



## **Corporate Annual Report: Compliments and Complaints 2019**



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## Executive Summary

This is the 2019 annual report for compliments and complaints received in relation to the corporate functions provided by the County Council. The report focusses on the areas of business that generate most customer contact, namely Highways, Transport & Planning; Education & Skills; and Environment & Public Protection. However, the report also includes details of compliments and complaints received by other service areas such as Communities; Law & Assurance; Property & Assets; Finance & Procurement; HR & Organisational Change; and the Fire Service.

For ease of reference in this report, where these areas are mentioned as a group, they are referred to as the Council's 'corporate functions'.

The report covers the period 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019.

Historically, the County Council has produced a broad 'whole Council' annual report, but this year a decision was made to produce separate reports for both Children's and Adults' Social Care as well as this report, to enable the Council to produce a more focussed review of complaints received in respect of our service delivery to our most vulnerable customers.

The purpose of this report is to review the operation of the complaints process over a 12 month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints.

This report also provides information for decisions issued by the Local Government and Social Care Ombudsman (LGSCO) in 2019, as well as compliments recorded by the Council.

The Council's definition of a complaint is:

***"A complaint is an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the County Council or its staff, affecting an individual customer or group of customers"***

The Council's corporate complaints process is used to manage complaints that fall outside of the remit of the statutory complaints procedures in place for managing Children's and Adults' social care complaints:

*"The Corporate Procedure will not be used for matters which should be dealt with using other procedures, such as; the statutory complaints procedures for Adult Social Care and for Children's Social Care; personnel procedures such as grievance or disciplinary procedures; appeals; or other alternative procedures".*

Full details of the corporate complaints procedure can be found on the Council's website, but put simply; the Council's aim is to resolve complaints for our customers as quickly and simply as possible. For this reason, the initial stage is dealt with by the manager responsible for the service, with an emphasis on trying to reach a resolution. If that resolution is not reached, the customer has the right to escalate matters to the next stage, where the complaint is reviewed by the Complaints Manager. The investigation report is then approved and issued by the Chief Executive.

The Customer Relations Team, which is part of the Customer Experience Service, is the central team supporting customers and staff to ensure that making a complaint is as easy as possible for all concerned. The team consists of:

David Tominey, Complaints Manager, and four Customer Relations Officers.

The team can be contacted by emailing [feedback@westsussex.gov.uk](mailto:feedback@westsussex.gov.uk) or by calling 033 022 28222

# 1 The overall picture

## Complaints recorded against all corporate functions from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019.

The table below shows the reasons recorded for complaints during 2019 in comparison with 2018 and 2017.

<b>Complaint Nature</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Charging/Financial Assessment</b>	<b>5</b>	<b>4</b>	<b>6</b>
Charging/Financial Assessment	5	4	6
<b>Conduct of Staff</b>	<b>32</b>	<b>27</b>	<b>82</b>
Behaviour	29	23	67
Competence	2	3	10
Failure Demand	1	1	4
Conduct of staff - Failure demand			1
<b>Damage/Nuisance/Loss</b>	<b>5</b>	<b>12</b>	<b>51</b>
Damage/Nuisance/Loss	5	12	51
<b>Data Protection/FOI</b>	<b>2</b>	<b>12</b>	<b>1</b>
Breach of Confidentiality	2	12	1
<b>Operational Processes</b>	<b>12</b>	<b>19</b>	<b>137</b>
Assessment	6	3	20
Eligibility	3	7	24
Service Request Refused	1		20
Other	2	7	26
Frequency		2	
Level/quality of contact with child			2
Standard of report			1
Consultation Process			28
Operational process - other			16
<b>Quality of Service</b>	<b>189</b>	<b>233</b>	<b>126</b>
Communication with service - Avoidable Contact	17	4	
Delays	14	19	37
Delivery	145	185	
Discrimination	2	5	5
External service Quality Alert			19
Communication with service - Failure Demand	6	7	26
Communication with service - Other	5	13	39
<b>Use of recycling site</b>	<b>71</b>	<b>68</b>	<b>5</b>
Use of recycling site	71	68	5
<b>Waste Management policies and procedures</b>	<b>9</b>	<b>38</b>	<b>3</b>
Waste Management policies and procedures	9	38	3
<b>Level of general service to residents</b>	<b>0</b>	<b>0</b>	<b>4</b>
Level of general service to residents			4
<b>Not WSCC</b>			
Not WSCC	0	1	0
<b>Grand Total</b>	<b>325</b>	<b>414</b>	<b>415</b>

Explanatory notes:

1. *Figures in bold are the headline figures for a complaint category. Where a breakdown is available, the figures are shown immediately below.*

2. The categories of 'avoidable contact' and 'failure demand' taken together describe complaints arising from situations which were avoidable if the Council was easier to contact, or where contact had been promised but was that promise was not kept. These two categories have now been combined to avoid confusion.

The table below summarises the complaints and compliments recorded by all directorates or service units in 2019, highlighting how the Council's corporate functions compare against annual statistics for the rest of the Council. The numbers for the LGSCO reflect the number of *decisions received* in the reporting period.

Complaints by Directorate 2019	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO decisions received	Compliments
<b>Adults and Health</b>							
Adult Services	190	44	23%	82%	34	35	244
Social Care Joint Commissioning	3	1	33%	67%	0	0	2
<b>Children Young People and Learning</b>							
Education and Skills	48	7	15%	83%	8	6	114
Children Services	249	59	24%	74%	44	16	45
<b>Place Services</b>							
Communities	19	11	58%	84%	1	2	4744
Environment and Public Protection	107	26	24%	64%	4	2	195
Highways, Transport and Planning	201	33	16%	85%	23	20	127
<b>Resource Services</b>							
Law and Assurance	5	3	60%	80%	1	2	1
Property and Assets	2	0	0%	100%	1	0	0
Finance, Procurement and Business Support	22	5	23%	86%	4	1	23
<b>Fire Service</b>							
Fire Service	4	2	50%	75%	0	0	28
<b>Chief Exec's Office</b>							
Chief Exec's Office	1	0	0%	100%	0	0	2
<b>HR and Organisational Change</b>							
HR and Organisational Change	3	0	0%	100%	0	2	1
<b>Grand Total Complaints</b>	<b>854</b>	<b>191</b>	<b>22%</b>	<b>78%</b>	<b>120</b>	<b>86</b>	<b>5526</b>

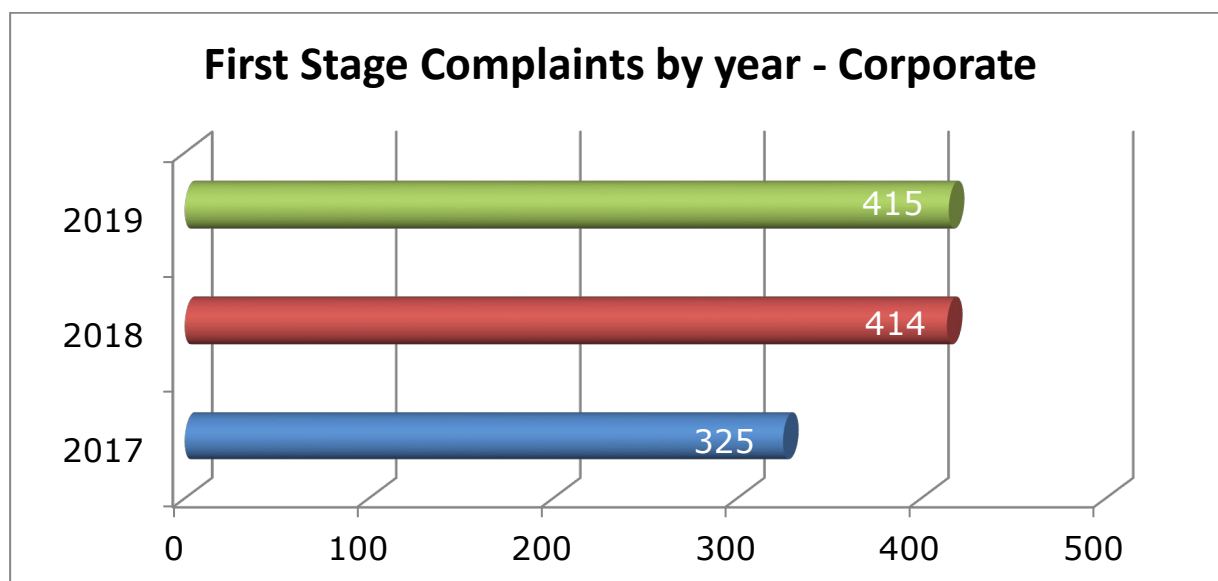
This table shows the year on year comparison of complaints traffic across the Council's corporate functions.

<b>Complaints by Directorate</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Not WSCC</b>			
Not WSCC	0	1	0
<b>Discontinued</b>			
Music Service (Discontinued)	1	0	0
<b>Place Services</b>			
Communities	25	18	19
Environment and Public Protection	83	109	107
Highways, Transport and Planning	138	194	201
<b>Resource Services</b>			
Law and Assurance	8	20	5
Property and Assets	7	4	2
Finance, Procurement and Business Support	18	16	22
<b>Fire Service</b>			
Fire Service	6	7	4
<b>Chief Exec's Office</b>			
Chief Exec's Office	0	1	1
<b>HR and Organisational Change</b>			
HR and Organisational Change	1	7	3
<b>Adults and Health</b>			
Social Care Joint Commissioning	0	2	3
<b>Children Young People and Learning</b>			
Education and Skills	38	35	48
<b>Grand Total Complaints</b>	<b>325</b>	<b>414</b>	<b>415</b>

## 2 Analysis of overall figures

### 2.1 Stage One Complaints

The number of complaints recorded at the first stage increased from 414 in 2018 to 415 in 2019. This represents an increase of 0.25% in formal complaints received compared to the figure recorded in 2018.



It is difficult to say with any degree of certainty what the reasons are for the volume of complaints traffic, but it is possible to comment on potential contributing factors.

The Council advertises the complaints process clearly and the Customer Experience Service has been instrumental in assessing the accessibility of the complaints service to all of our customers in 2019. The improved accessibility for our customers is intended to provide our customers with a platform from which to voice their dissatisfaction with services provided.

