



Audit & Governance Committee
27 September 2018

ANNUAL COMPLAINTS PERFORMANCE REPORT

Purpose of the report:

The purpose of this report is to give the Audit & Governance Committee an overview of the Council's complaint handling performance in 2017/18 and to demonstrate how feedback from customers has been used to improve services.

Recommendations:

It is recommended that the Audit & Governance Committee note the Council's complaint handling performance in 2017/18 and how feedback from customers has been used to improve services.

Introduction:

1. The Council has three complaints procedures, one for Children, Schools and Families (now Children, Families and Learning), one for Adult Social Care and one for all other council services. The procedures for dealing with complaints about children's and adult's social work services are set out in statute. The corporate complaints procedure (covering all other council services) is based on best practice. This report gives an overview of complaint management for all three procedures.
2. Adult Social Care and Children Schools and Families produce separate annual reports where more detailed information and analysis about the types of complaints received and outcomes and improvement actions can be found.
3. The Local Government and Social Care Ombudsman (LGO) is the final point for complaints about councils and some other organisations providing local public services. Customers can refer their complaint to the LGO for external independent investigation if they remain unhappy; normally once they have completed the Council's complaints procedure.
4. This report also sets out LGO findings on complaints about Surrey County Council. The LGO's figures included in this report are based on those given in the LGO's Annual Review letter issued on 18 July 2018.

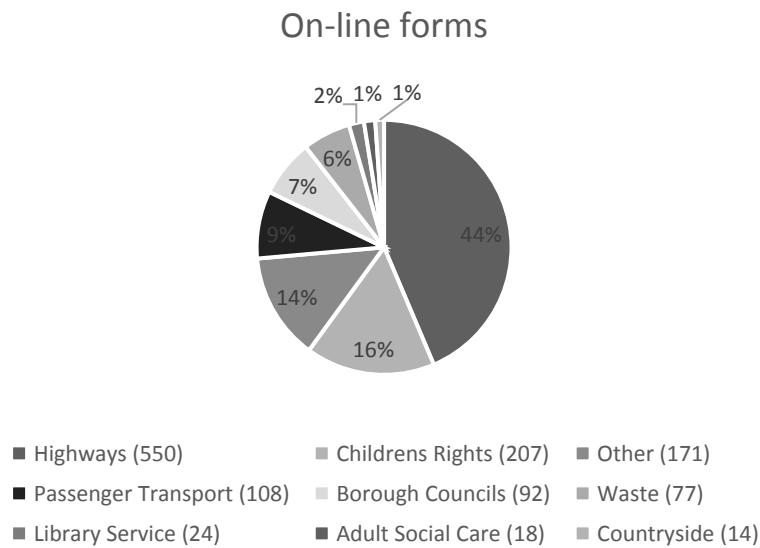
Background to complaints handling in Surrey County Council:

5. The Council recognises that effective complaint handling is critical to delivering good customer service and in keeping the Council's Customer Promise. As well as putting things right for the residents and customers, every complaint presents a potential opportunity to learn and improve and rebuild trust when things have gone wrong.
6. The volume of complaints does not in itself indicate quality of the Council's complaint handling performance. The Council encourages logging of complaints as it aims to be an open, learning organisation that encourages feedback. Low complaint volumes can be a sign that an organisation is not open to receiving feedback.
7. Escalation rates and uphold rates are a better measure of performance as these indicate where we have been unable to resolve complaints at service level and where fault has been found.
8. Where fault is found improvement actions are put in place to resolve the complaint for the customer and improve service. Specific examples are highlighted later in this report.
9. Even if a complaint is not upheld, there is always the opportunity to learn about why the customer has made a complaint, and a need to understand their motives and feelings.
10. Where there is an alternative route for resolution e.g. legal recourse or formal appeal, such matters are not handled under the complaints procedure. For example; data breaches, Special Educational Needs (SEN) tribunals and school transport appeals panel.
11. It is important to capture a balanced view of services and to recognise and learn from good service, which is why compliments and comments received by customers are also recorded and are referenced in this report.

Early intervention approach

12. In May 2017 the Corporate Customer Relations Team introduced a new focus on early intervention with a new on-line complaint form for customers. The Customer Relations Team triages all forms received through this channel and proactively works with services to prevent issues escalating into formal complaints in those cases where the required advice, information or preferred outcome can be provided quickly. **1261** customers have made use of this on-line option since its introduction.
13. Customer used these forms to feedback on a very wide range of subjects. The majority of customers used this option for highways issues (550), with the most frequent topics being potholes, followed by disruption on the highway network, and then parking problems. The next most frequent contact related to Children's Services (207), Passenger Transport (108), mainly concerning bus services and bus passes and Waste (77), mainly relating to community recycling centres. We also received a number of enquiries relating to services provided by district and borough councils, the majority relating to residential waste collection. Where appropriate, customers were signposted to those other authorities.

