

<b>DECISION-MAKER</b>		GOVERNANCE COMMITTEE		
<b>SUBJECT</b>		SOUTHAMPTON CITY COUNCIL COMPLAINTS 2012/13		
<b>DATE OF DECISION</b>		16 DECEMBER 2013		
<b>REPORT OF:</b>		HEAD OF LEGAL AND DEMOCRATIC SERVICES		
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#### **STATEMENT OF CONFIDENTIALITY**

N/A

#### **SUMMARY**

This report summarises the type and number of complaints received from the 1<sup>st</sup> April 2012 until 30<sup>th</sup> June 2013 and gives a flavour of key changes and issues arising from 1<sup>st</sup> July 2013 to date following implementation of the Council's Complaints Review.

There are three complaints procedures; these are for Corporate Complaints Children's Social Care Complaints, Health and Adult Social Care Complaints. From 1<sup>st</sup> July 2013 the Council has brought together all complaints handling under all three policies and administered via a single Customer Relations Team based in Legal & Democratic Services.

#### **RECOMMENDATION:**

- (i) That the report be noted.

#### **REASONS FOR REPORT RECOMMENDATIONS**

To update members of this Committee on performance trends and any learning points arising out of complaints made by the public via Southampton City Council's Complaint's Procedures during 2012/13. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.

#### **CONSULTATION**

1. This report is presented to Governance Committee for information purposes.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. N/A

#### **DETAIL**

3. The effective and responsive management of complaints is a vital part of the Council's overall approach to customer care. In addition, the customer feedback that valid complaints provide can be used to improve service delivery, facilitate council wide learning and demonstrate continuous improvement.
4. Prior to 1<sup>st</sup> July 2013, the Council operated a three part corporate complaints system:
- Stage 1 complaints were responded to by the relevant service manager
  - Stage 2 complaints were investigated and responded to by the

appropriate Senior Manager

- Stage 3 complaints were investigated by the Corporate Complaints Officer or by a Senior Officer independent from the service area that is being complained about.
5. A separate process was followed within the Children's Services and Learning Directorate and the Health and Adult Social Care Directorate, largely as a result of the statutory complaints procedure which applies in relation to social care matters in these areas.
  6. The Children's Services procedure had three Stages:
    - Stage 1 complaints responded to by the relevant service manager.
    - Stage 2 complaints are investigated independently by an Investigator appointed by the Customer Relations Manager
    - Stage 3 complaints require an Independent Complaints Review Panel which consists of three independent people.
  7. Health and Adult Services complaints procedure had one formal Stage.
    - Informal resolution - the process for responding to a complaint is decided by the Customer Relations Manager and the Service Manager / Head of Service. Complaints are responded to by the relevant Service Manager / Head of Service as appropriate to the severity of the complaint
    - If a complainant is dissatisfied with the response the Head of Service and the Customer Relations Manager will decide on further course of action.
  8. Following an extensive review of the operation of the complaints policies and the two separate complaints teams operated by the Council, it was decided in early 2013 to bring all complaints functions together into a single Customer Relations Team, and to amend the Corporate Complaints Policy to simplify the stages a customer has to go through to obtain a resolution to their concerns. From 1<sup>st</sup> July 2013, a single Customer Relations Team has been located in the Legal & Democratic Services division with responsibility for administering all three of the Council's formal complaints policies. The team has only been fully staffed since September 2013 and is now proactively pursuing monitoring and reporting on the outcomes of complaints in order to assist the Council in driving up performance and service delivery across the Council. Quarterly reporting to Directorate Management Teams commenced in December 2013 and is expected to be fully bedded in to the Council's performance framework by the end of spring 2014.
  9. The Corporate Complaints Policy now has only two stages:
    - Stage 1 complaints are responded to by the relevant service manager / Head of Service as appropriate to the severity of the complaint within 20 working days
    - Stage 2 complaints are investigated by the Customer Relations Team or by a Senior Officer independent from the service area that is being complained about within 20 working days

10. The complaints policies for social care (adults, health and children) remain as outlined in paragraphs 6 and 7 above, albeit non-operating with greater synergies to the corporate reporting process.
11. At the end of a complaints investigation regardless, the customer is advised that if they are still not satisfied with the outcome, they may pursue their complaint to the Local Government Ombudsman (LGO). This provides the customer with an entirely independent source of redress if they remain aggrieved and the Council works closely with the LGO to resolve outstanding complaints where appropriate. Further detail on the LGO procedures and complaints are set out in paragraph 62 onwards of this report.

