

Regulatory and Audit Committee

Title: Annual report on Feedback and Complaints Procedure

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Author: Anne Davies – Service Director - Legal

Contact officer: Carolyn Scholes 01296 383682

Local members affected: (All Electoral Divisions);

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

This is the annual report for the corporate Feedback and Complaints procedure and covers all portfolios for the period 1 April 2013 to 31 March 2014. 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 2013/14

1. Introduction

- 1.1 This is the annual report for the corporate Feedback and Complaints procedure and covers the period between 1 April 2013 and 31 March 2014.
- 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. All figures quoted are those recorded on our Respond database.



INVESTOR IN PEOPLE



2. Background

- 2.1 Buckinghamshire County Council's corporate Feedback and Complaints procedure was originally introduced in March 2000. Copies of leaflets are 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 or by telephone.
- 2.2 This report gives summary 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 The centralised Customer Complaints and Information Team (CCIT) was created in 2012 and rolled out its work across the whole Council in February 2013. The CCIT handle most corporate Stage 1 complaints across the Council, except some which are handled by contractors on our behalf.
- 4.2 The numbers of Stage 1 and Stage 2 complaints received in 2013/14 are shown in Table 4.2A below, together with the related outcomes (Table 4.2B) and response times achieved (Table 4.2C below). Last year's figures appear in brackets.

No. Stage 1 Complaints received	629	(970)
No. Stage 2 Complaints received	124	(85)

Table 4.2A - Number of Stage 1 and Stage 2 complaints received

Outcome	No. of Stage 1		No. of Stage 2	
Not Upheld	248	(233)	84	(43)
Partially Upheld	115	(208)	21	(19)
Upheld	189	(435)	15	(20)
Withdrawn	37	(56)	3	(2)
Out of jurisdiction	37	(24)	1	(1)
Other	3	(14)	0	(0)
Total	629	(970)	124	(85)

Table 4.2B – Stage 1 and Stage 2 complaints by Outcome

	No. of responses sent		Average time to complete		Percentage done within 28 day target	
Stage 1	607	(1,050)	15	(18)	92%	(85%)
Stage 2	117	(87)	28	(23)	62%	(74%)

Table 4.2C – Stage 1 and Stage 2 response times

- 4.3 At Stage 1, the most common reason for a complaint is the outcome of a decision or assessment, followed by a delay or failure to keep informed and the quality of service provided. As the Customer Complaint and Information Team develops its work, service areas are beginning to use specific, customised 'issue natures' to be able to analyse further aspects of their service which are being complained about. For example, for home to school transport complaints, it is now possible to show whether the cause for complaint relates to a bus being late or a bus not turning up, rather than just noting that the customer was unhappy with the quality of service provided. As the development work progresses, more detailed, meaningful reporting will be possible for each team.
- 4.4 At Stage 1, 58% of all non-statutory complaints recorded on Respond were attributable to Transport for Buckinghamshire (TfB), with the most common reason for complaint being the outcome of a decision made – usually due to decisions made to delay works due to funding issues. Most TfB complaints were related to a specific number of issues – gully cleaning and drainage, grass cutting and concerns regarding hedges and trees. The majority of these complaints related to a couple of specific areas – Gerrards Cross and Beaconsfield. Flooding and fallen trees were a particular issue in February 2014 following the poor weather experienced.
- 4.5 In the Place service (non-TfB) a number of Stage 1 complaints were received about the works on the Tring Road following the Arla development. The majority of these complaints were out of the Council's jurisdiction for complaints, as it was the planning approval that caused most customers to complain. However; it was agreed that, in future, the council needs to be clearer to the public about who is responsible for what when major developments are taking place in Buckinghamshire. Transport for Buckinghamshire's Communications Team has offered to assist the Policy, Advisory and Compliance Team with this so that the public are better informed as to why developments are happening and the impact they will have.

