

## Customer Feedback Monitoring Report for Quarters 1 & 2 April to June and July to September 2019

### 1. Purpose

- 1.1 This report provides a quarterly update to Standards Committee on the volumes and themes for all types of customer feedback (Compliments, Comments and Complaints), letters from Members of Parliament and Complaints being dealt with by the Local Government and Social Care Ombudsman about Devon County Council. In addition, it provides information regarding the Council's performance in responding to and learning from the outcomes of complaints.

### 2. Activity overview

- 2.1 Please see appendix 1 – table 1 for a summary of feedback related activity within the reporting year to date. Please note that "complaints – local" refers to any complaint dealt with locally e.g. by a service manager. "Complaints – escalated" is any complaint escalated to any stage within the relevant procedure.

### 3. Feedback to Leadership Group/Cabinet

- 3.1 A report of customer feedback (quarters 1 and 2) was presented to Standards Committee on 16 July 2019 and the following comments were made:

(a) that Leadership Group be asked to re-emphasise to their management teams the importance of dealing with complaints in a timely manner;

(b) notwithstanding the importance of response times, the Committee acknowledge the complexity of some cases that may require an extension to response times and ask that any extensions be negotiated in liaison with the customer complaints team and the complainant be kept updated with interim responses as appropriate;

The support and focus on this area is set out in section 4 below.

These comments were due to be raised with LG8/Cabinet on 28 October 2019 however unfortunately the agenda item has been deferred to 25 November 2019.

### 4. Stage 1 complaints

- 4.1 The number of stage 1 complaints continuously reduced through most of 2018-19, and this number has remained low in quarters 1 and 2 of 2019-20 (Appendix 1 – table 2).
- 4.2 The numbers of complaints received is not in itself a reliable indicator of performance. Volume of complaints should be considered alongside uphold rate and our willingness to put things right when things go wrong.
- 4.3 Performance at Stage 1 in quarter 1 was somewhat improved from the previous year for several services, with Adult Care and Health the exception with only 49% of complaint responses in time. It should be noted that in Adult Care and Health the adult complaint regulations allow for a negotiation to the deadline for response to be made with the customer, and therefore all responses could realistically be made within time
- 4.4 In quarter 2, some of the improvements made in quarter 1 were lost although again Adult Care and Health were the exception as they achieved 68% of responses in time. Whilst this requires further

improvement, this achievement should be celebrated in order that it can be repeated (Appendix 2 – table 3).

- 4.5 The following actions continue to be taken to support services to improve their complaint handling:
- Regular complaint handling workshops with staff
  - CRT attendance at service team meetings to discuss learning from complaints.
  - Specific case reminders to staff from the Customer Relations Team
  - Escalation to Senior Managers if responses are not forthcoming
  - Messages about response times are included in quarterly reports where provided
  - Learning events facilitated by the Customer Relations Team for complex complaints
  - Where rudeness/attitude of staff has been cited by a complainant the CRT highlight this with the relevant service manager to identify learning points and any training requirements.
- 4.6 In quarter 1 services upheld or partially upheld 29% of Stage 1 complaints, and 24% in quarter 2; this is a reduction from the previous year. As with volume of complaints received, the percentage of upheld complaints is not in itself an indicator of poor performance however if this increases significantly in future it may suggest that a further review of the activity within that service is required, however lower numbers of upheld complaints could suggest that whilst customers have appropriate access to the complaints procedure, the majority of actions being taken by services are being supported through the complaints process (Appendix 2 – table 4).
- 4.7 Appendix 2 – table 5 shows the most prevalent issues raised within complaints across all services, the percentage upheld or partially upheld in each quarter, and an overall summary across the reporting year. It remains a concern that the perceived attitude or rudeness of staff continues to feature in the top 3 issues, as it did in 2018-19.
- 4.8 The quality of service provided again features highly in the top issues. This may be to be expected in times where services are experiencing cuts and public expectation remains higher than services are able to deliver.