### **Corporate Complaints (1<sup>st</sup> April 2012 – 30<sup>th</sup> June 2013)**

12. During 2012/13 there were 883 complaints recorded through the Corporate Complaints procedure (6% decrease on last year), 179 for Children's Social Care (1.64% decrease since last year), This is the third consecutive year there has been a significant decrease in the number of complaints received. There were 1268 complaints received by the Council in 2011/12 compared to 1176 in the year 2012/13. This represents a 7% decrease in the number of complaints received across the Council this year
13. A breakdown of the complaints received by each division is set out in Appendix 1 to this report. During 2012/13 the Council's Directorates underwent a major structural change which is reflected in this report and also in the Lagan Complaints module for 2012/13.
14. For the financial year 2012/13, there were 39 Corporate complaints which were mainly about financial issues. These were recorded on the Social Care Complaints Database. Of these 33 related to billing. In 2011/12 there were 67 corporate complaints on the same subject (a 46.2% decrease in the number of corporate complaints this year). This may be because some of the concerns regarding financial issues are now being dealt with as "business as usual" issues, though there has also been significant effort from the service to learn from these types of complaint that is also leading to improvements in financial processes that are also reducing complaints. Six complaints were received about 'Blue Badge' services this year compared to 17 last year. This reduction is understood to be because there is now a review process for dealing with blue badge complaints – a positive response to historic complaints, however there has been an increase in matters referred to the LGO in this area see paragraph 69.
15. The distribution of complaints is not spread evenly across all divisions. Complaints are concentrated towards a number of customer facing Services. In 2012/13 five Divisions accounted for over half of the corporate complaints received.
16. Table 1 below lists the five Divisions with the highest proportion of complaints for 2012/13 and compares this with figures for 2011/12 and 2010/11. Table 2 lists alphabetically those Divisions that have been included in the five with the highest proportion of complaints from 2010/11 to 2012/13.

17. Industrial action in 2011/12 resulted in complaints in relation to missed bin collections that were treated as exception to the operation of the Council's normal complaint policy following consultation with the LGO. This was because it affected all or the significant majority of residents in Southampton equally and the duration and impact of the industrial action was a matter outside the councils control.

<b>TABLE 1</b>					
<b>Rank of 5 Divisions with the highest proportion of complaints for 2012/13</b>					
<b>2012/13</b>		<b>2011/12</b>		<b>2010/11</b>	
Housing Services	27.7%	Decent Homes	16.0%	Local Taxation	18.1%
Waste & Fleet Transport	22.5%	Local Taxation	14.0%	Waste & Fleet Transport	11.3%
Local Taxation	9.5%	Housing Management	11.4%	Decent Homes	11.0%
Customer Services	6.3%	Waste & Fleet Transport	8.2%	Housing Management	9.7%
Regulatory Services	5.6%	Highways & Parking Customer Services	7.4% 7.4%	Highways & Parking	8.4%

<b>TABLE 2</b>			
<b>Divisions with the highest proportion of complaints 2010/11 to 2012/13</b>			
	<b>2012/13</b>	<b>2011/12</b>	<b>2010/11</b>
Customer Services	5.6%	7.4%	-
Decent Homes	-	16.0%	11.0%
Highways & Parking	-	7.4%	8.4%
Housing Services	27.7%	-	-
Leisure & Culture	-	1.2%	-
Local Taxation	9.5%	14.0%	18.1%
Waste & Fleet Transport	22.5%	8.2%	11.3%
Regulatory Services	5.6%	-	-

18. Complaints are recorded into one of a number of categories. The table below indicates the percentage of complaints within each category and compares this with figures for the last three years.

<b>TABLE 3</b>			
<b>Category</b>	<b>2012/13</b>	<b>2011/12</b>	<b>2010/11</b>
Discrimination	0.5%	1%	1%
Misinformation	8%	4%	5%
Charges	10%	14%	10%
Speed	3%	3%	3%
Behaviour	17%	14%	15%
Performance	38%	36%	40%

Other	12%	18%	14%
Avoidable Contact	2%	3%	5%
Disagree with Decision	10.5%	7%	7%

19. Table 4 below provides a breakdown of this Council's performance in relation to complaints compared to the Council's statistical neighbours (as used for formal audit purposes). This helps the Council compare like for like in terms of type of authority, geographical area within the country and broadly similar population sizes and make-up. The Corporate Complaints policy is not a statutory requirement. However, failure to have a Corporate Complaints policy in place would lead to an adverse report from the LGO and would likely be viewed as maladministration by the LGO in and of itself. The systems and processes that individual councils have in place are based on LGO guidance and are tailored to individual council structures and services. Comparison between authorities is, therefore, difficult, as other Council's may operate variations in their complaints regimes. The following table sets out the overall figures for the number of complaints received.

<b>TABLE 4</b>				
<b>Authority</b>	<b>Corporate Complaints received 2011/12</b>	<b>Corporate Complaints received 2011/12</b>	<b>Adult Population 2010</b>	<b>Complaints per head of adult population 2012/13</b>
Southampton	944	883	201,400	0.0047
Portsmouth	622	580	172,800	0.0034
Brighton & Hove	1,434	1657	217,200	0.0076
Plymouth	1,234	1131	214,900	0.0053
Bristol	5,093	Not available	368,300	0.0138

20. The previous (pre July 13) Corporate Complaints Policy required that complaints at Stage 1 of the process were responded to within ten working days and complaints at Stage 2 and 3, within 20 working days.
21. Table 5 below shows the number of complaints responded to at each stage of the procedure. Those complaints that cannot be responded to within the target period are frequently those that are more complex, and can involve investigating actions across more than one service area or division. Where this situation occurs the complainant will be contacted and a revised completion date agreed.

