

## FEEDBACK AND COMPLAINTS - ANNUAL REPORT 2015/16

### 1. Introduction

- 1.1 This is the annual report for the corporate Feedback and Complaints procedure and covers the period between 1 April 2015 and 31 March 2016. It should be noted that the corporate complaints process changed from a 2 stage to a 3 stage process on 1 February 2016. This report, therefore, includes information for both processes.
- 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.
- 2.2 This report gives summary information on Stage 1, 2 and 3 complaints and Local Government Ombudsman (LGO) complaints.
- 2.3 It should be noted that for this year's report the information covers a period of time when the number of stages in the complaints procedure was reduced from three to two. This means that the data included herein covers both scenarios. For example a Stage 2 complaint post the cut-off date is the same as a Stage 3 complaint prior to that date.

### 3. Complaints Procedure

- 3.1 The Feedback and Complaints procedure for all complaints received prior to 1 February 2016 has three basic stages:



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- Stage 1 – an ‘informal’ stage, co-ordinated by the Compliments and Complaints Team, where the problem is investigated by the staff providing the service (or their line manager) and responded to by the Corporate Complaints Manager on their behalf
- Stage 2 – the matter is referred to a senior manager in the service concerned, and a response sent by, the Head of Customer and Communications.
- Stage 3 – the complaint is referred to, and responded to by, the Council’s Monitoring Officer

From 1 February 2016 the Feedback and Complaints procedure has just two stages:

- Stage 1 – the matter is referred to a senior manager, and a response sent by the Corporate Complaints Manager, after liaising with senior officers in the service concerned
- Stage 2 – the complaint is referred to, and responded by, the Council’s Deputy 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.

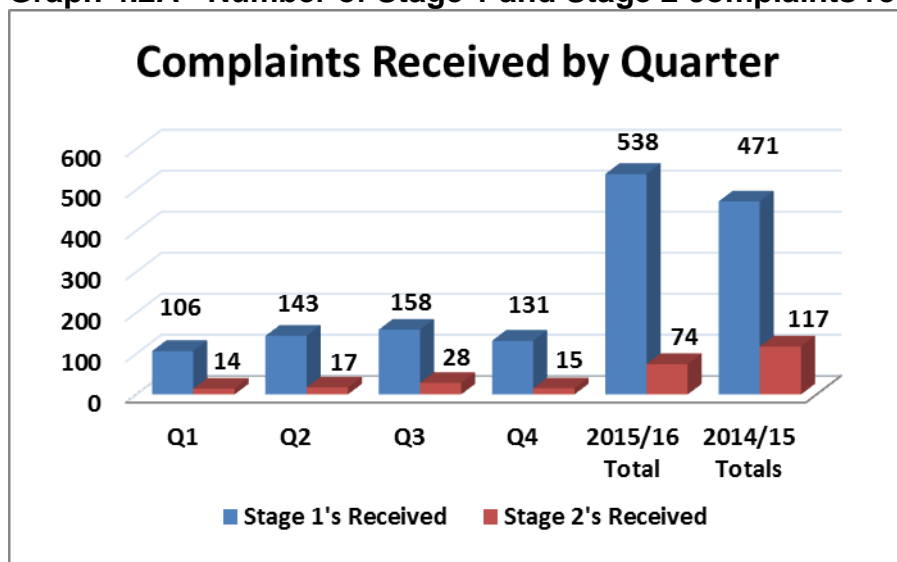
3.3 If a complainant is still not happy after Stage 3 or now Stage 2 of the process, they may refer their complaint to the Local Government Ombudsman. (For further information on LGO complaints see sections 7 and 8 below.)

