

Delivering the Difference Together



Putting the people of Staffordshire first



Complaints Team
Corporate Annual Report 2016-17

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Purpose of Report

This report provides information on complaints received by Staffordshire County Council for the period April 2016 to March 2017 that has specifically been dealt with under the Council's Corporate Complaints Procedure under Stage 1 – Local Resolution, Stage 2 Review and complaints that have been investigated by the Local Government and Social Care Ombudsman. Complaints regarding adult's social care and children's social care are not considered within this report and are managed by two different statutory processes and are subject to separate scrutiny.

What is the Corporate Complaints Procedure?

The Council welcomes complaints and by giving our residents and services users a voice, we can use the complaints we receive to inform, review and improve the services that we provide or commission.

The Council aims to provide a high standard of service, however there are occasions where those who access our services may feel that this standard has not been met.

We want to hear about these experiences so that we can:

- learn from their experience
- put things right where needed
- resolve complaints as soon as we possibly can

The aim of the Corporate Complaints Procedure is to make sure that:

- a simple and straightforward mechanism is available to raise any concerns
- residents feel that they are being listened to
- complaints are dealt with to a fair and consistent standard
- the Council responds to complaints in a reasonable timescale
- outcomes from complaints are documented and shared throughout the Council
- a 'do it once do it right' approach is taken to complaints

The Council has based its complaints procedure on guidance set out in the Local Government and Social Care Ombudsman's 'Guidance on Running a Complaints System 2009'. Within this guidance the Ombudsman explains the principles underpinning a successful complaints procedure.

'We do not consider that management of complaints is an uncomfortable addition to service provision but an integral part of that provision. Complaints systems are not mechanisms for apportioning blame but an important part of a council's learning and development. Complaints can be a rich source of information and learning about how a council's performance is perceived and how it can be improved. What we recommend is a clear, accessible and flexible process that forms part of service provision and does not overwhelm individuals, departments or other council processes.'

The purpose of a complaints system is to put right what has gone wrong and learn from it.'

What is a Complaint?

An expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response.

Guidance on Running a Complaints System – Local Government Ombudsman March 2009

The Complaints Team do not treat first time requests for service as a complaint, even if the resident has identified it as such. Objections and feedback on consultations are also not dealt with as a complaint.

The Role of the Complaints Team

The Complaints Team are responsible for recording and coordinating all complaints received by the Council and operates specific statutory and corporate policies and procedures to manage this. A comprehensive reporting timetable ensures that data on the types of feedback is shared within the Council. This valuable information provides insight into the views of our residents and can be used to inform future service planning.

The team directs complaints to the appropriate service area, monitoring its progress to ensure that a response is provided in a timely manner. All complaints are screened to identify the most appropriate way in which the Council should respond. The Complaints Team do not usually provide a response to complaints unless in exceptional circumstances. This is to provide the resident with confidence that the team offers an impartial service that can support them in making representation to the Council. The team provides advice to persons wishing to use these procedures and we also offer staff members support and guidance on how to appropriately handle and respond effectively to complaints about the Council.

The Corporate Complaints Procedure

Informal Resolution

When a complaint is received by the Council, it will first try and deal with the issues raised informally. Informal resolution will normally be carried out by the Contact Centre. However, if it is not possible to resolve the complaint straight away or if the resident has advised the Council that they would like their complaint to be addressed formally, then the complaint will be escalated to the Complaints Team. The resident will be clearly notified that their issue is being dealt with informally. At the end of the informal resolution, the resident must be advised that they can escalate their concerns to the Council's Corporate Complaints Procedure, should they wish to do so.

Referral to the Complaints Team

Following receipt of a complaint, the Complaints Team will identify the key issues that require a response. A decision will then be made to allocate the complaint to the most appropriate procedure. As part of the screening process, the Complaints Team will define the issues that require investigation from the information submitted by the complainant.

Corporate Complaint - Stage 1: Local Investigation

The first stage of the process is when a senior member of staff or manager of the service being complained about, is given the opportunity to investigate and respond to the complaint. The timescale for a response is 15 working days. The response at this stage represents the Council's final position.

Corporate Complaint – Stage 2: Review

On receipt of a request for further consideration of the complaint, the Complaints Team will screen the request to ascertain if the complainant has provided sufficient evidence to support a further review. If the request is accepted, the Review will be allocated to a Senior Manager for investigation and response. The timescale for a review is 25 working days.

If the screening process identifies that no evidence has been provided by the complainant to support the carrying out of further investigation, the Complaints Team will inform the complainant of this decision. The complainant will be advised why this decision has been made and that they can refer their concerns to the Local Government Ombudsman.

Corporate Complaint – Stage 2: Independent Review

Depending on the complexity and severity of the complaint, it may be necessary for the Complaints Manager to appoint an approved Independent Investigating Officer to investigate a complaint and then report on their findings. The findings are then summarised in a review response by a designated senior member of staff within the service area.

The two stage process reflects the Council's wish to adopt a 'do it once, do it right' approach to complaints. The procedure will enable a complainant to refer their concerns to the Local Government and Social Care Ombudsman after the first stage of the process, therefore reducing the length of time the complainant has to spend escalating their concerns through the Council's complaints process.

Further benefits include a focus on ensuring that the initial complaint response under Stage 1 Local Resolution is robust and of a high standard. By providing a high quality response to complaints, the Council can demonstrate that it takes concerns seriously.

Administration of the Corporate Complaints Procedure

Following receipt of feedback, the Complaints Team will analyse the content to determine how to most appropriately proceed with the matters raised.

As part of the screening process, the Complaints Team will define the issues that require investigation from the information submitted by the complainant. Defining complaints or statement of complaints has a number of benefits including

- Assists the allocated Investigating Officer in identifying the key issues that require investigation
- It ensures that each complaint is considered separately and provides the complainant with a clear decision as to whether their complaint has been upheld or not
- Captures themes and trends for reporting purposes

Each screened complaint will be signed off by either a Complaints Officer or Complaints Team Leader to ensure that the areas for investigation have been correctly identified and that they have been entered into the most appropriate procedure. It is vital that a complaint is dealt with via the correct process from the beginning in order to avoid any potential future maladministration.

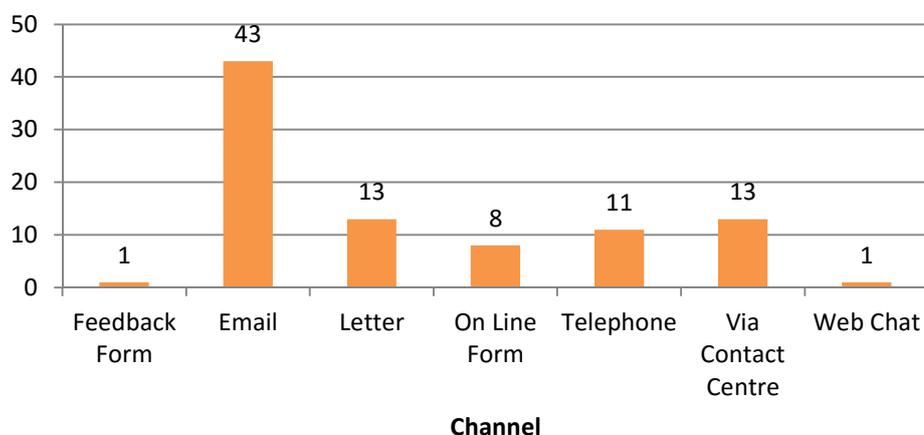
The procedure requires complaints to be responded to at the point of service delivery. This gives the service area subject of the complaint the opportunity to respond to any concerns raised about it. The manager of the service is also best placed to provide a knowledgeable and comprehensive response to the complaint. They can identify where things have gone wrong and propose a suitable remedy to the complainant.

