

DECISION-MAKER:	GOVERNANCE COMMITTEE		
SUBJECT:	SOUTHAMPTON CITY COUNCIL COMPLAINTS 2015/16		
DATE OF DECISION:	14 NOVEMBER 2016		
REPORT OF:	SERVICE DIRECTOR; LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
N/A			
BRIEF SUMMARY			
This report summarises the type and number of complaints received in 2015/6.			
The Customer Relations Team administers complaints from all directorates within Southampton City Council that the service area has been unable to resolve at point of contact, and are based in Legal & Governance.			
RECOMMENDATIONS:			
	(i)	That the report be noted.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	To update members of this Committee on performance trends and any learning points arising out of complaints made by the public via the Council's Complaint's Procedures during 2015/16. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	None.		
DETAIL (Including consultation carried out)			
3.	This report is presented to Governance Committee for information purposes.		
4.	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.		
5.	At the conclusion of a complaints investigation, the complainant is advised that if they are not satisfied with the outcome, they may pursue their complaint to the Local Government Ombudsman (LGO) or the Housing Ombudsman (HO). This provides the customer with an entirely independent source of redress if they remain aggrieved. The Council works closely with the LGO or HO to resolve outstanding complaints where appropriate.		

Corporate Complaints (1st April 2015 and 31 March 2016)					
6.	From 1 st April 2015 to 31 st March 2016 the council recorded 355 corporate complaints. This represents a 67% decrease on the 1104 complaints recorded in 2014/15.				
7.	The significant drop in corporate complaints recorded has been investigated, as it is unusual in size. Enquiries show that there is significant proportion of under recording in the service areas onto the complaints system, Lagan. Some service areas have maintained their recording level and some are recording few, if any.				
8.	No issues have been discovered where complaints have not been responded to, but there are a number of issues that have not been recorded. This has been discovered when matters are referred to stage two of the process and the Customer relations Team have failed to find a computer record of the complaint in order to update it.				
9.	Further enquiry suggests that the change of business support provision from April 2015 has played a significant part in the drop of recorded figures. When the Business support model changed from business support officers recording complaints to investigating managers recording complaints onto the Lagan system some service areas who retained their business support (in the form of PAs generally) continue to record at a level which shows no significant movement in terms of average recording figures. This is also true of areas of service provided by Capita, Balfour Beatty and SSE who were unaffected by the Business Support model change.				
10.	However, those areas who lost direct control of their Business Support Officers, have seen a drop in recorded complaint figures, in some cases to Nil.				
11.	Having identified this issue, efforts are now being made through the problem solving process provided by the Council's Service Excellence programme to rectify recording matters for the future.				
12.	In previous years, following the adoption of an "immediate service recovery" ethos, customer facing areas have been able to decrease the number of complaints recorded by taking immediate effective action on receipt of an issue from a member of the public. Where immediate action was not possible or the issue is identified as a continuing failure within the service area, matters are recorded as complaints and enter the complaints procedure and therefore recorded as such. By adopting this approach, members of the public are receiving an immediate resolution to the issue, which is generally what is required.				
13.	Table 1 below lists the five areas with the highest proportion of complaints for 2015/16 and compares this with figures for 2014/15 and 2013/14				
TABLE 1					
Rank of 5 Areas with the highest proportion of complaints					
2015/16		2014/15		2013/14	
Housing Services	39%	Housing Services	21%	Capita Services	10%
City Services (waste management)	24%	City Services (waste management)	12%	Local Taxation	6%
Local Taxation	16%	Local Taxation	8%	Housing Repairs	6%

Capita Delivered	12%	Capita Delivered	6%	Waste Management	5%
Planning	1%	Planning	3%	Housing Services	4%

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 previous two years.

