

# Regulatory and Audit Committee

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<b>Title:</b>	<b>Annual report on Feedback and Complaints Procedure</b>
<b>Date:</b>	24 September 2013
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<b>Electoral divisions affected:</b>	All

## Summary

This is the annual report for the corporate Feedback and Complaints procedure and covers all portfolios for the period 1 April 2012 to 31 March 2013. Please note that it does not cover statutory social care complaints, which are reported separately.

## Recommendation

**Members should note and comment on the report.**

## FEEDBACK AND COMPLAINTS - ANNUAL REPORT 2012/13

### 1. Introduction

- 1.1 This is the annual report for the corporate Feedback and Complaints procedure and covers the period between 1 April 2012 and 31 March 2013.
- 1.2 This report provides information on Stage 1, 2 and 3 Complaints completed in line with Buckinghamshire County Council's Feedback and Complaints procedure, together with all complaints determined by the Local Government Ombudsman, for the period in question. The report does not include details of complaints administered under the statutory social care complaints procedures, which are reported separately.

### 2. Background

- 2.1 Buckinghamshire County Council's corporate Feedback and Complaints procedure was originally introduced in March 2000. Copies of leaflets are



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available from County Council Offices and details of the Feedback and Complaints procedure are available on the Internet for the public and Intranet for staff. Members of the public are able to make complaints via the Internet WebPages on a specially designed feedback form, or can complain in writing, by email, in person, by telephone or by using the complaints form contained within the Feedback and Complaints leaflet.

2.2 This report gives basic information on Stage 1 and Stage 2 complaints and more detailed information on Stage 3 complaints and Local Government Ombudsman (LGO) complaints.

### **3. Complaints Procedure**

3.1 The Feedback and Complaints procedure has three basic stages:

- Stage 1 – an ‘informal’ stage, co-ordinated by the Customer Complaints and Information Team (CCIT), where the problem is investigated by the staff providing the service (or their line manager) and responded to by CCIT on their behalf
- Stage 2 – the matter is referred to, and a response sent by, the Service Director for Customer Contact, after liaising with senior officers in the service concerned
- Stage 3 – the complaint is referred to, and responded to by, the Council’s Monitoring Officer

3.2 At each stage, it is our aim to acknowledge the complaint within 10 calendar days and send a full response within 28 calendar days. If it is not possible to respond fully within 28 days, we should let the complainant know, explain why and give a new reply date.

3.3 If a complainant is still not happy after Stage 3 of the process, they may refer their complaint to the Local Government Ombudsman. (For further information on LGO complaints see sections 7 and 8 below.)

### **4. Stage 1 and Stage 2 Complaints**

4.1 With the creation of the centralised Customer Complaints and Information Team (CCIT) in 2012 (see section 10 for further information) it is now possible to supply some information about Stage 1 and Stage 2 complaints under the Feedback and Complaints procedure. However, as the new team only completed rolling out its work across the whole Council in February 2013, these figures can only give an indication of the total number of complaints received in 2012/13. In addition, as the new team was not administering all Stage 1 and Stage 2 complaints for the whole period, it is hoped that performance figures for response times for Stage 1 complaints might improve in next year’s figures.

4.2 The numbers of Stage 1 and Stage 2 complaints received in 2012/13 are shown in Table 4.2A below, together with the related outcomes (Table 4.2B) and response times achieved (Table 4.2C below).

No. Stage 1 Complaints received	970
No. Stage 2 Complaints received	85

Table 4.2A

Outcome	No. of Stage 1	No. of Stage 2
Not Upheld	233	43
Partially Upheld	208	19
Upheld	435	20
Withdrawn	56	2
Out of jurisdiction	24	1
Other	14	0
<b>Total</b>	<b>970</b>	<b>85</b>

Table 4.2B

	No. of responses sent	Average time to complete	Percentage done within 28 day target
Stage 1	1,050	18	85%
Stage 2	87	23	74%

Table 4.2C

## 5. Stage 3 Complaints

- 5.1 A total of 34 corporate Stage 3 complaints were received and logged onto the *Respond* computer database during 2012/13 – an increase on the previous year's figure (26).
- 5.2 Of these 34 complaints, the Monitoring Officer, Anne Davies, determined the following outcomes (previous year's figures appear in brackets):