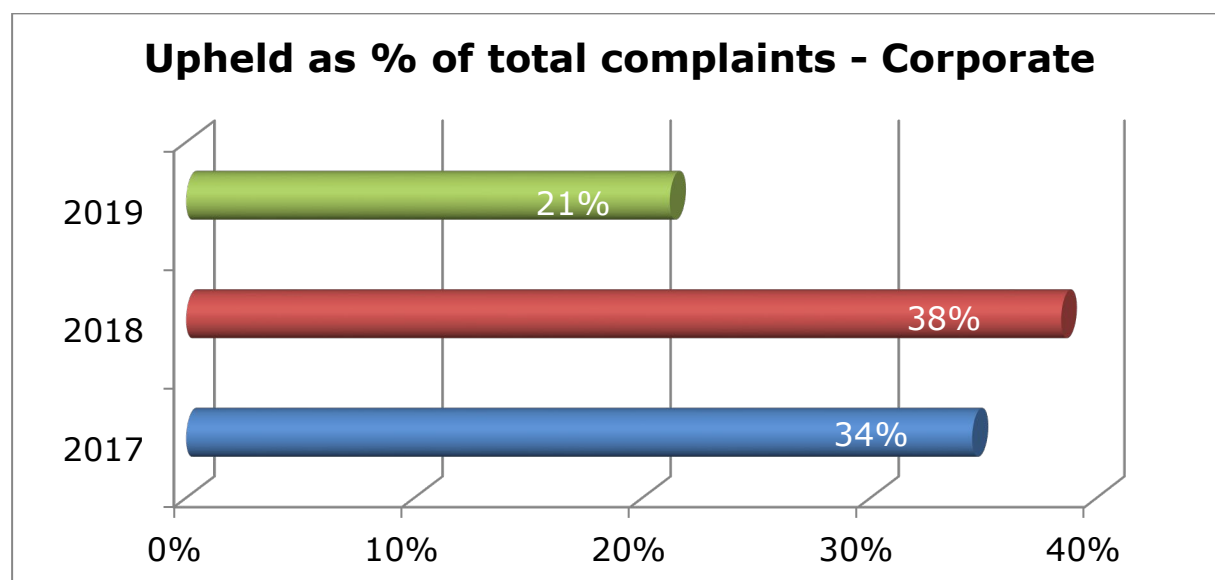
The number of formal complaints received by the Council is a fraction of one percent in proportion to the total transactions with service users and the public. If taken as a percentage of calls to the Customer Service Centre it would only be 0.2%, however there are many more customer contacts through other channels.

This comment in no way infers that the Council simply accepts the level of complaints we have received. We want to avoid any customer needing to complain, but also regard every complaint as an opportunity to learn and to implement changes that will avoid future complaints being made, improving our customers' experience and in turn our customers' satisfaction levels with the Council.

There was a very slight increase in complaints received in relation to the Council's corporate functions in 2019 but the number remained stable with that recorded in 2018. The number of complaints upheld at the first stage decreased from 38% in 2018 to 21% in 2019. This includes complaints that were 'partially upheld'.

The percentage of upheld complaints has decreased significantly from those reported in 2017 and 2018.

The percentage of complaints upheld in the Council's corporate functions (21%) is slightly lower than the whole Council average of 22%.



## 2.2 Stage Two Complaints

If a complainant is not satisfied with the response at the initial stage, they have the right to escalate their complaint for consideration at a more senior level.

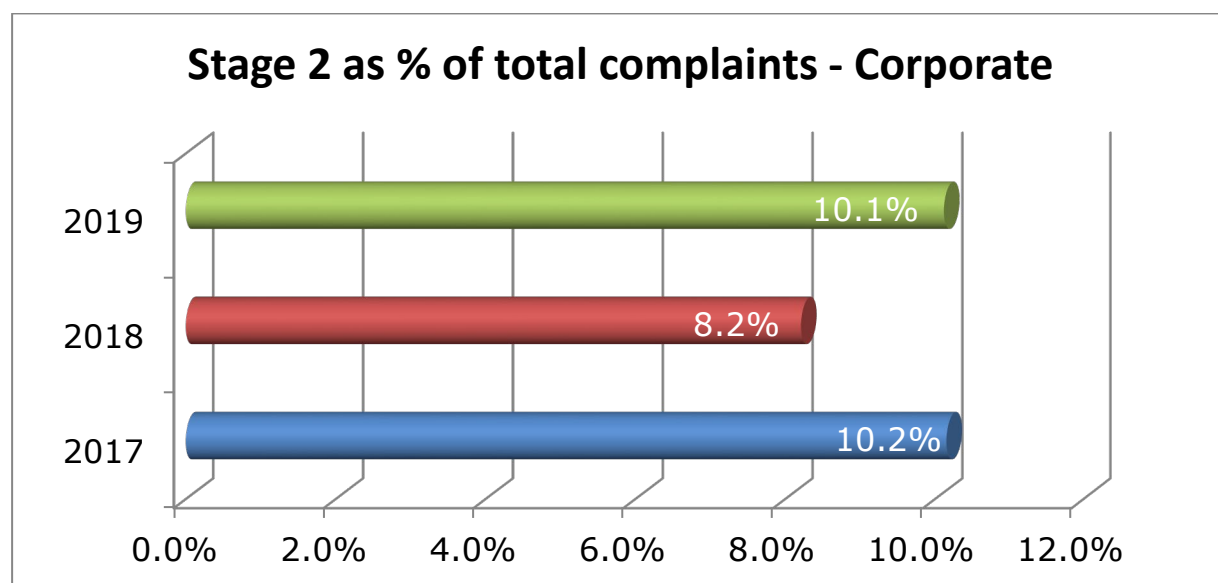
Stage two is a review for the Chief Executive, usually carried out by an officer independent of the service being complained about. If a review of a professional



judgment is required, this may have to be carried out by a suitably qualified manager within the service. A report and recommendations are produced. These are shared with the relevant Executive Director before being passed to the Chief Executive. The Chief Executive issues a formal response to the complainant. The target timescale for this stage is twenty working days.

The number of complaints relating to the Council's corporate functions considered at stage two of the Council's complaints procedure rose from 34 in 2018 to 42 in 2019; a 23.5% increase.

The number of complaints considered at stage two represents 10% of the total number of complaints received at stage one in 2019, compared with 8% of the total in 2018. The 10% recorded shows a return to the figure reported in 2017.



The Customer Relations Team has continued to ensure that responding managers are using templates which explicitly advise complainants of their right to escalate.

It is important that complainants are provided with clear instructions on how to pursue their complaints through the appropriate channels. This transparent approach is applied across the whole Council and is indicative of the integrity employed when managing the complaints process.

It is likely that including escalation advice with every stage one response contributes to the number of complaints that are escalated, but the Council is committed to ensuring that the complaints process is transparent and that customers are empowered to seek review of stage one decisions in line with their statutory rights.

The Customer Relations Team reviewed the quality of responses at the early stages of the complaints procedures and a decision was made during 2019 that all responses to stage one complaints would be subject to quality assurance by the Customer Relations Team prior to the response being issued.

Of the 42 stage two complaints investigated, only 3 (7%) have been found to be upheld in full or in part. Details of the operational learning and insight gained from those complaints investigations are listed below.

### **Upheld in Full**

#### **Highways Transport & Planning**

A complaint was made that delays by the Council were preventing a young person's family from making long-term arrangements for travel to and from school.

The complaint was upheld at stage one of the complaints process, but continued delays prompted the customer to escalate the matter for consideration at stage two of the process.

It was accepted that delays in identifying suitable escorts for the young person were unacceptable and the complaint was upheld. The Council had implemented a short-term solution and planned to make that permanent, with the customer's agreement.

### **Upheld in Part**

#### **Highways Transport & Planning**

A customer complained that her repeated complaints made to the Council in relation to the surface of a named road had resulted in no action being taken.

Evidence supported the fact that, although the customers approaches to the Council over two years had all been processed and acted upon, the Council had not communicated this to her consistently.

#### **Highways Transport & Planning**

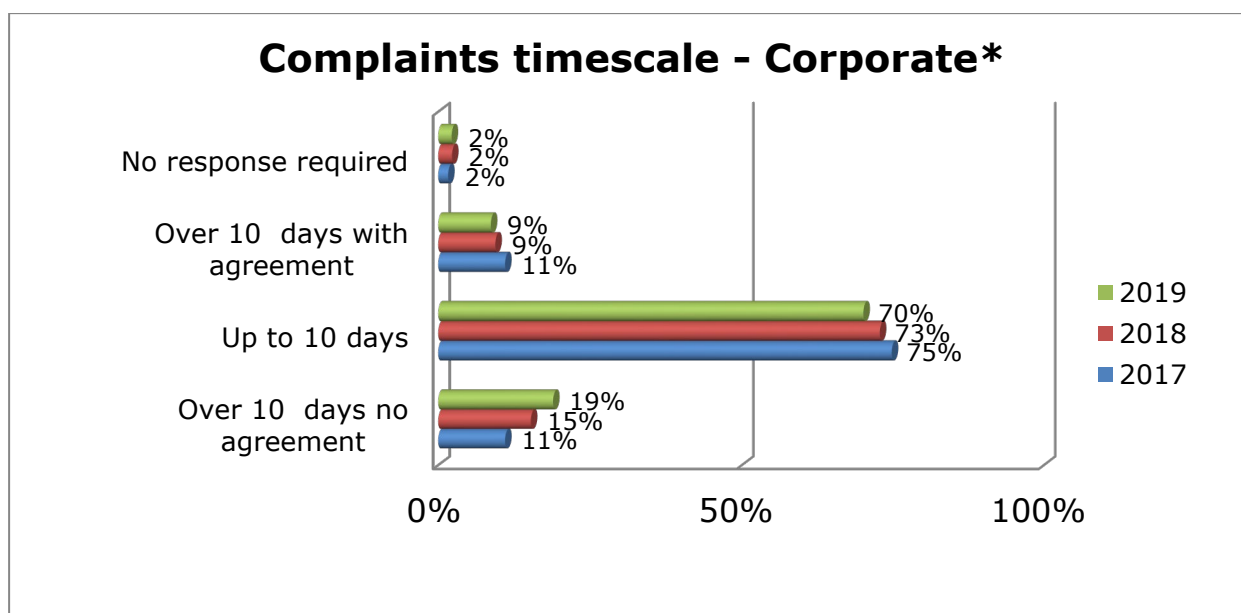
A group of residents complained about the Council's allocation of money to a parish council to undertake construction of a link road and an associated footpath project.

