needs of our community. This remains important in the coming years as budget constraints continue to impact on service delivery.

### **6.2 Financial Implications**

The commissioning of independent people to deal with children's stage two statutory complaints incurs additional cost. The continued decrease in stage 2 complaints this year has reduced the costs of investigations. The use of mediation and early intervention within all the processes is used in an effort to restrict the number of complaints escalating, limiting the amount of officer time spent on complaints as well as improving the outcome for the complainant.

In 0.5% of complaints, payments have been made to customers to recognise difficulties they have experienced when interacting with the Council. Separately, in the course of investigating complaints, monies found to be owed to complainants has been paid. All payments made are within the existing budgets of Council Departments.

### 6.3 Legal Implications

These reports ensure compliance with statutory complaints processes and reporting obligations.

### 6.4 People and Property Implications

People and property implications are considered through the Council's normal business management processes.

### 6.5 Consultation

The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004 confer a duty on local authorities to provide information about advocacy services and offer help to obtain an advocate to a child or young person wishing to make a complaint. All children and young people wishing to make a complaint are offered the services of an advocate.

### 6.6 Equalities and Diversity Implications

All three processes are receiving feedback from customers from Southend communities including minority groups. Similarly, alternative approaches to facilitate complaint resolution are offered including advocacy and meetings.

Corporate equalities considerations continue to be part of the process.

### 6.7 Risk Assessment

Processes are reviewed periodically and reduce any risk which could adversely affect the Council's reputation in the community and reduce public trust/satisfaction. Whilst an anticipated increase in complaints did materialise after 2013, notably in respect of services delivered corporately, the number recorded is still significantly less than the 1100 reported for 2009 at the beginning of the revised process.

### 6.8 Value for Money

Early resolution of complaints, together with learning lessons from the process, contribute to service improvements and getting things right first time.

### 6.9 Community Safety and Environmental Impact Implications

The process is implemented to ensure both community safety and effects on the environment are fully considered.

**7. Background Papers**

None

**8. Appendices**

**Appendix A** - Compliments Concerns & Complaints received throughout 2016/17  
for Adult Social Care Services

**Appendix B** - Compliments and Complaints – Children’s Social Care 2016/17

**Appendix C** - Corporate Comments, Complaints and Compliments – 2016/17

## Appendix A

### Compliments Concerns & Complaints received throughout 2016/17 for Adult Social Care Services



# Southend-on-Sea Borough Council

Report of Deputy Chief Executive (People)  
to  
**Cabinet**  
on  
**7 November 2017**

Report prepared by: Charlotte McCulloch

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**Compliments Concerns & Complaints received throughout 2016-17  
for Adult Social Care Services**

**People Scrutiny Committee – Executive Councillor: Lesley Salter  
A Part 1 Public Agenda Item**

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## **1. Purpose of Report**

- 1.1 To discharge the local authority's statutory duty to produce an annual report on compliments concerns and complaints received about its adults' social care function throughout the year.
- 1.2 To provide statistical and performance information about compliments concerns and complaints received throughout 2016/2017.

## **2. Recommendation**

- 2.1 That the Department's performance during 2016/2017, and comparison to the previous three years be noted.
- 2.2 That the report be referred to the People Scrutiny Committee for detailed examination.

## **3. Background**

- 3.1 This is the eighth Annual Report following the changes to the legislation governing the statutory complaints process for adult social care services. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 came into force on 1 April 2009 and created a single process for health and social care services. With the increase in integrated services, the single process makes it easier for patients and service users to make complaints and allows them to make their complaint to any of the organisations involved in their care. One of the organisations will take the lead and co-ordinate a single response.
- 3.2 Strong working relationships have been established with complaints colleagues within the Health organisations in the area. This, together with a joint protocol agreed by the Essex Complaints Network, has made it easier for people making

complaints that span Health and social care services. In 2016/2017 there were 0 joint complaints.

- 3.3 The new process is based on the principles of the Department of Health's *Making Experiences Count* and on the Ombudsman's principles of good complaints handling:
- Getting it right
  - Being customer focused
  - Being open and accountable
  - Acting fairly and proportionately
  - Putting things right
  - Seeking continuous improvement.
- 3.4 There is a single local resolution stage that allows a more flexible, customer focused approach to suit each individual complainant. At the outset, a plan of action is agreed with the complainant to address their complaint. Amendments to the plan can be agreed at any stage of the process.
- 3.5 The regulations do not specify timescales for resolution and a date for response is agreed and included in each plan. Response times are measured against the agreed dates in the plans.
- 3.6 When the local authority believes that it has exhausted all efforts to achieve a local resolution, and the customer remains dissatisfied, the next step is referral to the Local Government Ombudsman.

#### **4 Compliments; concerns and comments received in 2016/2017**

- 4.1 Compliments are a very important feedback and motivational tool and members of staff are encouraged to report all compliments they receive to the Customer Services Manager for recording. All compliments are reported to the Group Manager of the Service to pass on their thanks to the staff member and the team. This practice has been well received by staff. Data gathered from compliments are used to inform commissioning decisions of the authority.
- 4.2 Adult and Community Services received 269 compliments about its social care services in 2016/2017.

*Table to show the number of compliments received in 2016/2017 and a comparison with previous three years*

Apr 13- Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17
Number	Number	Number	Number
470	407	341	269

There has been a decline in the number of recorded compliments received, however we are unable to ascertain why this is the case. It could simply be that compliments are not being passed to the Complaints Team to be formally logged.

Examples of the types of compliments received can be found in Appendix 1

- 4.3 The current regulations require the local authority to record concerns and comments as well as complaints. Some people wish to provide feedback to help improve services but they do not wish to make a complaint, and this process facilitates that.
- 4.4 Adult and Community Services received 3 concerns about its social care services in 2016/2017. Of these, 2 were regarding commissioned homecare services and 1 was about an internal service provided directly by Southend Council.
- 4.5 All concerns and comments are considered to identify areas for improvement and responses are made where appropriate or requested.

## 5 Complaints received in 2016/2017

- 5.1 Adult and Community Services received 190 complaints about its social care services in 2016/2017. 74 of which were about internal services provided directly by Southend Council, and 116 were about services supplied through externally commissioned providers (domiciliary care & residential care)

*Table to show the total number of complaints received during 2016/2017 and comparison with previous three years*

Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17
Number	Number	Number	Number
136	166	176	190

This represents an overall increase of 8% in the number of complaints received during the previous year, and a 40% increase in the last 4 years.

There has been an increase in complaints year on year and 190 complaints represents 6.6% of the number of service users receiving support throughout the year.

The main increase in complaints this year has been seen within the commissioned services with an increase from 101 in 2015/16 to 116 in 2016/17, an increase of 14.8%.

Complaints about domiciliary care = 107 (56% of all complaints received in 16/17)

Complaints about Residential care = 9 (4.8% of all complaints received in 16/17)

Our Contracts Team and Complaints Team continue to work with the residential and domiciliary care providers to address issues and effect improvements around complaints handling.

Complaints about internal services have remained level, with 75 in 2015/16 and 74 in 2016/17 (39% of all complaints received in 2016/17)

- 5.2 Appendix 2 shows complaints by internal and commissioned services. Appendix 3 shows the number of complaints received about internal services by team. Appendix 4 shows the number of complaints by service user group. The majority of complaints (161) were received about services to older people. This is the largest service user group and the 161 complaints represent 7.8% of the number of older people who receive services from the department.
- 5.3 Southend Borough Council commissions Essex Partnership University Trust (EPUT, formally known as SEPT) to provide its mental health and substance misuse services and EPUT received 12 complaints from Southend clients. 4 were not upheld, 1 was upheld, and 6 were partially upheld. Also 1 was not investigated due to information not provided by the complainant. These were dealt with by EPUT and are not included in the figures in the table in section 5.1 above.
- 5.4 Under the current regulations, any complaints received verbally and resolved to the complainant's satisfaction within 24 hours do not have to be recorded as complaints.

## 6. Complaints subject to independent investigation

- 6.1 An independent investigation is an option for reaching a local resolution but it is not an automatic progression. Action taken to address a complaint will be discussed with the complainant at the outset and the primary aim is to find a resolution but action must be proportionate.
- 6.2 There were no independent investigations in 2016/2017. An independent investigation can be costly and it is to everyone's advantage if staff can resolve complaints satisfactorily without them.

*Table to show the number of complaints subject to independent investigation, and as a percentage of the total number complaints during 2016/2017, and comparison with the previous three years.*

Apr 13 – Mar 14	Apr 14 – Mar 15	Apr 15 – Mar 16	Apr 16 – Mar 17
Number	Number	Number	Number
0 (0%)	0 (0%)	0 (0%)	0 (0%)

- 6.2 Other ways used to resolve complaints include:
- Written response/explanation
  - Acknowledgment if there has been a failure
  - Apology
  - Change to service
  - Mediation/conciliation
  - Meeting
  - Internal review
  - Redress

## **7 Complaints referred to the Local Government Ombudsman**

- 7.1 There were 5 social care complaints considered by the Local Government Ombudsman in 2016/2017.
- 7.2 One complaint was referred to the LGO, they found a minor fault and we agreed to apologise to the complainant.
- 7.3 One complaint was referred to the LGO, following an investigation no fault found
- 7.4 Three complaints that were referred to the LGO and following an investigation did find fault with SBC. Apologies were sent to the complainants and amendments were made to financial information provided.