Fully upheld	4	(5)
Partly upheld	9	(4)
Not upheld	19	(16)
Withdrawn	0	(0)
Ongoing	0	(0)
Out of Jurisdiction	2	(1)
<b>Total</b>	<b>34</b>	<b>(26)</b>

Table 5.2A

- 5.3 When recommendations are made by the Council Complaints Officer, these are followed up to ensure compliance. In addition, any learning points from each Stage 3 investigation are disseminated to relevant officers to raise awareness and to facilitate learning. Recommendations can also be made even when the Stage 3 complaint has not been upheld, as part of service improvement and/or organisational learning.

- 5.4 Stage 3 complaints include disputes about information requests (Freedom of Information Act (FOI), Data Protection Act (DP) and Environmental Information Regulations (EIR)) as an internal review stage before the complainant can take the matter to the Information Commissioner. This year, information requests formed a smaller proportion of the total number of Stage 3 complaints, compared to last year (last year's figures appear in brackets):

	No. of Stage 3 Complaints	
Information Requests	7	(7)
Other Corporate Complaints	27	(19)
Total	34	(26)

Table 5.4A

- 5.5 Some examples of Stage 3 complaints for the period are as follows:

<u>Nature of complaint</u>	<u>Upheld?</u>	<u>Outcome</u>
Ongoing problem with flooding	Partially Upheld	Cause of flooding responsibility of utility company (so this part not upheld), however the Council failed to keep the customer updated/informed (so this part upheld and related recommendations made to service area)
Unhappy that information requested under FOI Act was not released	Not Upheld	Request handled correctly.
Unhappy with how request for Blue Badge was dealt with	Not Upheld	Not unreasonable to ask for medical evidence to support application.
Problems with school bus service in bad weather	Partially Upheld	Information could have been clearer on website (so this part upheld and changes made) but other issues had already been appropriately apologised for previously (so this part not upheld at Stage 3).

Table 5.5A

## 6. Annual Review of Feedback and Complaints Procedure

- 6.1 The Monitoring Officer has reviewed the Feedback and Complaints procedure and come to the conclusion that no changes to the overall procedure are necessary. This is due to the Local Government Ombudsman being happy with the procedure as it stands and no significant criticisms/suggestions for improvement being received from Members or members of the public. When the procedure is correctly followed, progress through the stages need not

cause unnecessary delay. Also complaints can be 'fast tracked' up to a higher level, if appropriate.

- 6.2 The Council Complaints Officer is pleased that the centralised team handling Stage 1 and Stage 2 corporate complaints as well as requests for information made under the Freedom of Information Act 2000 (FOIA), Data Protection Act 1998 (DPA) and Environmental Information Regulations 2004 is now firmly established and the new administrative process has been rolled out across the whole authority. As from February 2013 all Stage 1 and Stage 2 complaints are now logged, managed and handled via the Customer Complaints and Information Team. (See Section 10 below for further details.)
- 6.3 In reviewing the Feedback and Complaints procedure and how it is administered, the Monitoring Officer notes significant improvements in the efficiency of administrative processes and the customer experience of Stage 1 and Stage 2 complaints.

## **7. Local Government Ombudsman - Annual Review letter**

- 7.1 Each local authority is sent an Annual Review letter from the LGO, usually with the aim of providing councils with information to help them improve complaint handling, and improve their services more generally, for the benefit of the public. A copy of the letter is attached for your information (see Appendix 1).
- 7.2 The Annual Letter should be read in conjunction with the Ombudsman's more general Annual Report and Accounts for 2012/13. The report covers all authorities in England and is available as an on-line document from the LGO's own website ([www.lgo.org.uk](http://www.lgo.org.uk)).
- 7.3 The Council has Ombudsman Link Officers, who ensure that appropriate Members and Officers are kept informed, by email notification in most instances, of the arrival and progress of Ombudsman investigations. Any major points about individual complaints mentioned in an Annual Letter would normally, therefore, be familiar to relevant officers and members. It is important to note, however, that each Ombudsman investigation is in any case closely monitored by the Link Officers and the Council Complaints Officer/Monitoring Officer, and any actions and/or learning points are followed up immediately - both during and after each complaint investigation.
- 7.4 You will note from this year's LGO Annual Review letter (Appendix 1) that the information supplied by the LGO is severely restricted, due to changes to their internal business processes during 2012/13. The only information we have been given is that, according to their records, the Ombudsman received 44 complaints about the Council.
- 7.5 The number of complaints notified to the Council by the LGO does not tally with the records held by the Council, however the LGO issued guidance to all Councils which stated that the LGO were "satisfied that the figures provided in your annual letter accurately reflect the data we hold for the last 12 months. As a result we will be unable to provide any more information about them". In addition, in previous years, Councils were afforded the opportunity to comment on draft data and query any inaccuracies, but this year the LGO stated that "Whilst it may not match data held by local authorities we are satisfied that the annual letters correctly record the data we hold" and clarified that the figure "does not include enquiries we received or any matters referred