Collation of Data

Complaints are collated on a bespoke database that records details of the service subject of the complaint, the nature of the complaints raised, the outcome and remedies/learning.

Channels

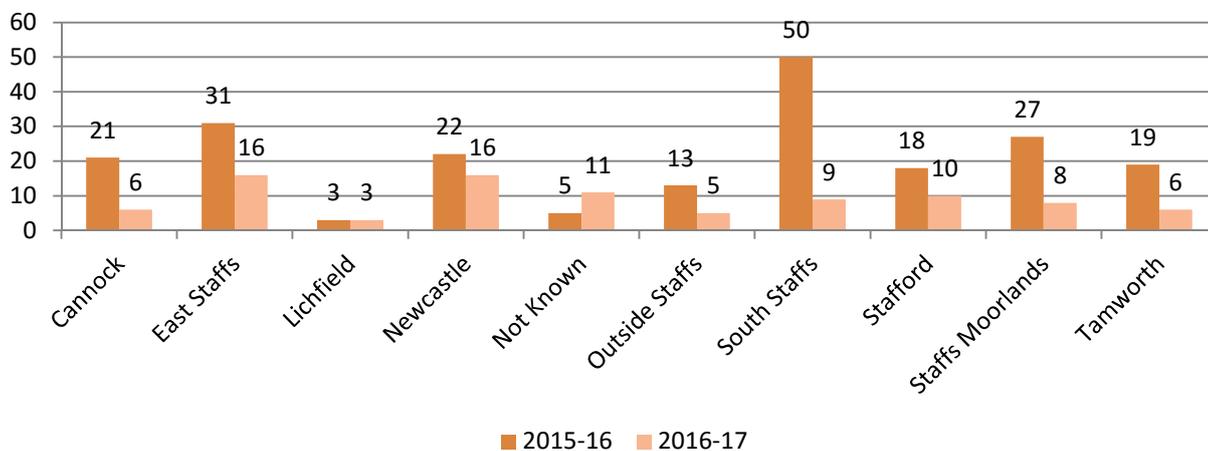
The Corporate Complaints Procedure is accessible in a number of ways. The following chart illustrates the channels used by residents to initially access this process.



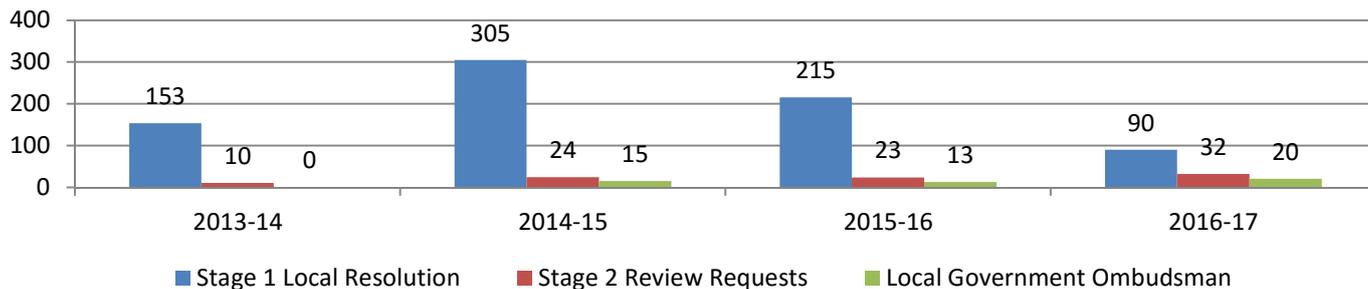
There is a reduction in the number of written complaints received by the Council in comparison with last year. Residents prefer to use on line methods to make complaints. This trend is in line with the Council's move towards digital

Districts

The chart below shows the number of Stage 1 Local Resolution complaints recorded by district.



Overview of Complaints



The number of complaints dealt with under Stage 1 Local Resolution has continued to decrease however it is interesting to note that decrease is not reflected overall. Requests for Stage 2 Reviews have increased by 39% in comparison with the previous reporting period. The number of complainants approaching the Local Government and Social Care Ombudsman has also risen by 53%.

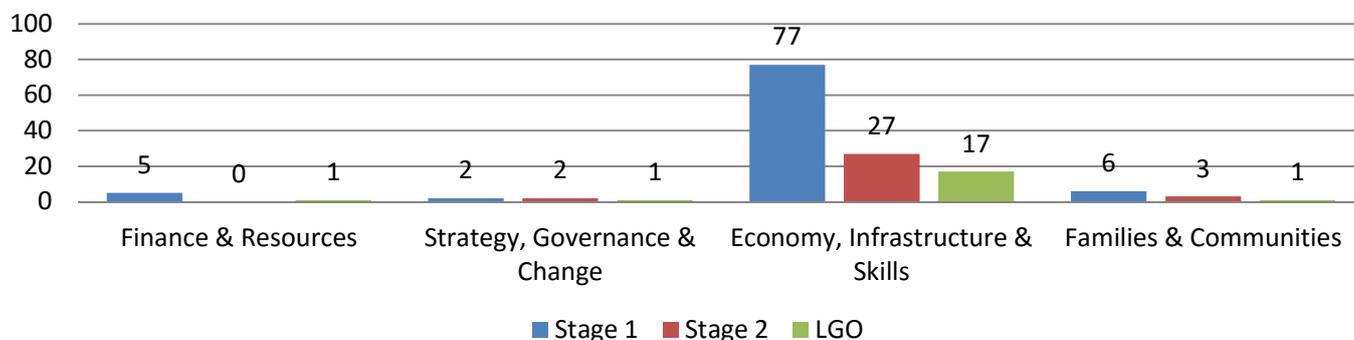
Informal Resolution

Wherever possible, the Council will seek to resolve complaints without the need to escalate into the formal complaints procedure and as explained at the beginning of the report, an Informal Resolution process is operated in order to try and resolve complaints quickly. Often, an explanation from a service area can resolve residents' concerns without the need to enter into a formal process.

However during 2016-17 there have been cases whereby Informal Resolution has not been successful and the formal complaints process has been initiated. 33% of Stage 1 Local Resolution complaints were referred to the Complaints Team by the Contact Centre for handling under the formal complaints process.