TABLE 2

Category	2015/16	2014/15	2013/14
Discrimination	0.5%	0%	0%
Misinformation	4.2%	2%	2%
Charges	6.2%	2%	4%
Speed	3.3%	1%	2%
Behaviour	16.3%	8%	11%
Performance	53.2%	29%	21%
Other	1.4%	27%	21%
Avoidable Contact	0.2%	1%	0%
Disagree with Decision	7.6%	12%	12%

In June 2015 the “other” category was removed from the recording system, as it was felt that “other” was an easy option for investigators and did not provide accurate or appropriate feedback for service improvement. “Other” was therefore only available for 2 months of the reporting year. The removal of this category has seen an increase in the percentage of all but one of the other categories, as would be expected.

4 complaints remained outstanding at time of production of figures and together with rounded percentages the % figure as a total does not equal 100%.

14. Table 3 below provides a breakdown of this Council’s performance in relation to complaints compared to 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. The systems and processes that individual councils have in place are based on LGO/HO guidance and are tailored to individual council structures. Comparison 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.

TABLE 3					
Authority	Corporate Complaints received 2015/16	Corporate Complaints received 2014/15	Corporate Complaints received 2013/14	Adult Population 2011	Complaints per head of adult population 2015/16
Southampton	355	1104	743	236,900	0.0015
Portsmouth	465	474	438	207,100	0.0022
Brighton		1701	1786	273,400	
Plymouth	1865		1329	207,877	0.0089
Bristol	5504	2201	2331	432,500	0.0127

15.	<p>Table 4 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. Where this situation occurs the complainant will be contacted and a revised completion date agreed.</p>
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TABLE 4						
	Working days to close 2015/16		Working days to close 2014/15		Working days to close 2013/14	
Stage	< 20 days	> 20 days	< 20 days	> 20 days	< 20 days	> 20 days
1	75%	25%	86%	14%	90%	10%
	< 20 days	> 20 days	< 20 days	> 20 days	< 20 days	> 20 days
2	92%	8%	92%	8%	81%	19%

Children and Families (Social Care) Complaints	
16.	<p>Children and Families complaints are classified according to the following definitions:</p> <ul style="list-style-type: none"> ▪ Social care complaints are those investigated under the Children’s Social Care Complaints Policy (which reflects statutory regulations); ▪ All other Children and Families 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;
17.	<p>During the financial year 2015/16 there were 168 (157 Statutory and 11 Corporate) Stage 1 complaints made about Children’s Social Care. This compared to 253 in 2014/15 and shows a 33% decrease in complaints received.</p>
18.	<p>The majority of complaints continue to be resolved at the first stage of the</p>

