

Regulatory and Audit Committee

Title:	Annual report on Feedback and Complaints Procedure
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Summary

This is the annual report for the corporate Feedback and Complaints procedure and covers all portfolios for the period 1 April 2014 to 31 March 2015. Please note that it does not cover statutory social care complaints, which are reported separately.

This report shows a decrease in the overall number of corporate complaints received but an increase in the number of overall contacts received by the complaints team. The suggestion here is that as an organisation we are evolving in the way we manage complaints and encouraging resolution by the people who are delivering services. Learning from complaints is fed back to Business Units with any suggestions for improvement at all stages of the process. We can also be confident in the fact that we are dealing with our complaints according to the requirements of the Local Government Ombudsman and that we actively acknowledge and welcome complaints as a way of improving customer service.

Recommendation

Members should note and comment on the report.

FEEDBACK AND COMPLAINTS - ANNUAL REPORT 2014/15

1. Introduction

- 1.1 This is the annual report for the corporate Feedback and Complaints procedure and covers the period between 1 April 2014 and 31 March 2015. It should be noted that this report reflects the Council's structure prior to the changes brought about by the Future Shape Programme on 1 April 2015.
- 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.

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.

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 Head of Customer and Communications, 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. The CCIT handle most corporate Stage 1 and 2 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 2014/15 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	471	(629)
No. Stage 2 Complaints received	117	(124)

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

Outcome	No. of Stage 1		No. of Stage 2	
Not Upheld	145	(248)	101	(84)
Partially Upheld	88	(115)	22	(21)
Upheld	172	(189)	17	(15)
Withdrawn	38	(37)	1	(3)
Out of jurisdiction	19	(37)	1	(1)
Other	0	(3)	0	(0)
Total	462	(629)	142	(124)

Table 4.2B – Stage 1 and Stage 2 complaints by Outcome (cases closed in 2014/15 differs slightly from cases received as they may not be closed within the same period)

	No. of responses sent		Average time to complete		Percentage done within 28 day target	
Stage 1	462	(607)	16	(15)	91%	(92%)
Stage 2	142	(117)	23	(28)	73%	(62%)

Table 4.2C – Stage 1 and Stage 2 response times

- 4.3 The number of complaints recorded is less than the previous year this could imply that residents are happier with the way we are delivering services. This appears to be, however, more of a reflection on how we are managing their contact with us. In 2013/14 we received 286 contacts from customers that fell outside the complaints process; during 2014/15 the number received was 621. The overall number of contacts, therefore, has increased. One of the reasons for this could be the way that we are now assessing each contact on its own merit putting it through the complaints process only where it is appropriate. In addition, with increased awareness of a central point of contact for complaints, officers and customer alike have approached the team for guidance in the resolution of customer concerns and complaints.
- 4.4 At Stage 1, the most common reason for a complaint is delay, failure to keep informed, closely followed by customers being unhappy with a decision that the Council has made.
- 4.5 At Stage 1, 59% of all non-statutory complaints recorded on Respond were attributable to Transport for Buckinghamshire (TfB), with the most common reason for complaint being a delay and failure to keep the customer informed. Most TfB complaints over the last year have related to a specific number of issues - gully cleaning and drainage issues (13%), grass cutting (11%), in particular concerns over hedges and trees (20%). A high proportion

of these complaints relate to the South Buckinghamshire area.

- 4.6 Across the remainder of Place Service (non-TfB) there were a fewer number of Stage 1 complaints equating to around 9% of the total. The majority of these complaints were about Waste Services and particularly are in relation to the behaviour or conduct of staff at Household Waste & Recycling Centres. The complaints tend to relate to different sites, Buckingham being one of the more affected. It may be of interest to note that a recent compliment which was extracted from a news feed on Facebook mentioned that customers themselves do not always treat the operatives with respect. Whilst not condoning poor staff conduct, it should be understood that there can be two sides to be considered.

There were a number of complaints received about the works on the Tesco Roundabout in Buckingham following over running works on behalf of the developers at the Lace Hill development. The majority of these complaints were actually out of jurisdiction as it was the planning approval that caused most customers to complain. Some, complaints, however, were made about the advice given by Development Control Officers who had given advice to the District Councils or Planning Committee.

- 4.6 Adults and Family Wellbeing had approximately 7% of all Stage 1 complaints with the majority being received for Culture & Learning. There were no specific trends identified although complaints were received from both Adult Learning and Libraries with a very small number attributable to Adult Social Care. Across the service there were complaints about poor standard of facilities (although considerably less than last year) and conduct of staff and course content not being as described. One customer complained about the behaviour of a fellow student, although the tutors and other staff did not share this opinion, he escalated his complaint and remained dissatisfied when it was not upheld.
- 4.7 For Children and Young People, 43 non-statutory complaints were received for Special Educational Needs, School Admissions and a very small number for Family Resilience. Delays and failure to keep customers informed and complaints about decisions made were the main reasons for complaints in this area.
- 4.8 For Policy, Performance and Communications 2 complaints were received.
- 4.9 For Resources and Business Transformation, complaints were received about the Contact Centre and ICT with a much small number of complaints about Blue Badges this year.
- 4.10 ICT complaints were received regarding some e-mail addresses where our e-mails do not reach them when sent. This is being investigated but no clear reason has been found and the problem does appear to be intermittent.
- 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 calling a customer to let them know you are still working on an issue or even managing our calls and contact better.

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.