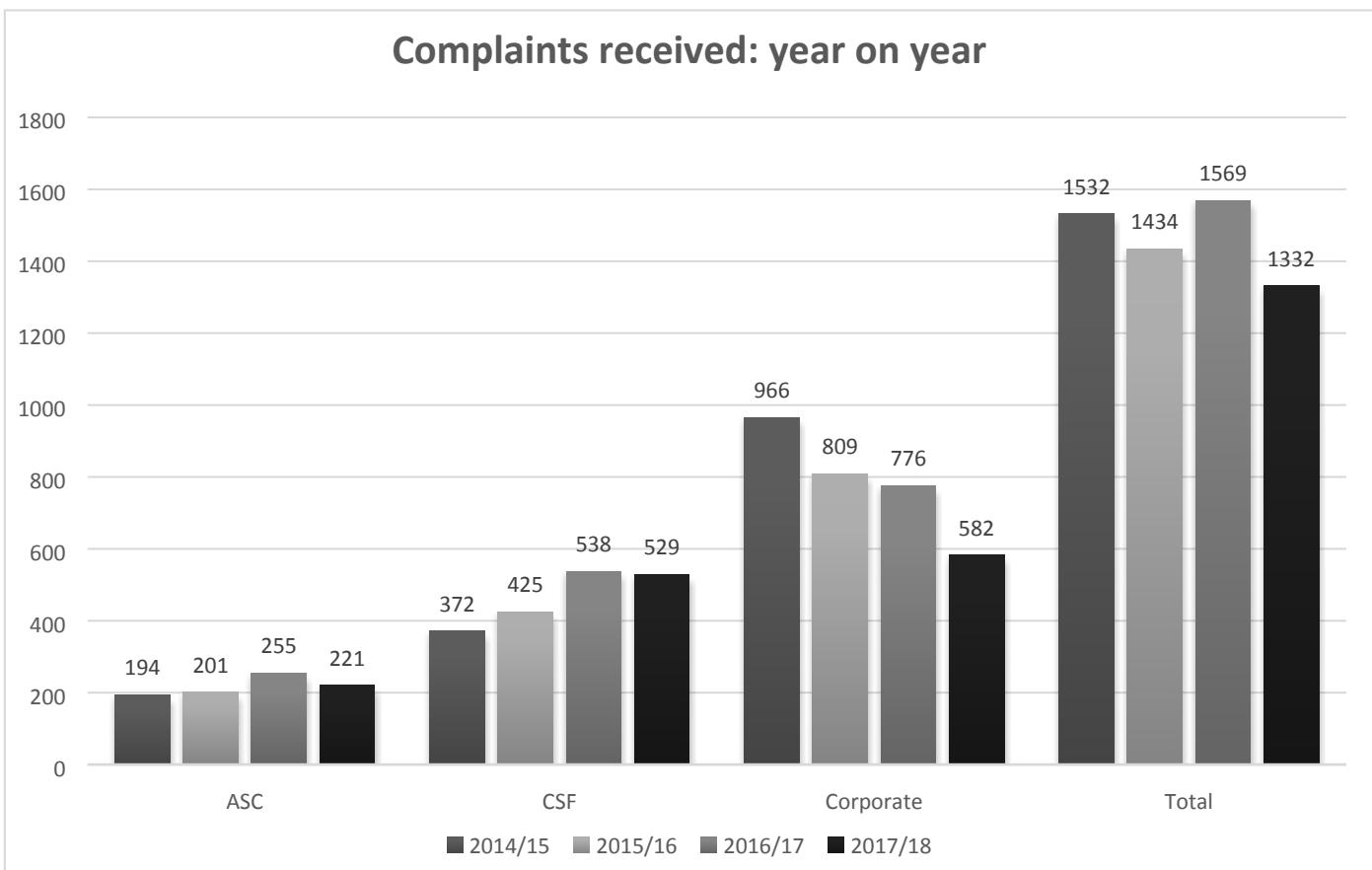
Figure 1: Online complaint forms



14. For services that come under the corporate complaints procedure, only **9%** of these online complaint enquiries were not resolved at first point of contact and then progressed through the complaints procedure.

Complaint handling performance in 2017/18:

15. During the year 2017/18, Surrey County Council received **1,332** complaints, a 15% decrease from the previous year (1,569). The reduction in corporate complaints suggests the early intervention approach has been successful in preventing the unnecessary escalation of complaints.

Figure 2: Total complaints received

16. The most popular subject of complaint for each of the complaints procedures are shown in Figure 3 below. Service specific delivery issues followed by lack of communication were the most frequent complaint categories.