- 4.6 For Adults and Family Wellbeing, there were a number of Stage 1 complaints received about Culture and Learning which related to courses running at Missenden Abbey, primarily about customers' disappointment with the facilities. Other notable categories of complaint included the introduction of the £10 annual registration fee and cancellation of courses.
- 4.7 For Children and Young People, non-statutory complaints received were split evenly between SEN and Admissions. In addition, there was a significant influx of complaints about the removal of occasional tickets for home to school transport.
- 4.8 For Policy, Performance and Communications, no complaints were recorded, but a number of queries regarding changes to the website were received and resolved.
- 4.9 For Resources and Business Transformation, complaints were received about Blue Badges – where the government's tightening of eligibility criteria has led to some people being dissatisfied that they were unable to renew their badge. Work is being carried out by the Customer Complaints and Information Team and the Blue Badge Team, to try and reduce the administrative burden on both customers and officers when processing a complaint (once it has been through the statutory appeal process).
- 4.10 A number of complaints were recorded against Service Transformation from schools, regarding the increase in charges for SIMS licences. On analysis, it appeared the complaints stemmed from a lack of awareness by schools of the additional costs the Council has absorbed over the years. Meetings were arranged with Headteachers and Chairs of Governors to explain the situation and it was acknowledged that despite advance publicity of the increases, Headteachers and Chairs of Governors would have appreciated more information at an earlier stage.
- 4.11 The majority of complaints received at Stage 1 and Stage 2 had an element of communication failure, whether intentional or not. Sometimes this is something as simple to resolve as making changes to the website. Here are some of the changes made as a direct result of complaints received:
- Website updated with more detailed information relating to Blue Badge applications as well as Concessionary fares
 - Change of monitoring by Transport for Buckinghamshire, to help staff keep customers informed
 - Refresher training for staff to ensure that it is recognised why accurate data recording is essential
 - Cross service working, so that experienced staff in Transport for Buckinghamshire's communications team can assist the Development Control Team in informing the public about major works
 - Reviewing of processes to prevent documentation being sent out with no explanatory notes
- 4.12 It has been possible to analyse the escalation of complaints between the stages of the Feedback and Complaints procedure. It must be noted that the procedure is flexible and it is not always necessary to complete all 3 stages, depending upon the specific circumstances.

- 629 Complaints were recorded at Stage 1
 - 90 of these Stage 1 complaints were escalated to Stage 2 (14.3%)
- 124 Complaints were recorded at Stage 2
 - 40 of these Stage 2 complaints were escalated to Stage 3 (32.3%)
- 56 Complaints were recorded at Stage 3
 - 8 of these Stage 3 complaints went directly to Stage 3 (as per correct procedure for complaints relating to requests for information made under the Data Protection Act, Freedom of Information Act and Environmental Information Regulations) (14.3%)
 - 10 of these Stage 3 complaints were escalated directly to Stage 3 (due to their seriousness or previous correspondence indicating this to be appropriate) (17.9%)
 - 3 of these Stage 3 complaints were escalated directly from Stage 1 (5.3%)
 - 35 of these Stage 3 complaints were escalated from Stage 2 (62.5%)

4.13 These figures show that a substantial majority of Stage 1 complaints were resolved without being escalated to Stage 2. However, once someone has been through Stage 2, they are much more likely to want to escalate the matter to Stage 3 for a review which is independent of the service area.

5. Stage 3 Complaints

5.1 A total of 56 corporate Stage 3 complaints were received and logged onto the *Respond* computer database during 2013/14 – a significant increase on the previous year's figure (34).

5.2 Of these 56 complaints, the Monitoring Officer, Anne Davies, determined the following outcomes (previous year's figures appear in brackets):

Fully upheld	3	(4)
Partly upheld	11	(9)
Not upheld	37	(19)
Withdrawn	4	(0)
Ongoing	0	(0)
Out of Jurisdiction	1	(2)
Total	56	(34)

Table 5.2A – Stage 3 complaints by Outcome

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 (and are) 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. The split of Stage 3 complaints between Information Requests and Corporate Complaints is shown in Table 5.4A.

