

Southend-on-Sea Borough Council

Report of Chief Executive
to

Executive Briefing - 20 October 2020

Cabinet - 3 November 2020

Agenda
Item No.

Report prepared by:

Val Smith – Knowledge and Information Manager
(Overarching report and Appendix A and D)
Charlotte McCulloch – Customer Service & Complaints
Manager (Appendix B)
Michael Barrett – Complaints Officer (Appendix C)

Cabinet Member (overarching) - Cllr Terry
Cabinet Member Appendix B Report – Cllr Harp
Cabinet Member Appendix C Report – Cllr Jones

Annual Report – Comments, Complaints and Compliments – 2019/20

All Scrutiny Committees

A Part 1 Public Agenda Item

1. Purpose of Report

1.1 This report is to:

- Provide performance information about comments, complaints and compliments received across the Council for 2019/20
- Fulfil the Council's statutory duty to produce an annual report concerning compliments and complaints received about its Children and Adult social care functions.
- Fulfil the duty of the Monitoring Officer to report to councillors on the findings of certain Local Government and Social Care Ombudsman investigations

2. Recommendations

2.1. To note the Council's performance in respect of comments, complaints, and compliments for 2019/20. To refer the report to all Scrutiny Committees (Appendix B and C to the People Scrutiny Committee only).

2.2 That authority is given for the changes recommended to be made to the corporate Comments, Complaints and Compliments policy as detailed in Section 4.3 of the Corporate Comments, Complaints and Compliments Report (Appendix A).

3. Background

3.1. Complaints which do not have an alternative bespoke process are considered under the corporate Comments, Complaints and Compliments process. It is good practice for the Cabinet to receive an annual report on the operation of the process and insight arising from it; this report is attached at **Appendix A**.

3.2. Legislation requires that statutory processes be in place to deal with complaints relating to children and adults social care and to produce annual reports concerning them. These reports also need to be shared with the Care Quality Commission and the Department of Health. These reports are provided as **Appendices B and C** to this report.

3.3. Under section 5(2) of the Local Government and Housing Act and the Local Government Act 1974, the Monitoring Officer is required to report a summary of the findings of the Local Government and Social Care Ombudsman with regard to cases considered by them which relate to the Council. This report is provided at **Appendix D**.

3.4. The table below sets out the total number of Comments, Complaints and Compliments (Corporate and Statutory) processed in 2019/20 in comparison with the previous three years.

Type	2016/17	2017/18	2018/19	2019/20
Complaints (including Statutory)	866	681	603	608
Comments and Compliments	2441	2230	2138	1825
Grand Total	3307	2911	2741	2433

There has been no substantial change in the levels of feedback received. Analysis of the data gathered is included in the reports at Appendix A to C.

4. Lessons Learnt and Service Improvements

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

- 4.2 As the Council seeks to redesign and transform its services, data from Comments, Complaints and Compliments is a valuable source of information about how those services are received in practice. Feedback from users of our services is used to remedy individual instances and also to inform service design, revise practices and procedures and provide insight to service areas about how their delivery is experienced in practice.

Examples of service improvements are contained within the individual reports at Appendix A to D.

5. Future developments

- 5.1 In the coming year we will seek to strengthen the learning from insight provided by customers through complaints. We will do this by providing quantitative and qualitative information to service areas, service redesign initiatives, internal audit and others which enables them to hear what service users are saying and take action upon it.
- 5.2 During 2019/20 the senior management structure altered considerably. The corporate Comments, Complaints and Compliments process requires amendment to better reflect the revised structure and the management responsibilities within it. See section 4.3 of the Corporate Comments, Complaints and Compliments Report (Appendix A).

6. Other Options

The Council is required by legislation to report regarding social care statutory complaints and Local Government and Social Care Ombudsman complaint outcomes. Reporting on the efficacy of a complaint processes is best practice. While the content of the reports is not prescribed, reporting itself is obligatory.

7. Reason for Recommendation

To ensure the Council continues to have transparent and effective complaint procedures and utilises feedback from customers to good effect.

7. Corporate Implications

7.1 Contribution to Southend 2050 Road Map

Feedback both positive and negative is a direct source of information about how services provided by the Council are being experienced in practice. It also provides information about the type of services the Council's customers would like to have.