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

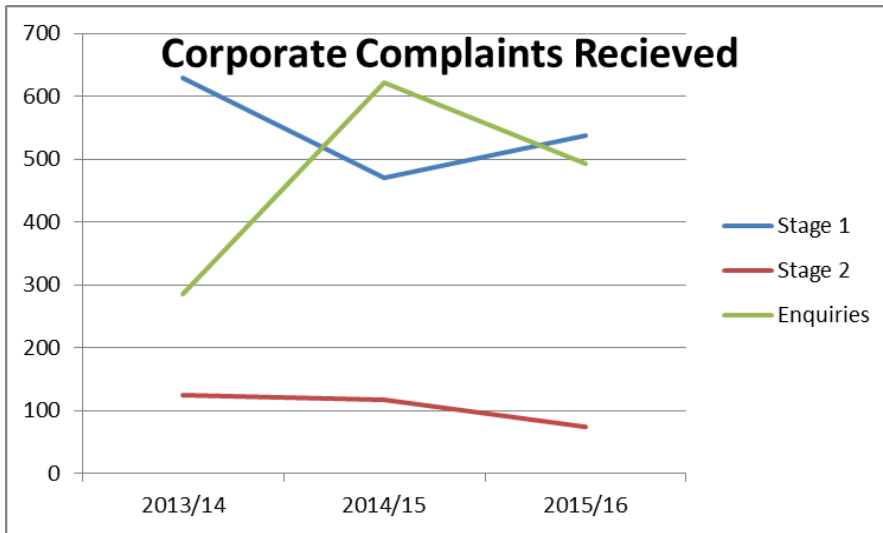
4.1 The centralised Compliments and Complaints Team was created in 2012 and rolled out its work across the whole Council in February 2013. The team handle most corporate Stage 1 complaints across the Council, except some which are handled by contractors on our behalf.

4.2 The numbers of Stage 1 and Stage 2 complaints received in 2015/16, followed by a trend analysis, related outcomes and response times achieved are shown in the graphs below.

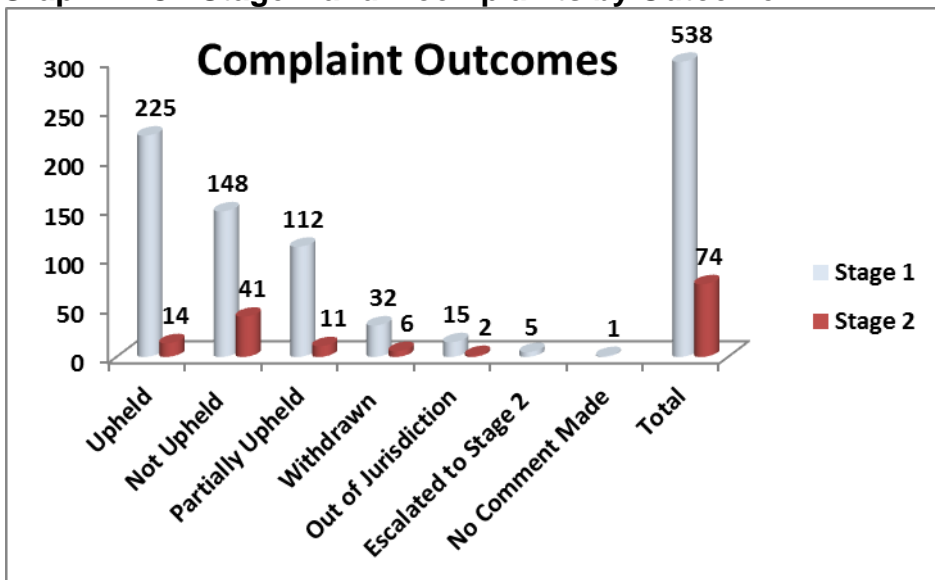
**Graph 4.2A - Number of Stage 1 and Stage 2 complaints received**