## **8 Response times**

- 8.1 Adherence to response times is measured by compliance with the agreed dates set out in the individual complaints plans. There is no statutory requirement with regards to response timescales, however we recognise the importance of trying to achieve a speedy resolution to complaints and generally aim to resolve complaints within 10 working days. Depending on the complexity of the complaint raised, agreement is made with complainants on an acceptable timescale for a response
- 8.2 104 complaints were responded to within the timescales agreed locally between the complaints service and the complainant. This represents 54.7% of responses made.
- 8.3 Of the 86 not responded to within the agreed timescale, 49 were attributed to our contracted care providers. Our Contracts Team and Complaints Team continue to work with our commissioned providers to address this issue and effect improvements around complaints handling. A target has been introduced and their performance will be discussed with each provider at their quarterly contract review meetings.
- 8.4 Compliance with response times is shown at [Appendix 2](#)

## **9 Types of issues raised**

- 9.1 The bar chart at [Appendix 5](#) shows all the issues split between internal and commissioned services.
- 9.2 Overall, the top 5 issues were:
  - I. Missed Calls
  - II. Late Calls
  - III. Communication/ Consultation
  - IV. Quality of Service
  - V. Conduct/Behaviour of Staff

## **10 Outcome status of complaints (upheld; partially upheld; not upheld)**

- 10.1 190 complaints received refer to 223 issues which were reported and responded to. 96 were upheld; 34 were partially upheld; 85 were not upheld; 14 were unable to reach a finding; 3 were not progressed and 1 was not responded to by the provider; this was addressed with the provider with a re-imbusement resolution for the complainant.
- 10.2 Overall the number of complaints upheld or partially upheld has remained the same at 58% for both 2016/17 and 2015/16.
- 10.3 Tables at Appendix 7 show outcomes of the main issues in internal, homecare and residential complaints. There has been increase in complaints upheld or partially upheld regarding missed and late home care calls from 40 in 2015/16 to 55 in 2016/17 and there remains the challenge by many providers to recruit and retain good quality care staff. Work continues with providers to develop the existing electronic systems to give real time alerts to providers to enable a proactive approach to delivering care.

## **11. Monitoring & Reporting**

- 11.1 Statistical data regarding complaints about our commissioned home care providers are provided quarterly to inform the Contract Monitoring Meetings.
- 11.2 Complaints are monitored by the Complaints Manager for any trends/emerging themes and alerts the relevant service accordingly.
- 11.3 Complaints information is fed into the monthly operational meetings where issues regarding providers are shared. This is to ensure that a full picture is gathered regarding the providers service delivery and indentify any concerns or trends that may be emerging.

## **12 Learning from Complaints**

- 12.1 The Council continues to use complaints as a learning tool to improve services and to plan for the future. Local authorities are being asked to show what has changed as a result of complaints and other feedback that it receives.
- 12.2 Improvements have been categorised under the following headings:
- Improved process
  - Increased awareness of improved outcomes for Adults
  - Increased staff awareness/training
  - Improved conduct of staff
  - Improved performance of provider

Examples of improvements made as a result of complaints are shown in [Appendix 8](#).

- 12.3 Complaints about communication are a reoccurring theme for internal services and whilst they are not particularly high in proportion to the number of service users being dealt with on a daily basis, this is the most common issue. The

Complaints Manager continues to work with the Service Managers & Team Managers on identifying ways to improve client satisfaction with all channels of communication.

### **13. Corporate Implications**

#### **13.1 Resource Implications (Finance, People, Property).**

If resolutions are not found at an early stage and there are undue delays, compensation may have to be paid to acknowledge the time and trouble that the complainant has expended.

In some cases, the initial input in terms of staff time to find a resolution through a meeting/conciliation may be quite intensive but where the complainant has an ongoing relationship with the service, it can save resources in the long term.

#### **13.2 Contribution to Council's Vision & Critical Priorities**

A robust and responsive complaint handling process adds to the public's confidence and satisfaction with the way they are dealt with by the local authority when they have concerns to raise.

Effective complaints handling and a well advertised procedure contributes to the corporate priorities:

- EXCELLENT - Work with and listen to our communities and partners to achieve better outcomes for all
- SAFE - Look after and safeguard our children and vulnerable adults

#### **13.3 Equalities and Diversity Implications**

All those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.

#### **13.4 Value for Money**

Some complaints may have elements where improvements may be made to ensure value for money.

#### **13.5 Community Safety Implications**

Some complaints may have elements where improvements may be made to ensure community safety.

## 14. Background Papers

Complaints papers are kept by the Customer Services & Complaints Manager. Data about individual compliments concerns comments and complaints are held electronically.

## 15. Appendices

Appendix 1	Examples of complimentary comments received regarding Internal teams
Appendix 2	Number of complaints by internal and commissioned services (residential & homecare) Compliance with response times
Appendix 3	Internal service complaints by team
Appendix 4	Commissioned and internal service complaints by service user group
Appendix 5	Issues raised in complaints
Appendix 6	Issues outcomes split between internal and commissioned services
Appendix 7	Outcome status of the top issues split between internal; homecare and residential care complaints
Appendix 8	Examples of learning/service improvements

Appendix 1

Compliments received 2016 -17

Some examples from the 269 compliments received about Southend Council's Internal Services :-

**Superb service given all round, Supply of equipment quick & well designed.  
Glynns professional attitude & caring empathy exceeded all I expected.  
Thanks again**

~

**To All Staff at Priory House; I would just like to thank all the management & staff for the love & care you showed my mother while she was under your care. I know my mother was happy & contented living at Priory in her twilight years**

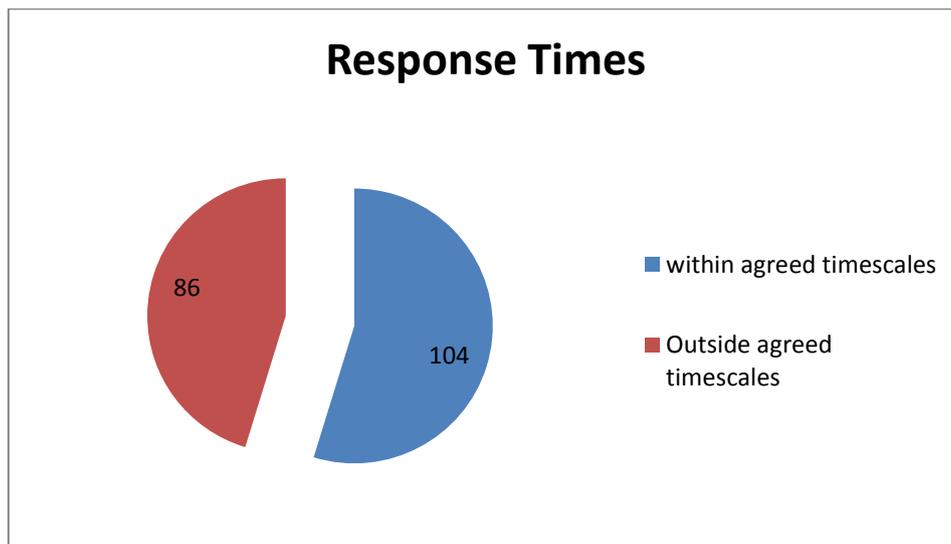
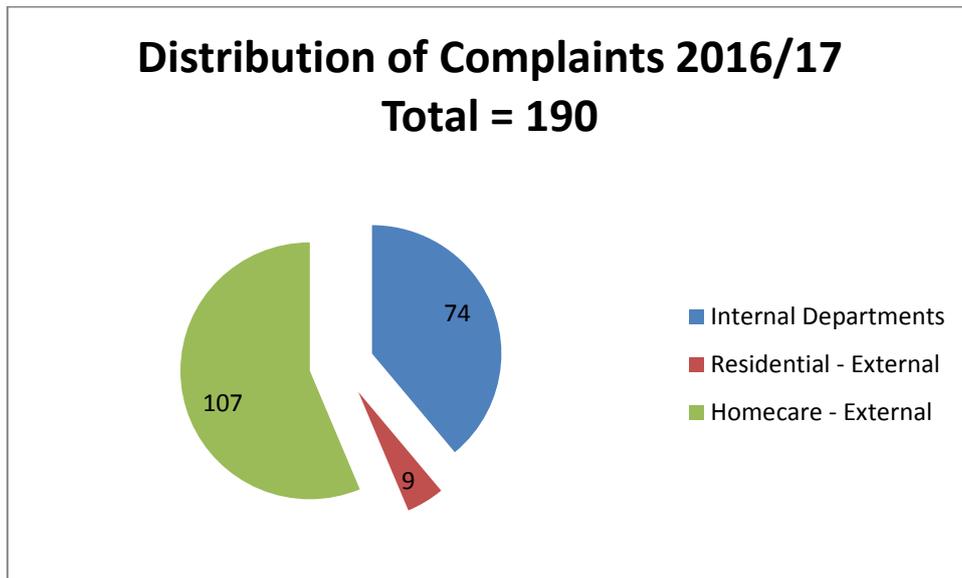
~

**Firstly I would just like to thank you for all that you did for xxx and the kindness and compassion that you extended to her. You have been an enormous help during a very difficult time and I have really appreciated your help and guidance and nothing was too much trouble, that meant a lot. Once again my sincere thanks for all that you have done.**