	No. of Stage 3 Complaints	
	Information Requests	9
Other Corporate Complaints	47	(27)
Total	56	(34)

Table 5.4A – Stage 3 complaints by Type

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>
Wanted money paid for parking ticket refunded and compensation.	Not Upheld	PCN was issued correctly and complainant had right to appeal to tribunal (which was not taken up). Subsequent complaints handled correctly.
Lack of communication from TfB regarding potholes.	Not Upheld	Apologies already given deemed appropriate and not considered appropriate to make payment (as requested by complainant). Recommendations made to TfB to ensure people responded to in timely fashion and, if a customer chases an outstanding response which is already overdue, officers should prioritise the matter to ensure that the enquiry is responded to as a matter of urgency.
Unhappy with handling of home to school transport application following unsuccessful appeal to committee.	Partially Upheld	The only part of the complaint which was upheld was that it was not clear from the records what additional evidence was looked at and by whom. All additional evidence was therefore reviewed by the Monitoring Officer, who allowed a new application to be made (with the same right of review and appeal). Recommendation made to Admissions and Transport Team to produce a clear policy and procedure to cover the situation when further evidence is submitted at a later date.

Collapsed gully drainage pipe not repaired, despite chasing and complaining.	Partially Upheld	Part upheld regarding poor communication within TfB and to complainant. Part not upheld as this would not have made any material difference as works required likely to be allocated at start of next financial year and adequate interim measures were put in place. (Gully was subsequently repaired.)
Parking restrictions were not being enforced as Council said the road was not a public highway.	Upheld	Upon careful review of archive records, evidence was found to prove the road was adopted and therefore was public highway. Subsequent Traffic Regulation Order was confirmed so that parking restrictions could be enforced.
Request for information under Environmental Information Regulations regarding mapping data was refused.	Upheld	Was found to be a valid request under EIR Regulation 12(4)(c), therefore direction to release information given.

Table 5.5A – Stage 3 complaint examples

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 satisfied with the procedure as it stands and all significant criticisms/suggestions for improvement being received from Members or members of the public being fully taken into account. When the procedure is correctly followed, progress through the stages need not cause unnecessary delay and complaints can be (and are) ‘fast tracked’ up to a higher level, if appropriate. However, as part of the Future Shape programme, changes to the procedure are being considered, such as reducing the timescales for dealing with complaints by removing one of the stages. These are being proposed and may be adopted in the future.
- 6.3 The Monitoring Officer once again notes the benefits to customers of a robust and clear complaints procedure, easily accessible to the public via a choice of channels. The centralised Customer Complaints and Information Team (CCIT) give complainants clear information about their complaint and its progress, and are advised of their right of escalation if not satisfied. The consistency of approach allows complaints about different types of issues to experience the same high standard of customer service, using a uniform, consistent approach. This also creates a clear audit trail, which is useful when matters are escalated, for example to the Local Government Ombudsman.
- 6.4 Information gathered when complaints are logged and managed by the CCIT can be fed back to services to provide useful management information

regarding identifying problem areas and areas for improvement, as part of organisational learning from complaints.

7. Local Government Ombudsman - Annual Review Letter

- 7.1 Each local authority is sent an Annual Review Letter from the Local Government Ombudsman (LGO). 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 'Annual Report & Accounts 2013/14' and 'Review of Local Government Complaints 2013-14'. Both documents cover all local authorities in England and are available on the LGO's own website (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 – although for this year's letter, no cases/points for improvement have been noted by the Ombudsman (see section 7.4 below). It is important to note, however, that each Ombudsman investigation is closely monitored by the Link Officers and the 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 limited to just numbers of complaints and no qualitative comment has been included. The Council assumes from this lack of comment that the Ombudsman has not identified any specific areas of serious concern.
- 7.5 Once again, the number of complaints notified to the Council by the LGO did not tally with the records held by the Council, however, the LGO issued guidance to all Councils which stated that the LGO were
- “...not in a position to provide any further detailed information about the data we present in the report or in your annual letter. We understand that our figures may not match the data collected by local authorities. Typically the differences between our data and data held by local authorities reflect that we refer a proportion of recorded complaints to the council for local resolution but the complainant may not always pursue the complaint. We are satisfied that the figures we will provide accurately reflect the data we hold for the financial year 2013-14.”
- 7.6 The LGO repeatedly refused our requests for a list of all the 104 cases (as our records only showed 69 cases), but we were eventually able to obtain some basic details by making a request under the Freedom of Information Act 2000. Receipt of this information confirmed that all of the 35 'additional' LGO cases were totally unknown to the Council, except for a small number of 'premature' complaints (which were formally referred back to the Council by the LGO to be put through the Council's relevant complaints procedure).
- 7.7 All decisions made by the LGO in 2013/14 were issued using the same decision categories as in 2012/13. As from 1 April 2014 the decision