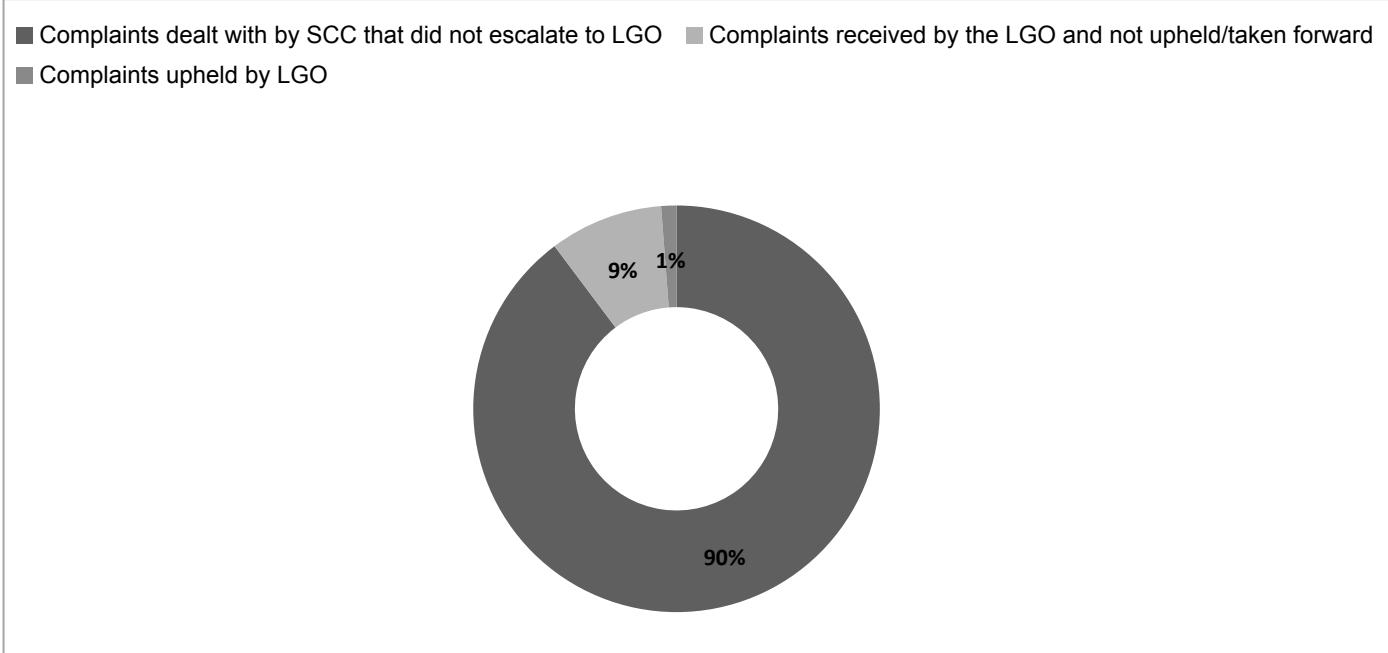
Figure 3: Complaint categories 2017/18

CORPORATE	CHILDREN, SCHOOLS & FAMILIES	ADULT SOCIAL CARE
Lack of contact	Unsatisfactory communication	Service delivery
Roadworks	LAC placed out of county and out of school-lack of education provision.	Decision making
General customer service issues	Disagreement with decisions against applications for decelerated schools admissions	Communication
Vegetation	Transport to and from school for children with Education, Health and Care Plans.	Staff behaviour
Utility Works	Disagreement with outcomes of ICPC	Fair treatment

17. Overall escalation to the LGO: the Ombudsman received 132 complaints and enquiries about Surrey County Council in 2017/18; an escalation rate of **10%**. This was an improvement from the previous year where the escalation rate was 12%. Of the complaints investigated by the Ombudsman, 18 were upheld (1.4%

of the total number of complaints received by the council). This suggests that, in the main, complaints are being handled well and that services are correctly following policies and procedures and providing explanations to customers where preferred outcomes cannot be delivered.

Figure 4: Escalation to the Ombudsman 2017/18



18. Where the Ombudsman has upheld a complaint, this indicates fault on the part of the council in delivering its services and can negatively impact the Council's reputation. It is important to learn from complaints upheld by the Ombudsman to identify what went wrong and to put in place measures to make sure a similar situation does not happen again.
19. A breakdown of complaints upheld by the Ombudsman can be found in Annex 1 and Annex 2 to this report; examples of upheld and not upheld complaints at Annex 3 and benchmarking of Ombudsman escalation rates with other similar county councils at Annex 4. The Ombudsman annual statistics are a good benchmarking tool as it is a consistent, independent measure for complaint escalation for all local authorities in England and the Ombudsman is the same final stage for all complaint procedures.

Complaint trends & performance:

20. A breakdown of complaints received by Surrey County Council and response times per service for 2017/18, compared to 2016/17, can be found in Annex 5 to this report. The following was noted:
 - 15% decrease in total number of complaints received
 - fewer complaints received by all services compared to 2016/17
21. Not surprisingly given the high demand on Surrey's roads, Environment & Infrastructure (now Highways, Transport & Environment) continued to receive the highest number of complaints. It should be highlighted that there has been a further decrease in the number of complaints received by Surrey Highways, reflecting the ongoing improvement work that has been undertaken including increased proactive messaging around highway works by the Works

Communication Team. When put in wider context, complaints about Highways accounted for just 0.4% of the total number of enquiries the service received over this reporting period. It should also be noted that the county suffered extreme weather conditions in the last quarter of the year but this did not appear to impact complaint numbers.

22. Despite the overall decrease in the total number of complaints, response times fell across the majority of services. This led to an average of 83% of complaints responded to within timescale across the three procedures, compared to 86% for 2016/17.
23. The complexities of complaints in Children's Social Care continue to impact on their ability to respond within the statutory timescales.
24. Where the council is found at fault, financial redress can be recommended where appropriate. All financial awards are approved by the relevant Head of Service and, if greater than £1,000, in consultation with the portfolio holder. The Ombudsman can also recommend financial redress if they find fault following an investigation.
25. There was an increase in the amount of financial redress paid in 2017/18 compared to 2016/17. This was due to a single payment in a Children's case of £20,600 recommended by the Ombudsman following investigation. Financial redress payments by year are shown in Figure 5.