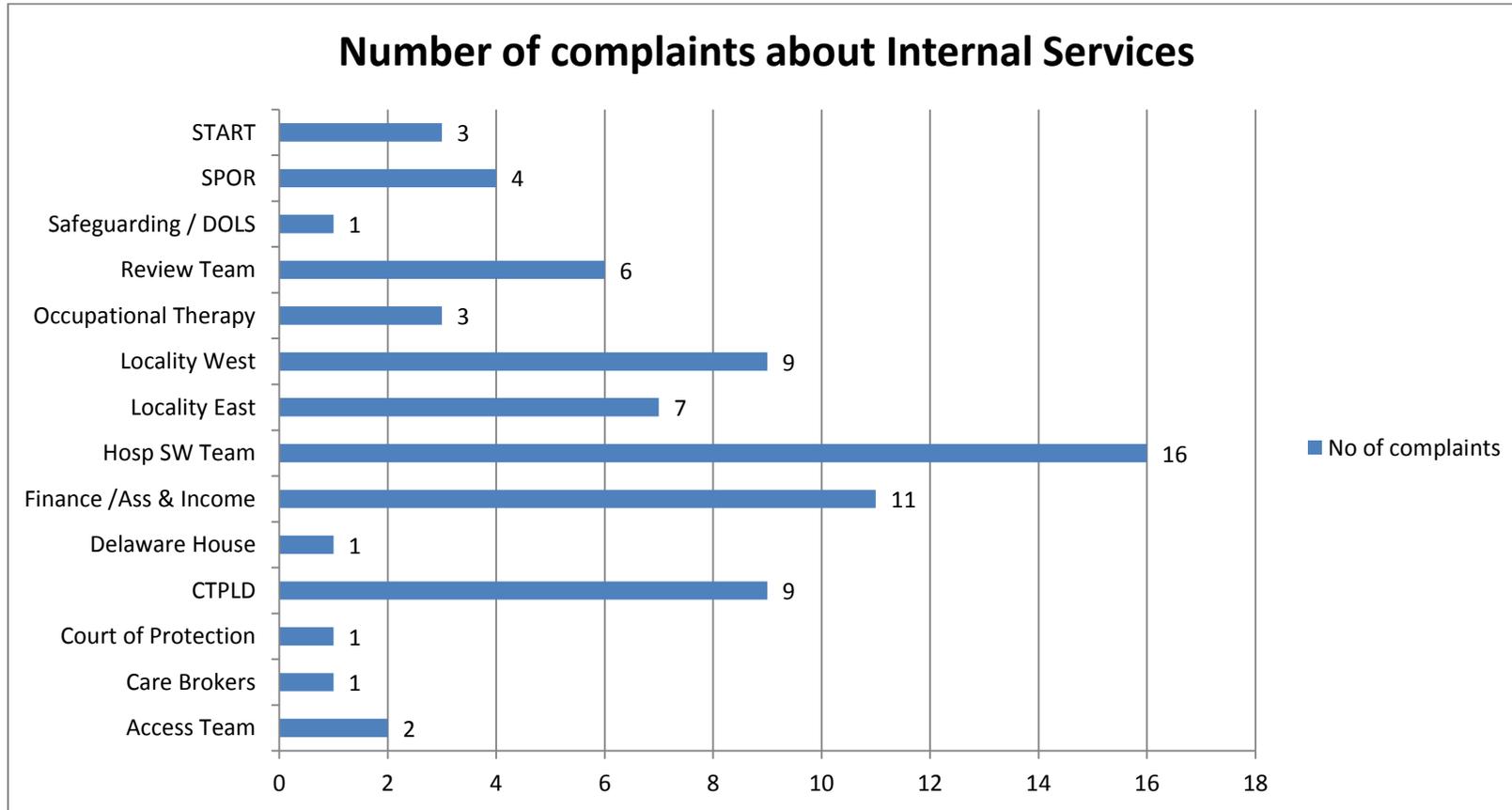
~

**Both Sue & Rob were brilliant. Could not have been kinder or more helpful & efficient. We are very grateful to them**

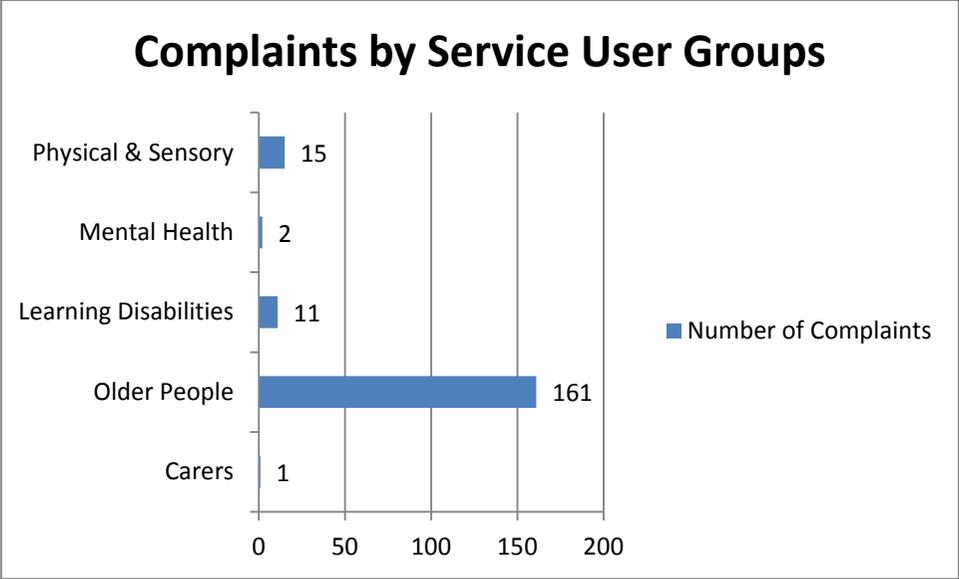
Appendix 2



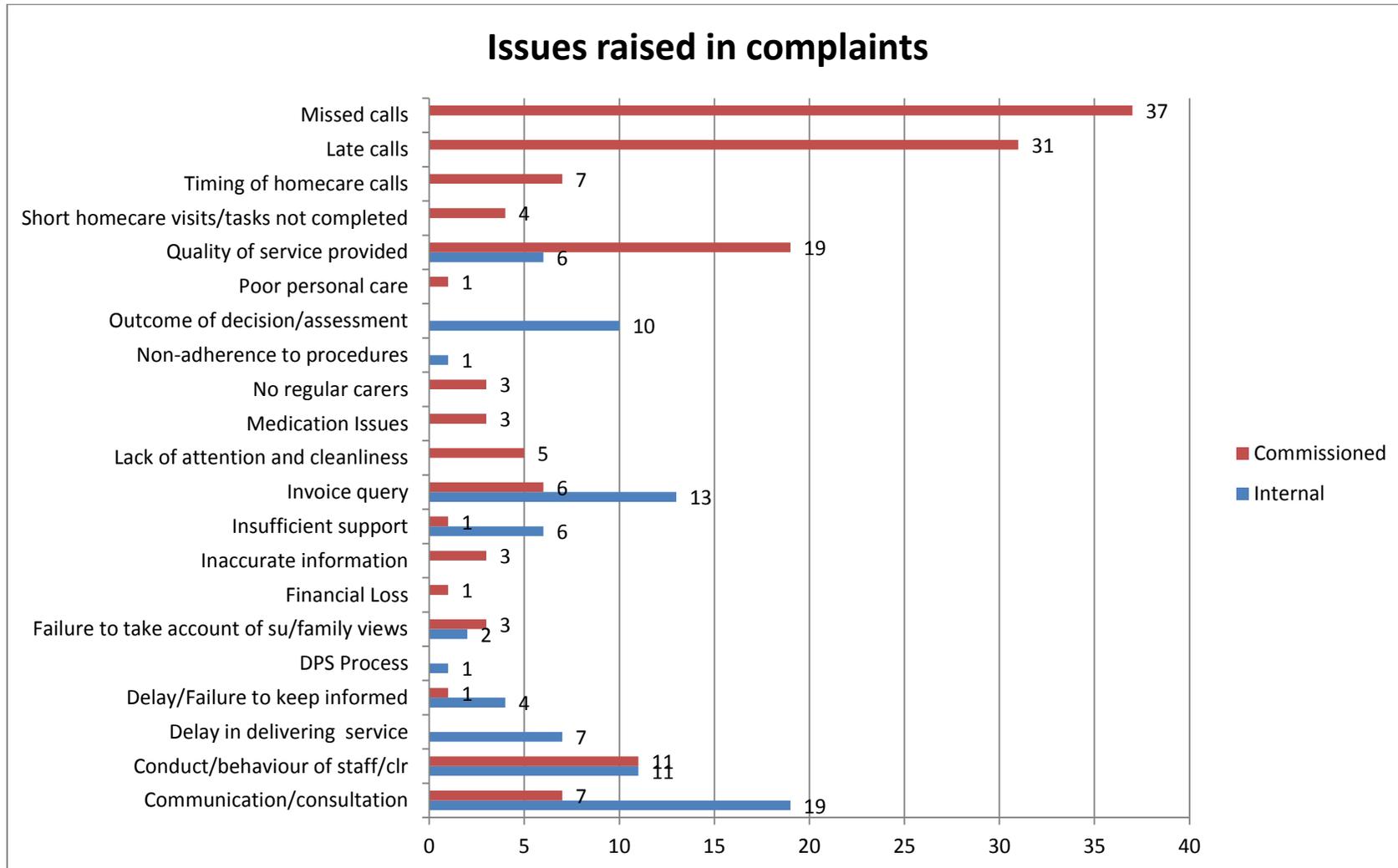
Appendix 3



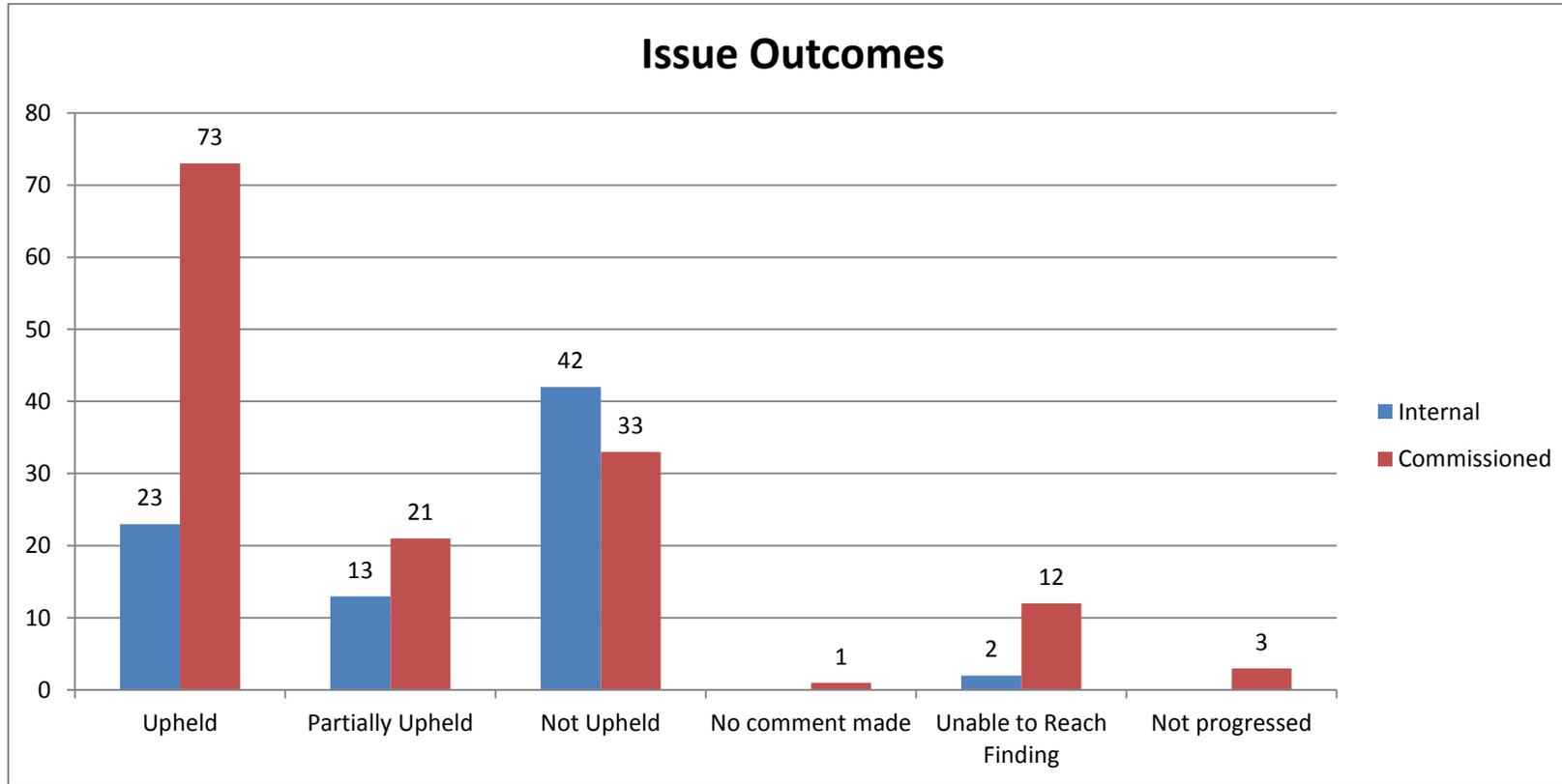
Appendix 4



Appendix 5



Appendix 6



## Appendix 7

### Top issues complained about

<b>SBC - Internal Service</b>	Upheld	P/upheld	not upheld
Communication/consultation	6	5	8
Invoice Query	5	2	6
Conduct/behaviour of staff	2	3	6
Outcome of decision/assessment	1	1	8

<b>Commissioned Services (Homecare &amp; Residential)</b>	Upheld	P/upheld	not upheld	Unable to reach a finding	Not progressed
Missed calls	26	3	8		
Late calls	24	2	3		1
Quality of Service	4	7	4	3	1
Conduct Behaviour of staff	2	2	3	4	

Appendix 8

Issue	Improvements
Concern about letters sent via finance, outlining the hourly charge for care. The letter did not make it clear that the hourly charge was per carer.	Updated to letter to make the charges clearer, that if a service user was receiving 2 carers then the hourly charge would be per carer.
Issue with the number of missed calls or late calls.	Trial of real time alerts on the electronic call monitoring system (CM2000) this meant the care provider could identify where calls have not been made, and be pro-active in making alternative arrangements if necessary.
Confusion caused by the terminology used by Social Workers when explaining the costs associated with care.	Complaints and their outcomes are fed back to Social Workers within team meetings to make Social Workers aware of the language they use verbally and in writing and the confusion it could cause.

## Appendix B

### Compliments and Complaints – Children’s Social Care 2016/17



# Southend-on-Sea Borough Council

Report of Deputy Chief Executive (People)

to

**Cabinet**

on

**7 November 2017**

Report prepared by: Michael Barrett

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**Compliments and Complaints relating to Children's Social Care Services  
People Scrutiny Committee - Executive Cllr James Courtenay  
A Part 1 Public Agenda Item**

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## **1 Purpose of Report**

- 1.1 To fulfil the local authority's statutory duty to produce an annual report on compliments and complaints received about its children's social care function throughout the year.
- 1.2 To provide statistical and performance information about compliments and complaints received from April 2016 to March 2017 at all three stages of the statutory process.

## **2 Recommendation**

- 2.1 That the Department's performance during 2016/2017 be noted.

## **3 Summary**

- We received 20 compliments in 2016/17 a reduction from the 65 received in 2015/16.
- Statutory complaints at Stage 1 have increased by 4 (4.7%) to a total of 89 in 2016/17.
- 37% of Stage 1 complaints were responded to within 10 working days, the 2015/16 rate was 51%
- 18% of stage 1 complaints were responded to in a period between 10 and 20 working days.
- 55% of stage 1 complaints were responded to within 20 working days compared to 87% in 2015/16.
- 45% of stage 1 complaints were responded to in over 20 working days compared to 13% in 2016/17

- 5 complaints escalated to stage 2 in 2016/17, a decrease of 1 from 6 2015/16. Of these 5, 3 then escalated to stage 3.
- 3 complainants approached the Local Government Ombudsman in 2016/17. It was 7 in 2015/16.

## 4 Background

4.1 The statutory process for complaints regarding children’s services has three stages. Stage 1 affords an opportunity to try to find a local resolution usually at team manager level. If the complainant is not satisfied with the stage 1 process or the outcome, they may request to proceed to stage 2. At stage 2, the Department appoints an Investigating Officer, and an Independent Person to investigate the complaint. The Investigating Officer is a senior social worker who has not been associated with the case, and the Independent Person is someone who is not employed by the council, but has experience of children’s issues, social care or investigations. The stage 2 response is reviewed and approved by the Head of Service. If the complainant is still not satisfied, they may proceed to stage 3. At this stage, the complaint is referred to an Independent Review Panel of three independent panel members with one member acting as Chair. They will review the stage 2 investigation and outcome, and will make recommendations. These recommendations are reviewed by the Corporate Director, who formally responds to the complainant. The process is based on the premise that at each stage, a more senior officer responds on behalf of the Department.

If complainants remain dissatisfied at the end of the three stages, they may refer their complaint to the Local Government Ombudsman.

