



Compliments and Complaints

2021 Annual Report

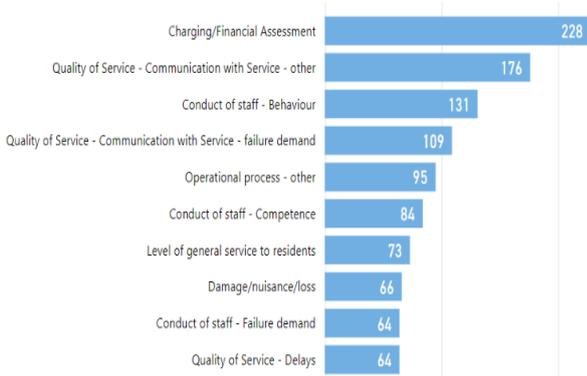


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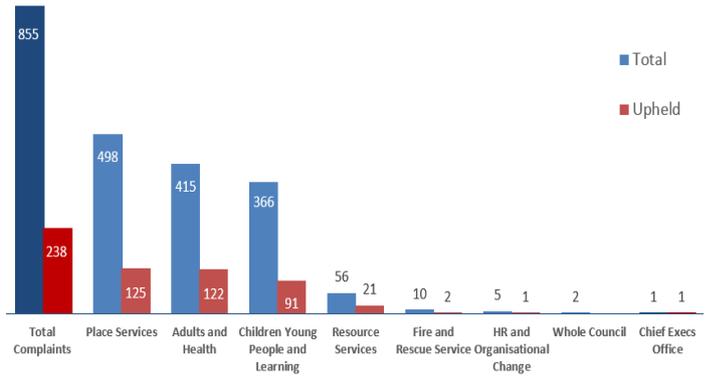
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The Year in 8 charts

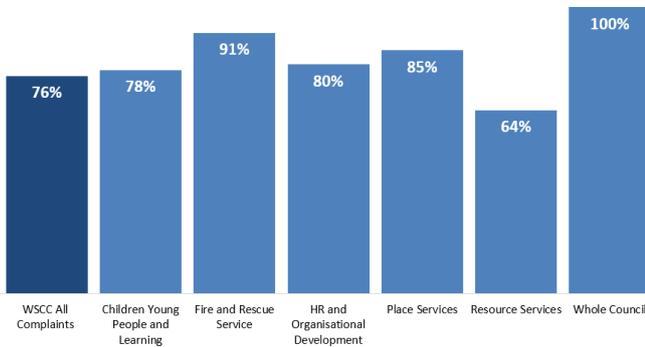
Top 10 reasons for complaint



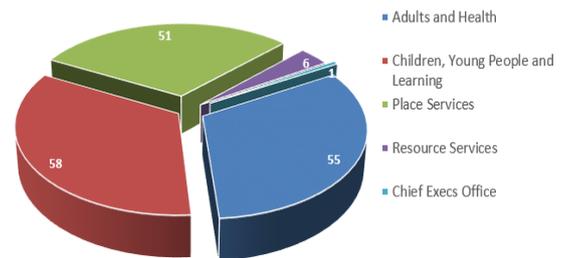
New Complaints by Exec Directorate



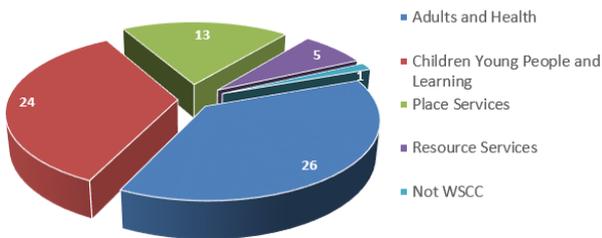
First Stage Response within 10 days or with notified extension



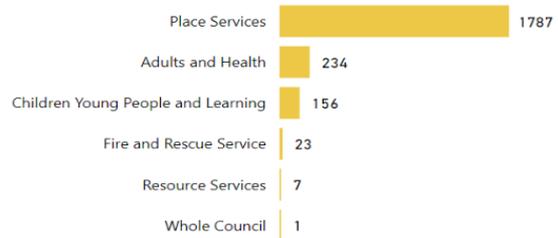
Second Stage Complaints



Complaints to the Ombudsman

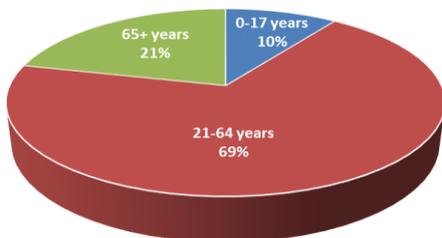


Compliments by Exec Directorate



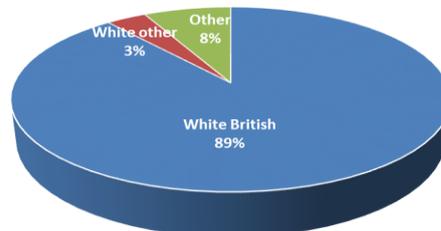
Age Grouping

data for 366 complainants at first stage



Ethnic Grouping

data for 315 complainants at first stage



Introduction

This is the seventeenth 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 2021, as well as compliments recorded by the Council.

This annual report acts as the statutorily required reports for Adults' Social Care and for Children's Social Care, as well as reporting the complaints and compliments received by the other services of the Council.

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; stage 3 is only found in the statutory children's complaints procedure, and there were none reported in this period.

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. Throughout 2021 the team consisted of:

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

The team can be contacted by emailing feedback@westsussex.gov.uk or calling 033 022 28222

1 The overall picture

Complaints against the County Council from 1 January to 31 December 2021.

Following a change in reporting practice in 2021, the numbers for complaints reflect the complaints **closed** during the year. Previous reports reported on complaints **received** during the year, which meant some of the outcomes reported had actually taken place in the ensuing year. The numbers reported for the LGSCO reflect the number of **decisions received** in the reporting period. In this year's commentary, figures for previous years have been restated to reflect this change in reporting practice.

The table below shows the reasons recorded for complaints during 2021 in comparison with 2020. The reasons for the increase in some categories and overall are discussed later in the report.

Nature of Complaint	2020	2021
Charging/Financial Assessment	73	228
Quality of Service - Communication with Service - other	113	176
Conduct of staff - Behaviour	141	131
Quality of Service - Communication with Service - failure demand	99	109
Conduct of staff - Competence	75	84
Level of general service to residents	57	73
Operational process - other	32	95
Damage/nuisance/loss	41	66
Operational process - Assessment	56	49
Quality of Service - Delays	31	64
Conduct of staff - Failure demand	23	64
Operational process - Service request refused	36	34
Quality of Service - Failure to provide service	1	56
Operational process - Consultation Process	24	11
Operational process - Eligibility	10	22
Operational Process - Change	9	16
Operational process - Safeguarding investigation	9	16
Quality of Service - External Service quality alert	13	10
Operational process - Level/quality of contact with child	15	6
Operational process - Standard of report	12	8
Quality of Service - Discrimination	5	11
Operational process - Frequency	3	6
Conduct of staff - Fluency	1	7
Data protection/FOI - Breach of confidentiality	7	1
Closure/Change/Transition between services	3	2
Data protection/FOI - Inaccurate data on file	2	2
Challenge to Fixed Penalty Notice		2
Data protection/FOI - request for change to file refused		1
Total	891	1350

The table below summarises the complaints and compliments recorded by directorate or service unit in 2021.

Complaints by Directorate 2021	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
Adults and Health							
Adult Services	404	119	29%	65%	54	26	233
Public Health	3	0	0%	100%	0	0	1
Social Care Joint Commissioning	3	1	33%	80%	0	0	0
Safeguarding Adults Board	2	2	100%	25%	1	0	0
Chief Execs Office							
Chief Execs Office (inc Whole Council)	3	1	33%	100%	1	1	1
Children Young People and Learning							
Children Services	284	69	24%	74%	39	20	52
Education and Skills	82	22	27%	89%	19	4	104
Fire and Rescue Service							
Fire and Rescue Service	10	3	30%	92%	0	0	23
HR and Organisational Development							
HR and Organisational Development	5	1	20%	67%	0	0	0
Place Services							
Highways Transport and Planning	366	70	19%	83%	43	13	203
Environment and Public Protection	93	40	43%	85%	5	0	85
Communities	28	11	39%	97%	3	0	1559
Property and Assets	11	4	36%	100%	0	0	0
Resource Services							
Finance Procurement and Business Support	43	15	35%	50%	4	1	6
Law and Assurance	13	6	46%	100%	2	4	1
Grand Total	1350	364	27%	76%	171	69	2268

Explanatory notes:

- The Adults' Social Care appeals process offers customers direct recourse to the LGSCO for review, as does the process for applying for a Blue Badge (reported within Highways, 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, such as claims for damage to vehicles arising from potholes, are not recorded as complaints and are handled as insurance matters by the Litigation, Insurance and Risk team.

2 Analysis of overall figures

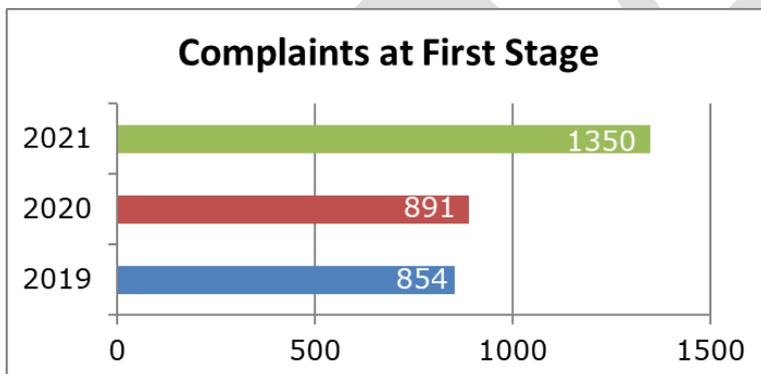
The number of complaints at the first stage increased from 907 *received* in 2020 to 1347 *closed* in 2021. This represents an increase of 48%, compared to a 6% increase in the previous year. The largest volume increases were in the directorates of Adults' Social Care (up 243) and of Highways, Transport and Planning (up 169) and there is discussion of the reasons for this later in the report.

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 implies 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.