	<p>procedure through work by managers and staff in the service. Where resolution is not possible at stage 1 (statutory), 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 and that the child(ren) involved in the process are represented), to look into complaints at Stage 2 of our procedure.</p>																																
19.	Only 5 Stage 1 complaints (2.97%) required independent investigation.																																
20.	<p>Table 5 sets out the number of complaints which progressed to Stage 2, and compares to the previous two years.</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th colspan="3">TABLE 5</th> </tr> <tr> <th colspan="3">External Investigation of Complaints (Stage 2)</th> </tr> <tr> <th>Year</th> <th>No of Stage 1 Complaints</th> <th>Percentage (number progressing to Stage 2)</th> </tr> </thead> <tbody> <tr> <td>2015/16</td> <td>168</td> <td>2.9% (5)</td> </tr> <tr> <td>2014/15</td> <td>235</td> <td>1.97% (5)</td> </tr> <tr> <td>2013/14</td> <td>154</td> <td>1.81% (4)</td> </tr> </tbody> </table>	TABLE 5			External Investigation of Complaints (Stage 2)			Year	No of Stage 1 Complaints	Percentage (number progressing to Stage 2)	2015/16	168	2.9% (5)	2014/15	235	1.97% (5)	2013/14	154	1.81% (4)														
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21.	Complaints unresolved after Stage 2 can be referred to the LGO.																																
22.	<p>Table 6 shows a comparison in the total number of contacts (complaints, representations, comments and compliments) received over the last three years.</p> <p>This is unlikely to be a true reflection of the number of compliments received by staff but recording is historically an issue. All staff are encouraged to send copies of compliments 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.</p> <table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th colspan="4">TABLE 6</th> </tr> <tr> <th></th> <th>2015/16</th> <th>2014/15</th> <th>2013/14</th> </tr> </thead> <tbody> <tr> <td>Record Type</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Complaints</td> <td>168</td> <td>235</td> <td>154</td> </tr> <tr> <td>Comments</td> <td>0</td> <td>7</td> <td>10</td> </tr> <tr> <td>Referrals</td> <td>2</td> <td>0</td> <td>7</td> </tr> <tr> <td>Compliments</td> <td>15</td> <td>8</td> <td>63</td> </tr> <tr> <td>Total</td> <td>185</td> <td>250</td> <td>234</td> </tr> </tbody> </table>	TABLE 6					2015/16	2014/15	2013/14	Record Type				Complaints	168	235	154	Comments	0	7	10	Referrals	2	0	7	Compliments	15	8	63	Total	185	250	234
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23.	<p>Table 7 provides a breakdown of complaints by complaint issue and type. As most complaints relate to more than one issue, this approach to breaking them down allows us to maximise our learning from them. The majority of complaints relate to either service provision, individual staff or poor communication. The high staff turnover in this service area may be a contributing factor.</p>																																

TABLE 7								
Complaint Issue				Number				
Communication/Information				19				
Unhappy with social worker				76				
Unhappy with service provided/received				56				
Policy/Procedure				1				
Financial Issues				8				
Eligibility Criteria				0				
School Admissions				3				
Bullying/Exclusions				0				
Environment Housing				0				
TOTAL				163				
24.	Table 8 shows an overall decrease in response rates (within policy timescales) to complaints in Children and Families in 2015/16.							
TABLE 8								
Overall Performance Report - 01/04/2013 to 31/03/2016								
Record Type	Acknowledgement (< 3 days)			Full Response (< 10 days)				
	2013/14	2014/15	2015/16	2013/14	2014/15	2015/16		
Safeguarding: Social Care								
Stage 1 complaint	98.65%	99.5%	100%	84.16%	73.5%	48.4%		
Learning Services								
Corporate Stage 1 complaint	84.16%	92.9%	100%	75%	75%	76.9%		
Complaint Outcomes 2015/16								
Stage 1	Upheld		Partially Upheld		Not Upheld		Stopped / Withdrawn	
Stage 1 (Statutory)	28		51		68		1	
Stage 1 (Corporate)	3		0		7		1	
Stage 2 (Statutory)	0		0		2		1	
Stage 2 (Corporate)	0		0		0		0	
Stage 3 (Statutory)	0		0		0		0	
Total	31		51		77		3	

Remedies used	
Type	Number
Apology	30
Explanation	70
Apology + Explanation	33
Review process / policy	1
Training needs	1
Reimbursement of Expenses / Funding agreed	4
Meeting offered	3
School place offered	2
In court process / arena	6
Gone to Appeal	1

25.	<p>Adults Services (Social Care) Complaints</p> <p>For 2015/16, there were 77 complaints made about Adult Social Care compared to 113 in 2014/15. This represents a 32% decrease.</p> <p>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 stage two investigations are undertaken by the Customer Relations Team.</p>		
TABLE 5			
Investigation of Complaints (Stage 2)			
Year	No of Stage 1 Complaints	No of Stage 2 Complaints	Percentage (number progressing to Stage 2)
2015/16	77	4	0.052%
2014/15	113	3	0.089%
2013/14	154	0	0.00%

26.	Table 6 sets out the number of complaints by age. The highest number of
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complaints (38 (49.4%)) 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 Adult Social Care.