A minor deficiency in the process was identified retrospectively as the matter had already been addressed and the Council had already put an appropriate protocol in place; for that reason the complaint was found to be upheld in part.

### **2.3 Performance**

The Council's guidance on managing corporate complaints makes clear the expectation of staff responding to a formal complaint at stage one of the complaints procedures:

*The target timescale for response at stage one is up to ten working days from the date of receipt of the complaint, with a maximum of twenty working days.*



\*Excludes Waste complaints in 2017 & 2018 where complaints were recorded separately and timescales are not available

In 2019, 81% of stage one complaint responses were issued within timescales or within an extended timescale. This figure is slightly lower than that recorded in 2018 (85%) and is representative of a slight decline in performance year on year.

The timeliness of complaint responses is of huge importance across all Council services and is an element of complaints management the Customer Relations Team is constantly reviewing.

The Complaints Manager sought to address the timeliness of complaints responses, introducing a reporting tool with a RAG (red, amber, green) warning system for managing all open complaints. This is cascaded to all senior managers within the Council on a weekly basis.

The Customer Relations Team introduced a new complaints system (Infreemation) on 1<sup>st</sup> November 2019 to facilitate all complaints received within the Council. Infreemation provides responding managers with daily and weekly reports reminding staff of outstanding casework and impending deadlines. The RAG reports remain in place and are sent automatically to senior managers via Infreemation.

Responding to corporate complaints within the specified timescale is an obligation the Council takes very seriously, and continued improvement on the performance reported in 2019 is an absolute priority. The Customer Relations Team will continue to work closely with services to ensure management has oversight of complaints casework and is provided with support throughout the process.

A further priority is to ensure that the *quality* of stage one complaint responses are of a standard that drives down avoidable escalation. It is accepted that complainants have a right to escalate complaints if they disagree with the outcome of the stage one investigation, and that the Council can have little control over this. However, by ensuring that all elements of complaints are considered fairly and thoroughly, the Council can work towards reducing unnecessary escalation. Robust quality assurance of stage one responses is now one of the core responsibilities of

the Customer Relations Officers to ensure that all responses are of the expected standard and are fair and accurate in their findings.

## **2.4 Financial remedies**

The complaints process is not designed to facilitate compensation payments. The Council will sometimes offer goodwill gestures, or ex-gratia payments in recognition of identified fault, but this is in itself quite rare. The local Government and Social Care Ombudsman (LGSCO) has published guidance on remedies for complaints scenarios, and this guidance is used when payments are considered as a result of a complaint being upheld.

Financial remedy payments are not 'compensation' but they are a method recommended by the LGSCO for resolving complaints where the Council has been found to be at fault and is unable to resolve the situation in another way. The volume of complaints considered by the Council covers a range of issues raised by customers, which means that it will always be hard to predict what overall levels of financial remedy are likely to be offered by the Council.

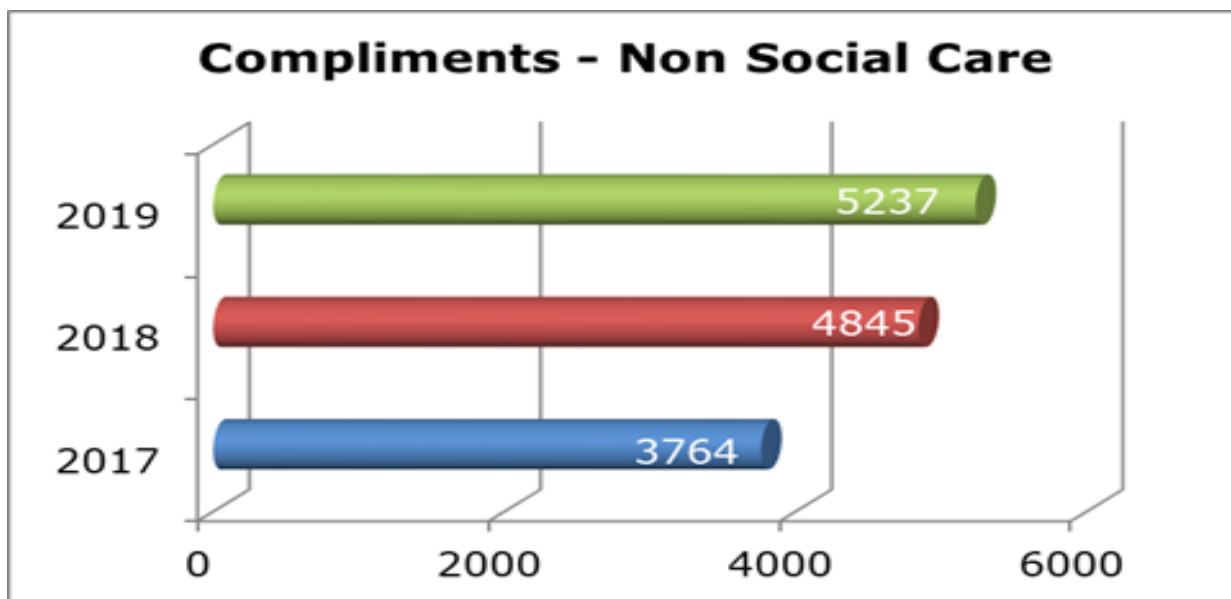
There were no recorded payments made as a result of a complaints investigation outside of social care in 2019.

## **2.5 Compliments**

When a customer is so satisfied with the service they have received that they make a special mention of it, the Council records this as a compliment.

The number of formal compliments received by the corporate functions remains very high when compared with other directorates; this is due in no small part to the large number of compliments received by Libraries. The summer reading challenge is a consistently popular event with customers and results in thousands of compliments year on year. The 4744 compliments recorded against the Communities directorate in which Libraries sit make up 86% of the total compliments received by the Council as a whole.

It is pleasing to note that both Environment & Public Protection and the Fire Service have received many more compliments than complaints in 2019.



The number of compliments received in the corporate space has risen for the third year in a row to 5237. Included in this figure is the number of compliments received relating to Library Services and their Summer Reading Challenge. 2028 compliments were received in response to the Summer Reading Challenge in which over 10,000 children take part.

It is hoped that the levels of recorded compliments received remains high in 2020 but it is likely that the impact of Covid-19 and the temporary closure of settings will affect the numbers recorded.

The Customer Relations Team is committed to ensuring staff across the Council are recognised for the good work they do and that as many compliments as possible are recorded. The Customer Relations Team has been proactive in reminding senior managers of the requirement and importance of ensuring all formal compliments are presented for formal recording.

Compliments are important when helping our organisation understand what 'good' looks like and to celebrate our successes, supporting the staff recognition platform and helping our organisation live and breathe our customer centre value.

Some examples of the compliments received by the Council's corporate functions staff in 2019 are listed below:

#### **Highways - Mid Sussex**

*"I understand that you are responsible or partly responsible for the outside dining areas that have been made in East Grinstead along the High Street. What a genius idea, not only has it helped the businesses along there but the community of East Grinstead has benefitted.*

*In what had been a horrible year, with holidays cancelled etc. Sitting out on the street with a drink or a meal, has been just lovely. I hope this becomes a regular occurrence"*

## **Highways - Adur**

*"I sent you a message regarding the state of the pavements in and around Dingley Road in Rustington. This morning a very pleasant gentleman from the Highways department came to my house and informed me that he was carrying out a survey of the pavements and indicated that there were certain areas that needed attention.*

*I would just like to say thank you to both the Highways department for a very quick response to my query, and to the engineer who came to the house. Well done to all concerned"*

## **Special Educational Needs (Post-16)**

*"Thank you for attending, supporting and fielding questions to families tonight and providing a great reassurance to them.*

*I thought these were productive and supportive.*

*This is much appreciated"*

## **Special Educational Needs (South)**

*"I hope your temporary contract is extended or made permanent – your skills, reflectiveness and ability to work with complex situation keeping everyone together are rare. I should imagine the job is taking its toll though...Fingers crossed!"*

## **Driver Training**

*"Hi just finished my course Julia that hosted. She was very easy to listen to also made the course seem not so much as a punishment but as a learning curve"*

## **Fire and Rescue Service**

*"I just wanted to say a massive thank you for attending my son yesterday.*

*We are very grateful for your help and my son would like to attend the station later (if possible) as he wanted to say thank you"*

## **3 Complaints delivering insight to action**

Within the Customer Experience space we have a number of corporate measures which will help us focus on improving the service we provide our customers:

- *Level of Satisfaction with the services received by our residents;*
- *Residents finding it easy to access information service and support they need;*
- *Freedom of information requests responded to within time;*
- *The County Council response to recommendations from customer complaints.*

Insight from complaints plays a key role in how we deliver the right outcome to our customers and in continually improving our service delivery. To achieve this there has been much activity within the way we collate and learn from our customer complaints. The Customer Experience team improved the way we report to senior

managers with the continued development of the Compliments and Complaints Dashboard which informed improved reporting and learning from complaints, locally and across the Council.

2019 marked a departure from the previously established Working Together Focus Group, which was established in the summer of 2017 to consider operational learning and service improvement identified in the analysis of complaints received across the Council.

The effectiveness of these quarterly whole Council meetings was reviewed in 2019 and a decision was made to present updates on complaints and organisational learning to already established focus groups.

The focus remains on ensuring that our customers benefit from the recommendations made as a result of a complaints investigation, but also that operational managers are empowered to make organisational improvements as a direct result of those recommendations. While systemic improvement is not always a by-product of an upheld complaint, the Customer Relations Team is committed to ensuring that remedies and learning are recorded, reported and monitored to completion.

Insight from complaints plays a key role in how we deliver the right outcome to our customers and assists the Council to continually improve our service delivery. To further empower managers to keep up to date with service performance, the Customer Relations Team have taken steps to improve the availability of performance statistics through formal reporting, and by continually developing and updating 'real time' management tools.

The Customer Relations Team and the Customer Experience Analyst maintained a Compliments and Complaints Dashboard in 2019, which allows the user to examine performance, in terms of numbers, timescales and outcomes, from Council-wide down to individual teams and from a number of years down to individual months. Although of particular interest to managers, this is open to all staff.

Work is also underway to benchmark our performance with statistical neighbours to ensure we are in a place where we know what 'good' looks like and to be able to measure our performance against other authorities.

All of this insight will feed into the Customer Relations Team's presentations to the Performance Board and the Senior Leadership Team meeting, helping to paint a full picture of why our customers complain and to have a framework in place that will help us continuously improve where we can avoid a complaint being made.

