

Complaints

We want to ensure that voices are heard and that as a result we take appropriate action.

An inability to listen is a failure to learn



Customer

Listen

Action

Learn

Customer complaints are the key messages from which we learn

ANNUAL REPORT 2015-16



Welcome - Complaints Annual Report for the period 2015-16.

In July 2015 an internal review was undertaken here at Dorset County Council to address complaints, comments and compliments received. It was clear that we as an authority had to resolve issues quickly, however at times we did not achieve this as some complaints were not prioritised, a failure to take ownership, and deadlines being missed. Inevitably, this led to escalation, inefficient use of resources, and a poor customer experience. As an authority we had to improve.

Since the introduction of a central team we are developing operations with a customer focused culture that takes personal responsibility on the best possible outcomes for our customers. We are committed to being a 'listening and learning organisation' that takes the positive steps to avoid errors and propose solutions through review and development.

We understand that satisfying customer expectations are important and we seek speedy remedies, providing early resolution and mediation for our customers. We will be better equipped and far more customer oriented and we promise to:

- *Listen carefully to what the customer has to say.*
- *Ask questions in an understanding and caring manner.*
- *Say sorry when things have gone wrong*
- *Ask the customer, "What would be an acceptable outcome for you?"*
- *Solve the problem, or find someone who can solve it quickly wherever possible.*

We are developing the complaints team to support the council being a learning organisation and to provide a resolution based procedure for our customers. This will be achieved through an overarching complaints strategy and an updated policy which are currently being developed and written and will be available in the next few months.

Julie Taylor

Senior Assurance Manager – Complaints

Governance and Assurance

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S U P P O R T I N N O V A T I O N Q U A L I T Y E X C E L L E N C E F R I E N D L I N E S S

C U S T O M E R F E E D B A C K

One of the ways we are able to continuously improve our services is to **LEARN** from complaints and we have categorised all complaints received into a key theme (as highlighted below) to enable us to capture improved analysis, and to look for ways to address and resolve recurrent themes.

Communication

- Breakdown in communication
- Lack of (or inadequate) Communication
- Tone of Communication
- Inappropriate Contact

Service Provision

- Attitude/Behaviour of Staff
- Delay in providing services
- Failure to provide service
- Inadequate Service
- Quality of Service
- Professional Practice of Staff

Policy and Procedure

- Disagreement with Decision
- Foster Care
- Placement
- Standard of care

Data

- Confidentiality
- Inaccurate Information Recorded

Finance

- Funding

Key **LESSONS LEARNT**: Is anyone better off as a result (**OUTCOMES**)?

SUMMARY: 1 April 2015 to 31 March 2016

Although we constantly look for ways to reduce the number of formal complaints we receive we do recognise that they present us with an opportunity to identify and rectify specific problems with our current systems or processes. They can us help us develop our relationships with our customers, whether they are external or internal. One of the ways we continuously improve our services is through learning from complaints. The key themes that have been highlighted from analysis of the issues and lessons learnt are:

Service Provision: Delay in providing service

We need to be better at forward planning and:

- Be able to better anticipate any future demands for service
- Co-ordinate tasks and actions where required with other teams and directorates
- Provide realistic timescales and don't provide deadlines that are unlikely to be met.

Managers need to scrutinise and take stock of available resources in an attempt to identify any potential delays in service and reduce backlogs. Ensuring that capacity meets the variation in demand for service will help to prevent any unnecessary delays. With such an approach it should be possible to:

- Identify and plan for known changes in available capacity, for example, staff leave, training, office moves or equipment maintenance
- Maximise the capacity for role changes and releasing time to train or plan capacity around the variation in demand and allow for excess capacity to meet variation in demand (matching staff levels to demand on some days to allow for increases on other days).

Communication: Lack of (or inadequate) communication

Breakdown in communication.

Tone of communication

Good communication is vital as the flow of information is not always smooth and seamless. When communication breaks down, the results can range from poor morale and strained relationships to missed opportunities. We can communicate through the telephone, text messages, chat services and social networks, yet, most will still use email as their primary method of communication. While message delivery is typically reliable, mistakes can happen whereby someone could misplace, delete or not even see a specific email, and therefore could miss a crucial piece of information. We can all quickly become overwhelmed by the amount of information required to process through inboxes.

It's possible for teams or services to focus too much on their own work and miss out on the big ideas that only come from collaboration. The importance of open discussions about the quality of work, necessary improvements and fresh ideas are therefore to be encouraged and not to be underestimated.

We will ensure that the tone of correspondence is appropriate and that as a “can do” authority we put ourselves “in the customer shoes” and respond accordingly in providing the best possible outcomes. We will provide apologies when required and will include reasons for delays in responding. We will be diligent in ensuring that customer details are correctly quoted in our communication.