<b>TABLE 5</b>				
<b>Stage</b>	<b>Working days to close 2012/13</b>		<b>Working days to close 2011/12</b>	
	<b>≤ 10 days</b>	<b>&gt; 10 days</b>	<b>≤ 10 days</b>	<b>&gt; 10 days</b>
1 Learning Services	577 (77 %) 70.3%	168(23%) 29.7%	753 (95%)	40(5%)
	<b>≤ 20 days</b>	<b>&gt;20 days</b>	<b>≤ 20 days</b>	<b>&gt;20 days</b>
2	34 (47%)	39 (53%)	84(87%)	13 (13%)
3	21 (78%)	6 (22%)	42(89%)	5 (11%)
<b>Total</b>	<b>632 (75%)</b>	<b>213(26%)</b>	<b>879 (93%)</b>	<b>58 (7%)</b>

22. Overall the number of Corporate complaints dealt with in 2012/13 saw another small decrease, down 92 on the previous year with no significant improvement on those responded to within the timescales included in the complaints policy. Most significantly for Stage 1 responses there was a fifteen percentage point increase on the number of complaints not responded to within a ten day target. Overall it was also taking longer to respond to those complaints at Stage 2 and Stage 3. Working groups were set up to see how these response times could be improved on all three stages and following the formal complaints review, changes to the stages were recommended with a reduction in the number of days to Stage 2 and more time allowed at Stage 1 for service areas to try to effectively resolve complaints earlier in the process.

**Children’s Services (Social Care) Complaints (1<sup>st</sup> April 2012 – 30<sup>th</sup> June 2013)**

23. Children’s Services and Learning complaints are classified according to the following definitions:
- Social care complaints are those investigated under the Children’s Social Care Complaints Policy (which reflects statutory regulations);
  - All other Children’s Services complaints are investigated using the Council’s Corporate Complaints Policy;
  - Referrals are requests for help which are passed to the relevant council directorate and partner services;
  - Representations are enquiries, concerns or comments which can be dealt with and resolved within 24 hours. Any social care comments that cannot be resolved within this time automatically become statutory complaints;
  - MP / councillor enquiries are progressed by MPs or elected members on behalf of a constituent or requests for information which need investigation and response by the Directorate.
24. During the financial year 2012/13, there were 179 Stage 1 complaints made about Children’s Social Care. This compared to 182 in 2011/12 and shows a marginal 1.64% decrease in complaints received.
25. The number of Children’s Social Care referrals in the financial year 2012/13 was 3,822. The 179 complaints represent 0.05% of all referrals made. A breakdown of complaints compared to number of referrals to Childrens Services can be found in Table 6 below.

TABLE 6			
Children’s Social Care Activity vs Complaints 2012/13			
Referrals	3,822	Formal Complaints	179
Initial Assessments	3,267	Complaints by children	2
Total number of Children Looked After at any point	655	Representations	5
		Total	184

26. The majority of complaints continue to be resolved at the first stage of the procedure through work by managers and staff in the service, consistent with good customer care. Where resolution is not possible in this way, the Council commissions an Independent Investigator (external to the Council who is responsible for investigating the complaint) and an Independent Person (whose role is to oversee the investigation to ensure fairness), to look into complaints at Stage 2 of our procedure.
27. Only two Stage 1 complaints (1.1%) required independent investigation. No complaints proceeded to Stage 3. Two were completed and one was discontinued. For the financial year 2012/13 the cost of independent investigations was £2,074.45, compared to £10,146 in 2011/12. Cost is however subject to significant fluctuation and can increase (decrease significantly with even a single complaint progressing to independent investigation. The council therefore budgets to approximately £14k of external spend annually, which is cautiously encouraging.
28. Table 7 sets out the number of complaints which progress to Stage 2, and shows how this has changed since 2009/10 to 2012/13. From a peak in 2009/10 there has been a rise in the number and percentages of complaints resolved at Stage 1.

TABLE 7		
External Investigation of Complaints (Stage 2)		
Year	No of Stage 1 Complaints	Percentage (and number) progressing to Stage 2
2009/2010	131	5.34% (7)
2010/2011	138	2.89% (4)
2011/2012	182	2.19% (4)
2012/13	179	1.12% (2)

29. If the complaint is unresolved at Stage 2, the complaint may be reviewed by an Independent Panel (Stage 3 of our procedure). Complaints unresolved after Stage 3 can be referred to the LGO.
30. Table 8 shows a slight decrease in the total number of contacts (complaints, representations, comments and compliments etc) received in 2012/13 compared to 2011/12 by 3.75% from 400 to 385. There has been an increase in complaints about schools (28%) but a reduction in representations (78.2%). There was a 21.3% decrease in MP/Cllr enquiries. There has been an increase in compliments from 32 to 52 (62.5%)

This is unlikely to be a true reflection of the number of compliments received by staff but recording is historically an issue. All staff should be encouraged to send copies of compliments and letters they receive to the Customer Relations Team in order that they can be recorded and reported to the relevant service Director so that good service can be recognised.