categories were changed for all complaint decisions made after that date. However, before the 2013/14 LGO Annual Review Letters were published, the LGO decided to reclassify all 2013/14 decisions under their 'new' decision categories and publish the summary of all 2013/14 decisions using these 'backdated' categories. However, as not all the 'new' decision categories align with the 'old' decision categories, this has created some anomalies. Again, the LGO did not allow any Councils the opportunity to query any of the 'backdated' new decision categories awarded to the 2013/14 complaints. However, as the Council had recorded the decisions at the time of receipt, we are able to produce information using the 'old' complaint decision categories (as well as the 'new' ones shown on the 2013/14 Annual Review Letter).

7.8 Table 7.8A shows an explanation of the new LGO decision categories, together with the number formally recorded by the LGO for 2013/14.

LGO Decision Category	LGO's Explanation of category	No. of cases
Detailed Investigation carried out - Upheld	<p>Complaints where the LGO has decided that we have been at fault in how we acted and that this fault may or may not have caused an injustice to the complainant, or where we have accepted that we need to remedy the complaint before the LGO make a finding on fault. If the LGO has decided there was fault and it caused an injustice to the complainant, usually the LGO will have recommended we take some action to address it.</p> <p>[NB This category is used when there has been any type of fault at any previous stage – irrespective of whether it has been successfully resolved before referral to the LGO. Previously these types of cases were shown as the LGO being satisfied with the Council's actions to remedy the situation – now they are all shown as 'Upheld', even if the LGO is fully satisfied with what has occurred and no further remedy is suggested.]</p>	7
Detailed Investigation carried out – Not Upheld	Where the LGO has investigated a complaint and decided that we have not acted with fault.	6
Advice given	Where the LGO gives advice about why the LGO would not look at a complaint because the body complained about was not within the LGO's scope or the LGO had	2

	<p>previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.</p> <p>[Please note that the Council is given no information about these cases and has no knowledge of them whatsoever.]</p>	
Closed after initial enquiries	<p>Where the LGO has made an early decision that the LGO could not or should not investigate the complaint, usually because the complaint is outside LGO's jurisdiction and either cannot lawfully investigate it or it would not be appropriate in the circumstances of the case to do so. The LGO's early assessment of a complaint may also show there was little injustice to a complainant that would need an LGO investigation of the matter, or that an investigation could not achieve anything, either because the evidence seen shows at an early stage there was no fault, or the outcome a complainant wants is not one the LGO could achieve, for example overturning a court order.</p> <p>[The vast majority (47) of these cases for 2013/14 are where the LGO has no jurisdiction to investigate and therefore cannot investigate the matter – for example where there is a legal process to follow.]</p>	56
Incomplete/invalid	<p>Where the complainant has not provided the LGO with enough information for her to be able to decide what should happen with their complaint, or where the complainant tells the LGO at a very early stage that they no longer wish to pursue their complaint.</p> <p>[Please note that the Council is given no information about these cases and has no knowledge of them whatsoever.]</p>	11