Some complainants welcome an independent investigation of their concerns; for others, the process can seem unwieldy. The regulations encourage consideration of alternative dispute resolutions where appropriate and with the Complainant’s agreement. The Complaints team encourages and supports Team Managers to resolve complaints at the earliest stage, including before they become formal complaints.

## 5 Compliments received in 2015/2016

5.1 The Department recorded 20 compliments about Children’s Social Care in 2016/17 compared with 65 in 2015/16. We believe this is an issue of recording and communication within the department, rather than an actual decline in the quality of support provided. This is also supported by the fairly consistent number of complaints.

The table below shows the number of compliments received in 2015/16 in comparison with previous years.

Apr 11 – Mar 12	Apr 12 – Mar 13	Apr 13 – Mar-14	Apr 14 – Mar-15	Apr 15 – Mar 16	Apr 16 – Mar 17
25	41	44	60	65	20

## 6 Number of complaints received in 2015/2016

### 6.1 Stage 1

- 6.1.1 The Department received 89 statutory complaints directly at stage 1 in 2016/17 compared with 85 in 2015/16. This represents an increase of 4.7%. Complaints are always welcomed and viewed as a way to improve practice and Managers are informed of any emerging trends in complaints.
- 6.1.2 94% of complaints were resolved at Stage 1 which is consistent with the figure from the previous year which was 93%.
- 6.1.3 The table below shows the number of Stage 1 complaints received in 2016/17 in comparison with previous years.

Apr 11 – Mar 12	Apr 12 – Mar 13	Apr 13 – Mar-14	Apr 14 – Mar-15	Apr 15 – Mar 16	Apr 16 – Mar 17
58	60	38	61	85	89

Since 20011/12 statutory complaints have increased by 31 or 65%.

### 6.2 Stage 2

- 6.2.1 A total of 5 statutory complaints were not resolved at Stage 1 and progressed to Stage 2 of the complaints process during 2016/17, a decrease of 1 from 2015/16. 2 of these were resolved at stage 2, with 3 going to stage 3.

### 6.3 Stage 3

- 6.3.1 3 complaints went to stage 3, the same number as in 2015/16.

## 7 Complaints by category

- 7.1 Complaints were categorised by the main issues raised. The table below shows the percentage of complaints in each category in 2016/17.

Category of complaint	2016/17 Total	% of Total
Children's Social care	2	2.2%
Communication	12	13.5%
Council decision making	14	15.7%
Data Protection Breach	1	1.1%
Policy or procedure	3	3.4%
Providing a service	5	5.6%
quality of service	3	3.4%
Staff conduct / Employee Behaviour	49	55.1%
	89	100.0%

The selection of categories is fairly subjective and many of the complaints could comfortably fit a number of the complaint descriptions, which makes a year on year comparison less useful

The 3 categories with the highest percentage of complaints were:

- Staff conduct / Employee Behaviour 55.1%
- Council decision making 15.7%
- Communication 13.5%

These 3 categories represent over 84% of all complaints received.

- 7.2 Social workers have been reminded of their responsibilities about returning calls, responding to correspondence promptly and that regular communication is key to positive working relationships with service users.

It is apparent that many Complainants still believe that it is the Social Worker alone who makes decisions regarding child protection procedures and agreed actions. Work needs to continue to ensure that Service Users and their families understand the role of the Social Worker. There is a need for Social Workers to be more conscious of ensuring that explanations about difficult decisions are given in the context of wider policies when discussing and meeting with Service Users.

- 7.3 After investigation of each complaint at stage 1, 66 or 74% of complaints were not upheld. This is a slight increase from 2015/16 when 69% were not upheld.

## 8 Response times and the Department's performance

### 8.1 Stage 1

- 8.1.1 In statutory Stage 1 complaints the timescale for responses is 10 working days, with a further 10 days for more complex complaints or additional time if an advocate is required. However, in these cases it is important that the complainant is kept informed about any progress or delays in dealing with the complaint.

- 8.1.2 The percentage of stage 1 complaints responded to within the statutory timescale of 0–20 working days in 2016/17 was 55% compared with 88% in 2015/16.

- 8.1.4 The table below shows response times for all the stage 1 complaints received in 2016/17 compared with the previous 2 years.

Response Performance	2014-15 % of total	2015-16 % of total	2016-17 % of total
Within 10 working days	73.7	51	37
10 – 20 days	19.7	37	18
Over 20 days	6.6	12	45

## 8.2 Stage 2

### 8.2.1 Stage 2 statutory response times:

A stage 2 complaint should be investigated and responded to within 25 working days, with a maximum extension to 65 working days.

The Stage 2 process starts as soon as a complainant decides to pursue their complaint to stage 2.