This insight may relate to any of the themes and outcomes of the Southend 2050 road map.

7.2 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 remedies being recommended by the LGSCO.

7.3 Legal Implications

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

7.4 People Implications

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

7.5 Property Implications

None specific

7.6 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. All children and young people wishing to make a complaint are offered the services of an advocate.

7.7 Equalities and Diversity Implications

The complaints process is open to all and has multiple methods of access for customers. Adjustments to the process are made for those who require it because of a protected characteristic.

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 those who might otherwise be inhibited from using the process, perhaps through vulnerability.

7.8 Risk Assessment

Personal data regarding comments, complaints and compliments are recorded in approved centralised systems which can only be accessed by nominated officers.

7.9 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.

7.10 Community Safety Implications

None specific

7.11 Environmental Implications

None specific

8. Background Papers - None

9. Appendices

Appendix A - Corporate Comments, Complaints and Compliments

Appendix B - Compliments, Concerns and Complaints – Adult Social Care

Appendix C - Compliments and Complaints – Children’s Social Care

Appendix D – Monitoring Officer report regarding investigations of the LGSO

Corporate Comments, Complaints and Compliments Report

1. Purpose of Report

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

2.0 Recommendations

- 2.1 To note performance relating to the Corporate Comments, Complaints and Compliments process between 1st April 2019 and 31st March 2020.
- 2.2 To endorse in principle that the process be revised to:
- Reflect the revised configuration of the senior management structure of the Council
 - Deliver good quality responses within achievable timescales.

3. Background

- 3.1 The Council's Corporate Comments, Complaints and Compliments procedure has been in place since 2009 and is well established throughout the organisation. It services all general feedback about the Council, except those that have their own bespoke process.
- 3.2 Examples of complaints outside the process include children and adult social care statutory complaints (see report at Appendix B and C), appeals against parking fines and concerns about schools.
- 3.3 An effective complaint system delivers:
- Early warning of things going wrong
 - Root cause analysis which finds out what is causing a problem and does something about it
 - Fair outcomes for individuals who complain
 - Individual outcomes which are applied to the wider customer base
 - Continuous improvement of products/processes and people skills
 - Appropriate remedies where things have gone wrong.

The following information demonstrates how the corporate complaints process is meeting these objectives.