A programme of complaints training for Team Managers was rolled out in 2018 and is due to be repeated in 2020. The Complaints Manager and the Customer Relations Manager have revised and improved guidance for responding managers; this guidance is provided by the Customer Relations Team to all responding managers when complaints are allocated for response.

## 4 Service Commentary

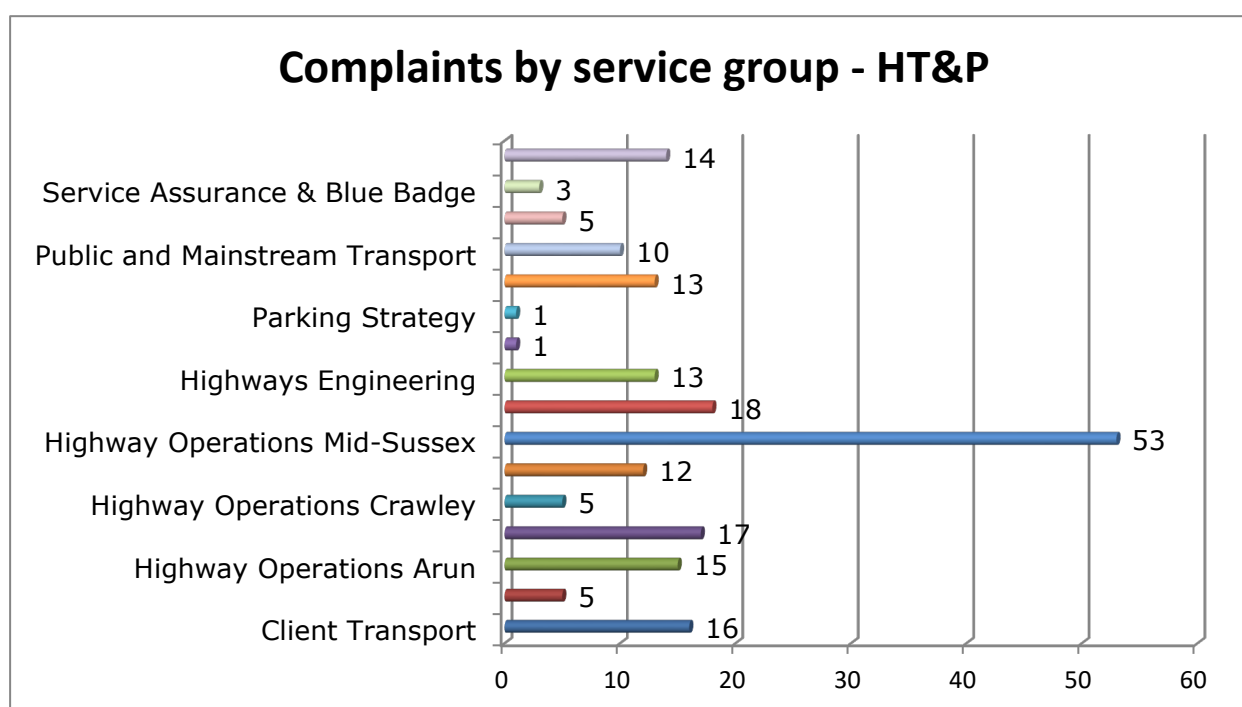
### Highways, Transport & Planning

Highways, Transport and Planning	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2019	201	33	16%	85%	23	20	127
2018	194	51	26%	82%	18	15	121

Highways, Transport & Planning is, historically, one of the three main service delivery groups that report the highest number of complaints, the other two being Adults' and Children's social care.

To understand the headline figure of 201 complaints recorded against Highways, Transport & Planning, it is necessary to drill down into the data, to add appropriate context.

The table below shows a breakdown of complaints by grouped service areas for 2019. The table is useful to provide an overview of the complaints received across the service areas, including the geographical operational areas.

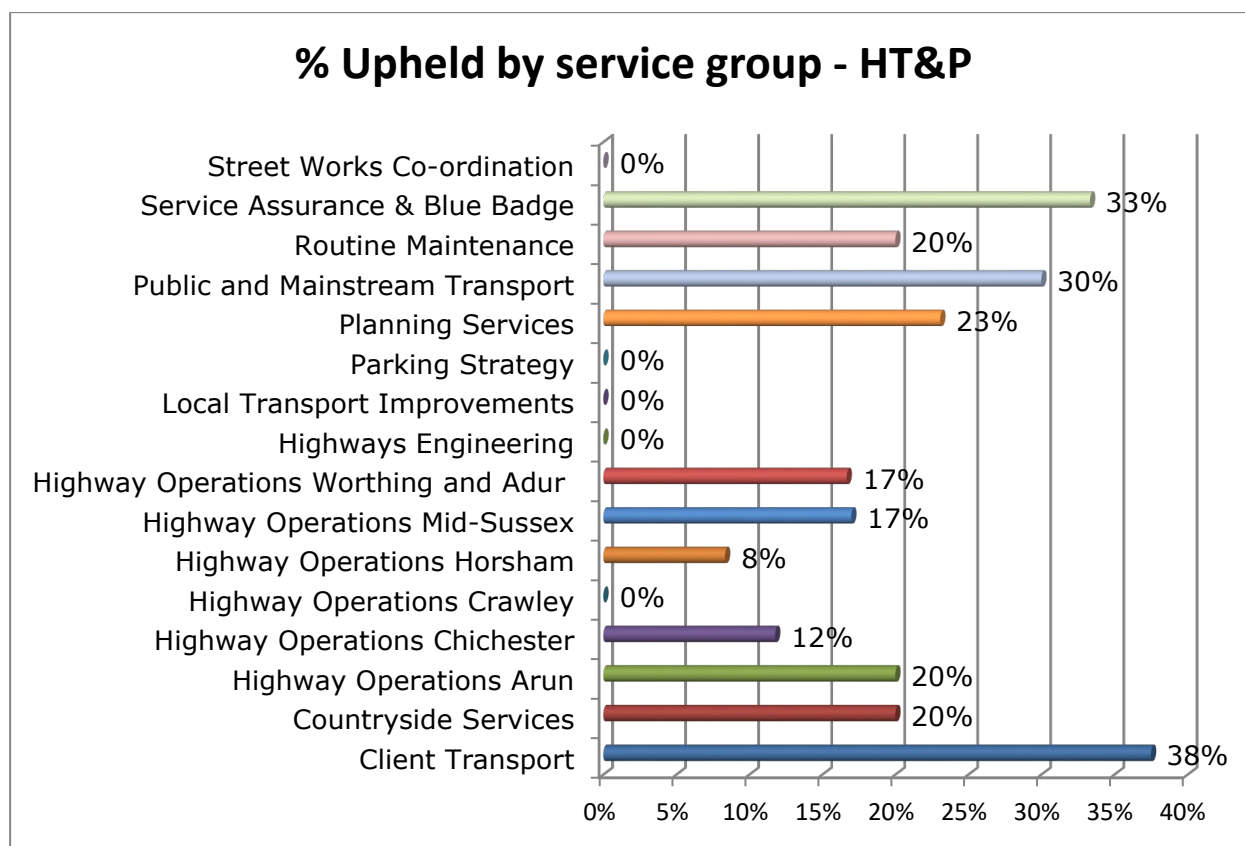


It has already been reported that the percentage of upheld complaints in Highways, Transport & Planning (21%) is slightly lower than the whole Council average of 22.2%. The graph below shows the upheld rates across the grouped service areas in 2019. The very small data set for Blue Badge results in a relatively high, stand out percentage of upheld complaints.

It is interesting to note the disparity between the number of complaints received by Highways Mid-Sussex (53) and the number of complaints upheld (9 complaints, or 17%). To add context to these figures, of the 53 complaints, 29 related to highway works; the condition of the highway; or decisions not to revisit identified areas of highway for repair.

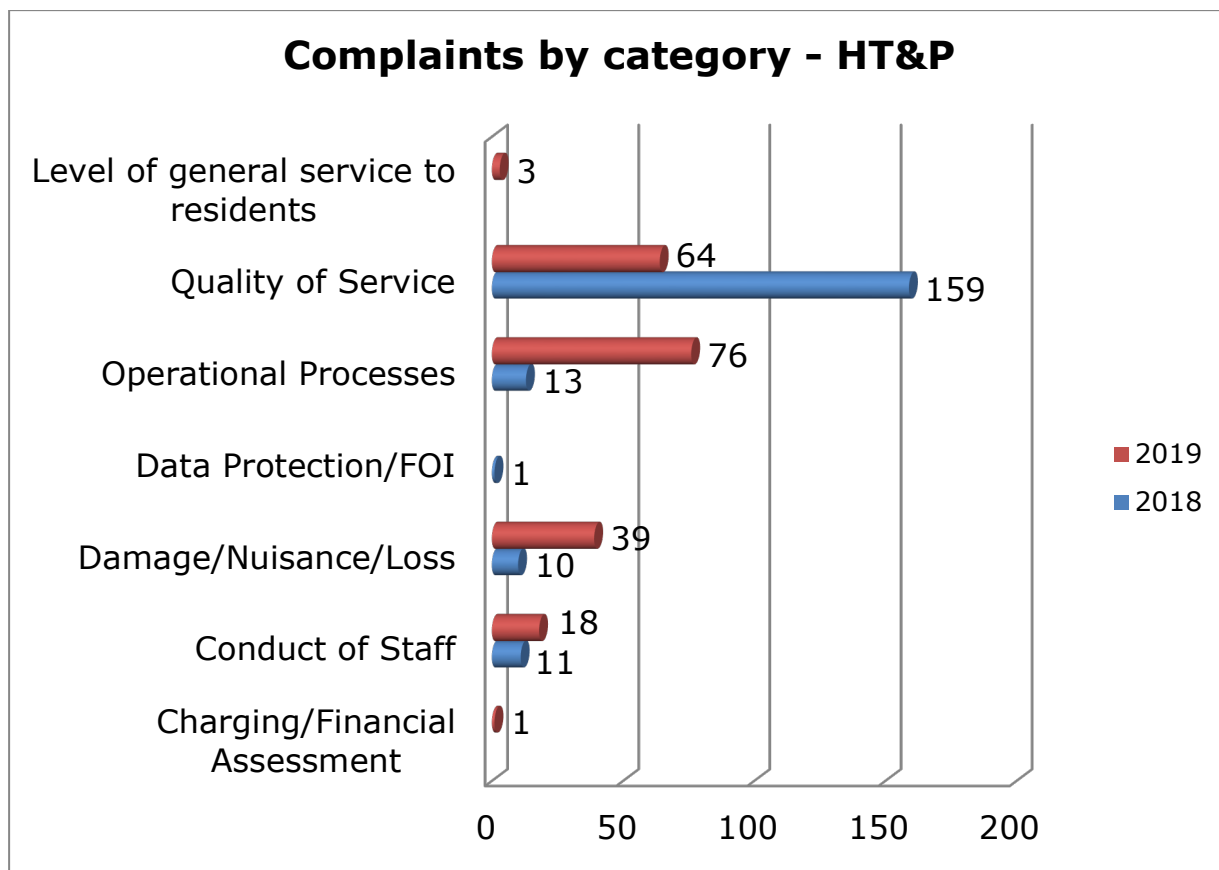


The remaining complaints related to isolated issues, and do not indicate an identifiable trend in identified fault in Highways Mid-Sussex service provision.