Stage 2 complaints are likely to involve an investigating officer, an independent person and an advocate if the complainant wishes. The Investigating Officers are SBC staff who has not been involved with the case previously. In the process at stage 2, complaints are subject to independent investigations involving interviews with the complainant and relevant members of staff, and the submission of a report to be responded to by the Head of Service. Delivering this is often a challenge within 65 days.

### **5 complaints were pursued to Stage 2 in 2016/17.**

This year one of the Stage 2 investigations was completed within 65 working days. Previously this has proved a challenge and we have completed none within the timescale. However, regular contact has been maintained in each case, between the complainant and the Investigating Officer.

## 8.3 Stage 3

### 8.3.1 Stage 3 statutory response times:

The recommendations from a Stage 3 Review Panel should be responded to within 15 working days of the date of the meeting.

### 8.3.2 **3 complaints were escalated to stage 3 during 2016/17, there was 1 in 2015/16.**

8.3.3 Two Stage 3 complaints were responded to within the timescale of 15 working days, the third is review panel is due to sit in early October 2017.

## 9 Outcome status of complaints

### 9.1 Stage 1

Whatever the outcome of these complaints, we can classify them as either upheld or not upheld. In 2016/17, of the 89 complaints received, 66 (74%) were not upheld, and 23 (26%) were upheld.

### **Stage 2 & 3**

There are often several points in a complaint at Stage 2 & 3 and these are addressed separately in a single response. The complaint may be upheld; not upheld; partially upheld, or inconclusive/no finding.

**Stage 2** – Of the 89 complaints received, 5 escalated to Stage 2. From these 5 complaints, there were 26 separate issues. 4 of the stage 2 complaints have

been resolved, and the 5<sup>th</sup> is due to be completed soon. The 4 completed complaints had 21 issues to be considered. The following table shows the outcomes from the 4 completed complaints of these issues;

<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>No Finding</b>
<b>4</b>	<b>4</b>	<b>13</b>	<b>0</b>

**Stage 3** – Of the 5 complainants at stage 2, 3 requested that their complaint be escalated to Stage 3. 2 of the stage 3 complaints have been concluded, and they had 13 issues to be considered. The following table shows the outcomes from the 2 completed complaints of these issues;

<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>No Finding</b>
<b>4</b>	<b>0</b>	<b>7</b>	<b>2</b>

## **10 Local Government Ombudsman**

10.1 Of the complaints arising in 2016/17, 5 complainants approached the Local Government Ombudsman. 3 of these had been through the 3 stages of the process, while the other 2 approached the LGO directly earlier in the process.

## **11 Developments in the complaints process**

11.1 Senior Managers receive regular reports from the Complaints Manager which serve to highlight trends and performance.

11.2 The Complaints Manager offers ongoing support and advice to Team Managers on how to appropriately respond to complaints.

## **12 Areas for improvement / Learning from Complaints**

12.1 Service Managers and social workers are being asked to ensure that families are aware of changes in their children's social worker.

12.2 Team Managers have been reminded that when concerns are raised it essential that every effort is made to contact **both** parents to inform them of the concerns and offer an opportunity for them to be involved in the resolution of the concern.

12.3 Complaints about Communication issues continue to be an issue. All staff have been reminded that if a call cannot be answered by a member of staff, the call should be passed to the duty team, who will deal with the issue or will pass a message on to the appropriate social worker.

## **13 Corporate Implications**

13.1 Contribution to Council's Vision & Corporate Priorities.  
Complaints management is relevant to the Council's corporate priority of continuing to improve the outcomes for vulnerable children.

### 13.2 Financial Implications

The commissioning of independent people to investigate Stage 2 complaints incurs additional cost. The Department seeks to provide efficient resolution to complaints at the earliest stage possible, as well as securing value for money from Investigating Officers. Costs are met from the existing base budget.

### 13.3 Legal Implications –

The complaints process complies with statutory requirements.

### 13.4 People Implications

None.

### 13.5 Property Implications

None.

### 13.6 Consultation

The Advocacy Services and Representations procedure (Children) (Amendment) Regulations 2004 confer a duty on local authorities to provide information about advocacy services and offer help to obtain an advocate to a child or young person wishing to make a complaint. The Authority has a contract with the National Youth Advocacy Service.

In 2016/17 3 complaints (3.5%) were made by children/young people. This is the same number as in 2015/16. All children and young people wishing to make a complaint in were offered the services of an advocate.

### 13.7 Equalities and Diversity Implications

All those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.

### 13.8 Value for Money

Since the joining of the Adult and children's complaints teams, the complaint process is implemented by 2fte posts with support from the Customer Service Manager, when needed.

We now use SBC Managers to undertake the role of Investigating Officers, which has reduced the use of external Investigating Officers for Stage 2 complaints.

13.9 Community Safety Implications

None

13.10 Environmental Impact

None

14. Background papers

None

## Appendix C

### Corporate Comments, Complaints and Compliments Report



# Southend-on-Sea Borough Council

Agenda  
Item No.

## Report of the Chief Executive

to  
**Cabinet**  
on

**7 November 2017**

Report prepared by: Val Smith, Knowledge and Information  
Advisor and John Williams, Monitoring Officer

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### **Corporate Comments, Complaints and Compliments and Local Government and Social Care Ombudsman Annual Report - 2016-17**

**All Scrutiny Committee – Executive Councillor: Councillor Lamb**

#### **A Part 1 Public Agenda Item**

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#### **1. Purpose of Report**

- 1.1 To report on the performance relating to the Corporate Comments, Complaints and Compliments procedure and to provide comparisons with previously reported results.

(Certain complaints and compliments in respect of adult and children's social care functions are subject to their own statutory processes and are not monitored by the Corporate procedure. Their results are reported separately.)

- 1.2 To fulfil the Monitoring Officer's duty under section 5(2) of the Local Government and Housing Act 1989 and the Local Government Act 1974 to report to Members a summary of the findings of all complaints relating to the Council where in 2016/17 the Local Government and Social Care Ombudsman (LGO) has conducted an investigation and upheld the complaint.

#### **2. Recommendations**

- 2.1 **To note the performance relating to the Corporate Comments, Complaints and Compliments process between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017.**
- 2.2 **To note the summary of LGO findings.**

### **3. Background**

3.1 The Council's Corporate Comments, Complaints and Compliments procedure deals with all general feedback about the Council. It has been in place since 2009 and is well established throughout the organisation. Along with the children and adult social care statutory complaints there are certain other functions which are outside of the Corporate procedure and which have their own processes. Examples include appeals against parking tickets and concerns about schools.

3.2 The benefits in operating a feedback process include:

- To learn lessons from the types of feedback made
- To help improve service delivery
- To improve the consistency and timeliness of responses
- To reflect sector wide and LGO best practice.

3.3 This report provides:

- an update on how the process is working
- an analysis of customer feedback data
- A particular focus on the Council's performance in connection with complaints under the 3 Stage process outlined in [Appendix 1](#)
- A summary of LGO findings
- details of minor changes to the process

### **4. PERFORMANCE TO DATE**

#### **4.1 Performance in respect of complaints**

Detailed performance data for 2016/17 is set out in [Appendices 2 to 5](#).

545 Stage 1 complaints were received during 2016/17, reflecting an increase of 35.6% compared to the 402 complaints reported for 2015-2016 and 425 complaints in 2014-15.

The increase in volume of Stage 1 complaints can be attributed to the challenges of changing waste collection days with the introduction of the Veolia contract. The Department for Place received 48% of their annual complaints in the three months following the change (235 complaints).

The monitoring system that is in place highlights trends and issues that are subject to complaints. Areas that have been of note, at all stages, for 2016/17 include:

- Providing a service – 28.4%
- Quality of service – 22.3%
- Staff conduct/employee behaviour – 12.7%

## 4.2 Complaints by Department with Response Times

Department	Stage 1 & 2 Total Complaints Apr 2014-Mar 2015	Responded to in 10 working days	Stage 1 & 2 Total Complaints Apr 2015-Mar 2016	Responded to in 10 working days	Stage 1 & 2 Total Complaints Apr 2016-Mar 2017	Responded to in 10 working days
Dept. of the Chief Executive	38	92%	62	81%	52	94%
Department for People	44	80%	41	68%	41	49%
Department for Place	379	92%	344	83%	479	85%
Public Health			1	100%		
<b>Grand Total</b>	<b>461</b>	<b>87%</b>	<b>448</b>	<b>80%</b>	<b>572</b>	<b>84%</b>

## 4.3 Stage 3 Complaints

There were 15 complaints received at Stage 3 of the complaints procedure, the same number as in 2015/16. Two further complaints were raised at Stage 3 but then not pursued by the complainant.

Complaints that escalate to Stage 3 are by their nature more complex and sometimes involve situations where it is not possible for the Council to meet complainants' wishes.

In 2016/17 over 50% of the Stage 3 complaints for the year were received in June and July. This peak of work resulted in multiple complaints having to be processed simultaneously and had a negative impact on response times for the remainder of the year.

From June 2017 a new structure has been introduced within Policy, Engagement and Communication (where Stage 3 complaints are investigated) combining a variety of Knowledge and Information functions over several posts. This approach allows more flexibility in investigative resources and improves resilience by being less susceptible to peaks of work. Now that historic complaints are completed, there will be an improvement in the timely resolution at Stage 3 of the process.

#### 4.4 Nature of Complaints

[Appendix 2](#) sets out the nature of all complaints under the following headings:

- Communication
- Decision making
- Discrimination
- Policy or procedure
- Providing a service
- Service not provided by council
- Staff conduct/staff behaviour
- Quality of service

The main areas of concern for 2016-17 were: providing a service (167); quality of service (131); staff conduct/behaviour (75) and communication (55).

#### 4.5 How the Complaints Were Received

The four year trend chart in [Appendix 3](#) shows that 93% of complainants contacted the Council by e-mail or through the website, an increase from 65% for 2015/16 (and 62% in 2013/14). This reflects the work undertaken to encourage customers to use electronic means as their channel of choice. It may however not be a complete picture if customer service officers have completed an on-line form on behalf of a telephone caller.

Complaints submitted by letter, phone and face to face are consequently on a downward trend. The Council remains committed to keeping all complaint channels available in order to meet its equalities obligations and to comply with LGO best practice. A formal complaint may be received over social media but would be moved to more conventional channels for resolution.

