

# Public Document Pack

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19 November 2021

## Standards Committee

A meeting of the Committee will be held at **2.15 pm** on **Monday, 29 November 2021** at **County Hall, Chichester, PO19 1RQ**.

**Note:** In response to the continuing public health measures, there will be limited public access to the meeting. Admission is by ticket only, bookable in advance via: [democratic.services@westsussex.gov.uk](mailto:democratic.services@westsussex.gov.uk)

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## Agenda

### 1. **Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

### 2. **Minutes of the last meeting of the Committee** (Pages 3 - 4)

The Committee is asked to agree the minutes of the meeting held on 17 September 2021 (cream paper).

### 3. **Urgent Matters**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.

### 4. **Annual Complaints and Compliments Report 2020** (Pages 5 - 46)

Report by the Executive Director of Place Services and Director of Communities.

The report outlines the number and nature of complaints and compliments received during 2020 and the learning from them. The Committee is invited to comment on the report.

5. **Whistleblowing Policy** (Pages 47 - 50)

Report by the Director of Law and Assurance.

The report provides an update on the Policy. The Committee is invited to note the activity and to consider whether the Policy should be extended to members.

6. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on 27 June 2022 at County Hall, Chichester.

**To all members of the Standards Committee**

## **Standards Committee**

17 September 2021 – At a meeting of the Standards Committee held at 2.15 pm at County Hall, Chichester, PO19 1RQ.

Present: Cllr Bradbury (Chairman)

Cllr Burrett (arrived at 2.25 p.m.), Cllr Cherry, Cllr Gibson, Cllr Kenyon and Cllr Sparkes

Apologies were received from Cllr Wickremaratchi, Cllr Johnson, Cllr A Jupp and Mr Cooper (Independent Person)

Also in attendance: Mr Donaldson (Independent Person)

### **Part I**

#### **9. Declarations of Interest**

9.1 None declared.

#### **10. Minutes of the last meeting of the Committee**

10.1 Resolved – that the minutes of the meeting of the Committee held on 14 June 2021 be approved as a correct record and that they be signed by the Chairman.

#### **11. Report by the Local Government and Social Care Ombudsman**

11.1 The Committee considered a report by the Executive Director Place Services and Director of Communities (copy appended to the signed minutes). The report advised of a Public Interest Report issued by the Local Government and Social Care Ombudsman.

11.2 The report was introduced by David Tominey, Complaints Manager, who advised that the report had been issued in relation to two aspects of a children's services matter, access to education for a child with special educational needs and the social care decision not to assess the child. The Ombudsman had found faults with the Council's handling of the matter and had set out its findings and remedies. He confirmed that the Council has accepted the findings and is in the process of implementing the remedies and recommendations made by the Ombudsman.

11.3 The Committee expressed disappointment that the matter had not been resolved prior to the case being referred to the Ombudsman. It acknowledged that lessons had been learned and hoped that the changes being implemented would ensure that children in a similar situation in future would have their needs met in a more timely manner. It noted that the County Council had made efforts to find an appropriate education setting for the child involved in the case and the lack of suitable placements was indicative of a wider problem in the area.

- 11.4 Paul Wagstaff, Director of Education and Skills, reported that work had been undertaken to improve mapping of the range of complex special educational needs that were occurring within the county. He advised that the sites providing Alternative Provision in the county perform well in many cases, but the learning there is not always equivalent to mainstream or specialist education. In this instance, the County Council had approached seven educational establishments to find a placement for the child, but none had been able to accept the placement either due to lack of space or concerns about their appropriateness.
- 11.5 The Director confirmed that a report was going to the County Council's Executive Leadership Team to recommend that investment be made in specialist children educational services, to be able to provide a wider range of specialist support services within West Sussex within the next three to four years, which would reduce out of county placements and provide a better solution for many children.
- 11.6 Justin Colman, Head of Child Disability Services, advised that criteria on assessments for children with disabilities was currently being revised to ensure that children with additional needs were either assessed by the Children's Disability Team or by the mainstream Assessment and Intervention Service with a Section 17 assessment. Doing this work would ensure that the assessment would be undertaken in the right part of the service. The particular complexities (attachment, trauma, Fetal Alcohol Spectrum Disorder (FASD)) relevant to this case would now be covered by this new criteria and work had taken place to co-produce this with parents and carers in West Sussex. Workshops had taken place with the relevant team managers to learn from this case and more are planned to ensure that the pathway is strengthened at the point of referral to the Multi-Agency Safeguarding Hub (MASH).
- 11.7 The Committee welcomed the updates from officers and the reassurances that lessons had been learned which should lead to better standards of educational support for children with disabilities in future.
- 11.8 Resolved – That the report be noted and the actions taken by the Council following the Ombudsman's final decision be supported.

## **12. Date of Next Meeting**

- 12.1 The Committee noted that the next meeting is due to be held on 29 November 2021.

The meeting ended at 2.55 pm

Chairman

**Key decision: Not applicable  
Unrestricted**

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## **Standards Committee**

**November 2021**

### **Annual Compliments and Complaints Report 2020**

#### **Report by Executive Director of Place Services and Director of Communities**

**Electoral division: Not applicable**

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#### **Summary**

The attached reports fulfil the Council's obligation to provide an annual report on complaints and compliments. The attached appendix represents the annual report for calendar year 2020 in relation to Children's social care; Adults' social care; and the Council's corporate services.

#### **Recommendations**

- (1) That the reports be noted.
- 

#### **Proposal**

##### **1 Background and context**

- 1.1 The Committee considers annual information on complaints and compliments received by the County Council.

##### **2 Proposal Details**

- 2.1 The detailed complaints report is included as an appendix. This report contains the overview and detail of compliments and complaints received in the 2020 calendar year.

##### **3 Other options considered (and reasons for not proposing)**

- 3.1 Not applicable.

##### **4 Consultation, engagement and advice**

- 4.1 Not applicable.

##### **5 Finance**

- 5.1 There are no budget consequences.

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
None arise.	None

**7 Policy alignment and compliance**

This report complies with existing Council Policy.

**Executive Director of Place Services:** Lee Harris

**Director of Communities:** Emily King

**Contact Officer:** David Tominey (Complaints Manager) 033022 22285

**Appendix - Compliments & Complaints Annual Report 2020**

**Background papers – None.**



# **Compliments and Complaints delivering Insight to Action**

## **2020 Annual Report**



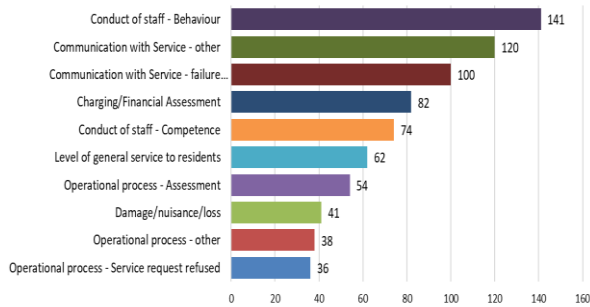
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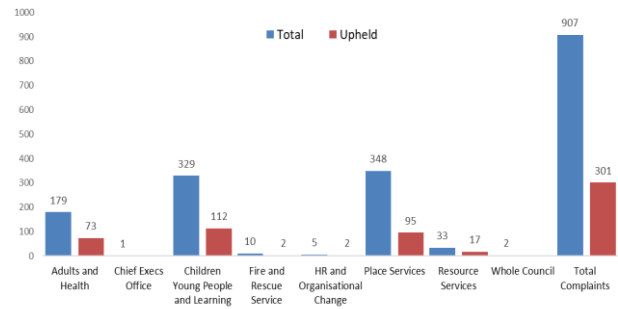


# The Year in 8 charts

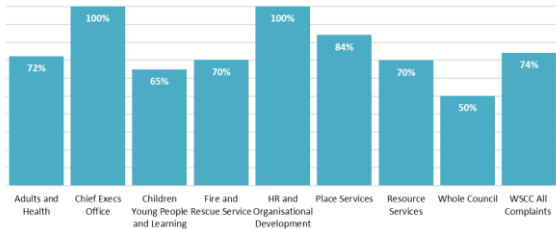
**Top 10 Reasons for Complaint**



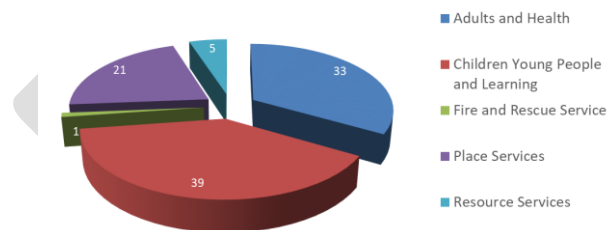
**New Complaints by Exec Directorate**



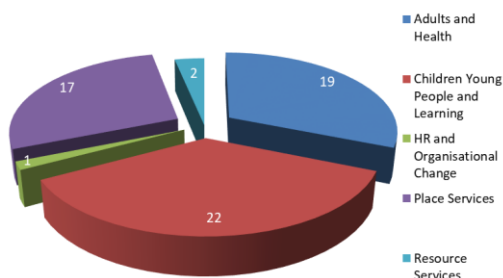
**First Stage Response within timescale or with notified extension**



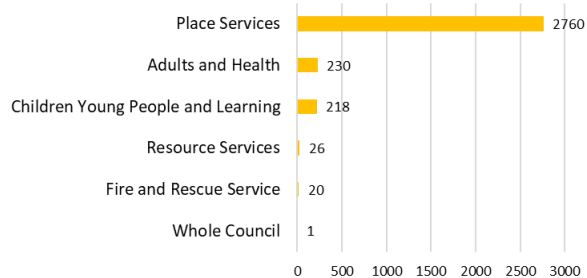
**Second Stage Complaints**



**Complaints to the Ombudsman**

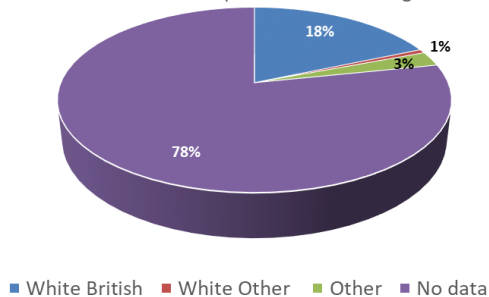


**Complaints by Exec Directorate**



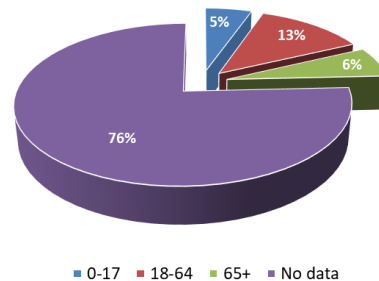
**Ethnic Grouping**

data for 907 complainants at first stage



**Age Grouping**

data for 907 complainants at first stage



## Introduction

This is the sixteenth annual report on complaints about services delivered by the County Council. This report also provides information on decisions issued by the Local Government and Social Care Ombudsman (LGSCO) in 2020, as well as compliments recorded by the Council.

Historically, the County Council has reported on all complaints received within one broad report. In 2019, the County Council produced dedicated complaints reports for Children's Social Care, Adults' Social Care and a separate report covering the Council's corporate functions.

In response to the Standards Committee members' request, this annual complaints report returns to the single stand-alone format previously used.

The purpose of this report is to review the operation of the complaints processes 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.

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 has three procedures for dealing with complaints about services; the Adults' Social Care statutory procedure; the Children's Social Care statutory procedure; and the Corporate Complaints procedure. For ease of comparison, the terms stage 1, 2, and 3 are used throughout this report to refer to the equivalent stages in the different procedures. Full details of the procedures 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 looked into by a more senior person who has not been involved previously.

The Customer Relations Team (CRT), 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.

Details of the straightforward way to log comments, compliments, appeals and complaints online, can be found on our website at [westsussex.gov.uk/comments](https://westsussex.gov.uk/comments)

## 1 The overall picture

**Complaints recorded against the County Council from 1 January to 31 December 2020.**

## 4. Annual report: Compliments and Complaints 2020

The table below shows the reasons recorded for complaints during 2020 in comparison with 2019.

<b>Complaint Nature</b>	<b>2019</b>	<b>2020</b>
<b>Charging/Financial Assessment</b>	<b>78</b>	<b>82</b>
Charging/Financial Assessment	78	82
<b>Conduct of Staff</b>	<b>152</b>	<b>239</b>
Behaviour	110	141
Competence	36	74
Failure Demand	6	22
Fluency		2
<b>Damage/Nuisance/Loss</b>	<b>56</b>	<b>41</b>
Damage/Nuisance/Loss	56	41
<b>Data Protection/FOI</b>	<b>10</b>	<b>6</b>
Breach of Confidentiality	9	4
Inaccurate data on file	1	2
<b>Operational Processes</b>	<b>301</b>	<b>205</b>
Assessment	79	54
Change	0	9
Consultation Process	31	18
Eligibility	33	10
Frequency	3	3
Legal proceedings	1	0
Level/quality of contact with child	28	14
Other	81	38
Safeguarding investigation	6	11
Service Request Refused	23	36
Standard of report	16	12
<b>Quality of Service</b>	<b>244</b>	<b>268</b>
Communication with Service - failure demand	54	100
Communication with Service - other	84	120
Delays	68	32
Discrimination	10	5
External service Quality Alert	28	10
Failure to provide service	0	1
<b>Waste management</b>	<b>8</b>	<b>0</b>
Use of recycling site	5	0
Waste management policy and procedures	3	0
<b>Closure/Change/Transition between services</b>	<b>1</b>	<b>4</b>
Closure/Change/Transition between services	1	4
<b>Level of general service to residents</b>	<b>4</b>	<b>62</b>
Level of general service to residents	4	62
<b>Grand Total</b>	<b>854</b>	<b>907</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.*

Agenda Item 4  
Appendix 1

The table below summarises the complaints and compliments recorded by directorate or service unit in 2020; the numbers for LGSCO reflect the number of **decisions received** in the reporting period.

Complaints by Directorate 2020	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>Adults and Health</b>							
Adult Services	175	71	41%	73%	32	18	229
Social Care Joint Commissioning	4	2	50%	50%	1	1	1
<b>Chief Execs Office</b>							
Chief Execs Office (inc Whole Council)	3	0	0%	66%	0	0	1
<b>Children Young People and Learning</b>							
Children Services	292	100	34%	61%	35	20	94
Education and Skills	37	12	32%	97%	4	2	124
<b>Fire and Rescue Service</b>							
Fire and Rescue Service	10	2	20%	70%	1	0	20
<b>HR and Organisational Development</b>							
HR and Organisational Development	5	2	40%	100%	0	1	
<b>Place Services</b>							
Highways Transport and Planning	197	46	23%	84%	15	14	199
Environment and Public Protection	120	41	34%	82%	4	3	129
Communities	30	7	23%	97%	2	0	2432
Property and Assets	2	1	50%	50%	0	0	0
<b>Resource Services</b>							
Finance Procurement and Business Support	18	11	61%	67%	2	1	25
Law and Assurance	14	6	43%	71%	3	1	1
Grand Total	907	301	33%	74%	99	61	3255

Explanatory notes:

- The Adults' Social Care appeals process offers customers direct recourse to the LGSCO for review, as do the process for applying for a Blue Badge (reported within Highways and Transport, and Planning) and the Schools Admissions Appeals process. The LGSCO figures reported in relation to these processes do not reflect a failure to resolve issues locally through complaints processes, but represent the numbers of *appeals* that has been referred for review.
- Legal claims for compensation for damages are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team.