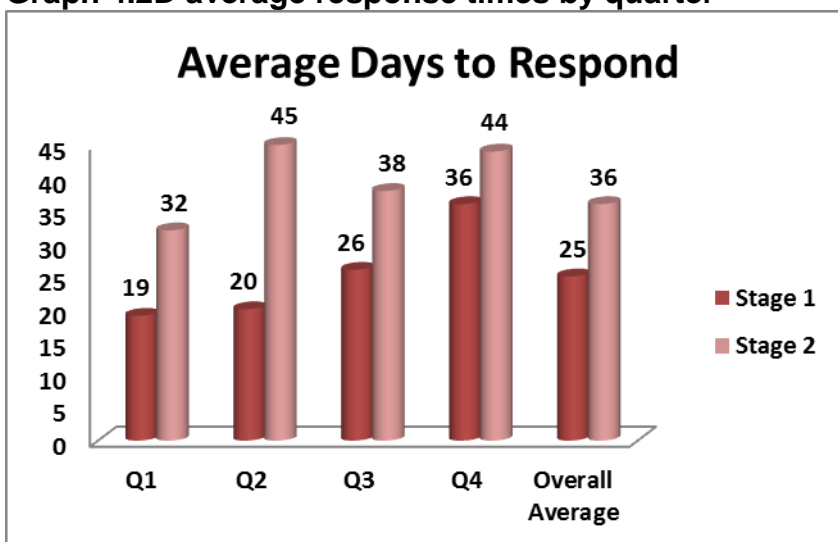
**Graph 4.2B – Complaints and Enquiry trends over a 3 year period**



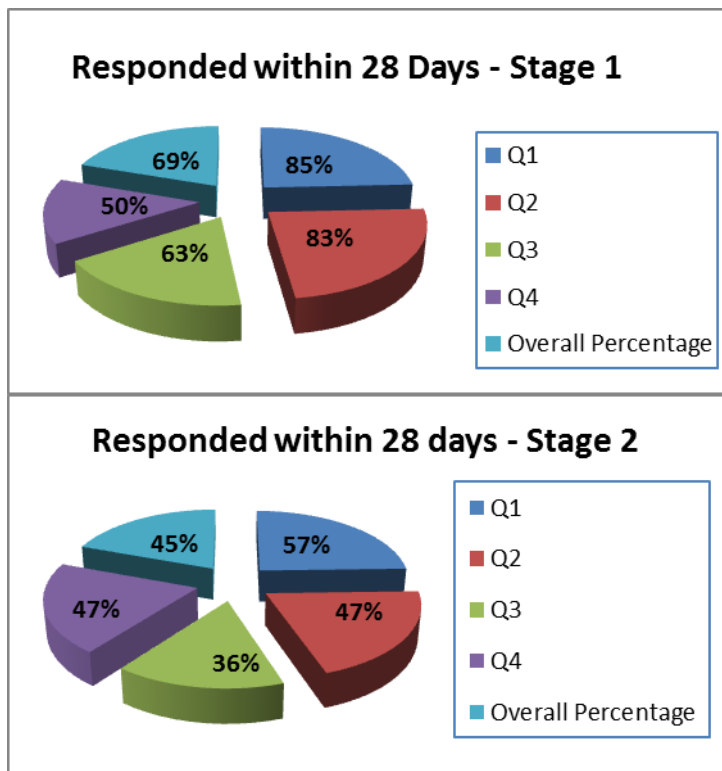
**Graph 4.2C - Stage 1 and 2 complaints by Outcome**



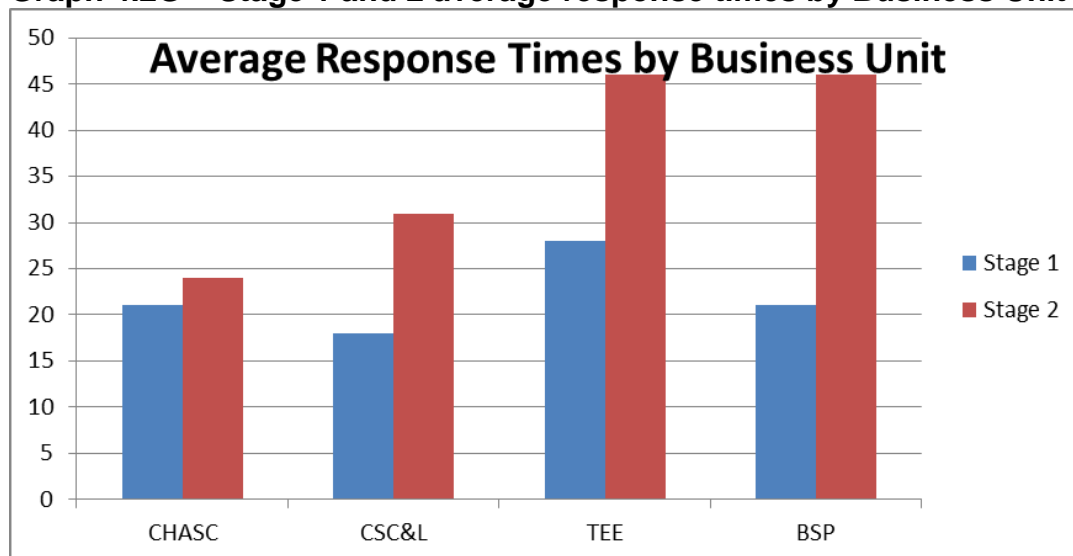
**Graph 4.2D average response times by quarter**



**Graphs 4.2E and F – Overall response times for Stage 1 and 2**



**Graph 4.2G – Stage 1 and 2 average response times by Business Unit**



4.3 As you can see from the Graph 4.2A the total number of complaints received is broadly the same as last year although the mix across the two stages is different, this is probably in part due to the change in procedure.

Graph 4.2B shows the trends for Stage 1 and 2 complaints and for enquiries over a three year period going back to the 1<sup>st</sup> year of full reporting on corporate complaints. Enquiries are recorded when customers contact us for different reasons but do not necessarily want to make a complaint or their enquiry falls outside the jurisdiction of our complaints process; for example when a customer wants to complain about bin collection.

At Stage 1, the most common reason for a complaint again this year is delay, failure to keep informed, followed by quality of service provided and then in third place is conduct/behaviour of staff. The fourth most popular type of complaint is outcome of a decision or assessment, then SLA failure and financial loss. As can be seen from graph above the numbers reduce quite significantly after that as the issue natures of the complaints become more specific to individual areas.

Work continues with all areas of the Council to focus on the main areas for improvement. Generally where the complaint is about lack of communication it will be upheld so even if the service has been done what they should have they haven't told the customer. The conduct of staff could be anything from someone not liking their social worker to a member of the Waste Recycling Centre being rude. The increase in complaints about the quality of service is possibly due to the fact that we have less funding. In short we are doing more for less.

- 4.4 At Stage 1, 60% 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 followed by complaints about the quality of service provided. The Complaints Team have spent some time working with TfB during the year to improve response times and quality of complaint responses. Training in both areas is being provided. Response times have now been improved which will be reflected in the next annual report.
- 4.5 Across Transport Economy & Environment, excluding TfB, the number of Stage 1 complaints received was 9% of the total. Around half of these complaints were about Waste Services. The remainder were spread across the other areas of the Business Unit with a few about Highways Infrastructure projects and Environment Services.
- 4.6 Adults and Family Wellbeing (now Communities, Health and Social Care) had approximately 7% of all Stage 1 corporate complaints the same as the previous year. 36 corporate complaints were received for Libraries, Adult Learning, Registrars, Public Health and Adult Social Care non-statutory complaints. There were no specific trends identified and the reason for the complaint was spread across quality of service, facilities and premises, cancelled courses, fees and conduct of staff.
- 4.7 For Children's Social Care and Learning, this year we have seen an increase in the number of corporate (non-statutory) complaints from 43 in the previous year to 92. This equates to approximately 17% of the total number of corporate complaints. There was an increase in complaints from grandparents who do not have parental responsibility for a child but are unhappy with the involvement of social care which accounts for most of this. The remainder are spread across School Admissions and Special Educational Needs with just one for Youth Services.
- 4.8 Business Services Plus received a total of 44 complaints at Stage 1, this is approximately 8% of the total received. Just over half of these were for the Customer Service Centre where the main reason for complaint was about the quality of service followed by call waiting times, staff conduct and delay/failure to keep informed. The remainder of the complaints for Business Services Plus were spread across Legal, Pensions, Blue Badge, HR, Finance and ICT. The main reasons for these complaints were delay/failure to keep informed and financial loss with one quality of service and 1 staff conduct complaint.
- 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 stages, depending upon the specific circumstances.
- 538 Complaints were recorded at Stage 1
    - 58 Stage 1 complaints were escalated to Stage 2 (10.8%)

- 74 Complaints were recorded at Stage 2
  - 32 Stage 2 complaints were escalated to the Final Stage (41.6%)
- 51 Complaints were recorded at the Final Stage
  - 12 of these Final Stage complaints went directly to the Final Stage (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) (23.5%)
  - 4 of these Final Stage complaints were escalated directly to Stage 3 (due to their seriousness or previous correspondence indicating this to be appropriate) (7.8%)
  - 3 of these Final Stage complaints were escalated directly from Stage 1 (5.9%)
  - 32 of these Final Stage complaints were escalated from Stage 2 (62.7%)

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 the Final Stage for a review which is independent of the service area. This is one of the reasons why the corporate Feedback and Complaints procedure was changed in February 2016 to a two stage process (from a three stage process).

## 5. Stage 3 Complaints (Final Stage)

5.1 A total of 51 corporate Stage 3 complaints were received and logged onto the *Respond* computer database during 2015/16 – an increase on the previous year’s figure (43), but a similar number to 2013/14 (56).

5.2 Of these 51 complaints, the Monitoring Officer determined the following outcomes (previous year’s figures appear in brackets):

Table 5.2A – Stage 3 complaints by Outcome

Fully upheld	12	(3)
Partly upheld	6	(6)
Not upheld	33	(31)
Withdrawn	0	(3)
Ongoing	0	(0)
Out of Jurisdiction	0	(0)
<b>Total</b>	<b>51</b>	<b>(43)</b>

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.

Table 5.4A – Stage 3 complaints by Type

	No. of Stage 3 Complaints	
Information Requests	12	(7)
Other Corporate Complaints	39	(36)
Total	51	(43)

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

**Table 5.5A – Stage 3 complaint examples**

<u>Nature of complaint</u>	<u>Upheld?</u>	<u>Outcome</u>
Issues to do with gully clearance.	Not Upheld	No fault found.
Quality of service experienced at library branch.	Not Upheld	No evidence of fault found.
SEN issues for son.	Partially Upheld	Although there was a genuine reason for the delay, there was a failure to adequately update the parent on the delay and the reasons for it. Payment offered of £250 (£100 for time and trouble pursuing the complaint and £150 towards son's education).
Issues to do with drainage ditch.	Partially Upheld	Ditch issues not upheld, but element of poor communication upheld and apology offered.
Unhappy with lateness of response to FOI request.	Upheld	Response was sent outside of timescale - apology given.
Council cut down part of a hedge which belonged to the complainant.	Upheld	The Council had unwittingly gone beyond its own boundary line when removing the vegetation (which was understandable as the original boundary fence had been moved). An apology was offered and the hedge reinstated by the Council.

## **6. Annual Review of Feedback and Complaints Procedure**

- 6.1 The Monitoring Officer has reviewed the Feedback and Complaints procedure and is happy with the changes introduced in February 2016 (to go from a three stage process to a two stage process). The two stage process will continue to be monitored and will be reviewed as part of next year's annual report.

## **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 and Accounts 2015-16: Equipped for the future', which is available on the LGO's own website [www.lgo.org.uk](http://www.lgo.org.uk)

- 7.3 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 Council notes that the LGO Annual Letter stated the following:

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

- 7.6 The LGO again refused our requests for a list of all the cases, but we were eventually able to obtain some basic details by making a request under the Freedom of Information Act 2000. The problems experienced in trying to obtaining a full data set has been raised with the LGO's Chief Operating Officer.

## **8. Local Government Ombudsman Complaint Figures**

- 8.1 A total of 60 complaints about the Council were determined by the LGO for 2015/16. Learning points from all complaint determinations are disseminated to relevant officers/members as and when appropriate.

- 8.3 On the LGO's own website, there is a page entitled 'Interpreting local authority statistics', where it says the following:

*"It must be remembered the bare numbers of complaints against an authority do not prove that it is a 'bad' or 'good' council. The larger the population an authority serves, the more likely we will receive complaints about it. A significant uplift in complaint numbers again does not necessarily show that a council has become worse at what it does. We may have received several complaints about the same*



issue from different residents, for example a controversial planning decision or application. An authority may have a 50% uplift in complaints against it, but when we received two complaints against it last year, and four this year, this cannot lead to the conclusion the service the council provides has significantly worsened.

How complaints and enquiries were dealt with is explained below:

• **Upheld:** These are complaints where we have decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before we make a finding on fault. If we have decided there was fault and it caused an injustice to the complainant, usually we will have recommended the authority take some action to address it.

• **Not upheld:** Where we have investigated a complaint and decided that a council has not acted with fault, we classify these complaints as not upheld.

• **Advice given:** These are cases where we give advice about why LGO would not look at a complaint because the body complained about was not within the LGO's scope or we had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.

• **Closed after initial enquiries:** These complaints are where we have made an early decision that we could not or should not investigate the complaint, usually because the complaint is outside LGO's jurisdiction and we either cannot lawfully investigate it or we decide that it would not be appropriate in the circumstances of the case to do so. Our 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 we see shows at an early stage there was no fault, or the outcome a complainant wants is not one we could achieve, for example overturning a court order.

• **Incomplete/invalid:** These are complaints where the complainant has not provided us with enough information to be able to decide what should happen with their complaint, or where the complainant tells us at a very early stage that they no longer wish to pursue their complaint.

• **Referred back for local resolution:** We work 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 LGO to give authorities an opportunity to try and resolve a complaint before we will get involved. Usually we tell complainants how to complain to an authority and ask them to contact it directly. In many instances, authorities are successful in resolving the complaint and the complainant does not recontact us.

### **Complaints Remedied**

For the year 2015/16 we provide information about complaints remedied. Where we find that an authority has acted with fault and this has caused an injustice to a complainant, we will make a recommendation about the action an authority should take to remedy that injustice. An Ombudsman's recommendations are not binding however most authorities comply with our recommendations without the need for any further action by the Ombudsman. We will also uphold a complaint that has come to us where the authority has already accepted during its own complaints processes that it acted with fault and it has offered what we consider to be a suitable remedy. The figures for 'complaints remedied satisfactorily by Authority before LGO

*involvement' demonstrate the number of times we have received complaints against an authority but it has already taken all the steps it needed to."*

**Table 8.3A – LGO complaint determinations (Figures for 2014/15 appear in brackets)**

<b>2015/16 Decision Classification</b>	<b>No. of Complaints</b>	<b>Comments</b>
<b>Upheld</b>	<b>5 (5)</b>	<b>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 8.3C).</b>
<b>Not Upheld</b>	<b>5 (7)</b>	<b>No fault found by LGO.</b>
<b>Advice given</b>	<b>1 (1)</b>	<b>No record of these complaints – we assume advice given to complainant by the LGO without reference to the Council.</b>
<b>Closed after initial enquiries</b>	<b>25 (60)</b>	<b>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, such as that the matter falls outside of the LGO's statutory jurisdiction, or there was insufficient maladministration and/or injustice found etc).</b>
<b>Incomplete/Invalid</b>	<b>6 (7)</b>	<b>No record of these complaints as not communicated to the Council – we can only assume that all these complaints were not progressed with LGO.</b>
<b>Referred back for local resolution</b>	<b>18 (21)</b>	<b>The Council is not aware of all of these cases, however we can only assume that some were where the LGO told the complainant to contact the Council but the complainant chose not to.</b>
<b>Total</b>	<b>60 (101)</b>	