#### 4.6 Progression of complaints and satisfaction

- 93% of Stage 1 complainants were satisfied with their response and did not take their complaint further through the process. This is an increase when compared with the 2015/16 reported figure of 89%.
- Of the 44 complaints that were addressed at Stage 2 (there were 45 in 2015/16) 11 related to the providing of a service and a further 11 to decision making.
- Of the 44 Stage 2 complaints, 17 went on to Stage 3 (although 2 were not pursued).
- In 2016/17, six complaints that had completed the full Corporate process were investigated by the LGO. In four cases the LGO found no fault with the Council. In two cases they agreed with the fault that had already been identified by the Council and found that it had been appropriately remedied at Stage 3 and needed no further remedy from the LGO.

## 4.7 Complaint Resolution

The emphasis on learning from customer feedback continues. This is evidenced by how complaints have been resolved:-

- Specific action has been taken in 81.8% of cases - by doing something that had not been done, carrying out work or putting something right.
- 7.0% of customers that complained received an apology when the Council had not got things right and no further action was needed, other than to apologise, or explain why the Council had taken a particular course of action.
- 8.3% of complaints required no action. This was where our actions were reviewed but deemed to be correct and no apology was required.
- No cases required a process review.

The chart in [Appendix 4](#) reflects the breakdown of complaints by resolution.

## 4.8 Learning Points

Feedback through the complaints procedure from customers is continuously reviewed to establish where improvements to services are required.

In particular, Stage 3 of the process includes an organisation-wide view of the complaint to identify lessons learned and to inform broader service reviews where appropriate. In this way an individual complaint can have an impact on organisational change.

Examples of service improvements as a result of complaints and customer feedback include:

- Individual complaint findings being fed directly into the review of anti-social behaviour service provision (currently underway)
- Website content being commissioned to provide a pathway to advice for those with suicidal thoughts or those who might be concerned about someone with suicidal thoughts
- Training being commissioned for staff who may interact with customers with suicidal thoughts
- Nominated points of contact being put into place for customers experiencing difficulty in their interactions with the Council or with whom officers are experiencing difficulty
- The introduction of an independent formal Subject Access Request review process for customers who feel they have not been supplied with all relevant information
- Guidance for Housing staff regarding bedroom need allocation for housing applicants with overnight care
- Guidance for Housing staff regarding applicants for housing who have a previously un-discharged main homelessness duty

## 4.9 Comments and Compliments

GovMetric, the customer satisfaction measurement tool used by the Council, specifically captures the provision of face to face and telephone service by the Customer Service Centre and over the Council's primary website. These figures are reflected in the Department of the Chief Executive analysis. Compliments are most frequently received in relation to face to face or telephone contact, with the helpful or pleasant nature of the member of staff often being cited as the reason for the compliment.

It is anticipated that as we move more towards increased use of on-line channels with less personal interaction between the Council and its customers, so the opportunities to receive compliments will decrease.

Of the 1,301 comments and compliments recorded by the Department of the Chief Executive, 487 were categorised as compliments, which compares to 814 recorded last year.

When comments are received they are responded to by the service concerned and the person making the comment is acknowledged and where appropriate advised if their suggestion is to be taken up. Compliments are acknowledged and shared with the appropriate line management to inform the service or member of staff. This may then inform the staff member's performance review discussion.

The table below shows a 3 year comparison of the total number of comments and compliments received by each Department.

Department	Total 2014/2015	Total 2015/2016	Total 2016/2017
Department of the Chief Executive	1326	1673	1301
Department for People (excluding statutory complaints)	7	2	19
Department for Place	222	337	838
Public Health			21
<b>Grand Total</b>	2022	2426	2462

#### 4.10 Minor Revisions to the Procedure

The Corporate Comments, Complaints and Compliments procedure is having minor revision to reflect the revised senior management structures; a requirement that the Deputy Leader acts in the absence of the Leader and that LGO best practice is incorporated. The revised procedure for customers is attached at [Appendix 1](#).

### 5. Local Government and Social Care Ombudsman (LGO)

The Local Government and Social Care Ombudsman (LGO) has provided an annual summary of statistics for the year ended 31 March 2017. This relates to cases upon which they have made a decision in that year.

The LGO's annual review letter, including the breakdown of the results is attached at [Appendix 5](#).

58 decisions relating to the Council were made by the Ombudsman. This compared to 56 for 2015/16.

24 cases were referred back for local resolution, 9 directly to the Council. This is most commonly because the complainant has approached the LGO without first going through the Council's complaints procedure.

14 cases were closed after the LGO had made initial enquiries, 13 of these involved SBC providing supporting information.

2 cases were incomplete or invalid, and for 3 more, advice to the complainant from the LGO was considered sufficient action.

In 15 cases the LGO decided to conduct a detailed investigation. In 8 of these the LGO upheld the complaint, in 7 cases they did not, an uphold rate for detailed investigations of 53% (the average LGO uphold rate being 54% in a range of 64% to 44%).

Of the 8 detailed investigations where the complaint was upheld, 5 were in relation to Adult Care Services, 1 was in relation to Housing and 2 to Education and Children's services.

A breakdown of approaches to the LGO is attached at [Appendix 6](#) and a summary of findings for those cases where the LGO found fault is included at [Appendix 7](#).

Alongside statistical information, the LGO also publishes a yearly report on local government complaint handling. The report includes a summary of complaint statistics for every local authority in England which provides an opportunity for the Council to compare its performance against other Councils. The table below shows comparisons with a small number of similar authorities.

Local authority	Complaints/ enquiries made 15/16	Complaints upheld 14/15	Complaints/ enquiries made 16/17	Complaints investigated & upheld 16/17	Uphold rate
Southend on Sea	54	7	54	8	53%
Blackpool	47	7	45	8	53%
Medway	97	19	87	13	50%
Plymouth	102	19	98	15	56%
Thurrock	82	9	65	10	59%
Isle of Wight	60	14	43	13	68%
Central Bedfordshire	65	10	54	8	53%

## 6 MONITORING AND REPORTING

Regular reporting continues within Departmental Management Teams to coincide with their monthly report on performance.

## 7 CONCLUSIONS

The process continues to deliver a professional response to individual complaints, a robust system of complaint monitoring and real service improvements. Minor updating of the procedure is underway as outlined in 4.10 above.

## 8 Corporate Implications

### 8.1 Contribution to Council's Vision & Corporate Priorities

Customer feedback and complaints management is directly relevant to the Council's Corporate priorities.

### 8.2 Financial Implications

Service improvements continue to result in meaningful outcomes for customers. A robust complaint process with thorough investigation and a positive approach reduces the likelihood of financial penalties from the LGO.

### 8.3 Legal Implications

This process is overseen by the Local Government and Social Care Ombudsman

### 8.4 People Implications

Effective complaint handling is resource intensive but benefits the organisation by identifying service improvements and managing the process for customers who are dissatisfied.

### 8.5 Property Implications

None

### 8.6 Consultation

None

### 8.7 Equalities and Diversity Implications

The complaints process is open to all and has multiple methods of access for customers. Equality and diversity implications are a routine part of the process in recording customer details and are considered as part of any response.

Although most commonly the process is accessed through e-mail and on-line forms, traditional methods such as post are available and where necessary a complaint can be transcribed over the telephone or be made in person.

This supports persons who might otherwise be inhibited from using the process, perhaps through vulnerability.

### 8.8 Risk Assessment

Personal data regarding complaints are recorded in an approved centralised system which can only be accessed by nominated officers.

### 8.9 Value for Money

Resolving a complaint as early as possible in the process reduces officer time spent dealing with concerns as well as providing the opportunity to improve service delivery.

### 8.10 Community Safety Implications - None

### 8.11 Environmental Impact - None

**9 Background Papers – None**

**10 Appendices**

- Appendix 1 Summary of the Council's Comments, Complaints and Compliments Procedure
- Appendix 2 Nature of Complaints
- Appendix 3 How Stage 1 Complaints Were Received
- Appendix 4 Complaint Resolution
- Appendix 5 Local Government Ombudsman Annual Review Letter 2017
- Appendix 6 Breakdown of approaches to the LGO by Service
- Appendix 7 Summary of complaints upheld by the LGO

# Appendix 1 – Complaints Leaflet

[www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)



Safe • Clean • Healthy • Prosperous • Excellent

## Comments, Complaints and Compliments Procedure

*'Creating a better Southend'*

- |   |   |
|---|---|
|  Braille       |  Audio           |
|  Large print   |  EasyRead        |
|  Disk or email |  BSL & subtitles |



B20 Comment Complaint or Compliment – October 2017

A summary of this booklet can be provided in alternative formats such as Braille, audio-tape or in large print. Translations of this document in alternative languages are also available

**Albanian:** Nëse dëshironi një kopje të kësaj fletushke në gjuhën tuaj amtare, ose nëse doni të në kontaktoni, ju lutemi telefononi në numrin e poshtë-shënuar. Ne do të përdorim një përkthyes për mes telefonit të ndihmojmë me kërkesën tuaj.

**Czech:** Zkrácená verze této publikace je k dostání i v alternativních formátech, konkrétně v Braillu, na audiokazetě a tištěná ve klým typem písma, které je snadno čitelné. Tento dokument byl přeložen i do dalších jazyků a tyto překlady jsou vám také k dispozici.

**Ndebele:** Lolugwalo luyatholakala njalo lunciphisiwe ngalezi indlela; ngombhalo weziphofu (Braille), kasethi (audio tape), loba lulotshwe ngamabala amakhulu. Luyatholakala njalo lolugwalo lulotshwe ngezihlobo ezitshiyeneyo.

**Polish:** Streszczenie tej publikacji jest dostępne w innych formach, takich jak pismo Braille'a, taśmy audio lub w dużym druku. Dostępne są także przekłady tego dokumentu na inne języki.

**Portuguese:** Um resumo desta publicação pode ser fornecida em formatos alternativos tais como Braille, cassete áudio ou em impressão de letras grandes. Também temos disponíveis traduções deste documento em outros idiomas.