to us prematurely". The LGO also offered Councils the opportunity to take part in a consultation on the future format of the annual review letters (in which the Council has participated).

7.6 Despite the lack of information from the LGO, the Council has produced for this annual report a more detailed breakdown of complaint data on complaints received from the LGO, based upon our own records (see section 8 below). Clearly the numbers do not in any way tally with the LGO figure of 44 complaints, but the Council is confident that its figures are an accurate reflection of the number and breakdown of LGO complaints received.

## 8. Local Government Ombudsman Complaints

8.1 According to the Council's own records, a total of 79 complaints about the Council were determined by the LGO.

8.2 There has been a fairly significant decrease in the number of LGO complaints (79 compared to 105 last year). However, if you consider the trends over the past 10 years (see figure 8.5A) you will see that such fluctuations in complaint numbers are not unusual.

8.3 Learning points from 'Local Settlement' determinations (and any other learning points from other complaint determinations) are disseminated to relevant officers/members as and when appropriate.

8.4 The overall number of complaints determined by the LGO between 1 April 2012 and 31 March 2013 can be further broken down as follows in tables 8.4A and 8.4B. (Please note that the previous year's figures - for the period 1 April 2011 to 31 March 2012 - appear in brackets.)

LGO Determination		No. of LGO Complaints	
Investigated	Insufficient evidence of fault	30	(45)
	No or minor injustice & Other	7	(12)
	Injustice remedied during enquiries	17	(23)
Not Investigated	No power to investigate	3	(1)
	No reason to use exceptional power to investigate	10	(10)
	Investigation not justified & Other	11	(14)
Completed	Report issued	1	(0)
Total		79	(105)

Table 8.4A

<b>Portfolio</b>	<b>No. of LGO Complaints</b>	
Children's Services – Schools and SEN etc	54	(61) Including 48 (54) complaints concerning Admissions and Appeals
Children's Services – Social Care	9	(8)
Adult Social Care	3	(23)
Adults & Family Wellbeing	0	(0)
Communities & Built Environment	13	(12) Including 9 (6) regarding pothole damage/state of roads
Resources & Business Transformation	0	(1)
<b>Total LGO complaints</b>	<b>79</b>	<b>(105)</b>

Table 8.4B

- 8.5 The number of LGO education admission and appeals complaints is similar to last year (see figure 8.5A below). Please note that we would normally expect to receive a significant number of education admission and appeals LGO complaints each year, as taking their complaint to the LGO is their statutory right. The LGO service is free for them to use, and is the only option for them – apart from applying for Judicial Review through the courts – if they are still unhappy with their IAP hearing after complaining to the Council. The Council is very good at letting appellants know of their right to refer the matter to the LGO. However, since the change of status of Buckinghamshire Grammar schools to Academies, the numbers of this type of LGO complaint are expected to significantly diminish in the future, as complaints about Academy admission are now handled by the Education Funding Agency (EFA) and are not, therefore, considered to be complaints against Buckinghamshire County Council.

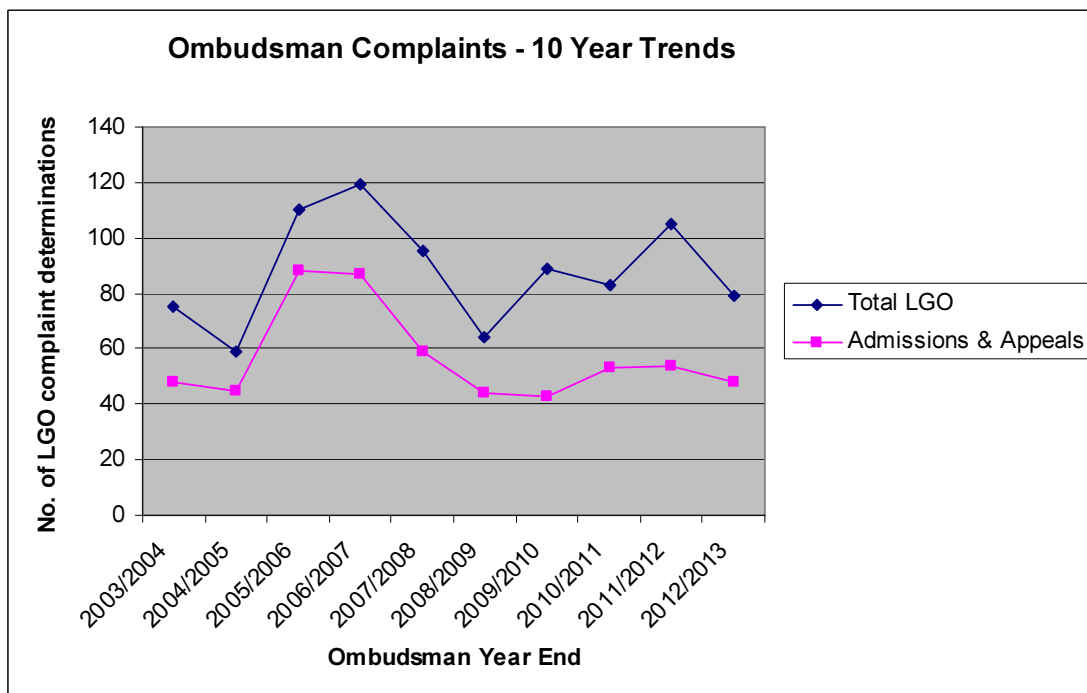


Figure 8.5A

8.6 Of the 48 admissions and appeals LGO complaints, the complaint decisions can be broken down as shown in table 8.6A below. (Figures for the previous year are shown in brackets.)

LGO Determination		No. of complaints	
Investigated	Insufficient evidence of fault	29	(33)
	No or minor injustice & Other	5	(5)
	Injustice remedied during enquiries	8	(7)
Not Investigated	No power to investigate	1	(0)
	No reason to use exceptional power to investigate	2	(1)
	Investigation not justified & Other	3	(8)
	Total	48	(54)

Table 8.6A

8.7 As always, it is important to put the significant numbers of complaints concerning school admissions into context. Each year, usually only an extremely small number of admissions result in successful Ombudsman complaints.

8.8 The figures (in Table 8.4B) show that the number of Adult Social Care (ASC) complaints has significantly decreased from 23 to 3 (after a very significant increase the previous year from 6 to 23). The increase in 2011/12 was thought to be related to the legislative changes to the ASC statutory



complaints procedure in April 2009 (where the 2nd and 3rd complaint stages from the local authority complaint process were removed and resulted in complainants having the right to request consideration of their complaint by the LGO immediately following the local resolution process). Although it is perhaps too early to pass comment, it would appear that things have now settled down again and numbers have returned to their previously low levels.

- 8.9 You will note that the Council received one report from the LGO, where the LGO investigation was completed, fault was found, and a report was published. The Council agreed the settlement suggested by the LGO for the complaint and has taken appropriate action. The LGO report was laid before Regulatory and Audit Committee on 30 January 2013 and actions taken were confirmed by the Monitoring Officer.

## **9. Compliments**

- 9.1 A total of 1406 compliments (for the whole Council) were recorded onto *Respond* in 2012/13, compared with 450 reported in the previous year. The main explanation for the very large increase in the numbers of reported compliments is the work done by the centralised Customer Complaints and Information Team - who have encouraged teams across the Council to notify them of compliments received, including the setting up of a specific email address for officers to use. It is important for the Council to celebrate its successes and to share the learning from what goes well in order to continue to improve our services.