Complaints by Service

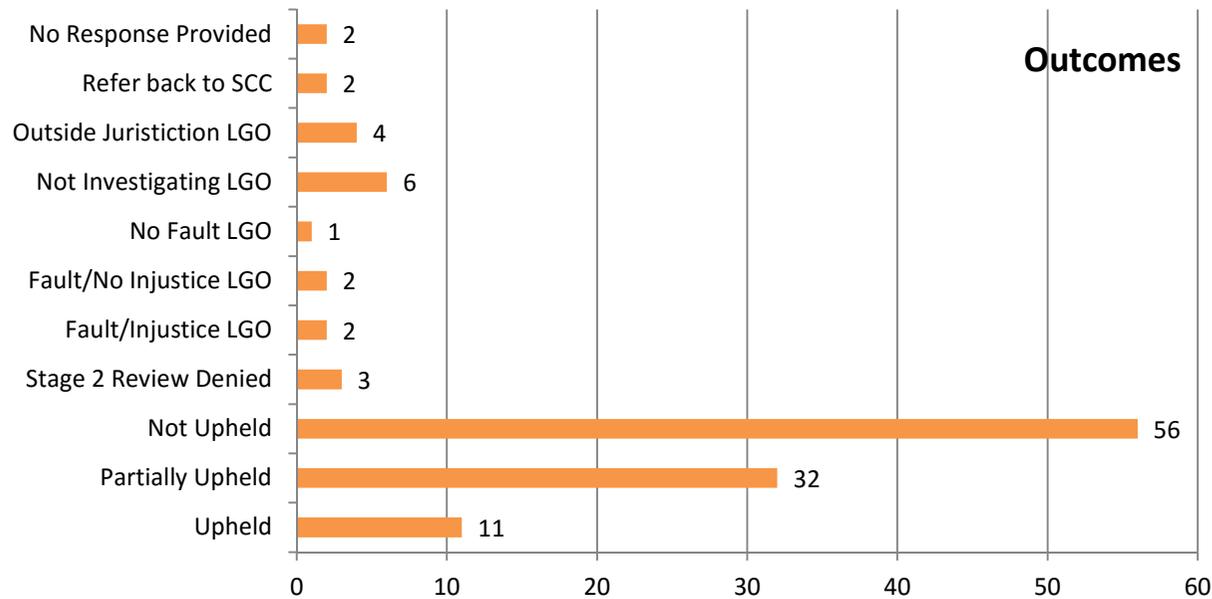
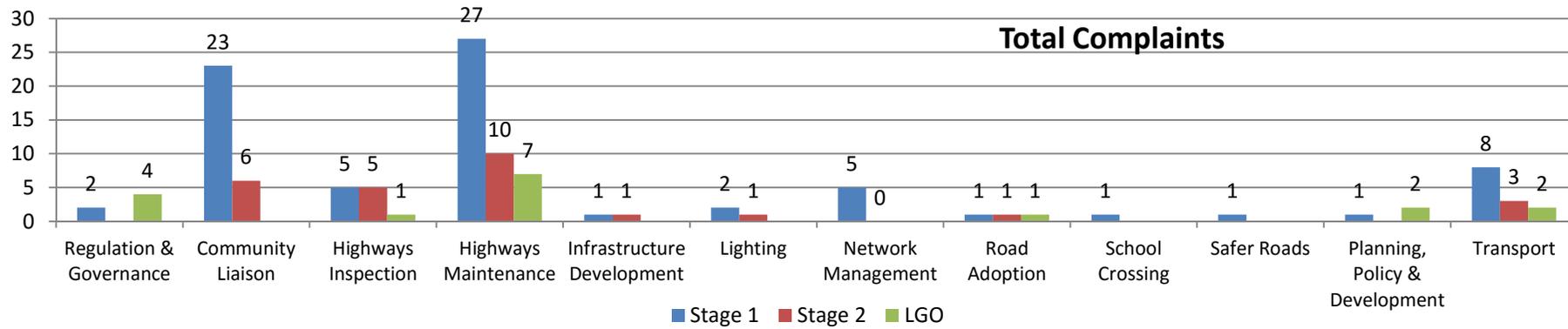
The following chart provides data on the number of complaints and Local Government Ombudsman contacts.



Economy, Infrastructure and Skills provides significant service provision to the residents of Staffordshire, such as Highways and Transport. This will therefore account for the high volume of complaints in comparison with other services within the Council.

Economy, Infrastructure and Skills

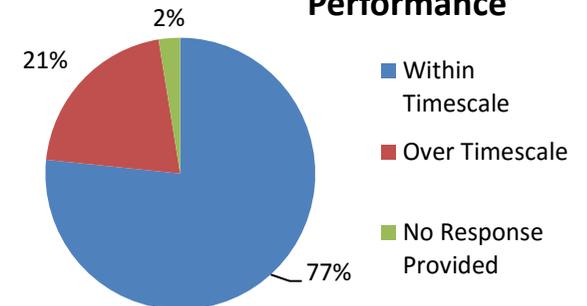
Complaint Activity 2016-17



Reasons for Complaint

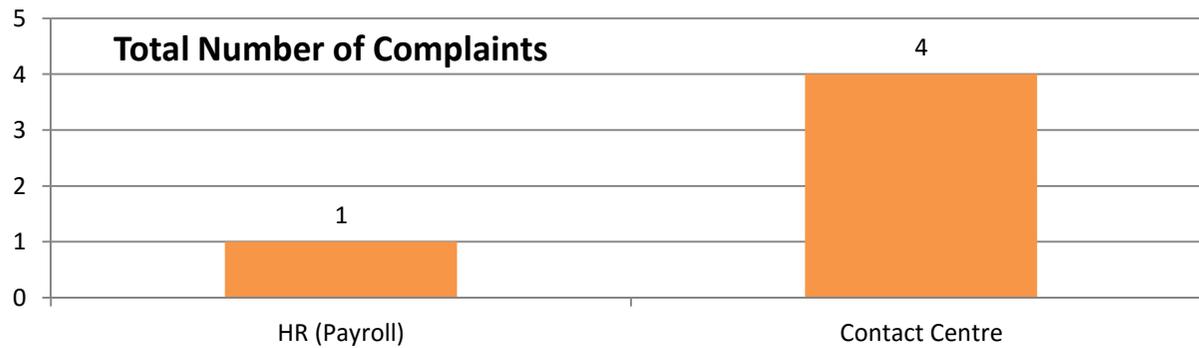
Service Not Provided
Quality of Service
Disagreement with Council Action or Decision
Poor or Lack of Communication