### **Punjabi**

ਦਿਸ ਪੁਸਤਕ ਦਾ ਸਾਰ ਸ਼੍ਰੇਣੀ, ਆਡੀਓ-ਟੇਪ ਵਰਗੇ ਬਦਲਵੇਂ ਰੂਪਾਂ ਜਾਂ ਵੱਡੇ ਫਿੰਟ ਵਿੱਚ ਉਪਲਬਧ ਕਰਵਾਇਆ ਜਾ ਸਕਦਾ ਹੈ। ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਬਦਲਵੀਆਂ ਭਾਸ਼ਾਵਾਂ ਵਿੱਚ ਅਨੁਵਾਦ ਵੀ ਉਪਲਬਧ ਹੈ।

Pfupikiso yegwaro iri inowanika zvakare seBraille (bhuku rinoverengwa nemapofu), tepi yekuteerera nezvakanyorwa nerunyororw runooneka. Gwaro iri rakaturikirwa mune imwe mitauro zvakare, uye magwaro acho aripo

### **Chinese**

如欲索取本雜誌的其他語文或格式版本、或希望訂閱更多份雜誌，請致電下列號碼

### **Urdu**

اس رسالے کی کاپی کسی بھی دیگر زبان یا شکل میں حاصل کرنے یا اس کی مزید کاپیاں آرڈر کرنے کے لیے برائے مہربانی درج ذیل نمبر ڈائل کریں۔

### **Bengali**

অন্য কোন ভাষা, আকারে এই ম্যাগাজিনের কপির জন্যে, অথবা অতিরিক্ত কপি অর্ডার করার জন্যে অনুগ্রহ করে যে নম্বরে ফোন করবেন সে নম্বর নিচে উল্লেখ করা হলো

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## 1. OUR COMMITMENT TO YOU

Every day we make thousands of decisions and try hard to give the best possible service. If you are unhappy about the standard of service you receive, our actions or lack of action, please tell us. Your comments – good or bad – help us plan for the future.

- We aim to provide a full and clear response to your comment or complaint within 10 working days.
- We will look into your comment or complaint fully and fairly. If your comment is not to be progressed we will explain why.
- We will be honest and polite.
- We will preserve the confidentiality of information supplied as far as possible.
- We will apologise if we have made a mistake.
- We will tell you what we are doing to put things right.
- We are totally opposed to all forms of unfair discrimination. We are committed to conducting Council business in a way that is fair and appropriate to all sections of the community.
- We recognise the need to deliver services in ways that are appropriate to everyone and whenever possible removing barriers that will limit access.
- We will tell staff when a compliment is received about them.

## 2. MAKING COMMENTS AND COMPLIMENTS

If you have made a comment on how to improve our services we will respond to you within 10 working days.

To make a comment or compliment you can complete our online form at [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints) or alternatively you can [download a form to complete](#). Details on how to contact us are published on page 9. If you make a comment that is not to be progressed then we will explain why.

## 3. COMPLAINTS

### 3.1 What is a complaint?

We want our services to be excellent but we know things can go wrong. A complaint is:

“an expression of dissatisfaction about a Council service (whether that service is provided directly by the Council or by a contractor or partner) that requires a response.”

A complaint can highlight any of following:

- A failure to provide a Council service at an appropriate level or standard.
- A slow response in dealing with a matter raised with us, such as a query or request for a service.
- Unsatisfactory behaviour by a member of staff, for example rudeness, unfair discrimination, malice or bias.

- Failure to follow agreed policies or procedures, or to take relevant factors into account.
- Failure to inform you of your rights, relative to a matter raised with the Council.

### 3.2 Are there matters outside this Complaints Procedure?

This Complaints Procedure can be used for most complaints. However, there are some exceptions, there are certain complaints which have their own special procedures which are listed in section 4, which also deals with:

- Anonymous complaints
- Unreasonably persistent complainants
- Unreasonable behaviour

### 3.3 How to make a complaint

#### **1** Stage

You can contact us by:

- By email [council@southend.gov.uk](mailto:council@southend.gov.uk)
- Via our website [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)
- Phone 01702 215 000
- In person Customer Services in the reception area at the Civic Centre, Victoria Avenue, Southend-on-Sea, Essex, SS2 6ER
- By filling a form. You can [download a form](#) from our website.
- In writing Southend-on-Sea Borough Council Customer Services, PO Box 6, Civic Centre, Victoria Avenue, Southend -on-Sea, Essex, SS2 6ER

A response will be sent to you within 10 working days. In the event that this is not possible an interim response will be provided with confirmation of when the final response can be expected.

You can also ask your local Councillor to take up your complaint on your behalf.

#### **2** Stage

We hope that we can resolve your complaint at Stage 1. However if you are not satisfied with our response, please contact us (see section 6), and the Group

Manager or Director of the service you are complaining about will investigate the matter.

Our aim is for you to receive a written response within 10 working days. In the event that this is not possible, we will advise you when a final response can be expected.

## Stage **3**

If you are still dissatisfied, you have the right to have your complaint reviewed by one of the Council's most senior managers, the Chief Executive or Deputy Chief Executive, and the Leader of the Council by writing to us at the address shown in section 6 of this booklet.

They will consider your request and will let you know their decision in writing within 35 working days of your request. In the event that this is not possible, we will advise you when a final response can be expected.

## Still Unhappy

### Local Government Ombudsman and the Council's External Auditors

If you feel that we have not given you a satisfactory explanation you can contact the Local Government and Social Care Ombudsman. The Ombudsman will investigate complaints about how the Council has done something or failed to do something, providing a poor service or failure to provide a service, or administrative failure. You can contact the Local Government Ombudsman at:

 [www.lgo.org.uk](http://www.lgo.org.uk)  
 0300 061 0614

 Please telephone the LGO for details

The Ombudsman has adopted a "Council First" procedure and would usually expect you to go through the Council's Complaints Procedure first before contacting the Ombudsman. More details can be found on the Ombudsman's website.

If your complaint is in respect of financial matters you can complain to the Council's external auditors, BDO at:

 [www.bdo.co.uk/](http://www.bdo.co.uk/)  
 01473 320700

 16 The Havens  
Ransomes Europark  
Ipswich  
Suffolk IP3 9SJ

### Data Protection Act & Freedom of Information Act issues

If a complaint relating to either of these matters cannot be resolved by the Council, then you can complain to the Information Commissioner's Office at:

 [www.ico.org.uk](http://www.ico.org.uk)  
 0303 123 113 or 01625 545745 or fax: 01625 524510

 Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire SK9 5AF

## **4. MATTERS OUTSIDE THIS COMPLAINTS PROCEDURE**

### **4.1 There are certain matters for which you cannot use this Complaints Procedure. These are:**

- The merits of a national policy, local policy or a formal decision taken by Councillors at Cabinet, Committee or by the Full Council.
- A decision taken by the Council or Council officers, where a formal appeal procedure exists, e.g. refusal of a housing benefit application.
- An objection to a planning application that has not yet been determined or a comment in response to a consultation exercise.
- A matter where legal action is in progress and/or there is a potential insurance claim. In such circumstances it will be passed to the Council's insurers to deal with. After insurance issues are resolved, the matter may then be dealt with under this procedure.
- A personnel issue, if you are a member of staff or ex-member of staff.
- Initial submission of a service request e.g. reporting a faulty street light. If such a service request is not dealt within the prescribed service standard then a complaint can be made under this Complaints Procedure.
- The following special types of complaint which have their own individual complaints procedure:

#### a) Complaints about Councillors

Councillors are subject to a Code of Conduct. A complaint that a Councillor has breached this Code will be dealt with by the Council's Standards Committee. You can make your complaint at:

 [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)

 The Monitoring Officer  
Southend-on-Sea Borough Council  
PO Box 6, Civic Centre, Victoria Avenue  
Southend-on-Sea, Essex SS2 6ER

b) Complaints about the Council's Social Care provided to Adults

These complaints are dealt with under a statutory complaints procedure. The system is administered by the Customer Services Manager in Adult & Community Services at:

 [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)

 Customer Service & Complaints Manager  
Department for People  
Southend-on-Sea Borough Council  
PO Box 6, Civic Centre, Victoria Avenue Southend-on-Sea, Essex SS2 6ER

c) Complaints about the Council's Social Care provided to Children

Such complaints are dealt with under a statutory complaints procedure. The system is administered by the Childrens Services Complaints Manager in Department for People at:

 [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)

 Childrens Services Complaints Manager  
Department for People  
Southend-on-Sea Borough Council  
PO Box 6, Civic Centre, Victoria Avenue  
Southend-on-Sea, Essex SS2 6ER

d) Complaints against Schools

There is a separate procedure for handling complaints against schools. The process is administered by the school. In the first instance a complaint should be directed to the Head Teacher and if this does not resolve the matter, then to the School's Governing Body.

e) Complaints against the issuing of Parking (Penalty Charges) Notices

If you wish to challenge a Penalty Charge Notice (PCN) you should submit your appeal in one of the following ways:

 [www.southend.gov.uk/pcn](http://www.southend.gov.uk/pcn)

 The Parking Management Team  
Southend-on-Sea Borough Council  
PO Box 6, Civic Centre, Victoria Avenue  
Southend-on-Sea, Essex SS2 6ER

If you are not happy with the response from the Parking Management Team you can refer an appeal to the National Parking Adjudication Service at:

 [www.trafficpenaltytribunal.gov.uk](http://www.trafficpenaltytribunal.gov.uk)

 [info@trafficpenaltytribunal.gov.uk](mailto:info@trafficpenaltytribunal.gov.uk)

 01625 44 55 55 Fax: 01625 44 55 60

✉ Traffic Penalty Tribunal,  
Springfield House,  
Water Lane,  
Wilmslow,  
Cheshire SK9 5BG

f) Complaints about the management, maintenance and administration of Council houses and flats

These complaints are dealt with by South Essex Homes (the Council's Arms Length Management Organisation). For further information please contact:

 [www.southessexhomes.co.uk/](http://www.southessexhomes.co.uk/)  
 [complaints@seh.southend.gov.uk](mailto:complaints@seh.southend.gov.uk)  
 0800 833160 or 0800 833161

✉ The Service Improvement Team  
South Essex Homes Ltd,  
Civic Centre, Victoria Avenue,  
Southend-on-Sea, Essex SS2 6FY

## 4.2 Anonymous Complaints

Anonymous complaints will be investigated where they raise serious concerns and it is possible to do so. But it would help us if you were able to supply us with your contact details in case we need to ask additional questions.