## 2 Analysis of overall figures

The number of complaints recorded at the first stage increased from 854 in 2019 to 907 in 2020. This represents an increase of 6%, compared to a 5% increase in the previous year.

The number of formal complaints dealt with by the County 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 be 0.3%; however, there are many more customer contacts through other channels.

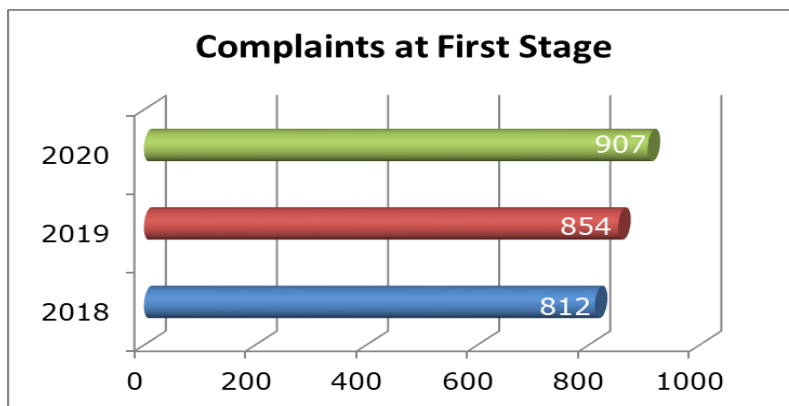
This comment in no way infers that the Council simply accepts the level of complaints received. We want to avoid any customer needing to complain, but also regard every complaint as an opportunity to learn and to implement changes that will avoid future complaints being made, improving our customers'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

## 6. Annual report: Compliments and Complaints 2020

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 2020.

Regular reviews to improve accessibility are designed to provide our customers with a platform from which to voice their dissatisfaction with services provided, or to make a formal compliment, should they wish to.

The Council recorded 907 first stage complaints in 2020, marking an increase in complaints traffic for the fourth year in a row.



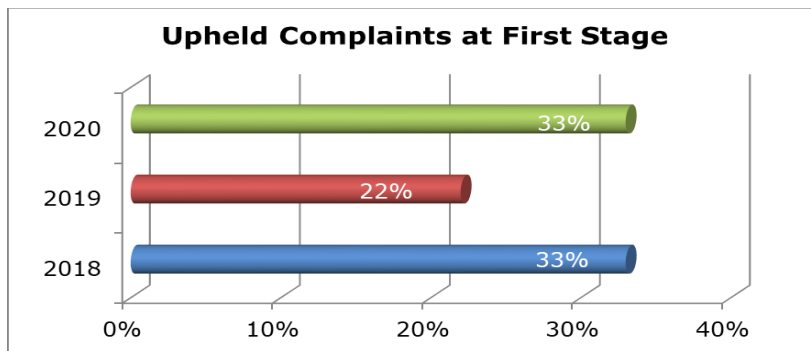
There was an increase in the number of complaints upheld at stage one (from 191 in 2019 to 301 in 2020) this represents a total of 33% of complaints being upheld, including complaints that were *partially upheld*.

There was also an increase in the number of complaints classed as 'Conduct of Staff', from 152 in 2019 to 239 in 2020. It is important to note that this broad class includes complaints about the general competence of staff and their fluency in English as well as behaviour and 'failure demand' which is a complaint that actions were not taken (usually a promised contact with the customer) which then led to the customer having to take an unnecessary action, usually making contact themselves.

Experience shows that a number of these complaints are actually made when the root cause of the complaint is a decision or action of the council rather than the individual member of staff, and the 36% (86) of these complaints that were upheld or partly upheld represent a tiny percentage of the total interactions the council's staff have every day with customers. Nevertheless the council takes these complaints extremely seriously, and the new 'People Framework' includes a focus on improving how the council's leaders, managers and staff uphold our Values.

The percentage of complaints upheld in 2019 (22%) appears to have been an anomaly, as 33% of complaints were recorded as being upheld (or partially upheld) in 2016, 2017, 2018, and again in 2020.

## 7. Annual report: Compliments and Complaints 2020



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

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

The number of complaints considered at stage two of the Council's complaints processes in 2020 was 99; this is a considerable decrease from the 123 stage two complaints recorded in 2019.

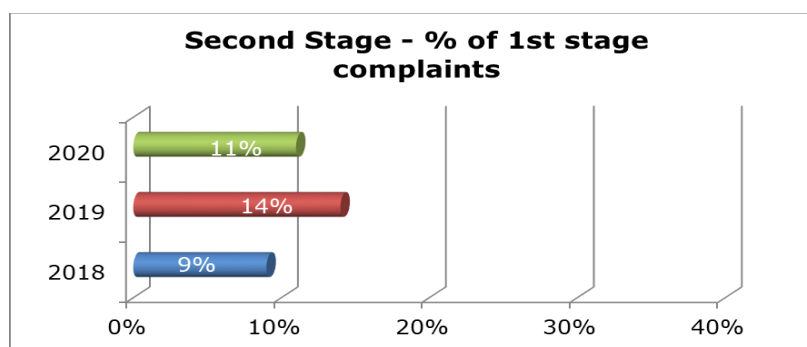
The number of complaints considered at stage two represents 11% of the total number of complaints received at stage one in 2020, compared with 14% of the total in 2019.

The drop in complaints being escalated through the complaints procedure may be attributed to improved responses at the early stages. The Complaints Manager has 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.

In 2020, the Customer Relations Team began to review *all* first stage response drafts prior to the response being issued to ensure that the response is robust and represents a full and considered investigation. The additional layer of quality assurance appears to have had a direct impact on the number of complaints being escalated to the latter stages of the complaints procedures.

Escalation advice is included with every stage one response. 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.

There are different names for the escalated stage under the different procedures, but this report describes them all as 'stage 2' for ease of comparison.



When a customer has exhausted the Council's complaints and appeals procedures, they have the option to ask the 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 decreased from 70 decisions recorded in 2019 to 62 decisions recorded in 2020.

At the end of March 2020, the Ombudsman made a decision to pause all casework which required input from Councils and care providers to protect the capacity to provide frontline services during the Covid-19 crisis. The Ombudsman resumed existing casework and began accepting new complaints from July 2020, meaning there were around four months of inactivity relating to Ombudsman casework.

A detailed breakdown of the decisions and outcomes issued by the LGSCO in 2020 can be found in section 5 of this report.

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 the LGSCO will remain a focus for continual monitoring and review, as we try to resolve complaints for customers as quickly and simply as possible.

## 2.1 Trends

The number of stage one complaints has increased, with the main areas of increase being Children's Services. No *obvious* reason for these increases has been found, but further detailed analysis can be found in the sections relating to each individual service area.

The figures from 2020 show a slight decrease in the percentage of complaints responses issued within timescales or within an extended timescale. In 2019, 78% of complaints were responded to on time, compared with 74% of complaints responded to within the expected timescale in 2020.

In response to the extraordinary pressures in local government resulting from the Covid-19 pandemic, the Complaints Manager approached the Monitoring Officer and agreed a temporary arrangement whereby all responding managers were given the full 20-working days to respond to complaints. The LGSCO was made aware of this move. This temporary arrangement began in June 2020 and was withdrawn in October 2020; this is important to note as the compliance across the whole year

## 9. Annual report: Compliments and Complaints 2020

remained consistent with 2019 figures, despite the unprecedented pressures on all Council staff.

The Complaints Manager sought to address the timeliness of complaints responses, maintaining a reporting tool with a RAG (red, amber, green) warning system for managing open complaints, which has been cascaded to directors and senior managers within the Council on a weekly basis.

The use of the RAG reports has continued to have a positive impact on the timeliness of complaints responses. The broader issue of responding to complaints within the Council's published timescales is also presented to senior management groups at regular intervals, and is included in quarterly performance reports to all major services.

## **2.2 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 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 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.

Eighteen payments were recorded as paid or offered to complainants as financial remedies following complaints made in 2020; the total decreased slightly from £13,657.32 in 2019 to £12,548.66 in 2020. Of the eighteen payments:

- £3050 was paid in two parts; £1250 to compensate for initial refusal to carry out an assessment, failure to provide respite care and failure to properly consider the complaint about this; and £1800 for failure to make educational provision for the same child;
- £2200 was paid to a father who, because of a failure to contact him with the outcome of an assessment, wrongly believed that he was still under investigation and should not contact his children. The council offered £200 for his time and trouble, which the LGSCO agreed was correct, but the £300 offered for the loss of contact was increased by the LGSCO to £2000.
- £2000 was offered following a stage 2 complaints investigation, comprising of £500 to each of three children on whose behalf the council delayed applications to a trust for financial support, and £500 to their father for the stress, time and trouble he was caused in having to pursue the matter. The father then complained to the LGSCO that this was insufficient remedy, but the LGSCO found that the council's offer was reasonable;
- £1895.00 was paid following a stage 2 complaints investigation as compensation to a couple who had incurred unnecessary legal fees after a property search carried out by the council did not disclose certain relevant information;

## **10. Annual report: Compliments and Complaints 2020**



- £600 was paid to a grandmother following a complaint to the LGSCO for the council's failure to support her sufficiently when her three grandchildren were placed in her care;
- £600 was paid to a young person to compensate for loss of educational opportunity caused by a delay in completing their Education, Health and Care Plan;
- £400 was paid to a father after the council initially failed to put his complaint through the complaints procedure and then did not carry through on a meeting offered after the stage 2 complaints investigation;
- £311.56 was paid at stage 1 of the complaints procedure to compensate for a back door that was damaged by the emergency services forcing entry after they had been given the wrong address;
- £300 was paid to a mother after the council did not properly manage the court ordered contact sessions with her child or complete the remedies offered following a stage 2 complaints investigation;
- £250 was paid after the LGSCO recommended a financial remedy. The council's investigations had already upheld the complaint about mistakes in the provision of a care package and an apology had been given;
- £250 has been offered as a waiver of part of the administrative charges for setting up a Direct Payment Agreement following delays by the council in setting the agreement up and a subsequent change in circumstances meaning that the agreement became unnecessary. The complainant has asked the LGSCO to consider a request for a full waiver of the charge;
- £150 was paid to a couple following the stage 2 investigation of their complaint about poor communication with them and mismanagement by a provider of their child's placement, in recognition of the time and trouble caused to them in pursuing these matters;
- £150 was paid to a mother on the LGSCO's recommendation after fault was found with the council's management of her application for school transport for her child;
- £150 was paid to a woman on the LGSCO's recommendation for distress caused by delays in the processing of her application on her mother's behalf for her property to be disregarded in the calculation of her contribution towards her social care costs;
- £100 was paid on the LGSCO's recommendation for delays in arranging care and support at home for a man showing signs of dementia;
- £50 was offered to but not accepted by a couple for delays in dealing with their complaint about the way they were treated as foster carers;
- £50 was paid for time and trouble in having to pursue an incorrectly completed assessment;
- £42.10 was paid as reimbursement of taxi fares to a blue badge applicant who was given details of the wrong venue for an assessment

When a complaint is considered under the Children's statutory complaints procedure is escalated to stage two, the Council is obliged to commission an investigating officer (or to appoint an offline officer to investigate) and to

## **11. Annual report: Compliments and Complaints 2020**

commission an independent person to oversee the investigation of the complaint (no offline alternative is available for this function).

This obligation is a statutory requirement, and applies to all local authorities investigating complaints through the statutory procedures. Costs for these commissioned services are set by the Council and are in line with general rates paid by neighbouring local authorities.

In 2020 an additional cost of £463.90 was absorbed by the Customer Relations Service, resulting from these commissioning costs.

### **2.3 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 compliments received was impacted by the closure of the libraries and the reduction in some services provided by the Council, which were a result of the Covid-19 pandemic. The number of recorded compliments decreased by 41% from 5526 in 2019 to 3255 in 2020, although this number well exceeded the number of recorded complaints for the eleventh year in a row with the Library Service once more the chief contributor.

These figures do not include the number of compliments generated by the Summer Reading Challenge.

Historically, the Summer Reading Challenge, facilitated by Libraries, generates a large number of compliments. The programme did go ahead in 2020, but the restrictions in place due to Covid-19 meant that the reach of the challenge was impacted.

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

Within the Customer Experience space we have a number of 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 Act 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 Service always strives to improve the way we report to senior managers and this year has been no different.

The year 2020 was a year like no other and resources were stretched across all Council departments; however, the Customer Relations Team continued to present updates on complaints and organisational learning to already established focus groups, maintaining its attendance at senior leadership team meetings as well as Quality Assurance and Performance Boards to discuss specific issues relating directly to the senior managers in attendance.

## **12. Annual report: Compliments and Complaints 2020**

The focus remains on ensuring that our customers benefit from 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 Analysts continue to maintain an accurate data set, which allows us 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. This data is presented in corporate quarterly snapshots, which are issued to senior managers and which are the subject of the Complaints Manager's attendance at performance meetings.

Work is also underway in an attempt 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.

A programme of complaints training for Team Managers was rolled out in 2018 and was due to be repeated in 2020, prior to the change in priorities following the outbreak of Covid-19. It is hoped that this training will be delivered towards the end of 2021. 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 Major Service commentaries

### 4.1 Adults' Services

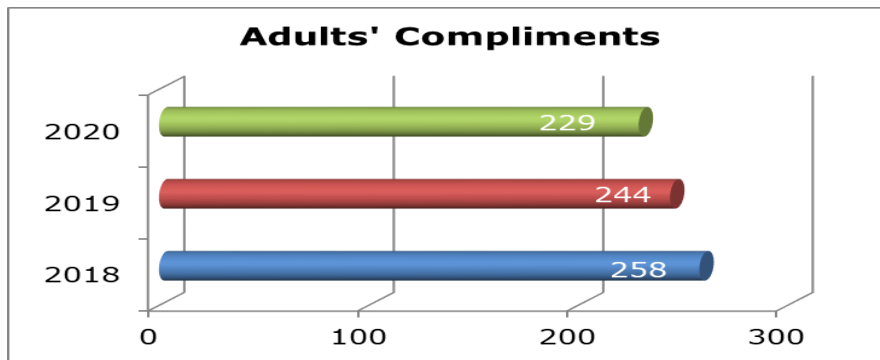
Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>2020</b>	175	71	41%	73%	32	18	229
<b>2019</b>	190	44	23%	82%	34	35	244

Adult's Services is the service within the Council with the highest budget spend and is also the primary service for customer demand into the Customer Service Centre.

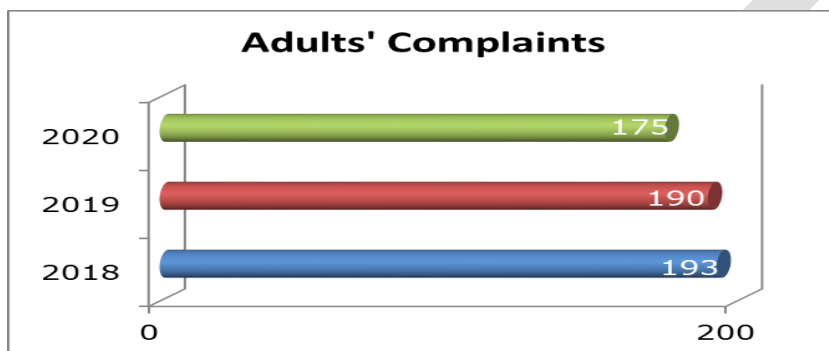
It follows that it is also one of the services with the highest number of complaints.