Referred back for local resolution	<p>The LGO works on the principle that it is always best for complaints to be resolved by the service provider wherever possible. Furthermore, the Local Government Act 1974 requires the LGO to give authorities an opportunity to try and resolve a complaint before the LGO will get involved. Usually the LGO tells complainants how to complain to an authority and ask them to contact us directly. In many instances, authorities are successful in resolving the complaint and the complainant does not recontact the LGO.</p> <p>[Please note that for the vast majority of these cases, the Council is given no information about these cases and has no knowledge of them whatsoever. Presumably the complainants are just advised to contact us if they do wish to pursue a complaint against us.]</p>	22
Total		104

Table 7.8A – New Local Government Ombudsman complaint categories and 2013/14 data

7.9 Despite the lack of accurate information readily available 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 tally with the LGO total figure of 104 complaints, but the Council is confident that its figures are an accurate reflection of the number and breakdown of LGO complaints received by the Council (section 7.6 above refers).

8. Local Government Ombudsman Complaints

8.1 According to the Council's own records, a total of 69 complaints about the Council were determined by the LGO and communicated to the Council (excluding any complaints made prematurely to the LGO - i.e. those complaints that hadn't first been through the Council's own complaints procedures). See Tables 8.3A, 8.3B, 8.3C and 8.3D below for further information.

8.2 Learning points from all complaint determinations are disseminated to relevant officers/members as and when appropriate.

8.3 The overall number of complaints determined by the LGO between 1 April 2013 and 31 March 2014 can be further broken down as follows in tables 8.3A, 8.3B and 8.3C. (Please note that the previous year's figures - for the period 1 April 2012 to 31 March 2013 - appear in brackets.)

LGO Determination		No. of LGO Complaints	
Investigated	Insufficient evidence of fault	2	(30)
	No or minor injustice & Other	3	(7)
	Injustice remedied during enquiries	4	(17)
	Upheld – Maladministration and injustice	1	(0)
Not Investigated	No power to investigate	38	(3)
	No reason to use exceptional power to investigate	9	(10)
	Investigation not justified & Other	11	(11)
	Investigation not initiated	1	(0)
Completed	Report issued	0	(1)
Total		69	(79)

Table 8.3A – LGO ‘old’ complaint determinations

2013/14 Decision Classification	No. of Complaints	Comments
Upheld	7	Fault found by LGO – although the fault may have already been previously remedied by the Council to the LGO’s satisfaction. (For case summaries, please see table 8.3D).
Not Upheld	6	No fault found by LGO.
Advice given	2	No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.
Closed after initial enquiries	56	Initial information supplied by the complainant and/or the Council results in the LGO deciding not to investigate these complaints (for a variety of reasons).
Incomplete/Invalid	11	No record of these complaints – we assume all these complaints were not progressed with LGO.
Referred back for local resolution	22	Only aware of 5 of these cases, where the complaints were formally referred to the Council – we assume the rest were

		where the LGO told the complainant to contact the Council (which they may, or may not, have done).
Total	104	

Table 8.3B – LGO ‘new’ complaint determinations

Portfolio	No. of LGO Complaints		
	Children’s Services – Schools and SEN etc	7	(54)
Children’s Services – Social Care	6	(9)	
Adult Social Care	8	(3)	
Adults & Family Wellbeing	0	(0)	
Communities & Built Environment	45	(13)	Including 25 (9) regarding pothole damage/state of roads 3 about flooding and 4 about parking issues
Resources & Business Transformation	3	(0)	
Total LGO complaints	69	(79)	

Table 8.3C – LGO complaints by Portfolio

Brief summary of all Complaints classified as ‘Upheld’ by LGO in 2013/14		
	Brief description of complaint	LGO decision & comments
1.	Complaint made to LGO regarding lack of financial support when he agreed to look after two children whose parents were no longer able to do so. Complaint to LGO was made whilst Statutory Stage 3 complaint review panel was underway, the result of which was to offer a financial settlement in recognition of the support that should have been offered, which was accepted by the complainant.	Decision: ‘Not to initiate an investigation’. LGO Comments: ‘The Ombudsman is grateful to the Council for taking this action.’ ‘...the Council offered a financial settlement which Mr X has accepted. Mr X no longer wants to pursue his complaint. I am therefore not initiating an investigation.’