TABLE 8				
	2011/12		2012/13	
Record Type	Number	Percentage	Number	Percentage
Stage 1 complaints (social care)	182	45.5%	179	46.4%

Schools	25	6.25%	32	8.3%
Comments	12	3.0%	14	3.6%
Referrals	8	2.0%	5	1.3%
Representations	23	5.75%	5	1.3%
MP / Councillor Enquiries	75	18.75%	59	15.3%
Compliments	32	8.0%	52	13.5%
<b>Total</b>	<b>400</b>	<b>100%</b>	<b>383</b>	<b>100%</b>

31. Table 9 provides a breakdown of complaints by service area. Many complainants have complained about more than one service area as part of their complaint.

TABLE 9	
Received between 01/04/11 and 31/03/12	
Specific Service Area	Number
Safeguarding: Social Care	179
<b>TOTAL</b>	<b>179</b>

32. Table 10 provides a breakdown of complaints by complaint issue and type and highlights some of the major themes and issues contained within the contacts and complaints we receive (excluding schools and academies). The issues raised are classified in eight specific ways, raised 348 specific issues in total. As most complaints relate to more than one issue, this approach to breaking them down allows us to maximise our learning from them. For example, many of the complaints relate to either complaints about service provision, complaints about individual staff or poor communication. Some of these are consistent with the period of high staff turnover that impacted upon the wider consistency and quality of service identified by OFSTED in their Announced Inspection of Children's Social Care. In response, achieving stability in the recruitment and retention of social care staff has been a continuing management priority.

TABLE 10		
Complaint Issue	Number	Percentage
Discrimination	4	1.1%
Eligibility Criteria	9	2.6%
Financial/Funding	3	0.9%
Information/communication	71	20.4%
Policy	2	0.6%
Professional Practice	75	21.6%
Service Provision	184	52.9%
<b>TOTAL</b>	<b>348</b>	<b>100%</b>

33. Complaints are now reported at Divisional Management Teams level, and to the Directorate Management Team of the People Directorate.



34. When looking at how complaints have historically been managed, complaints were not always received promptly from service areas, and in some cases, were not reported until the response was sent to the complainant. This is not consistent with the Directorate's policy for managing statutory complaints, and may also relate to turnover in staff. It is being addressed through training and induction materials for new staff.
35. Table 11 shows an overall decrease in response rates to complaints in Children's Services and Learning in 2012/13.

TABLE 11				
Overall Performance Report – 01/04/10 – 31/03/12				
Record Type	Acknowledgment		Full Response	
	2011/12	2012/13	2011/12	2012/13
<b>Safeguarding: Social Care</b>				
Stage 1 complaint	96.2%	97.2%	62.7%	55.4%
<b>Learning Services</b>				
Corporate Stage 1 Complaint	97.7%	97.4%	88.1%	70.3%

36. 55.4% of Stage 1 safeguarding complaints were responded to within timescale and 70.3% of Learning Services (Corporate) complaints were responded to within timescale.
37. Of the 179 Stage 1 complaints received 18.5% were upheld, 24.7% were partially upheld and 54.5% were not upheld.
38. Of the 39 Corporate Complaints 23.1% were upheld, 10.3% were partially upheld, and 64.1% were not upheld. (See Table 12).
39. Of the four Stage 2 complaints, 50% were not upheld, 25% proceeded to Stage 3 and 25% was withdrawn.

### **Health & Adults Services (Social Care) Complaints (1<sup>st</sup> April 2012 – 30<sup>th</sup> June 2013)**

40. For the financial year 2012/2013, there were 114 statutory complaints made about Health & Adult Social Care compared to 142 in 2011/12. This represents a 19.7% decrease.
41. The majority of complaints continue to be resolved at the early stages of the procedure as a result of work by the team manager or senior manager. However, where resolution is not possible in this way we occasionally commission an independent investigator to undertake a further investigation.
42. The number of statutory complaints requiring independent investigation was one, which represents 0.9% of all statutory complaints received. For the financial year 2012/13 the cost of the independent investigation was £5,104.14 which was shared with Southern Health NHS Foundation Trust as this was a joint complaint.
43. Table 12 sets out the number of complaints by age both for The highest number of complaints (77, 51.6%) is from the 76+ age group, which should be expected in part because this age group is the largest in the service population served by Health and Adult Social Care.

TABLE 12		
Adults Complaints by Age		
Age	Number	Percentage
16-19	0	0%
20-24	8	5.4%
25-59	41	27.5%
60-64	3	2.0%
65-75	20	13.4%
76+	77	51.7%
<b>TOTAL</b>	<b>149</b>	<b>100%</b>

44. Table 13 provides a breakdown of complaints by complaint issue and highlights some of the major themes and issues contained with the complaints we receive. The issues raised can be classified in nine specific ways and raised 209 specific issues in total. As most of our complaints relate to more than one issue, this way of breaking down our complaints allows us to maximise our learning from them. For example 17.2% of complaints relate to complaints about the Professional Practice of staff, 27% relate to financial issues and 32.1% to access to services. Many of these complaints relate to staff shortages which resulted in increased waiting times for assessments. Professional Practice of staff can relate to how people are dealt with, spoken to, mistakes or staff not returning calls.