Once again Adults' services received more compliments than complaints with a slight decrease in compliments received in this reporting period, from 244 in 2019 to 229 in 2020:

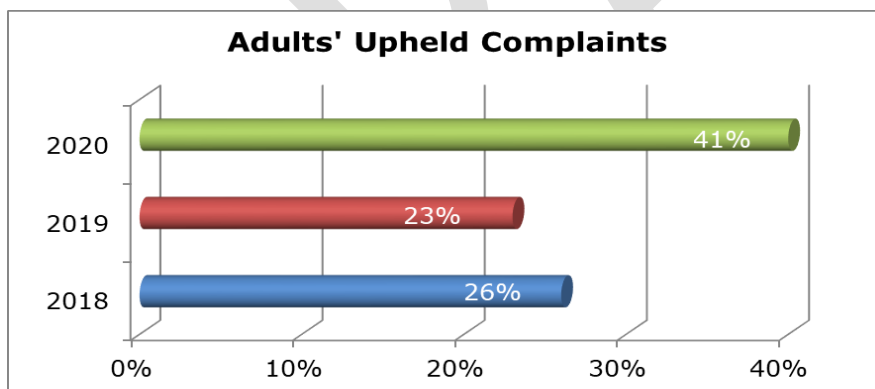
### 13. Annual report: Compliments and Complaints 2020



The number of complaints recorded against Adults' services decreased from 190 in 2019 to 175 in 2020.



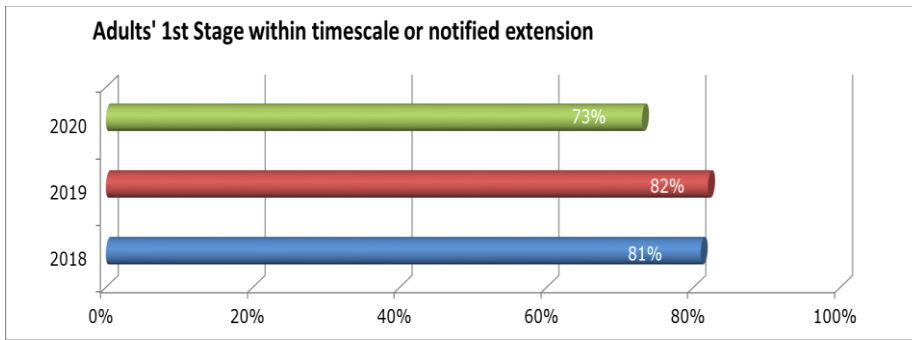
The percentage of complaints that have been upheld has increased from 23% in 2019 to 41% in 2020. In terms of numbers this means that the number of complaints upheld has increased from 44 in 2019 to 71 in 2020.



In 2020, 18% of complainants have felt compelled to escalate their complaint for further review through the complaints procedure; this figure is the same as the figure recorded in 2019, where 18% of complaints were also escalated for review.

The Council's corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The percentage of complaints responded to within agreed timescale in 2020 represents a slight decrease in the performance reported in 2019.

#### 14. Annual report: Compliments and Complaints 2020



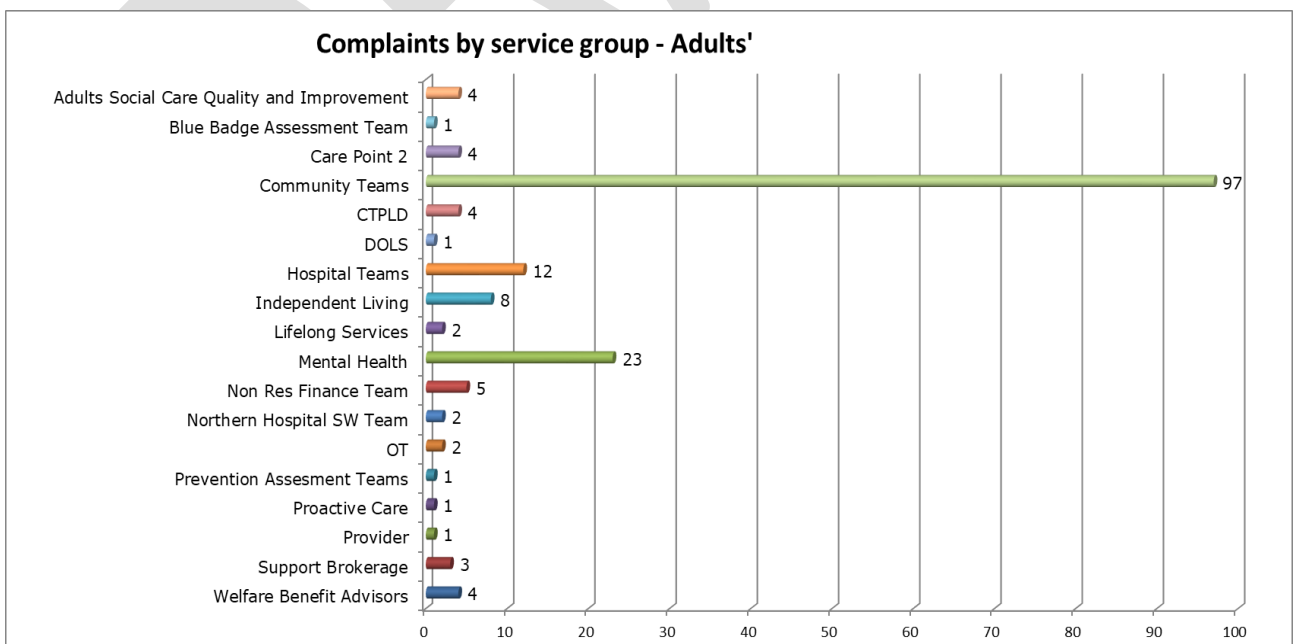
A slight decrease in compliance statistics was expected as a result of the extraordinary pressures the outbreak of Covid-19 placed on operational managers within Adults' social care.

Managers in Adults' social care were frequently redeployed to assist in areas of acute need throughout 2020 (hospital discharge for example) yet were able to record strong compliance figures in the complaints space. It is a great credit to the managers within Adults' social care that they continued to address complaints in such a timely manner, despite the unprecedented demand for resources.

The timeliness of responding to formal complaints about Adults' social care services will continue to be monitored by the Customer Relations Team to continue to deliver improvements within this measure.

To understand the headline figure of 175 complaints recorded against Adults' Social Care, 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 2020. The table is useful to provide an overview of the complaints received across the service areas; inevitably the numbers are dominated by the geographical operational areas (Community Teams).

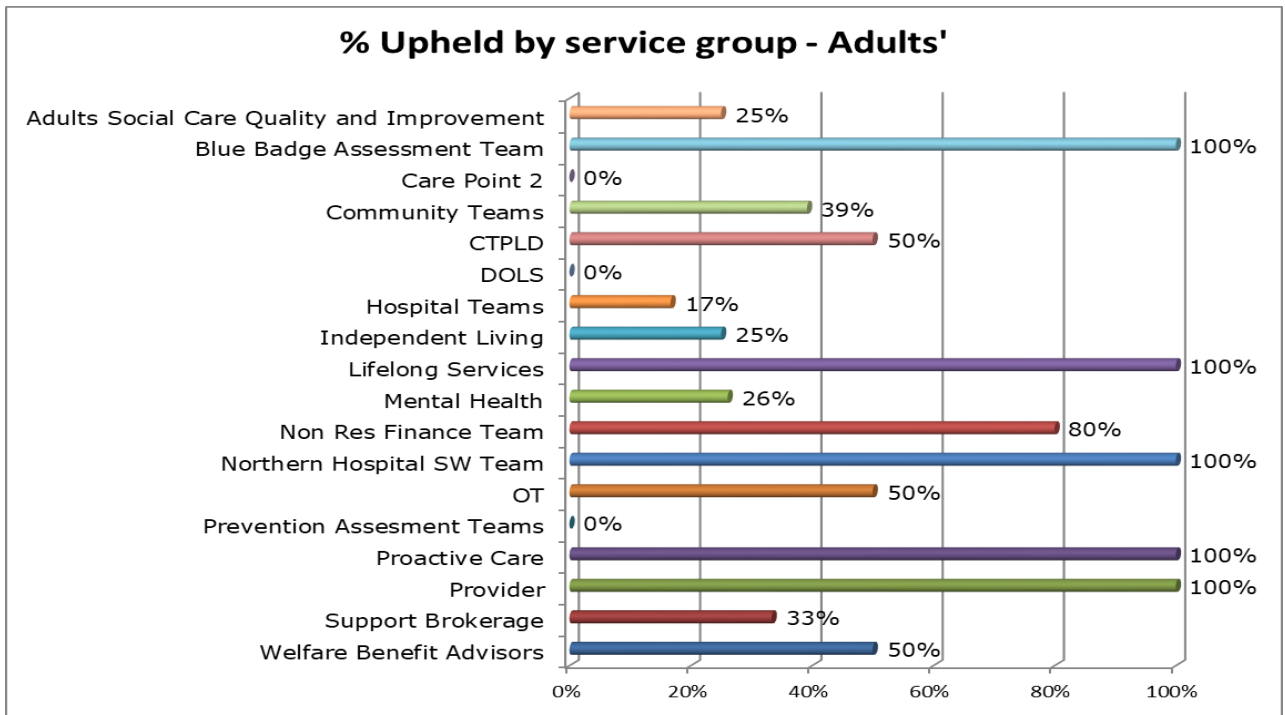


**15. Annual report: Compliments and Complaints 2020**

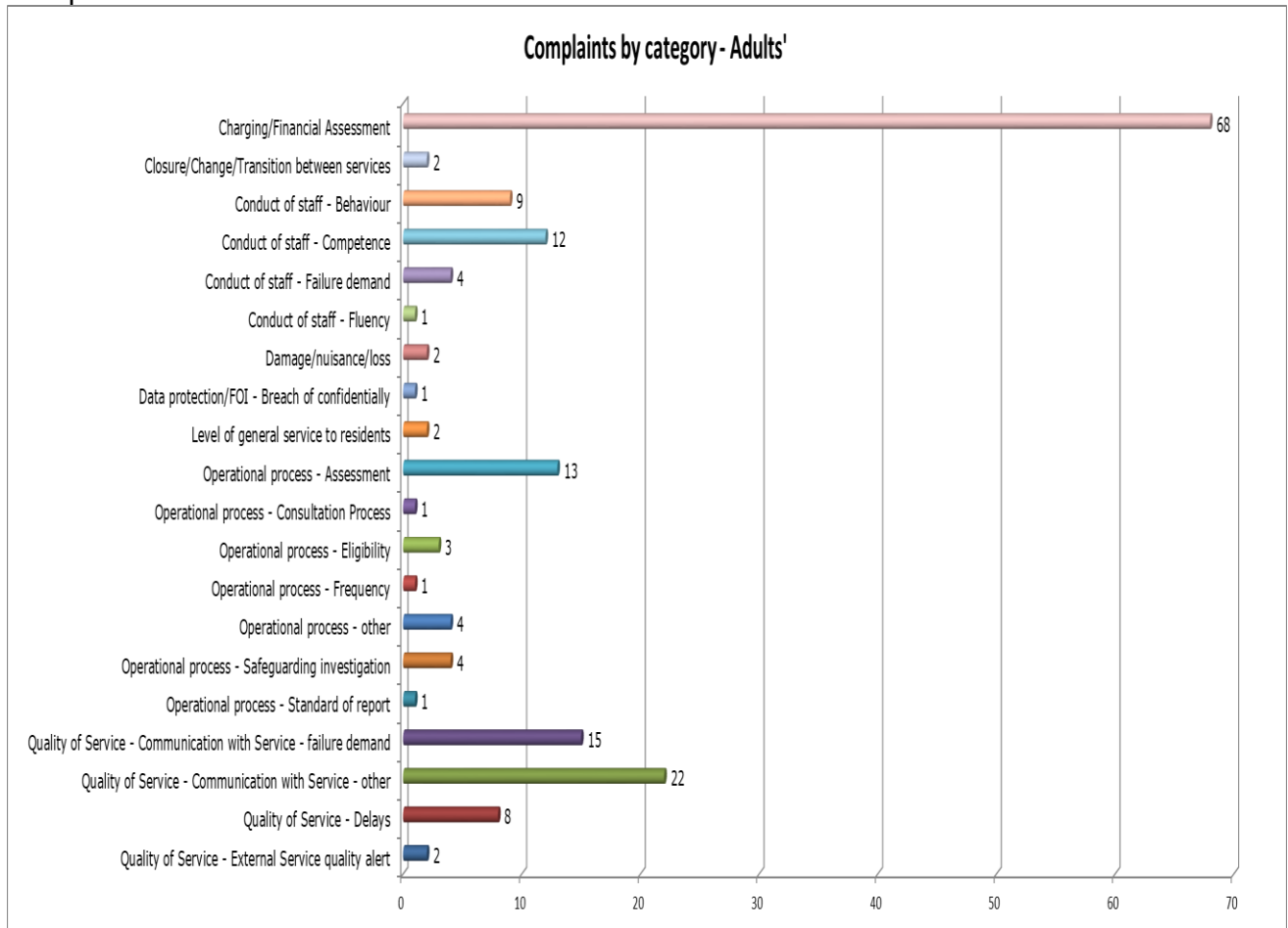
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It has already been reported that the percentage of upheld complaints in Adults' Social Care (41%) is higher than the whole Council average of 33%. The graph below shows the upheld rates across the grouped service areas in 2020.

There are examples of small data sets creating unusually high upheld rates in some areas of Adults' Social Care. For context, the Blue Badge Assessment Team received 15,829 applications for a badge in 2020 resulting in 1 formal complaint being considered.



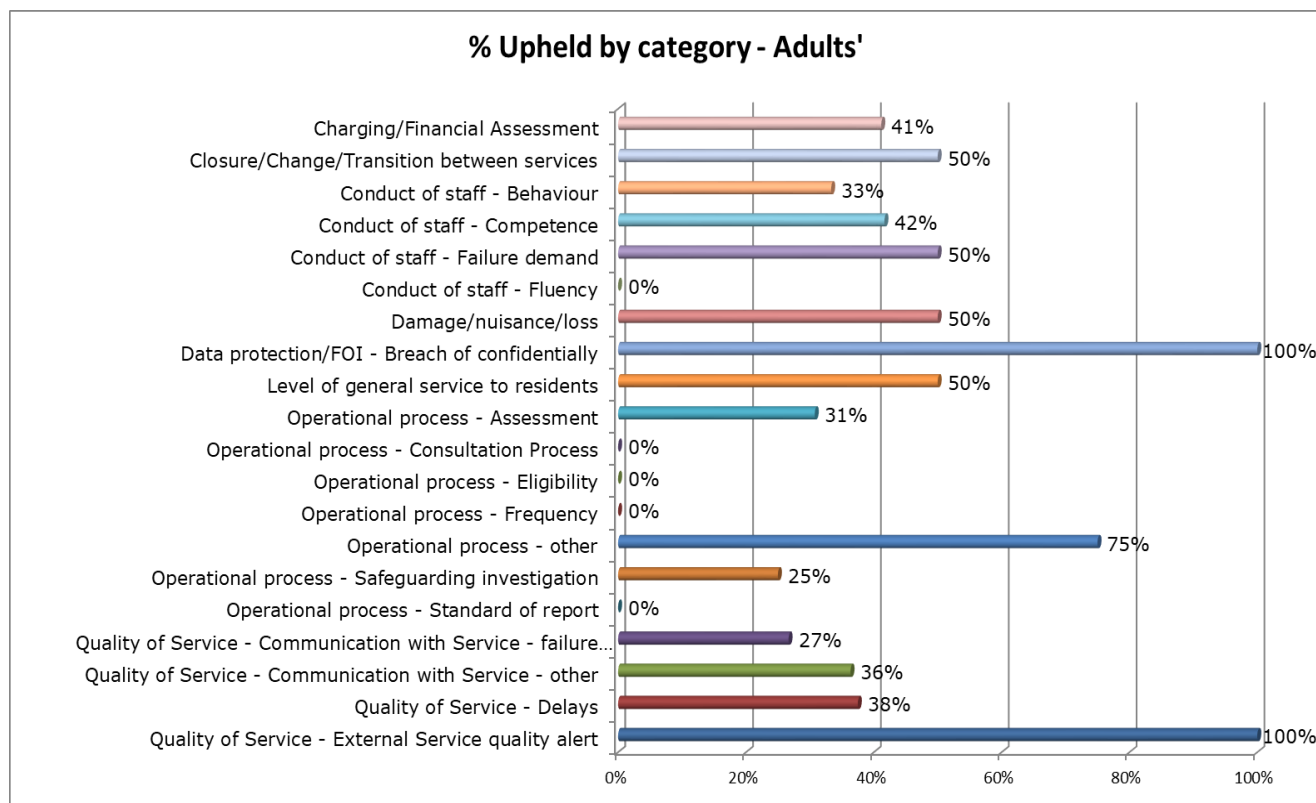
The graph below shows the category of complaints received about Adults' Social Care. Complaints about social care provision are often complex and can include dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category is a reflection of the salient or substantive issue complained about.



The complex nature of social care means that it is not always possible to categorise a complaint about operational processes within the established reporting categories. In these cases, the complaints are recorded under 'other operational process'.

The Complaints Manager continues to monitor and add to the recording categories in an effort to further understand the specific detail of trends in complaints relating to dissatisfaction with operational process.

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



The importance of analysing complaints and drawing meaningful conclusions from them has long been a priority for the Council. Where complaints are upheld in full, or in part, the Council seeks to review the outcomes, and identify any potential for organisational learning and service improvement.

Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from Adults' complaints in 2020 include:

- *Staff were reminded of the importance of maintaining frequent and informative communication with customers and their families; individual examples of miscommunication causing unnecessary inconvenience to family members were identified and rectified;*
- *Following a delay in completing a referral to Health colleagues following assessment of needs, staff were reminded of their obligation to ensure referrals are completed in a timely manner, monitored appropriately and followed up where drift is identified;*
- *Staff were reminded of the importance of informing customers when they should not pay an invoice on receipt, for example when the circumstances require the Council to assess and make a decision as to whether an automatically generated invoice is in fact chargeable to individual circumstances;*
- *Following completion of a number of financial assessments within a short period of time, a customer was issued with several charging letters, each with different amounts quoted. An apology was issued along with the corrected charging totals, and staff were reminded of the importance of communicating a clear and consistent message to customers.*



- *As a result of an upheld complaint about the management of a request for property disregard, the Council established a clear process which ensures staff gather relevant information to support a request for any property disregard in a timely manner.*

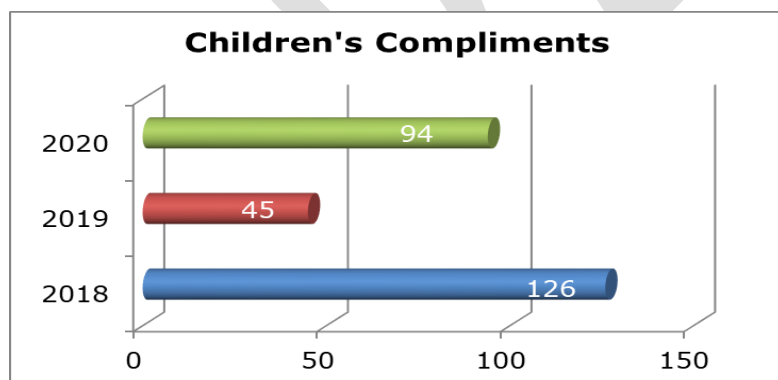
## 4.2 Children, Young People and Learning

### 4.2.1 Children's Services

Children's Services	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>2020</b>	292	100	34%	61%	35	20	94
<b>2019</b>	249	59	24%	74%	44	16	45

Historically, Children's Services is one of the areas where the number of complaints is significantly higher than the number of compliments. The nature of the work undertaken by these services in relation to ensuring the welfare of children and young people is often perceived to be intrusive by the families the Council works with. It is to be expected that the work Children's social care staff are obliged by statute to pursue creates an imbalance in the number of complaints and compliments received in comparison to other areas of within the Council.

However, following on from the Complaints Manager's push to remind staff to report all compliments received, there has been a two-fold improvement in the number of compliments recorded by Children's Services, up to 94 in 2020 from 45 in 2019.



The number of complaints recorded against Children's Services increased from 249 in 2019 to 292 in 2020. This is an increase of 17%

The increase in complaints traffic is clear, but it should be noted that capturing and reporting customer dissatisfaction is something that the Council has continued to actively encourage throughout 2020. The proactive approach in promoting the complaints service to staff and young people alike appears to have impacted the number of formal complaints recorded in 2020.

To understand the headline figure of 292 complaints recorded against Children's Services, it is necessary to drill down into the data, to add appropriate context.

## 19. Annual report: Compliments and Complaints 2020

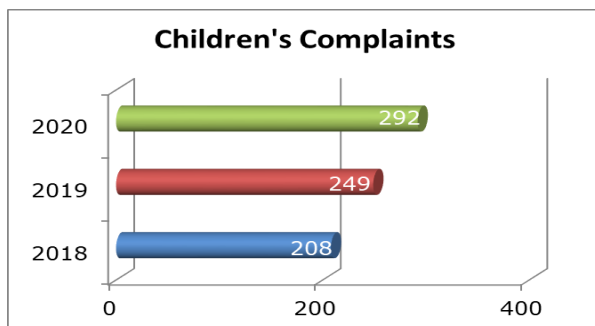
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The number of upheld complaints increased from 59 in 2019 to 100 in 2020, meaning 34% of all complaints made against Children’s Services were upheld, or partially upheld.

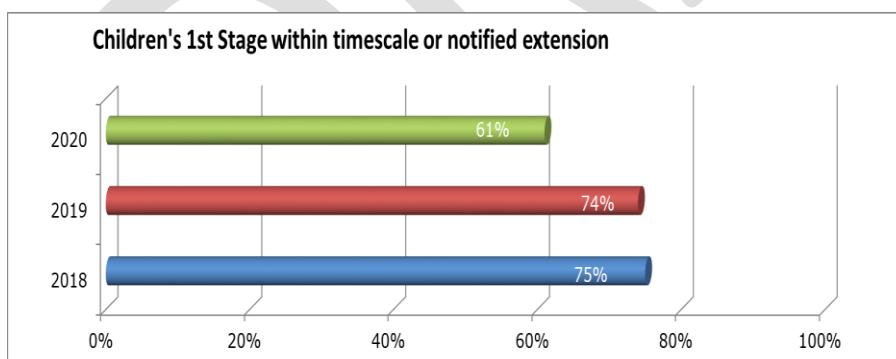
The figure of 34% is slightly higher than the Council average of complaints being upheld, which stands at 33%.

The percentage of complaints escalated through the complaints procedure dropped from 18% in 2019 to 12% in 2020. This is one of the measures we will be comparing in our benchmarking against other councils as we seek to establish what ‘good’ looks like in terms of complaints performance.

The Council ethos is to resolve complaints quickly and locally, to ensure the customer receives a full and considered response at the first stage of the complaints process. The reduction in escalated complaints may be an indication that responses at stage one of the procedure have improved and have, in the majority, answered complainants effectively.



The Council’s corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children’s social care has the same timescales.

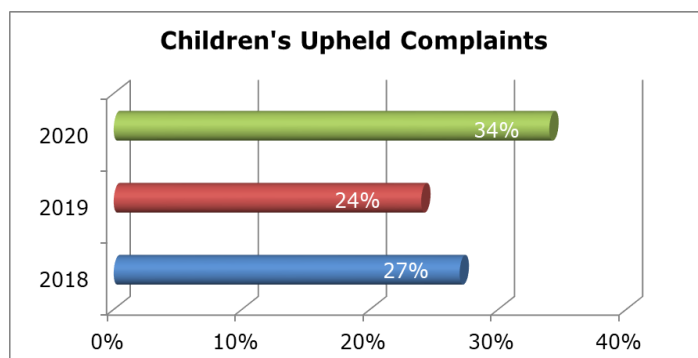


The percentage of Children’s Services complaints responded to within agreed timescale has decreased significantly to 61% in comparison to the figures recorded in 2019 (74%) and 2018 (75%).

This measure of compliance is one that the Complaints Manager will continue to monitor and analyse through direct work with the Business Manager in Children’s Services throughout 2021.

**20. Annual report: Compliments and Complaints 2020**

The percentage of complaints that were upheld (34%) is an increase in the figures reported in 2019 (24%) and is in line with the whole-Council percentage of 33% complaints upheld, or partially upheld.



Most complaints about Children and Family Services are made by adults, usually parents, either on behalf of children or regarding their own interactions with the service.

Young people are reminded of their right to access an advocate to support them in making a formal complaint through all stages of the complaints procedure from representations up to the LGSCO. In total, 24 children were supported in making a complaint by advocates, 19 of which were supported by the Council's Advocacy Service.

More details of how young people have been supported by the West Sussex Advocacy Service can be found in the separate *Independent Visitor* and *Advocacy* reports and by visiting the Council's webpages dedicated to Advocacy and Independent Visitors where you will also find the reports:

[www.westsussex.gov.uk/Advocacy](http://www.westsussex.gov.uk/Advocacy)

[www.westsussex.gov.uk/IV](http://www.westsussex.gov.uk/IV)

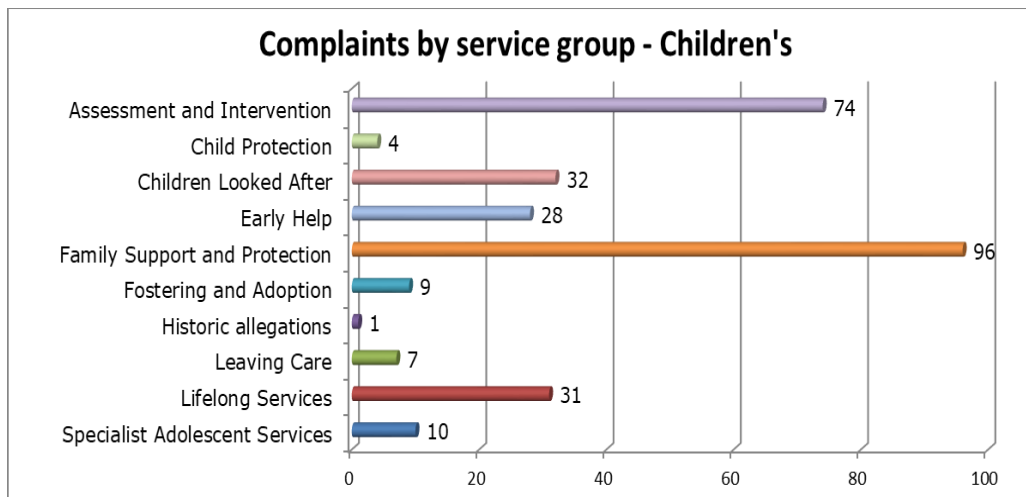
To understand the headline figure of 292 complaints recorded against Children's Social Care, it is necessary to drill down into the data, to add appropriate context.

The table below shows a breakdown of complaints by grouped service for 2020.

The number of complaints received in relation to the Assessment & Intervention Service and the Family Support & Protection Service is interesting. The two services work directly with families in acute stress and with our most vulnerable children. It is often these services that, by the very nature of the work undertaken to ensure the welfare of children, attract the highest number of complaints around intervention and decisions resulting from assessments of need.

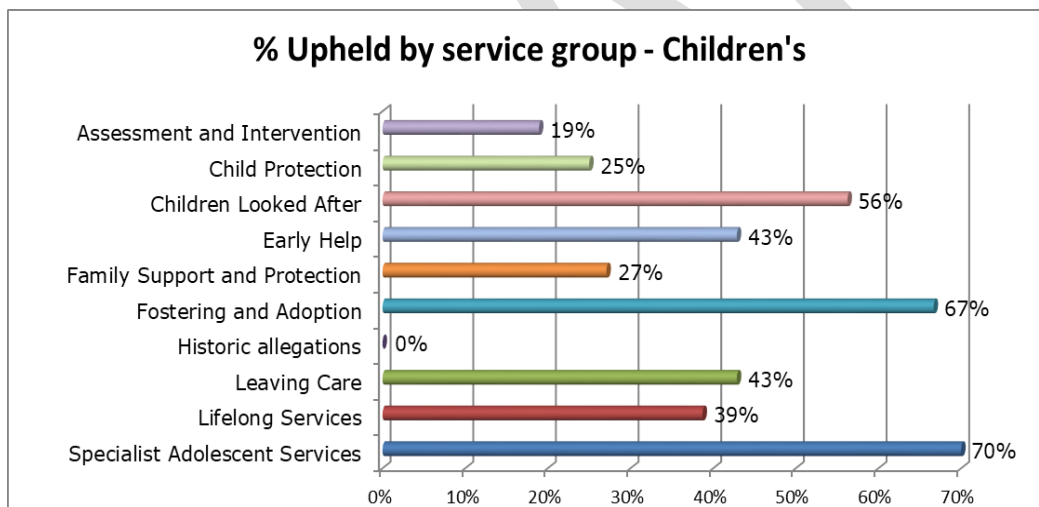
These grouped services account for 58% of reported complaints, which is in keeping with the 2019 figure of 55%.

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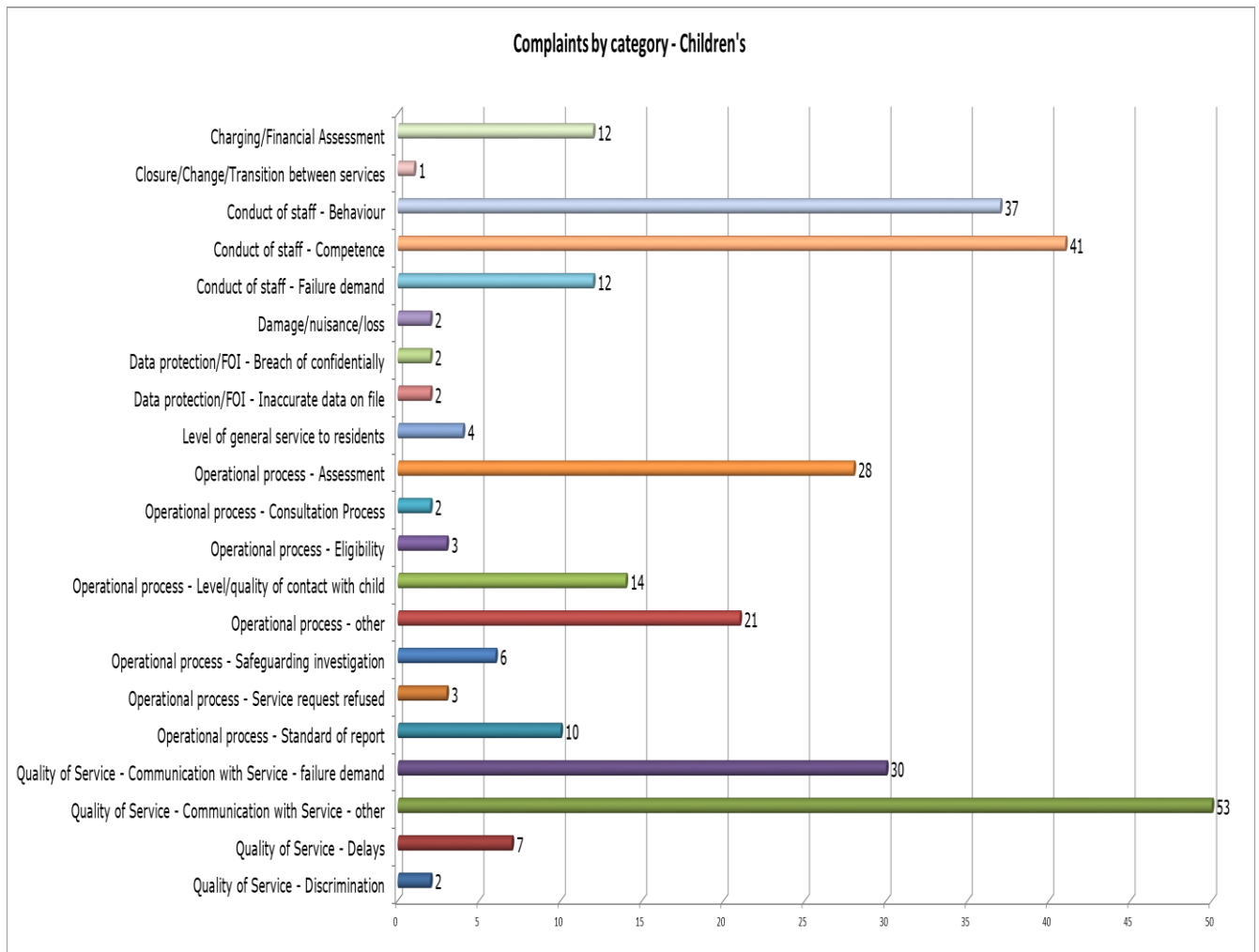


It has already been reported that the percentage of upheld complaints in Children's Social Care (34%) is slightly higher than the whole Council average of 33%. The graph below shows the upheld rates across the grouped service areas in 2020.

The high number of complaints logged against the Family Support & Protection Service and the Assessment & Intervention Service should be balanced with the relatively low percentage of complaints that have been upheld (in full or in part) in 2020. Both services recorded an upheld rate below the whole Council average.



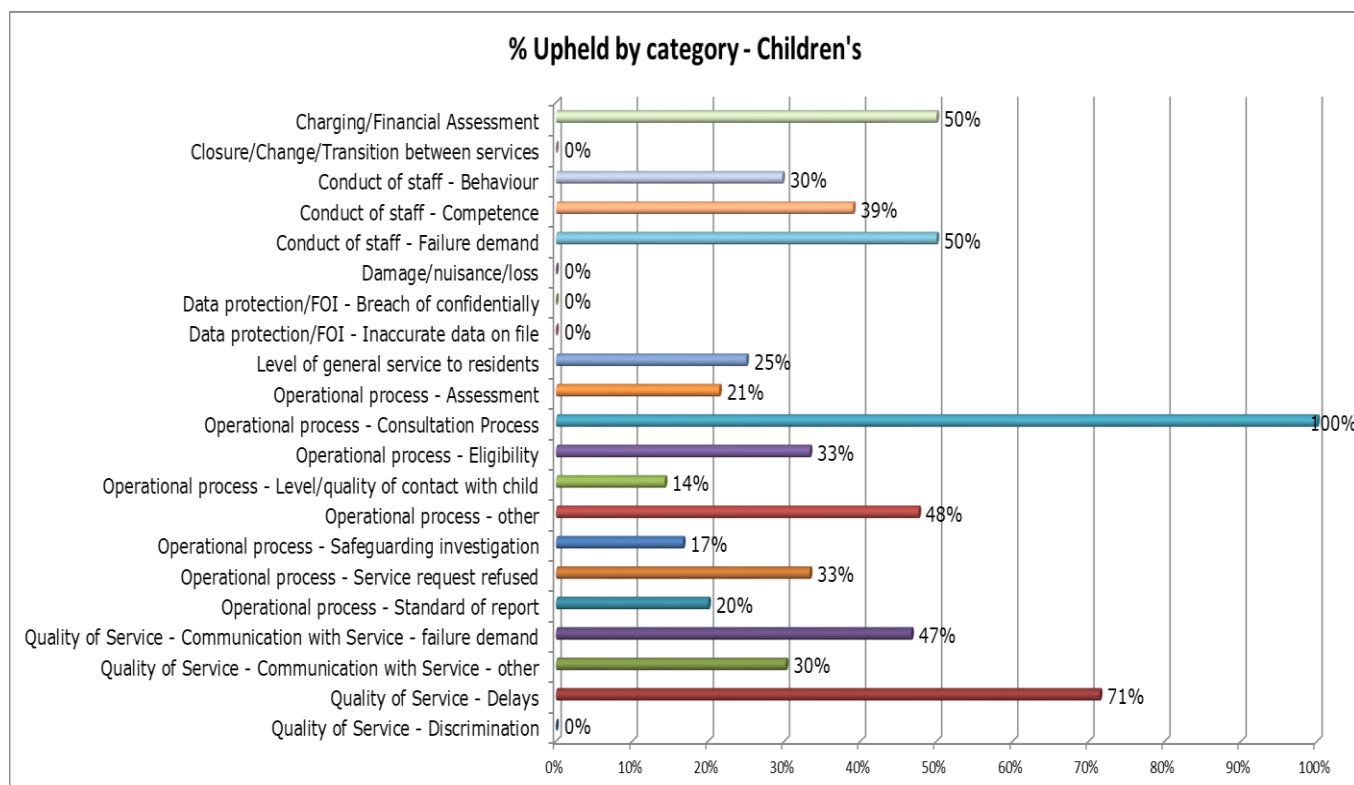
The graph below shows the category of complaints received about Children's Social Care. Complaints about social care provision are often complex and can include dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category reflects the salient or substantive issue complained about.



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

The 100% recorded is the result of a very small data set, with the only complaint being logged against that category being upheld.



All upheld or part upheld complaints are scrutinised for potential service improvements, which are then taken forward within the overall Children First improvement programme.

Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from complaints include:

- *Staff were reminded of their duty to complete work identified within a Child Protection Plan in a timely manner and to ensure communication with parents is consistent and informative;*
- *A Child & Family Assessment was completed without consent from the mother of the children. Staff were reminded of their duty to seek consent from family members prior to undertaking a Child & Family Assessment, and an apology was issued to the family;*
- *Staff were reminded that, when assessing the suitability of family members to supervise contact sessions, the use of contact centres can expedite the contact process and ensure that children commence contact as soon as practically possible;*
- *When children are placed in foster care, this is seen as a long-term placement. Team managers were reminded to ensure personal education plans (PEP) are up to date to ensure an appropriate educational setting is in place; Independent Reviewing Officers (IRO) were instructed to follow this up in reviews as good practice.*
- *The Council introduced a policy and procedure for circumstances where children have medical examinations as part of child protection enquiries. This includes*

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*reference to keeping a clear record of when parental consent is sought and what explanation has been given to the parent; as well as consideration of how the child may be prepared for any such exam.*

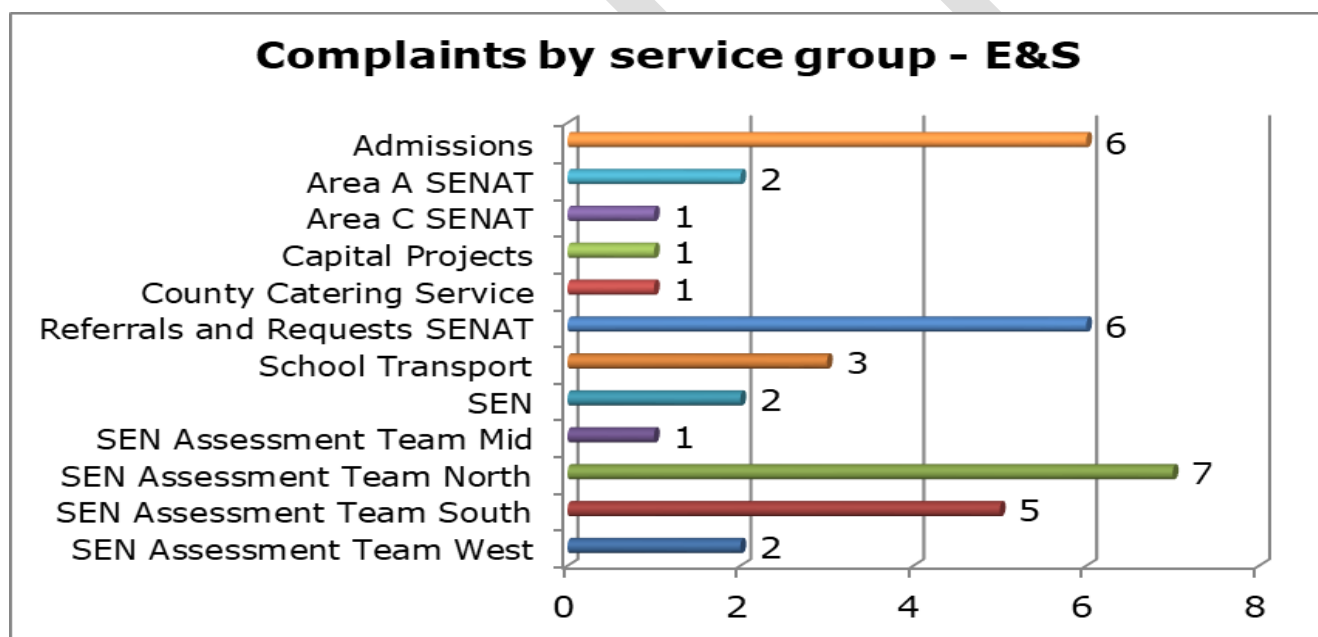
#### 4.2.2 Education and Skills

Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2020	37	12	32%	97%	4	2	124
2019	48	7	15%	83%	8	6	114

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

Services within Education and Skills accounted for 37 formal complaints, and 124 compliments. Of those complaints, 32% were upheld.

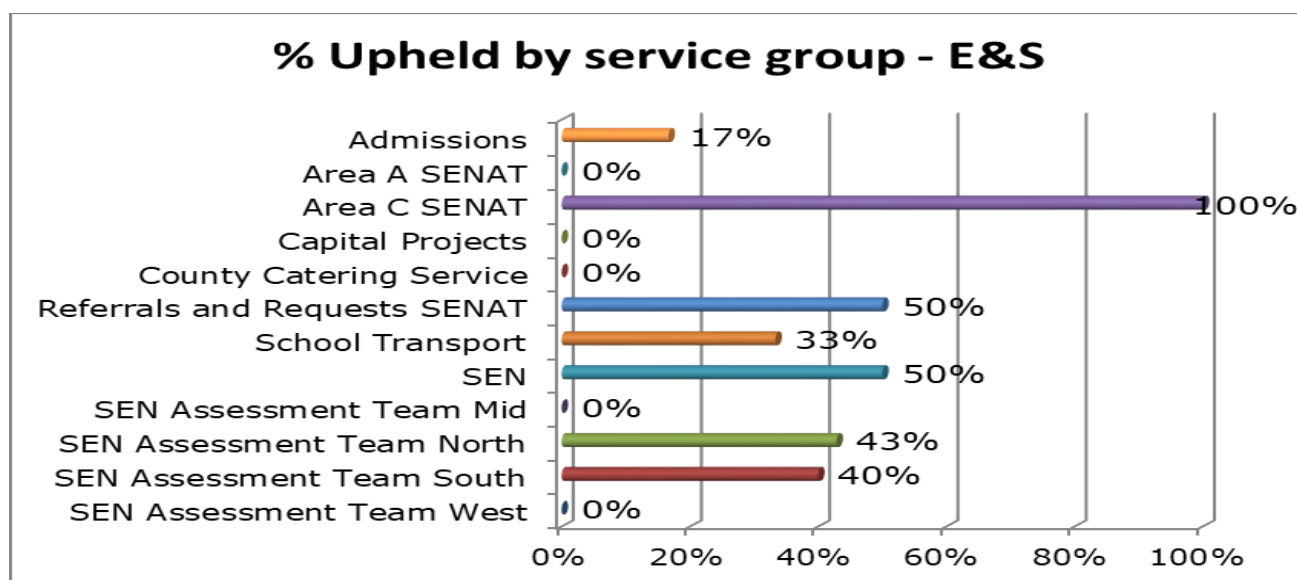
The table below shows a breakdown of complaints by grouped service areas for 2020.



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.

The percentage of complaints upheld against service areas are detailed below. Unfortunately due to a change in team names and structure, the distribution is not clear cut. This will be clearer next year when the new structure will be fully represented throughout the year.

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To provide some context to the numbers of complaints recorded against the Special Educational Needs Assessment Team, the team issued 657 new EHCPs in 2020. At the end of 2020 there were 5989 EHCPs *maintained* by West Sussex (all requiring appropriate action associated with review, monitoring and general case management).

The number of complaints recorded marks a decrease of 25% on the reported figures in 2019. The number of compliments received within the service has remained stable with 124 recorded in 2020, compared with 114 in 2019.

Education and Skills have continued to improve on the timeliness of responses, with 97% of complaints being responded to within 10 working days (or with an agreed extension) compared with 83% of responses in 2019.

Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include:

- *Staff within the Transport Co-ordination teams were reminded of the obligation to consider other residents when making scheduled pick-ups, ensuring that they do not create a noise nuisance;*
- *Following a delay in decision making around a parent's request for an Education, Health and Care needs assessment, staff were reminded of the importance of prompt communication when further information is required from parents to inform a decision;*
- *Following the delayed issue of a draft EHCP, staff were reminded of the importance of contingency plans when planned staff absence could impact the service provided to customers.*

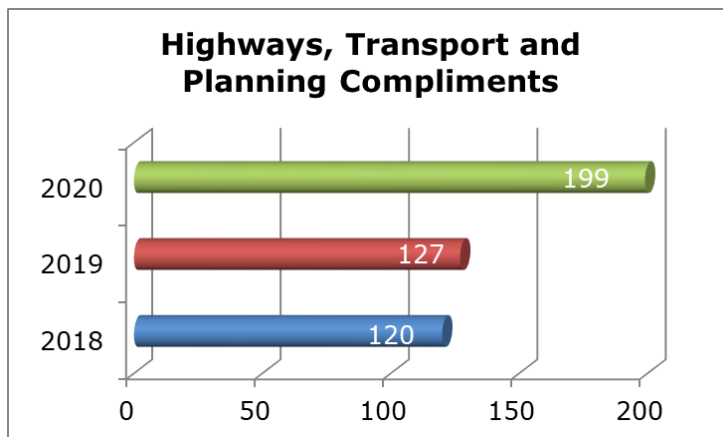


### 4.3 Place Services

#### 4.3.1 Highways, Transport and Planning

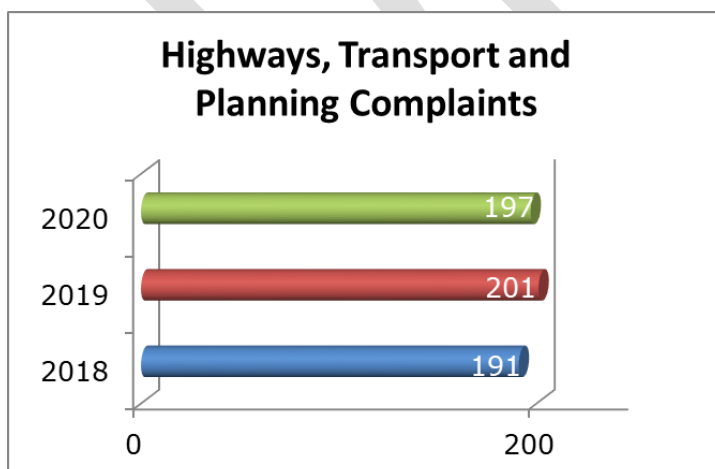
Highways, Transport and Planning	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>2020</b>	197	46	23%	84%	15	14	199
<b>2019</b>	201	33	16%	85%	23	20	127

In 2020, compliments received about services provided by Highways, Transport and Planning have exceeded the number of complaints received. The number of compliments recorded has increased from 127 in 2019 to 199 in 2020.



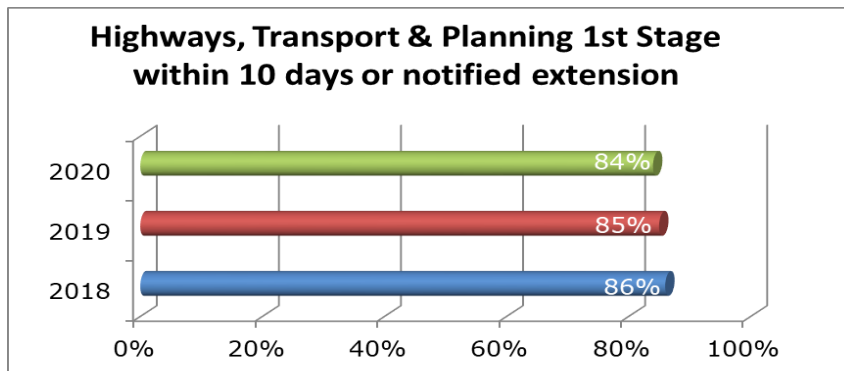
Highways, Transport & Planning is, historically, one of the three main service delivery groups that report the highest number of complaints, the other two being Adults' and Children's social care.

The number of complaints received by Highways, Transport and Planning remained consistent with 197 complaints recorded in 2020, compared with 201 in 2019.

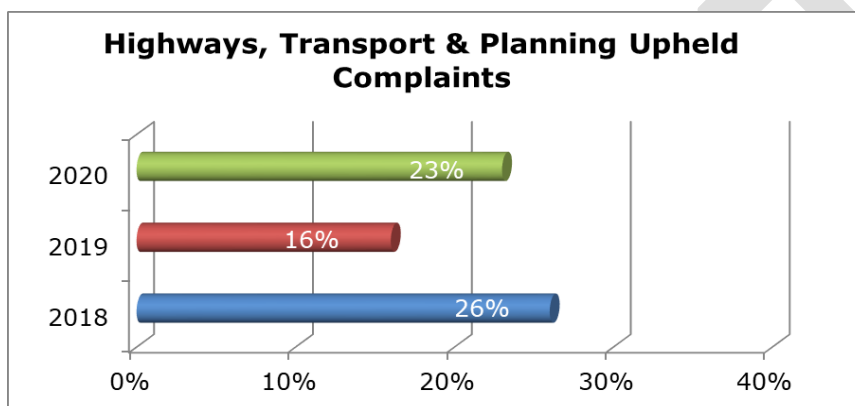


In 2020 Highways, Transport and Planning responded to 84% of complaints within 10-working days (or with an agreed extension); this high level of compliance has remained consistently strong over the past three years. The number of complaints received has remained relatively stable as have the response times.

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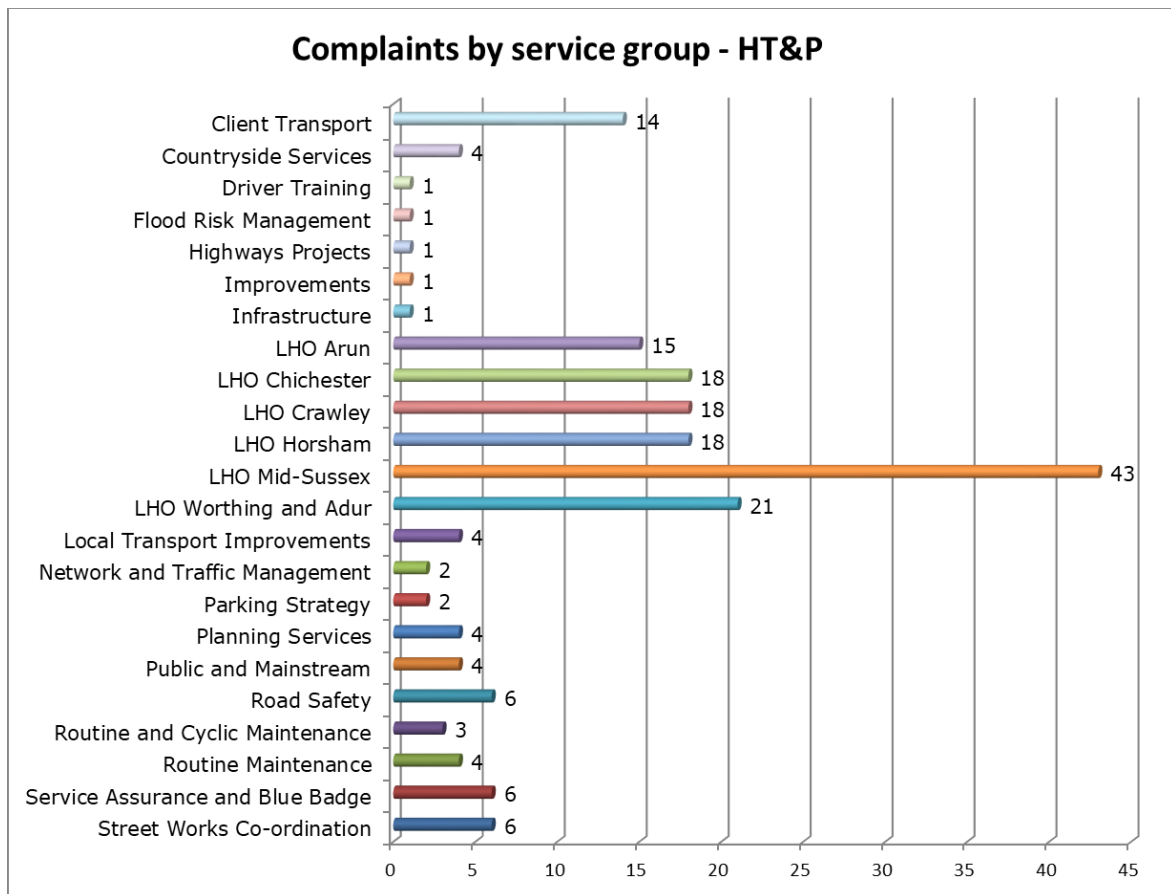


There was an increase in the percentage of complaints that were found to be upheld or partially upheld, increasing from 16% in 2019 to 23% in 2020, which remains well below the Council average of upheld complaints, which stands at 33%.

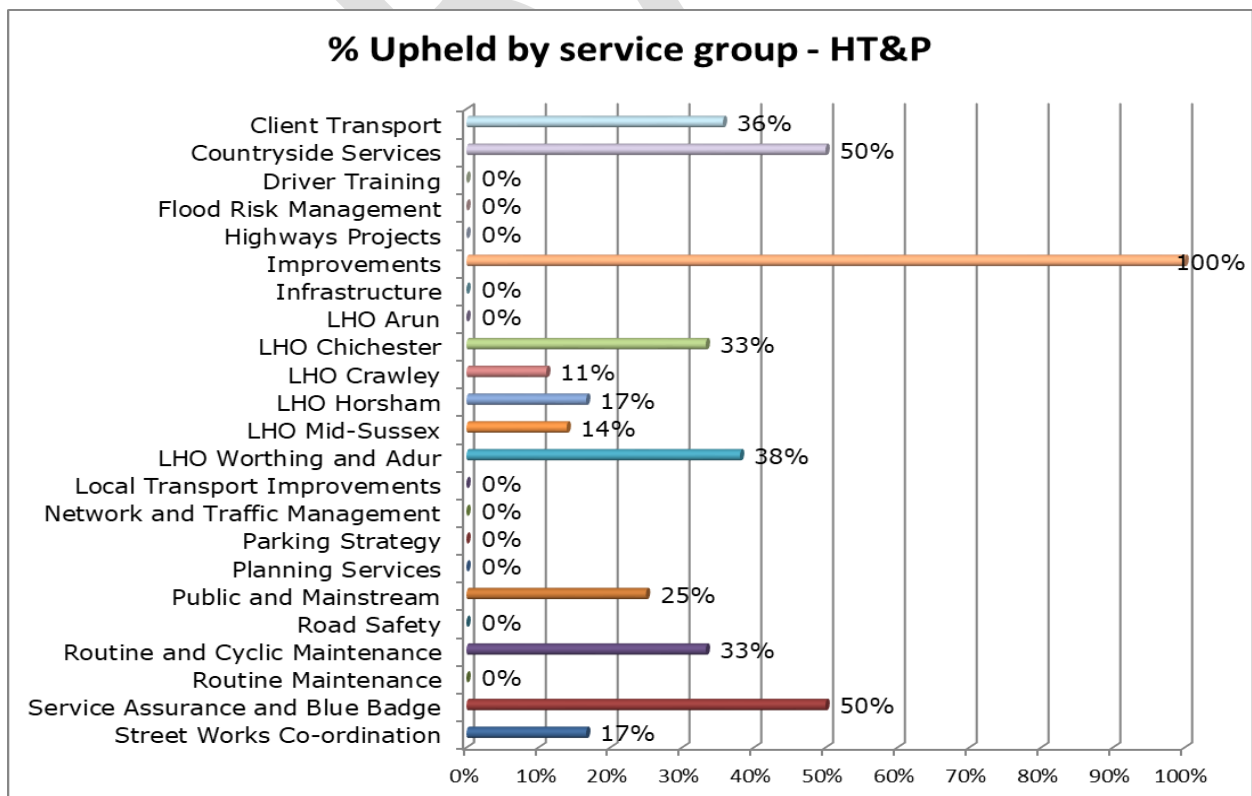


To understand the headline figure of 197 complaints recorded against Highways, Transport & Planning, it is necessary to drill down into the data, to add appropriate context.

The table below shows a breakdown of complaints by grouped service areas for 2020. The table is useful to provide an overview of the complaints received across the service areas, including the geographical operational areas.



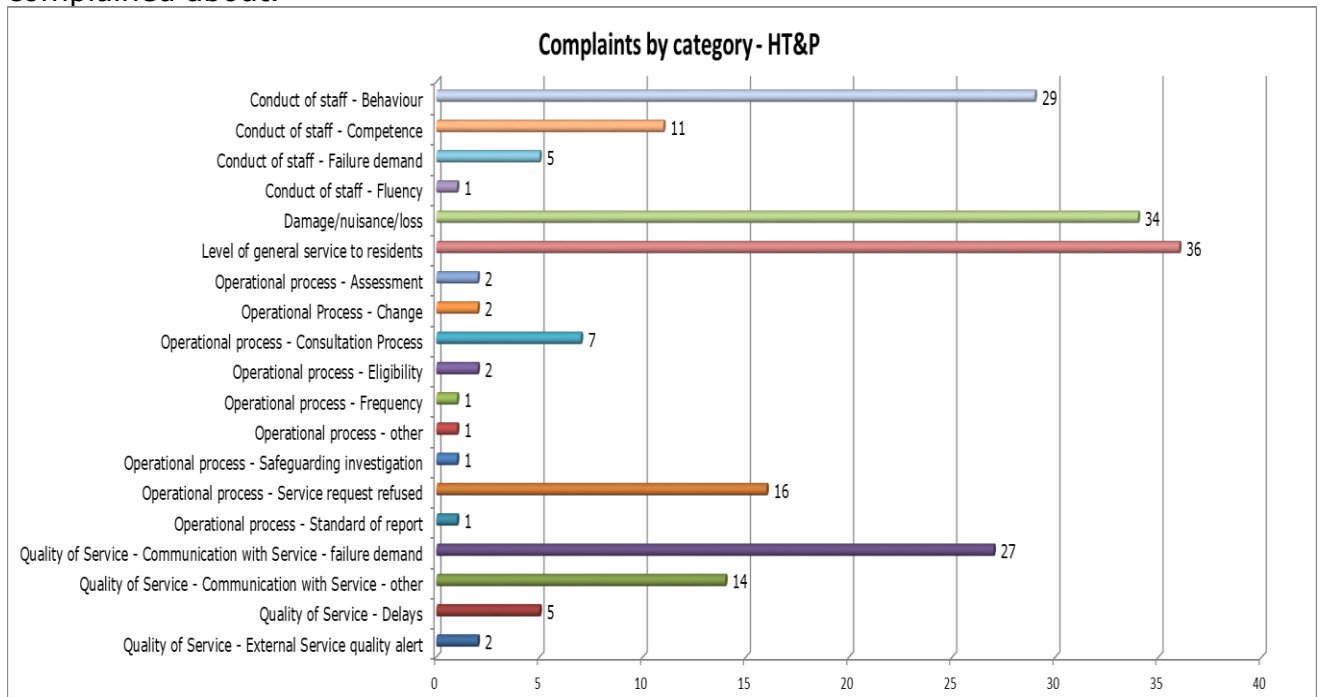
The percentage of upheld complaints in Highways, Transport & Planning (23%) is lower than the whole Council average of 33%. The graph below shows the upheld rates across the grouped service areas in 2020, noting again that areas with small numbers of complaints tend to produce very low or very high percentages.