It is acknowledged that we need to work hard at the way we share and discuss information. For example, we could take more direct forms of communication to limit internal emails - while email may be the easiest way to send a message to staff, try to keep the number of internal inbox clutter to a minimum. If it's really urgent, a telephone call or a visit may be more effective.

Our complaints **SNAPSHOT of performance**

SUMMARY: 1 April 2015 to 31 March 2016

Details of our complaints procedures are included in appendix 1.

Initial complaint raised with the Council

We received and managed 313 initial complaints during the period.

Following the unsatisfactory resolution of the initial complaint a stage 1 complaint was lodged as part of our complaints process as highlighted below.

Stage 1 complaints

We received and managed 202 complaints during the period which included:

- 68 for Environment and the Economy Directorate;
- 88 for Children’s Services (72 social care and 16 non-social care);
- 9 for Chief Executive (Corporate Resources); and
- 148 for Adult and Community Services (111 social care and 37 non-social care)

Stage 2 complaints

29 complaints were escalated to stage 2 during the period. This included 12 for Children’s social care, 5 for Children’s non-social care, 8 for Environment and the Economy Directorate, 2 for Chief Executive’s (Corporate Resources), and 2 for Adult and Community Services non-social care.

Stage 3 complaints

3 Children’s social care complaints were escalated from stage 2 to stage 3 during the period.

Local Government Ombudsman (LGO)

We received 48 decisions from the LGO during the period, an **increase of 4%** when compared with the previous year. Maladministration was identified in 5 complaints which was the same as the previous year.

1. Introduction

- 1.1 To enable the regular monitoring and review of complaints by Councillors each year, we are required to prepare an annual report that sets out a summary of complaints dealt with under our formalised complaints procedure.

A complaint is defined as *'an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, or its staff, affecting an individual customer or group of customers.'*

- 1.2 Complaints recorded under our formal procedure do not include those 'first time' contacts which were effectively requests for a service and dealt with as such. For example, a new report of a missed bin collection, or a pot hole, would not be registered and dealt with as a complaint, but as a request for action. The annual report presents an overview of complaints received by Dorset County Council during the financial year 1 April 2015 to 31 March 2016. Additional information about our complaint procedures and our statutory duties for local authorities with regard to complaints are set out in the Appendix.

2. Whole Authority Review

- 2.1 In July 2015 we undertook a review of the various processes in place here at Dorset County Council to address complaints, comments and compliments received. It was clear that we tried to resolve issues quickly, however at times we were met by various obstacles, defensive and inconsistent responses, complaints not being prioritised, a failure to take ownership, and deadlines being missed. Inevitably, this led to escalation, inefficient use of resources, and a poor customer experience. It was clear that **improvements needed to be made** and the Corporate Leadership Team took action to do so with the establishment of a Central Complaints Team.
- 2.2 Some of our formal complaints processes were cumbersome and repetitive. We were uncertain about how to learn and communicate the lessons from complaints, and therefore issues surfaced far too often. Our handling of complaints at times felt sometimes seems slow, indecisive, cumbersome and bureaucratic. We have revisited and reviewed our processes, reports and technology to improve the way we work in being better at meeting our customer expectations. However, in doing so we need to acknowledge that social care processes are legal ones which we have to follow and embed in new approaches.

3. Learning from our Complaints

- 3.1 Within the report we have tried to highlight the various lessons learnt together with the usual figures surrounding the numerous complaints received during 2015-16. We remain committed to provide a means of redress to our customers for any injustice caused by unfair treatment or service failure. We will use our learning to promote good public administration and service improvement. We will achieve this by:
- Listening carefully to what the customer has to say.
 - Asking questions in an understanding and caring manner.
 - Saying sorry when things have gone wrong
 - Asking the customer, "What would be an acceptable outcome for you?"



- Solving the problem, or find someone who can solve it quickly wherever possible.

3.2 With the use of the **LEARN** framework which we will introduce as part of our management strategy later this year we will be better placed to learn from complaints and provide opportunities for services to be developed by our resident's experiences.

4. Outcomes Based Accountability (OBA)

4.1 We are using Outcomes Based Accountability (OBA) as a way of taking action that can improve outcomes for populations, organisations and communities. Our approach seeks to improve the outcomes for our residents and communities we serve. This is a process for turning 'talk into action'. Performance accountability is based on three interlinked performance questions:

- How much did we do (outputs)?
- How well did we do it (quality)?, *and most importantly:*
- Is anyone better off as a result of our action (OUTCOMES)?

4.2 Our revised performance management arrangements will increasingly focus on what good outcomes for our customers look like. An effective and timely complaints management service makes an important contribution to help deliver this.

5. Feedback

5.1 Customer feedback, whether it is a complaint, comment or compliment, provides invaluable insight to the experience of customers, service users and all who interact with the Council. Good quality insight builds intelligence and understanding of where the Council is meeting expectation and doing well and what needs to be done to improve service outcomes for all customers. We are working to streamline our processes for feedback through our central complaints team.