TABLE 13		
Complaints by Issue		
Reason / Issue for complaint	No of Issues	%
Disabled Parking Badge	6	10.0%
Discrimination	2	1.0%
Eligibility criteria	13	6.2%
Finance	46	27.0%
Information / Communication	27	12.9%
Miscellaneous:		0.5%
Housing	1	
Environment	1	
Professional Practice	36	17.2%
Provider Services	10	4.8%
Service Provision	67	32.1%
<b>TOTAL</b>	<b>209</b>	<b>100%</b>

45. The majority of complaints were regarding service provision and professional practice.

TABLE 14	
H&ASC AND CORPORATE COMPLAINTS BY SERVICE AREA	
How Received	2011/12
Safeguarding	5
Contact Centre	9
Disabled Parking Badges	17
Hospitals – discharge	11
Learning Disabilities	27
Locality Support Teams and Rehab Teams	79
Day Care Services	7
External Provider – Domiciliary Care	22
Internal Provider – Residential Care	3
Internal Provider – Domiciliary Care	1
Mental Health Services	20
BSO	0
Finance: Benefits (Assessment)	10
Exchequer Services	13
HSC Billing Enquiries	46
Other Services (e.g. Josian Centre Rapid Response, Sensory Services and Supporting	10
<b>TOTAL NUMBER OF SERVICES COMPLAINED ABOUT</b>	<b>280</b>

46. Whilst not to undermine their legitimacy, it is important to place the level of Stage 1 complaints into the context of the large number of critical and intimate services provided to vulnerable adults whose well being is dependent upon them.

TABLE 15			
DIVISIONAL ACTIVITY			
Referrals	9,473	Formal complaints	149
New Assessments	3,905	Concerns / comments	16
Review	4,967	Referrals	10
No of People in receipt of services	9,921		

47. Of the 149 outcomes recorded 40.3% of complaints were not upheld, 24.8% were partially upheld and 26.2% were upheld.

TABLE 16		
OUTCOMES FOR ADULT STATUTORY & CORPORATE COMPLAINTS		
Outcome	Number	Percentage
Complaint withdrawn	1	0.7%
Not Upheld	60	40.3%
Partially Upheld	37	24.8%
Upheld	39	26.2%
Stopped	1	0.7%
Safeguarding investigation	3	2.0%
Ongoing	8	5.4%
<b>TOTAL</b>	<b>149</b>	<b>100%</b>

48. Adult Social care complaints are assessed by risk level. Complaints are classified as low, medium and high risk as follows:
- *Low risk* - an unsatisfactory service or experience not directly related to care and which has no or minimal impact or risk to provision of care.
  - *Medium risk* - Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation
  - *High risk* - Significant issues regarding standards, quality of care and safeguarding or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation and so require investigation. Possibility of litigation and adverse local publicity. Alternatively, serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in –depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity
49. These risk levels will affect the pathway and timescale of how we deal with these complaints. (See Table 17).
50. Overall performance has declined since last year and the reasons for some of the delays are reported to have been shortages of staff in some services.
51. Under the adult social care complaints procedure, the council aims to send complainants a full reply within ten working days if possible, or if the matter is more complicated, the target timescale is 20 working days. For extremely complex cases, which may require independent investigation, a target of up to 60 working days may be necessary depending on risk category or number of people to be interviewed.

TABLE 17

OVERALL PERFORMANCE REPORT					
Complaint Type	Acknowledgement within timescale		Full response within timescale		
	Councillor / MP Enquiry	2001-12	93.3%	75.8%	
2012-13		95.7%	73.5%		
Adult Statutory Complaint	2011-12	94.4%	LOW	2011-12	62.% (118)
	2012-13	94.6%		2012-13	59.1% (93)
			MEDIUM	2011-12	85.7% (21)
				2012-13	60.0% (15)
			HIGH	2011-12	0% (1)
				2012-13	100% (2)

## 2012/13 CONCLUSIONS

52. Overall the total number of complaints dealt with in 2012/13 saw a small decrease, though disappointingly with no significant improvement on those responded to within the timescales included in the complaints policy. Most significantly for Stage 1 responses there was a 15% increase on the number of Corporate complaints not responded to within a ten day target. Overall it was also taking longer to respond to those complaints at Stage 2 and Stage 3. It is hoped that the changes internally to the complaints policy, particularly more time allowed at Stage 1 for service areas to try to effectively resolve complaints earlier in the process. This situation will improve in 2014 as the new process beds in.
53. The response rates for acknowledging Children's Social Care complaints were slightly improved on last year with 97.2% of complaints acknowledged within timescale. The timescale for response to Stage 1 complaints however was decreased to 55.40% which is a 7.3% decrease.
54. The response rates for acknowledging Adult Social Care complaints remained virtually the same as the previous year at 94.4%. The timescale for responding to complaints has dropped from 85.7% to 60%.