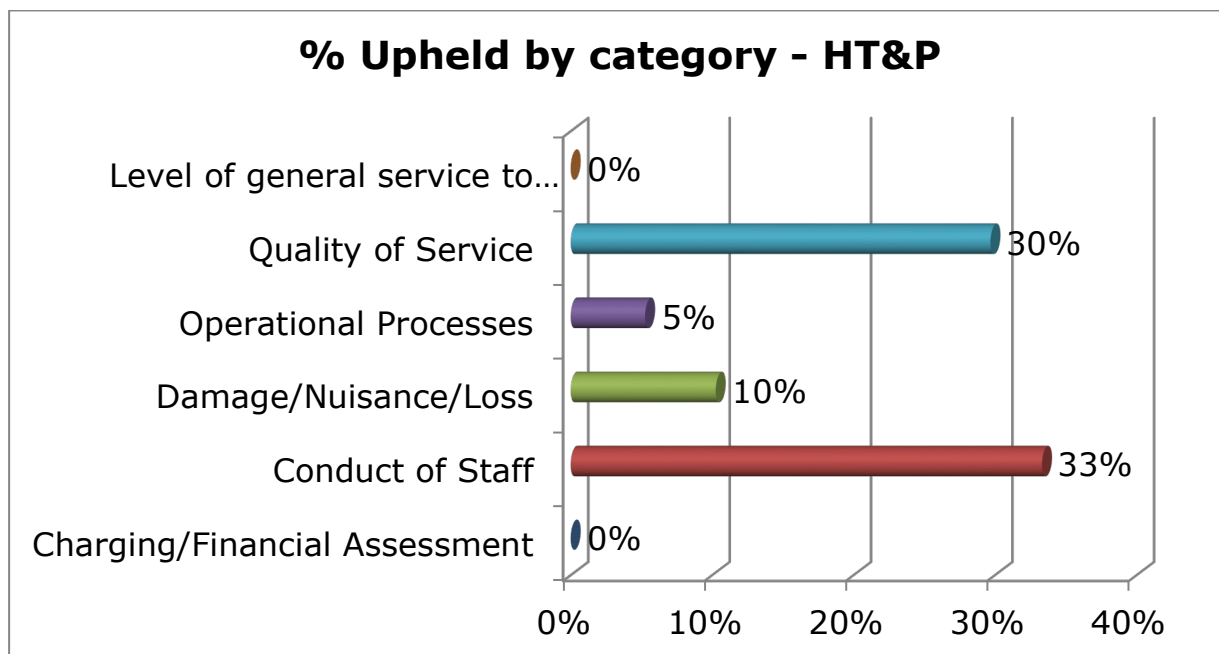


The Customer Relations Team is committed to ensuring complaints investigations are robust and provide the customer with an honest review of the situation, with suitable remedies applied where applicable. The broad spectrum of services provided by Highways, Transport & Planning, and the large number of residents affected by operational decisions means that expressions of dissatisfaction are to be expected. How the Council responds and learns from complaints is important, and a detailed breakdown of operational learning from complaints can be found in section 2.2 of this report.

The graph below shows the *category* of complaints received about Highways, Transport & Planning. Complaints in this space are often complex and can include dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category is a reflection of the salient or substantive issue complained about.



The graph below shows the percentage of complaints upheld in each category.

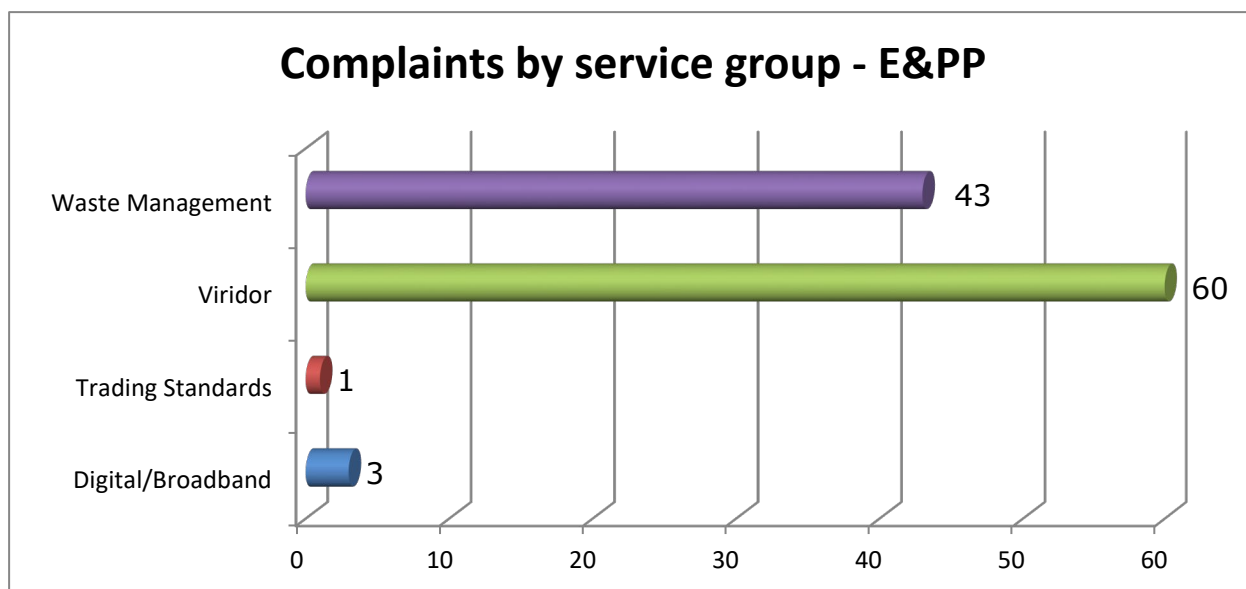


## Environment & Public Protection

Environment and Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2019	107	26	24%	64%	4	2	195
2018	109	43	56%	90%	3	0	276

The Environment & Public Protection directorate includes services such as Trading Standards; Energy Services; Sustainability; Digital/Broadband delivery; and one of the Council's largest services, Waste Management.

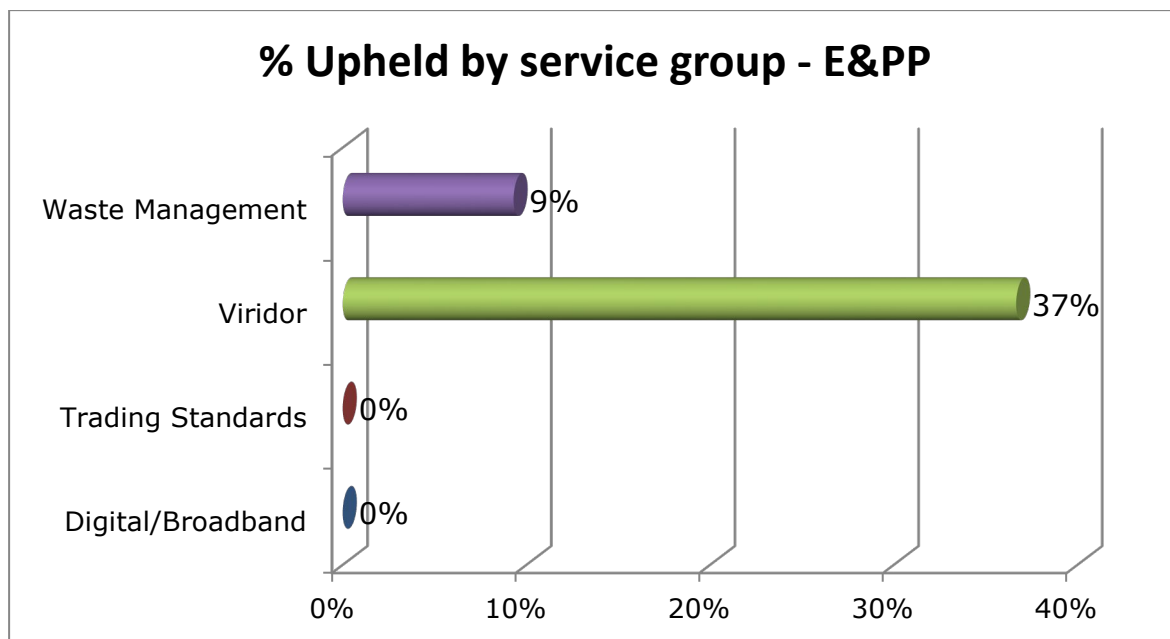
Waste Management and the outsourced management of the recycling sites across West Sussex generate a large number of complaints, compliments and objections to policy.



The percentage of complaints upheld in relation to the Council's Waste Management service was very low, with only 9% of complaints resulting in a finding of upheld or partially upheld.

The majority of complaints upheld in this space relate to complaints about Viridor, the company contracted to run the Council's waste and recycling sites.

It is important to provide context to the 60 complaints recorded against Viridor. In 2019, averages of 153,000 site visits were recorded *per month* in West Sussex.



Many complaints received in relation to Viridor are anecdotal accounts of a customer's dissatisfaction with the customer service received on site. Viridor Area Managers investigate these complaints, often without any concrete evidence on which to rely. Responses are often very customer focussed, with an apology provided as a suitable remedy alongside an assurance that the staff on site will be reminded of their duty to provide excellent customer service, regardless of the challenges faced.

This type of complaint is recorded as 'upheld'. In 2020, the Customer Relations Team will continue to quality assure all Viridor responses prior to their issue, and it is hoped that in doing so, a more meaningful overview of the outcomes of such complaints will be recorded.