2.	<p>Complaint about the way the Council dealt with direct payments for the complainant's mother when, due to an error on behalf of the Council, too much money was paid into the account. The LGO-approved settlement was for the Council to agree to accept the complainant's offer to repay to the Council the remaining balance on her mother's account (a total of around £10,500) and for the Council to review its procedures for managing direct payments.</p>	<p>Decision: 'Investigation complete and satisfied with the authority actions or proposed actions and not appropriate to issue report.'</p> <p>LGO Comments: 'The Council made errors in the way it dealt with Mrs A's mother's direct payments. It has now accepted Mrs A's offer to repay the remaining balance...as a way of bringing this matter to a close. It has also agreed to review its procedures for managing direct payments.'</p>
3.	<p>Complaint about home to school transport, where the administration charge (£76 per child, a total of £152) was not automatically refunded on low income grounds, when the accompanying letter implied (in error) that she would qualify for a refund. Mrs X was also unsuccessful when she took her complaint to appeal to committee on the point.</p>	<p>Decision: 'Investigation complete and satisfied with authority actions and not appropriate to issue report.'</p> <p>LGO Comments: '..there is some fault by the Council which has caused an injustice to Mrs X.' 'To remedy this complaint the Council should refund £100 of the 2012 payment Mrs X made, pay her £50 for the time and trouble in pursuing the complaint and apologise to Mrs X...' 'The Council also needs to consider whether it is appropriate to reconsider its practice of asking for the administrative charge upfront from families on a low income.'</p>
4.	<p>Complaint about poor care received by his mother in a nursing home.</p>	<p>Decision: 'Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report.'</p> <p>LGO Comments: 'There is no fault with Mrs C's nutrition, hydration and oral care and there were appropriate referrals to Mrs C's GP at the right time. The Council took too long to investigate Mr C's allegations of neglect and its investigation did not deal with all the concerns he raised. This was fault and caused Mr C distress. To put matters right, the Council will apologise and make a payment of £500 to recognise Mr C's distress.'</p>

5.	Complaint about failure to prevent flooding caused by blocked drain.	Decision: 'Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report.' LGO Comments: 'The Ombudsman has found evidence of delay by the Council. She has completed her investigation because the Council agrees to pay Mrs X redress.' (£150 for time and trouble pursuing her case and £300 for delay.)
6.	Complaint about a Council officer's comments which the complainant found offensive.	Decision: 'Not investigated.' LGO Comments: 'The Ombudsman will exercise her general discretion not to investigate Mr D's complaint...This is because the Council has already provided a reasonable remedy and it is unlikely an investigation by the Ombudsman would add to the response already provided by the Council.' 'Clearly there are differing accounts and recollections of this conversation from the two people present and I do not see that an investigation by the Ombudsman now would be able to add to the response the Council has already given.' 'The Council apologised to Mr D for any perceived offence and said this was not intended.'
7.	Complaint that the Council failed to provide sufficient help when they agreed to care for their niece.	Decision: 'Investigation complete: Maladministration and Injustice.' LGO Comments: 'There were unreasonable delays by the Council and lost opportunities to properly assess Child A's situation.' 'The Council has now agreed to make a further payment of £1,000 in addition to the £1,000 it has already offered to the complainants.'

Table 8.3D – LGO 'Upheld' complaints for 2013/14

8.4 The number of LGO education admission and appeals complaints has dramatically reduced compared to previous years (see figure 8.4A below). However, this drop in numbers was predicted due to the change of status of many Buckinghamshire schools to Academies, as complaints about Academy admissions are now handled by the Education Funding Agency (EFA) and are therefore no longer considered to be complaints against Buckinghamshire County Council.