## POST 1<sup>ST</sup> JULY 2013

55. Since the formation of the Customer Relations Team in July 2013, 272 complaints have been received by the Council. An overall improvement in the acknowledgement times has been recorded, however at Corporate Stage 1 53 complaints were responded to out of time, despite Directorates now having longer to deal with complaints at an early stage.
- This represented 23% of complaints received. The Customer Relations Team is working with Directorates and Divisions to get an understanding of why this is happening.
56. With regard to Social Care complaints, of the 90 complaints received across Adults and Childrens Social Care, 73 were responded to within timescale which represents 81% of complaints received. This shows an improved response rates since July 2013, although further work is ongoing to drive up response rates closer towards 100%

57. There has been an increase in the number of Stage 2 Corporate complaints from 46 in 2012/13 to 30 since July of 2013. This is not unanticipated with the reduction of the stage three process to two but requires further monitoring with Directorates and Divisions to improve service resolution at Stage 1 (along with response times referred to above) and to develop a “right first time” culture within service areas.
58. The council previously had arrangements in place to obtain customer feedback on resolution of complaints. Changes to IT used to record complaints resulted in a suspension of this service in 2012, however, alternative arrangements for collating customer feedback are under investigation.
59. The newly formed Customer Relations Team comprises 1 x Customer Relations Manager, 1 x Customer Relations Officer, 2 x Customer Relations Co-ordinators (one of whom is fully funded by the People Directorate to service social care complaints and deliver access to social care records on behalf of that Directorate) and a part time (0.6FTE) Customer Relations Administrator. The team is based in the Civic Centre as part of the Legal & Democratic Services Division and answers to the Legal Services Manager (Corporate & Environment) who is in turn accountable to the Head of Service and the Council’s Monitoring Officer.

### **Learning from Complaints**

60. The collection of information regarding learning from complaints has been difficult to obtain. Although action improvement forms are sent out to managers with the original complaint, asking that they are filled in and returned to the Customer Relations Team, we do not always receive them back and if we do they are not necessarily completed appropriately. The Customer Relations Manager is discussing this with DMT’s to try and improve this situation.
61. Some of the learning issues identified from recent complaints are as follows:
  - Details relating to charges in Marlands Car Park were not clear. As a result sufficient signage was put in place at all points of the car park to advise customers of the 2 tier charging structure;
  - Smart Cities have been updating payment systems with lessons learned from customers regarding payment methods and are currently working with IT to overcome problems experienced whilst paying on line;
  - New procedures have been implemented for recording ‘death’ on PARIS;
  - There have been several reviews of services to look at how we can do things better, These include the School Admissions system and the Adoption Information Sharing processes. As a result of a complaint Play workers are now to receive training on Accident procedures;
  - See further below in relation to complaints about Blue Badges that have progressed to the Local Government Ombudsman.

## Local Government Ombudsman (LGO) Complaints 2012/13

62. Attached to this report is the Local Government Ombudsman's Annual Review for the year ending 31<sup>st</sup> March 2013 (Appendix 3). The Annual Letter has been shared with the Chief Executive, the Director of Corporate Services (in his capacity as Monitoring Officer for the Council) and the Head of Legal & Democratic Services. The Legal Services Manager administers all Local Government Ombudsman complaints within the authority on behalf of the Chief Executive, who is the person ultimately responsible for these matters to the Ombudsman. The Legal Services Manager (Corporate & Environment) acts as a single point of contact (Link Officer) for the Ombudsman in relation to areas of concern (including all complaint investigations), advice and training. The LGO has decided against releasing statistics for each authority this year as they have significantly changed the way they record and categorise complaints. It is the opinion of the LGO that statistical data for this year cannot be compared like for like to last year's because of the changes and therefore is of no / limited value. Statistical reporting is expected to re-commence next year when the LGO has a full year of data under the new system to act as a comparator basis.
63. While the LGO's decision not to issue statistical data for this year makes a direct comparison with the detail of last year's annual letter somewhat difficult the Link Officer maintains a record of all complaints against the Council. It has, therefore, been possible to provide some strong assurance about specific trends despite the change in reporting methods. It is the Link Officer's view that a consistent level of data collection against which to benchmark performance is being achieved.
64. A significant and major change to the LGO's way of working this year has been the introduction of a triage system on receipt of complaints. The LGO Advice team has been retained but now acts as an advice and filter mechanism, passing complaints that may merit further investigation to an assessment team. That team will take an early decision on whether or not to strike out complaints where there is little or no evidence of injustice (i.e. minor matters not meriting investigation) or where matters fall outside the LGO's jurisdiction. Only matters that have been through all Stages of a Council's complaints procedure and are in the 'public interest' to investigate having regard to the potential injustice involved now proceed to full investigation which is undertaken by a separate investigation team. This has resulted in a significant number of minor complaints being closed without reference to the Council; with the Council receiving a copy of the decision notice and reasons for decision after the complaint has been determined. This has also resulted in a slight increase in complainants being referred back to the Council to complete the complaints procedure before the LGO will even consider their complaint.
65. Key points to be noted from 2012/13 performance to date include:
- The Ombudsman notified the Council about a total of 27 complaints in all categories (including premature complaints) during the period 1<sup>st</sup> April 2012 – 31<sup>st</sup> March 2013 against Southampton City Council. For the period 1<sup>st</sup> April 2013 – 1<sup>st</sup> November 2013 we currently stand at 16 new complaints. This is significantly lower than the previous full year total of 73.

The Council does not however believe this constitutes a ‘real’ decrease in the number of complaints being referred to the Ombudsman, but rather reflects the Ombudsman’s change in practice of not notifying the Council when it refuses to accept a complaint at pre-assessment stage and the more rigorous “Public Interest” and “injustice” tests being applied to the assessment stage of complaints. Until we receive next year’s figures, it will be impossible to ascertain if this is a ‘real’ decrease in complaint volumes or an indirect result of changes to how the LGO filters and notifies Council’s about complaints.