TABLE 6

Adults Complaints by Age

Age	Number	Percentage
16-19	1	1.3%
20-24	2	2.6%
25-59	19	24.7%
60-64	7	9.1%
65-75	8	10.4%
76+	38	49.4%
Not known	2	2.6%
TOTAL	77	100.0%

27.

Table 7 provides a breakdown of complaints by complaint issue and highlights some of the major themes contained with the complaints received. The issues raised can be classified in ten specific ways.

NB. Some complaints cross over one or more categories which explains why the total number of complaints received differs from the total in the below table.

TABLE 7

Reason / Issue for complaint	No of Issues
Disabled Parking Badge	11
Eligibility Criteria	0
Finance	24
Information/ Communication	5
Miscellaneous:	
Housing	0
Environment	0
Policy and Procedure	1
Unhappy with Care Manager	8
Provider Services	6
Unhappy with service	33
TOTAL	88

28.

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

TABLE 8																					
ASC AND CORPORATE COMPLAINTS BY SERVICE AREA (2015/16)																					
Specific Service Area																					
Safeguarding	0																				
Single Point Access (SPA)	2																				
Disabled Parking Badges	8																				
Hospital Discharge Team	3																				
Long Term Team One	17																				
Long Term Team Two	13																				
Day Care Services	2																				
External Provider – Domiciliary Care	5																				
External Provider – Residential Care	2																				
Internal Provider – Domiciliary	2																				
Internal Respite Care	1																				
Mental Health Services	0																				
Finance: Benefits (Assessment)	3																				
Debtors Team	9																				
Direct Payments / Personal Budget	3																				
Sensory Services	1																				
29.	<p>Complaint Outcomes 2015/16</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: black; color: white; text-align: center;">TABLE 9</th> </tr> <tr> <th style="text-align: left;">Outcome</th> <th style="text-align: center;">Number</th> </tr> </thead> <tbody> <tr> <td>Complaint withdrawn / stopped</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Not Upheld</td> <td style="text-align: center;">24</td> </tr> <tr> <td>Partially Upheld</td> <td style="text-align: center;">11</td> </tr> <tr> <td>Upheld</td> <td style="text-align: center;">27</td> </tr> <tr> <td>Safeguarding investigation</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Ongoing</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Not known</td> <td style="text-align: center;">9</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: center;">77</td> </tr> </tbody> </table>	TABLE 9		Outcome	Number	Complaint withdrawn / stopped	3	Not Upheld	24	Partially Upheld	11	Upheld	27	Safeguarding investigation	0	Ongoing	3	Not known	9	TOTAL	77
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30.	<p>Adult Social care complaints are assessed by risk level. Complaints are classified as low, medium and high risk as follows:</p> <ul style="list-style-type: none"> ▪ <i>Low risk</i> - 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.

31. These risk levels will affect the pathway and timescale of how we deal with these complaints. (See Table 10).

32. Under the combined adult social care/ corporate complaints procedure, the council aims to send complainants a full reply within 20 working days if possible, or if the matter is more complicated, this can be extended and the complainant informed. 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 10

OVERALL PERFORMANCE REPORT

Complaint Type	Acknowledgement within timescale		Full response within timescale			
	Adult Statutory Complaint	2013/14	98.8%	LOW	2013/14	65.9% (27)
2014/15		100%	2014/15		N/A	
2015/16		100%	2015/16		N/A	
			MEDIUM	2013/14	46.75% (72)	
				2014/15	60.0% (57)	
				2015/16	42.9%	
			HIGH	2013/14	33.3% (1)	
				2014/15	55.6%	
				2015/16	100% (1)	