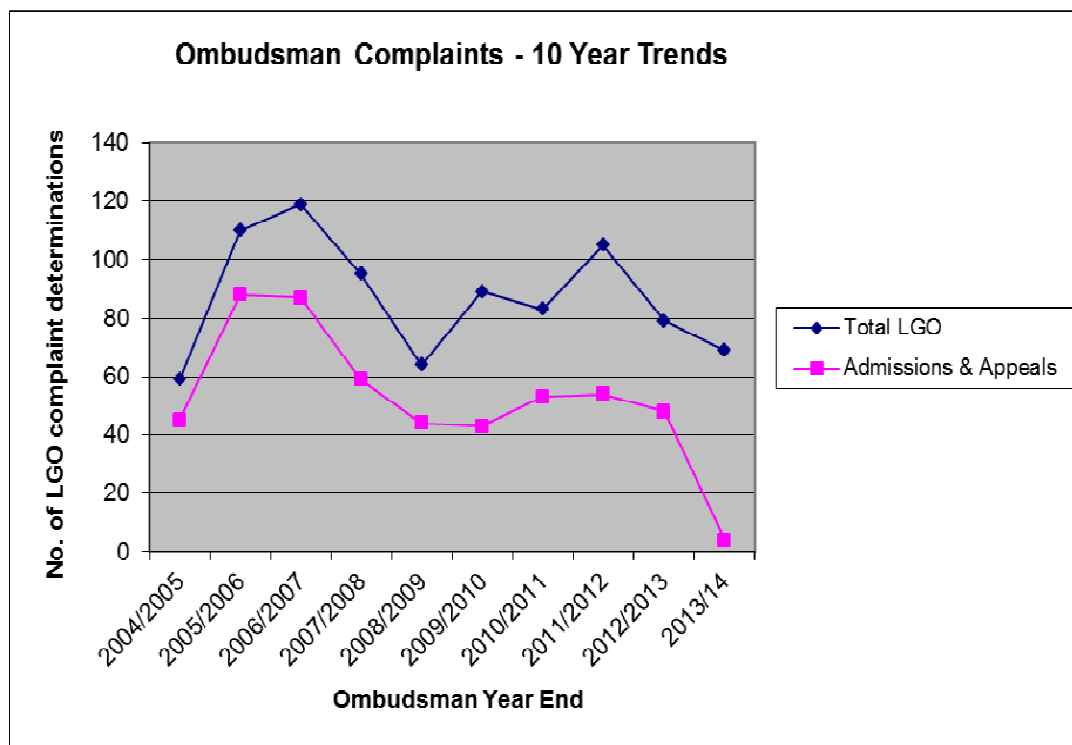


Figure 8.4A – LGO complaints – 10 year trends

- 8.5 We might have expected the overall number of complaint decisions recorded (69) to reduce in proportion to the reduction in complaints about school admissions and appeals (which have reduced from 48 in 2012/13 to just 4 in 2013/14) however, this is not the case as the overall number has reduced by just 10. On analysis, this discrepancy appears due to a very large increase in complaints about the Communities and Built Environment Portfolio – and most significantly a very large increase (from 9 in 2012/13 to 25 in 2013/14) of the numbers of complaints about pothole damage/state of the roads. The Local Government Ombudsman cannot investigate this type of complaint as it falls outside of their statutory jurisdiction (as there is a remedy available via the courts which the LGO considers it reasonable for people to pursue) however, they still record these cases as decisions which the Ombudsman has made.
- 8.6 The figures (in Table 8.3C) show that the number of Adult Social Care (ASC) complaints has increased, although the numbers are too small to yet be able to draw any statistical significance.
- 8.7 On the LGO’s website (www.lgo.org.uk) it makes available comparative figures for decisions for all local authorities which fall under its jurisdiction in the ‘Review of Local Government Complaints 2013-14’. It lists their six complaint decision categories (advice given, closed after initial enquiries, incomplete/invalid, referred back for local resolution, upheld and not upheld). It then gives a figure for ‘% upheld’, as well as an overall total. There is a footnote to explain that the figure for ‘% upheld’ is the “percentage of complaints that are investigated in more detail”, i.e. it is the number of ‘upheld’ complaints, as a percentage of the total number of ‘upheld’ and ‘not upheld’ complaints (and not as a percentage of the total complaint decisions). Therefore the ‘% upheld’ figure for Buckinghamshire County Council shows as 53.8%, which is calculated as 7 out of 13 (7 + 6), rather than 7 out of the total shown of 104 (which would be a ‘% upheld’ of 6.7%). The Council believes this figure to be misleading, especially when you

consider that 2 of the 7 'upheld' complaints were ones which the Ombudsman did not even investigate (see Table 8.3D above).