### **Education & Skills**

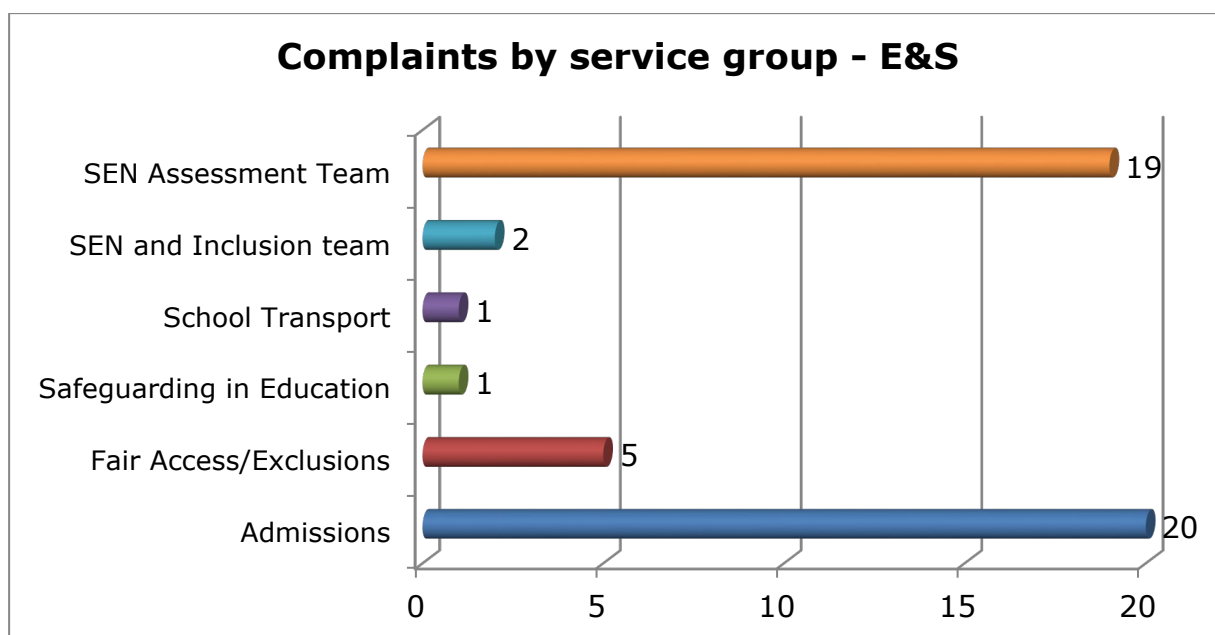
Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2019	48	7	15%	83%	8	6	114
2018	35	8	23%	80%	4	6	81

The Education & Skills directorate includes teams and services that support and some of our most vulnerable young people.

The work undertaken by many of the teams within Education & Skills often involves extremely emotive subject matter and complex decision making, which in turn attract a relatively large amount of complaints/disputes.

The directorate also receives a large number of compliments in recognition of the good work undertaken with young people and their families.

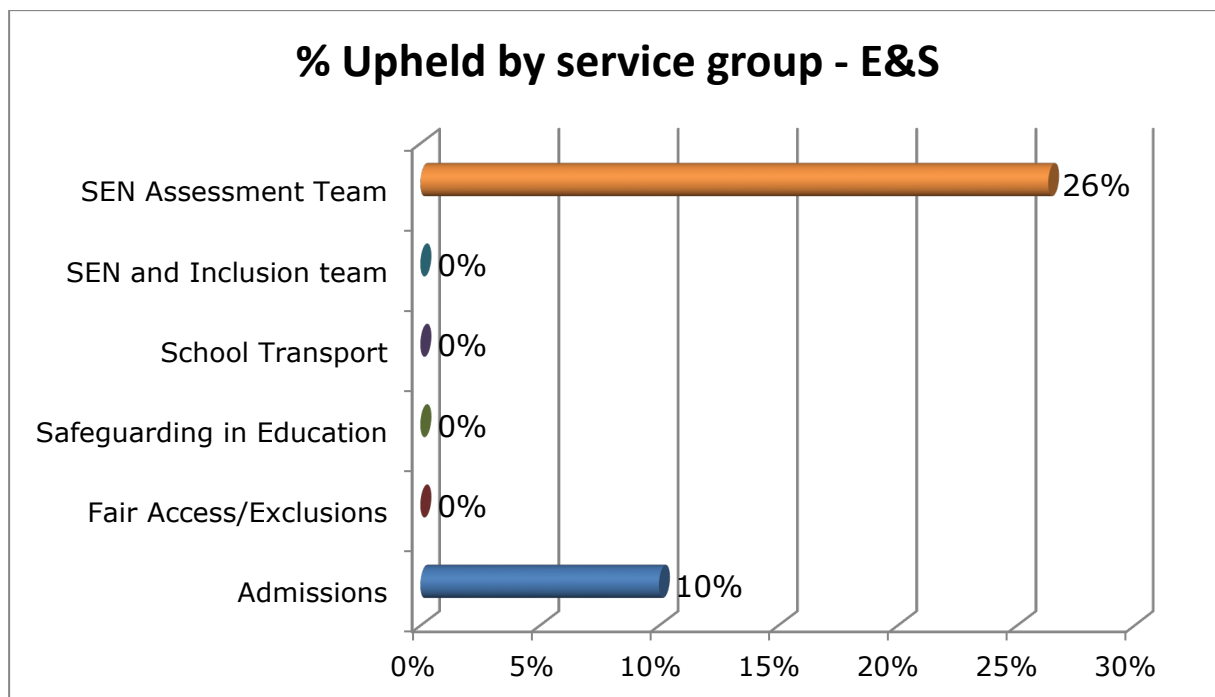
The table below shows a breakdown of complaints by grouped service areas for 2019.



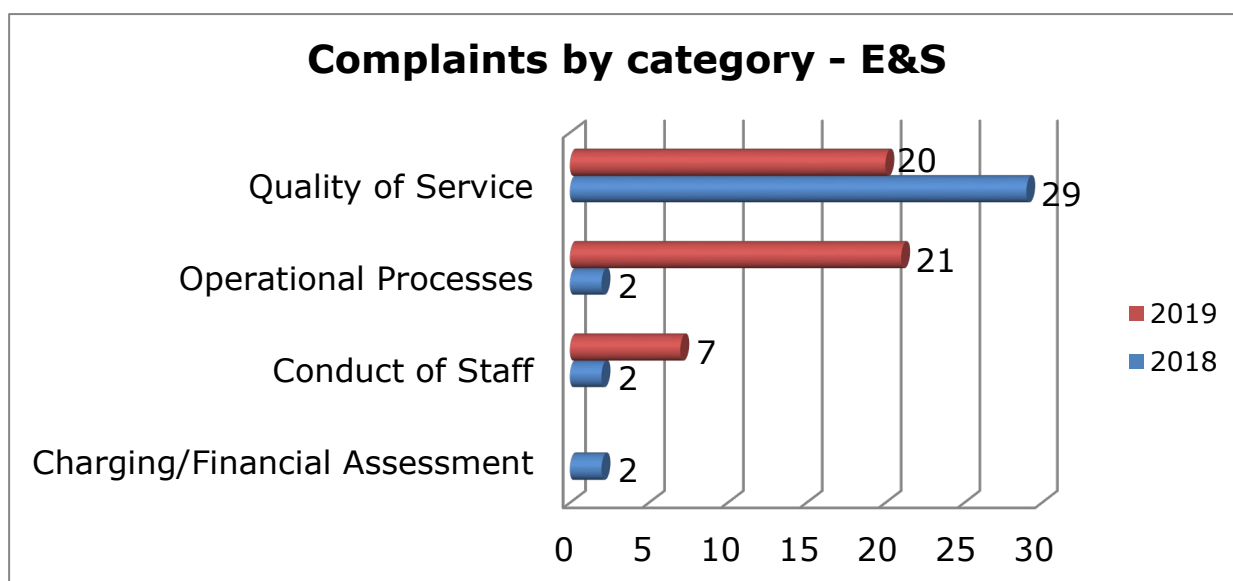
The service areas that facilitate special educational needs and school admissions attract the highest number of complaints within Education & Skills. The complaints process cannot consider the decisions reached in relation to admissions and an assessment of special educational needs as there are separate appeals processes in place, but it is possible to investigate complaints about processes followed and delay. 13 of the complaints received in this space related to delay (8 for Admissions; 5 for SEN); 11 to a perceived failure to correctly follow established processes (6 for Admissions; 5 for SEN).

The percentage of complaints upheld against service areas are detailed below. The majority of complaints upheld are within the Special Educational Needs Assessment team, although 26% reflects five complaints upheld.

To provide some context to the numbers of complaints recorded against the Special Educational Needs Assessment, the team undertook 5711 assessments in 2019 in relation to new and maintained Education Health & Care Plans.



The graph below shows the category of complaints received in relation to Education & Skills.

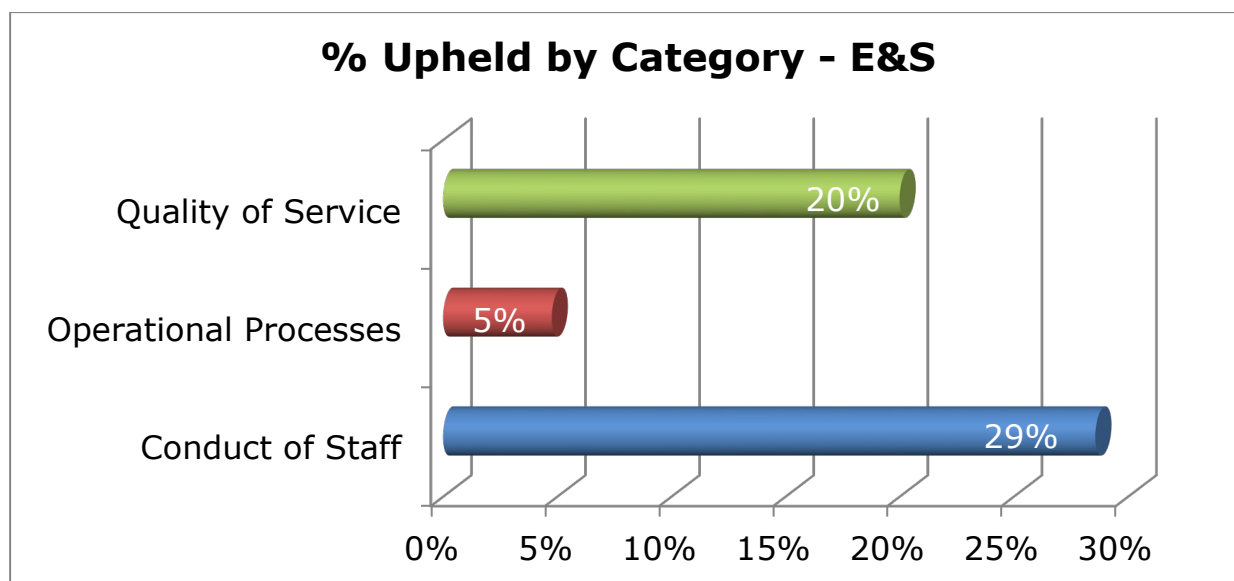


The graph below shows the percentage of complaints upheld in each category.