## **5. Stage 2 Complaints**

- 5.1 Following the continual decrease in Stage 2 complaints received quarter on quarter in 2018-19, the number of Stage 2 complaints received in 2019-20 has remained low. It is hoped that the lower numbers remain a direct result of improved Stage 1 responses and earlier intervention by managers (Appendix 2 – table 6).
- 5.2 There were 28 Stage 2 complaints closed in quarter 1, and 57% of these were in time. There were 30 Stage 2 complaints closed in quarter 2, and it should be noted that services achieved 80% of responses in time (Appendix 2 – table 7). It is hoped that this improvement can be maintained throughout the remainder of the year.

## **6. Local Government and Social Care Ombudsman Complaints**

- 6.1 The Local Government and Social Care Ombudsman (LGSCO) investigate complaints about councils, adult social care providers, including care homes and agencies, and some other organisations providing local public services. They assess for fault and make findings in relation to maladministration of process and subsequent injustice to the customer. The Council is required by law to cooperate with the Ombudsman's investigations and provide the requested information within given timeframes. The Customer Relations Manager acts as the LGSCO Link Officer and coordinates all communication between the LGSCO and the Council.
- 6.2 There was a generally a decline in numbers of LGSCO complaints received in 2018-19, and this has continued into the first half of 2019-20 (Appendix 2 – table 9).

- 6.3 18% of LGSCO complaints were upheld over 2017-18; this compares to 30% across 2018-19 and 53% across quarters 1 and 2 of 2019-20, strongly suggesting an upward trend. However, neither the volume nor the percentage upheld are high numbers and reflects that while customers do not agree with the Council's decisions, scrutiny by the Ombudsman shows that we are generally following due policy and process. Several services are also beginning to aim to resolve complaints in line with Ombudsman remedies guidance prior to them reaching the Ombudsman, so we may see a future reduction in maladministration findings as a result (Appendix 2 – table 10).
- 6.4 All LGSCO final decisions can be viewed on the LGSCO website – [www.lgo.org.uk](http://www.lgo.org.uk)
- 6.5 The Council has been required to pay financial remedies totalling £6,250 to complainants as a result of recommendations made by the Ombudsman in quarters 1 and 2 2019-20 (Appendix 2).

## **7. Compliments**

- 7.1 Capturing compliments is important for the Council, as they serve to acknowledge provision of excellent service, enable staff to be recognised and the Council to build upon good practice.
- 7.2 Due to reduced capacity within Customer Relations it has not been possible to log all quarter 2 compliments received in time to include within this report. Table 13 in appendix 2 therefore represents those compliments received in quarter 1, and the quarter 2 information will be included within the next report.
- 7.3 The number of compliments recorded in quarter 1 is higher than in each of the quarters in 2018-19, which is encouraging.

## **8. MP Enquiries**

- 8.1 The number of MP Enquiries reduced quarter on quarter throughout 2018-19 and remains low in 2019-20 (Appendix 2 – table 14).
- 8.2 All MP Enquiries should be responded to within 20 working days of receipt. MP Enquiry response performance remained fairly static throughout 2018-19 and continues to do so in 2019-20, although several services require improvement (Appendix 2 – table 11).

## **9. Representations**

- 9.1 A representation is a comment or concern that is not intended or eligible to be a formal complaint but requires a formal response.
- 9.2 Whilst the lowest number of representations received in the last 3 years was recorded in quarter 4 2018-19, at only 22, the number of representations has increased in 2019-20. (Appendix 2 – table 15).
- 9.3 All Representations should be responded to within 20 working days of receipt. Representation response performance has improved in 2019-20, within most services achieving over 80% of responses in time. It is hoped that this can be maintained. (Appendix 2 – table 12).

Helen Wyatt  
Customer Relations Manager

## Appendix 1

Table 1

<b>Customer feedback 2019-20</b>	<b>Q1</b>	<b>Q2</b>	<b>YTD</b>
Complaints - local	305	354	<b>659</b>
Complaints - escalated	32	32	<b>64</b>
Complaints - Ombudsman	12	5	<b>17</b>
Compliments	328	*	<b>328</b>
MP Enquiries	100	105	<b>205</b>
Representations	52	53	<b>105</b>
<b>Total</b>	<b>829</b>	<b>549</b>	<b>1378</b>