Figure 5: Financial Redress year-on-year

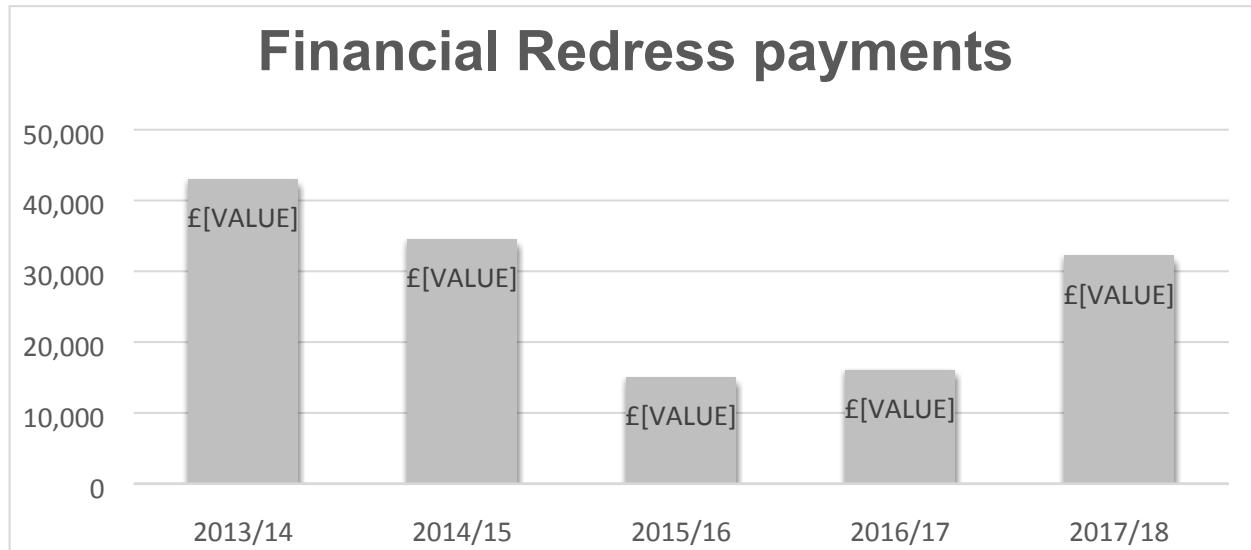


Figure 6: Financial redress breakdown 2017/18

COMPENSATION 2017/18	
Adult Social Care	£7,775
Children, Schools & Families	£24,320
Corporate	£129
Total	£32,224

26. The three highest payments were:

- £20,600.00 to compensate for failure to appropriately assess the impact of a young person's behaviour on other family members including siblings (fees and compensation for time, trouble and delay reimbursed)
- £3,275 Carers Direct Payment back pay to compensate for the failure to set up direct payments and to set out the outcomes of an assessment with the parent or to ensure that the parent received respite care as planned. Also lack of respite and sitting services because of a six month delay in assessing needs as a carer
- £1,750 to compensate for failure to act in a timely manner to support two customers during a safeguarding allegation and failure to pass on information about the customers' updated care plans.

Complaint Escalation:

27. We aim to resolve complaints satisfactorily at the earliest opportunity; however customers can escalate their complaint, both to the next stage of the council's complaints process (where this option applies) and to the LGO for external independent investigation. Escalation rates are a good indicator of how successfully complaints are being handled at point of service.
28. 17% of complaints (98) escalated to Stage 2 of the council's corporate complaints procedure in 2017/18; a 2% decrease from the previous year.
29. Escalation to Stage 2 within Children, Schools and Families dropped slightly to 3%.
30. Adult Social Care is required by statute to have a one stage complaint procedure. This unfortunately means that there is not the opportunity to compare escalation rates in Adult Social Care with Children, Schools and Families and corporate complaints.
31. As shown in Figure 4, the escalation rate to the Ombudsman was 10% and the uphold rate 1.4%. The three most common areas of complaint to the Ombudsman were Adult Social Care, Education and Children's Services and Highways & Transport.
32. It is not unusual to see a high number of complaints relating to Adult Social Care escalating to the LGO due to the single stage complaints procedure, which gives less opportunity for internal resolution.
33. Financial redress was recommended in 59% of cases upheld by the Ombudsman.

Learning from complaints:

34. Every complaint presents an opportunity to put things right for the complainant and also for the council to learn and improve. An individual complaint may result in a single action to put that situation right, or multiple complaints about the same issue could indicate a need to more widely review a process or how a particular service is delivered. Specific examples are given in Annex 6.

Compliments:

35. It is important to present a balanced view of services and recognise and learn from good service. Throughout the year Surrey residents and customers have taken the time to contact the council to compliment the standard of service they have received. In 2017/18 the council recorded **2664** compliments about its services; 167 for Children, Schools and Families; 847 for Adult Social Care and 1650 for all other council services. This meant that for 2017/18 the council received exactly double the number of compliments than complaints
36. We are working to ensure more consistency in recording of compliments e.g. through a standard definition. Children, Schools and Families in particular are looking at ways to ensure compliments are routinely logged when received. Extracts from compliments received are in Annex 7.
37. The council also recognises and celebrates those employees who deliver outstanding customer service through its Tower Awards scheme. This provides an opportunity for members of the public and colleagues to nominate council staff who have given exceptional customer service. In 2017/18 we issued 22 Tower Awards to staff across a range of services, including Social Care, Fire & Rescue, Libraries and Highways.

Conclusions:

38. What are we doing well?
 - a) Providing ‘soft skills’ training for staff to manage difficult conversations and customer complaints.
 - b) Taking the initiative within Adult Social Care to lead on joint complaints with our partner agencies. These are predominantly health providers in Surrey but also include other local authorities and charity sector organisations. Adult Social Care services has demonstrated its effectiveness in organising complex responses, setting timescales and ensuring complete and clear responses to customers.
 - c) Regular reporting on customer relations activity across the three areas to respective leadership and management teams. This has increased transparency and informed changes in service delivery.
 - d) Children’s Rights Service is working with colleagues in Healthwatch to identify common themes and trends to inform service delivery.
 - e) Providing high quality advice and support on general complaint handling across all three areas.
 - f) Focusing on early intervention – corporate Customer Relations team triaging online complaint enquiries to prevent unnecessary complaint escalation.
 - g) Providing proactive support to services in delivering difficult messages about service changes e.g. part night street lighting.
 - h) Giving guidance on the management of challenging behaviours to help with the delivery of unwelcome messages and to prevent relationships with customers deteriorating.
39. What do we need to continue to work on?
 - a) For Adult Social Care, an ongoing issue is access to information in the context of complaints. The initial position is normally to share information and

provide complete responses to complainants. In a small number of complaints, however, it has been necessary to restrict information to ensure the safeguarding and wellbeing of vulnerable adults. Due to the detail of some case files, the Customer Relations Team is working closely with the Adults Information Governance Team to ensure a proportionate and confidential service.