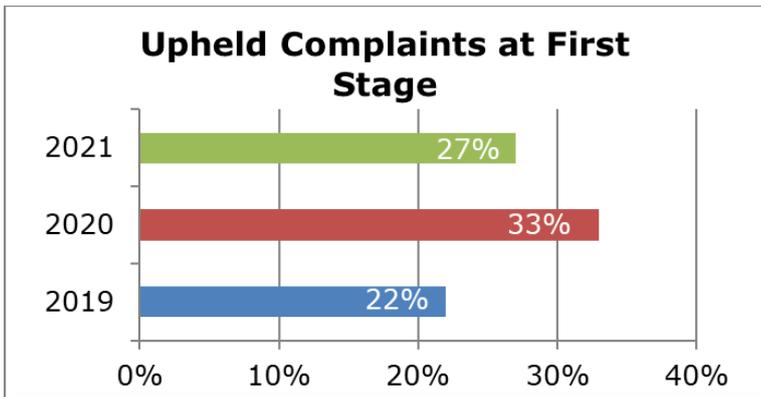
Regular reviews to improve accessibility are designed to provide our customers with a platform from which to voice their dissatisfaction with services provided, or to make a formal compliment, should they wish to.

The Council closed 1347 first stage complaints in 2021, marking an increase in complaints traffic for the fifth year in a row.



There was an increase in the number of complaints upheld at stage one (from 295 in 2020 to 364 in 2020) but this increase of 69 upheld complaints has to be set against an increase of 456 closed complaints. This represents a drop in the percentage of complaints upheld from 33% to 27%. These figures include complaints that were *partially upheld*.

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.



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.

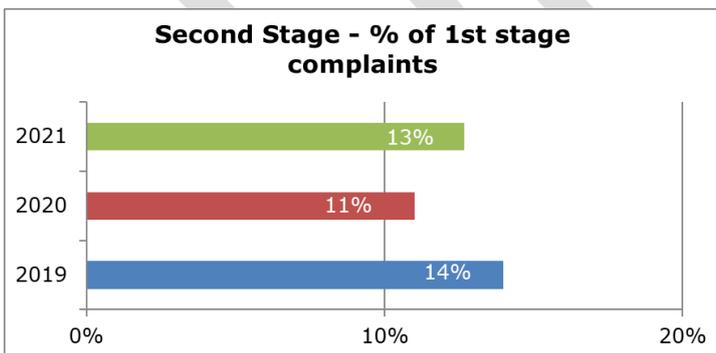
The Customer Relations Team has continued to ensure that responding managers are using templates which explicitly advise all complainants of their right to escalate.

The number of complaints considered at stage two of the Council’s complaints processes in 2021 was 171; this is a considerable increase from the 89 stage two complaints closed in 2020, and compares more closely with the 123 in 2019.

As a percentage however the number of complaints considered at stage two represents 12.7% of the total number of complaints closed at stage one in 2021, compared with 11% in 2020 and 14% of the total in 2019.

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 increased slightly from 62 decisions recorded in 2020 to 69 decisions recorded in 2021. This should however be considered in the context of the fact that 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, so an increase was to be expected and the actual increase of just over 10% is less than would be caused by the 33% loss of Ombudsman working time.

A detailed breakdown of the decisions and outcomes issued by the LGSCO in 2021 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 Timescales

Despite the increase in the number of responses issued, the figures from 2021 show a slight increase in the percentage of complaints responses issued within timescales or within an extended timescale. In 2020, 74% of complaints were responded to on time, compared with 76% of complaints responded to within the expected timescale in 2021. Although this is an improvement and was achieved against the background of a large increase in numbers of complaints as well as continued Covid-19 pressures, it is still the case that nearly 1 in 4 complaints was not responded to within the set timescales without the customer being notified of the delay, and this is something the Customer Relations Team continues to bring to the attention of responding managers.

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, and senior managers receive a weekly 'RAG' automatic update showing the timeliness of current complaints.

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.

Twenty two payments were recorded as paid or offered to complainants as financial remedies following complaints made in 2021, up from eighteen payments in 2020. The

total increased from £12,548.66 in 2020 to £16,190 in 2021. A breakdown of the twenty two offers of financial remedy can be found in **appendix a** of this report.

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

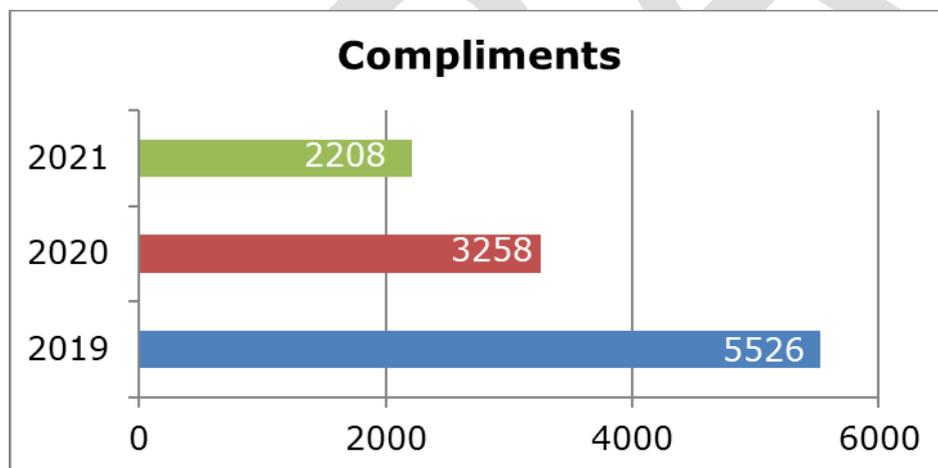
This obligation is a statutory requirement, and applies to all local authorities investigating complaints through the statutory procedures. Costs for these commissioned services are set by the Council and are in line with general rates paid by neighbouring local authorities.

In 2021 there were no additional commissioning costs. However this is forecast to change following advice from the Ombudsman about our protocols which means that we are now using the statutory procedure more often.

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 decreased by 32% from 3255 in 2020 to 2208 in 2021. This is attributed to the full or partial closure of many of our face to face services (for instance libraries, which are our main recipient of compliments) for most or all of the year in 2021 due to the pandemic.



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

3 Complaints delivering insight to action

Within the Customer Experience service we have a number of measures which will help us focus on improving the service we provide our customers. Two which are directly influenced by the Customer Relations Team are:

- *Freedom of Information Act requests responded to within time;*
- *The County Council response to recommendations from customer complaints.*

For 2021 the overall percentages for these two measures were:

- FOI responses within time 87.6%. The target for this measure is 90%, but this slight shortfall seems reasonable given the pandemic pressures
- Response to recommendations from customer complaints 100%. This success rate is recorded against the Customer Relations Team successfully monitoring remedies set out in complaints responses, and ensuring that promised actions have in fact been completed.

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.

In last year's report we said that *'The year 2020 was a year like no other and resources were stretched across all Council departments'*. 2021 proved that 2020 was almost a practice run as all services continued to face further challenges including staff absences, which were nearly 18% higher across the Council in 2021 than in 2020. However, the Customer Relations Team continued to present updates on complaints and organisational learning, maintaining its attendance at senior leadership team meetings and Quality Assurance related meetings, to discuss specific issues relating directly to the senior managers in attendance.

The focus remains on ensuring that our customers benefit from recommendations made as a result of a complaints investigation, which is why we have a 100% target for this measure, 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.

The intention is during 2022 to make a 'real time' performance dashboard as well as Read Only access to the database so that senior managers and their analysts are able to self-serve without having to go via the Customer Relations Team for ad-hoc performance reports .

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. A hoped for programme of complaints training for Team Managers was not able to be run in 2021 due to pandemic pressures so this is in our business plan for 2022.

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4 Major Service commentaries

This section of the report goes into further detail on the services that have the highest levels of complaints or compliments.

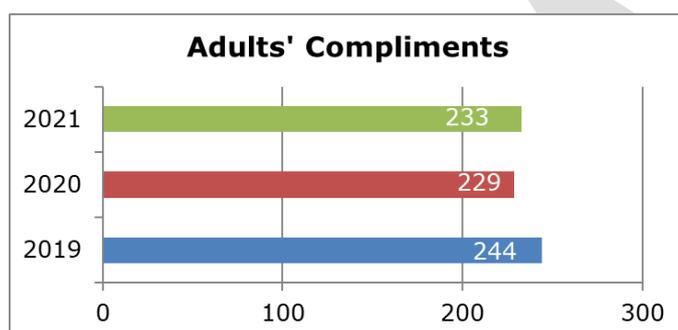
4.1 Adults' Services

Adults' Services	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	404	119	30%	64%	54	26	233
2020	158	68	43%	75%	33	18	229

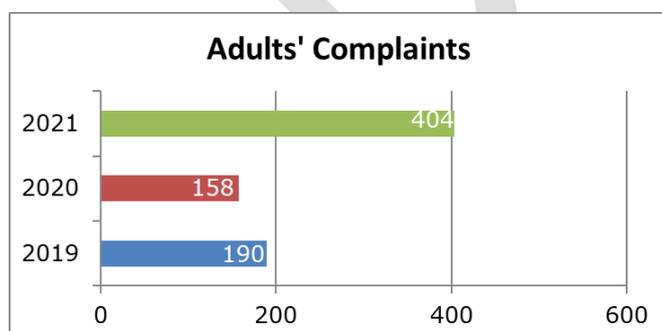
Adult's Services is the service within the Council with the highest budget spend and is also the primary service for customer demand into the Customer Service Centre.

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

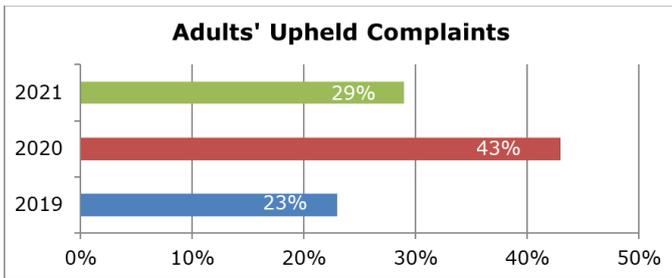
Despite the increase in complaints, the number of compliments recorded remained steady, indicating that staff are still giving of their best in the difficult circumstances caused by the pandemic.



The large increase in complaints in 2021 is due to a programme of financial reassessment following a change in the Minimum Income Guarantee, which means that many customers now have to make higher contributions than previously for their care.

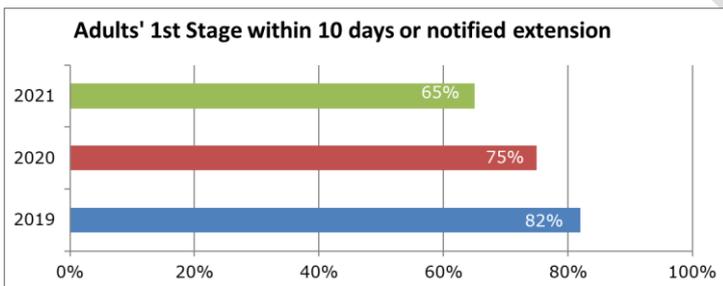


Although the percentage of complaints that have been upheld decreased from 43% in 2020 to 29% in 2021, the big increase in volume means that the number of complaints upheld increased, from 71 in 2020 to 119 in 2021.



In 2021, only 13% of complainants felt compelled to escalate their complaint for further review through the complaints procedure; this figure is down from the figure recorded in 2020 and 2019, when 18% of complaints were escalated for review, although the high volume of complaints means that the number of escalations increased, from 33 in 2020 to 53 in 2021.

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 2021 is lower than the figure recorded in 2020, but this was expected, given the increase in the number of complaints within the reporting period.



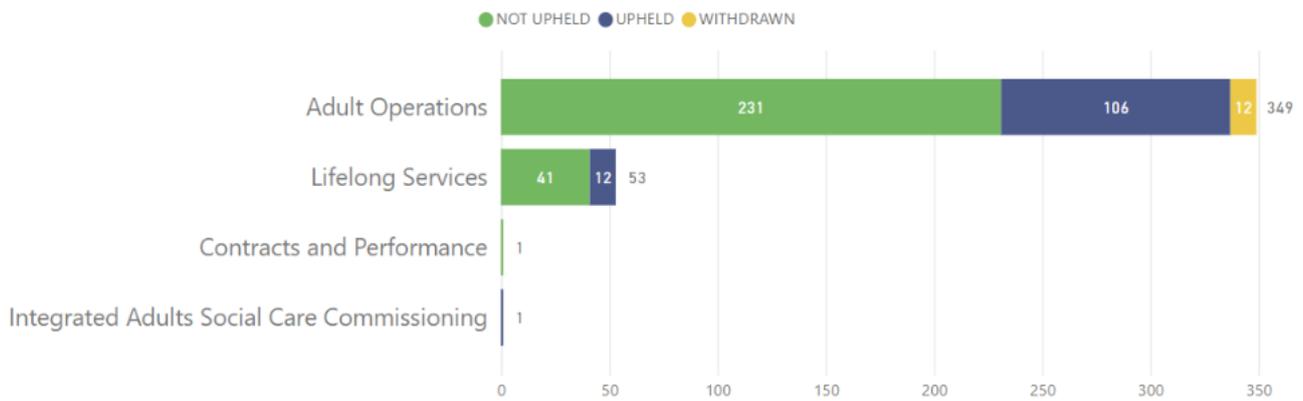
A decrease in compliance statistics was also to be expected as a result of the extraordinary pressures the Covid-19 pandemic continued to place on operational managers within Adults' social care.

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.

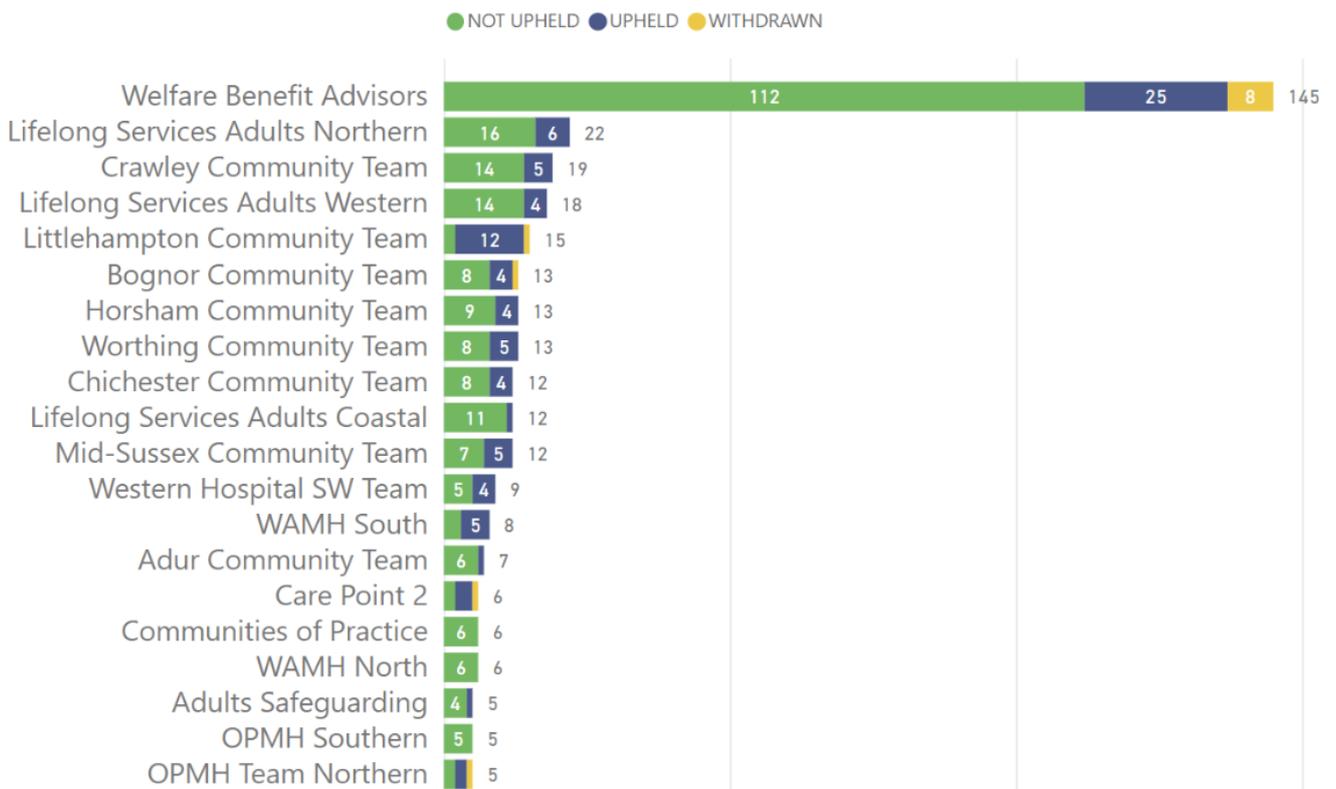
To understand the headline figure of 401 complaints recorded against Adults' Social Care, it is necessary to drill down into the data, to add appropriate context.

The graphs below show a breakdown of complaints by grouped service areas and by teams where a team received 5 or more complaints in the year for 2021. The graphs provide an overview of the complaints received across the service areas; inevitably the numbers are dominated by the number of complaints received about the changes to financial contributions and then by the geographical operational areas (Community Teams). The graphs also show how many complaints were upheld in each area as well as how many were withdrawn. For historic reasons, the Welfare Benefits Advisory team is shown under Adults' social care in this report. Moving forward these complaints will be recorded against the Finance Directorate.

Complaints by service area - Adults' Services



Complaints by team (5 and above)- Adults' Services



At 30%, the percentage of upheld complaints in Adults' Social Care is slightly higher than the whole Council average of 27% but it remains within the expected range.

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 an attempt to capture the salient or substantive issue complained about.

Complaints by category - Adults' Services



Other than the complaints about the charging/contribution levels mentioned above, the largest volume of complaints recorded was about communication, either with an individual or with the service generally. The category 'Failure Demand', which relates to a failure of the service/worker to do something that had been promised or expected, creating a 'demand' on the customer to make what should have been unnecessary follow-up contact, is closely allied to communication problems. Although it is disappointing to see these complaints, this does have to be set against the daily number of contacts that the service has with the more than 12,000 Adults who received a service commissioned or provided by the council in 2021.

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

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 2021 include:

- *Staff were reminded of the importance of considering appropriate strategies to use when supporting customers with known Borderline Personality Disorder;*
- *The Safeguarding Adults Board have put in place procedures to ensure better communication and that it is clear who is responsible for communicating with referrers and families;*
- *A review of the policy and guidance in relation to the requesting of refund payments upon closure of direct payment accounts;*
- *A review of the information provided when arranging non-residential care, to ensure people are aware of any applicable cancellation notice periods before their care begins;*

- *Changes to the procedures and guidance around panel decisions on Deferred Payments and on Deliberate Deprivation of Assets to allow challenges to be made to the decisions.*

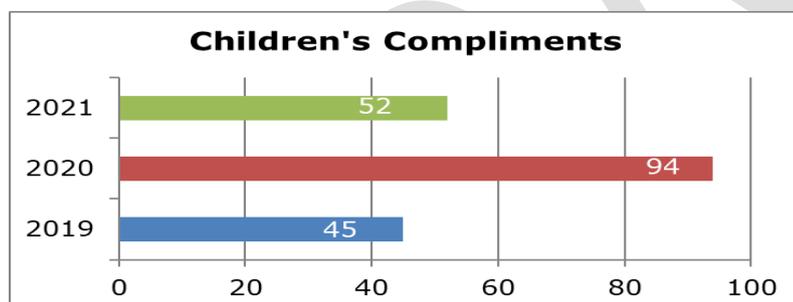
4.2 Children, Young People and Learning

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
2021	284	69	24%	75%	39	20	52
2020	285	97	34%	62%	34	20	94

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 the Council.

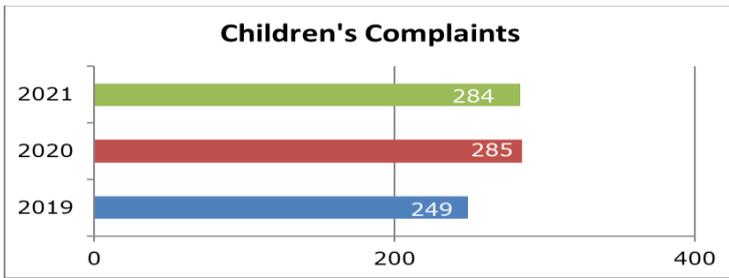
After a reported rise in recorded compliments in 2020, which followed a 'push' from the Complaints Manager with the service, unfortunately the number has fallen again. We are quite sure that there are unreported compliments being received, so will be making another plea in 2022 for staff to let us know when they have been complimented.



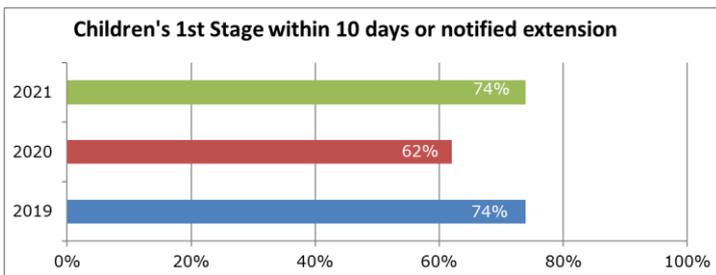
The number of complaints recorded against Children's Services dropped by 1 in 2021 in comparison with 2020, which compares favourably with the overall council increase reported above.

The percentage of complaints escalated through the complaints procedure increased slightly from 12% in 2020 to 13.7% in 2021, but remains well below the 18% in 2019.

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 continued low level of escalated complaints may be an indication that responses at stage one of the procedure have, in the majority, answered complainants effectively. Unfortunately, our attempts to benchmark these figures against other local authorities have not met with sufficient response to allow any performance comparison.



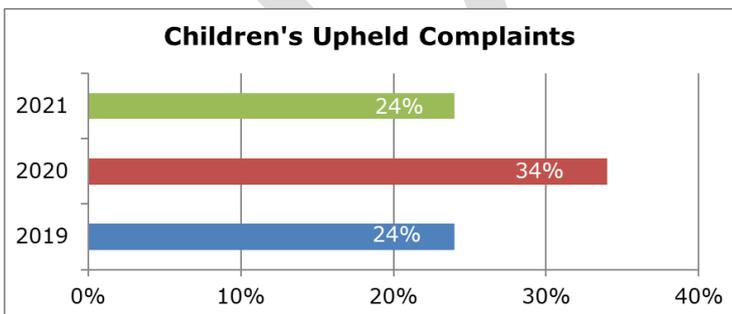
The Council's corporate target for complaints responses is ten working days, with a maximum target of twenty working days unless an extension is agreed or the complainant is notified that the timescale needs to be extended. The statutory complaints procedure for Children's social care has the same timescales.



The percentage of Children's Services complaints responded to within agreed timescale (or where the customer has been notified of a delay) improved significantly from 61% in 2020, to 74% in 2021. This improved performance marks a return to the levels recorded in 2019 (74%) and 2018 (75%) and is also in line with the overall Council performance of 76%.

This improvement follows a concerted attempt by the Children's senior leadership team and the Complaints Manager to focus on this area of compliance and we expect this to be maintained following the introduction of a weekly meeting between a Customer Relations Officer and a representative of the Children's Services Business Management team, which seeks to address any shortfall.

After an unusual rise to 34% in 2020, the percentage of complaints made against Children's Services that were upheld, or partially upheld in 2021 dropped back to the 2019 level of 24%, which is below the Council average of 27% but within the expected range.



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, 37 children were supported in making a complaint by advocates

(including specific advocacy services, solicitors and other organisations/individuals) 10 of whom were supported by the Council's West Sussex Advocacy Service.

Most young people who are supported by the West Sussex Advocacy Service are helped to resolve their concerns without making formal complaints. More details of how young people are supported by this service and the Independent Visitor service can be found in the separate *Advocacy* and *Independent Visitor* reports and by visiting the Council's webpages dedicated to Advocacy and Independent Visitors where you will also find the reports:

westsussex.gov.uk/Advocacy

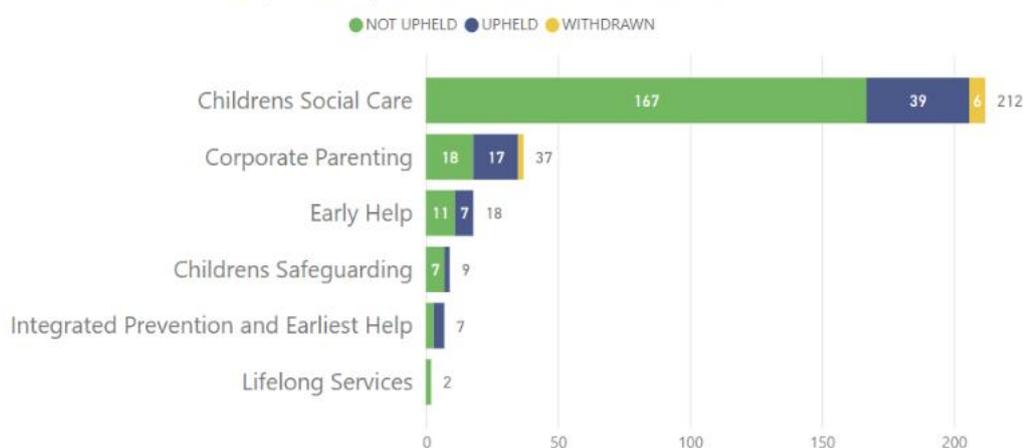
westsussex.gov.uk/IV

To understand the headline figure of 284 complaints recorded against Children's Services, it is necessary to drill down into the data, to add appropriate context.

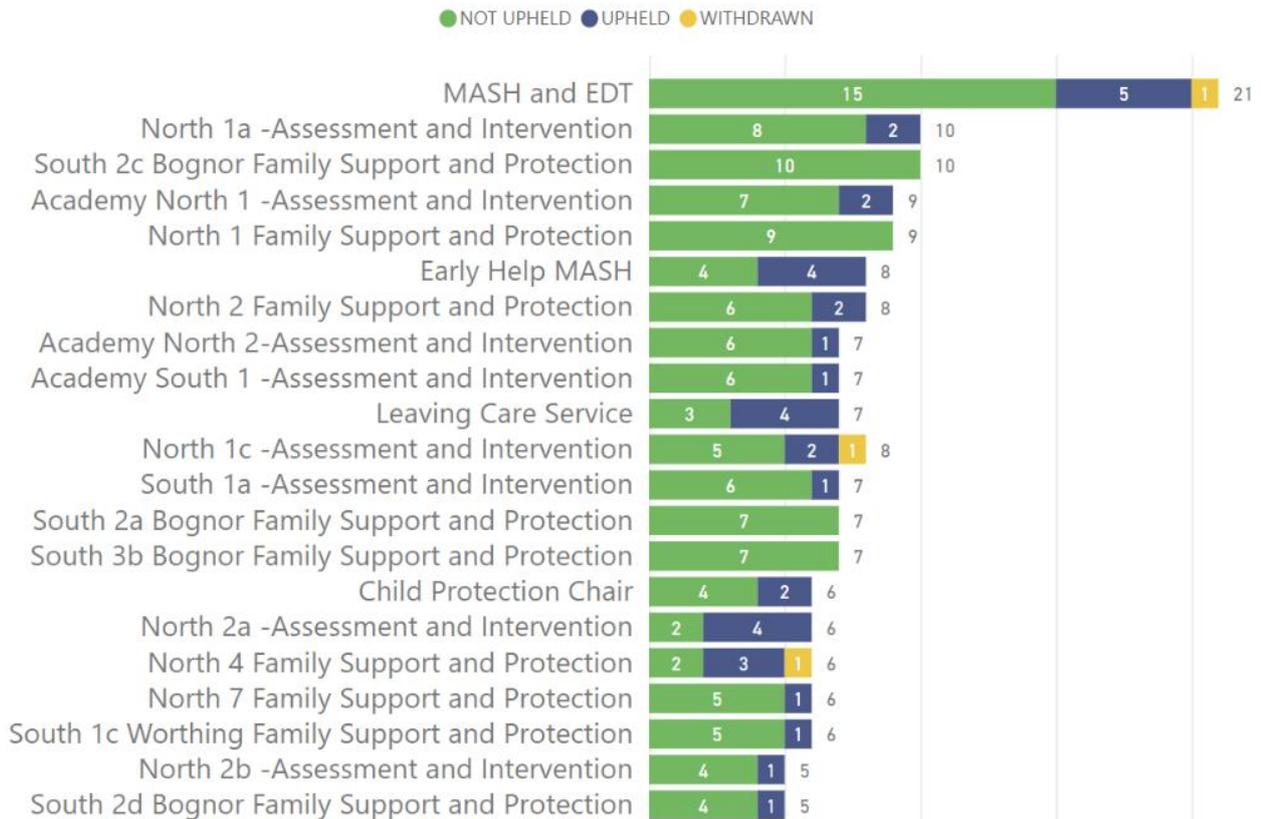
The graphs below show a breakdown of complaints for 2021, grouped by service and then by team. The graphs illustrate the total number of complaints closed, the number upheld (or partially upheld) and the number withdrawn.

Unsurprisingly, it is the service areas that have most direct contact, and which are involved in Safeguarding and Child Protection, that have the most complaints. MASH and EDT make initial decisions about whether concerns should be taken forward, so receive complaints both about decisions that a concern does meet the threshold for further work, and decisions that the threshold is not met. However, it is important to note that overall, most complaints against these 'protective' services are not upheld.

Complaints by service area - Children's Services

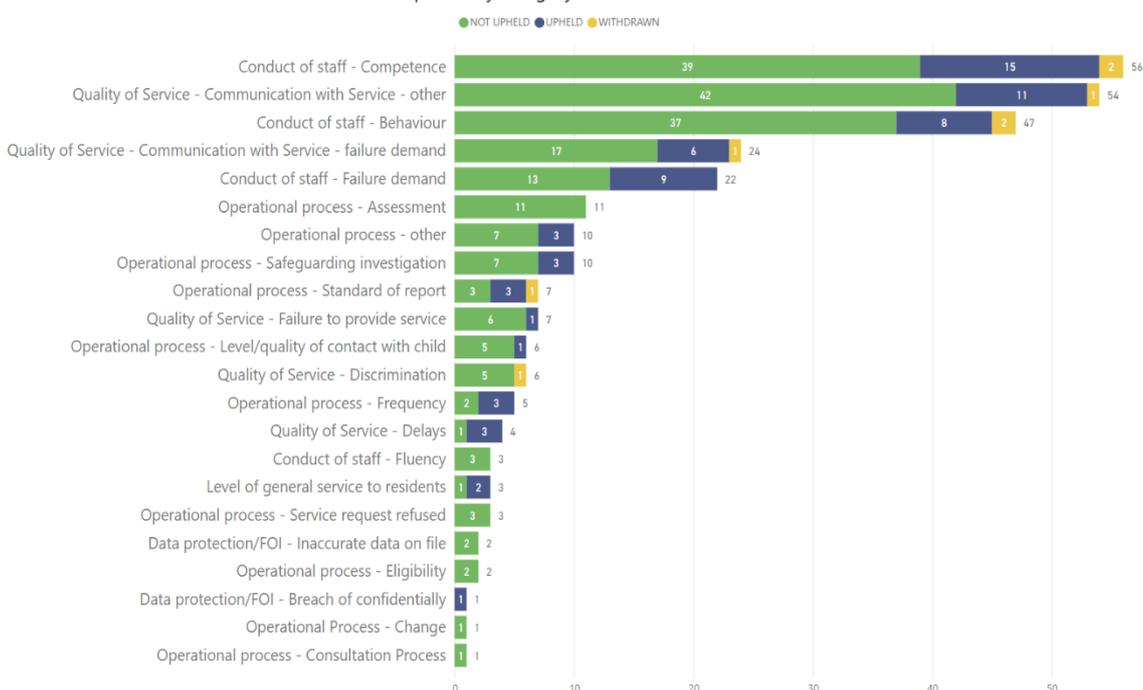


Complaints by team (5 and above) - Children's Services



The graph below shows the category of complaints received about Children's Social Care along with the proportion upheld for each category. 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. In particular, families often present their frustration with the Council's involvement as a complaint about the behaviour of the social worker, but it is important to note that only 17% of these complaints were upheld or part upheld.

Complaints by category - Children's Services



Of the eight complaints that were upheld, or part upheld relating to staff behaviour, appropriate steps were taken, and appropriate remedies were offered.

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

- *Staff reminded of the obligation to undertake timely risk assessments when presented with concerns from parents about the welfare of a child;*
- *A practice group is being established across early help which will seek to improve the quality of recording. This will seek to ensure that our children and young people would be able to see themselves and their experiences reflected in our recording and understand our involvement. It will also look how we record fact and professional opinion and the distinction between the two;*
- *Following an incident when a social worker, accompanied by police officers, attended the incorrect address with subsequent distress for the householder, all staff were reminded of the importance of maintaining accurate records;*
- *A review of the information given to Special Guardianship applicants to ensure that the subject of data sharing is made clear and to further ensure the applicant is aware and has consented to potential sharing;*
- *Consideration of changes to how prospective carers are informed about prior violent incidents involving the child/young person they are potentially going to care for.*

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
2021	82	22	27%	88%	19	4	104
2020	38	12	32%	97%	3	2	124

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

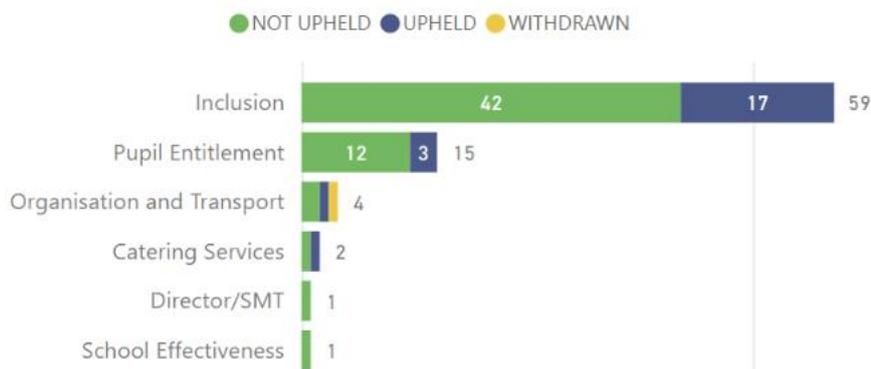
The work undertaken by many of the teams within Education & Skills often involves extremely emotive subject matter and complex decision making, which in turn attract a relatively large number of complaints/disputes.

The directorate also receives a large number of compliments in recognition of the good work undertaken with young people and their families, and despite the number of complaints being more than double that in 2020, complaints were still outnumbered by compliments.

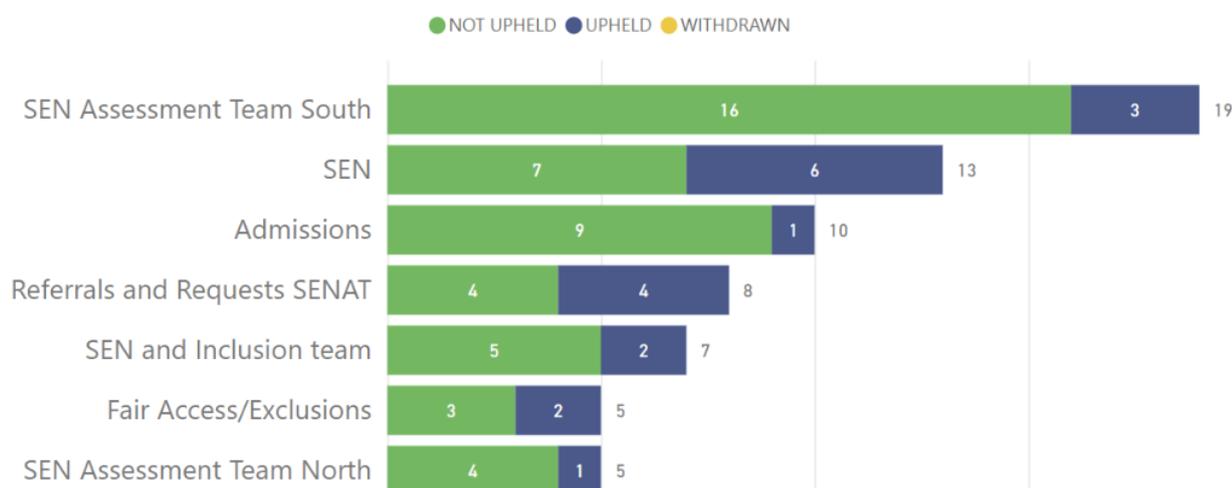
Services within Education and Skills accounted for 82 formal complaints, and 104 compliments. Of those complaints, 27% were upheld.

The table below shows a breakdown of complaints by grouped service areas and by team for 2021.

Complaints by service area - Education and Skills



Complaints by team (5 and above) - Education and Skills



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.

To provide some context to the numbers of complaints recorded against the Special Educational Needs Assessment Teams, the teams issued 678 new EHCPs in 2021. At the end of 2021 there were 6346 EHCPs *maintained* by West Sussex (all requiring appropriate action associated with review, monitoring and general case management).

As stated above, the number of complaints recorded, at 82 was slightly more than double the 38 recorded in 2020. The figure in 2019 was 48, so the increase in 2021 cannot be put down to a 'bounce back' from lower levels during the pandemic. Analysis of the individual complaints shows a marked increase in complaints about delays in the Education, Health and Care Plan process beyond the statutory timescales. This has continued to be the case into 2022, and the SEN Assessment service report that demand has increased between 70 and 100 percent over the last two years, which has caused a strain not only on the Council's teams, but on the resources of partner agencies and professionals, all of which is contributing to the delays. These contributing factors, which are outside of the Council's control, have affected the Council's ability to meet the statutory timescales, which leads to understandable frustration for parents and therefore to complaints.

Despite these pressures, Education and Skills have continued to perform well in relation to the timeliness of responses. Although this has dropped from 97% of complaints being responded to within 10 working days (or with a notified extension) to 88%, this still compares well with the overall council figure of 76%.

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

- *Staff were reminded of the importance of confirming key/important information in writing;*
- *Consideration of how best to maintain continuity of communication and progress of issues when schools go into summer breaks;*

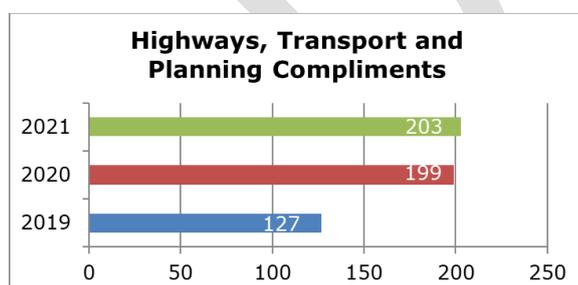
4.3 Place Services

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
2021	366	70	19%	83%	43	13	203
2020	197	45	23%	85%	10	14	199

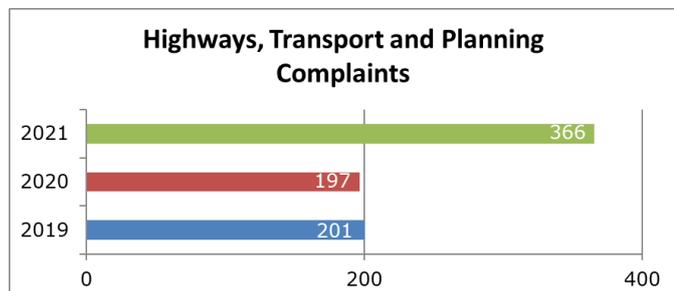
Highways, Transport & Planning is, historically, one of the three main service delivery groups that report the highest number of complaints, the other two being Adults’ and Children’s social care.

In previous years the number of compliments recorded for this service area has exceeded the number of complaints. However in 2021, although the number of compliments increasing slightly, the number of complaints recorded increased by 85%, so was much higher than the number of compliments. The reasons for this are discussed below.

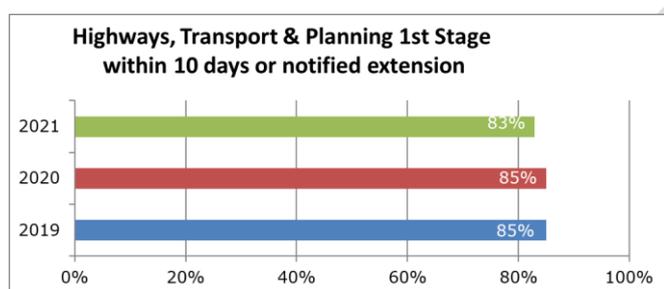


The number of complaints received by Highways, Transport and Planning increased dramatically in 2021, up to 366 from 197 in 2020. This was at least partly attributable to a small number of ‘group action’ complaints about certain subjects. In two examples, 26 complaints were received about the erection of an acoustic barrier along the Fitzalan Link Road in Littlehampton, which was also widely reported in the media; and 35 complaints were received about the Council allowing simultaneous roadworks in Haywards Heath. Similar, but smaller, groups of complaints were received about roadwork planning in

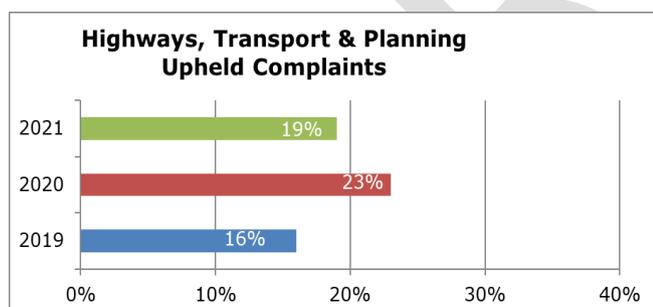
Horsham and about the erection of a school safety sign with flashing lights in a conservation area. It appears that a number of these 'group action' complaints were carried out alongside social media campaigns; it is likely that the Council will see an increase in such approaches as social media use continues to expand.



In 2021 Highways, Transport and Planning responded to 83% 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 despite the increase in volume in 2021.



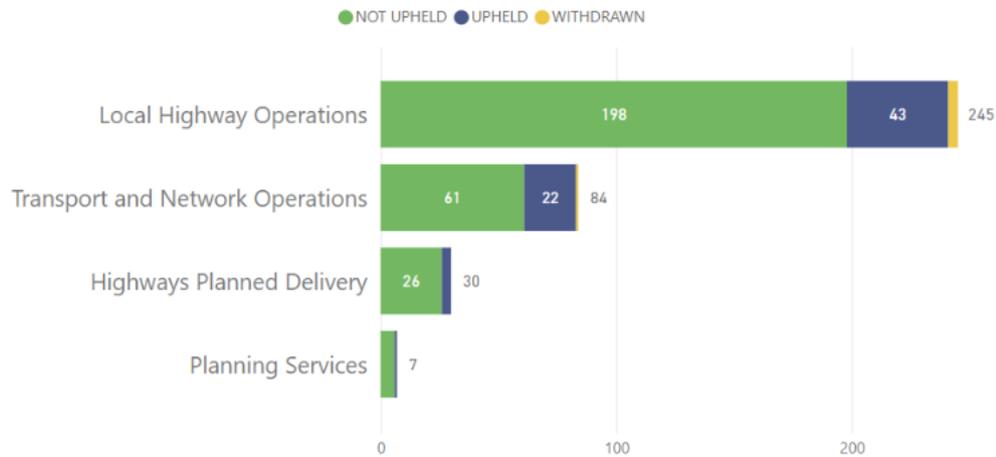
The percentage of upheld complaints continues to be well below the Council average, at 19% in 2021 compared with the Council level of 27%.



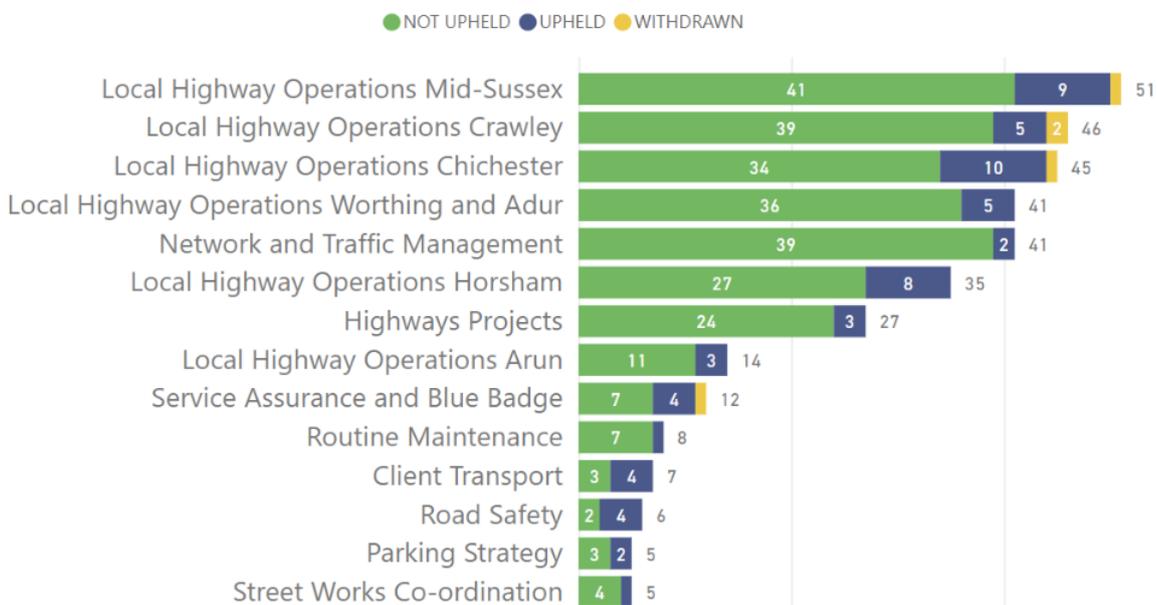
To understand the headline figure of 366 complaints recorded against Highways, Transport & Planning, it is necessary to drill down into the data, to add appropriate context.

The table below shows a breakdown of complaints by service areas for 2021. The table is useful to provide an overview of the complaints received across the service areas, including the geographical operational areas.

Complaints by service area - Highways Transport and Planning



Complaints by team (5 and above) - Highways Transport and Planning

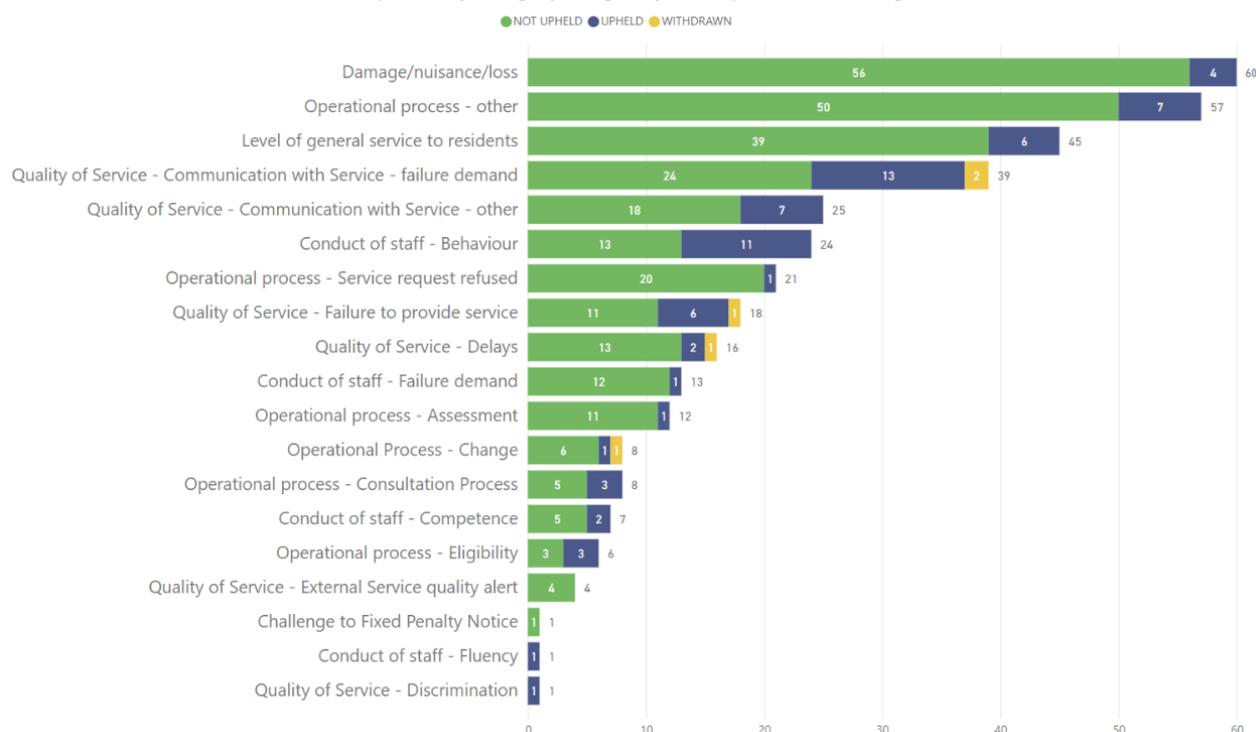


The distribution of complaints is not surprising, with Local Highway Operations having responsibility for much of the work that impinges on the public, such as checks on the condition of the highway and the ordering of repair works, which as noted above can then cause complaints in themselves as the traffic flow is affected.

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 along with the outcome of those complaints. Complaints in this area 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. It is interesting to note that the complaints most likely to be upheld are those about communication and about staff behaviour.

Complaints by category - Highways Transport and Planning



As staff behaviour is a key area of customer service, where complaints were found to be upheld or partially upheld, appropriate steps were taken, and appropriate remedies were offered to customers following the conclusion of complaints investigations.

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

- *Following inconsistent application of the criteria for allowing a Vehicle Cross Over (dropped kerb) a further layer of quality control has been introduced into the application process to identify and deal with inconsistencies;*
- *The Council has reviewed and updated its Blue Badge desktop assessment process;*
- *Following a parent being incorrectly told that a child was not eligible for school transport, all relevant staff received guidance and reviewed the relevant area of the policy.*

4.3.2 Communities

Communities	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	28	11	39%	97%	3	0	1559
2020	27	7	26%	97%	1	0	2432

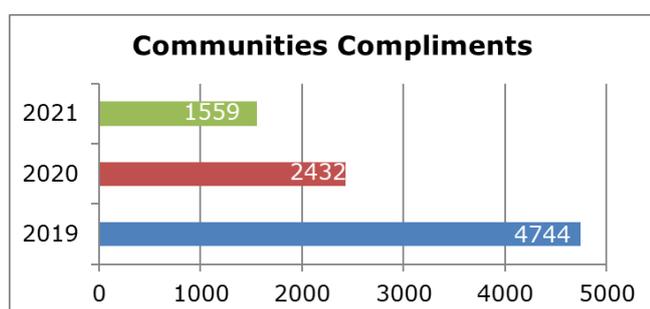
The Communities Directorate consists of customer facing teams committed to serving the community. Customer Experience, Libraries Heritage & Registration and Community Safety all fall under this directorate.

Teams in this directorate historically receive a large number of compliments and very few complaints and 2021 was no exception.

Although the upheld rate in 2021 (39%) was higher than the average for the Council and higher than the 26% in 2020, this only amounts to 11 complaints upheld across the entire directorate.

In 2021 the Communities directorate maintained the high level set in 2020 for response timescales, responding to 97% of complaints within 10 working days (or with an agreed extension).

Historically, the compliments received in relation to Library Services has dwarfed the other services in the directorate (and indeed the Council) with the service receiving a huge number of compliments throughout the year. Unsurprisingly, given the closures of settings and other restrictions on the service due to the pandemic, a reduced number of compliments were recorded in 2021.



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

- A revision of the protocol for deciding which complaints procedure should be used for Children’s Services complaints

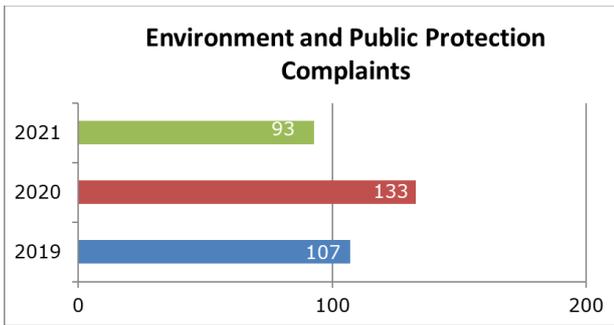
4.3.3 Environment and Public Protection

Environment and Public Protection	Stage One	Stage One Upheld	% upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2021	93	40	43%	85%	5	0	85
2020	133	42	32%	82%	3	3	129

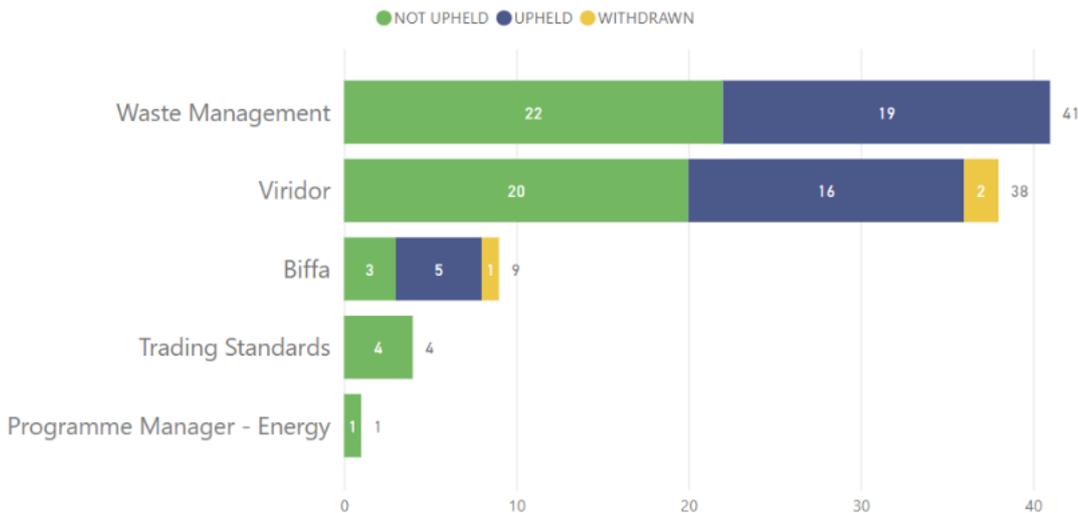
The Environment & Public Protection directorate includes services such as Trading Standards; Energy Services; Sustainability; Digital/Broadband delivery; and one of the Council’s largest services, Waste Management.

Waste Management and especially the outsourced management of the recycling sites across West Sussex generate the majority of complaints, compliments and objections to policy in this directorate.

In total, 93 complaints were recorded against Environment and Public Protection services, compared with 133 in 2020, when there were a number of complaints raised about the restrictions introduced at Household Waste Recycling Sites because of the pandemic, and also about the requirement to produce proof of residency before entering the sites.



Complaints by team - Environment and Public Protection



The majority of complaints upheld in this directorate relate to complaints about Biffa, the company contracted to run the Council's waste and recycling sites in 2021 (the previous contract holder, Viridor, having been taken over by Biffa during the year, there are complaints registered against both names).

It is important to provide context to the 59 complaints recorded against Biffa. The data shows the footfall across the 11 main Recycling Centres in West Sussex totalled 1,447,632 in 2021. It is estimated that the 2 mobile sites at Selsey and West Wittering add a further 20,000 visits over the year making a total estimated number of visits to all Recycling Centres across West Sussex 1,467,632. This averages out at 122,303 visits per month over the year.

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

Historically, Trading Standards is a service where the number of compliments received traditionally outweighs the number of complaints received. 4 complaints were formally logged against Trading Standards in 2021 but none were upheld. 60 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

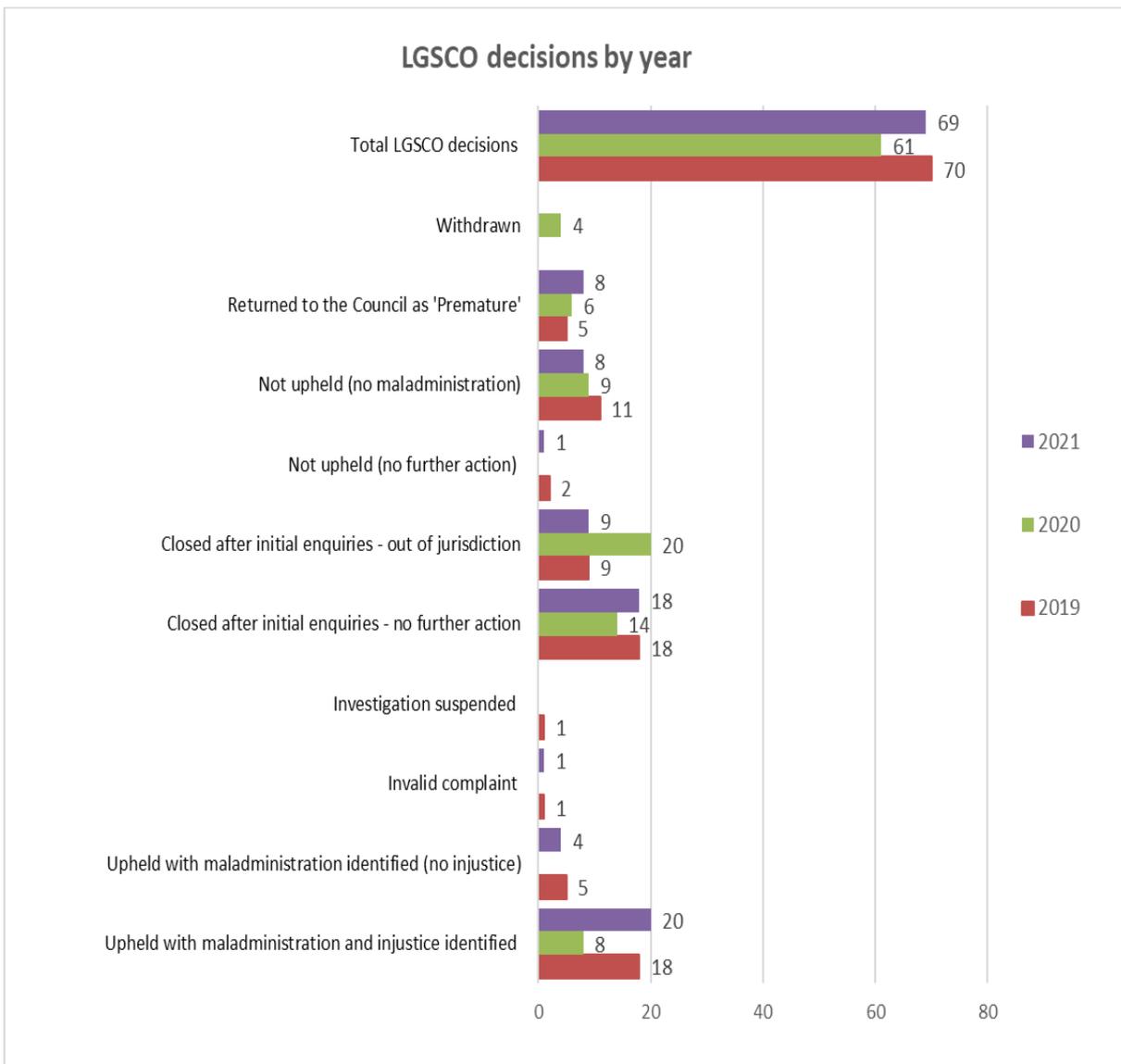
The number of *decisions* issued by the LGSCO in 2021 (69) increased by 13% when compared with the number issued in 2020 (61) but it is unsurprising that there would be an increase given that the Ombudsman stopped taking new complaints for nearly six months in 2020.

Of the 69 decisions issued in 2021:

- 19 were closed with no further action;
- 8 were not upheld with no maladministration;
- 9 were closed after initial enquiries as 'out of jurisdiction';
- 1 invalid complaint
- 8 were returned to the council as 'premature';
- 4 were upheld with maladministration identified (no injustice);
- 20 were upheld with maladministration and injustice identified.

So in 24 of the 69 decisions (35%), 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. All recommendations from LGSCO cases are followed up and a letter of compliance has been received from the Ombudsman for 100% of remedies due at the time of reporting.

An anonymised list of cases considered by the LGSCO is available from the Complaints Manager David.Tominey@westsussex.gov.uk and all anonymised decision reports are held on the Ombudsman's website, lgo.org.uk.



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

Complaints handling

1. Based on a number of cases, the Ombudsman advised that the Council was not applying the correct criteria in deciding whether to use the statutory Children's Social care complaints procedure. In two cases in particular this was the only finding against the Council and the Council agreed to follow the statutory procedure. Procedures have been put in place to ensure the Ombudsman's guidance is followed.
2. The Council declined to process a complaint about an Adults' services decision relating to funding, on the basis that the Council has no choice but to carry out Government directions. However the Ombudsman decided that a complaints investigation should have been carried out in order to determine whether the Government's directions were being carried out correctly. The Council apologised, and took steps to ensure complaints investigations would be carried out in such circumstances in the future.

3. The Council declined to process a complaint about a decision to refuse a Vehicle Cross Over (VCO) when the LGSCO had found no fault in the Council's processing of a previous refusal. The Ombudsman decided this was maladministration and the complaint should have been processed, but that there was no injustice because the Ombudsman's investigation found no fault in the decision to refuse the second application.

Children's Services

1. The LGSCO found the Council unreasonably delayed an assessment for disability aids. The Council apologised, carried out the assessment and changed procedures to ensure there could not be a repetition
2. The LGSCO found fault in the Council's management of contact arrangements including failure to share contact notes appropriately or to review contact arrangements. The Council paid a financial remedy for distress, provided the missing notes. The Council met with the complainant to answer their questions, and reviewed the relevant policies.
3. The Council failed to properly consider and discuss support a customer might need when her grandchildren first moved into her care and during a transition period for one of the children. The Council apologised, paid an agreed remedy for distress and carried out appropriate update training for social workers
4. The LGSCO found fault with the Council's handling of a safeguarding concern, which meant a risk assessment was delayed and a father was not involved in meetings. The delay was not found to have caused risk to the child. The Council apologised and paid an agreed financial remedy.
5. The Ombudsman decided that the Council's offer of £500 for the loss of contact with a man's children, which had been caused by a failure to tell him that contact could be re-established, was insufficient for the distress caused, and this was increased to £2,200
6. The Ombudsman agreed with the Council's financial remedy offer at stage 2 following delays in accessing therapeutic support for three children. The Council confirmed to the Ombudsman the improvements it had made to prevent recurrence.
7. The Ombudsman issued a Public Interest Report on finding that gatekeeping within the assessment process had led to an unreasonable refusal to assess a child for direct payments or respite care; as well as failing to name a specific school in the child's Education, Health and Care Plan within statutory timescales or arrange an appropriate educational provision. The Council paid the agreed financial remedy, reviewed assessment processes to ensure that children were not unfairly excluded, and the Ombudsman confirmed that work already underway to ensure sufficient educational provision in the future meant the recommendation for an audit had been met.
8. The Council failed to adhere to child protection timescales or to provide written information in a timely manner. A financial remedy was paid and appropriate staff training undertaken.

Adults' Social Care

1. The LGSCO found the Council was at fault for not providing customers with the means to challenge, by way of the complaints procedure, decisions by the panel which considers applications for discretionary property disregards. The Council apologised to the customer, applied the complaints process, and amended the guidance for future cases.
2. The LGSCO found the Council was at fault for not providing customers with the means to challenge, by way of the complaints procedure, to decisions by the panel which considers deliberate deprivations of assets. The Council apologised to the customer and amended the guidance for future cases.
3. The LGSCO found that recording during the desktop assessment for a blue badge had not been rigorous enough. The Council amended the assessment form to improve future recordings
4. The LGSCO found fault with the Council for a delay in sending out debt reminders but did not find that this had caused any injustice or that any remedy was required.
5. The LGSCO found that there was injustice at a nursing home commissioned by the Council when due to the Covid pandemic they stopped visits, which meant that a family, although they were told of deterioration in their relative's condition, were unable to arrange a visit in time to see him before he died. However the Ombudsman did not find that there was any fault by the home or the Council.
6. The Council delayed in setting up a Deferred Payment Agreement and in making payments to a care home after it had said it would. There were also delays in processing the complaint. The Council apologised to the complainant, paid the agreed financial remedy, and reminded staff about the need to be clear in communications with customers about processes and timescales.
7. The LGSCO found delays amounting to fault in carrying out a care assessment. The Council apologised and paid the agreed financial remedy.
8. There was fault in the way the Council carried out a financial assessment and appeal. The LGSCO recommended a financial remedy, a discussion about Disability Related expenditure costs with the customer, a 'lessons learned exercise' and a policy review, all of which the Council carried out.
9. The LGSCO found the Council was at fault in the way it considered a customer's care costs. The Council reviewed the financial assessment.

10. The Council was found to have failed to allow sufficient direct payment to cover recruitment costs and agreed to remedy this injustice. In the same case the Ombudsman found that a carer's assessment should have been offered but that this did not cause injustice.

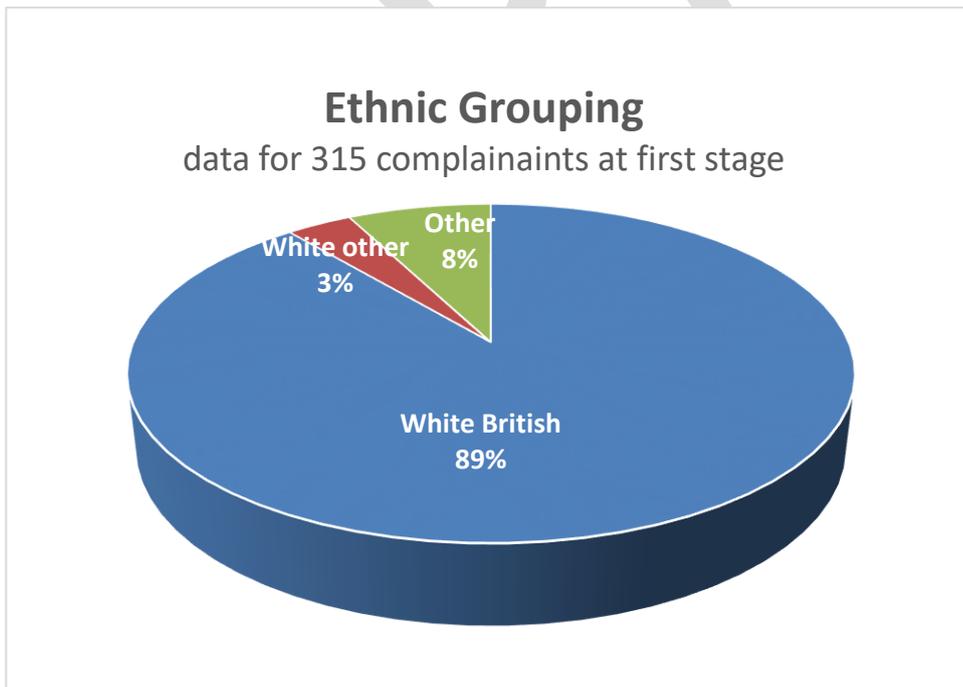
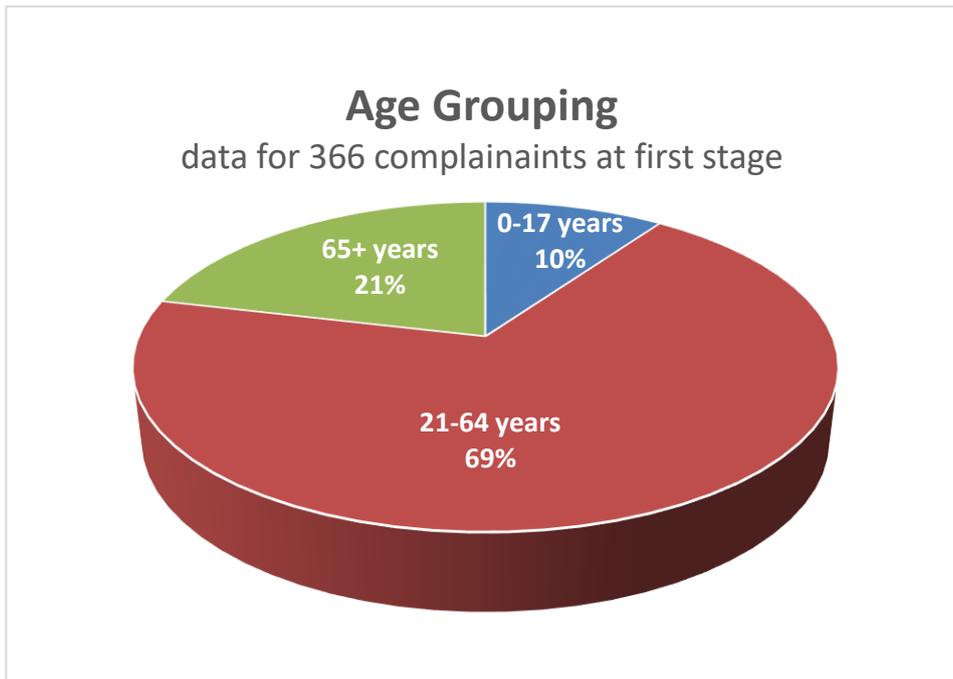
Highways, Transport and Planning

1. The LGSCO found fault in the Council's appeals policy for school transport, which did not follow statutory guidance. The Council apologised to the customer, paid an agreed remedy and amended its appeals procedure to follow the guidance.
2. The LGSCO found there had been maladministration in the making of a TRO because it was made outside the statutory timescale and because it did not inform the complainant; but found that there was no injustice caused because the outcome was the same as if there had been no maladministration.

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. The pie charts below show the known equalities data for complainants in 2021.



Appendix A

- Following a stage 2 investigation, £100 was paid in two parts to a resident who had been turned away from a Household Waste Recycling Site on the incorrect judgment that his waste was of commercial origin; £50 to compensate for the initial refusal; and £50 for his time and trouble in pursuing the complaint to stage 2;
- Following an LGSCO investigation, £200 was offered to a father who, because of a delay in carrying out an assessment of the risk involved in contact with his child, was prevented from seeing his child for a period of some weeks. The father did not accept the remedy;
- £100 was paid to a resident following a stage 1 investigation into poor administration of his blue badge application;
- £250.00 was paid following a stage 2 complaints investigation in recognition of the time and trouble taken by a complainant in pursuing her complaint which was initially declined as being out of time;
- Following an LGSCO investigation, £3750 was paid in three parts to a parent and their child; £1200 to the child for loss of educational opportunity; £2400 to the parent for unexpected care services they had to provide; and £150 for time and trouble in bringing the complaint;
- £1027 was paid to a Special Guardian as compensation for damage to property after a stage 2 investigation found that the council had not given sufficient warning of potential challenging behaviour;
- Following an LGSCO investigation, £100 was offered to a customer for the distress caused by a delay in an Adult Social Care assessment, but the customer declined the offer;
- Following an LGSCO investigation, £500 was paid to a couple in recognition of the poor administration around a Child Protection Conference;
- Following an LGSCO investigation, £100 was paid to an Adult Social Care customer for the distress caused by problems with a financial assessment
- Following an LGSCO investigation, £250 was paid to an Adult Social Care customer, and £350 to her mother, in recognition of the distress caused by mistakes in management of Direct Payments and the time and trouble in bringing the complaint;
- Following an LGSCO investigation, £300 was paid to a mother for distress caused by failures in the Special Guardianship Support service;
- Following an LGSCO investigation, £600 was paid to a grandmother for distress caused by insufficient support when her grandchildren were placed in her care;
- Following an LGSCO investigation, a total of £3050 was paid to a parent and child for a refusal to assess the social care needs of the child, who did not meet the criteria the council had in place for an assessment; and for missed educational opportunity when no suitable educational provision was made;

- Following an LGSCO investigation, £250 was paid to a relative of an Adults social care customer for the distress caused by problems with the assessment process;
- Following an LGSCO investigation, £150 was paid to a parent for distress and uncertainty caused by an unwieldy schools transport appeals system which the Ombudsman found departed from the statutory guidance;
- Following an LGSCO investigation, the Council's offer of £500 for the loss of contact with a man's children, which had been caused by a failure to tell him that contact could be re-established, was increased to £2,200;
- Following an LGSCO investigation, the Council's offer of a £250 goodwill payment to the daughter of an Adults social care customer who complained at having incurred costs unnecessarily in relation to her mother's care home fees was increased by an additional £150 in recognition of the distress caused by the delays in reviewing what had gone wrong;
- Following a stage 2 complaint review, £250 was offered to a resident who was visited incorrectly by a social worker accompanied by a police officer because the wrong address had been entered onto the council's database. This offer was not taken up;
- Following a stage 2 complaint review, £50 was offered as a goodwill gesture to a resident in recognition of poor management of her approaches about flooding at her house. This was separate to the consideration of a negligence claim for damages. The resident refused to accept the £50 and said she would be approaching the Ombudsman, but to date nothing has been heard from the Ombudsman;
- Following a stage 2 complaint review, £50 was paid to each of three children in care after the council had lost cards and presents to be passed on from their mother. Each child also received an apology and an appropriate explanation. £200 was paid to the mother in compensation for the lost gifts and for the distress this had caused;
- Following a stage 1 investigation, £1613 was refunded to the Setting Up Home Allowance of a care leaver because there was no evidence to show that he had agreed to the way it had been spent;
- Following a stage 1 investigation, £250 was offered to the mother of two adults who were the dependants of a WSCC pensioner. The offer was in recognition of poor communication about the way future payments to the two dependants would be calculated. The offer was declined and the complainant entered into the Internal Dispute Resolution Procedure for pensions