Table 2

<b>Stage 1 complaints received 2019-20</b>	<b>Q1</b>	<b>Q2</b>	<b>YTD</b>
Children's Services	94	99	193
Adult Care & Health	39	49	88
CoPHEP	16	17	33
County Solicitors	3	4	7
Digital Transformation & Business Support	7	8	15
Highways, Infrastructure Development and Waste	146	177	323
<b>Grand Total</b>	<b>305</b>	<b>354</b>	<b>659</b>

Table 3

	<b>Q1</b>		<b>Q2</b>	
	<b>No. responded to</b>	<b>% in time</b>	<b>No. responded to</b>	<b>% in time</b>
<b>Stage 1 complaint response times 2019-20</b>				
Children's Services	74	57%	77	60%
Adult Care & Health	39	49%	31	68%
CoPHEP	19	100%	17	94%
County Solicitors	3	100%	1	100%
Digital Transformation & Business Support	5	100%	7	71%
Highways, Infrastructure Development and Waste	146	69%	158	83%
<b>Grand Total</b>	<b>286</b>	<b>66%</b>	<b>291</b>	<b>76%</b>

Table 4

	Q1		Q2	
	No. Upheld	% Upheld	No. Upheld	% Upheld
<b>Stage 1 complaint outcomes 2019-20</b>				
Children's Services	34	46%	38	49%
Adult Care & Health	16	41%	12	39%
CoPHEP	9	47%	3	18%
County Solicitors	0	0%	0	0%
Digital Transformation & Business Support	2	40%	3	43%
Highways, Infrastructure Development and Waste	21	14%	13	8%
<b>Grand Total</b>	<b>82</b>	<b>29%</b>	<b>69</b>	<b>24%</b>

Table 5

		No. of issues	% Upheld
<b>Most common complaint issues &amp; % upheld 2019-20</b>			
Q1	Inappropriate action or service by team	62	35%
	Quality of service provided	59	29%
	Attitude/rudeness/inappropriate comments	37	43%
Q2	Quality of service provided	56	29%
	Attitude/rudeness/inappropriate comments	48	29%
	Inappropriate action or service by team	43	33%
YTD	Quality of service provided	115	33%
	Inappropriate action or service by team	105	30%
	Attitude/rudeness/inappropriate comments	85	35%

Table 6

<b>Stage 2 complaints received 2019-20</b>	Q1	Q2	YTD
Children's Services	13	14	27
CoPHEP	2	1	3
County Solicitors	1		1
Highways, Infrastructure Development and Waste	16	17	33
<b>Grand Total</b>	<b>32</b>	<b>32</b>	<b>64</b>

Table 7

	Q1		Q2	
	No. responded to	% in time	No. responded to	% in time
<b>Stage 2 complaint response times 2019-20</b>				
Children's Services	11	45%	10	80%
CoPHEP	4	25%	1	100%
County Solicitors	2	100%		n/a
Digital Transformation & Business Support	1	100%		n/a
Highways, Infrastructure Development and Waste	10	70%	19	79%
<b>Grand Total</b>	<b>28</b>	<b>57%</b>	<b>30</b>	<b>80%</b>

Table 8

	Q1		Q2	
	No. responded to	% Upheld	No. responded to	% Upheld
<b>Stage 2 complaint outcomes 2019-20</b>				
Children's Services	11	64%	10	40%
CoPHEP	4	75%	1	0%
County Solicitors	2	0%	0	n/a
Digital Transformation & Business Support	1	100%	0	n/a
Highways, Infrastructure Development and Waste	10	40%	19	21%
<b>Grand Total</b>	<b>28</b>	<b>54%</b>	<b>30</b>	<b>27%</b>

Table 9

<b>LGSCO complaints received 2019-20</b>	Q1	Q2	YTD
Adult Care & Health	9	2	11
Children's Services	2	2	4
Highways, Infrastructure Development and Waste	1	1	2
<b>Grand Total</b>	<b>12</b>	<b>5</b>	<b>17</b>

Table 10

<b>LGSCO complaint outcome 2019-20</b>	Q1	Q2	YTD
Closed after initial enquiries - No further action	2		2
Not upheld - no maladministration or injustice	2	3	5
Upheld - Maladministration and injustice	2	6	8
<b>Grand Total</b>	<b>6</b>	<b>9</b>	<b>15</b>