- For April 2012 – March 2013, the breakdown of what complaints related to and what the outcomes were are as follows:

TABLE 18						
BREAKDOWN OF COMPLAINTS AND OUTCOMES (2012/13)						
Division	Outcome					
	No investigation	Premature Complaint	Discontinue investigation	Outside Jurisdiction	Investigation complete & satisfied with authority’s actions (no report)	Total (last year’s figures in brackets)*
Children’s Services & Learning					1	1
Finance (mainly Benefits & Tax)		2	1			3 (6)
H&ASC	1	3	1		1	6 (6)
Housing	1		4	1		6 (18)
Legal, HR & Democratic			1	1		2
Planning, Sustainability & Transport	1		2			3 (4)
Regulatory Services	1	1				2
Skills, Economy & Housing Renewal	1					1
Streetscene & Community Safety	1	1			1	3
<b>TOTALS</b>	<b>6</b>	<b>7</b>	<b>9</b>	<b>2</b>	<b>3</b>	<b>27</b>
<b>* The remainder of complaints covered a range of services</b>						



TABLE 19

BREAKDOWN OF COMPLAINTS AND OUTCOMES (01/04/13 – 31/10/13)						
Division	Outcome					
	Premature Complaint	Ongoing	Outside Jurisdiction	Not to initiate investigation	Investigation complete & satisfied with authority's actions (no report)	Total*
CYP Commissioning Education & Inclusion					2	2
City Services			1	1		2
Development, Economy & Housing Renewal					1	1
Finance & IT					1	1
Planning, Sustainability & Transport			1	1		2
Regulatory Services				1		1
Safeguarding Adults	1	2			3	6
<b>TOTALS</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>15</b>

66. Of the complaints received since April this year six related to Safeguarding Adults, the remainder cover a range of services and it is too early to identify any significant change in trend.
67. The most significant overall percentage increase in 2012/13 (both full year and from April 2013 to date) compared to percentage of the previous year's complaints by service area is in Health & Adult Social Care / Adult Safeguarding. A significant proportion of these are complaints about the withdrawal of Blue Badges for misuse. Badges previously issued by Capita are now coming up for renewal and a recent increase in enforcement activity against those who misuse, or allow others to misuse disabled parking badges issued to them has resulted in four referrals to the LGO in the space of approximately three months. A further five are likely to come forward shortly. Of these, none have been upheld by the LGO as having been incorrectly removed. A minor procedural issue has been identified in that the opportunity for an individual to request an internal review of the decision by the Council before being advised to go to the LGO had been inconsistently applied within the service area and more detail was needed in decision letters. In relation to the more recent complaints it has been identified that more detailed consideration as to the impact of removal on the badge holder is required and better recording of medical evidence from our independent assessors and social care staff in this regard is needed on internal files. That has been rectified with the Blue Badge team manager and key colleagues in consultation with the Link Officer and the level of referrals relating to this area will continue to be monitored.

At this stage however, the 'success' rate in defending such complaints is a good indication that the increase in this area is attributable to a significantly increased focus on enforcement rather than any procedural problem or incorrect / unreasonable action on the part of the Council and the majority of the withdrawals relate to misuse by carers of vulnerable individuals rather than the individual themselves – hence the significant interest by the LGO in relation to assessment of impact on the badge holder themselves.

68. Historic trends show that complaint levels tend to increase when there are significant local or national pressures on the economy. Higher unemployment, lower disposable income, recession and the effects of the economic downturn generally have an impact on Council services, with a greater number of individuals seeking assistance from their local Councils or requiring services from Council's who are under increasing pressure to prioritise resources to core function areas and the most needy. This overall impact needs to be considered when looking at the last two years' complaint trends. Southampton still receives a relatively low number of complaints compared to the majority of its statistical neighbours but complaints about 'charges' are rising and almost inevitably this trend will continue as Council's seek to make services self funding or reduce subsidies to discretionary services.
69. Twelve complaints were referred to the Ombudsman's investigation teams (compared to 25 last year) and have either been determined or carried over to this year due to the complexity of the issues involved. Six complaints are currently under detailed investigation in the current year from April 2013.
70. Three complaints were remedied during investigation by the Council taking or agreeing to take some further action (essentially what we used to call "local settlement") - compared to eight last year. This can take the form of re-issuing a decision letter with further detail, agreeing to take some form of positive restorative action, amending Council policies or procedures or payment of compensation (see further below). The Monitoring Officer settles complaints during investigation for a variety of reasons, not all of which are associated with the Council's "liability" in respect of a complaint – on occasions, clearly, the Council will get things wrong, and it is right when that happens to settle the matter without having to put the complainant through further distress and anguish and, indeed, the Council to further cost. On occasion, it is appropriate to settle a complaint because of the complexity of the matter, the costs of a comprehensive investigation and/or the fact that sometimes the full facts will be unclear, and an appropriate and suitable (and cost effective) way forward has to be found. Local settlements cost the Council a total of £4,906 in 2007/08, £1,425 in 2008/9, £4,525 in 2009/10 (£3,500 of which related to a single complaint), £3,650 in 2010/11, £3,650 in 2011/12 (£2,400 of which related to a single complaint) and £2,350 in 2012/13.
71. Only two matters last year resulted in compensation payments of any note. Of the £2,350 paid out, £2,000 related to a complaint about failure to remedy damp in a leasehold property over a very extended period of time (more than three years whilst awaiting capital improvement works to a number of block in the area) and the remaining £350 related to a planning complaint where neighbour amenity was not properly considered when an extension was approved (the £350 was to provide a fencing solution or other suitable screening).