6. Policy

6.1 It is vital that our complaints, comments and compliments policy is periodically reviewed and refreshed to reflect the changing organisation. The policy sets a common standard required for managing complaints to provide assurance to our customers through this process. We are in the process of producing a revised policy that focuses on our customers and helps to ensure that creating a culture of learning and improvement by being better equipped to address a problem, or find someone who can solve it quickly.

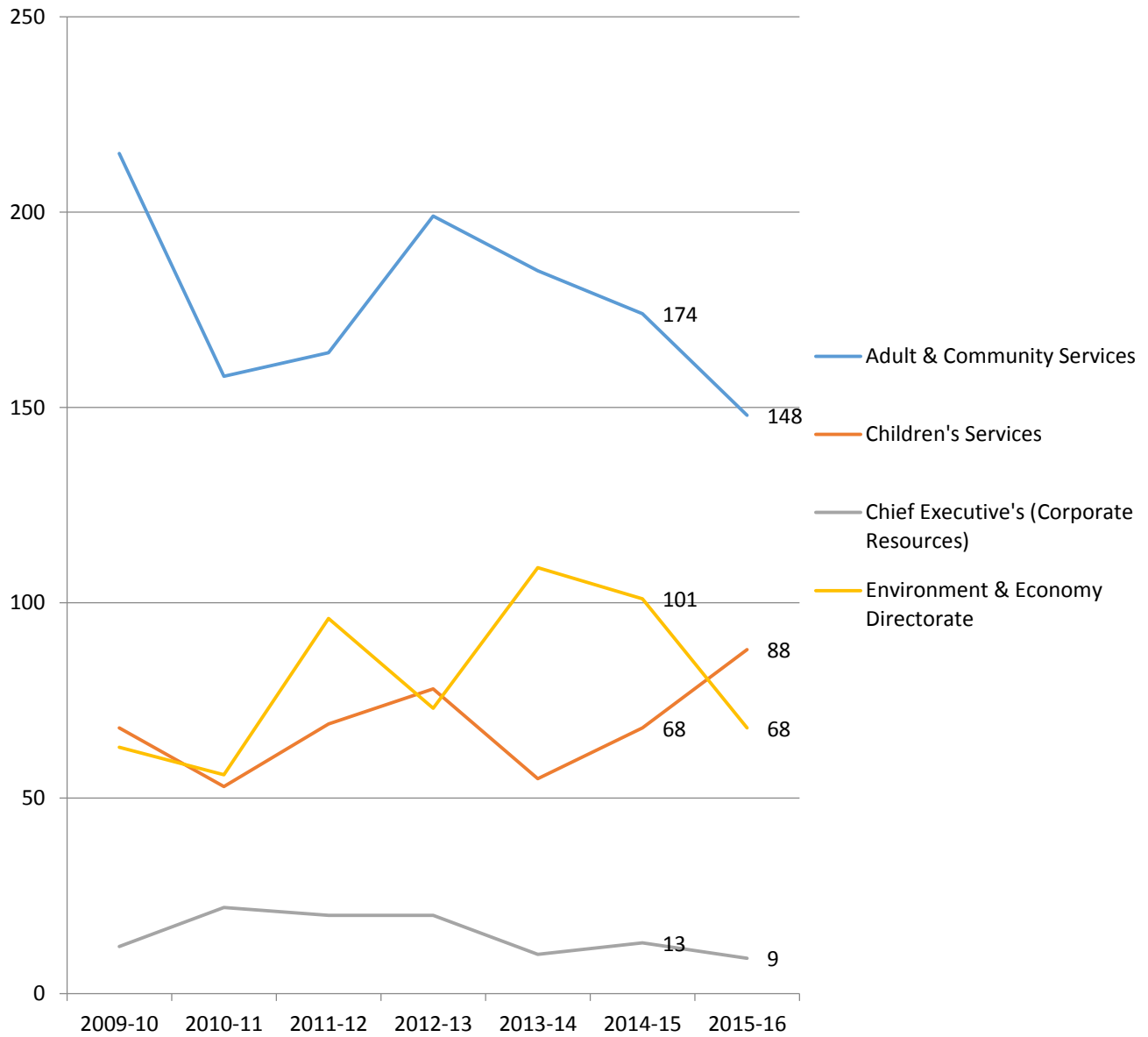
7. Dashboard and Graphical Analysis

7.1 We remain committed to providing clear and direct accountability to all interested in what we do. We introduced in the previous reports improved graphical analysis and we have tried to achieve that again within this report.

7.2 We look to achieve this in a way that enhances understanding of our work and helps to appreciate the associated challenges we face and the impacts this may have on future arrangements. This report reflects current practice and the improvements that have been achieved.