The large percentage of upheld complaints around 'conduct of staff' is of course due in part to a small data set. However, some context is provided here:

One of the two 'staff conduct' complaints that were upheld or part upheld was an allegation of malicious intent by the member of staff. This was not upheld, but the investigation did find that the staff member had not communicated with the family as effectively as would be expected, and had failed to send a key document. The other investigation found that agreed actions had not been taken in a timely manner, which had led to a delay in the issuing of the child's Education, Health and

Care Plan. Appropriate management action was taken in both cases as a result of the complaint.



## **Communities**

Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2019	19	11	58%	84%	1	2	4744
2018	18	8	44%	100%	4	1	4272

The Communities Directorate consists of customer facing teams committed to serving the community. Customer Experience, Libraries Heritage & Registration and Community Safety all fall under this directorate.

Teams in this space receive a large number of compliments and historically, very few complaints. The 19 complaints recorded in 2019 is consistent with the number recorded in 2018 when 18 complaints were received.

Of the complaints recorded against teams within the Communities directorate 11 (58%) were upheld or upheld in part. When compared with the Council average of 22% complaints upheld in the reporting period, it is necessary to add context to better understand that figure.

All 11 upheld complaints related to 'conduct of staff' and relate to Customer Service Centre staff (6 complaints); the Customer Relations Team (4 complaints); and Library staff (1 complaint).

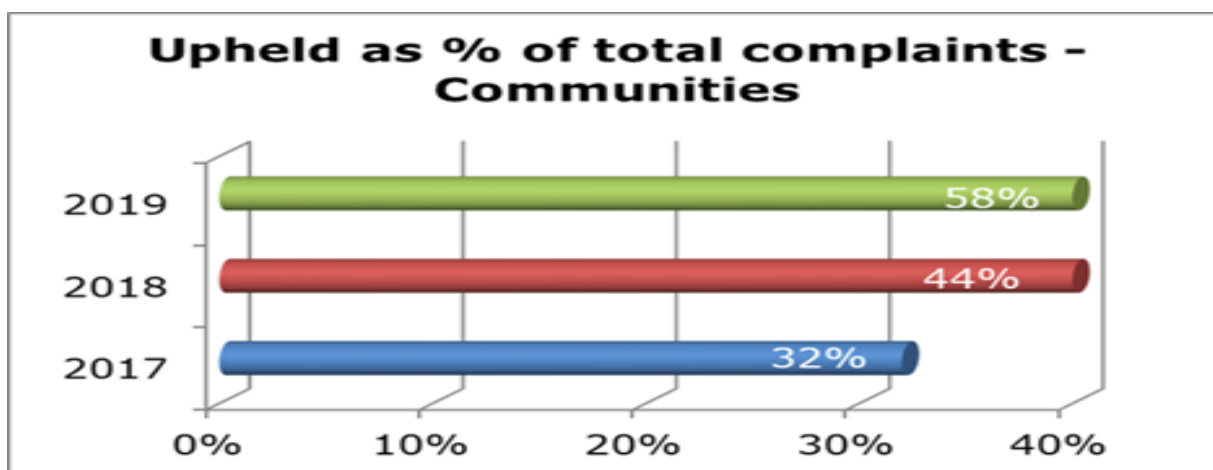
A review of the 11 complaints shows that they relate to individual staff members and are not indicative of a widespread issue.

The Council's Customer Service Centre managed over 400,000 interactions with customers across all platforms in 2019. This level of interaction with customers has resulted in 6 upheld complaints but the context in which that number sits is important. Individual staff performance was addressed as a result of all of the

upheld complaints and staff were reminded of their obligation to provide outstanding customer service at all times.

The 4 upheld complaints that recorded against the Customer Relations Team related to failure to appropriately manage complaint casework (2 complaints from the same customer in relation to the same complaint); delay in responding (1 complaint); and attitude of staff (1 complaint).

The Council's customer service staff all work to an agreed expectation that customers will receive the very best service possible. Where individual fault has been identified, staff have been reminded of their duties and apologies have been issued to the complainants in question. The Council is committed to driving down complaints of this nature as they are, ultimately, avoidable. The Customer Relations Team and the Customer Experience service will continue to work hard to ensure that the number of complaints in this space are minimised through training and ongoing support to customer facing officers.



## 5 Local Government and Social Care Ombudsman

Once a customer has exhausted the Council's complaints procedures, they have the option to ask the Local Government and Social Care Ombudsman (LGSCO) to consider their complaint. This report focusses on the number of LGSCO decisions reached in the reporting period, as it is from these decisions that meaningful data and learning can be analysed.

The number of *decisions reached* by the LGSCO increased from 33 recorded in 2018 to 35 decisions recorded in 2019.

The LGSCO has three different upheld categories:

- Upheld: Maladministration and injustice;
- Upheld: Maladministration, no injustice;
- Upheld: No further action

In 2019, the LGSCO returned an upheld decision on 4 of the 35 complaints considered; this represents a 11.5% upheld rate, which is a very slight decrease in the percentage of upheld Ombudsman complaints recorded in 2018 (12%).



It is not possible to predict accurately how many complaints will be escalated to the LGSCO, as all complainants have the right to request their complaint is reviewed by the LGSCO.

Local resolution is key to improving the customer experience, and escalations to LGSCO will remain a focus for continual monitoring and review, as we try to resolve complaints for customers as quickly and simply as possible.

It is pleasing to note that the number of upheld decisions is very low; this suggests that responses at stages one and two are robust and have considered presenting complaints appropriately and fairly.

Of the four Ombudsman investigations that found fault with the Council, two related to Education & Skills and two related to Highways & Transport; there were no upheld decisions made against Environment & Public Protection.

Details of these upheld complaints and associated learning are outlined below.

### ***Upheld: Maladministration and Injustice***

#### ***LGO 19 001 589 – Highways & Transport***

Mr D complained that the Council's consultation for a new road was not an open and unbiased process.

The Ombudsman found no fault in the Council's response to Mr D's concerns, although there was fault identified in how the Council managed the formal complaint, as the matter was retrospectively logged as Representation and not a Stage One complaint, although both are stages within the Council's corporate complaints procedure. The Ombudsman considered the apology issued to be sufficient remedy and made the finding *Maladministration and Injustice - NFA*

#### ***LGO 19 005 355 – Education & Skills***

Ms F complained the Council did not properly consider her request for her summer born daughter to delay starting school into Reception until after she reaches compulsory school age. She said the Council did not explain how entry into Year 1 in September 2020 would be in her best interest.

The Ombudsman found fault with the Council's decision making and expressed concerns that if the approach taken with Ms F had been taken with other families, they too may have been affected by this fault.

The Ombudsman recommended the Council apologise, remake its decision, and review its pending decisions in other similar cases.

#### ***LGO 19 006 997 – Education & Skills***

Ms M complains the Council did not properly consider her request for her summer born son to delay starting school into Reception until after he reaches compulsory school age. She says the Council has not explained how entry into Year 1 in September 2020 would be in his best interest.

The Ombudsman found fault with the Council's decision making and instructed the Council to apologise to Ms M and to reconsider her application for delayed entry ensuring the decision is made in line with the school admissions code and government guidance.

***Upheld: Maladministration, no Injustice***

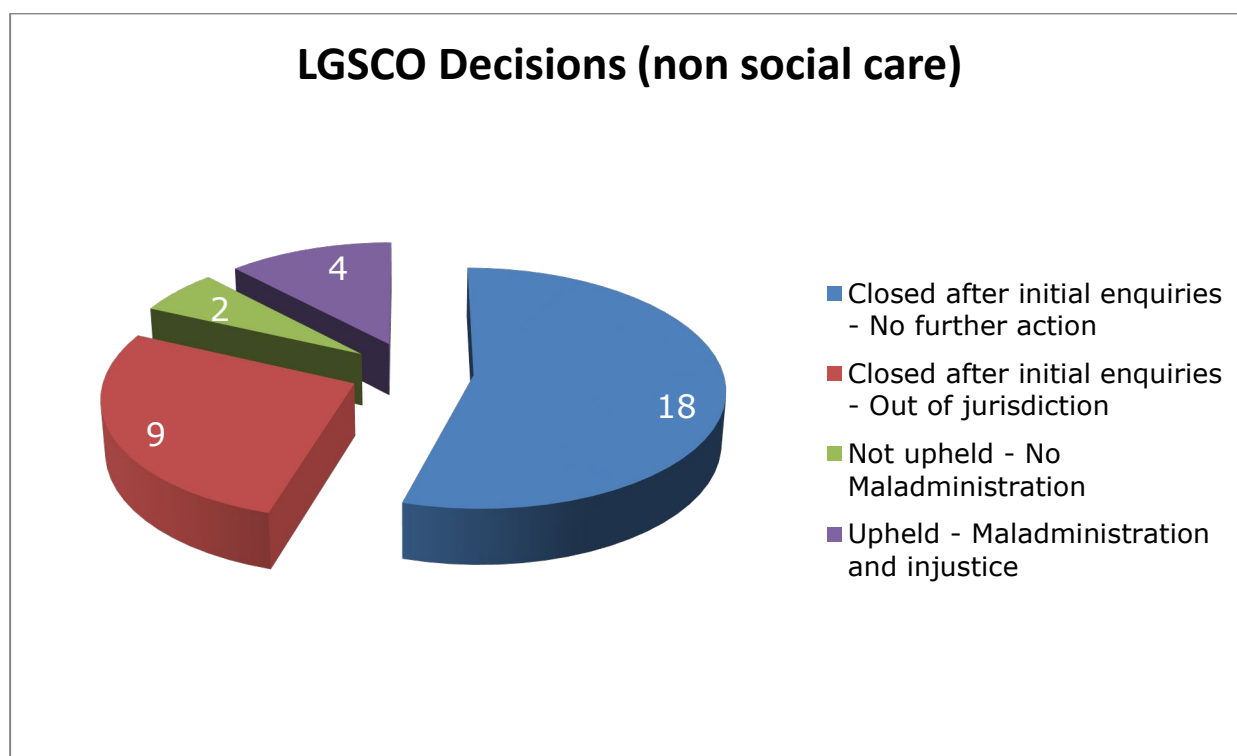
***LGO 18 015 717 – Planning***

Mr & Mrs X complained about the Council's handling of a retrospective planning application for lighting in a school car park to the rear of their property and the timing of when the lights should be turned off.