## **10. Review of Year Ending 31 March 2013 + Work planned for the future**

- 10.1 There has again been a steady stream of Stage 3 complaints and LGO complaints received during the year. Numbers of Stage 3 complaints are up on last year, which may be related to the introduction of the Customer Complaints and Information Team as the public are now more aware of the complaints procedure and we are now logging details of all complaints received. LGO complaint numbers have reduced significantly, although this appears to be within the normal variance experienced (see Figure 8.5A for 10 year trend). Numbers of school admission and appeal complaints are expected to reduce considerably for 2013/14 as complaints about Academy admissions are no longer the responsibility of the Council and are dealt with by the Education Funding Agency (EFA).
- 10.2 The most significant development in 2012/13 was the creation of the centralised Customer Complaints and Information Team, who handle complaints at Stages 1 and 2 of the corporate Feedback and Complaints procedure as well as information requests. Work started with the first service area in February 2012 and the rollout across the whole Council was completed in February 2013.
- 10.3 The aim of the team was to ensure a much greater consistency of approach, customers being responded to appropriately, timescales being monitored and adhered to, and organisational learning being demonstrated – all of which has been demonstrably achieved.
- 10.4 During 2012 the central Complaints and Information Team was set up bringing together Customer Care Managers (who dealt with statutory social care complaints) and the Freedom of Information Officer for the first time. Four Complaints Officers were also recruited to manage all non-statutory

complaints. Prior to this although we have had a corporate complaints procedure in place for some time, there was a lack of consistency for complaint handling and the customer experience varied depending which area of the organisation was dealing with it. The team took on all new complaints as well as existing backlogs and have worked hard to get to the point where there are no backlogs and they are aware of all outstanding complaints. One of the most notable improvements has been with the time taken to deal with complaints, and compliance with timescales can now be easily and closely monitored.

- 10.5 During the latter part of 2012 and into early 2013 the team was part of a consultation that ended with the Customer Care Manager roles being redefined. The two new roles are Statutory Complaints Officers and the idea is that for resilience sake they are interchangeable across both Children's and Adult's Social Care. Two new Statutory Complaints Officers started in April 2013 and have been involved in making changes to the way we manage complaints to ensure more consistent and timely responses. We are also working on our database upon which all complaints are recorded, to ensure we get as much learning from complaints as we possibly can.
- 10.6 The benefit of all the work that has been done in the last year (2012/13) and the work that is being continued in 2013/14 should show in the 2013/14 report. We will be able to show much more in the way of organisational learning as well as improvements in the time taken to manage complaints.
- 10.7 The LGO is now publishing their 'statement of reasons' – where anonymised statements (detailing the LGO's decision and the reasons for it) are produced following complaint investigations for all LGO complaints. The decision statements are available on the LGO's own website: [www.lgo.org.uk](http://www.lgo.org.uk)
- 10.8 The LGO have also made some very significant changes to the way in which it deals with complaints – due in part to substantial cuts to its budget. The idea is to deal more quickly and proportionately with complaints, with straightforward cases handled at the earliest possible stage. Only those cases which merit more detailed work will be passed through for investigation. What this means for the Council, is that a significant proportion of complaints will be determined by the LGO at outset and then simply communicated to the Council, thus saving unnecessary investigation (and its related expense) for complaints which do not require further information for the LGO to be able to come to a decision of no fault by the Council (or where the alleged maladministration and/or injustice suffered is considered too slight/insignificant to warrant investigation by the LGO). In addition, the LGO will no longer refer premature complaints to local authorities, but instead only advise complainants that their complaints are premature and that they need to complain to the authority concerned themselves. This change in process was introduced by the LGO in April 2013 and so far it has resulted in a much higher proportion of complaints being received with a determination (where no fault has been identified on behalf of the Council) where no formal enquiries have been made previously – i.e. the Council has not had to go to the expense of investigating and responding to the LGO where, for example, the alleged injustice suffered was very minor and/or the alleged maladministration was trivial. This change in LGO process appears to be saving both the LGO and the Council time – and therefore money – and also results in a quicker complaint decision for the complainant.

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**Background Papers**

None

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