7.3 The following graphs highlight the complaints received and managed by our four directorates.

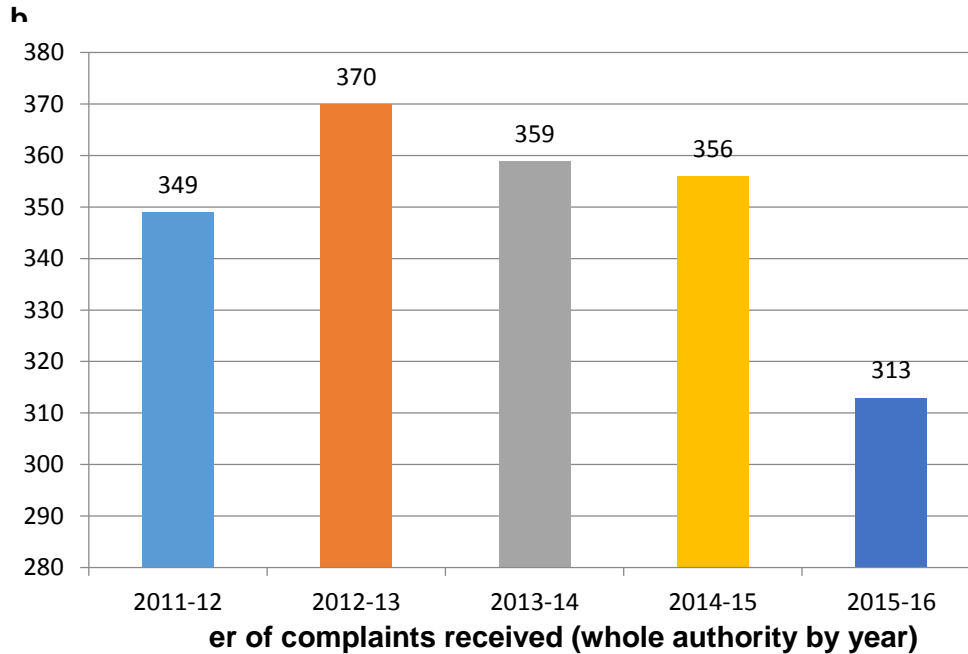
Table 1: Total number of complaints received by Directorate





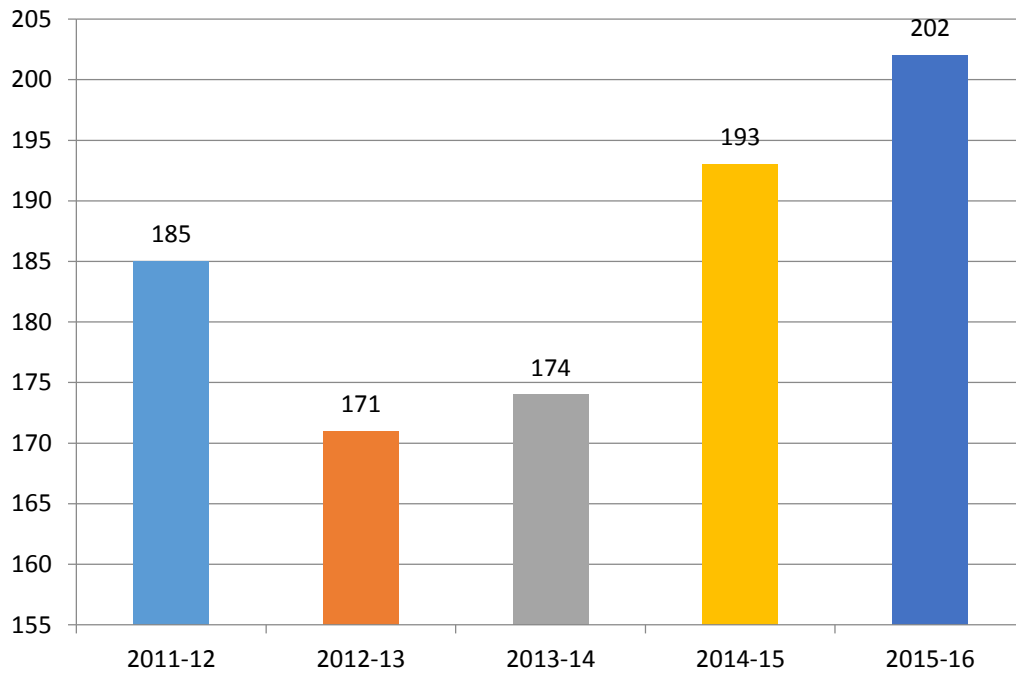
7.4 Following receipt, acknowledgement and an initial review of these, a number of complaints were received and broken down as whole authority by the year as outlined in table 2. The table provides a graphical view over a five year period to 2015-16.

Ta



7.5 Following receipt, acknowledgement and an initial review of these, a number were considered appropriate for the formal Stage 1 investigation process. The breakdown of these is outlined in table 3:

Table 3: Total number complaints escalated to stage 1 received (whole authority by year)



7.6 Following receipt, acknowledgement and an initial review of these, a number were considered appropriate for the formal Stage 1 investigation process as highlighted above. The breakdown of these by directorate are outlined in below in table 4.