The Ombudsman found no fault with the Council's management of the retrospective planning application. The Ombudsman found that Council staff had appropriately responded to Mr & Mrs X's concerns when raised.

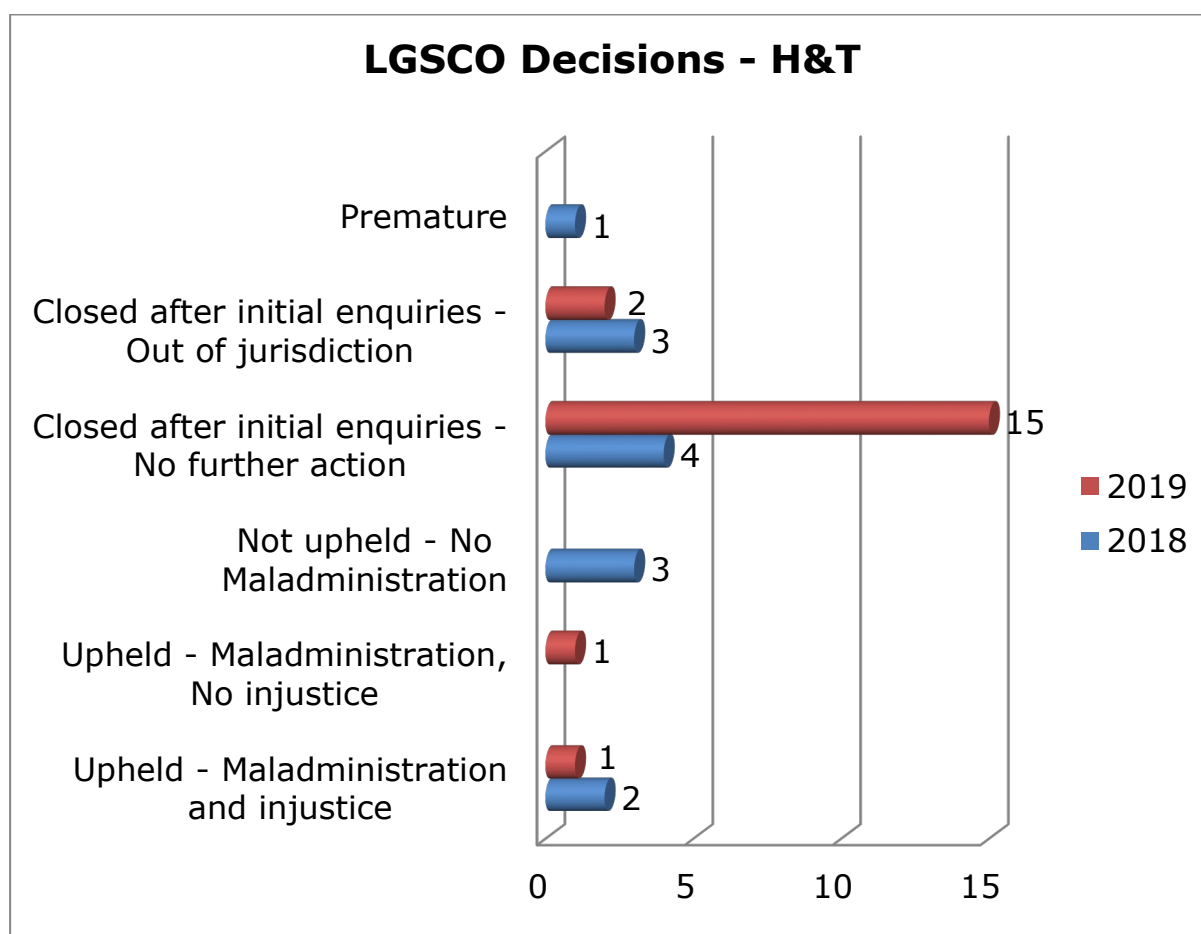
The Ombudsman found no evidence of maladministration in the Council's actions regarding the planning process. There was a delay in managing Mr & Mrs X's complaint, which merited a finding of maladministration, no injustice.

Below is the broad overview of Ombudsman decisions reached in 2019 in relation to the Council's corporate functions.

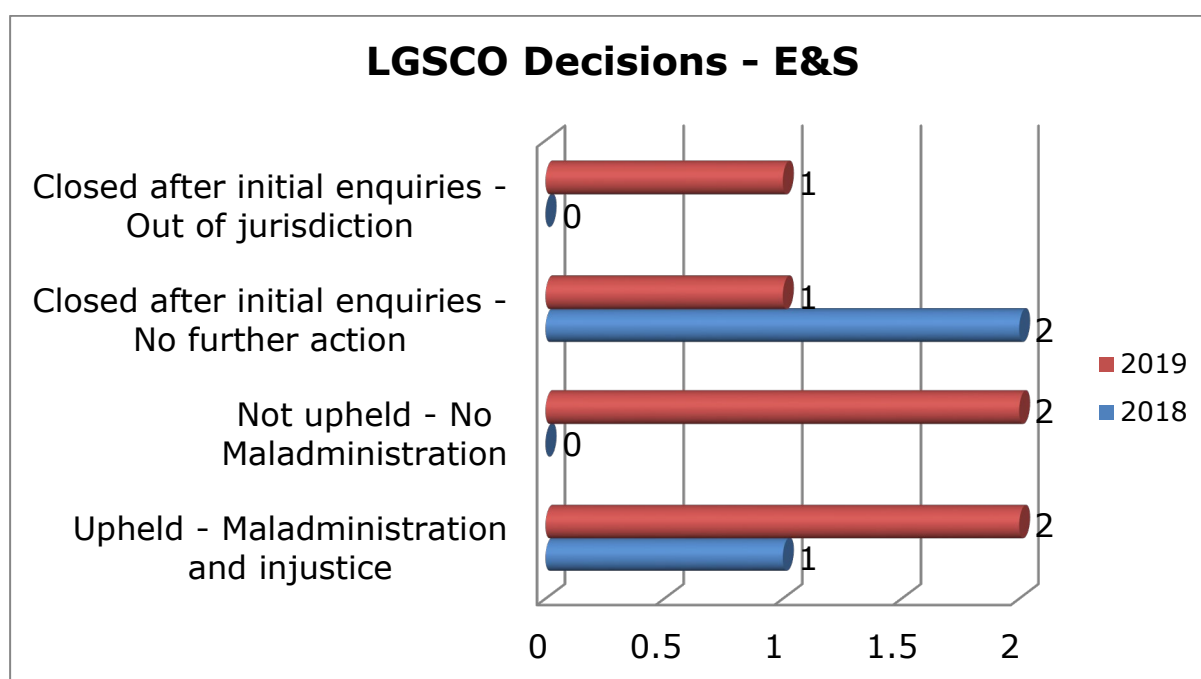


A more detailed breakdown of the decisions reached by the Ombudsman in each of the three directorates focussed in this report is listed below:

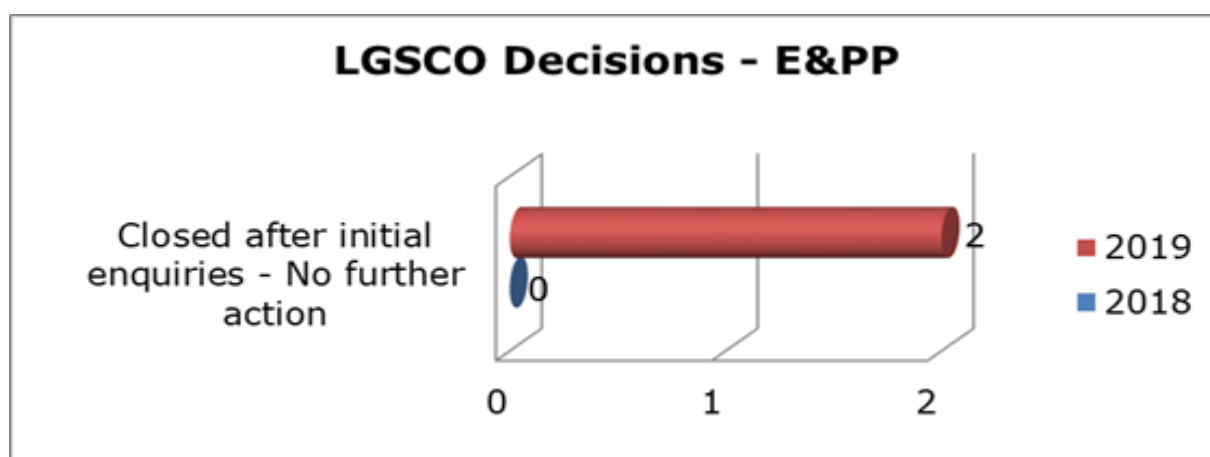
## Highways & Transport



## Education & Skills



## **Environment & Public Protection**



An anonymised list of cases considered by the LGSCO is available from the Complaints Manager [David.Tominey@westsussex.gov.uk](mailto:David.Tominey@westsussex.gov.uk); all anonymised decision reports are held on file and accessible on request.

## **6 Equalities Monitoring**

The process for monitoring complaints by age, sex, race, disability, religion or belief, and gender reassignment has historically produced insufficient data to form any realistic judgement as to the effectiveness of the procedure for individual groups.

Ethnicity was recorded for 34 complainants. This number is relatively low when compared to data collected in relation to social care complaints as complainants are under no obligation to provide this information, neither does the Council hold a database of all residents from which to populate missing data fields. The data collected on ethnicity in non-social care complaints was this:

