

# Public Document Pack

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31 May 2018

## Standards Committee

A meeting of the committee will be held at **2.15 pm** on **Monday, 11 June 2018** at **County Hall, Chichester**.

Tony Kershaw  
Director of Law and Assurance

## 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 12 March 2018 (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 Monitoring Report of Complaints Regarding Levels of Service Delivery** (Pages 5 - 42)

Report by Executive Director, Communities and Public Protection and Director of Communities.

The report outlines complaints and compliments received by the County Council in the last two years, including learning from them. The Committee is invited to note the report.

### 5. **Review of the Constitution - Codes of Conduct** (Pages 43 - 46)

Report by the Director of Law and Assurance.

The report advises of proposed changes to the Codes of Conduct with the intention of simplifying and streamlining the Constitution. The Committee is invited to agree the recommendations in the report.

6. **Standards Committee Annual Report** (Pages 47 - 50)

Report by the Director of Law and Assurance.

The report sets out a proposed Annual Report for submission to the County Council. The Committee is asked to agree the draft Annual Report, subject to any requested changes.

7. **Confidential Reporting Policy**

The Committee is invited to note that the Director of Law and Assurance has not received any referrals via this Policy since the last meeting of the Committee.

No background papers.

Contact: Charles Gauntlett 033022 22524

8. **Date of Next Meeting**

The next meeting of the Committee will be held at 2.15 pm on Monday 5 November 2018 at County Hall, Chichester.

**To all members of the Standards Committee**

## **Standards Committee**

12 March 2018 – At a meeting of the Committee held at 2.15 p.m. at County Hall, Chichester.

Present: Mr Barnard (Chairman), Lt Col Barton, Mr Bradford, Mrs Jupp, Mr RJ Oakley, Mr Smytherman and Mrs Sparkes.

In attendance: Mr Cooper and Mr Donaldson (Independent Persons)

Absent: Mr Buckland and Mrs Duncton.

## **Declaration of Interest**

18. None declared.

## **Minutes of the Previous Meeting**

19. Resolved – That the minutes of the meeting of the Committee held on 30 October 2017 be approved as a correct record and that they be signed by the Chairman.

## **Customer Relations Report**

20. The Committee received a presentation from Dave Loveman, the Customer Relations Manager (copy of slides appended to the signed minutes), which set out a new approach to recording and reporting on complaints received by the County Council. He confirmed that the new approach would improve consistency in reporting and would give a monthly overview, including more detail for individual services. Appeals processes would now be included, as well as complaints received by contractors.

21. The Committee welcomed the aim of getting greater consistency in reporting and the Customer Relations Manager's confirmation that an annual report would still be submitted to the Committee. He confirmed that reports covering 2016 and 2017 would be submitted to the Committee in June 2018.

22. In response to members' questions, the Customer Relations Manager confirmed that complaints information was shared with senior officers, who would usually brief their Cabinet Members on any trends or significant findings from complaints.

23. Resolved – That the report be noted and that annual reports from 2016 and 2017 be requested for consideration in June 2018.

## **Consultation on Ethical Standards in Local Government**

24. The Committee considered a report by the Director of Law and Assurance (copy appended to the signed minutes) which set out a possible response to the Committee for Standards in Public Life's consultation on ethical standards in Local Government.

25. The Committee generally supported the proposed response, supporting a proposal for a uniform code to be reintroduced, as it was possible for slightly different codes to be adopted by councils in the same area, which was difficult for members of more than one local authority. It also supported the proposal that the power of suspension of a member should be reintroduced.

26. Members discussed the current expectation that member home addresses should be published on the County Council website and noted that candidates could now ask for their addresses to be withheld on ballot papers for local government elections. It was agreed that a question on this subject should be included in the all member survey planned for April 2018. It also asked that information on safety for councillors that had been circulated to members after the election should be mentioned in the response.

27. Resolved –

- (1) That the draft response be supported, subject to strengthening the response to ask for a uniform code, the power to suspend a member to be reintroduced and to mention the safety advice circulated to members.
- (2) That a question be included in the forthcoming member survey about whether the expectation that all member home addresses should be published should remain.

### **Confidential Reporting Policy**

28. The Committee received a report from the Director of Law and Assurance (copy appended to the signed minutes) which advised of recent referrals received.

29. The Committee noted that contractors were now required to make staff aware of the Policy, as it was now available to them. There remained a low number of referrals under the Policy and outcomes would be reported in June 2018 if investigations were concluded by then.

30. Resolved – That the report be noted.

### **Date of Next Meeting**

31. The Committee noted that its next scheduled meeting would be held at 2.15 p.m. on Monday 11 June 2018 at County Hall, Chichester.

The meeting ended at 3.22 p.m.

Chairman

## **Standards Committee**

**11 June 2018**

### **Annual Monitoring Report of Complaints Regarding Levels of Service Delivery**

#### **Report by Executive Director, Communities and Public Protection & Director of Communities**

##### **Summary**

The Standards Committee reviews the Annual Monitoring Reports of Complaints on behalf of the Council and makes recommendations for improvement

##### **Recommendation**

That the reports be noted.

## **Proposal**

### **1. Background and Context**

- 1.1 As reported to the March 2018 meeting of the Standards Committee, a new method of reporting on complaints and compliment (a dashboard) has been designed. The production of the finished version took rather longer than expected and this in turn delayed production of the 2016 annual report. As requested by the Committee at the March meeting, separate reports for 2016 and 2017 have been produced for the Committee's consideration.
- 1.2 These are the twelfth (2016) and thirteenth (2017) annual reports on complaints against the County Council.
- 1.3 The reports also provide information for decisions issued by the Local Government Ombudsman (now the Local Government and Social care Ombudsman).
- 1.4 Learning from complaints and compliments can impact individuals, the organisation and the community we serve. For these reasons monitoring and reporting systems are in place to support this aspect of managing complaints.
- 1.5 The learning and service improvement opportunities from complaints can be much greater when aggregated across the whole service over a period of time, but it is also the case that useful organisational learning can be drawn from individual complaints. Examples of learning from complaints are given in these reports. The 2017 report contains a section 'Complaints delivering insight into action' which describes systems being introduced to bring added focus to these learning opportunities by informing and involving Directors and Heads of Service in complaints management and learning improvements.

**2. Proposal**

- 2.1 That the reports be adopted and published on the Council's website

**3. Resources**

- 3.1 There are no resource implications attached to publication of the reports

**Factors taken into account**

**4. Issues for consideration by the Committee**

- 4.1 There is a statutory requirement to publish reports on complaints about Adults and Children's Social Care. The Annual report, when published, fulfils that requirement. The reports show that response timescales have increased over the last two years. A plan is in place to address this and to afford oversight to Directors and Heads of Service.

**5. Consultation**

- 5.1 There is no requirement to consult on these reports, which are reports of information. There is no requirement to consult on these reports, which are reports of information. However the 2017 report details the introduction of a system for consulting individuals about their experiences with the complaints process which will be used to improve the service.

**6. Risk Management Implications**

- 6.1 Having an effective complaints monitoring system in place helps the County Council to improve its service and mitigates against any risk of not taking complaints seriously, which could lead to more cases being determined against the Council by the Ombudsman.

**7. Other Options Considered**

- 7.1 None

**8. Equality Duty**

- 8.1 There are no equalities implications in publishing these reports. The relevant guidance does recommend that this data should be captured for social care complaints if possible, and the reports detail the recorded equalities data for this are.

**9. Social Value**

- 9.1 There are no social value implications in publishing these reports, although there is social value in a system to resolve customer dissatisfaction as quickly and easily as possible for the customer.

**10. Crime and Disorder Implications**

10.1 There are no crime and disorder implications in publishing these reports

**11. Human Rights Implications**

11.1 There are no human rights implications in publishing these reports

**Nicola Bulbeck**  
Executive Director,  
Communities and Public Protection

**Rachel North**  
Director of Communities

**Contact: David Tominey**, Complaints and Representations Manager

**Appendices**

(1) 2016 Annual Compliments and Complaints Report

(2) 2017 Annual Compliments and Complaints Report

**Background Papers:** None.

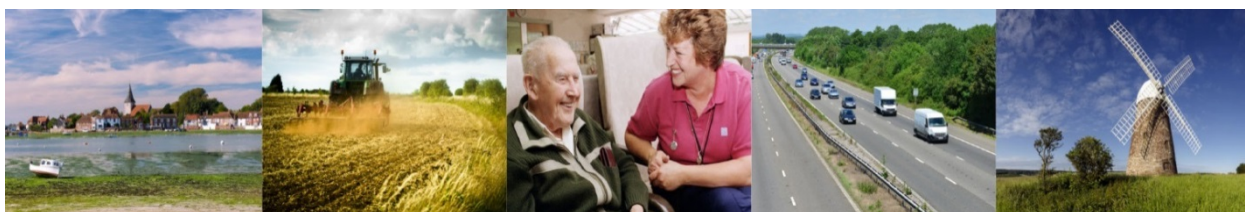
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## **Compliment and Complaints delivering Insight to Action**

**2016**



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## Introduction

This is the twelfth annual report on complaints against the County Council. This report also provides information for decisions issued by the LGO (Local Government Ombudsman) in 2016, 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 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 Compliments and Complaints 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 and Representations Manager; and three Customer Relations Officers, Helen Thompson, Kerry Rickman and Duncan Macdonald.

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

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 have been improving the way we report to senior managers with the development of the Compliments and Complaints Dashboard which will enable improved learning from complaints, locally and across the Council.

To support the delivery of the Compliments and Complaints Dashboard a new governance structure called Working Together Focus Group has been established which consists of Heads of Service meeting on a quarterly basis to review

complaints by directorate with the sole aim to develop a corporate view of identifying hot spots and trends. As a collective group next steps and actions will be agreed with a Senior Responsible Officer assigned to deliver improvements into their service with the focus of avoiding the complaint being repeated. More details of this can be found in section 3 of the report.

In this way, as well as putting things right for the individual service user, the Council learns from complaints in order to improve services for the future. The learning and service improvement opportunities from complaints can be much greater when aggregated across the whole service over a period of time, but it is also the case that useful organisational learning can be drawn from individual complaints. Examples of learning from complaints are given in this report.

## 1 The overall picture

### Complaints recorded against the County Council from 1 January to 31 December 2016.

The table below shows the reasons recorded for complaints during 2016 in comparison with 2015.

<b>Complaint Nature</b>	<b>2015</b>	<b>2016</b>
<b>Charging/Financial Assessment</b>	<b>18</b>	<b>47</b>
<b>Closure/Change/Transition between Services</b>	<b>1</b>	<b>5</b>
<b>Conduct of Staff</b>	<b>75</b>	<b>83</b>
Behaviour	75	50
Competence		23
Failure Demand		10
<b>Damage/Nuisance/Loss</b>	<b>10</b>	<b>7</b>
<b>Data Protection/FOI</b>	<b>20</b>	<b>21</b>
Breach of Confidentiality	13	14
Failure to supply requested info	2	3
Inaccurate data on file	5	4
<b>Operational Processes</b>	<b>32</b>	<b>45</b>
Assessment	14	13
Eligibility		2
Legal proceedings	2	1
Safeguarding investigation	5	3
Service Request Refused		4
Other	11	22
<b>Quality of Service</b>	<b>452</b>	<b>474</b>
Communication with service - Avoidable Contact	99	64
Delays	49	65
Delivery	298	296
Discrimination	2	1
External service Quality Alert	4	2
Communication with service - Failure Demand		46
<b>Use of recycling site</b>	<b>67</b>	<b>77</b>
<b>Waste Management policies and procedures</b>	<b>12</b>	<b>10</b>
<b>Grand Total</b>	<b>687</b>	<b>769</b>

Explanatory notes:

- Following a review of the 2015 figures as part of the production of a new reporting tool, some of those figures in this table have been restated and so differ slightly, but not significantly, from those appearing in the 2015 report as quoted in the text of this report. The new tool counts some compliments and complaints which were previously excluded either because they were diverted into another procedure or because they were credited to a contractor agency. Identifying these anomalies caused a delay in the release of the 2016 report, and the opportunity has been taken to re-align the directorates with the 2017 structure for ease of comparison going forward.
- Figures in bold are the headline figures for a complaint category. Where a breakdown is available, the figures are shown immediately below.
- The definition of avoidable contact used by the Council was amended in 2016 and a new category of failure demand was introduced. Taken together, these categories 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.

The table below summarises the complaints and compliments recorded by directorate or service unit in 2016.

Complaints by Directorate	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
<b>Communities and Public Protection</b>							
Communities	17	5	29%	100%	0	2	2350
Public Protection	11	4	36%	79%		2	154
<b>Outsourced Support Services</b>							
Outsourced Support Services	71	45	63%	87%	1		116
<b>Other outsourced services</b>							
Other outsourced services	78	31	40%	no data	4	2	74
<b>Economy, Infrastructure and Environment</b>							
Highways and Transport	144	33	23%	90%	17	10	116
Energy, Waste & Environment	10	2	20%	no data			8
Economy	22	3	14%	91%	7	4	3
<b>Children's, Adults', Families, Health &amp; Education</b>							
Children's Social Care	164	38	23%	77%	13	13	28
Adults' Services	178	61	34%	80%	26	17	225
Education and Skills	34	9	26%	97%	3	6	70
Social Care Commissioning	1	1	100%	100%			2
Policy and Practice					1		1
IPEH	32	9	28%	81%	1	1	2
Safeguarding							7
<b>Law and Assurance</b>							
Law and Assurance	1		0%	100%		9	
<b>HR and Occupational Change</b>							
HR and Occupational Change	5	3	60%	100%		1	
<b>Finance, Performance &amp; Procurement</b>							
Finance, Performance & Procurement							2
Corporate Finance	1		0%	100%	1		
<b>Chief Exec's Department</b>							
Chief Exec's Department							2
<b>Total Complaints</b>	<b>769</b>	<b>244</b>	<b>32%</b>	<b>75%</b>	<b>74</b>	<b>67</b>	<b>3160</b>

Explanatory notes:

- The Adults' social care *appeals process* offers customers direct recourse to Local Government Ombudsman (LGO) review, as does the process for applying for a Blue Badge (reported within Highways and Transport). The LGO figures reported in relation to these processes do not reflect a failure to resolve issues locally through complaints processes, but represents the numbers of appeals that has been referred for review.

5. Legal claims for compensation are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team. However, figures for successful claims for damage caused by potholes are given within this report for information.

At the time of producing the annual report, the Council had received 558 claims arising from incidents in 2016, out of which 551 had been settled, including payments to 123 claimants totalling £49,081.21.

Of the 7 claims so far not settled, offers had been made to 3 claimants totalling £22,985.58.

The 2015 figures at this point were:

107 Settled with payment	£130,789.41
376 Settled with nil payment	
4 Outstanding with offers so far totalling	£107,876.21
7 Outstanding with nil offered	
Total Claims	494

**NB These payments may also include the Council's costs.**

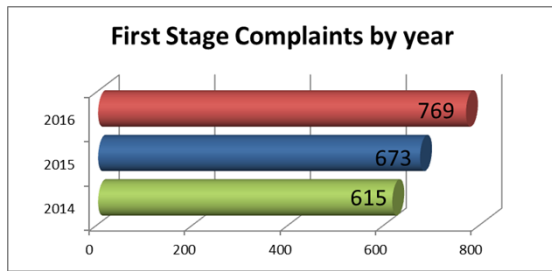
## 2 Analysis of overall figures

The number of complaints recorded at the first stage increased from 673 in 2015 to 769 in 2016. This represents an increase of 14% but it is worth comparing the two figures with those previously reported in 2012 (737); 2013 (757); and 2014 (615).

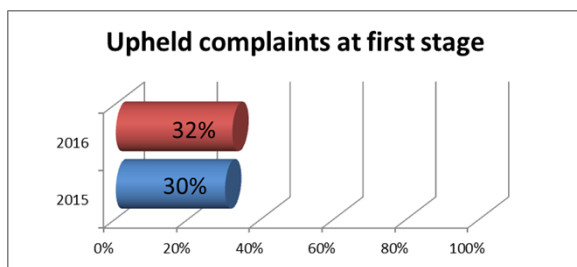
As the Council is a service provider, it is not surprising that a sizeable percentage (38% in 2016) of complaints refer to the delivery of service. The Complaints and Compliments Team are continually seeking to define these complaints more precisely in order to make better use of the information to improve services.

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 0.18%, however there are many more customer contacts through other channels. However this comment is in no way meaning that the Council simply accepts the level of complaints we have received. We want to avoid any customer needing to complaint, 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.

The Complaints and Representations Manager will monitor figures in the next reporting year (2017) to ascertain whether 2016 figures represent an unusual increase in complaints traffic.



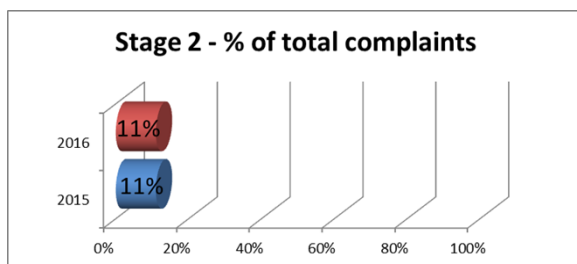
There was a very slight increase in the percentage of complaints recorded as upheld in this reporting period. A total of 244 (32%) of complaints were upheld in 2016, compared to 199 (30%) in 2015.



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.

There are different names for this stage under the different procedures, but this report describes them all as stage 2 for ease of comparison. The number of complaints considered at stage two remained consistent, with 74 stage two complaints recorded in 2016, compared with 73 in 2015.

The number of complaints considered at stage two represents 11% of the total number of complaints received at stage one in 2016, which mirrors the 11% recorded in 2015.



Once a customer has exhausted the Council's complaints and appeals procedures, they have the option to ask the Local Government Ombudsman (LGO) to consider their complaint.

The number of decisions reached by LGO also decreased slightly, with 61 decisions recorded in 2016 compared with 67 decisions recorded in 2015. It is not possible to predict accurately how many complaints will be escalated to the LGO, but improving staff performance when considering complaints at a local level should remove the customer need to escalate to the LGO at all. Local resolution is key to improving the customer experience, and escalations will remain a focus for continual monitor and review, as we try to resolve complaints for customers as quickly and simply as possible.

## 2.1 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 LGO has a published guide 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 LGO 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.

The amount recorded as paid to complainants in financial remedy resulting from complaints investigations decreased significantly from £6,200 in 2015 to £1,517.02 in 2016.

This amount arose from 4 complaints. Adults' Social Care waived a total of £517.02 in fees for three complainants. Children's Social Care made a single payment of £1000 to a parent when it emerged that a letter sent some years ago regarding a child's behaviour had not reached its intended destination, which had had a knock on effect when the parent later made contact with another authority.

## 2.2 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 recorded compliments rose from 3094 to 3160, with the Library Service once more the chief contributor.

Not included in this figure are the 2994 compliments the Library Service received for the Summer Reading Challenge (up from 2319 in 2015) in which over 10,000 children take part.

## 3 Major Service commentaries

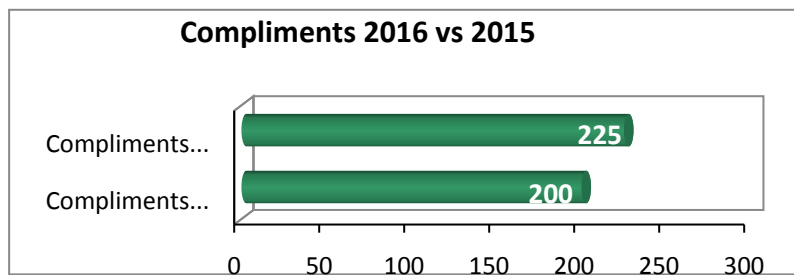
### 3.1 Adults' Services

Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	178	61	34%	80%	26	17	225
2015	126	39	31%	86%	27	16	200

Adult's Services is the service within WSCC with the highest budget spend and is also the number 1 service for customer contact with the Council. It follows that it is also the service with the highest number of complaints. To put this into context in the financial year 2016/17 13,944 people received a service provided or

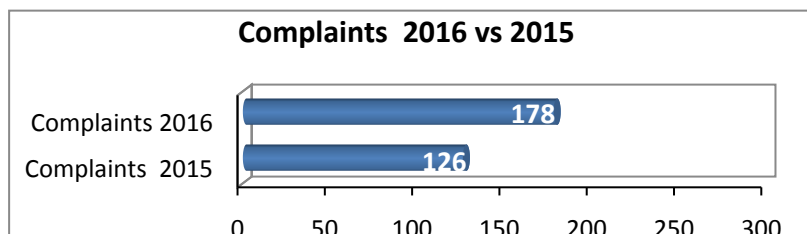


commissioned by Adult's Services<sup>1\*</sup>. This shows that approximately 1.3% of customers were so dissatisfied with their service that they complained to the Council.



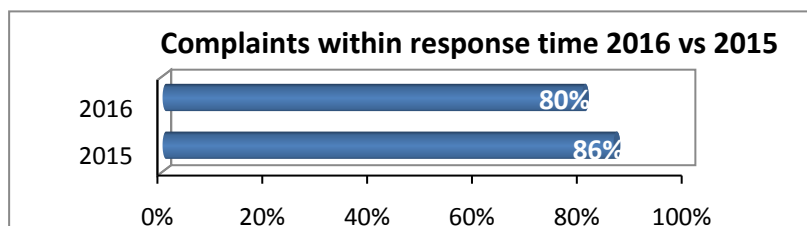
Adults' services received more compliments than complaints with a slight increase in compliments received in this reporting period;

The number of complaints recorded against Adults' services (178) has increased by 41% in comparison to the number of formal complaints recorded in 2015;



The increase in complaints is believed to be due to the more robust definitions now being followed by the Compliments and Complaints Team, but this will need to be monitored.

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;

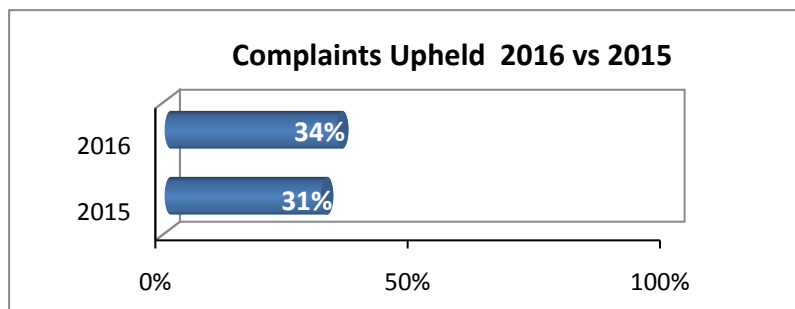


The percentage of complaints responded to within agreed timescale in 2016 was 80%, which represents a slight drop from the figure of 86% reported in 2015.

The Complaints Manager will continue to monitor these figures in 2017, as it is expected that staff should be able to respond, in most cases, within the agreed timescale.

<sup>1</sup> \*source : Local Account report 2016/17 [https://www.westsussex.gov.uk/media/9298/local\\_account\\_report.pdf](https://www.westsussex.gov.uk/media/9298/local_account_report.pdf)

It is recorded that 34% of complaints considered at the first stage were upheld in Adults' services; this percentage is a slight increase on the figure reported in 2015.



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

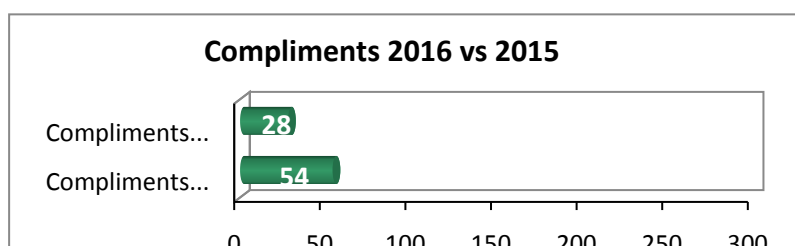
- A review of the process for blocking the issuing of invoices to prevent late implementation or late removal of blocks
- Improvements to the way Best Interest Meetings are minuted to ensure differing viewpoints are captured
- Letters regarding client contribution to costs re-worded to clarify how contributions are calculated

### 3.2 Children's Social Care Services

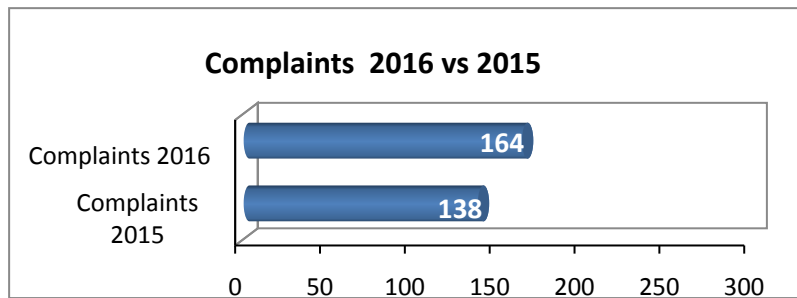
Children's Social Care	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	164	38	23%	77%	13	13	28
2015	138	16	12%	84%	7	11	54

Children's Social Care 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 Children's social care 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 amount of complaints and compliments received in comparison to other areas of within the Council.

There was also a noticeable decrease in the number of recorded compliments in 2016 when compared with the number recorded in 2015, representing a difference of 48%. The Compliments and Complaints Team will be reminding managers of the importance of recording compliments centrally;

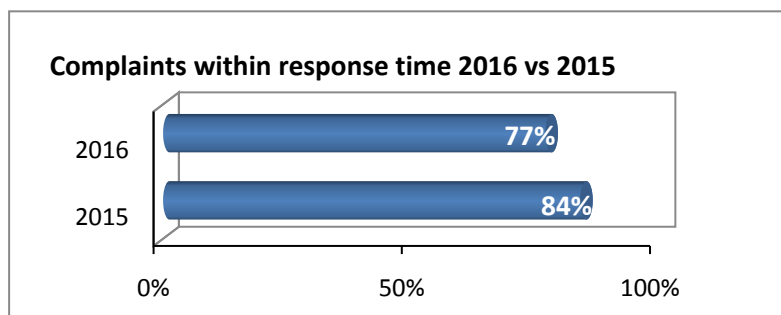


The number of complaints recorded against Children's services has increased by 19% when compared with the number of formal complaints recorded in 2015;

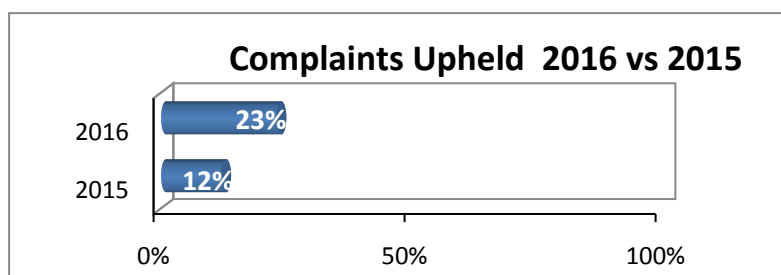


The Council's corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children's social care has the same targets.

The percentage of Children's complaints responded to within agreed timescale shows a drop from 2015, from 84% to 77%;



A total of 23% of Children's services complaints were upheld in 2016, representing a slight increase when compared with the 12% reported 2015;



The number of complaints recorded and upheld has increased considerably and this is ascribed to a more rigorous approach taken by managers within the service, but will need to be monitored over time.

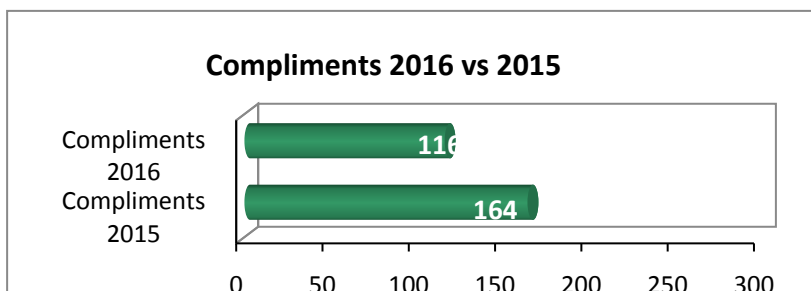
A payment of £1000 was made to a complainant in 2016 as a result of Children's services complaints. A miscommunication on in relation to a file dating back to 2009 had subsequently resulted in inaccurate information being passed to a partner agency. A full and final settlement was agreed with the complainant. Changes to policy and/or service delivery that have taken place or been recommended as a result of learning from complaints includes:

- The introduction of a process for analysing and managing the early stages of allegations of historic abuse
- Letters to be sent to birth parents reiterating the support available which has been detailed during court proceedings
- Robust processes introduced to ensure management involvement when it is proposed that a child is placed with, or moves to live with, a relative or family friend

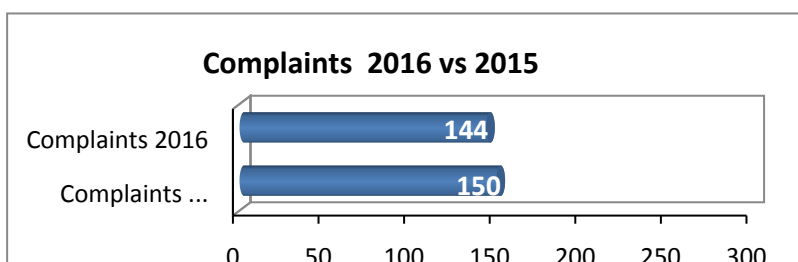
### 3.3 Highways and Transport

Highways and Transport	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	144	33	23%	90%	17	10	116
2015	150	31	21%	91%	15	28	164

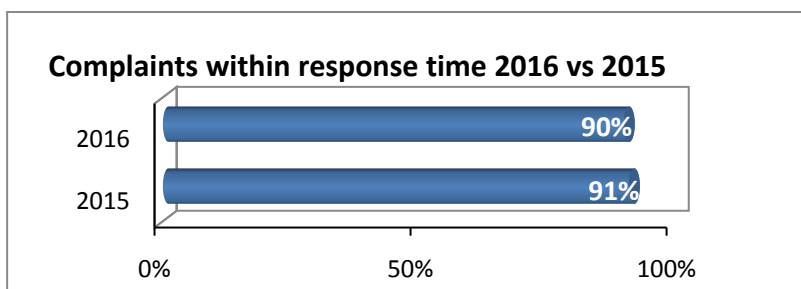
There was a noticeable decrease in the number of recorded compliments when compared with the number recorded in 2015. The Compliments and Complaints Team will be reminding all services about the importance of recording compliments centrally.



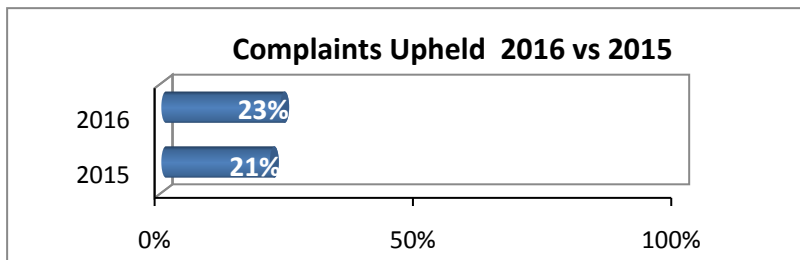
The number of complaints recorded against Highways and Transport service numbered 144, which is consistent when compared with the 150 formal complaints recorded in 2015;



In 2016 we saw a slight drop in performance from 2015 where complaints were responded to on time. A total of 90% of complaints were responded to within the agreed timescale, when compared with 91% in 2015;



The percentage of Highways and Transport services complaints that were upheld represents a slight increase when compared with the reported figure in 2015



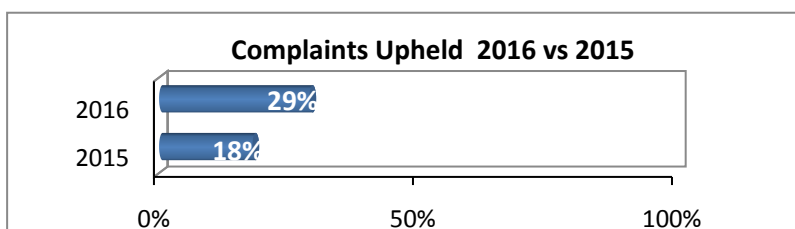
No changes to policy and/or service delivery took place as a result of a complaint investigation in this period, although there were recommendations for individual members of staff, which were managed through formal supervision sessions.

### 3.4 Communities

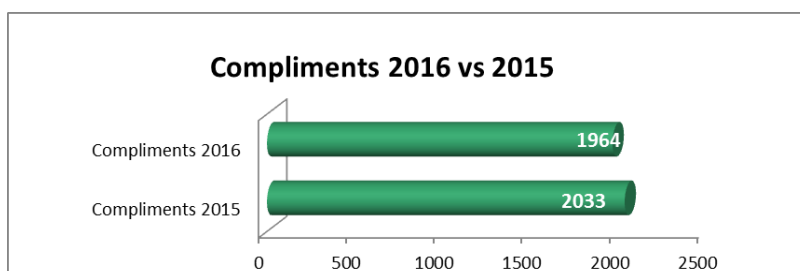
Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	17	5	29%	100%	0	2	2350
2015	38	7	18%	100%	4	1	2337

The Communities directorate houses a broad range of services from Libraries to Wellbeing to Registration Service.

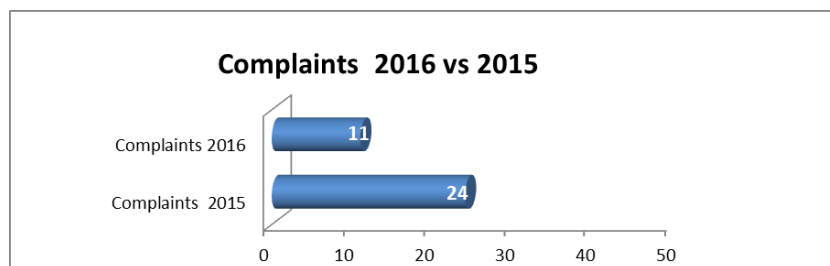
The percentage of Communities services complaints that were upheld increased from 18% in 2015 to 29% in 2016;



The traffic received in relation to Library services dwarfs the other services in the directorate on account of the huge number of compliments received. The service saw a small decrease on the compliments recorded in 2016 (1964) when compared to 2015 (2033);



There was however a marked decrease in complaints recorded for Library services when compared to 2015. A total of 11 complaints were received in the reporting period, compared with 24 recorded complaints in 2015;



In 2015 and 2016, Libraries responded to 100% of complaints within 10 working days.

No changes to policy and/or service delivery took place as a result of a complaint investigation in this period, although there were recommendations for individual members of staff, which were managed through formal supervision sessions.

### 3.5 Public Protection

Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	11	4	36%	79%		2	154
2015	9	3	33%	100%	2	2	156

Within Public Protection, both Trading Standards and the Fire Service are services where the number of compliments received outweighs the number of complaints received.

Only 4 complaints were formally logged against Trading Standards in 2016 (1 was logged in 2015) but 112 compliments were recorded in the same period, which is consistent with the number of compliments recorded in 2015 (110).

The Fire Service statistics remain steady when compared with the 2015 returns.

In 2016, 7 complaints and 42 compliments were logged for the Fire Service compared to 8 complaints and 46 compliments in 2015.

No changes to policy and/or service delivery took place as a result of a complaint investigation in this period.

### 3.6 Education & Skills

Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	34	9	26%	97%	3	6	70
2015	36	15	42%	97%	5	12	34

Services within Education & Skills accounted for 34 formal complaints, and 70 compliments. Of those complaints, 26% were upheld, and 97% were responded to on time.

The number of complaints is consistent with the reported figures in 2015. There has been a large increase in compliments received within the service just over twice the number that were recorded in 2015.

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

- Publication of a document explaining team roles and timescales after application for an Education, Health and Care Plan
- Change of working practices within care leaver support to ensure only key staff are involved in planning

### 3.7 Other Outsourced Services

Other outsourced services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGO	Compliments
2016	78	31	40%	no data	4	2	74
2015	69	25	36%	no data	4	1	97

Stage one complaints under this heading refer almost entirely to the management of recycling sites by Viridor, with 77 of the 78 recorded complaints relating to waste management.

Following changes to the contract in April 2013, stage one complaints are dealt with by the contractor, and only the totals are reported for recording although they are followed up by the Wastes Contracting team. In 2017-18 the Compliments and Complaints Team will be seeking to improve our understanding of complaints received by our major contractors.

## 4 Local Government Ombudsman

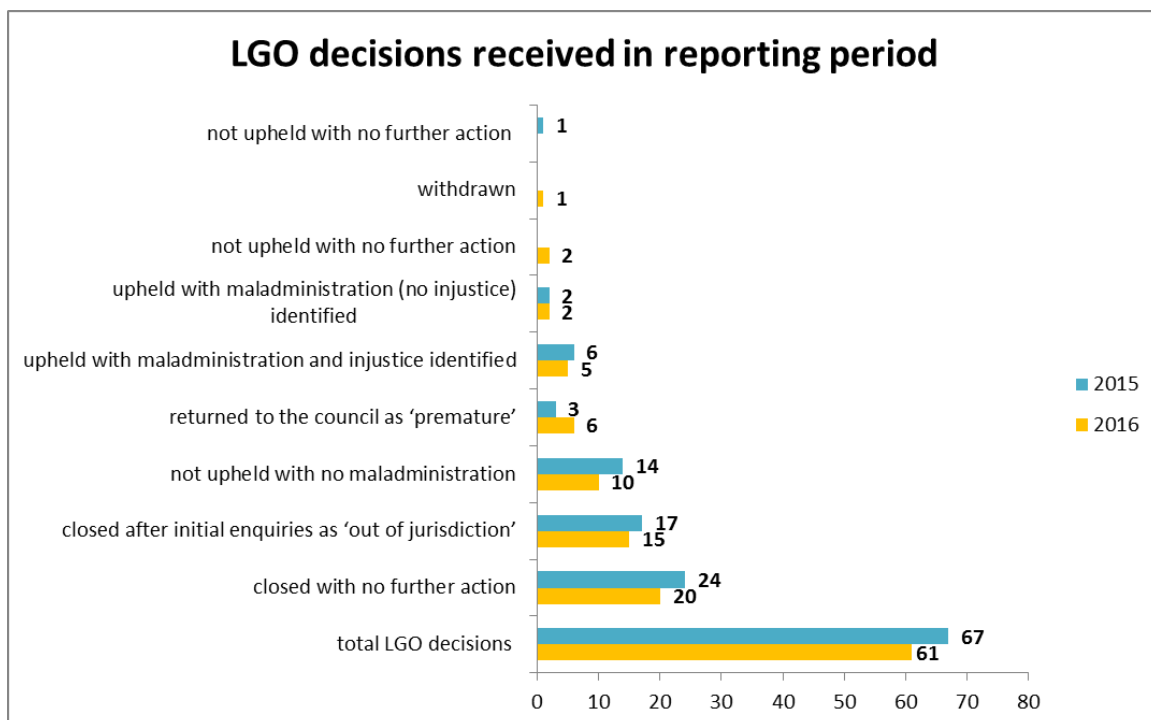
A total of 67 Ombudsman enquiries were formally logged in 2016, which represents a 6% decrease from the 71 recorded in 2015.

The number of decisions issued by the Ombudsman in 2016 (61) decreased slightly in comparison to the number issued in 2015 (67).

Of the 61 decisions issued in 2016:

- 20 were closed with no further action
- 15 were closed after initial enquiries as 'out of jurisdiction';
- 10 were not upheld with no maladministration;
- 6 were returned to the council as 'premature';
- 5 were upheld with maladministration and injustice identified;
- 2 were upheld with maladministration (no injustice) identified;
- 2 were not upheld with no further action;
- 1 was withdrawn

In each of the seven cases where fault was identified, the LGO and the Council agreed a suitable remedy, usually an apology or a review of decision.



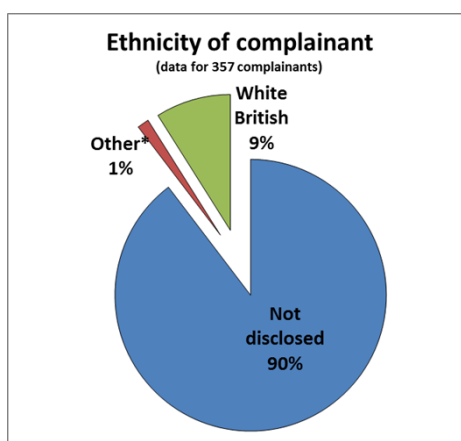
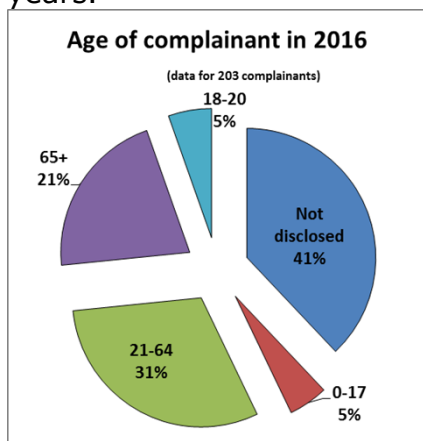
An anonymised list of cases considered by the LGO is available from the Complaints & Representations Manager [David.Tominney@westsussex.gov.uk](mailto:David.Tominney@westsussex.gov.uk) and all anonymised decision reports are held on file and accessible on request. The reports can also be downloaded from the LGO website.

## 5 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.

The Customer Relations Team has undertaken an audit of all social care complaints received in 2016 in order to better understand who is utilising the complaints process and what this tells us when compared to the population statistics of West Sussex.

The data captured for 2016 is not complete but is an improvement on previous years.



\*Other made up of:  
White Other  
Any other mixed background  
Other Ethnic Group  
Chinese  
Other Black





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

**2017**



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## Introduction

This is the thirteenth annual report on complaints against the County Council. This report also provides information for decisions issued by the LGSCO (Local Government and Social Care Ombudsman) in 2017, 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 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 Compliments and Complaints 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 and Representations Manager; and three Customer Relations Officers, Helen Thompson, Kerry Rickman and Duncan Macdonald.

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

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 have been improving the way we report to senior managers with the development of the Compliments and Complaints Dashboard which will enable improved learning from complaints, locally and across the Council.

To support the delivery of the Compliments and Complaints Dashboard a new governance structure called Working Together Focus Group has been established which consists of Heads of Service meeting on a quarterly basis to review

complaints by directorate with the sole aim to develop a corporate view of identifying hot spots and trends. As a collective group next steps and actions will be agreed with a Senior Responsible Officer assigned to deliver improvements into their service with the focus of avoiding the complaint being repeated. More details of this can be found in section 3 of the report.

In this way, as well as putting things right for the individual service user, the Council learns from complaints in order to improve services for the future. The learning and service improvement opportunities from complaints can be much greater when aggregated across the whole service over a period of time, but it is also the case that useful organisational learning can be drawn from individual complaints. Examples of learning from complaints are given in this report.

## 1 The overall picture

### Complaints recorded against the County Council from 1 January to 31 December 2017.

The table below shows the reasons recorded for complaints during 2017 in comparison with 2016.

<b>Complaint Nature</b>	<b>2016</b>	<b>2017</b>
<b>Charging/Financial Assessment</b>	<b>47</b>	<b>58</b>
<b>Closure/Change/Transition between Services</b>	<b>5</b>	<b>0</b>
<b>Conduct of Staff</b>	<b>83</b>	<b>67</b>
Behaviour	50	53
Competence	23	13
Failure Demand	10	1
<b>Damage/Nuisance/Loss</b>	<b>7</b>	<b>5</b>
<b>Data Protection/FOI</b>	<b>21</b>	<b>12</b>
Breach of Confidentiality	14	10
Failure to supply requested info	3	0
Inaccurate data on file	4	2
<b>Operational Processes</b>	<b>45</b>	<b>27</b>
Assessment	13	18
Eligibility	2	3
Legal proceedings	1	
Safeguarding investigation	3	2
Service Request Refused	4	1
Other	22	3
<b>Quality of Service</b>	<b>474</b>	<b>410</b>
Communication with service - Avoidable Contact	64	53
Delays	65	28
Delivery	296	315
Discrimination	1	2
External service Quality Alert	2	0
Communication with service - Failure Demand	46	12
<b>Use of recycling site</b>	<b>77</b>	<b>71</b>
<b>Waste Management policies and procedures</b>	<b>10</b>	<b>9</b>
<b>Grand Total</b>	<b>769</b>	<b>659</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.