Table 4: Stage 1 Complaints by Directorate

Directorate	Previous Year 2014-15	This Year 2015-16	Direction of Travel	Trend Line
Adult & Community Services (non-social care)	11	37	↑ Worse	
Adult & Community Services (social care)	163	111	↓ Improved	
Children's Services (non-social care)	16	16	→ No change	



Children's Services (social care)	52	72	 Worse	
Chief Executive's (Corporate Resources)	13	9	 Improved	
Environment & Economy	101	68	 Improved	
TOTAL	356	202	 Improved	

Table 5: Stage 2 Complaints by Directorate

Directorate	Previous Period 2014-15	This Period 2015-16	Direction of Travel	Trend Line
Adult and Community Services (non-social care)	1	2	 Worse	
Children's Services (non-social care)	4	5	 Worse	
Children's Services (social care)	11	12	 Worse	




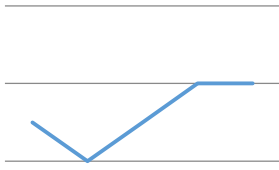

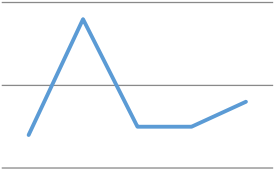

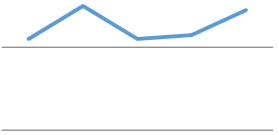
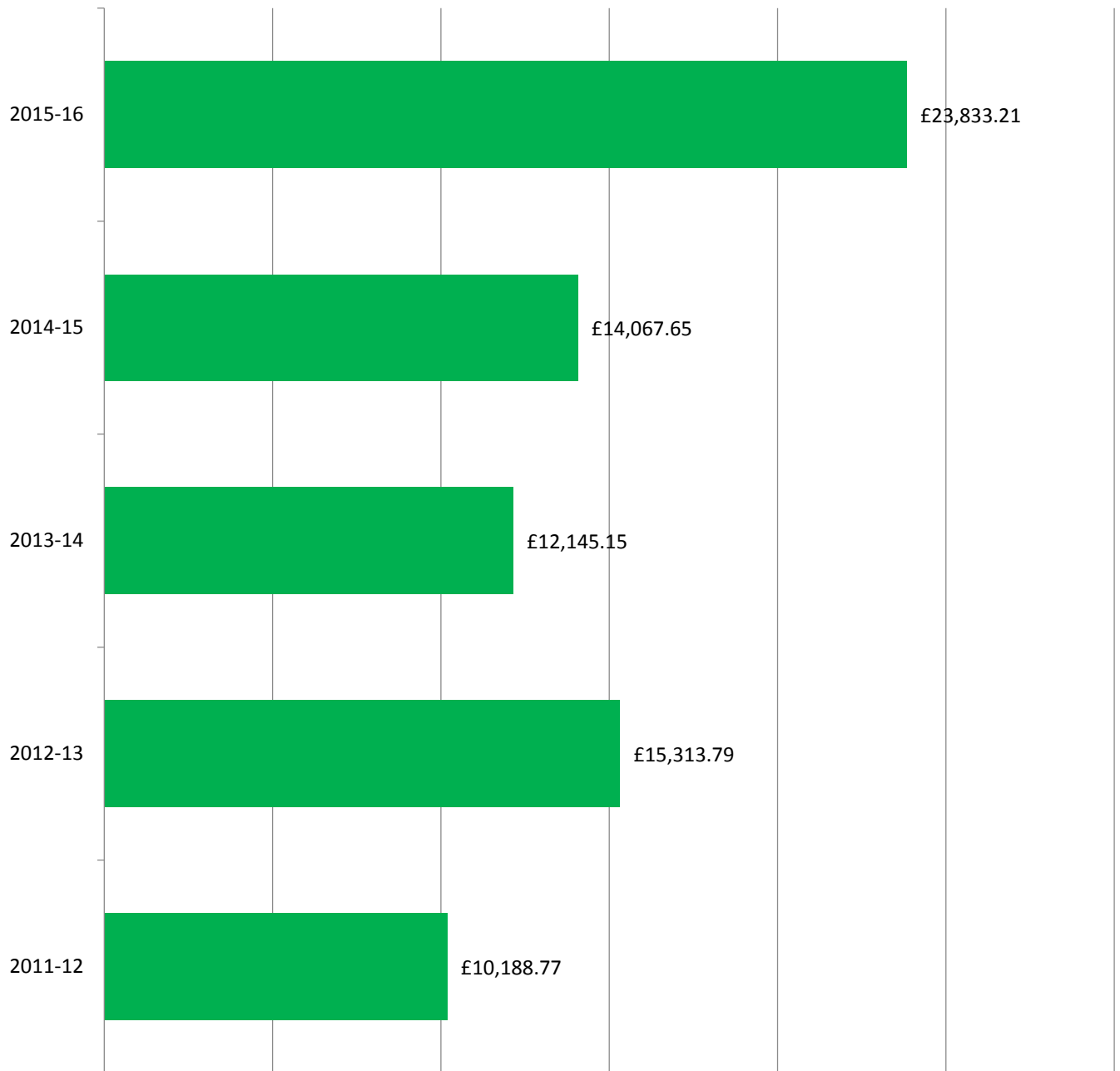
Chief Executive's (Corporate Resources)	2	2	 No change	
Environment & Economy	5	8	 Worse	
TOTAL	23	29	 Worse	

Table 6: Stage 2 - Formal Investigation Costs



Please note that for the period the Stage 3 Panel (Children's Services) Costs were £5,181.25

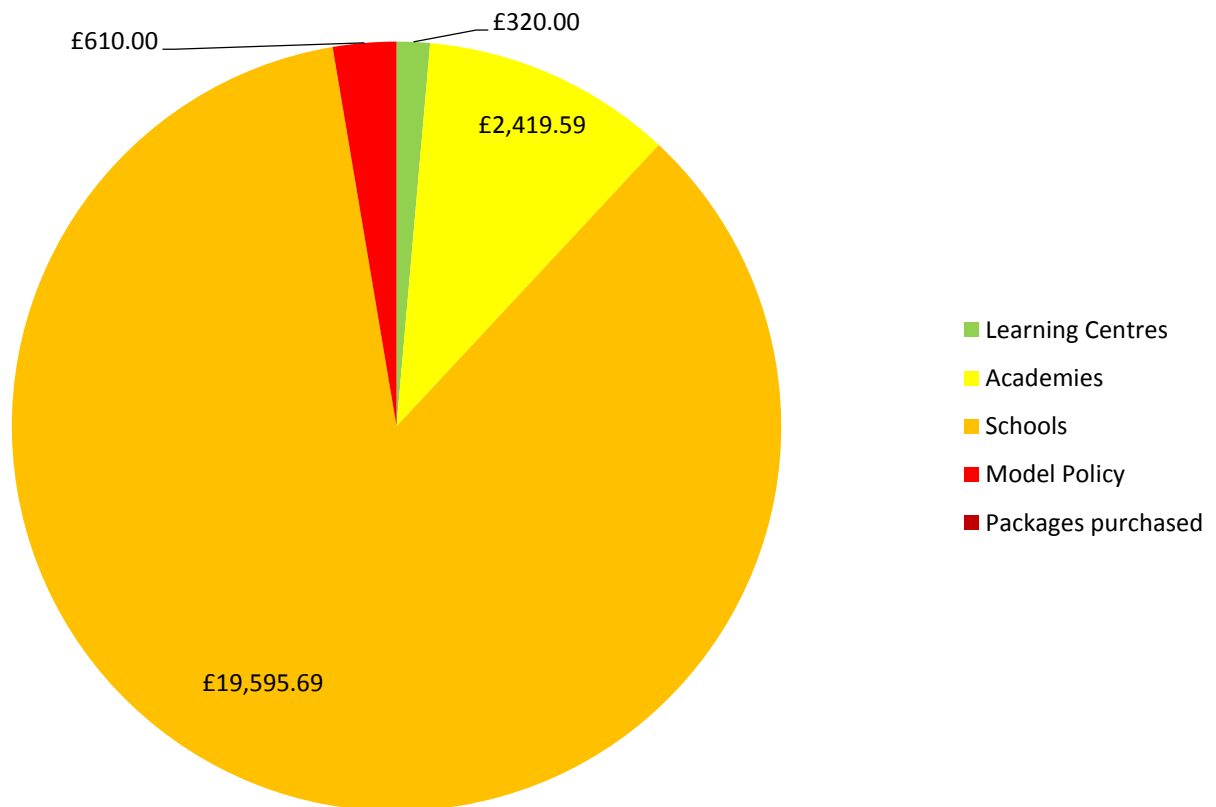
8.0 Traded Complaints Service



- 8.1 The 'Traded Complaints' service is generating an income for us from schools and academies who wish to purchase access to complaints policies support and advice offered by the County Council through our Children's Services complaints team. In total 52 schools purchased the service and 1 school bought the model policy. This service was also made available to academies in 2014-15.
- 8.2 The following graph provides a breakdown of the level of income generated for Dorset County Council through the provision of this service which represents a useful contribution of **£22,945.28** to support service delivery.

Table 7: The Traded Complaints Service – Income Generation

Total £22,945.28



Please note (Model Policy = The DCC paper work surrounding our complaints policy)

9.0 Learning from Complaints



9.1 We acknowledge that some of our complaints systems needs to improve. There is insufficient evidence of learning from complaints across the council as a whole, and providers are not making clear to users that services are being improved as result. Adequate staff training; proper investigation of complaints; and evidence of improvements in response to complaints are key pointers for the planned introduction of a new approach surrounding our complaints across the county council together with the introduction of the LEARN framework. One of the ways we continuously improve our services is through learning from complaints.