TABLE 11

Remedies used at Stage One	
Type	Number
Amend Charges	2
Apology	14
Apology + Explanation	20
Change of Service Provider	6
Explanation	13
Further assessment to be undertaken	3
Reimburse / Credit Charges	4
Review Decision made	3
Review of Care Package	4
Review Process / Policy	1
Review Systems used prior to invoicing run	1
Staff Training	1
Complaint Stopped / Withdrawn	2
Waive Charges	3
TOTAL	77
33.	<p>CONCLUSIONS</p> <p>Overall the total number of complaints recorded by the council in 2015/16 decreased by 60.2%.</p> <p>Corporate Recorded complaints decreased by 67.9 % Stage 1 response within target time (20 days) has dropped to 75% compliance rate. Stage 2 response within target time (20 days) has remained static at 92% compliance.</p> <p>Childrens (incl learning Services) Complaints decreased by 33% Stage 1 response within target time saw significant decrease Stage 2 response (independent investigation) remained static.</p> <p>Adults Complaints decreased by 32% Stage 1 response within target time saw a decrease in performance Stage 2 response within target time remained static</p>
34.	<p>Learning from Complaints</p> <p>Each complaint when finalised is returned to the Customer Relations Team with a</p>

feedback/lessons learned document completed by the Investigating Manager

Whilst many issues are unique to that particular complaint, some highlight deficiencies in policy and process. They also highlight good or poor practice within individual departments or services.

These forms are returned with an Action Plan. This plan gives time scales for issues to be rectified. The return rate of completed forms varies. Management teams are impressing upon Service Managers the value of feedback.

The Customer Relations Team monitor these sheets to

- 1) ensure that the action plan is completed
- 2) identify issues forming patterns or trends
- 3) identify learning for individuals, teams or services as a whole.

Individual “lesson learned” continue to be recorded and improvements to services are made on those individual basis.

Examples of this are;

Complaint details are being used in the updates of the Council website

Communication pathways available to service users in respect of both Adult and Childrens Social care namely the roll out and availability of mobile devices to Social Care staff.

This also applies to other council areas namely Environmental Health Officers

The Customer Relations Team provides feedback and statistics monthly to the Council’s senior management via the CMT dashboard.

Action plans are then endorsed by senior managers and used to improve performance and direct change.

This allows continuous improvement, but in small manageable pieces, identifying trends early and providing solutions quickly.

During 2015, all Council policies in relation to complaints have been reviewed and updated. The updates have reflected the change in council structure and process and also reflect findings by the LGO and HO in respect of both Southampton related complaints referred to them and also generic national learning as a result of cases from other areas of the country.

After a pilot run by the CRT in 2015, a training course is being run by the team across the council during Autumn 2016 in order to update existing managers and provide guidance for new managers in the area of complaints.

The most significant issue recorded as cause for complaint continues to be communication, especially with individuals but also with individual departments.

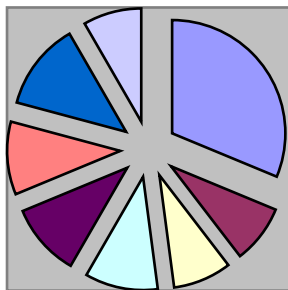
This is more noticeable in Children’s and Adult Services.

	<p>Whilst the pressure on Corporate Teams is lessened by the availability of online forms and electronic contact processes, Social Care clients rely and require either face to face contact or telephone contact with staff who carry their own workload. This coupled with the fact that most social care staff spend a considerable amount of time out of the office, leads to frustration and complaint on behalf of the customer.</p> <p>Whilst clients are able to contact teams within the Social Care arena, it is, ordinarily, the length of time for staff to re contact the customer that causes the frustration.</p> <p>It is envisaged that the commencement of the roll out of mobile devices mentioned earlier will assist Social Care to provide a better service in terms of communications in the future.</p> <p>As with the Corporate Teams, a “service recovery” ethos has been adopted in Social Care where encouragement is given to try to deal with issues quickly without leading to formal complaint procedure.</p>			
35.	<p>Local Government Ombudsman (LGO) Complaints</p>			
	<p>Local Government Ombudsman complaints, the final ‘independent’ stage for all complaints processes, are dealt with by the Service Lead: Legal Services Partnership on behalf of the Council. The LGO (the Commission for Local Administration in England) is appointed by HM the Queen and operates under Act of Parliament to provide an independent review of all complaints falling within their jurisdiction.</p> <p>In an effort to simplify outcomes for complainants the LGO has recently moved from findings of ‘Maladministration’ and ‘Injustice’ to a more commonly understood term ‘fault’. If ‘Fault’ is found a complaint is recorded as upheld, even if the Council has already taken steps to remedy that fault and the LGO is satisfied with the remedy offered by the Council.</p> <p>All findings are now reported on the LGO website within 3 months of the decision being published.</p> <p>Statutory reports still remain the highest ‘fault’ finding the LGO can make. These require the Council’s Monitoring Officer to prepare a report for consideration at full Council following a period of statutory publication of the findings. Council’s that fail to co-operate with the LGO or any of their findings may be subject to Judicial Review.</p>			
		2013/14	2014/15	2015/16
	Complaints received	48	69	67