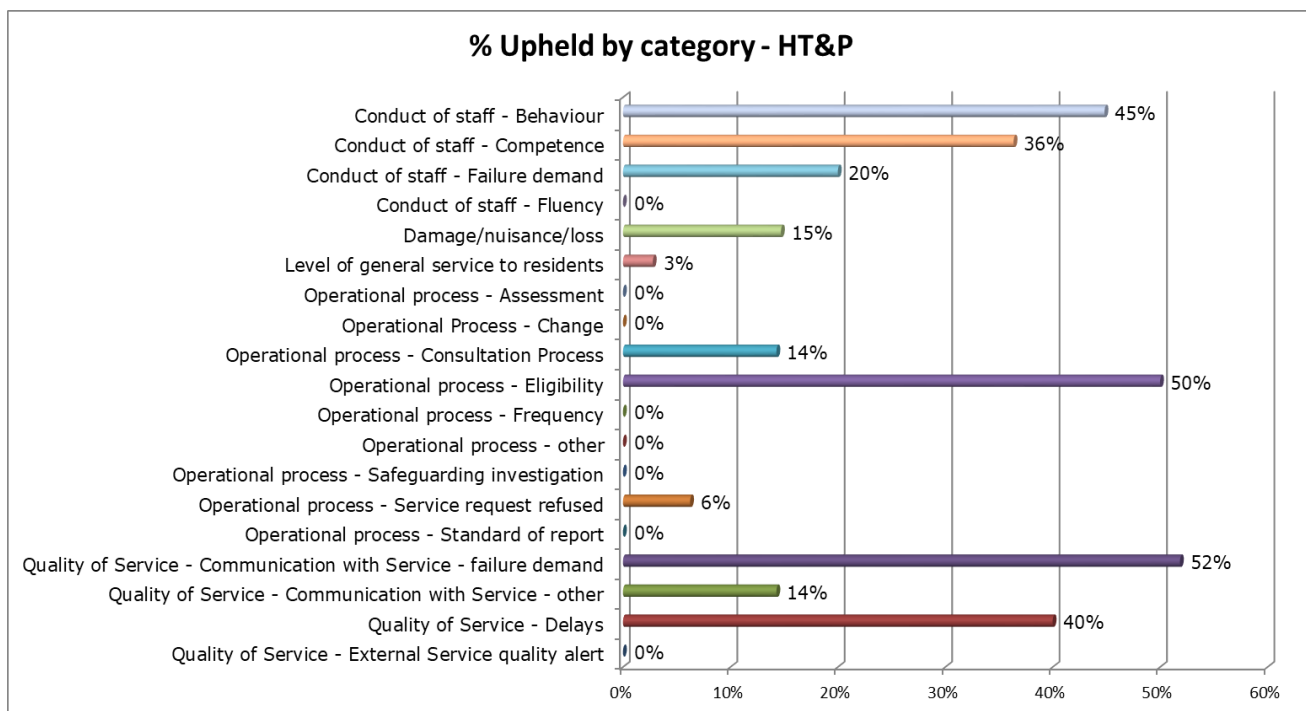
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The Customer Relations Team is committed to ensuring complaints investigations are robust and provide the customer with an honest review of the situation, with suitable remedies applied where applicable. The broad spectrum of services provided by Highways, Transport & Planning, and the large number of residents affected by operational decisions means that expressions of dissatisfaction are to be expected.

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:



Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint includes:

- *Following a breakdown in communication with a customer, staff were reminded to use (and promote) the Council's preferred, centralised communication channels, which are designed to ensure correspondence is not overlooked or missed by individual officers;*
- *The Blue Badge assessment team were reminded of the importance of considering all presented evidence in support of an application before the assessment date;*
- *Following the incorrect advertising of a Traffic Regulation Order, and subsequent failure to promote the public consultation effectively, previous consultation was declared null and void. Staff were reminded of the importance of monitoring the administration of Traffic Regulations consultations, as these errors led to a delay in process.*

#### 4.3.2 Communities

Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>2020</b>	30	7	23%	97%	2	0	2432
<b>2019</b>	19	11	58%	84%	1	2	4744

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.

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Teams in this space receive a large number of compliments and historically, very few complaints. The 30 complaints recorded in 2020 is an increase in the number recorded in 2019, but the upheld rate of 23% is well below the Council average.

Communities as a whole responded to 97% of complaints within 10 working days (or with an agreed extension) in 2020, compared to 84% in 2019.

Compliments received in relation to Library Services dwarfs the other services in the directorate (and indeed the Council) with the service receiving a huge number of compliments throughout the year.

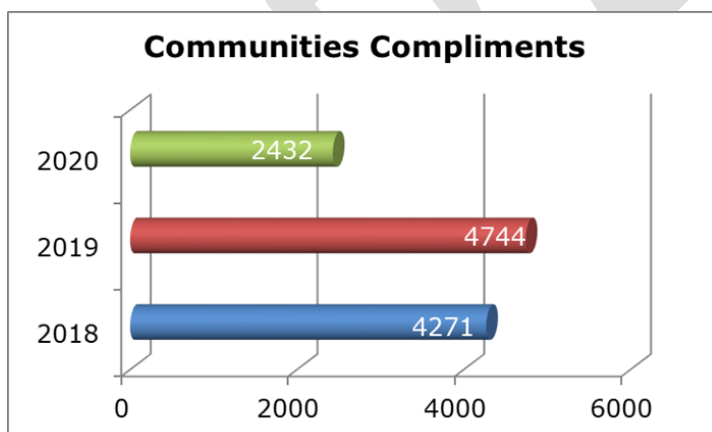
The Summer Reading Challenge referenced earlier in this report operated at around 25% of the usual capacity with 3,251 children taking part in the event.

Unfortunately, without the usual levels of engagement with the families taking part, it was not possible to collect the usual feedback and compliments. However, feedback from Library officers facilitating the challenge show that this is still a highly valued community event:

*'Parents and children really missed coming in and talking about the books to us. It was still nice to hand out the certificates and medals and to see that children who did take part had enjoyed reading and doing the challenge'*

*'One finisher I had was over the moon that we had run it and we made a big fuss of her when handing over the medal and certificate'*

*'Parents were very pleased we continued to run the challenge and lots of the kids were happy we still had the smelly stickers!'*



Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint include:

- *A review of information provided to the Customer Service Centre was undertaken when a customer was given incorrect information when pursuing a matter related to the Council's processing of his information. The Customer Service Centre relies on 'handling pages' to ensure a consistent message is provided to all customers and these pages are reviewed regularly.*

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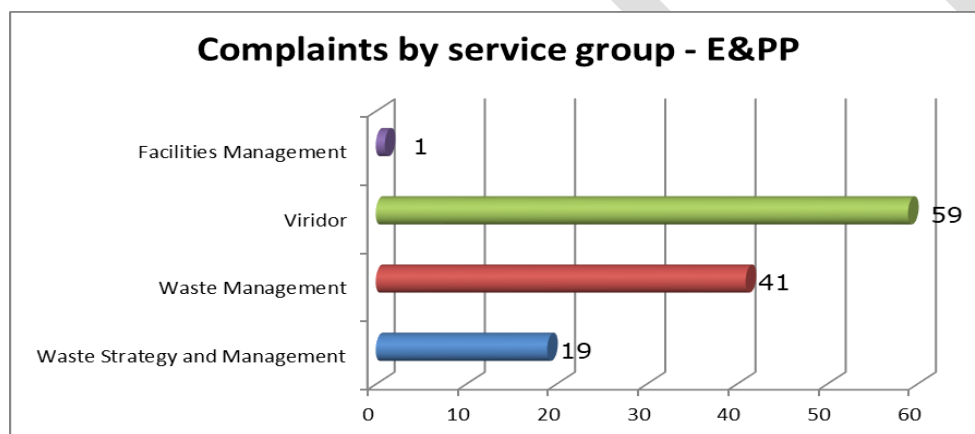
### 4.3.3 Environment and Public Protection

Environment and Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>2020</b>	120	41	34%	82%	4	3	129
<b>2019</b>	107	26	24%	64%	4	2	195

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.

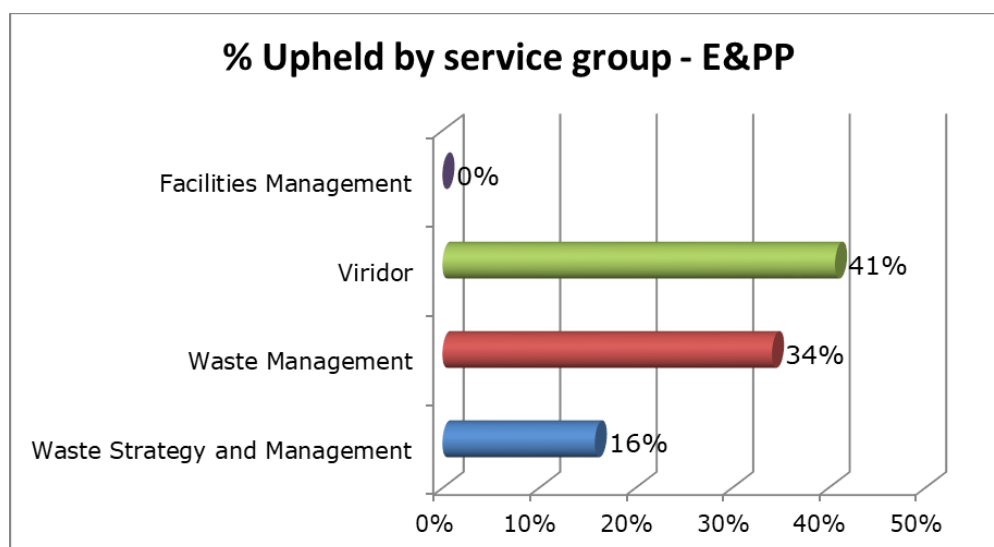
Waste Management and the outsourced management of the recycling sites across West Sussex generate a large number of complaints, compliments and objections to policy.

In total, 120 complaints were recorded against Environment and Public Protection services, compared with 107 in 2019.



The majority of complaints upheld in this space relate to complaints about Viridor, the company that was contracted to run the Council's waste and recycling sites in 2020.

It is important to provide context to the 59 complaints recorded against Viridor. The data shows the footfall across the 11 main sites in West Sussex totalled 1,196,028 in 2020 (no visits between April and May due to Covid-19 enforced closure of the sites). That averages 99,669 visits per month over 12 months but with the Covid-19 affected months removed, there were 119,603 average visits per month.



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 focused, 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.

Historically, Trading Standards is a service where the number of compliments received outweighs the number of complaints received. No complaint was formally logged against Trading Standards in 2020 but 80 compliments were recorded in the same period.

## 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 LGSCO has three different upheld categories:

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

The number of *decisions* issued by the LGSCO in 2020 (61) decreased by 13% when compared with the number issued in 2019 (70)

Of the 61 decisions issued in 2020:

- 14 were closed with no further action;
- 9 were not upheld with no maladministration;
- 20 were closed after initial enquiries as 'out of jurisdiction';
- 4 were withdrawn
- 6 were returned to the council as 'premature';

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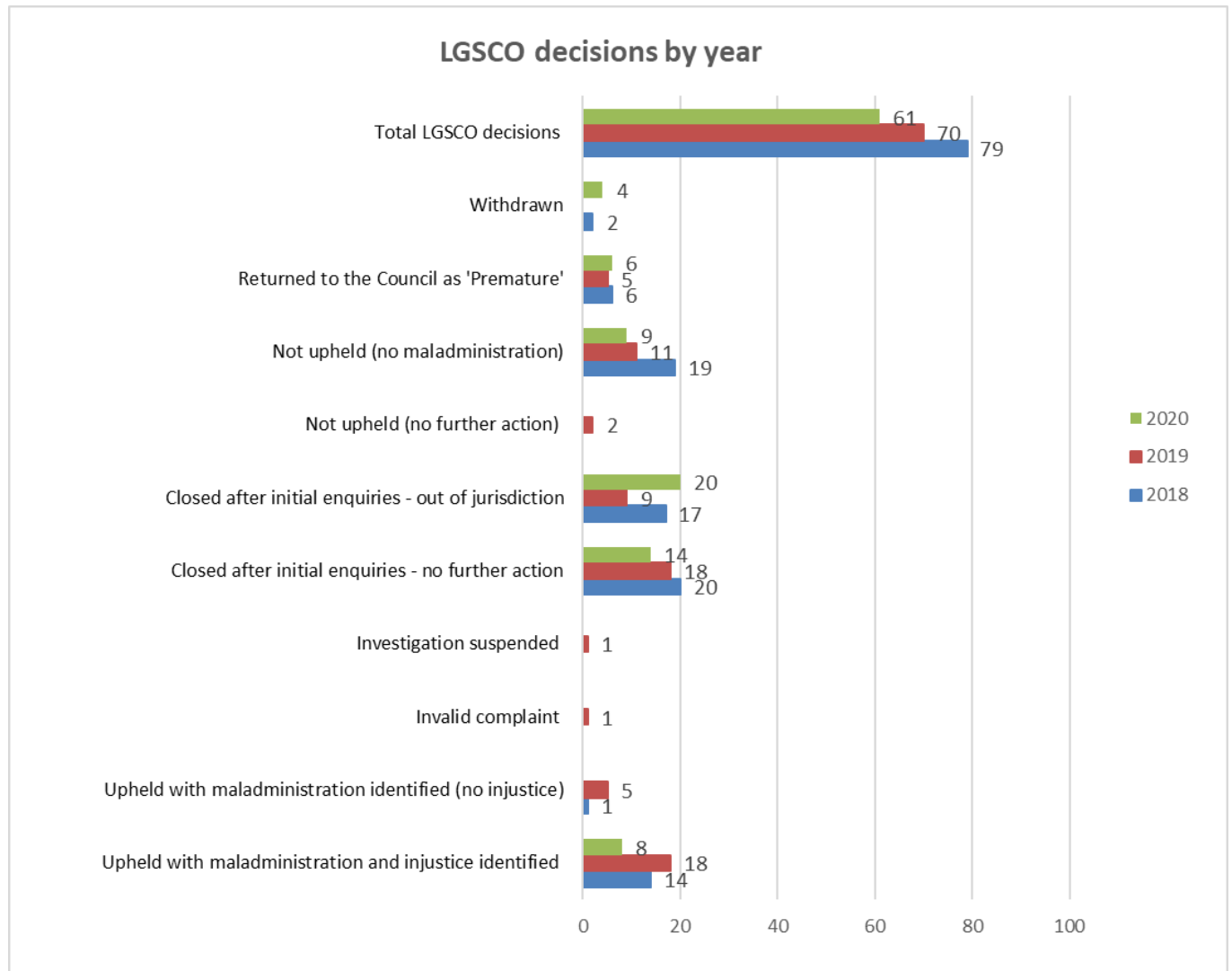


- 8 were upheld with maladministration and injustice identified.

In 8 of the 61 decisions (13%), the LGSCO found fault in the Council’s actions.

In those cases where fault was identified, the LGSCO and the Council agreed a suitable remedy, usually an apology or a review of decision. Any financial remedies resulting from an LGSCO investigation are set out in the synopsis in section 2.2.

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) and all anonymised decision reports are held on file and are accessible on request.



Below is a *summary* of the 8 cases where the LGSCO found fault with the Council.

### Children’s Services

1. The LGSCO found the Council failed to keep a full record of its actions when responding to Mr. Y’s concerns about the welfare of his son. The LGSCO found that the Council ought to have been more proactive when contacting Mr. Y of the child to keep him updated on the process. The LGSCO remedy instructed the Council to issue an apology, which it did.