- 471 Complaints were recorded at Stage 1
 - 65 of these Stage 1 complaints were escalated to Stage 2 (13.8%)
- 117 Complaints were recorded at Stage 2
 - 28 of these Stage 2 complaints were escalated to Stage 3 (23.93%)
- 43 Complaints were recorded at Stage 3
 - 7 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)
 - 5 of these Stage 3 complaints were escalated directly to Stage 3 (due to their seriousness or previous correspondence indicating this to be appropriate)
 - 0 of these Stage 3 complaints were escalated directly from Stage 1
 - 21 of these Stage 3 complaints were escalated from Stage 2 after being considered at Stage 1
 - 7 of these Stage 3 complaints were escalated from Stage 2 having been taken at Stage 2
 - 3 complaints were withdrawn

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 43 corporate Stage 3 complaints were received and logged onto the *Respond* computer database during 2014/15 – a decrease on the previous year’s figure (56)

5.2 Of these 43 complaints, the then Monitoring Officer, Anne Davies, determined the following outcomes (previous year’s figures appear in brackets):

Fully upheld	3	(3)
Partly upheld	6	(11)
Not upheld	31	(37)
Withdrawn	3	(4)
Ongoing	0	(0)
Out of Jurisdiction	0	(1)
Total	43	(56)

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	7	(9)
Other Corporate Complaints	36	(47)
Total	43	(56)

Table 5.4A – Stage 3 complaints by Type

6. Annual Review of Feedback and Complaints Procedure

- 6.1 The Monitoring Officer has reviewed the Feedback and Complaints procedure and has agreed that we should reduce timescales for dealing with complaints by removing one of the stages. This will mean that the initial stage will be carried out at a higher level of management than currently and will be followed by a review stage effectively removing Stage 1 of our current procedure. This will benefit the customer as the complaint journey will be shorter and the organisation as it encourages accountability of complaints at an earlier stage.
- 6.2 The Monitoring Officer 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 customers 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.

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 2014/15' and 'Review of Local Government Complaints 2014-15'. 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 Deputy 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, last year 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 2014-15.”
- 7.6 The LGO refused our requests for a list of all the 108 cases (as our records only showed 68 cases), but this year the LGO has taken on board feedback from last year and supplied more detail by providing their case reference numbers. The 40 '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 2014/15 were issued using the same decision categories as in 2013/14. As from 1 April 2014 the decision categories were changed for all complaint decisions made after that date.

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>	5 (7)
Detailed Investigation carried out – Not Upheld	Where the LGO has investigated a complaint and decided that we have not acted with fault.	7 (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 previously looked at the same complaint from the complainant, or another complaints handling	1 (2)

	<p>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>	60 (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>	7 (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 re-contact 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>	21 (22)
Total Decisions made on complaints investigated		101 (Out of the 108 complaints received by the LGO)

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 108 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 68 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 2014 and 31 March 2015 can be further broken down as follows in table 8.3C. (Please note that the previous year's figures – for the period 1 April 2013 – 31 March 2014 appear in brackets).

Portfolio	No. of LGO Complaints		
Children's Services – Schools and SEN etc	0	(7)	Including complaints concerning Admissions and Appeals
Children's Services – Social Care	8	(6)	
Adult Social Care	7	(8)	
Adults & Family Wellbeing	0	(0)	
Communities & Built Environment	49	(45)	Including claims regarding pothole damage/state of roads
Resources & Business Transformation	3	(3)	
Non BCC	1	(0)	
Total LGO complaints	68	(69)	

Table 8.3C – LGO complaints by Portfolio

- 8.4 The number of LGO education admission and appeals complaints has dramatically reduced compared to last year. 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.
- 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 2014/15). 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 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 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.

9. Compliments

- 9.1 A total of 642 compliments (for the whole Council) were recorded onto *Respond* in 2014/15 – a significant reduction for the second year in a row - when compared with 945 reported in the previous year. Work continues to encourage the recording of compliments across the organisation as it seems likely that not all are being recorded.

10. Review of Year Ending 31 March 2015 + 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 recorded are slightly down on last year. There is a possibility that not all Stage 3 complaints have been recorded on *Respond*. A mixture of long term sickness and staff leaving Buckinghamshire Law Plus could have contributed to this. A procedure is now in place that will ensure that going forward all complaints received by Buckinghamshire Law Plus and by the Complaints and Information Team will be recorded.
- 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 2014/15 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 The Respond database requires significant investment to align it to our other systems to ensure we are getting as much insight as possible from all of our customer contact. For this reason and since this reporting period a new system has been procured and is currently being developed to go live in 2016. The benefits of this include joined working with all areas of the Council and so a more efficient and consistent process for the customer.
- 10.5 Work is being done alongside the Innovation and Commercialisation Team to improve on the collection of complaints data for contracted out services. The Contract Management Application will be developed to allow providers to input complaints information their end so that contract managers can use it for monitoring and reporting.
- 10.6 As mentioned earlier in this report, changes to the 3 Stage Process have now been agreed. Stage 1 will no longer be dealt with at officer level but by a senior manager and Stage 2 will be the equivalent to the current Stage 3; an independent review of the complaint carried out by or on behalf of the Monitoring Officer. This will both save officer time and reduce the length of time a customer is in our complaints process. As part of the move towards this there will be significant engagement with Business Units to ensure culture change is effected and that customers who are unhappy are dealt with in the best way possible.

Background Papers

LGO Annual Review Letter