Decisions made	45	70	65
Statutory Reports	0	0	0
Upheld	8	7	7
Not Upheld	10	8	5
Closed / Invalid etc.	14	25	19
Premature referrals	13	30	34

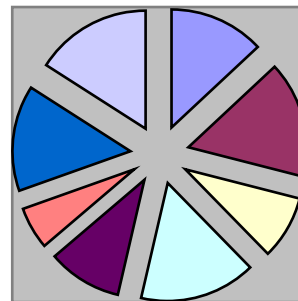
36. **Complaints received by Area**

2013/14



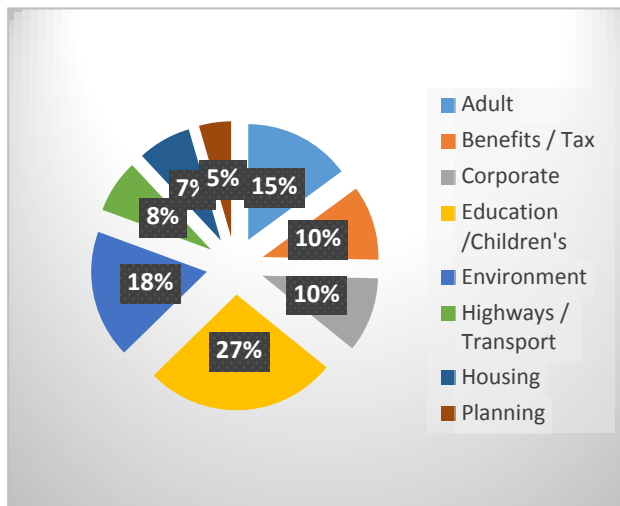
- Adult
- Benefits / Tax
- Corporate
- Education /Children's
- Environment
- Highways / Transport
- Housing
- Planning

2014/15



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2015/16



37. **Details of Complaints Upheld**

Of the complaints upheld by the LGO last year, 3 related to Adult Care matters (increased from 1), 2 Corporate services and 1 Children's / Education.

1 complaint relating to Housing was found to amount to 'fault' but the Ombudsman decision noted that the complaint had been fully resolved and remedied by the Council prior to reference to the Ombudsman. The complaint related to a failure by the Council to give effect to the findings of a tenants panel to offer a property to a tenant when it became available on an over 55 housing development (because of a disconnect between the service area and Homebid team). That was remedied by offering the next available property and carrying out replacement works to the bathroom as promised before the tenant moved in but which were not complete on time together with a payment of £250 to the tenant in recognition of their time and trouble in pursuing the complaint.

The Adult complaints related to:

- Failures to carry out assessments of disabled related expenses that should have been discounted when calculating client contributions to care. The assessment was subsequently carried out following a process agreed with the complainants advocate and a payment of £1100 made in relation to contributions that should have been deducted and time and trouble.
- Failure to manage the activities of a care agency acting on behalf of the Council and issues with agency staff recording of health data, meal plans etc. An apology was provided to the complainant and her mother and additional training provided to care staff in relation to their duties. Unfortunately, in this case the complaint was closed before the remedy could be fully completed with the family as the elderly care recipient passed away. The Council has nonetheless reviewed its procedures in relation to contract monitoring in response to the lessons learned from this complaint.
- Failure to properly record safeguarding concerns and decisions as to why action was taken around financial abuse of an elderly resident, taking inappropriate and un-evidenced action following receipt of reports in a dispute between family members without fully investigating first (including writing to the DWP resulting in the suspension of welfare payments without good cause). Failure to identify an appropriate remedy at stage 2 of the complaints procedure and failure to keep proper records within the service area of its actions with regard the matter. A remedy of £800 to reflect any financial loss or hardship suffered by the complainant was agreed with the Ombudsman but before it could be paid, the complainant unexpectedly passed away. The Ombudsman indicated it would be inappropriate to approach the complainant's personal representatives / estate to pay the remedy in the circumstances as the remedy was personal to the individual concerned.

The Corporate Services complaints related to:

- In one case the Council sold a very small piece of open land (a small ransom strip between properties) to a third party as part of a right to buy without consulting the neighbour who had a license to occupy that small parcel of the original title land (as at the time the Council did not have a record of the license on its title information). While the Council was entitled to terminate the license to proceed with the sale, and would have done so if proper procedure was followed, this did not take place prior to

sale. The existence of the licence was not discovered until many years later when considering a planning application to build an extension that required the boundary fence to be moved in line with the registered title boundary by the new occupant of that land. In that case, the land having been sold and registered previously in good faith, the Council had no redress to re-acquire the land from the person it was sold to (the outcome the complainant wanted) and a remedy was offered in relation to the funding of a new boundary treatment and planting to enhance the remainder of the complainant's garden. The total cost of the remedy provided amounted to approximately £8,880 for fencing and planting and £750 for the time, trouble and inconvenience caused as a result of the Council's mistake and his long upkeep of the land.

- A community asset transfer application was made in respect of a building that was excluded from the CAT process by Council policy. The application was accordingly rejected. The property was later leased to a third party to provide youth services by a different area of the Council. The original applicant was not advised the transfer had taken place. While the Ombudsman was satisfied that the Council had the right to transfer the property to a third party outside of the CAT process, it found fault in the Council not having notified the complainant this was taking place given it knew the complainant had an interest in the property and had asked to be kept updated in that regard. An apology was deemed to be a suitable remedy.

The Children's complaint related to a complicated SEN case. The complainant has two sons receiving services from the Council and was a voluminous correspondent. The complainant's own actions contributed to confusion in dealing with complainants relating to both children's SEN provision and confusion and significant resource pressure within the service area. As a result the correct annual review process was not followed for dealing with the elder child's education transition at age 16 (which also corresponded with a change in the law around Post 16 provision which further confused matters as to the appropriate route to follow). While the Ombudsman was highly critical of the complainant's own confusing behaviour and the challenge to resources and cooperation presented to the Council it nevertheless found that the Council had failed to properly record annual reviews or effectively communicate the outcome of these to the complainant or to progress a transition plan in a timely manner or to agree appropriate continuing education provision for the child's post 16 education. It was recommended and agreed that the Council would amend its annual review letters and processes to make the outcome more transparent and clear for families and to prioritise the transition plan for completion (subject to the complainant's cooperation with that process).

The Council remains in the top quartile nationally for speed and efficacy of its responses to and co-operation with the LGO in line with previous years and compares favourably with its regional comparators in terms of number of complaints and percentage upheld.

The LGO's *Annual Review of Local Government Complaints* continues to suggest that many councils are dealing with increasing numbers of complaints and have less resource available to manage them due to resources being cut in service areas and complaint handling teams and that this is having an impact on

both numbers of complaints and learning from complaints.

Nationally in 2014/15 the LGO registered 19,702 complaints (up from 18,211 complaints last year), and upheld 51% of them (again, rising from 46% last year). Within this the largest are of increase in complaints was Children’s at 13% (not currently reflected in Southampton where the picture more readily compares with the increase in Adults complaints last year). The national picture shows a decrease in housing complaints of around 13% which is also reflected in Southampton where this was traditionally a high area but it should be noted that the Housing Ombudsman service operates separate from the LGO dealing with tenant complaints and there is currently a reported 9 month backlog of complaints with that service. The Southampton Link Officer therefore believes, based on current cases open and known to Southampton that there are a number of housing complaints yet to be determined by the Housing Ombudsman that may have an impact on these figures as and when they make their way through the system.

38. So how does Southampton compare?

The table below shows how Southampton performs against key local and unitary comparators. This is an edited snapshot of total number of complaints and % upheld and is not intended to give more than a brief overview of comparative pressures / performance. More detail, and statistics for all other Councils, is included in the LGO Annual Report referred to above.

	2014/15 Complaints	% Upheld	2015/16 Complaints	% Upheld
Bournemouth	76	40%	66	50%
Bristol	131	55.9%	183	64%
Brighton & Hove	138	51.5%	123	39%
Hampshire	107	53.6%	119	71%
Plymouth	90	40%	102	61%
Portsmouth	45	60%	52	40%
Southampton	69	46.7%	67	58%

Southampton continues to perform reasonably well compared to the national and local picture but still faces many of the same challenges including reducing staff and other resources both within service areas and the corporate complaints team this year. Full details of both the Council’s annual performance letter and the LGO Annual Review can be viewed on www.LGO.org.uk

39. Learning from Complaints

Communications

	<ul style="list-style-type: none"> • Feedback used to form consultation and implementation of the Web Refresh project • Changes made to voice recognition switchboard system <p><u>Highways & Parking</u> Enforcement Policy and letters sent to residents regarding dropped kerb requirements reviewed after customer complaints highlighted issues which appeared out of step with other similar council policy</p> <ul style="list-style-type: none"> • As a result of large number of major road projects outside the city boundary (which effected residents within the city due to the diversion etc., information distributed to alert residents to the complaint contact details for the respective companies and agencies for direct complaint management, rather than be referred after being received by SCC <p><u>Local Taxation</u></p> <ul style="list-style-type: none"> • Wording of standard letters reviewed due to complaints about apparent abruptness of the letters.
	<p><u>Children's Services</u> Learning from complaints can be put into three categories, Individual learning, Team/Service Learning and Organisational learning. During the past year complaints have resulted in the following actions to improve future services. These include:</p> <ul style="list-style-type: none"> • Review of the SEND application and process systems • Review of Police Disclosure information requests to speed up system and get offenders to court quickly thereby safeguarding child victims in a timely manner. Internal telephone system refined so that duty officers can intercept office calls and all social workers instructed to give out direct office and mobile telephone numbers to aid direct contact with service users. <p><u>Health & Adult Social Care</u></p> <ul style="list-style-type: none"> • Charges waived or refunded • Time and trouble payment reimbursement of legal fees • Review of and changes to Care Package / Care Manager • Mental Health assessment and process forms reviewed. Communications forms an on-going part of service area accessibility.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
40.	None.
<u>Property/Other</u>	
41.	None.
LEGAL IMPLICATIONS	

<u>Statutory power to undertake proposals in the report:</u>	
42.	Not applicable.
<u>Other Legal Implications:</u>	
43.	None.
POLICY FRAMEWORK IMPLICATIONS	
44.	Not applicable.
KEY DECISION?	Yes/No
WARDS/COMMUNITIES AFFECTED:	
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	None.
Documents In Members' Rooms	
1.	None.
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out.	Yes/No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	Yes/No
Other Background Documents	
Equality Impact Assessment and Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
None	