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2. The LGSCO found fault in the Council's management of contact arrangements between Mrs. V and her two children. The Council was found at fault as it had cancelled two visits at short notice and had failed to keep accurate records of arrangements. The LGSCO remedy instructed the Council to apologise to Mrs. V and the two children and to agree a communications strategy moving forward. The Council met these remedies.
3. A father complained that the Council had delayed completion of a child and family assessment following receipt of a referral. The LGSCO did not uphold that complaint, but did find fault with the Council's management of his complaint, which was received by Children's Services but was not actioned. The LGSCO remedy instructed the Council to meet with Mr. W, apologise for the missed opportunity to process his complaint earlier than it did, and to make a payment for the time, trouble and anxiety the fault caused. The Council completed all of the remedies.
4. The LGSCO found fault with the Council's handling of a safeguarding concern, raised by Mrs. Z in relation to the welfare of her daughter. The Council was found to be at fault for the lack of preparation provided prior to a medical examination, and failed to continue with 'keep safe' work with the young person, following a handover between professionals. The LGSCO instructed the Council to introduce a policy and procedure for children requiring medical examinations a part of child protection enquiries, which it did. The Council also wrote to apologise to Mrs. Z.

#### **Adults' Social Care**

5. The LGSCO found the Council was at fault for not clearly explaining the cost implications of a meal service provided to Mr. & Mrs. X. No fault was found in the Council's provision of care, but an apology was issued for the miscommunication and staff were reminded of their obligation to provide clear information on the cost of the meal service in future.
6. The LGSCO found fault in the Council's assessment of Mr. B's request for adaptations to his home, and with his request to provide ongoing support in his home. The Council agreed to remind all staff of the correct steps to take when carrying out needs assessments; the Council also issued an apology to Mr. B.
7. Mr. Y complained about the Council's actions associated with the provision and funding of care for his late father. The LGSCO found no fault in the funding of care although did find some fault in aspects of other aspects of the Council's management of the case. An apology was issued to Mr. Y as the LGSCO found that communication was not clear and that the Council had not responded to all of his points of complaint. Mr. Y was awarded a small financial remedy for this injustice.
8. Ms. X complained about the Council's refusal to disregard the value of her late mother's home when assessing care charges. The LGSCO found no fault in the Council's decision making but found fault in the delay in completing the process. The Council issued an apology and made a small payment in recognition of the distress the delayed process caused Ms. X.

## Ombudsman Comparative Analysis

The Ombudsman provides annual statistics based on performance over a financial year. This report relates to performance over the calendar year. In this report we have extracted the headlines from the Ombudsman's annual statistics over the past two *financial* years to provide a flavour of the Council's average performance when compared to similar types of Councils, those being County Councils.

The Ombudsman reports on three main aspects of complaint management; for the purpose of this report, the Council's data has been compared with Kent, Surrey, Hampshire and East Sussex County Councils.

### Complaints Upheld

*Complaints in which the Ombudsman found fault in a Council's actions; these include complaints where the Council accepted fault before the Ombudsman investigated the matter.*

- In 2019/2020 the Ombudsman upheld 58% of the complaints it investigated about the Council. This compares with an average of 66% of complaints upheld in similar authorities.

County Council	Upheld Decisions	Percentage of Total Decisions
East Sussex	20	53%
Hampshire	21	55%
West Sussex	25	58%
Kent	39	59%
Surrey	33	67%

- In 2020/2021 the Ombudsman upheld 75% of the complaints it investigated about the Council. This compares with an average of 71% of complaints upheld in similar authorities.

County Council	Upheld Decisions	Percentage of Total Decisions
East Sussex	21	70%
Kent	40	74%
West Sussex	18	75%
Hampshire	27	87%
Surrey	34	89%

### Compliant with Ombudsman Recommendations

*The Ombudsman makes recommendations when a Council is found to be at fault; these are called 'remedies'. Non-compliance is rare, and the Ombudsman expects a compliance rate of 100%*

- In 2019/2020 the Ombudsman recorded that in 100% of cases, it was satisfied that the Council had successfully implemented their recommendations. This compares with 100% in similar authorities

## 37. Annual report: Compliments and Complaints 2020

- In 2020/2021 the Ombudsman recorded that in 100% of cases, it was satisfied that the Council had successfully implemented their recommendations. This compares with 100% in similar authorities

Kent, East Sussex, Hampshire and Surrey all recorded 100% compliance in this area.

### **Satisfactory Remedies Provided by the Council**

*This relates to instances where the Council upholds a complaint and the Ombudsman agrees with how it has offered to put things right.*

- In 2019/2020 the Ombudsman found that the Council had provided a satisfactory remedy before the complaint reached the Ombudsman in 12% of upheld cases. This compares with an average of 9% in similar authorities.

<b>County Council</b>	<b>Number of Remedies</b>	<b>Percentage of Upheld Cases</b>
Surrey	6	18%
East Sussex	3	15%
<b>West Sussex</b>	<b>3</b>	<b>12%</b>
Kent	4	10%
Hampshire	1	5%

- In 2020/2021 the Ombudsman found that the Council had provided a satisfactory remedy before the complaint reached the Ombudsman in 17% of upheld cases. This compares with an average of 8% in similar authorities

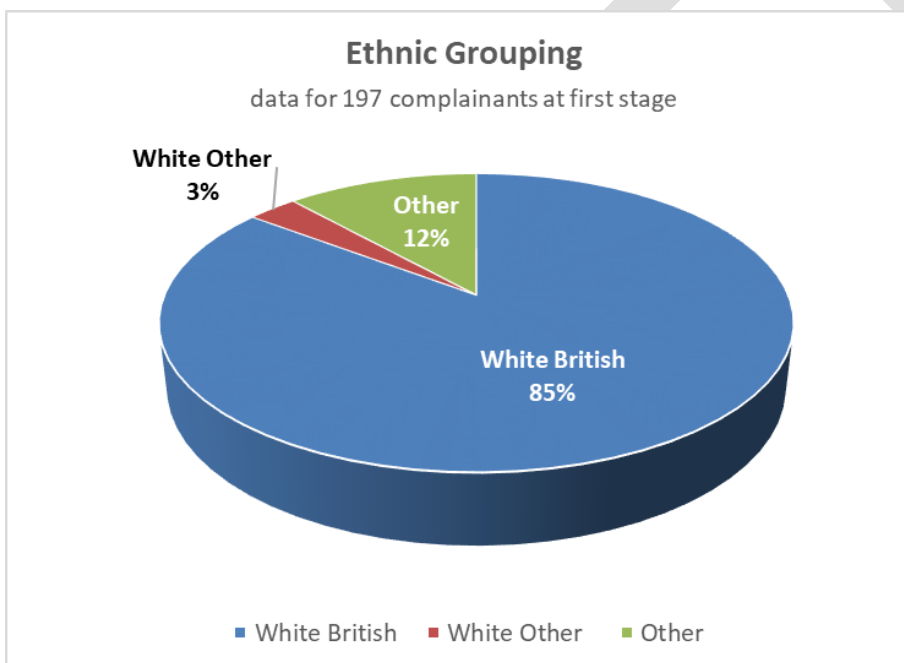
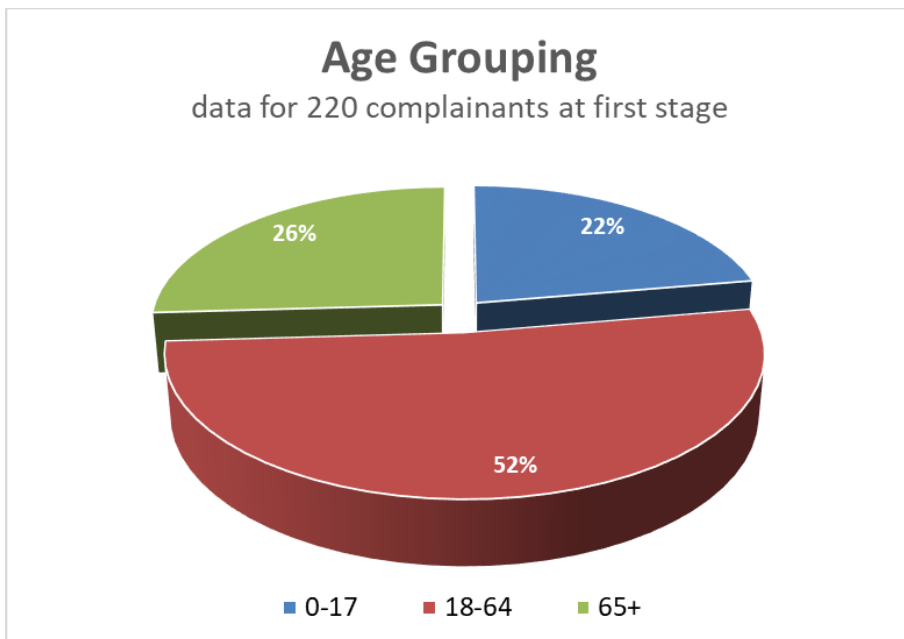
<b>County Council</b>	<b>Number of Remedies</b>	<b>Percentage of Upheld Cases</b>
<b>West Sussex</b>	<b>3</b>	<b>17%</b>
East Sussex	3	14%
Kent	5	13%
Surrey	2	6%
Hampshire	1	4%

## **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.

Complainants are surveyed regarding their customer experience of the complaints process; that survey also requests equality data.

### **38. Annual report: Compliments and Complaints 2020**



Other made up of:

- Indian
- Pakistani
- Chinese
- Other Asian
- Black Caribbean
- Black African
- Other Black ethnicity
- Other Ethnic Group
- White + Black Caribbean
- Any other mixed ethnicity

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**Key decision: Not applicable  
Unrestricted**

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## **Standards Committee**

**November 2021**

### **Whistleblowing Policy (Confidential Report Policy)**

**Report by Director of Law and Assurance**

**Electoral division: Not applicable**

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#### **Summary**

The Committee is responsible for oversight of the use and effectiveness of the Council's whistleblowing policy. The Committee last saw a report in November 2020 when it received a summary of matters dealt with under the policy and considered a revised version of the policy which had recently been approved by the Governance Committee as part of the 'good governance' activity.

This report covers activity relating to the policy since the last report and addresses a question raised by a member of the Standards Committee at the meeting in November 2020.

#### **Recommendations**

- (1) To note the activity generated by referrals made pursuant to the Council's Whistleblowing Policy.
  - (2) To consider whether there is any benefit in extending the policy to elected members of the Council.
- 

#### **Proposal**

##### **1 Background and context**

- 1.1 The County Council's whistleblowing policy is one of the ways it meets its obligation as an employer to make provision for officers to report concerns about any aspect of Council business on a confidential basis. This is in accordance with the Public Interest Disclosure Act 1998. It enables members of staff to access a process that guarantees confidentiality and protection from adverse treatment (e.g. disciplinary action) as a result of any complaint made in good faith.
- 1.2 The policy extends to staff working for suppliers and contractors of the County Council. The policy is also applicable to schools and any referrals from or about school settings are dealt with under the same procedures.

## Agenda Item 5

- 1.3 The role of this Committee is to provide a forum for member awareness and assurance in relation to the Council's approach to whistleblowing and how the Council responds to issues raised by whistleblowing investigations.

### **2 Activity since November 2020**

- 2.1 During the period since the Committee last considered activity under the policy there have been no referrals made directly under the policy. This includes referrals relating to schools.
- 2.2 There may be simple explanations for the absence of referrals, although it is the case that the policy has tended not to be used for many complaints each year. One may of course relate to the national picture for the period since the last meeting during which normal work activity has been very different for all staff and where ways of working have been a very different experience.
- 2.3 In 2020 the policy was revised, updated and clarified. Part of the promotion of the new policy in 2020 was to highlight the use of other more straightforward routes for raising concerns – especially the use of informal grievance procedures for staffing concerns and the use of internal audit or line manager referrals for matters of more general concern. The whistleblowing policy was identified as a route for use when there are particular reasons for confidentiality. It may therefore be an indication of greater trust in other routes for raising concerns.
- 2.4 We will however continue to promote the whistleblowing policy and to be alert to any concerns from staff or other sources of concern

### **Review of the Policy**

- 2.5 For the benefit of the new members of the Committee the review of the policy in 2020 was part of the work to address and reset various aspects of the culture of the Council and its governance and how all working arrangements are seen to serve the interests and priorities of the Council. This review was undertaken with the involvement of service leads, with UNISON and an external consultancy with expertise in this area. The revised policy was then reported to the July meeting of the Governance Committee and received approval. The changes focused on making the policy more readable and accessible and in giving more practical assistance to officers wishing to raise concerns by the confidential route and by other routes.
- 2.6 Following its endorsement a simple plan for dissemination, awareness raising and promotion of the policy was carried out. This work was then reported to this Committee in November 2020 as it is responsible for oversight of the use of the policy.

### **Possible extension to elected members**

- 2.7 In the meeting of this committee in November 2020 one member enquired whether it would be reasonable for the whistleblowing policy to be extended to elected members. It was agreed that the matter would be considered by a future meeting of the Committee. The following are some considerations which the Committee may wish to take into account. The Committee may have other relevant matters to be added to the debate.



- 2.8 The legal background for the need for the policy is one of employment – that employees have a confidential route to raise complaints under a statutory protection from any adverse treatment from their employer. Essentially it provides an additional safeguard against poor employment practice by employers seeking to avoid taking action in response to internal concerns.
- 2.9 Elected members are not employees. The Council has no powers or influence in relation to the office held by a councillor. Members are answerable only to their electorate. In terms of the essential statutory purpose of a whistleblowing policy therefore there is no obvious benefit in extending its use to members.
- 2.10 In terms of providing a route for raising concerns or making complaints about the Council’s practices and procedures elected members do have the ability to raise these in a number of ways – direct to officers at all levels of seniority – direct to members of the executive and through their political groups where applicable. Every member should consider that they have direct access to the Council’s statutory officers (Chief Executive, Monitoring Officer and Chief Financial Officer) and to the key senior members (Leader and Chairman of the Council) of the Council should they wish to raise any concerns in relation to the Council’s operations and processes. No member should have any concerns that they may be dealt with adversely by the Council. It should be added perhaps that any member could, should they see the need, ask the relevant officer or senior member, to maintain personal confidence if they have particular reasons for it in relation to the complaint.

**3 Consultation, engagement and advice**

- 3.1 Not applicable.

**4 Finance**

- 4.1 There no implications arising in relation to this report. Investigations are largely undertaken by Council staff and internal audit officers. These will not have incurred additional costs.

**5 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
Financial and reputational risks if concerns are not raised and addressed.	It is important that the Council’s whistleblowing policy is effective if the Council is to be confident in the proper investigation of concerns and in its arrangements for protecting those who wish to express them and who may worry about doing so openly or through other routes. The financial and reputational risks to the Council from failing to provide a route for individuals to express concerns in confidence are recognised. It is equally important to provide the forum of this committee to ensure that members have assurance as to the effective operation of the policy and its active review.

**6 Policy alignment and compliance**

- 6.1 The whistleblowing policy forms one element of the Council's range of systems to reduce crime, to ensure compliance with the public sector equality duty and with the expectations of the rights of individuals within the Human Rights Act. Accessibility for all persons with protected characteristics must however be assured in the context of the implementation of the policy.

Tony Kershaw

**Director of Law and Assurance**

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**Appendices** – None.

**Background papers** – None.