Performance



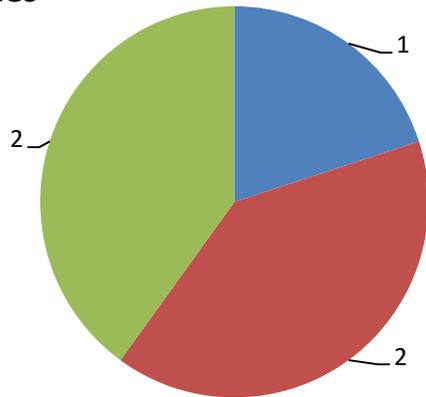
Finance and Resources

Complaint Activity 2016-17

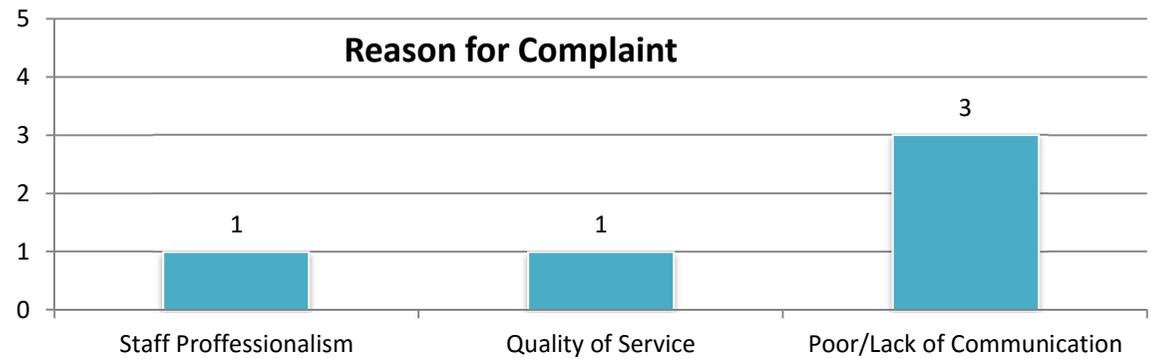


Finance and Resources received no Stage 2 Review requests and no Local Government Ombudsman enquiries or investigations during 2016-17

Outcomes



■ Not Upheld ■ Partially Upheld ■ Upheld

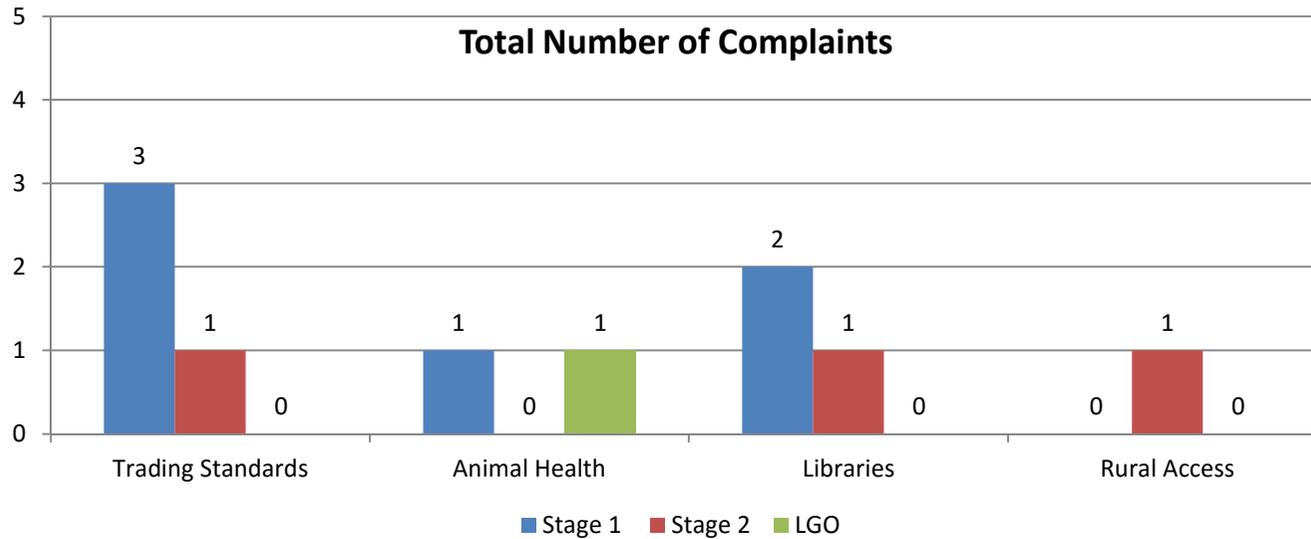


Performance

All complaints were responded to within timescale

Families and Communities

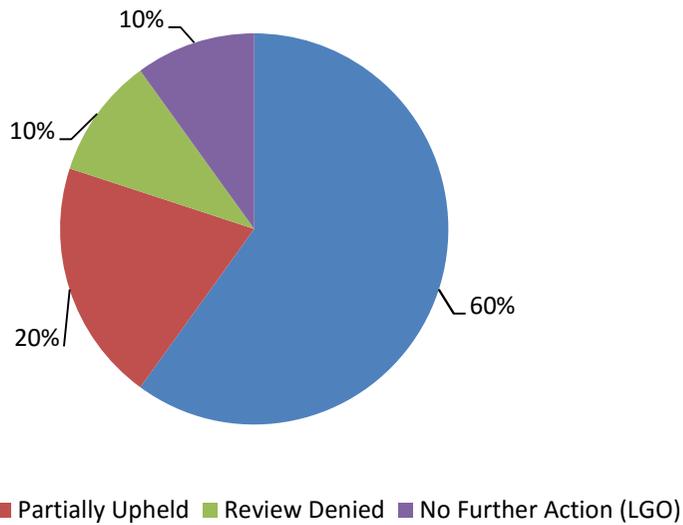
Complaint Activity 2016-17



Reasons for Complaint

- Staff Professionalism
- Quality of Service
- Disagreement with Council Decision
- Service Not Provided

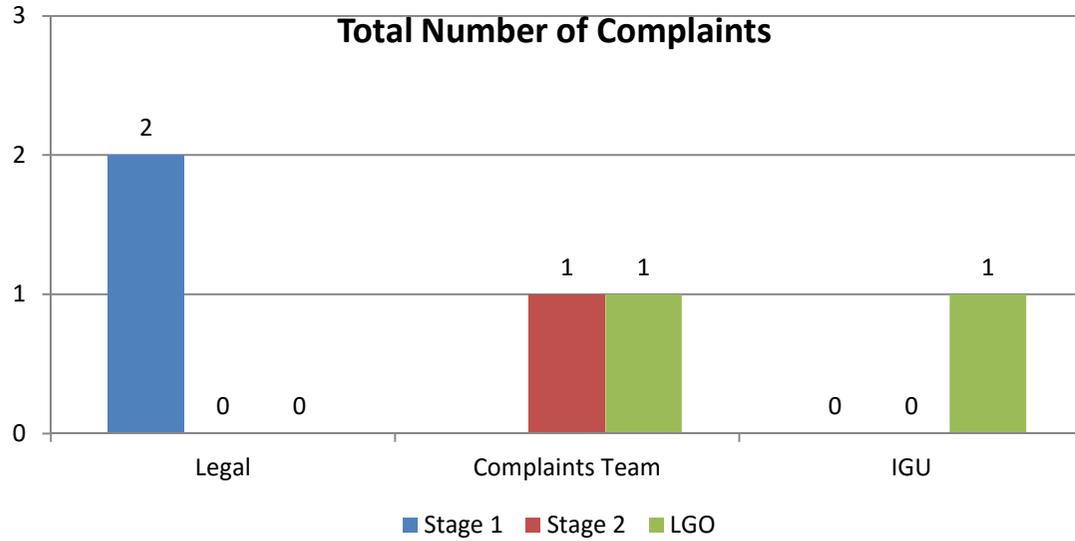
Outcomes



Performance

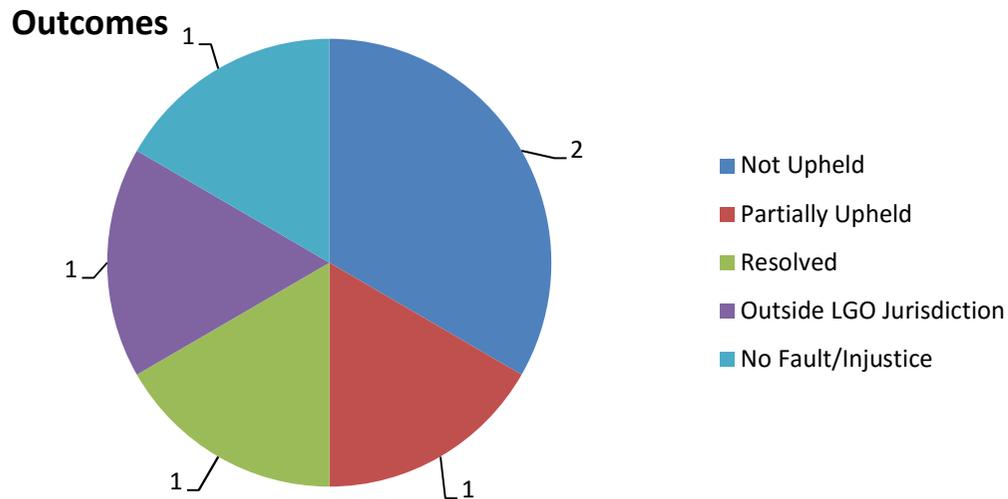
All complaints were responded to within timescale

Strategy, Governance and Change



Reasons for Complaint

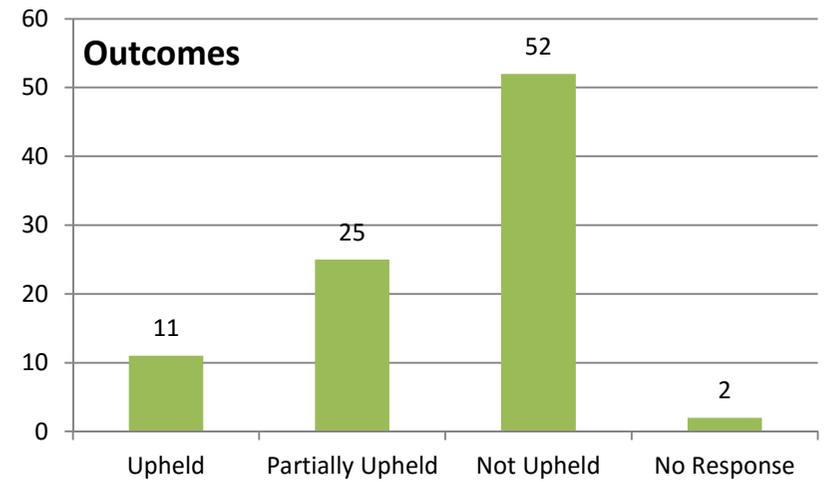
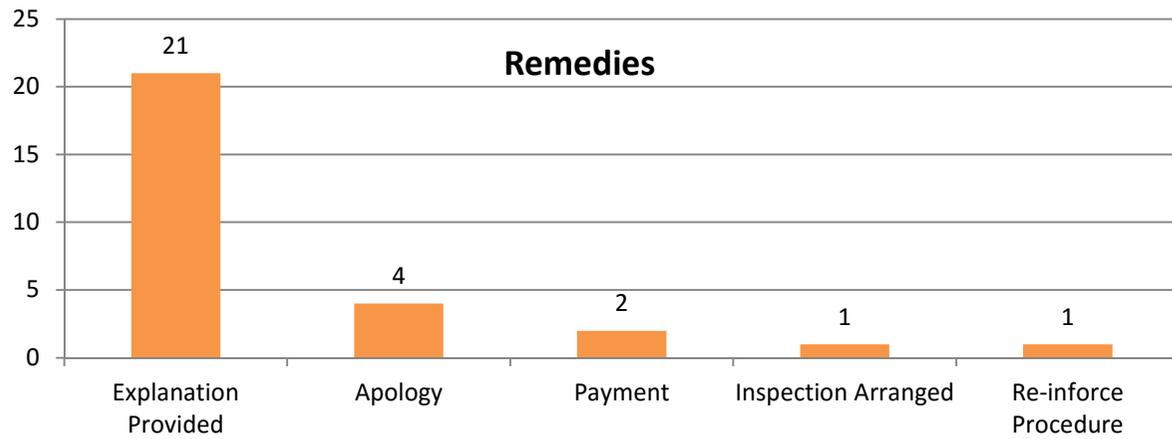
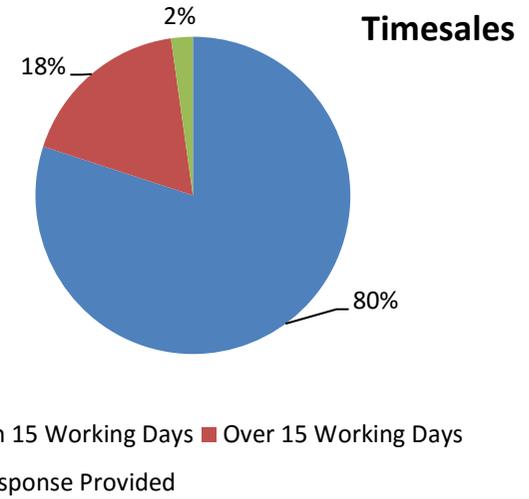
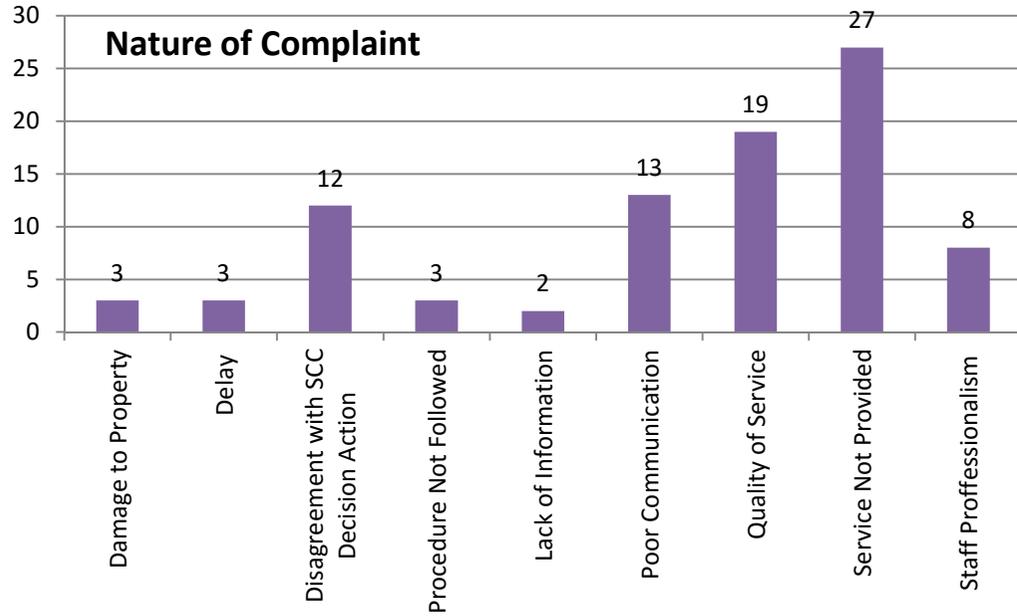
Quality of Service
 Failure to Follow Procedure/Policy
 Service Not Provided



Performance

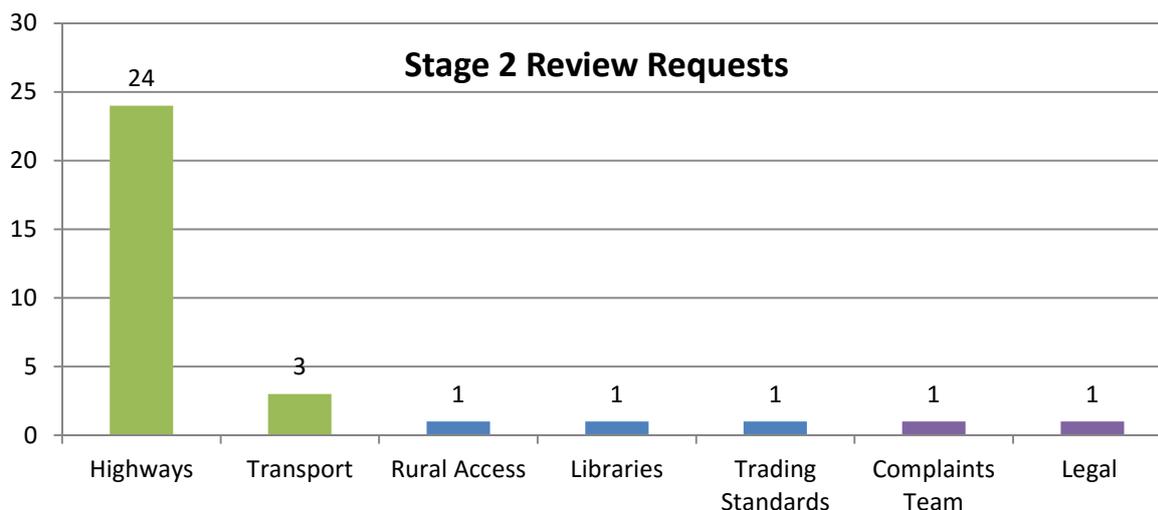
All complaints were responded to within timescale

Overview of Stage I Local Resolution Performance



Stage 2 Reviews:

There have been 32 requests for Stage 2 Reviews during 2016-17. These have been in relation to the following services:



Service	Nature of Complaint	Previous Stage 1	Outcome
Highways Community Liaison	Disagreement with Council Decision/Action	Yes	Not Upheld
Highways Maintenance	Service Not Provided	Yes	Not Upheld
Highways Maintenance	Service Not Provided	Yes	Partially Upheld
Highways inspection	Quality of Service	Yes	Upheld
Highways Maintenance	Quality of Service	Yes	Not Upheld
Highways Community Liaison	Service Not Provided	Yes	Partially Upheld
Highways Inspection	Disagreement with Council Decision/Action	Yes	Not Upheld
Highways Inspection	Failure to Follow Policy/Procedure	Yes	Upheld
Highways Maintenance	Service Not Provided	Yes	Partially Upheld
Highways Maintenance	Quality of Service	Yes	Not upheld
Highways Lighting	Disagreement with Council Decision/Action	Yes	Review Denied
Highways Community Liaison	Service Not Provided	Yes	Partially Upheld
Highways Maintenance	Staff Professionalism	Yes	Partially Upheld
Highways Community Liaison	Poor/Lack of Communication	Yes	Not Upheld
Highways Community Liaison	Disagreement with Council decision/Action	No	Not Upheld
Highways Inspection	Service Not Provided	Yes	Not Upheld
Highways Maintenance	Service Not Provided	Yes	Partially Upheld
Highways Community Liaison	Disagreement with Council Decision/Action	Yes	Not Upheld
Highways Inspection	Quality of Service	Yes	Partially Upheld
Highways Infrastructure Development	Disagreement with Council Decision/Action	Yes	Not Upheld
Highways Road Adoptions	Disagreement with Council Decision/Action	Yes	Review Denied
Highways Maintenance	Service Not Provided	Yes	Partially Upheld
Highways Maintenance	Service Not Provided	Yes	Partially Upheld
Highways Maintenance	Service Not Provided	Yes	Not Upheld
Transport - SEND	Quality of Service	Yes	Not Upheld
Transport - SEND	Disagreement with Council Decision/Action	Yes	Partially Upheld
Transport - SEND	Quality of Service	Yes	Review Denied
Complaints Team	Quality of Service	No	Partially Upheld
Legal	Failure to Follow Policy/Procedure	Yes	Alternative
Rural Access	Disagreement with Council Decision/Action	Yes	Not Upheld
Trading Standards	Quality of Service	Yes	Review Denied
Libraries	Staff Professionalism	Yes	Partially Upheld

Key Themes:

The table below provides data comparison with the previous reporting year.

	2016-17	2015-16	
Total number of Stage 2 Review Requests received	32	22	Increase
Complainants who had a Stage 1 Local Resolution complaint that requested further consideration under Stage 2 Review	36%	11%	Increase
Requests for Stage 2 Review Granted	85%	69%	Increase
Requests for Stage 2 Review Refused	13%	32%	Decrease
Stage 2 Review - Upheld	8%	20%	Decrease
Stage 2 Review – Partially Upheld	45%	20%	Increase
Stage 2 Review – Not Upheld	49%	53%	Decrease

Local Government and Social Care Ombudsman:

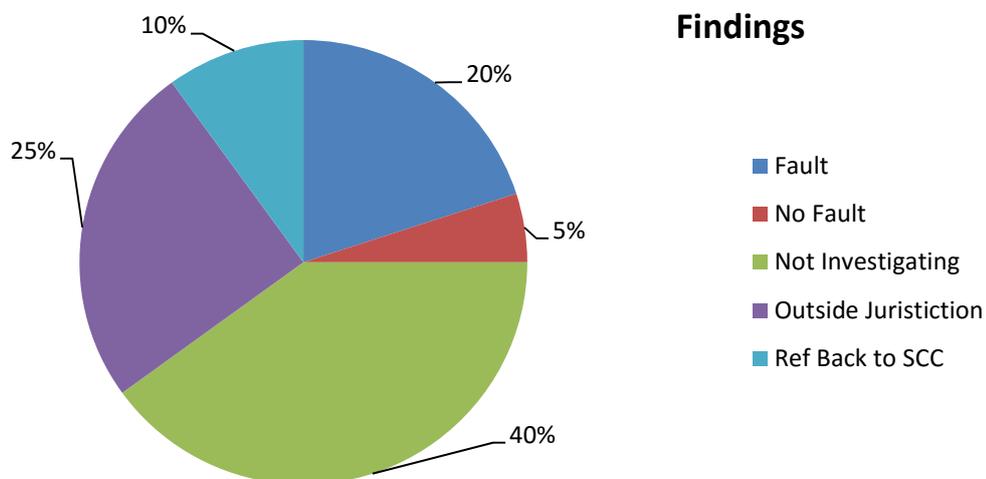
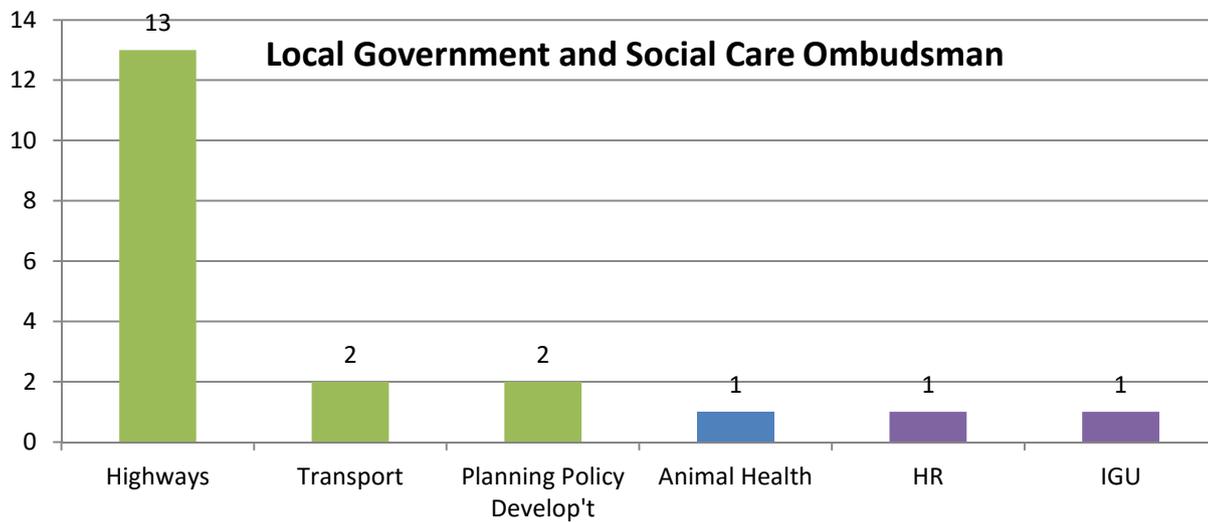
The Ombudsman investigates complaints about the actions taken by or on behalf of a council or authority. The service is independent, free and impartial. The Local Government Act gives the Ombudsman the powers of the High Court to require the production of evidence or witnesses.

The main statutory functions for the Ombudsman are:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009)
- to provide advice and guidance on good administrative practice.

When investigating a complaint, the Ombudsman will look at whether there has been evidence of fault by the council and any injustice caused to the complainant. Following this the Ombudsman will recommend a proportionate appropriate and reasonable remedy to the complaint.

Service	Nature of Complaint	Previous Complaint	Outcome
Highways Maintenance	Disagreement with Council Decision/Action	No	Not Investigating
Highways Community Liaison	Disagreement with Council Decision/Action	Yes	Not Investigating
Highways Maintenance	Service Not Provided	Yes	Not Investigating
Highways Maintenance	Service Not Provided	Yes	Not Investigating
Information Governance	Failure to Follow Procedure	No	Outside Jurisdiction
Highways Maintenance	Disagreement with Council Decision/Action	No	Not Investigating
Highways Maintenance	Disagreement with Council Decision/Action	No	Outside Jurisdiction
HR	Disagreement with Council Decision/Action	No	Outside Jurisdiction
Highways Rights of way	Service Not Provided	No	Not Investigating
Highways Maintenance	Service Not Provided	Yes	Fault Identified
Highways Community Liaison	Service Not Provided	No	Ref Back to SCC
Highways Maintenance	Disagreement with Council Decision/Action	No	Not Investigating
Transport – SEND	Disagreement with Council Decision/Action	Yes	Fault Identified
Transport – SEND	Disagreement with Council Decision/Action	Yes	Fault Identified
Planning, Policy & Devel't	Disagreement with Council Decision/Action	Yes	No Fault
Highways Community Liaison	Service Not Provided	Yes	Fault
Highways Maintenance	Service Not Provided	No	Ref back to SCC
Highways Maintenance	Service Not Provided	No	Not Investigating
Highways Road Adoption	Disagreement with Council Decision/Action	Yes	Not Investigating
Animal Health	Disagreement with Council Decision/Action	No	Not Investigating



Fault Identified:

- Failure to refer a report of a flooded rural road for an urgent technical review
- Failure to inform inspector/workman investigating the cause of the flooding that the complainant had decided to ban any council workmen from entering his land
- Failure to ensure that the driver and escort introduced themselves before the new travel arrangement began
- Failure to communicate adequately with complainant either before or after the alleged safeguarding incident, failing to appreciate their understandable concerns
- Failed to investigate the incident adequately
- Failure to rectify a faulty drain outside the complainants property quickly enough
- Did not process the complainants insurance claim in a timely manner

Remedies:

- Apology to complainant
- Payment to complainant in recognition of distress and inconvenience
 - X1 £100
 - X1 £100
 - X1 £250
- Review of procedures to ensure more effective communication between the Council and its external contractors

Reasons for Not Investigating:

On occasion, the Ombudsman may receive a complaint that it will not investigate. Reasons for this can be as follows:

- Alternative legal remedy
- Insufficient fault of justice
- Complaint referred to the Ombudsman over one year after the incident subject of the complaint occurred

Learning from Complaints:

All complaint notifications to Investigating Officers include a Learning Action Plan Template. Officers are encouraged to document any identified learning from complaints in order that this information can be used to improve existing practices. Examples of the different types of learning are provided below:

- Update the Report It tool commentary to include some additional information about logging multiple repairs in order to make it clearer for future reports
- Re-training for Customer Services Advisors on how to appropriately deal with and respond to emails regarding highways issues
- That any instructions for scheduled works clearly advise the Neighbourhood Highways team of the location of private land near to the location of where works are to be undertaken
- That Neighbourhood Highways Teams are aware of local information relating to the location of private land in proximity to areas where works are to be undertaken
- That, if in doubt of the classification of land, the Neighbourhood Highways Teams contact the Highways Department for clarity and for clear direction to be provided to them
- That enquiries of a serious nature are not responded to via CONFIRM and that every effort is made to contact the customer directly and in a timely manner
- Offer extra training to staff members to ensure that calls are dealt with appropriately
- Update scheme signage to reflect revised road opening date
- All hand delivered letters are to be passed to the Contact Centre to be logged onto CONFIRM prior to sending to Network Management
- Share details of complaint at next Community Liaison Managers monthly meeting with a view to seek ways to improve communication with residents
- Refine internal processes to improve the way in which enquiries are dealt with
- Guidance to be provided to Inspectors regarding when it is appropriate to re-inspect a defect, when it is necessary to seek further advice from the Technical reviewing Officer and how reports should be recorded on CONFIRM so that the customer can be provided with an accurate update
- Additional resources provided to manage highways claims
- A policy on mobile phone usage in libraries to be introduced and customers to be made aware of this policy through polite notices/ posters
- As part of their induction all new staff to be informed of the procedures for handling customer confidential documentation

Comment:

Channels:

Digital remains a key corporate priority for the Council and the majority of complaints are received either by email, via the on-line form or by telephone. Due to the continued reduction in uptake, the decision has been made to discontinue the production of complaints forms. Information for residents about how to make a complaint will be available on the Council's website.

Nature of Complaint:

The primary cause of complaints is recorded each time a complaint is entered into the Corporate Complaints Procedure. This is in order to provide the organisation with an understanding of where it needs to target improvement.

Service related issues remain consistent with previous years nature of complaint Where a complaint has found to be upheld, service areas are encouraged to reflect on why the complaint occurred and what measures can be put in place to prevent further re-occurrence, if this is possible. In instances where it is not possible to uphold a complaint about a service not being provided, it is the expectation that the response to the complaint will clearly explain why it has not been possible to achieve service delivery.

Timescales:

80% of complainants received a response to their complaint within the corporate timescale of 15 working days. On occasion it is not possible for the Council to provide a full response within 15 working days and allocated investigating officers are expected to contact the complainant to agree an extension to the investigation.

Outcomes and Remedies:

In line with the Ombudsman's principle that complaints are a valuable source of learning for authorities, the Customer Feedback and Complaints Team place great emphasis on what improvements to a service or practice have been identified as part of a complaint investigation. It is expected that following an investigation the service informs the complainant of any improvements that have been put in place as a result of the complaint. As part of our recording and monitoring process, the Customer Feedback and Complaints Team ask that the service complete a Learning Action Plan detailing any relevant actions arising from the complaint.

58% of Stage 1 Local Resolution complaints were Not Upheld which is a slight increase on the previous reporting period. 12% of complaints were found to be Upheld. The majority of Stage 1 investigations provided an explanation to the complainant in order to remedy the complaint. Often a clear explanation on why or how a decision has been made is sufficient to resolve a formal complaint. Learning actions from complaint investigations are documented in this report.

Stage 2 Reviews:

Complaint numbers can often fluctuate and it can be difficult to anticipate the volume of complaints that the Council may receive. In addition it can be hard to gauge the level of satisfaction of the complainant following receipt of a complaint response as this is down to the individual.

There has been a significant increase in the number of requests for a Stage 2 Review during 2016-17 in comparison with 2015-16. During the previous reporting period 11% of complainants were dissatisfied with the outcome of the Stage 1 complaint and requested a further review. This year this has increased to 36% of complainants with 85% of requests received being granted. When assessed against the actual numbers of Stage 1 complaints received - 215 in 2015-16 and 90 during 16-17, the relevance of this increase can be seen in its full context.

Complainants are required to state their reasons for continued dissatisfaction and a Stage 2 Review will not normally be considered based solely on the complainants disagreement with the outcome of the Stage 1 or in circumstances whereby they have not provided any substantive reason or information to dispute it. The increase during 2016-17 has identified the need for the Complaints Team to review the reasons provided by complainants for further escalation of their complaint and assess whether there are any improvements that can be made to complaints handling at Stage 1.

Local Government and Social Care Ombudsman:

The Council has received 20 contacts from the Ombudsman's office during 2016-17. This is an increase from the previous reporting year which recorded 13 contacts. 2015-16 saw four Ombudsman investigations with no fault identified at the conclusion of the investigation. Five of the 20 contacts during 2016-17 resulted in an Ombudsman investigation with four of these investigations identifying fault as detailed previously in this report. The Council has accepted the findings of the Ombudsman's investigations and has complied with all recommendations.

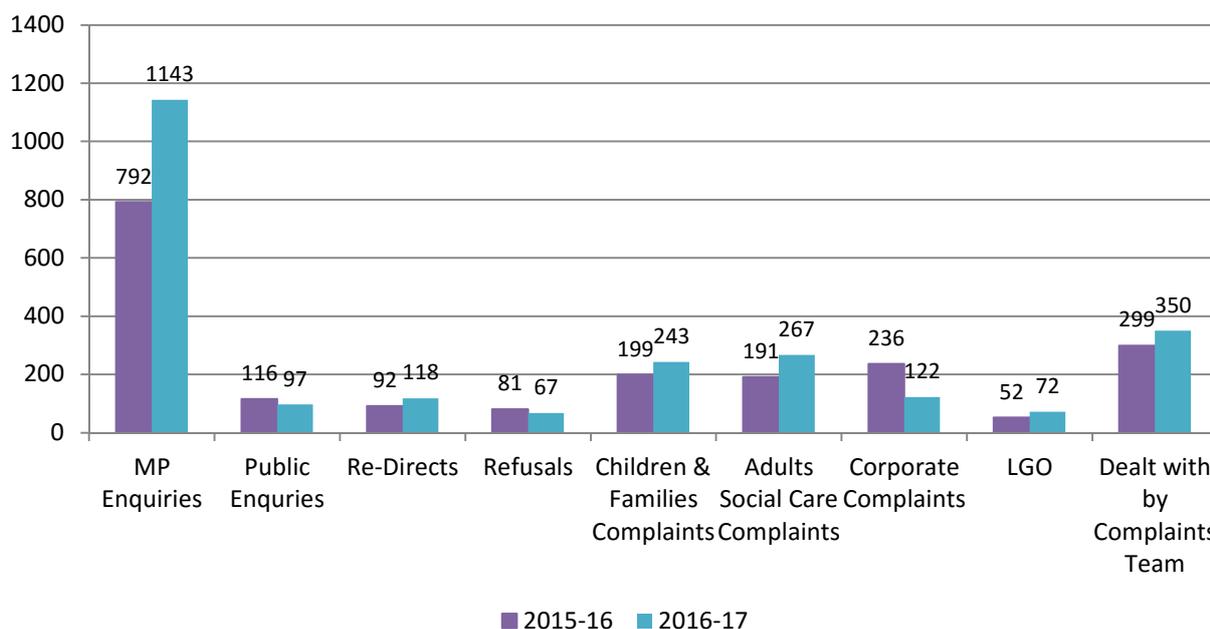
The Complaints Team:

The Complaints Team is responsible for managing the following processes:

- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
- The Children Act 1989 Representation Procedure (England) Regulations 2006
- The Corporate Complaints Procedure
- MP and Public Enquiries to the Chief Executive and Senior Leadership Team
- School Appeals Administration procedure

As a central function of the Council, the team deals with a wide range of matters that often do not fall within the above processes or procedures. It is the aim of the team to resolve these types of queries as soon as possible usually by providing resolution or by signposting to an alternative route.

The table below provides data in respect of some of the types of matters that the team handle.



Priorities for 2017-18

- Build resilience within the complaints function to continue to absorb potential increases in complaints across all procedures
- Become more digital
- Look at opportunities to improve the way in which the Council can respond to and learn from complaints
- Raise the profile of complaints within the organisation
- Review of internal team processes to ensure that they appropriately support the complaints function