- b) Adult Social Care's direction of travel continues to include close working with the NHS. Mental health services are jointly delivered in partnership with Surrey and Borders Partnership NHS Trust. Adult Customer Relations also works closely with other health providers, including on joint investigations between the Local Government and Social Care Ombudsman and Parliamentary and Health Service Ombudsman.
- c) The Children's Rights Service is continuing to work with Children's Services to:
 - develop revisions to escalation processes for Child Protection and Looked After Children Reviews
 - assess complaints about breaches of confidentiality to demonstrate improved recording whilst reflecting a reduction in breaches
 - inform the new offer for Care Leavers
- d) The Corporate Customer Relations Team is continuing to work with the training team in Customer Services to develop high quality training on managing customer expectations, delivery of unwelcome messages and how to prevent relationships with customers deteriorating.
- e) A new electronic customer feedback system has been procured with the aim of making complaints management more efficient through increased automation and oversight, as well as to provide more sophisticated reporting and analysis to identify trends and opportunities to learn and improve. Implementation will take place in Q3 2018/19.

Financial and value for money implications

40. Payment of financial redress (as outlined in paragraphs 21 and 22 of this report and shown in Figure 5) is the financial implication of complaint handling. Responding to complaints quickly and getting issues resolved early ensures complaints do not escalate unnecessarily through the process and minimises the requirement to pay financial redress.

Equalities and Diversity Implications

41. Ensuring we maintain good complaint handling processes enables our service to remain accessible to all. We continually review ease of access to all three complaints procedures to ensure particular groups are not disadvantaged. Should an Equality and Diversity issue be identified through a complaint investigation, this will be addressed with the service concerned.

Risk Management Implications

42. The complaints process does not have any direct risk management implications; however complaints do carry a risk to the council's reputation if not handled appropriately. We routinely review and report on complaints data to ensure our processes are effective and to minimise any risk.

Next steps:

43. The Audit & Governance Committee to receive information on operation of the council's complaints procedures on an annual basis.
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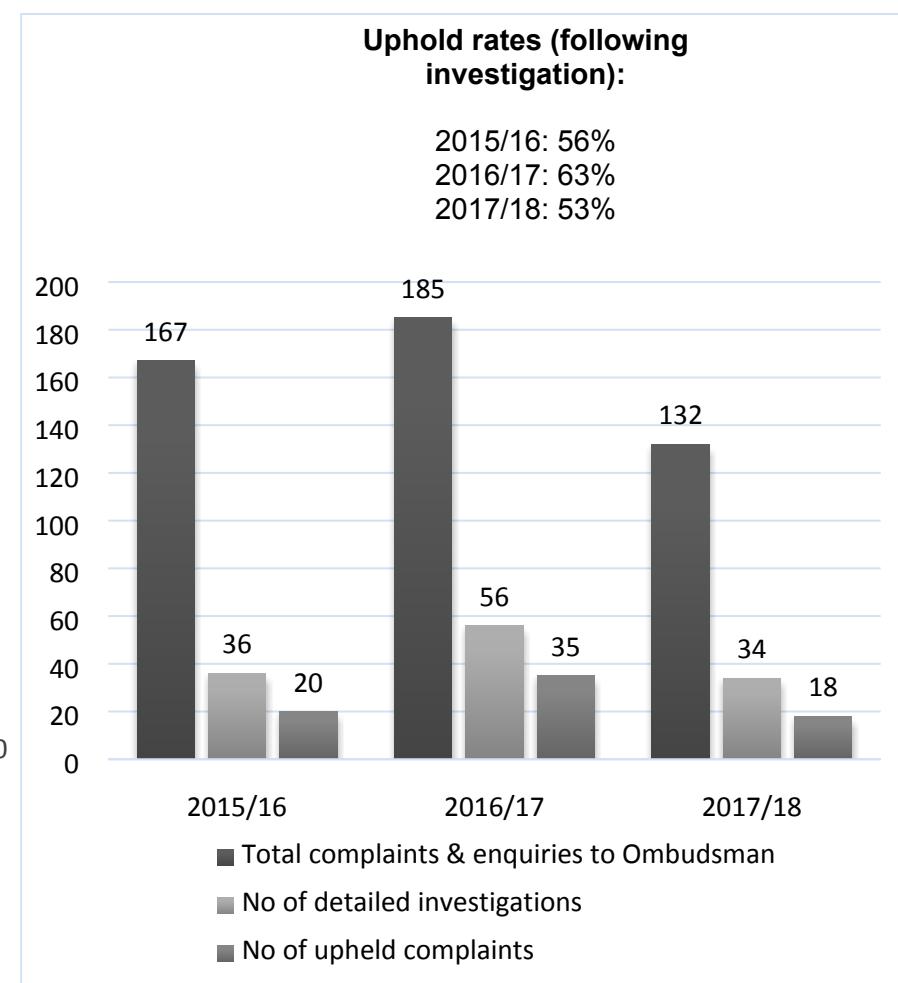
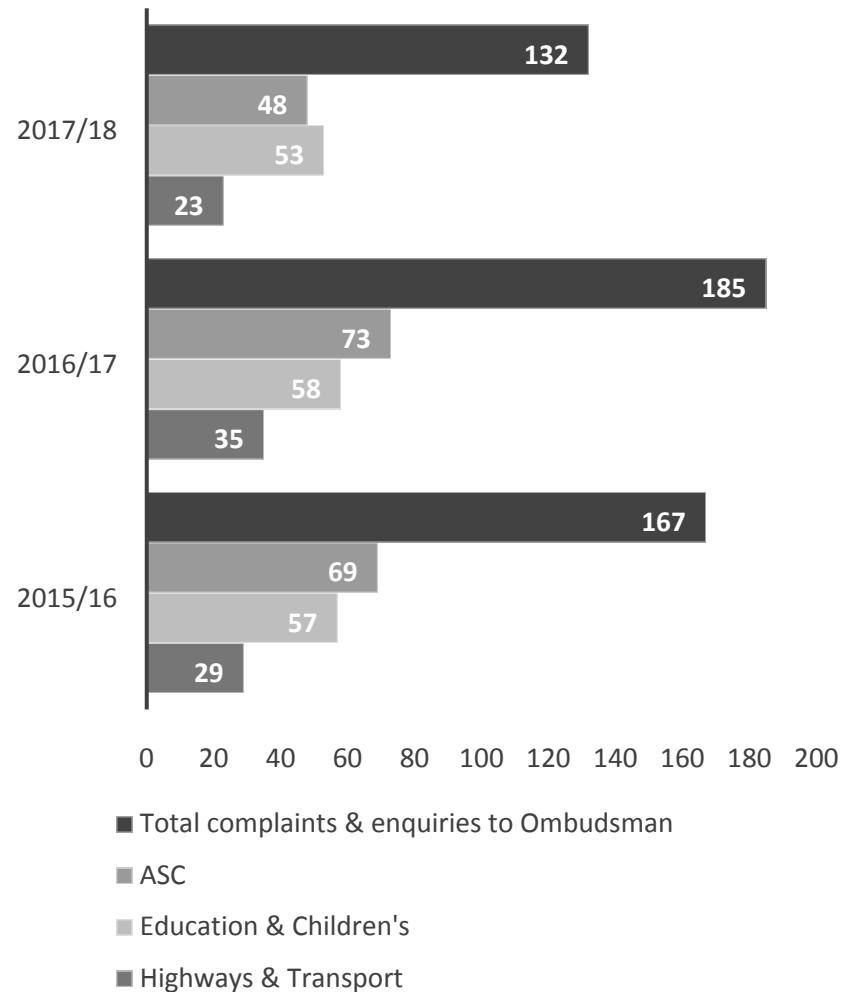
Annexes:

1. SCC Complaints escalated to LGO
2. SCC Complaints upheld by LGO
3. Example case studies of LGO decisions (upheld vs not upheld)
4. Benchmarking of LGO escalation rates
5. SCC complaint handling performance
6. Learning from Customer Feedback
7. Extracts of compliments

Sources/background papers:

- Surrey County Council complaints database, Adult Social Care Customer Relations Team, Children's Rights and Advocacy Team.
- Local Government & Social Care Ombudsman Annual Review Letter 2017/18 for Surrey County Council - available on their [website](#)
- Decision Notices available on LGO [website](#)

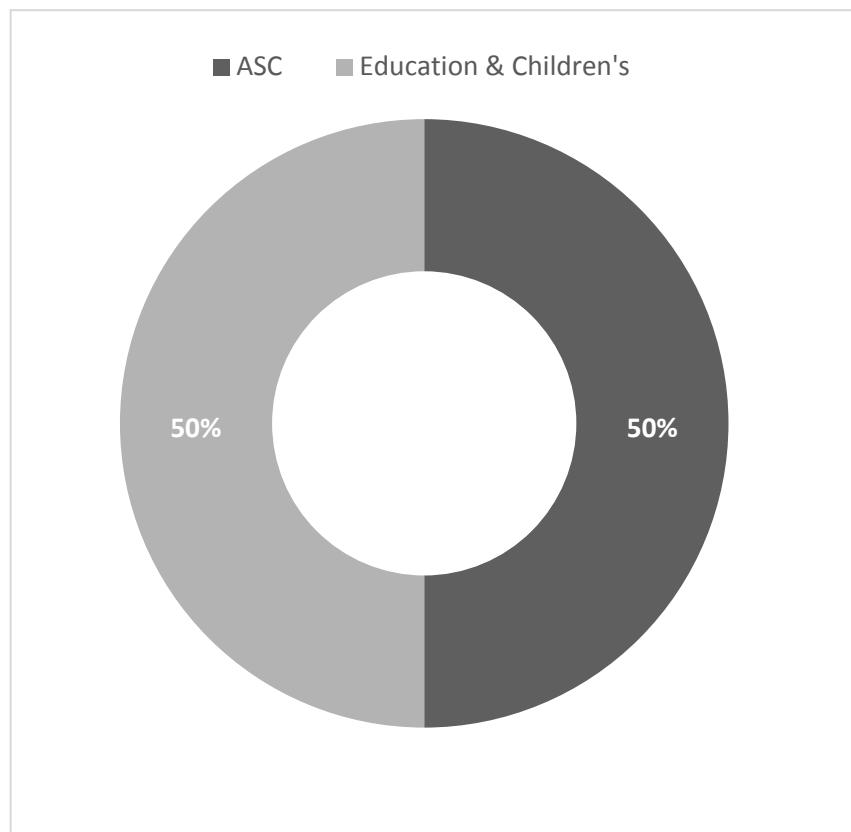
Annex 1: SCC complaints to Ombudsman 2017/18 – Top three complaint areas and number of detailed investigations/upholds



Annex 2: SCC Complaints upheld by the Ombudsman

Upheld: 18

9 for ASC and 9 for Children's



Key areas where the Ombudsman found fault:

ASC:

- Failure to properly deal with request for new residential care placement
- Direct payments
- Delay in assessment and providing social work support
- How Adult Safeguarding investigation was handled
- Lack of timely or accurate care assessment
- Inadequate response to adult safeguarding referral
- Failure to record details of meeting to update support plan
- How financial assessment towards care was carried out (value of property)
- Delay in providing information to home care provider

Education and Children's:

- Way in which changes to home to school travel arrangements were dealt with (x2)
- Fostering – did not follow process to assess children and carers to decide future of placement
- Stopping support in SEN statement / not ensuring support set out in statement / EHCP was delivered (x2)
- EHCP delays (x2)
- Failure to provide appropriate support to looked after child
- Inadequate response to child protection referral

Financial redress recommended in **59%** of upheld cases.