9.2 The council is committed to active learning from its complaints management process. We will therefore through regular team meetings be looking at individual complaints from different service areas to better understand how we can improve and LEARN.

9.3 A summary overview of the other main key improvements are outlined below, together with some examples of specific service examples. We have broken down what we have learnt and subsequent action/ outcomes into the following themes in an effort to improve our overall approach.

Communication

- Breakdown in communication
- Lack of (or inadequate) Communication
- Tone of Communication
- Inappropriate Contact

Service Provision

- Attitude/Behaviour of Staff
- Delay in providing services
- Failure to provide service
- Inadequate Service
- Quality of Service
- Professional Practice of Staff

Policy and Procedure

- Disagreement with Decision
- Foster Care
- Placement
- Standard of care

Data

- Confidentiality
- Inaccurate Information Recorded

Finance

- Funding

9.4 We undertook a Complaints Service Review and undertook a review of our complaints process and implemented the following:

- There is a new central, independent complaints team in the Business Development Service, within the Risk, Audit and Performance Management group. We have reduced duplication in work, encouraged where possible joined up thinking and helped to provide clear lines of communication.
- The new team has taken a troubleshooting approach to complaints management, mediate between customers and staff, and where possible resolve complaints quickly and close to the point of service delivery.
- We have improved our mechanisms for accessing timely legal advice, so that issues do not escalate unnecessarily while such advice is awaited.



- Once formal complaints have been made, we ensure that all responses to complainants are quality assured by complaints officers so that consistency of tone is maintained, and complaints are responded to in full.
- 9.5 We acknowledge that there is still a need to focus and make further improvements on a number of our desired objectives and outcomes, for example, we need to:
- Better understand the possible introduction of a one stage formal complaint process in an attempt to reduce bureaucracy 'red tape' for both complainants and staff.
 - Improve on our response times as we still encounter delays in dealing with complaints and requests for service, such as data protection issues.
 - Revisit our complaints process, policy and strategy. All documentation needs to be written in a clear and understandable manner that reflect protocols dealing with Freedom of Information and the Equality Act 2010.
 - Work with Directorates to improve lines of enquiry with MPs.
 - Investigate alternative uses of technology to enable better managed comments, compliments and complaints.
 - Give greater consideration to the roll out of a traded service surrounding complaints management to interested stakeholders and organisations, for example, academies.
- 9.6 We must strive to ensure that customers have clear and acceptable mechanisms to complain; investigate all complaints fully and within a reasonable time; fix or compensate for any loss or detriment suffered by the customer; and **LEARN from the complaint to ensure other customers are not affected by similar issues**. This will include a focus on the need to identify related trends and themes within overall complaints and to understand the root causes of these, as well as handling individual complaints well.
- 10. Local Government Ombudsman (LGO) Complaints**
- 10.1 The LGO operates a 'council first' policy and will in most cases expect a case to have been considered through the council's procedures first, prior to any investigation by the LGO itself. Complaints considered by the LGO are therefore not in addition to, but are a further consideration of complaints already investigated locally. The Local Government Ombudsman Annual Review Letter 2016 can be found at Appendix 2. The letter provides a summary of statistics on complaints made for the year ended 31 March 2016.
- 10.2 In 2015-16 the LGO made a decision on 48 complaints that included 20 referred back to the Council for local resolution and 11 in which the LGO decided whether the complaint was upheld. Out of the 11 decisions made by the LGO they judged 5 complaints to be upheld as detailed as follows:



Adult and Community Services

Out of the 24 complaints that were decided on by the LGO, maladministration was identified in 3 complaints as follows:

(LGO Ref: **14011728**) A complaint on behalf of his wife's late uncle, Mr X, that the Council failed to take appropriate action to safeguard Mr X.

What were the outcomes?

- Frontline services was restructured.
- A new procedure was implemented that focused on overall completion rate for reviews being monitored by administration staff. Any delays in completing annual reviews are now brought to the attention of Area Managers.
- All staff attend mandatory training sessions on the Care Act and there is a requirement that advocates be included in these sessions. There is also a prompt on all of our new Care Act forms which asks staff if an advocate is required.
- All staff attend mandatory safeguarding sessions every 2 years.
- All staff are aware that the funding of an individual is irrelevant when there are safeguarding issues.

(LGO Ref: **15003876**) Mr B complains about the review procedure for his son's care needs. He considers the process caused unnecessary distress and anxiety to his son. And the outcome is wrong.

What was the outcome?

- A standard letter has been implemented to be sent out prior to a review. The letter invites the individual or their representative to make contact and discuss any concerns they might have from the outset.