Table 11

	Q1		Q2	
	No. responded to	% in time	No. responded to	% in time
<b>MP Enquiry response times 2019-20</b>				
Adult Care & Health	18	78%	17	59%
Children's Services	30	70%	26	77%
CoPHEP	13	69%	10	100%
County Solicitors	1	100%	2	50%
Digital Transformation & Business Support		n/a	4	100%
Highways, Infrastructure Development and Waste	49	86%	48	71%
<b>Grand Total</b>	<b>111</b>	<b>78%</b>	<b>107</b>	<b>74%</b>

Table 12

	Q1 Total		Q2 Total	
	No. responded to	% in time	No. responded to	% in time
<b>Representation response times 2019-20</b>				
Adult Care & Health	11	82%	10	90%
Children's Services	1	100%	2	100%
CoPHEP	14	100%	8	100%
County Solicitors	1	100%	2	100%
Digital Transformation & Business Support	7	86%	14	79%
Highways, Infrastructure Development and Waste	12	92%	8	88%
<b>Grand Total</b>	<b>46</b>	<b>91%</b>	<b>44</b>	<b>89%</b>

Table 13

<b>Compliments received 2019-10</b>	<b>Q1</b>
Adult Care & Health	98
Children's Services	34
CoPHEP	60
County Solicitors	40
Digital Transformation & Business Support	14
Finance Services	3
Highways, Infrastructure Development and Waste	79
<b>Grand Total</b>	<b>328</b>

Table 14

<b>MP Enquiries received 2019-20</b>	<b>Q1</b>	<b>Q2</b>	<b>YTD</b>
Adult Care & Health	20	17	37
Children's Services	25	29	54
CoPHEP	11	14	25
County Solicitors	2	1	3
Digital Transformation & Business Support	2	2	4
Highways, Infrastructure Development and Waste	48	57	105
<b>Grand Total</b>	<b>108</b>	<b>120</b>	<b>228</b>

Table 15

<b>Representations received 2019-20</b>	<b>Q1</b>	<b>Q2</b>	<b>YTD</b>
Adult Care & Health	11	11	22
Children's Services	3	4	7
CoPHEP	18	13	31
County Solicitors	2	2	4
Digital Transformation & Business Support	9	13	22
Highways, Infrastructure Development and Waste	12	12	24
<b>Grand Total</b>	<b>55</b>	<b>55</b>	<b>110</b>



## Appendix 2

### Local Government and Social Care Ombudsman Recommendations Complaints with Maladministration and Injustice Q1 & Q2 2019-20

LGSCO Ref	LGSCO Category	Complaint Summary	Final Decision Recommendations
18002322	Education & Children's Services	<p>Mrs X says her daughter, E, was out of full-time education for over 17 months. She says the Council failed to provide her with education or support during this period. She also complains the Council delayed issuing E's Education, Health and Care Plan, (EHC plan). She says the Council's fault caused E a significant injustice. The Council is at fault. It delayed beginning E's EHC plan assessment. It failed to provide full-time or sufficient education for E while out of school and failed to draft a plan that clearly set out the provision it considered E needed. It should apologise, review its processes and make a payment to Mrs X</p>	<p>Within one month of my final decision, the Council should:</p> <p>a) apologise to Mrs X and (if Mrs X feels it is appropriate, to E), for;</p> <ul style="list-style-type: none"> <li>• failing to provide E with a full-time education and support in line with its statutory duty between January 2017 and June 2017; and</li> <li>• failing to act on professionals advice to begin the process of considering whether an EHC assessment was appropriate or not, within the mandatory statutory framework.</li> </ul> <p>b) pay Mrs X £5000 to contribute towards the cost of tuition and educational materials provided by Mrs X between November 2016 and June 2017 and between October 2017 and July 2018.</p> <p>c) pay Mrs X £500 to acknowledge the unnecessary distress Mrs X was put through in preparing to appeal the Council's late final EHCP.</p> <p>d) pay Mrs X £200 to acknowledge the time and trouble bringing this complaint caused.</p> <p>119. Within two months of my final decision, the Council should:</p>