**Table 8.3B – LGO complaints by LGO Category**

<b>LGO Category</b>	<b>No. of LGO Complaints</b>
Education & Children's Services	20
Adult Care Services	14
Environmental Services & Public Protection & Regulation	4
Highways & Transport	17
No category allocated	1
Corporate & Other Services	4
Total LGO complaints	60

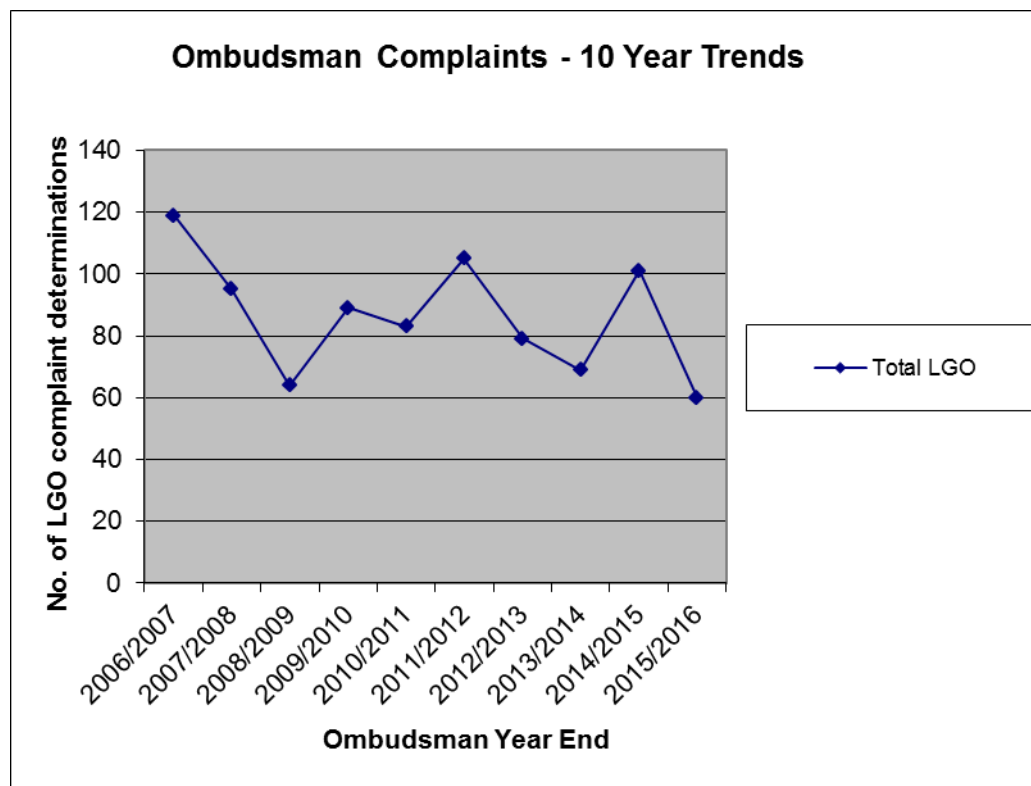
Table 8.3C – LGO 'Upheld' complaints for 2015/16