72. Of the 15 complaints in process since April 2013, six have been resolved with only minor action required by the Authority (see text above re Blue Badge complaints) and none have as yet resulted in any payment of compensation or other costly form of remedy. Six decisions are currently still outstanding.
73. It should be noted that the Council is once again well within the target period of 28 days set by the Ombudsman to respond to complaints, the fastest responders within our comparator group and within the top quartile of response times nationally. The Council took an average of 18 days between April 2012 and March 2013 to respond and response times since April are currently averaging 16.2 days. This compares favourably to the 23.8 days to respond recorded last year and perhaps reflects the fact that more thorough investigation is occurring at an earlier stage with less time needed by the Link Officer to carry out further detailed investigation when responding to the LGO save in the most complex cases.
74. The Corporate Legal Team continues to provide ad-hoc advice and training on dealing with complaints and responding to Ombudsman enquiries where required (mainly through internal resources). Formal training on responding to Ombudsman complaints and investigating complaints generally was held over July and August this year to coincide with the changes to the complaint policy and process. All members of the Council Leadership Group (approximately 150 Heads of Service and senior managers) were required to attend one of five full day training events held during this time. 28 delegates failed to attend or failed to attend the full day without reasonable excuse and a list of their names has been passed to the Director of Corporate Services / CMT as a performance issue. The training was delivered by the Local Government Ombudsman utilising seasoned investigators and trainers and focused on 'effective complaints handling' and investigation methods and processes and well as learning from outcomes of complaints. The training cost approximately £7000 to deliver as a 'one off' in support of the complaints review and in recognition of the significant changes in role that senior managers have undergone over the last two years. Further training needs will be assessed on an annual basis and targeted training delivered in –house by the new Customer Relations Team wherever possible.
75. In previous years, Governance Committee requested a breakdown of how this performance measured against the Council's statistical neighbours. While the Ombudsman does not publish direct comparison's (as the nature of authorities and the services they deliver varies considerably within a geographic area), it has been possible previously to look at the statistics for the individual unitary authorities within our statistical neighbours (Audit Commission Comparator Authorities list) and provide a summary of performance against them. These authorities comprise Bristol, Brighton & Hove, Plymouth and Portsmouth. Unfortunately, the LGO decision not to publish statistics for all authorities this year has made that impossible for 2012/13. We hope to resume a comparative analysis with next year's annual letters and are working with the LGO on a new format of annual letters going forward.

76. Full details of all LGO decisions can be reviewed on the Ombudsman's website at [www.lgo.org.uk](http://www.lgo.org.uk), using the search by subject area or authority function along with a digest of cases, fact sheets on service specific areas, special interest reports etc should the Committee require any further information in this regard. It should be noted however that not all SCC decisions have been uploaded to the site at the date of writing.
77. From April 2013 the LGO has moved to a process of publishing ALL decision letters (not just where a report has been issued against a Council) in relation to all complaints recorded against local authorities on their web site in an open publication scheme. Individuals' names in all reports are redacted or anonymised to comply with data protection requirements but the media and public have full access to all decisions made against any named authority once this occurs. Reports do not however appear to be being uploaded in a consistently timely fashion and the LGO has indicated they are working to improve this.
78. In conclusion there has been a significant decrease in the number of cases in which compensation for minor breaches has been payable demonstrating that appropriate resolution to complaints is now being offered in the main at earlier stages of the complaints procedures or are being remedied to the most part on review and demonstrating the Council's commitment to not just getting things right, but getting them right in-house wherever possible. Continued investigation and monitoring will be undertaken to assess and understand the areas showing an increase in complaints with appropriate action to be taken to address any issues identified as contributing to the increase through reporting to divisional and directorate management teams. The co-location of the Council's new Customer Relations Team under the management of the LGO Link Officer should also ensure that trends are picked up and addressed quickly and that greater synergies between how we perform in relation to complaints and how this translates to external investigations are realised.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

79. N/A

### **Revenue**

80. The cost of settling complaints under each complaint policy is set out above. The overall cost of providing the Customer Relations Team is met from within existing budgets.

### **Property**

81. N/A

### **Other**

82. N/A

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

83. Local authority complaints mechanisms are operated under Section 111 Local Government Act 1972.

### **Other Legal Implications:**

84. N/A

**POLICY FRAMEWORK IMPLICATIONS**

85. The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

## SUPPORTING DOCUMENTATION

### Appendices

1	Complaints received by directorate 2012/13
2	Responses to questionnaires
3	LGO Annual Letter 2012/13

### Documents In Members' Rooms

1.	None
2.	

### Background Documents

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.		
2.		

Background documents available for inspection at:

**KEY DECISION**

**WARDS/COMMUNITIES AFFECTED**