- 8.8 The LGO have confirmed that if any single element of a complaint (no matter how minor or how far back in the complaints process) has at any time been upheld, that the LGO will classify the complaint with a decision of 'Upheld'. This is a new approach: in the past the LGO would have considered that if the Council had taken appropriate action to remedy a complaint (to the Ombudsman's full satisfaction) they would not have arrived at a finding of fault. A finding of fault would only have been made if further maladministration had been identified which required a suitable remedy, or if the remedy offered by the Council was not deemed acceptable by the LGO. This, in practice, means that if a complainant takes a matter to the LGO which was previously resolved, the LGO will always record a decision of 'Upheld' – even if the LGO is happy with what has occurred previously and recommends no further action.
- 8.9 As a comparison, the LGO's own 'Annual Report & Accounts 2013/14' has a section entitled 'Making sound decisions' where it confirms that 1,107 people contacted the LGO to say they were dissatisfied with their decision (which the LGO, perhaps unusually, has chosen not to class as complaints) and 6.7% of these were upheld - where the LGO "found that the decision making was not of the standard we would expect". In addition, the LGO received 107 complaints about their service and 26.2% of these complaints were upheld, where the LGO established that they "had not provided the service people could expect".

9. Compliments

- 9.1 A total of 945 compliments (for the whole Council) were recorded onto *Respond* in 2013/14 – a significant reduction when compared with 1406 reported in the previous year. Perhaps more can be done to encourage officers across the Council to notify the Customer Complaints and Information Team of compliments received, using the dedicated email address (posfeedback@buckscc.gov.uk). 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 2014 + Work planned for the future

- 10.1 Complaints have continued to flow in to the Council. Much has been done to try and improve the efficiency of dealing with these complaints, through streamlining procedures and enhancing the systems used. This work is ongoing as ideas for improvement are made on a regular basis and enhancements are made to procedures and systems.
- 10.2 Numbers of Stage 3 complaints are again up on last year, which is most likely due to a knock on effect of the introduction of the Customer Complaints and Information Team. The public are now more aware of the complaints procedure and their rights of escalation, as their complaints are correctly handled in accordance with the Feedback and Complaints procedure by the Customer Complaints and Information Team. Numbers of LGO complaints have reduced slightly overall – with a very large reduction in school admission/appeal complaints, but also a large increase in complaints related to potholes.

- 10.3 The budget cuts within the Local Government Ombudsman's office continue to have an effect on the complaints we receive. The significant number of complaints for 2013/14 arrived at the Council with the decision already taken by the Ombudsman – without asking the Council for any comments. On a significant number of other cases, basic information was requested (and supplied at short notice) before a decision is reached by the LGO – again without asking the Council for formal comment. It has, on some occasions, been necessary for the Council to be assertive and ensure that it is given a fair opportunity to comment on the allegations made against it, before a final decision is reached by the Ombudsman.
- 10.4 We are continuing to develop our Respond database, to ensure that we can get as much learning from complaints as possible and to ensure that our processes are as efficient and cost effective as possible. Services who fully engage with the Customer Complaints and Information Team can influence what information is recorded on the database, to enable customised, meaningful reporting, which can be used to inform decision-making.
- 10.5 A project has been underway to try and find an efficient way to collect complaints data from Contracted Services who deal with their own Stage 1 complaints. This work is still ongoing, with sample data sets being gathered to see what information is available and system-testing is underway to see how best the data might be imported into the Respond database.
- 10.6 The Future Shape programme may have an effect on the Feedback and Complaints procedure and how complaints are managed by the business units and contractors. Any proposed significant changes to the procedure will need to be approved by the Head of Legal and referred to Members.

Background Papers

None