(LGO Ref: **14016781**) Mr T complains on behalf of his grandmother, Mrs S that the Council failed to:

- Follow the correct procedures when asked to carry out an assessment of her care needs in 2012;
- Provide her with the care she was assessed as needing for 2 years;
- Inform, advise, and explain, what care it would provide in 2014 and how this would be funded; and
- Keep her personal information confidential by discussing her circumstances with a local care provider without her knowledge or consent.

As a result of these failures, Mrs S did not receive the care she needed, suffering uncertainty, frustration, and distress.

What were the outcomes?

- Adult Services restructured and the community rehabilitation team concerned are co-located within the restructure.



- Members of the team are now responsible for all new assessments and the design of a structure which supports the timely assessment of need.
- Work undertaken to complete the assessment with the service user and support network in order to reduce delays.
- Frontline services have been redesigned so that staff collect financial information to process information in a quick and efficient manner.
- Designing ways of providing self- assessment online to service users to provide timely assessments.
- Staff trained in the new assessment process. To highlight the need that when an assessment is undertaken it must be communicated to the service user (to include costs of care, financial contribution and charges applied by DCC for arranging care services on behalf of service users and their families).

Children's Services

Out of the 14 complaints that were decided on by the LGO, maladministration was identified in 2 complaints as follows.

(LGO Ref: **13016600**) Mrs A complains that the Council's final complaint response based on the findings and recommendations of the independent investigator failed to identify the full extent and offered insufficient remedy for the fault.

What was the outcome?

- The Council has reviewed the quality of assurance systems and supervisory arrangements to ensure that they provide sufficient quality monitoring of Child in Need Assessment Framework.

(LGO Ref: **15006457**) Mrs B applied for a Reception place for her son, D, at a nearby Voluntary Aided School in Dorset (School 1). She complains that Dorset County Council (Dorset) did not tell her she should have applied to Wiltshire Council (Wiltshire), as her home authority. It was not until April 2015, when places were allocated, that Dorset told her that D had no place at all Dorset schools.

Had Dorset told her earlier, she might have been able to move house more quickly or apply in-time to Wiltshire. As a result, D had no Reception place for September 2015. This caused the family considerable distress.

Mrs B considers that the Council should put measures in place to advise parents promptly where they submit an application to the wrong local authority so that other parents will not experience this situation.

What was the outcome?

- Officers in the School Admissions team have been reminded to inform parents that they should contact their home authority in making an application for a school place.

10.4 Please note that details of the above LGO decisions together with any complaint received are available on request.

**Debbie Ward, Chief Executive,
August 2016**

Appendix 1

Complaints Procedures - The statutory duties of local authorities with regard to complaints are defined by:

- a) *The Local Authority Social Services Act (1970)*
- b) *The Children Act (1989) Representations Procedures (England) Regulations (2006)*
- c) *The National Health Service and Community Care Act (1990)*
- d) *The Local Authority Social Services and National Health Service Complaints (England) Regulations (2009)*

Children's Social Services complaints procedure - As required by the *Children Act*, there are three stages to the Children's Social Care Complaints Procedure. At stage 1, the first line manager investigates and responds in writing. If the complainant remains dissatisfied, they can request an independent stage 2 investigation with adjudication from the relevant Head of Service. If still dissatisfied, the complainant is invited to present the complaint to an independent review panel at stage 3, who will then recommend outcomes. Following the panel, the Director of Children's Services' adjudication letter is final, and if the complainant wishes to pursue the issue further they can approach the Local Government Ombudsman (LGO).

Adult Social Services complaints procedure - Complaints processes for Adult Social Services are designed to be simple, effective and flexible. The stage 1, stage 2 and stage 3 processes and set timescales were removed by the 2009 regulations (see (d) above). Complaints managers are now responsible for agreeing with the complainant what should happen and by when, and setting out an action plan based on an assessment of the seriousness of the complaint. Simple 'low risk' complaints are investigated by the first line manager. If a complaint is more serious the system allows the opportunity for an independent investigation.

Whole Authority complaints procedure (non-social care) - Complaints about non-social care services are not governed by a statutory procedure and the County Council's local *Whole Authority Complaints Procedure* applies. Complaints are referred to the relevant directorate complaints manager. The stage 1 response is compiled by the manager responsible for the service. If the complainant is dissatisfied with the response, they can request a stage 2 investigation. The Chief Executive decides whether to commission an independent investigation. If this goes ahead, the investigation report will decide whether the complaint is upheld and make any necessary recommendations for improvements. In exceptional cases the Chief Executive may refer a complaint to a Complaints Panel of county councillors. If the complainant remains dissatisfied with the County Council's response they can ask the Local Government Ombudsman to review their complaint.

The Environment and Economy Directorate also follows the whole authority complaints procedure as complaints in that directorate are not governed by a statutory procedure. Stage 1 complaints are responded to by the relevant service manager (with cases referred to the relevant Head of Service if the service manager deems this to be appropriate). All complainants are informed that they can request a stage 2 investigation if they are dissatisfied with the Directorate response.