			<ul style="list-style-type: none"> <li>• Review its approach to handling cases of authorised absence, to ensure cases are not allowed to drift without effective decision making to ensure full-time education is provided in line with statutory duty. It should provide evidence to the Ombudsman that it has done this.</li> </ul>
18 013 826_	_Education & Children's Services	Mrs M's daughter, G, has been unable to attend school since 2017. The Council failed to assess her needs, plan her provision and monitor her progress when it became responsible for her education. The Council has also delayed issuing her Education, Health and Care Plan.	Once final arrangements for G's education are in place, if her EHC Plan contains any specific provision or therapy which could have been made available sooner if the Council had met the 20 week deadline, I recommended the Council considers what action it can take to help G catch up. I would ask the Council to update me on its plans within one month of my final decision. The Council accepted my recommendations.
_18013968	Education & Children's Services	Ms X complains of fault in the way the Council dealt with her when assessing her sons' needs. The Council has been at fault in the way it has communicated with her and this has caused Ms X avoidable anxiety. The Council has already apologised for its communication failures, and it will also pay Ms X £750 and remind staff that parental consent is required for assessments of children unless there is a good reason not to seek consent.	The Council apologised to Ms X for its communication failures before our findings. I welcome that. I also welcome its offer to explain any unresolved issues about the assessment process that Mrs X has at this late stage. I am also reassured by its confirmation that it has reviewed the way it deals with incoming correspondence. However, within a month of the final decision, it will also remind all staff carrying out assessments that they must seek parental consent before starting an assessment unless there are good reasons

			that lead to them having to override this. To remedy the personal injustice to Ms X, the Council will, within a month of the final decision, pay her £750, made up of £500 for her avoidable anxiety over a period of more than 18 months and £250 for her time and trouble in pursuing her complaint.
18011832	Adult Care Services	The Ombudsman upholds Mr X's complaint about the way a care package for his wife, Mrs X, was ended. The care provider did not follow the correct process to end its involvement and as a result Mrs X was left without care for two weeks. In addition, there were times care was late or calls were short. The Council agreed to apologise to Mr and Mrs X and pay them in recognition of the distress this caused. It will issue a reminder to care providers about the correct way to end their involvement with a service user. It will also advise them on what to do if they are having difficulties delivering the agreed package of care.	When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although I found fault with the actions of the care provider, I have made recommendations to the Council. 38. Within one month of this decision, to remedy the injustice caused by the faults identified, the Council has agreed to: <ul style="list-style-type: none"> <li>• apologise to Mr and Mrs X; and</li> <li>• pay them £300 in recognition of the pressure put on them by the lack of care both during the delivery of the care package and in the two weeks before the new provider started.</li> </ul> Within one month of this decision, the Council will also: <ul style="list-style-type: none"> <li>• remind all care providers it contracts with about the correct process for terminating and transferring a care package.</li> <li>• advise all care providers it contracts with what they should do in the event a service</li> </ul>

			user or their carer is routinely declining care.
18017567	Adult Care Services	Mr X complains the Council expects him to pay a financial contribution towards his care. He also says it failed to support him properly while he was in a temporary care placement and has not properly considered his requests to move from his current flat. The Ombudsman found there was fault when a care provider commissioned by the Council withdrew an offer of care for Mr X at very short notice. This partially interrupted his care package for around 10 days. There was no fault in how the Council conducted a financial assessment of Mr X or in its involvement in his ongoing housing arrangements.	By 6 October 2019, the Council has agreed to: <ul style="list-style-type: none"> <li>• Apologise to Mr X for the difficulties he encountered when he first moved to the temporary accommodation. If Mr X would prefer this to be made in person or by telephone, rather than in writing, the Council should make a reasonable adjustment accordingly.</li> <li>• If it has not already done so, carry out a review of what went wrong with Care Provider A's arrangements in this case and explain what action has or will be taken to prevent a reoccurrence.</li> </ul>
18017650	Highways & Transport	Mr C complains the Council failed to take measures to prevent traffic issues caused by a road closure in 2018 and did not handle his complaint correctly. The Ombudsman has found evidence of fault in the Council's complaints handling. He has upheld the complaint and completed the investigation because the Council agrees to apologise to Mr C for its errors.	To remedy the injustice caused to Mr C the Council has agreed with my recommendation to send Mr C a letter of apology for the fault I have identified. The Council should issue that letter within four weeks of this case closing.