4. PERFORMANCE TO DATE

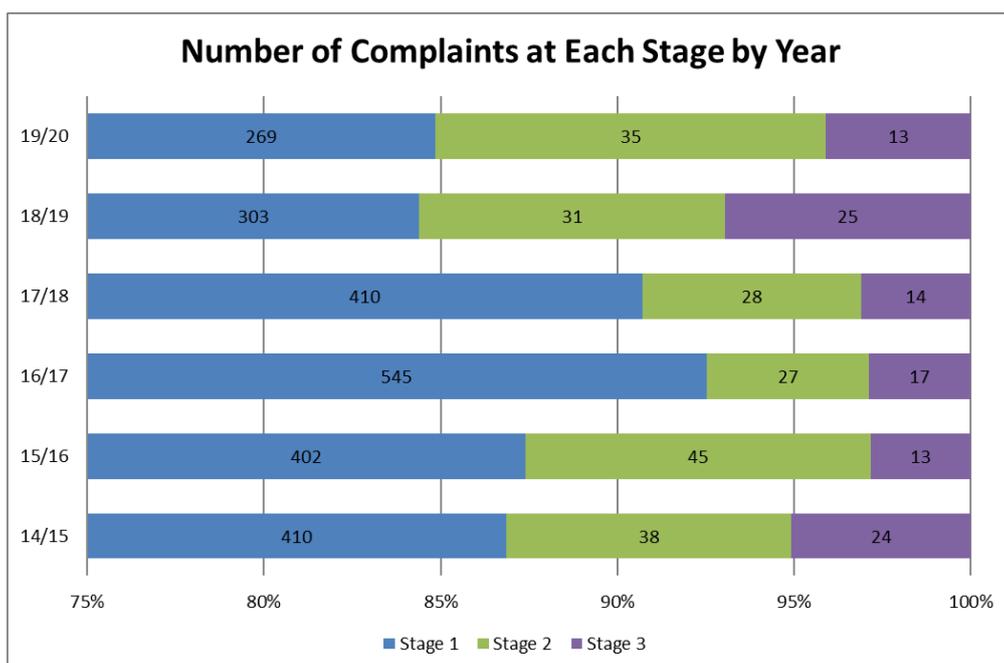
4.1 The number of complaints received



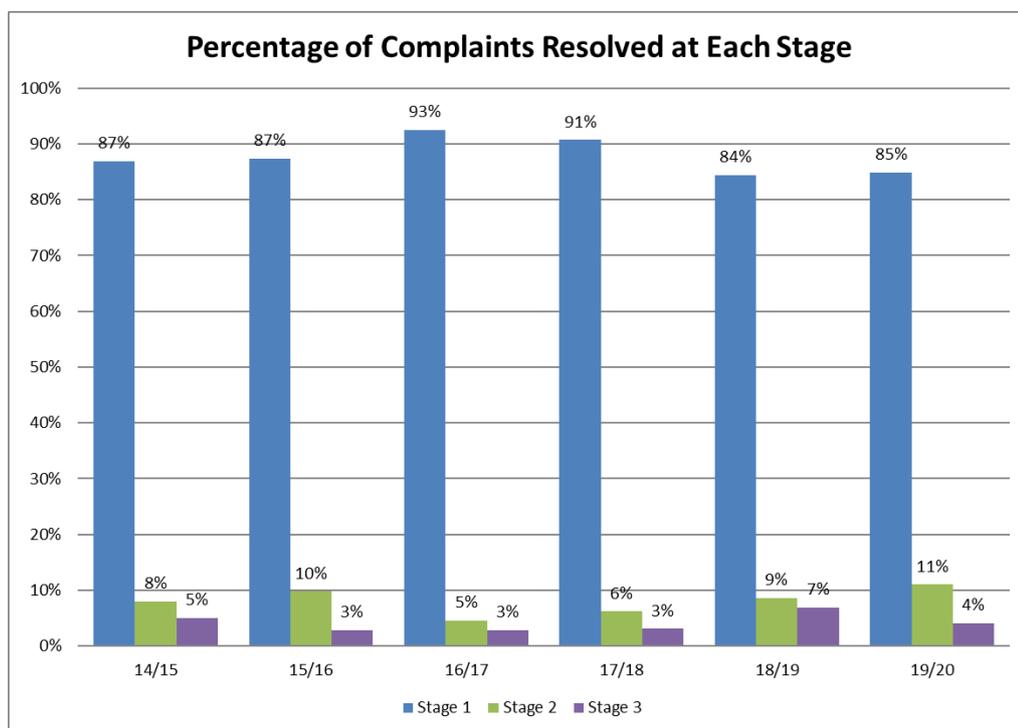
The number of complaints made under the corporate process has continued its downward trend. The complaints received have spanned 33 different council products and services.

4.2 Progression through the complaint stages

4.2.1 The number of complaints resolved at each Stage of the process is as follows:



4.2.2 The percentage of complaints resolved at each Stage of the process is as follows:



4.2.3 Although the total number of complaints made has decreased this year, the proportion of complainants satisfied with the response received at the first Stage of the complaint process has remained almost the same. 48 complaints progressed further, with 35 being resolved at the second Stage and 13 at the third and final Stage. The proportion resolved at Stage 2 has risen and the third stage is accessed by a small proportion at the level commonly seen before the peak last year.

4.2.4 The 13 complaints which reached Stage 3 spanned 9 different services with the maximum any service had being 3. Details of Stage 3 complaints which went on to be considered by the LGSCO are included in the Monitoring Officer Report of LGSO Investigations. Due to the time lag for Ombudsman resolution, these complaints may have originated in years prior to 2019/20 and some complaints from 2019/20 may yet be referred to the Ombudsman.

4.3 The time within which complaints are resolved

4.3.1 The stated aim of the corporate complaints process is to respond to Stage 1 and 2 complaints within 10 working days of their receipt. This has been achieved in 66% of cases which is a decline over previous years. Resource has been increased in the Performance and Business Support team, which is expected to improve the position, but the target of 80% of complaints being met within timescale remains elusive.