The table below summarises the complaints and compliments recorded by directorate or service unit in 2017.

Complaints by Directorate	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
<b>Communities and Public Protection</b>							
Communities	25	8	32%	97%	2	2	3368
Public Protection	9	5	56%	71%			136
<b>Outsourced Support Services</b>							
Outsourced Support Services	35	23	66%	71%	6	1	47
<b>Other outsourced services</b>							
Other outsourced services	73	36	49%	no data	0	0	46
<b>Economy, Infrastructure and Environment</b>							
Highways and Transport	130	38	29%	86%	17	7	101
Energy, Waste & Environment	9	3	33%	no data	0	0	1
Economy	12	2	17%	75%	1	3	3
<b>Children's, Adults', Families, Health &amp; Education</b>							
Children's Social Care	145	39	27%	73%	18	7	31
Adults' Services	147	46	31%	78%	25	16	263
Education and Skills	38	8	21%	79%	6	6	58
IPEH	20	6	30%	60%	2	1	6
Safeguarding	3	1	33%	33%		2	
<b>Law and Assurance</b>							
Law and Assurance	8	2	25%	75%	0	2	
<b>HR and Occupational Change</b>							
HR and Occupational Change	1	1	100%	100%	1	1	
<b>West Sussex Safeguarding Adults Board</b>							
West Sussex Safeguarding Adults Board	1		0%	100%	0	0	
<b>Finance, Performance &amp; Procurement</b>							
Finance, Performance & Procurement					0	0	1
Corporate Finance	3	1	33%	67%	0	0	
<b>Chief Exec's Department</b>							
Chief Exec's Department					0	0	4
<b>Total Complaints</b>	<b>659</b>	<b>219</b>	<b>33%</b>	<b>69%</b>	<b>78</b>	<b>48</b>	<b>4065</b>

Explanatory notes:

1. 'Outsourced Support Services' are those back-office services which were outsourced to Capita in October 2010. 'Other Outsourced services' are major contracts run by other organisations on behalf of the County Council, such as streetlighting provision, Household Waste Recycling Sites, and highways Management.
2. The Adults' social care *appeals process* offers customers direct recourse to Local Government & Social Care Ombudsman (LGSCO) review, as does the process for applying for a Blue Badge (reported within Highways and Transport). The LGSCO figures reported in relation to these processes do not reflect a failure to resolve issues locally through complaints processes, but represents the numbers of appeals that has been referred for review.
3. Legal claims for compensation are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team. However, figures for successful claims for damage caused by potholes are given within this report for information.

At the time of writing the annual report, the Council had received 476 claims arising from incidents in 2017, of which 190 have been settled, including payments to 32 claimants totalling £18,962.36. Of the 286 claims so far not settled, offers have been made to 68 claimants totalling £29,410.12

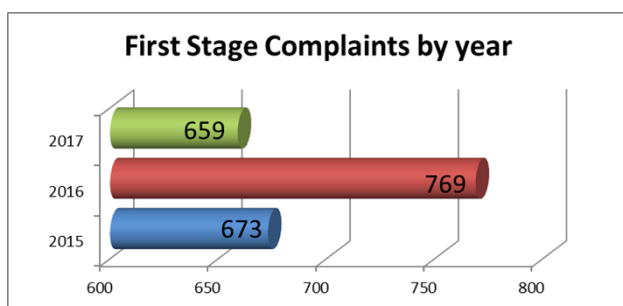
Figures for 2016 at the time of this report were 558 claims, out of which 551 had been settled, including payments to 123 claimants totalling £49,081.21

Of the 7 claims so far not settled, offers had been made to 3 claimants totalling £107,876.21

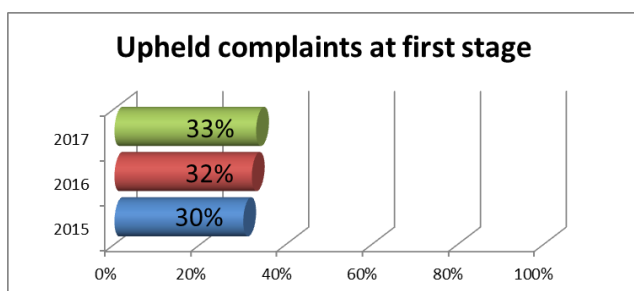
**NB These payments may also include the Council's costs.**

## 2 Analysis of overall figures

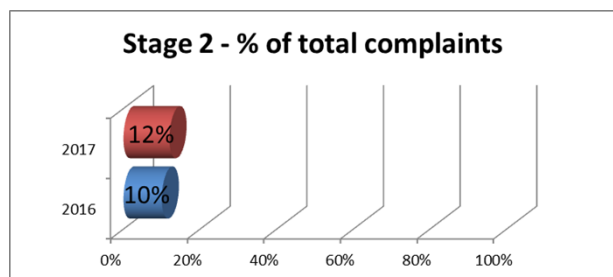
The number of complaints recorded at the first stage decreased from 769 in 2016 to 659 in 2017. This represents a decrease of 14%, but the graph below shows that this was a return to 2015 levels. There is no simple explanation for this change, which is reflected across the board.



While there was also a decrease in the number of complaints upheld at stage one (from 244 to 219) this actually represents a total of 33% of complaints being upheld compared with 32% in 2016, or approximately 1 in 3 complaints recorded. This includes complaints that were 'partially upheld'.



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. There are different names for this stage under the different procedures, but this report describes them all as stage 2 for ease of comparison. The number of complaints considered at stage two of the Council's complaints processes remained consistent, with 78 recorded, compared with 74 in 2016. The number of complaints considered at stage two represents 12% of the total number of complaints received at stage one in 2017, compared with 10% in 2016.



Once a customer has exhausted the Council's complaints and appeals procedures, they have the option to ask the Local Government and Social Care Ombudsman (LGSCO) to consider their complaint. The number of decisions reached by LGSCO also remained consistent, with 56 decisions recorded in 2017 compared with 61 decisions recorded in 2016. It is not possible to predict accurately how many complaints will be escalated to the LGSCO, but improving staff performance when considering complaints at a local level should reduce the rate of escalation to the LGSC. Local resolution is key to improving the customer experience, and escalations will remain a focus for continual monitor and review, as we try to resolve complaints for customers as quickly and simply as possible.

## 2.1 Trends

Although it is pleasing that the number of stage one complaints has broadly decreased across Council services and the number of compliments has increased, this is the second year in a row showing a drop in the percentage of complaints responses issued within timescales or within an extended timescale, which the complainant has been informed about. This is something the Complaints and Representations Manager has already started to address in training for Adults Social Care Managers, and will be taking up during training in June 2018 with Children's Social Care Managers. Timescales will also be a priority for the newly formed Working Together Focus Group which is described in section 3 of this report.

## 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 a published guide 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.

The amount recorded as paid to complainants as a financial remedy in 2017 increased from £1,517.02 to £2,050.

The £2,050 figure arose from 3 complaints. Following a joint investigation by the LGSCO and the Parliamentary and Health Service Ombudsman, Adults' Social Care agreed to pay £300 to a complainant and her partner as a 'token payment' to acknowledge uncertainty they may have faced as a result of the Council's failure to assess the complainant's care needs in 2013. Adults' Services also made a payment

of £1250 following an LGSCO investigation in which it failed to properly assess a customer's care needs. The LGSCO recommended the financial remedy for 'distress, and fear caused by [Council] actions and a further time and trouble payment'. A further £500 was awarded to a resident to assist removing fences and gates following the termination of a 'tenancy at will' in respect of a fenced off area on which the customer had grazed his sheep.

### **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 recorded compliments rose by 28% from 3160 to 4065, well exceeding the number of recorded complaints for the eighth year in a row with the Library Service once more the chief contributor.

Not included in this figure are the 2660 compliments the Library Service received for the Summer Reading Challenge (a slight decrease from 2994 in 2016) in which over 10,000 children take part.

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 0.17%, however there are many more customer contacts through other channels. However this comment is in no way meaning 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.

## **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 have been improving the way we report to senior managers with the development of the Compliments and Complaints Dashboard which will enable improved learning from complaints, locally and across the Council.

To support the delivery of the Compliments and Complaints Dashboard a new governance structure called Working Together Focus Group has been established which consists of Heads of Service meeting on a quarterly basis to review complaints by directorate with the sole aim to develop a corporate view of identifying hot spots and trends. As a collective group next steps and actions will be



agreed with a Senior Responsible Officer assigned to deliver improvements into their service with the focus of avoiding the complaint being repeated.

One of the first priorities for this group will be to address the fall in the percentage of complaints responses sent out within timescale which have been highlighted in this report. The group will also focus on upheld complaints at stage 1 and 2, as the customer's request to escalate a complaint can serve as an indicator that the Council had an opportunity to resolve a customer's complaint but may have missed that opportunity. One of the aims of the group focus is to reduce upheld and escalated complaints across the Council.

This group will also hold central to their approach our customer promise, where we will assess how we are performing against our promise with a focus on Compliments, 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.

During the month of March the Customer Experience team engaged with a number of customers who complained to about the services they had received. Building on this, from May 2018 all customers who have complained will be offered the opportunity to feedback on their experience of complaining (separately from the outcome they achieved) and the purpose of this outreaching work is to gain an understanding of what it feels like to go through our complaints process. This insight has begun to identify key themes in how our customers feel, for example customers feel that they are passed around and there is reluctance from officers to talk to them. We are also finding that customers find our organisation complex and hard to navigate, primarily driven by our silo way of working, and it is clear they would benefit from a point of contact to support them at times in their journey.

Work is also underway to benchmark our performance with other County Councils and nationally 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 Working Together Focus Group, 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.

Alongside this, the Complaints and Representations Manager proposes to introduce a new weekly or monthly 'Complaints Bulletin' for Directors, informing them about compliments and complaints numbers, any emerging trends, and highlighting upheld complaints, timescale performance, and improvement opportunities. The data will be presented to Directors with the addition of 'red, amber, green' risk indicators to allow Directors to take full account of live cases and any identified drift in performance. The introduction of frequent and detailed updates will assist Directors in fully understanding the broad range of feedback received in relation to their service, and more importantly, what it means to our customers.

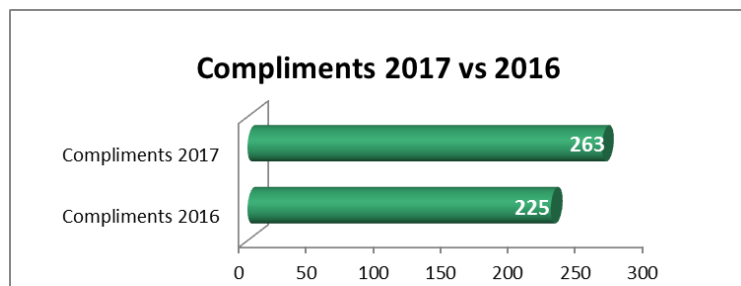
## 4 Major Service commentaries

### 4.1 Adults' Services

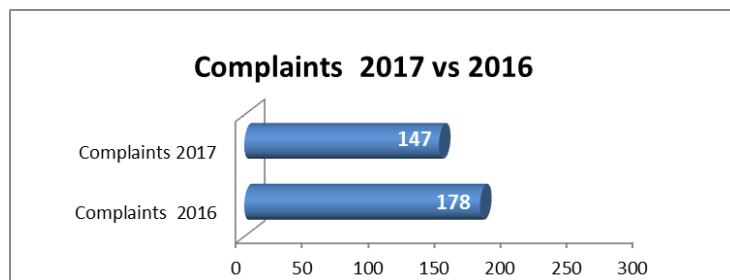
Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	147	46	31%	78%	25	16	263
2016	178	61	34%	80%	26	17	225

Adult's Services is the service within WSCC with the highest budget spend and is also the number 1 service for customer demand into the Customer Service Centre. It follows that it is also the service with the highest number of complaints. To put this into context, in the financial year 2016/17 13,944 people received a service provided or commissioned by Adult's Services<sup>1\*</sup>. This shows that approximately 1.3% of customers complained to the Council.

Once again Adults' services received more compliments than complaints with a slight increase in compliments received in this reporting period;



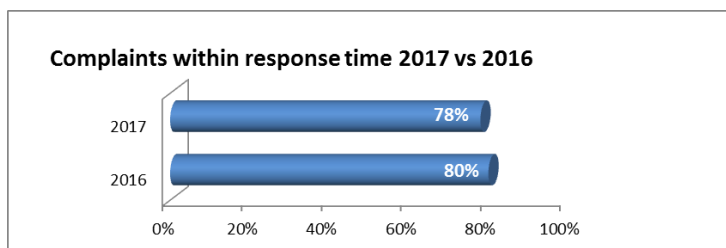
Alongside this, the number of complaints recorded against Adults' services decreased by 17% in comparison to the number recorded in 2016, showing the same general trend as the decrease in total complaints to the Council;



The indication is that customers are expressing less dissatisfaction, which in the context of the challenging and very personal work undertaken by Adults' services is encouraging.

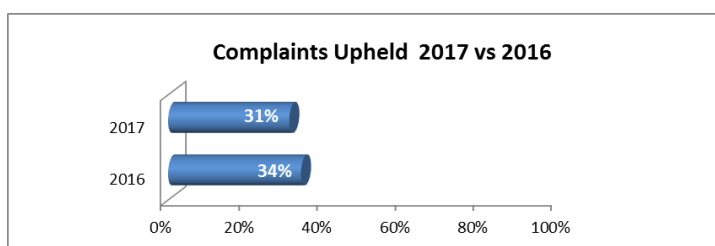
The Council's corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The percentage of complaints responded to within agreed timescale;

<sup>1</sup> \*source : Local Account report 2016/17 [https://www.westsussex.gov.uk/media/9298/local\\_account\\_report.pdf](https://www.westsussex.gov.uk/media/9298/local_account_report.pdf)



This drop in performance will be managed by the Working Together Focus Group to deliver improvements within this measure.

The percentage of Adults' services complaints that were upheld represents a slight decrease when compared with the reported figure in 2016.



The Complaints & Representations Manager has carried out a programme of complaints training for all Adults' social care team managers, with the aim of delivering continuous improvement in complaints management within the service.

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

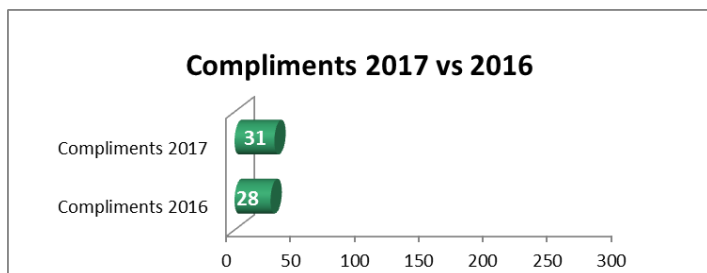
- The process relating to blocking invoices has been reviewed to ensure its effectiveness has been tested and that it meets the needs of the customer affected;
- Reminders were issued to all Adult Mental Health Professionals of the importance of following aspects of the Code of Practice following an incident where a family were not informed that their son was to undergo a mental health assessment;
- The Safeguarding Unit was instructed to liaise with the Adult Protection Team within Sussex Police to discuss protocols around wilful neglect;
- The Council reviewed its procedures and working practice to ensure residential care homes are aware of their obligation to notify the Council before making changes to Council managed placements;
- Welfare Benefits Advisor processes were scrutinised and improved to better meet the requirements of customers following a series of complaints, which were created a noticeable trend.

#### 4.2 Children's Social Care Services

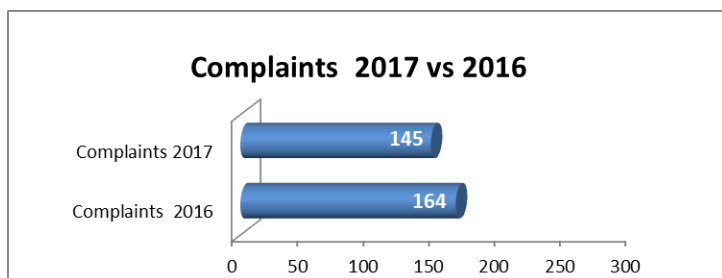
Children's Social Care	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	145	39	27%	73%	18	7	31
2016	164	38	23%	77%	13	13	28

Children’s Social Care 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 Children’s social care 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 amount of complaints and compliments received in comparison to other areas of within the Council.

There was a very slight increase in the number of recorded compliments when compared with the number recorded in 2016;

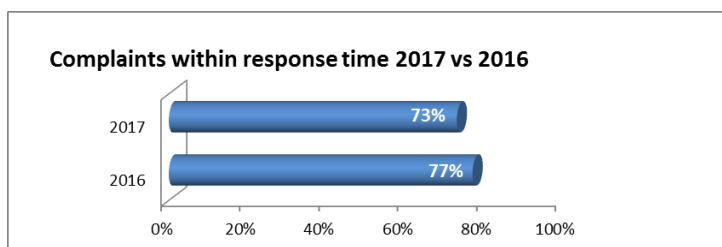


The number of complaints recorded against Children’s services has decreased by 11% when compared with the number of formal complaints recorded in 2016, showing the same general trend as the decrease in total complaints to the Council ;

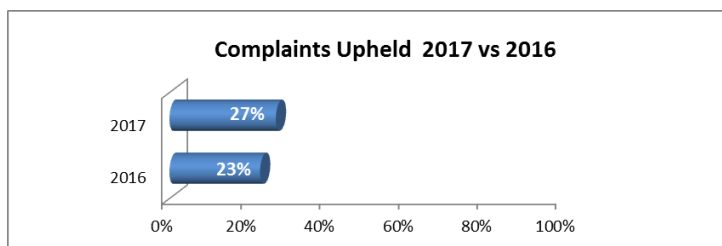


The Council’s corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children’s social care has the same targets.

The percentage of Children’s complaints responded to within agreed timescale shows a slight drop from 2016;



The percentage of Children’s services complaints that were upheld represents a slight increase when compared with the reported figure in 2016;



No remedy payments to complainants were recorded in 2017 as a result of Children’s services complaints.

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

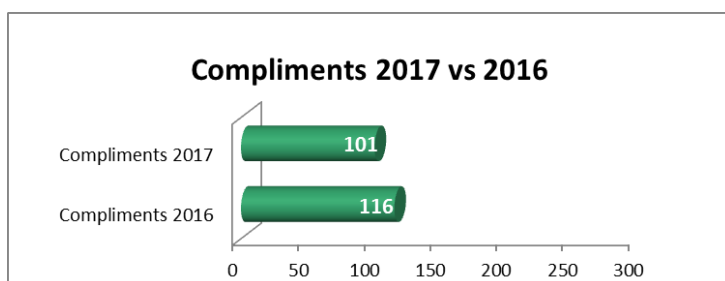
- Briefings were provided to all staff facilitating the transfer from SEN statement to EHCP to combat identified delays in the process arising from customers complaints;
- Action plans were devised and taken to Group Manager meetings to ensure breaches of data protection could be avoided following an identified breach within the directorate;
- Training was provided to teams to ensure compliance with data protection principles

### 4.3 Highways and Transport

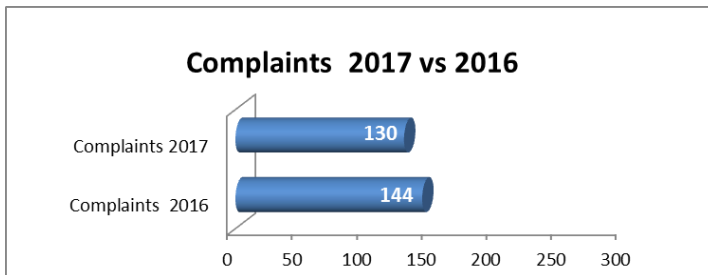
Highways and Transport	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	130	38	29%	86%	17	7	101
2016	144	33	23%	90%	17	10	116

There has been little deviation in the numbers of complaints and compliments recorded for Highways and Transport.

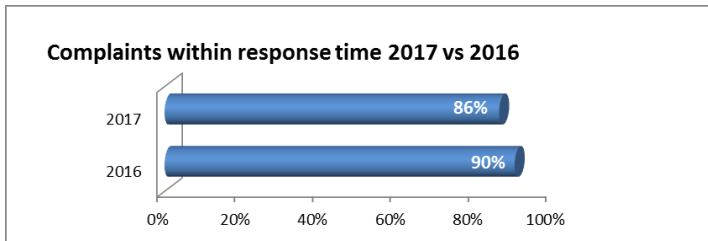
For the second year in a row there was a decrease in the number of recorded compliments when compared with the number recorded in 2016;



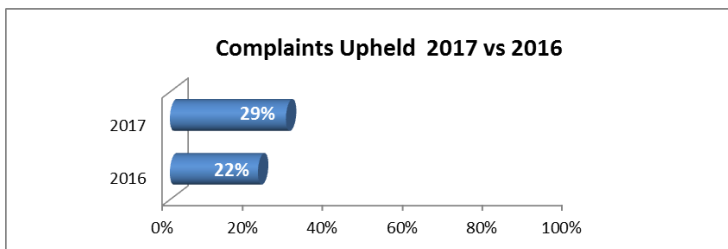
The number of complaints recorded against Highways and Transport service has also decreased, by 10% when compared with the number of formal complaints recorded in 2016, again showing the same general trend as the decrease in total complaints to the Council;



In 2017 we saw a slight drop in performance from 2016 where complaints were responded to on time;



The percentage of Highways and Transport services complaints that were upheld represents a slight increase when compared with the reported figure in 2016;



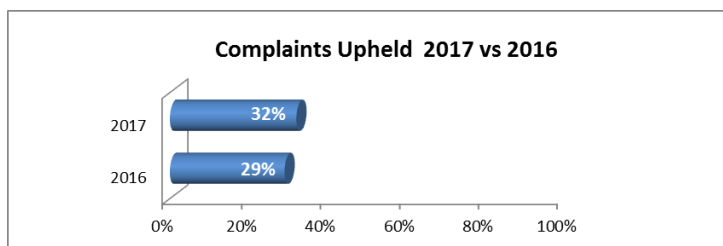
Changes to policy and/or service delivery that have taken place or been recommended as a result of a complaint includes:

- Previously, no notification process was in place to forewarn residents of upcoming grass cutting; contractors agreed to provide such notification in future;
- Customer services objectives were incorporated into staff appraisals to ensure reinforced processes to record incoming issues is followed to ensure the customer journey is improved;
- Amendments were made to the terms & conditions of the Speed Awareness course information to avoid booking queries and missed appointments.

#### 4.4 Communities

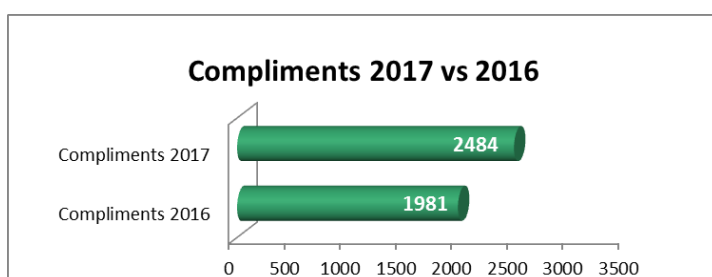
Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	25	8	32%	97%	2	2	3368
2016	17	5	29%	100%	0	2	2350

The percentage of Communities services complaints that were upheld remained consistent when compared with the reported figure in 2016;

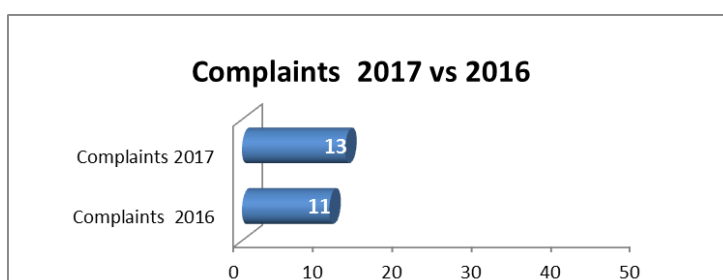


The Communities directorate houses a broad range of services from Libraries to Wellbeing to Registration Service.

The traffic received in relation to Library services dwarfs the other services in the directorate on account of the huge number of compliments received. The service saw an increase of 20% on the compliments recorded in 2016;



Complaints recorded for Library services remained consistent;



In 2016 and 2017, Libraries responded to 100% of complaints within 10 working days.

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

- A review of the management of events resulted from complaints about publicity of an event that advised customers to 'just turn up'. Demand was higher than expected and the capacity at the venue was reached, leaving customers disappointed at being turned away.

#### 4.5 Public Protection

Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	9	5	56%	71%			136
2016	11	4	36%	79%		2	154

Within Public Protection, both Trading Standards and the Fire Service are services where the number of compliments received outweighs the number of complaints received.

Only 3 complaints were formally logged against Trading Standards in 2017 (4 were logged in 2016) but 96 compliments were recorded in the same period, which is consistent with the 112 recorded in 2016.

The Fire Service statistics remain steady when compared with the 2016 returns.

In 2017, 6 complaints and 40 compliments were logged for the Fire Service compared to 5 complaints and 42 compliments in 2016.

#### 4.6 Education & Skills

Education and Skills	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	38	8	21%	79%	6	6	58
2016	34	9	26%	97%	3	6	70

Services within Education & Skills, accounted for 38 formal complaints, and 58 compliments. Of those complaints, 21% were upheld, and 83% were responded to on time.

The number of complaints is consistent with the reported figures in 2016. There has been a decrease in compliments received within the service.

#### 4.7 Other Outsourced Services

Other outsourced services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2017	73	36	49%	no data	0	0	46
2016	78	31	40%	no data	4	2	74

Stage one complaints under this heading refer almost entirely to the management of recycling sites by Viridor, with 97% of the 73 complaints recorded logged against that service.

Following changes to the contract in April 2013, stage one complaints are dealt with by the contractor, and only the totals are reported for recording although they are followed up by the Wastes Contracting team. Customers dissatisfied with the response from Viridor do still have the option to ask the Council, and ultimately the LGSCO, to consider their complaint.

Working closely with our third party service providers is an area we need to improve and work is underway to delivery close partnership working with Viridor and SSE (the streetlighting provider). The Customer Experience team have begun this work and meetings are in place to strengthen governance where we can hold our third parties to account within the way they manage our customer contact and their complaints.

This insight will feed into the Working Together governance where we will improve our understanding of complaints received by our major contractors by collecting



monthly returns and analysing the detail to ensure trends and recurring issues are reported and acted upon by the SRO, where we can avoid complaints being made improving our customer satisfaction.

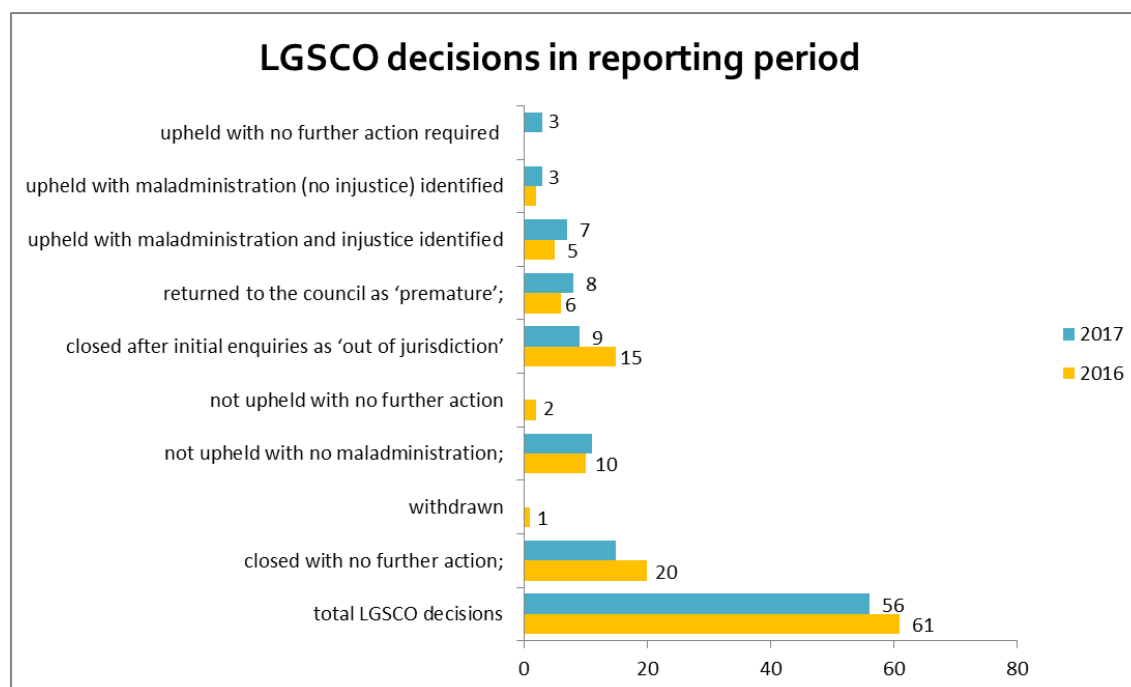
## 5 Local Government and Social Care Ombudsman

A total of 48 Ombudsman enquiries were formally logged in 2017, which represents a 28% decrease from the 67 recorded in 2016.

The number of *decisions* issued by the LGSCO in 2017 (56) decreased slightly in comparison to the number issued in 2016 (61)

Of the 56 decisions issued in 2017:

- 15 were closed with no further action;
- 11 were not upheld with no maladministration;
- 9 were closed after initial enquiries as 'out of jurisdiction';
- 8 were returned to the council as 'premature';
- 7 were upheld with maladministration and injustice identified;
- 3 were upheld with maladministration (no injustice) identified;
- 3 were upheld with no further action required



In each of the thirteen cases where fault was identified, the LGSCO and the Council agreed a suitable remedy, usually an apology or a review of decision.

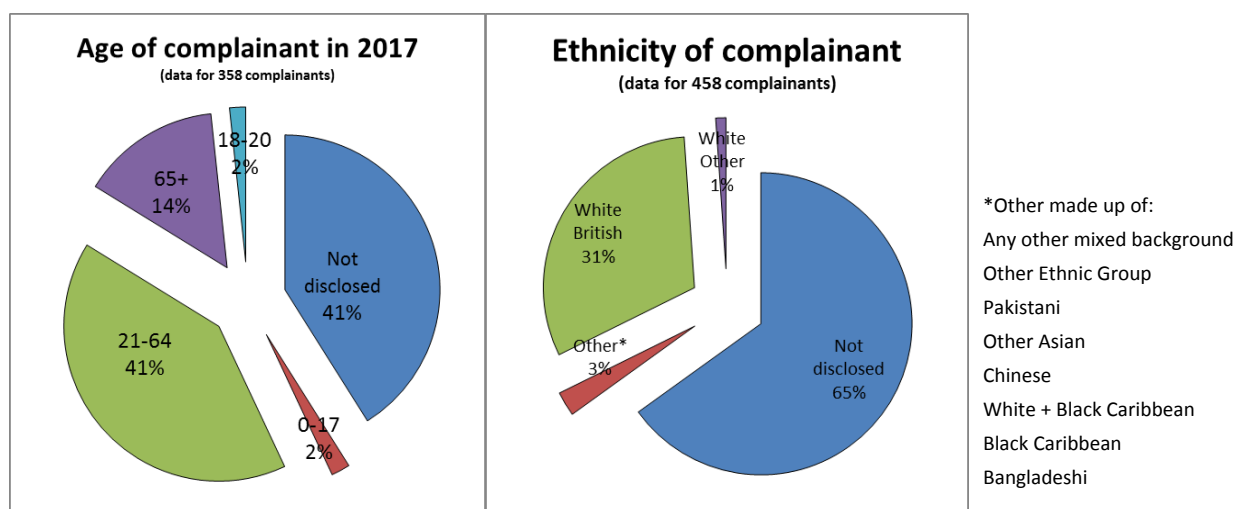
An anonymised list of cases considered by the LGSCO is available from the Complaints & Representations Manager [David.Tominney@westsussex.gov.uk](mailto:David.Tominney@westsussex.gov.uk) and all anonymised decision reports are held on file and accessible on request.

## 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.

The Customer Relations Team has undertaken an audit of all social care complaints received in 2017 in order to better understand who is utilising the complaints process and what this tells us when compared to the population statistics of West Sussex.

The data captured for 2017 is not complete but is an improvement on previous years. From May 2018 all complainants will be surveyed regarding their customer experience of the complaints process. That survey will also request equality data.