Annex 3: Example case studies of Local Government and Social Care Ombudsman decisions 2017/18 (upheld vs not upheld)

Adult Social Care: Upheld

15014503 - Mrs C entered residential care in May 2015. Mrs B's complaint centred on the Council's assessment that Mrs C should pay the full cost of that care for 13 weeks between August and November 2015. Mrs B argued the Council did not properly assess the value of Mrs C's share in a home they jointly own. The Ombudsman found that the Council was at fault for its valuation of a property held jointly by a mother and daughter, when the former entered residential care. This formed part of a financial assessment calculating what the mother needed to pay towards her care. The Council agreed to seek an independent valuation of the mother's share of the property (from August 2015) and, if necessary, re-calculate the financial assessment on receiving that valuation.

Adult Social Care: Not upheld

16019179 – Mr O complained about the Council for its failure to persuade the management of the care home in which his mother, Mrs P, was residing to readmit her after a stay in hospital. He said that the care home management dishonestly and wrongly refused to have her back when her underlying condition had not deteriorated since her annual assessment. The Ombudsman found that there was no evidence that a care home was at fault for refusing to readmit Mrs P following her discharge from hospital. The Council was not at fault for accepting the home's professional decision not to readmit her.

Education & Children's: Upheld

16018241 – Mr B complained that the Council did not act in line with statutory requirements when administering his son's Special Educational Needs (SEN) statement. Mr B complained to the Council in December 2016 (after complaining to his son's school) and the Council accepted that the school had not been complying with his son's statement, but did not enforce the issue. The Ombudsman found that the Council was at fault for not ensuring that his son was receiving the support set out in his SEN statement. Although the Council asked the school to conduct an emergency review, the Ombudsman stated that he had seen no evidence to suggest the Council took steps in the interim period to ensure that his son was receiving the required support. The Council agreed to investigate whether the school was currently providing the support it is required to under the terms of his SEN statement and to take appropriate actions based on its findings. The Council agreed to consider providing a further remedy to his son in consultation with him and his parents which could involve the provision of some form of activity which his son would enjoy and benefit from.

Education & Children's: Not upheld

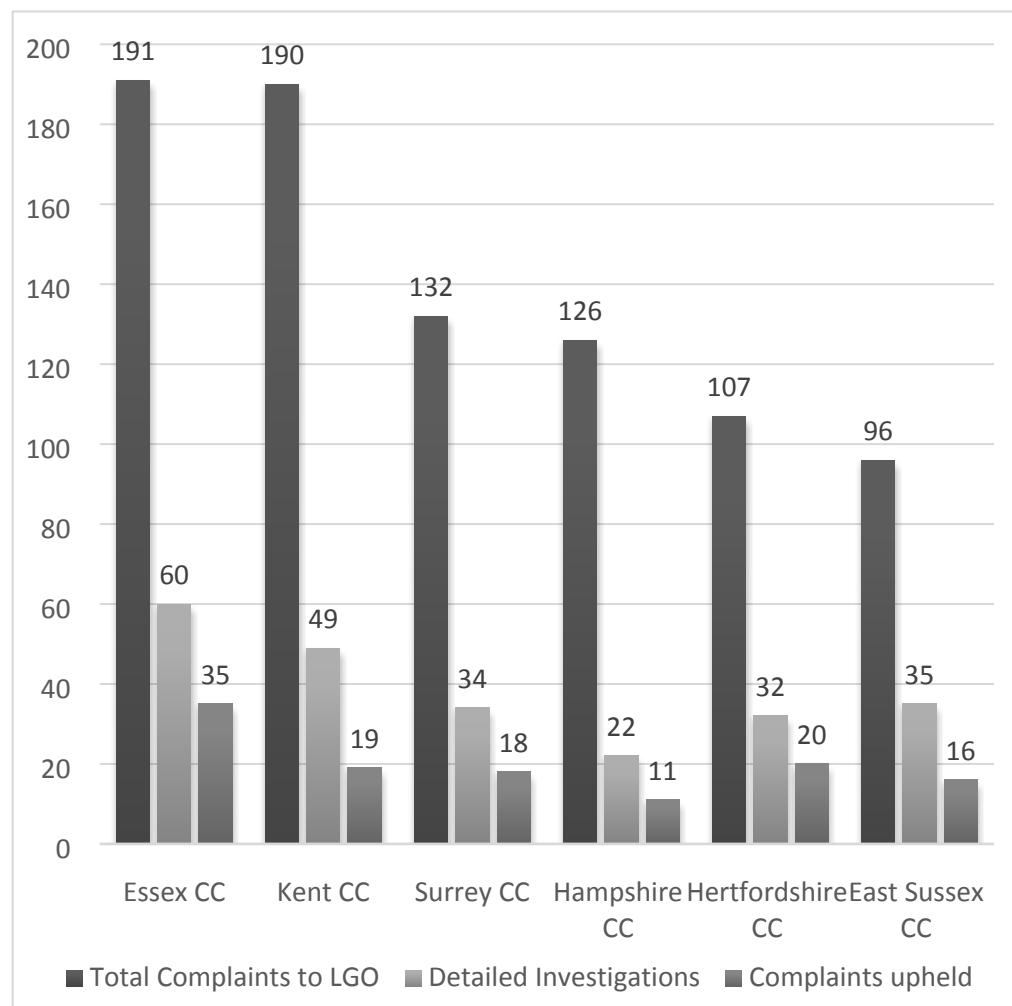
16013274 - Mr W complained that the Council failed to ensure his child X was properly supervised, cared for, and protected while in her mother's care; share information with him about his daughter's life and about their involvement; prevent social workers actively encouraging his alienation from his daughter; reasonably investigate his complaint. The Ombudsman found no fault about the way the Council dealt with X while in her mother's care or in their refusal to share information. There was no evidence social workers tried to alienate X from him. The Ombudsman found that, in these circumstances, it was not fault for the Council to refuse to investigate

his complaint as this was not in X's best interests.

Highways & Transport: not upheld

16 018 244 - The complainant said that the Council failed to properly assess and consult on how the increased traffic problems caused by expanding a nearby school would be managed. He said that the contractor and Council badly managed the construction and that the Council did not properly investigate his concerns. The Ombudsman found that there was no fault in the Council's consideration of, and consultation on, traffic management and highway safety about expanding a school. The Ombudsman found that the Council took appropriate steps to act on the complainant's concerns regarding construction.

Annex 4: Benchmarking of Ombudsman escalation rates



Points to note from Benchmarking:

- Despite second highest number of complaints to Ombudsman, Kent CC had lowest uphold rate (in this sample) at 39%
- Despite lowest population, East Sussex had highest number of Ombudsman complaints per 1,000 population (0.17); however minimal difference between all sample councils on this measure
- Top areas of complaint for county councils are: Adult Social Care, Education & Children's and Highways and Transport
- Education & Children's was the top area of complaint for Kent (99 complaints), Essex (73 complaints), Hampshire (61 complaints), Surrey (53 complaints) & Hertfordshire (47 complaints); the top subject of complaint for East Sussex was Adult Social Care (48 complaints)
- SCC had second lowest % of complaints progress to detailed investigation by the Ombudsman (25%)
- SCC's uphold rate of 53% was just above the average sample rate of 47%
- Where the Ombudsman proposed a remedy for upheld complaints, only two councils (Hertfordshire and East Sussex) resolved any complaints satisfactorily prior to Ombudsman involvement (1 complaint each) – minimal or nil performance on this measure for all sample councils

Annex 5: Complaint handling performance comparing 2016/17 and 2017/18

Area	Response target	2016/17			2017/18		
		Complaints received	Performance against response target	Escalation rate	Complaints received	Performance against response target	Escalation rate
Business Services	90% in 10 working days	43	95	19%	29	87%	17%
Chief Executive's/ Central Support		141	86		109	88%	
Customer & Communities		31	81		18	89%	
Environment & Infrastructure		561	91		426	87%	
Adult's Social Care	90% in 20 working days (or longer by agreement)	255	98	N/A	221	97%	N/A
Schools & Learning and Services to Young People	80% in 10 working days (extendable to 20 if necessary)	162	59% (within 10 working days) 85 % (within 20 working days)	4%	121	50% (within 10 working days) 75% (within 20 working days)	3%
Children's Social Care	80% in 10 working days (extendable to 20 if necessary)	376	42% (within 10 working days) 64% (within 20 working days)		408	38% (within 10 working days) 55% (within 20 working days)	
Total/ weighted average		1, 569	86%		1, 332	83%	

Annex 6: Examples of learning identified through feedback

1. **Customers said:** The Adult Social Care Directorate did not fully assess a service user's needs or revise their care plan with their agreement.
We did: All Directorate staff were reminded of the importance of including service users in decisions and that support plans should be sent to the service user and their representatives for agreement.
2. **Customers said:** A family member complained about the decision for a nursing home placement for her mother and how the decision was communicated to them.
We did: The Directorate recognised that this process had caused stress to the complainant and her mother. The Team Manager identified that in future staff should use telephone contact to discuss significant changes to people's living arrangements.
3. **Customers said:** Care leavers expressed difficulty in gaining support in returning to education.
We did: We took account of changes in regulations and revised our Care Leavers' offer.
4. **Customers said:** Decisions to change transport provision for children with SEND, not compliant with national guidelines.
We did: Reviewed and revised the Transport policy.
5. **Customers said:** Lack of information regarding implementation of part night lighting
We did: Worked with Highways to improve messaging on website and management of enquiries and appeals
6. **Customers said:** Lack of information regarding implementation of changes to Community Recycling Centres
We did: Worked with Waste to improve messaging on website and information for the Contact Centre in order to manage enquiries and reports

Annex 7: Extracts of compliments received

The Spelthorne Reablement Team have been a very good help to me after being in hospital. Everyone has been very pleasant, I always looked forward for them to come in to see me.

I would like the Head of these services to know of the first rate moral and practical support I have received from the care team (DACS) on my return home from St Peter's hospital. It has been given in a cheerful but very professional manner and I have received some priceless advice. I cannot fault the service. My grateful thanks.

I just wanted to let you know how much myself and my husband appreciate the support we are currently receiving from the Elmbridge Locality Team, the staff that come to see us are just the most wonderful people; bright, friendly and so helpful and we very much look forward to their visits.

You have done more than you will ever know. Helping to make sure K has the right provision will change her potential future and will have far reaching effects for the whole family.

The Portage Team have worked closely with many of our families. They have attended additional meetings, have been available for advice and extremely supportive. The relationships they have forged with the families has been extremely positive and trustful. Without this level of early support many of our children would not have made the progress they have.

I had a final visit with AD and Mum last week and as I left they both wanted to ensure I passed on the compliments to E – for being so supportive, kind, caring, there when AD needed her and for ensuring such a smooth transition to adult services. They were really pleased with the service and very sad to see us all go!

Please thank all the staff in the Camberley, Windlesham, Lightwater and Frimley Green Branch Libraries for their constant support and efforts in obtaining the many books I delivered and collected to the members who can no longer get to the libraries themselves. The pleasure I got from meeting these people and friendships formed were immeasurable and I hope this service continues as I realise just how important the wonderful library service is.

Just a quick note to congratulate you on the speedy and the job well done in Westcott this week, it's very reassuring to know that the reporting system works and our roads are being speedily and well maintained. Thanks again for a quick response and a hearty well done!

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