2017/18		2018/19		2019/20	
No. Stage 1 & 2 Complaints	% Responded to in 10 working days	No. Stage 1 & 2 Complaints	% Responded to in 10 working days	No. Stage 1 & 2 Complaints	% Responded to in 10 working days
438	73%	334	76%	304	66%

4.3.2 When someone has taken the trouble to complain, it adds intensity to their grievance when they receive a late response. This then becomes an additional cause for complaint at subsequent stages. Having spoken to complaint officers, it would seem that in many instances at Stage 1 and 2 of the process, ten days is simply not enough time to draft a considered response and there is a tension between timeliness and quality.

4.3.3 Extending the timescale at Stage 1 and 2 to allow for more investigation and a comprehensive response, would hopefully reduce the need for complainants to escalate their complaint and cause less additional cause to complain because of unmet expectations in response time. Where complaints are escalated, there would be more opportunity for in depth investigation earlier in the process and less likelihood that a Stage 2 response would simply mirror a Stage 1 reply.

4.3.4 It is therefore proposed that the Stage 1 deadline be extended to 15 working days and Stage 2 to 20 working days.

4.3.5 The Local Government and Social Care Ombudsman recommends that a complaint process take no more than 12 weeks in total. As a consequence of extending the time available at Stage 1 and 2, the Stage 3 response period of 35 working days will need to be reduced. It is recommended that this be reduced to 25 working days.

4.3.6 Some of the current time taken at the third stage can be recouped by simplifying the sign off process for Stage 3 complaints. It is proposed that in future Stage 3 complaints are signed by the most relevant member of the Corporate Management Team (CMT - Executive Director, Deputy Chief Executive or Chief Executive). Not only will this provide more flexibility and remove one stage of the current sign off process, but also will better reflect the senior leadership role of all members of CMT. No change is proposed to the part of the Leader of the Council in the process.

4.3.7 For some Stage 3 complaints it can be seen from the outset that there is nothing to be gained from an additional investigation. The LGSCO will not usually consider a complaint until the Council has had an opportunity to investigate it fully. Some Stage 3 complaints are made with the stated objective of getting through the final stage in order to be able to complain to the Ombudsman.

4.3.8 It is proposed that, in order to more effectively focus resources, the option be made available at Stage 3 of the process to determine that there is no benefit from further investigation, that the Stage 2 response is the Council's final position and the complainant is free to approach the LGSCO should they so wish. This is in accordance with LGSCO procedures.

4.3.9 In order to ensure impartiality, such a decision would be made by an officer of the Corporate Strategy Group and agreed by the Executive Director concerned. It is expected that this option would be used sparingly but would reduce unnecessary duplication of work and allow complainants who are unlikely to be satisfied at Stage 3 to go to the Ombudsman with less delay.

4.3.10 Some complainants seek to use the corporate complaints process in preference to other review processes. It is proposed that the complaints process be clarified to state that where an alternative review or appeal process exists concerning the matter being complained of, a complaint will not be considered under the corporate process until that review or appeal has been concluded.

4.3.11 The sum of these changes will be a better service for complainants with more consideration of their complaint earlier in the process. To enable the extra time at Stage 1 and 2 to be most effective, over the next year training in listening to and learning from complaints, understanding the benefits of the insight provided by those who complain and how to respond well, will be offered to those officers who have handling complaints as part of their responsibilities.

4.3.12 Unfortunately there are some complainants whose behaviour is unreasonable, no matter how well their business with us is conducted. The Policy on the Management of Unreasonable Complainant Behaviour is available where this is the case. It too will be amended so that the formal decision to apply appropriate limitations on contact may be taken by any member of CMT, rather than relying on only the Deputy Chief Executive and Chief Executive.

4.4 Nature of Complaints

4.4.1 Category - Poor level of service/not followed a procedure correctly

The main reason for complaint in 245 instances was that the customer believed the Council (or its contractor) had provided a poor level of service or had not followed a procedure correctly.

Where an outcome was recorded, 52% of this type of complaint was upheld.

4.4.2 Category - Staff have been rude or unhelpful

In 40 instances a complaint was made because a customer felt that a representative of the Council had been rude or unhelpful. Where an outcome was recorded, 54% of this type of complaint was upheld.

4.4.3 Category - Wrongly interpreted the law, council policy or procedure

There were 11 complaints where the customer felt that the Council had wrongly interpreted the law, a council policy or procedure. Where an outcome was recorded, 12% of such complaints were upheld.

4.4.4 Category - Service required not offered

21 complaints were received in this category. Where an outcome was recorded, 69% of such complaints were upheld because the service was indeed not available.

4.5 How Complaints Are Received

4.5.1 The most common way for complainants to contact the Council remains by e-mail or on-line form with 94% received in this way, the same as the previous year. This reflects the general shift to use of electronic means when interacting with the Council. In some instances, customer service officers will have completed an on-line form on behalf of a telephone caller.

4.5.2 The Council remains committed to keeping all complaint channels available, including telephone and letter, to meet its equalities obligations and to comply with LGSCO best practice. A formal complaint may be received over social media but would be moved to more conventional channels for resolution.

4.6 Remedial Actions

4.6.1 The most frequent remedial action is the issue of a meaningful apology, recorded as being made in 100 instances. In 59 cases a solution or service was offered to resolve the complaint. A review of procedures or services was initiated on 6 occasions. In a small number of cases a payment to remedy a quantifiable loss or to acknowledge stress and inconvenience was issued.

4.7 Comments and Compliments

4.7.1 GovMetric, the customer satisfaction measurement tool used by the Council, specifically captures feedback concerning the provision of face to face and telephone service by the Customer Service Centre and over the Council's primary website.

4.7.2 Through this method, 358 compliments were recorded, highlighting that the telephone and face to face assistance of the customer service operatives is greatly valued as is being able to find things easily on the Council's website.

4.7.3 In addition, Adult and Children's Social Care received a total of 135 compliments, as detailed in their reports, and a further 92 compliments were recorded by the rest of the organisation.

4.7.4 When comments are received, they are responded to by the service concerned and the person making the comment is acknowledged where appropriate and advised if their suggestion is to be taken up.

4.7.5 Compliments are acknowledged where appropriate and shared with the appropriate line management to inform the service or member of staff. This may then inform the staff member's performance discussion.

4.8 MONITORING AND REPORTING

4.8.1 Data collection and recording regarding complaint outcomes has been enhanced to reflect best practice. This allows complaints data to be used in a responsive way to inform service analysis and improvements.

4.8.2 In the coming year it is the intention to strengthen the link between feedback being provided and service improvement. This will not only be through existing links with the Service Redesign team, but also linking with Internal Audit and other inspection regimes to provide context to their investigations. The data being provided to management teams will also be reviewed with the intention of providing greater meaningful insight based on the experience of their service users.

5. CONCLUSION

The process continues to deliver a professional response to individual complaints, a robust system of complaint monitoring and real service improvements.

Monitoring Officer Report of LGSO Investigations

1. Purpose of Report

The Monitoring Officer must provide councillors with a summary of the findings on all complaints relating to the Council where in 2019/20 the Local Government and Social Care Ombudsman (LGSCO) has investigated and upheld a complaint.

This report therefore fulfils the Monitoring Officer's duty under section 5(2) of the Local Government and Housing Act 1989 and the Local Government Act 1974.

2. Recommendation

To note the annual letter to the Council from the LGSCO and note the summary of their findings regarding upheld complaints.

3. Background

The LGSCO investigates complaints about 'maladministration' and 'service failure', generally referred to as 'fault'. They consider whether any fault has had an adverse impact on the person making the complaint, referred to as an 'injustice'. Where there has been a fault which has caused an injustice, the LGSCO may suggest a remedy.

The Council works with the LGSCO to resolve complaints made to the Ombudsman. Most complaints are resolved without detailed investigation.

The LGSCO may publish public interest reports against a Council or require improvements to a Council's services. No such action has been taken in respect of Southend-on-Sea Borough Council.

In his annual letter, the LGSCO stresses that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. Their focus is placed on the outcomes of complaints and what can be learned from them.

Complaints are upheld when some form of fault is found in an authority's actions, including where that fault has already been accepted prior to LGSCO intervention.