## Standards Committee

11 June 2018

Part I

### Review of the Constitution – Codes of Conduct

#### Report by Director of Law and Assurance

##### Summary

As part of a wider review of the Council's Constitution, the opportunity has been taken to review the existing Codes of Conduct and other supporting advice notes, with an aim of streamlining and simplifying the information to be found in the Constitution. This should make it easier for members, officers and the public to find information about standards in the Constitution.

##### Recommendation

- (1) That the proposed revisions to the Code of Conduct included in Part 5 Sections 1 and 2 attached be supported for submission to the County Council for approval.
- (2) That the proposed removal of Part 5 Sections 8-13 and the proposed removal of the corporate advice notes be supported for submission to the County Council for approval.
- (3) That authority be delegated to the Director of Human Resources to make and amend future policies relating to staff conduct in consultation with the Director of Law and Assurance.

#### Proposal

##### 1. Background and Context

- 1.1 The Codes of Conduct exist to promote and clarify expected standards of behaviour from elected members, to set out expectations in reporting of interests and to explain how members can be held to account.
- 1.2 A national code of conduct was in place until 2012, when it was replaced by statutory provisions for serious misconduct to be dealt with through criminal procedures, by requirements to declare pecuniary interests and otherwise leaving councils to set their own codes of conduct. The Standards Committee at the time agreed to a minimal change to the arrangements then in place which retain many aspects of the former national code.
- 1.3 A by-product of the former national code was the need to capture related rules and provisions elsewhere, with several corporate advice notes being included in section 8 of the Constitution to cover matters including predetermination and bias and guidance on support for political group meetings. Part of Standing Orders also included rules on interests in relation

to select committees. As the national code has been abolished, it is proposed to incorporate these sections into the main code of conduct, reducing duplication.

- 1.4 As a separate issue it is also the case that the existing codes of conduct include a number of corporate and HR policies relating to officers that should sit with other corporate and HR policies in relevant sections of the intranet, directed at officers, rather than within the Constitution, which should focus on providing a set of rules for the discharge of Council business.

## **2. Proposal**

- 2.1 It is proposed that the Codes of Conduct be streamlined as part of a wider review of the Constitution. The Governance Committee will be considering the other revisions to the Constitution ahead of recommendations to the County Council in July 2018.
- 2.2 The aim of these changes covered in this report is to put all advice about interests and member and officer relations into a smaller code of conduct, with four parts:
- Code of Conduct
  - Protocol on Relationships between Members and Officers.
  - Code of Practice on Probity in Planning and Protocol on Public Participation at Planning and Rights of Way Committees
  - Code of Practice on Publicity
- 2.3 This should make it easier for members and officers to navigate the relevant sections without reference to other sections of the Constitution. It is not proposed to change the substance of any of the material.
- 2.4 The main changes in how the material is presented result in a revised Part 5 Section 1 (Code of Conduct) and a revised Part 5 Section 2 (Protocol on Relationships between Members and Officers). The other sections of the Code to be retained would be the 'Code of Practice on Probity in Planning and Protocol on Public Participation at Planning and Rights of Way Committees' and the 'Code of Practice on Publicity'. These would simply be re-numbered.
- 2.5 Several existing sections of the Code of Conduct – advice on how to make a complaint, gifts and hospitality and member IT, have been incorporated into the main Code of Conduct. Key guidance has been retained, but some detail has been removed, most notably detail of the 'acceptable usage policy' in the IT protocol – the proposed new version simply states that members must abide by it, without going into the content, which is available on the intranet.
- 2.6 The following Corporate Advice Notes have been incorporated into Part 5 Section 1 and Part 5 Section 2. Duplication have been removed.
- **Section 1** (Briefing Members for Public Occasions): some elements incorporated into new Part 5 section 2.
  - **Section 3** (Members' Statements of Opinion in the Community) – move to new Part 5 Section 1.
  - **Section 7** (Protocol for Local Member Notification) move relevant elements to new Part 5, Section 2.

- **Section 8** (Protocol on officer attendance at group meetings): move relevant elements to new Part 5, Section 2.
- 2.7 To replace these sections and the current Standing Order 57(10) additions have been made to Part 5 Section 1 (including the addition of New Part 5 and New Part 6) and Part 5 Section 2.
- 2.8 It is proposed to remove a number of parts of the existing Part 5 of the Constitution (listed below). These are HR or Corporate policies which can be moved to sit on the intranet. There should be some reference within the Constitution to these policies (i.e. that all decisions should be compliant with the following legislation/policies, that are set out elsewhere)
- **Section 8 Guidance on Human Rights Act:** corporate policy
  - **Section 9 Guidance on Propriety and Official Conduct for Officers:** HR policy
  - **Section 10 Anti-Fraud and Corruption Strategy:** corporate policy
  - **Section 11 Anti Bribery Policy and Procedures:** corporate policy
  - **Section 12 Confidential Reporting Policy:** HR policy
  - **Section 13 Equality of Opportunity Value Statement and Policy:** corporate policy
- 2.19 It is proposed to simply refer to the need for staff to meet expected high standards of conduct based on the Nolan Principles within Part 5, Section 2. It is proposed that a new delegation be made to the Director of Human Resources to make and amend future HR policies relating to staff conduct. This would not affect the current arrangement that regular reports would be made to the committee on the confidential reporting policy.

### 3. Resources

- 3.1 None as the report deals with a technical change only.

### Factors taken into account

#### 4. Consultation

- 4.1 Mr Burrett and Mr Mitchell have been consulted on the proposed draft, as agreed by political group leaders.

#### 5. Risk Management Implications

- 5.1 A strong ethical standards culture in the Council guards against possible reputational risks, with the associated likely damaging of public confidence through poor member conduct. Making the Code of Conduct a more unified document should make it easier for members, officers and the public to be aware of all expectations to promote strong ethical standards.

#### 6. Other Options Considered

- 6.1 The County Council is not formally required to review the Constitution at this stage, but it is recommended that the identified streamlining is carried in view of the Council's commitment to high ethical standards.

**7. Equality Duty**

7.1 There are no equality duty implications.

**8. Social Value**

8.1 There are no social value implications.

**9. Crime and Disorder Act and Human Rights Act Implications**

9.1 None.

**Tony Kershaw**

Director of Law and Assurance

**Contact:** Charles Gauntlett 033022 22524

Appendix – Proposed Part 5 Section 1 and Part 5 Section 2 (available electronically or in hard copy on request).

No Background Papers

## **Standards Committee**

**11 June 2018**

### **Standards Committee Annual Report**

### **Part I**

#### **Report by Director of Law and Assurance**

##### **Recommendation**

That, subject to any amendments agreed by the Committee, the draft report be approved.

#### **1. Discussion**

- 1.1 The Committee is able to submit an annual report to the County Council to outline its activities over the last year.
- 1.2 A draft report is attached that sets out the key activities of the Committee. The Committee is invited to approve the draft report subject to any amendments it feels would be appropriate. The final version will be submitted to the County Council on 11 June 2018.

#### **2. Resource Implications and Value for Money**

None directly arising from this report.

#### **3. Equalities**

An Equalities Impact Report is not applicable as the report focuses entirely on the internal work of a committee.

#### **4. Risk Management Implications**

An annual report made available to all members assists the Committee in its role to promote high standards of conduct, which should assist in reducing the risk of members breaching the Code of Conduct.

#### **5. Crime and Disorder Act and Human Rights Act Implications**

None directly arising from this report.

##### **Tony Kershaw**

Director of Law and Assurance

**Contact:** Charles Gauntlett 033022 22524

No Background Papers

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## **Annual Report of the Standards Committee**

### **Introduction**

- 1** This report outlines the activities of the Committee from May 2017 to April 2018 and records issues the Committee considers important for the future. In summary, the work of the Standards Committee is:
  - (1) Promoting and maintaining high standards of conduct.
  - (2) Casework conducted through Sub-Committees
  - (3) Ensuring that appropriate training is organised for members.
  - (4) Overseeing Council policies on complaints handling and whistle blowing.

### **Promoting and maintaining high standards of conduct**

- 2** The promotion of high standards of conduct was principally demonstrated through the comprehensive training provided for members and the casework undertaken. Following the County Council elections in May 2017, a comprehensive induction programme included sessions on standards and the code of conduct, including an initial introduction for new members on 16 May 2017, then workshop training for all members during June 2017, undertaken by the Monitoring Officer and Deputy Monitoring Officer. Only one member was unable to attend a workshop and this member attended a meeting with the Monitoring Officer to undergo the training.
- 3** All members newly elected in May 2017 submitted their register of interests forms by 24 May 2017. All members have been reminded to keep their register of interests up to date and many updates have been recorded over the last year. Advice was given by the Monitoring Officer and Democratic Services staff to assist members in making complete and correct entries. The most recent reminder to all members was issued in May 2018, after the local elections in some parts of the county.

### **Independent Person**

- 4** The role of the independent persons has been confirmed as to assist the County Council in ensuring and maintaining a high level of integrity in the conduct of the elected members of the council and in how they discharge the council's business, through the implementation of the Member Code of Conduct and the constitutional arrangements supporting it. A major part of the role is to advise the Standards Committee's sub-committees in casework.
- 5** Mr John Donaldson and Mr Steve Cooper have undertaken the role of Independent Person over the last year, including involvement in individual casework and commenting on Government consultations being considered by the Committee.

### **Casework**

- 6 In the period 1 May 2017 – 31 April 2018 two cases were considered. An Assessment Sub-Committee took place on 26 June 2017, comprising Mr Barnard (Chairman), Mr RJ Oakley and Mr Smytherman and it reconvened on 31 August 2017. The members concerned were not found to have breached the Code of Conduct. The second Assessment Sub-Committee took place on 21 November 2017 and a subsequent Hearing Sub-Committee took place on 20 March 2018. The membership of the Sub-Committees was Mr Barnard (Chairman), Mr Smytherman and Mrs Sparkes on both occasions. Mr Cooper acted as the Independent Person to the Sub-Committee. The member was found to have breached the code of conduct and complied in full with the sanctions made by the Sub-Committee.
- 7 It is clear that familiarity with the Code helps members feel more confident in their role. Early discussion with the Monitoring Officer about potentially problematic situations is both encouraged and useful. The low number of cases is an indication of the effectiveness of the training and guidance given and of members' positive approach to standards of conduct.

### **Ethical Governance, Whistle Blowing and Complaints Handling**

- 8 The Committee receives reports on any cases under the County Council's confidential reporting policy (CRP or "whistleblowing"). The reports are helpful in indicating whether any measures are needed to address underlying problems. There have been 5 cases in the last year.
- 9 The Committee also receives regular reports about complaints handling across the authority. This year, the Committee has been briefed on revisions to complaints handling, aimed at giving a more consistent service to customers and making monitoring more effective. Generally there is a positive culture within the organisation about complaints and levels of complaints were broadly stable.

### **Conclusion**

- 10 It is clear that maintaining good standards of conduct is taken seriously in the County Council. The Standards Committee believes that this can only serve to improve public confidence.

### **Recommended**

That the report be noted.

### **Lionel Barnard**

Chairman

No background papers.

Contact: Charles Gauntlett 033022 22524