## 4.3 Unreasonably Persistent Complainants

There are a small number of complainants who, because of the frequency of their contact with the Council, hinder consideration of their, or other people's complaints. In exceptional circumstances, action will be taken to limit the contact of such unreasonably persistent complainants with the Council. The decision to do so and the form of such limitations will be taken by the Council's Chief Executive & Town Clerk or a Deputy Chief Executive.

## 4.4 Unreasonable Behaviour

The Council does not expect its staff to tolerate behaviour by complainants which is unreasonable, for example, which is abusive, offensive or threatening. The Council will take action to protect staff from such behaviour. In appropriate circumstances action will be taken to limit the contact of such complainants with the Council. The decision to do so and the form of such limitations will be taken by the Council's Chief Executive & Town Clerk or a Deputy Chief Executive.

## 5. MONITORING OUR PERFORMANCE

We are keen to improve not only our services but also the way we deal with your complaints and feedback. We will carry out satisfaction surveys to assess whether you were satisfied with this feedback process. If you are asked to participate we hope that you will respond.

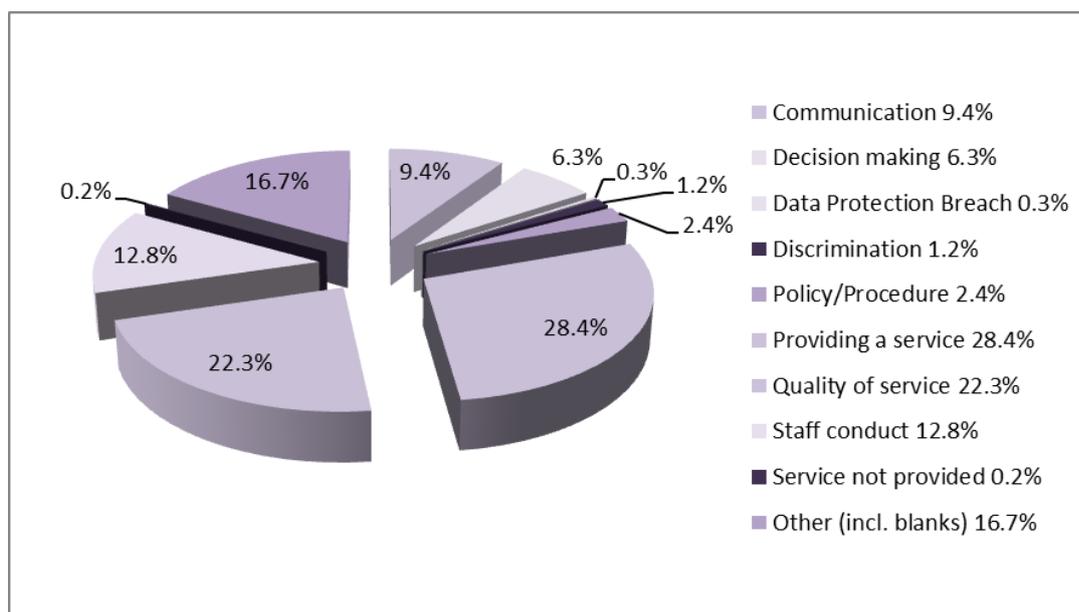
## 6. HOW TO CONTACT US

 [www.southend.gov.uk/complaints](http://www.southend.gov.uk/complaints)

 01702 215000

 Performance Adviser, Compliments & Complaints  
Policy, Engagement and Communication  
Department of the Chief Executive  
Southend-on-Sea Borough Council  
PO Box 6, Civic Centre, Victoria Avenue  
Southend-on-Sea, Essex SS2 6ER

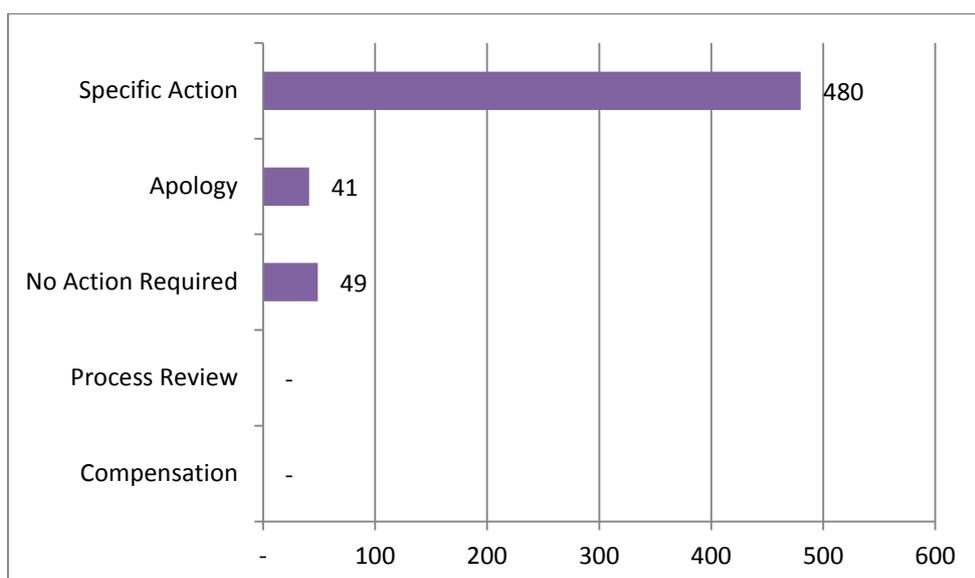
## Appendix 2 – Nature of Complaints – April 2016 to 2017



## Appendix 3 – 3 Year Comparison of How Stage 1 Complaints Were Received

	2013/2014	2014/2015	2015/2016	2016/2017
Email/Internet	47%	62%	65%	93%
Telephone	37%	31%	25.0%	2%
Other	1%	1%	0.5%	0.4%
Letter / post	10%	6%	9%	4%
In person	5%	1%	1%	0%

## Appendix 4 - Complaint Resolution April 2016 to 2017



## Appendix 5 - Local Government Ombudsman Annual Review Letter 2017

### Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

### Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

I would like to record that in one complaint about your Council concerning friends and family carers, the Council was very open to accepting the fault and the proposed remedy, despite the size of the payment. I commend your Council for its constructive approach in settling this complaint.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **The statutory duty to report Ombudsman findings and recommendations**

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.

- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

### **Manual for Councils**

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website [www.lgo.org.uk/link-officers](http://www.lgo.org.uk/link-officers)

### **Complaint handling training**

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training)

Yours sincerely



Michael King  
Local Government and Social Care Ombudsman for England  
Chair, Commission for Local Administration in England

Local Authority Report: Southend-on-Sea Borough Council  
 For the Period Ending: 31/03/2017

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
11	2	0	14	2	7	12	4	2	54

## Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	3	24	14	7	8	53%	58

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
7	1

## Appendix 6 Breakdown of approaches to the LGO by Service

Adult Care Services	
12	Decisions of the LGO
3	Referred for local resolution
3	Closed after initial enquiries
1	<b>Detailed investigation – not upheld</b>
5	<b>Detailed investigation - upheld</b>

Benefits and Council Tax	
2	Decisions of the LGO
2	Referred for local resolution

Education and Children's Services	
14	Decisions of the LGO
4	Referred for local resolution
3	Closed after initial enquiries
5	<b>Detailed investigation – not upheld</b>
2	<b>Detailed investigation - upheld</b>

Environmental Services and Public Protection and Regulation	
2	Decisions of the LGO
2	Referred for local resolution

Highways and Transport	
8	Decisions of the LGO
1	Incomplete or Invalid
3	Referred for local resolution
3	Closed after initial enquiries
1	<b>Detailed investigation – not upheld</b>

Housing	
14	Decisions of the LGO
2	Advice given by LGO
8	Referred for local resolution
3	Closed after initial enquiries
1	<b>Detailed investigation - upheld</b>

Planning and Development	
4	Decisions of the LGO
2	Referred for local resolution
2	Closed after initial enquiries

Other (not specified by LGO)	
2	Decisions of the LGO
1	Advice given by LGO
1	Incomplete or Invalid

## Appendix 7 Summary of complaints upheld by the LGO

<b>Service</b>	<b>Maladministration/Fault</b>	<b>Agreed Remedy</b>
Adult Social Care	Care provider did not retain records for an appropriate time resulting in safeguarding investigation being unable to be provided with some information. No fault found with safeguarding investigation.	Letter of apology to customer £250 remedial payment in recognition of uncertainty caused All care providers to be reminded of necessity for document retention Monitoring of document retention compliance as part of contract management
Adult Social Care	Their liability to pay care home fees was not made sufficiently clear to complainant	Disputed fees to be written off Advisory letters to be amended to be clear and unambiguous
Adult Social Care	No fault found with safeguarding investigation but a conference was not organised at the end of the process as policy dictated and the family requested	Letter of apology
Adult Social Care	Investigation delayed because the views of the alleged perpetrator, a medical professional, were not sought which would have provided greater clarity at an earlier stage	Written apology £150 remedial payment in recognition of avoidable time, trouble and frustration New protocol developed and amended guidelines introduced between (SBC/NHS Southend CCG/NHS England)
Adult Social Care	Their liability to pay a top up fee for temporary residential care was not made sufficiently clear to complainant	Written apology SBC to pay the top-up fee Advisory leaflets to be amended to cover temporary care scenario Staff to be advised to be aware of the need to advise clients clearly of their liabilities in such circumstances
Education and Children's Services	A complaint from a birth parent about the failure to trace them regarding an adoption some years previously was refused as out of time. As the complainant had only recently discovered the adoption, the	Agreed to put the complaint through the Corporate process

	LGO decided the complaint should have been accepted	
Education and Children's Services	A classification of family foster carers should have been given in specified circumstances.	After considerable legal discussions with the LGO, SBC decided to accept their judgement and pay a sum of arrears to the complainant. In their annual letter the LGO has commended the Council for its constructive approach in settling the complaint.
Housing	An application based on homelessness was wrongly removed from the housing register when a short term leased property was found. This disadvantaged the customer when they once again became under threat of homelessness.	The LGO concluded that the fault had already been recognised and sufficiently remedied by the Council in its complaints process