<b>Brief summary of all Complaints classified as 'Upheld' by LGO in 2015/16</b>		
	<b>Brief description of complaint</b>	<b>LGO decision &amp; comments</b>
1.	Complaint about the handling of her mother's direct payments.	Decision: Upheld LGO Comments: The Council apologised for errors in calculating direct payments, reimbursed monies owing (£1,043.64) and paid £200 for 'time and trouble'.
2.	Complaint about ASD provision for her son.	Decision: Upheld LGO Comments: Injustice confined to the loss of appropriate ASD education from September to February and to the avoidable distress and time and trouble. Compensation for loss of teaching offered £495.60 as well as time and trouble payment £254.40 (a total of £750).
3.	Complaint about Council's action/lack of action in situation of alleged forced marriage.	Decision: Upheld LGO Comments: Various recommendations made, including payment of £500 to include the time and trouble in pursuing the complaint and £350 to the young person for her avoidable distress.
4.	Complaint about decision not to award free home to school transport for SEN child.	Decision: Upheld LGO Comments: Fault found with Transport Appeal Panel's handling of his appeal. A fresh transport appeal was offered as a settlement.
5.	Joint investigation with Health Service Ombudsman concerning the care, management and treatment of her daughter, who had a	Decision: Upheld LGO Comments: The Council and the CCG each had to write and apologise for the fault identified and explain what resolution process they have in place to

	moderate/severe learning disability.	ensure that disputes about continuing care funding are escalated quickly.
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8.4 The number of LGO complaints appears to have significantly reduced from the previous year's figure (from 101 to 60), however, the annual numbers of LGO complaints does tend to fluctuate each year, so it is not yet possible to say whether this trend will continue (see Figure 8.4A below).

**Figure 8.4A – LGO complaints – 10 year trends**



8.5 On the LGO's website ([www.lgo.org.uk](http://www.lgo.org.uk)) it makes available comparative figures for decisions for all local authorities which fall under its jurisdiction. It lists the numbers of complaints in each LGO decision category and then gives a figure for '% upheld', as well as an overall total. It must be noted that the figure for '% upheld' is calculated in relation to the total number of detailed investigations, 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 50%, which is calculated as 5 out of 10 (5 Not Upheld + 5 Upheld), rather than 5 out of the total shown of 60 (which would be a '% upheld' of 8.3%).

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, 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'. However, the LGO has added a new statistic to try and break down the 'Upheld' cases to show which cases were satisfactorily resolved before LGO involvement.

## 9. Compliments

9.1 A total of 353 compliments (for the whole Council) were recorded on *Respond* in

2015/16 this is a reduction on the year before when 642 were recorded and the year before that when there were 945. In spite of encouragement from the Complaints Team it seems that we are seeing fewer compliments to be recorded and this may in part be down to the way we manage this type of contact.

## **10. Review of Year Ending 31 March 2016 + Summary of Progress in 2016/17**

- 10.1 From 1 February 2016 the corporate complaints process was streamlined to a two-stage process in line with industry best practice. It is very early to judge what effect that has had and to the point of writing this report (November 2016) the numbers of complaints escalated appears to be similar to the last few years.
- 10.2 The new system for recording complaints (Firmstep) will be going live during 2016/17. At the point of writing the report (November 2016) the new system is in final stage testing and expected to be ready for use on 1 January 2017. We have now decommissioned *Respond* and ensured that we still have access to records according to the statutory retention periods.
- 10.3 The number of compliments has reduced steadily over the last few years. We need to consider how to encourage customers to send in positive feedback. In addition, officers should be made aware of recording all compliments centrally to allow us to take a more balanced view with reporting. Work will commence on this in early 2017.
- 10.4 Training is to continue to ensure that officers are equipped to deal with complaints at all levels. This means training on identification of a complaint and then what to do with it as well as how to investigate and respond to complaints.
- 10.5 Regular reporting for Business Units will continue to be developed to help in service planning and delivery.
- 10.6 CMA (contract management software) is now equipped to upload basic data on complaints about services delivered at arm's length. Significant engagement will be required with contract managers to make such reporting a reality.

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## **Background Papers**

None

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