4. Complaints made to the LGSCO

In 2019/20, 67 complaints and enquiries were made to the LGSCO in respect of Southend-on-Sea Borough Council.

63 decisions were made by the LGSCO, as follows:

Advice Given	1
Closed after initial enquiries	18
Incomplete/Invalid complaint	6
Not upheld	3
Referred back for local resolution	28
Upheld	7
Number of decisions made	63

5. Number of decisions investigated in detail by the LGSCO

The LGSCO concluded 10 detailed investigations in respect of Southend-on-Sea Borough Council in the period between 1 April 2019 and 31 March 2020 with 7 complaints being upheld. This is consistent with previous years.

Year	16/17	17/18	18/19	19/20
Number of detailed investigations	15	8	7	10
Number of detailed investigations upheld	8	6	4	7
Upheld rate	53%	75%	57%	70%

5. Complaints upheld by the LGSCO

The following is a summary of the upheld complaints:

Function	Maladministration/Fault	Agreed Remedy
Housing	There was no fault in how SBC reached a decision not to take formal action against the complainant's landlord. However, some complaints were not pursued with the landlord and there were delays in dealing with his complaints. These faults did not cause significant injustice.	No remedy required.

Adult Care Services	A care home provider, commissioned by SBC, did not adequately deal with complaints made on behalf of a resident. They inappropriately gave notice to the resident because of the complaints made. SBC took too long to follow up the concerns raised and did not investigate the matter in sufficient depth.	Apology. Financial redress for avoidable distress/time and trouble. Provide training and/or guidance.
Housing	SBC did not properly handle an application for housing on account of homelessness and failed to consider the suitability of interim accommodation offered.	Apology. Financial redress: Avoidable distress/time and trouble.
Education & Children's Services	Fault was found with SBC's response to allegations regarding an assault on a child. After the allegation, over a prolonged period there was a failure to provide suitable alternative education.	Apology. Financial redress: Avoidable distress/time and trouble. Financial redress: Loss of service. Financial Redress: Quantifiable Loss. Procedure or policy change/review. Provide information/advice. Provide services. Provide training and/or guidance.
Highways & Transport	SBC initially failed to properly consider information provided concerning a debt it was pursuing from someone claiming to live at the complainant's property. This was remedied at Stage 3 of the	None

	complaints process and the apology then offered was considered sufficient by the LGSCO.	
Adult Care Services	SBC did not adequately explain the charging basis when the complainant left hospital to go into interim care.	Apology. Financial redress: Avoidable distress/time and trouble. Procedure or policy change/review.
Adult Care Services	The LGSCO agreed with the complainant that SBC had not properly explained the financial implications of their spouse moving into a care home. A full needs assessment and financial assessment had not been completed and the position for temporary care placements had not been well communicated.	Apology. Financial redress: Avoidable distress/time and trouble. Procedure or policy change/review.

The following is a summary of the complaints investigated by the LGSCO but not upheld:

Function	Maladministration/Fault
Education and Children's Services	SBC did not, as had been alleged, fail to clearly communicate to the complainant its decision not to award their preferred choice of home to school transport provider.
Education and Children's Services	Since making an unsuccessful appeal for a place for their child at an infant school, a place had become available and offered. There was therefore no benefit in continuing to investigate.

Adult Social Care	There was no evidence to suggest that SBC was at fault for charging for the complainant's care at a care home. There was also no evidence that SBC had delayed adaptations to his property.
-------------------	---

Further details of complaints are available on the [LGSCO website](#).

6. Acceptance of fault and putting things right when they go wrong

The LGSCO recommends ways to put things right when faults have caused injustice and they monitor to ensure recommendations are complied with. The Council has accepted all final recommendations made by the LGSCO and has a 100% compliance rate, that is, agreed remedial action has been demonstrated to have been taken.

7. LGSCO Annual Review Letter

Statistics from the annual review letter of the LGSCO are provided at Appendix D1.

8. Conclusion

The Council is co-operating in full with the LGSCO and successfully collaborating with them to identify the appropriate resolution for complaints made.

Southend-on-Sea Borough Council
For the period ending: 31/03/20

