

Customer Feedback

Report of the Director of Transformation and Business Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee be asked to:

- (a) Note the content of the report

2) Introduction

This report is intended to provide an overview of customer complaints received during this reporting year to date; namely 1 April to 31 December 2023.

Please note that the Council is obliged to run three separate complaint procedures due to the legislation that is in place for Children's and Adult Social Care complaints. All other complaints are handled under the Council's corporate complaint procedure. Please note that where Stage 2 & 3 are referenced within this report, this only applies to Children's Social Care.

More information about these procedures and the underlying Legislation can be found here: [Customer Relations - Home \(sharepoint.com\)](#)

In addition, the Ombudsman has introduced a new [complaint handling code](#) which will apply to complaints about all corporate services. This is not mandatory however the Customer Relations Manager will be considering which areas of the Code could be adopted by the Council in order to make a recommendation to SLT and any relevant Committees.

There are no specific financial, legal, environmental impact or equality considerations in relation to this report.

3) Main Body

Complaints - Stage 1/Local complaints

The table below summarises the number of complaints received across all Directorates in this reporting period.

Complaints received 23-24	Q1	Q2	Q3	Q4	YTD
Children's Social Care	87	91	81		259
Adult Social Care	40	57	31		128
Climate Change, Environment & Transport	229	217	166		612
Public Health, Communities & Prosperity	14	7	2		23
County Solicitors	6	9	3		18
Education and Learning	85	62	57		204
Transformation & Business Services	8	18	5		31
Grand Total	469	461	345		1275

It is clear to see that there has been a drop in the number of complaints received in Q3 for all Directorates compared to previous quarters; this could be because of services improving or other more negative factors such as customers being unsure how to raise a complaint. It is therefore not possible at this stage to attribute this drop to any particular factor.

The table below summarises the number of complaints responded to within the reporting period and the percentage partially or fully upheld for each Directorate.

Complaint outcomes 2023-24	Q1		Q2		Q3		Q4		YTD	
	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld	Total Outcomes	%Upheld/Partially Upheld
Adult Social Care	41	34%	41	37%	31	6%			113	27%
Children's Social Care	57	51%	76	46%	48	41%			181	46%
Climate Change, Environment & Transport	165	5%	251	4%	167	6%			583	5%
Public Health, Communities & Prosperity	19	32%	8	0%	2	0%			29	21%
County Solicitors	3	33%	8	63%	2	0%			13	46%
Education and Learning	71	62%	80	40%	66	48%			217	50%
Transformation & Business Services	5	40%	11	36%	13	31%			29	34%
Total	361	29%	475	21%	329	21%			1165	24%

The number of complaints upheld remains low across the whole Council however Adult Social Care, Children's Social Care and Education and Learning tend to see a higher percentage of upheld complaints.

The table below summarises the response times for complaints across each Directorate. Children's Social Care complaints have timescales for response at each Stage set down in legislation, and all other complaints should be responded to within 20 working days of receipt, in line with the Council's Adult Social Care and corporate complaint processes. This can however be extended where there is a legitimate reason to do so, and therefore it should be possible for most complaints to be responded to within time.

Complaint Response Times 2023-24	Q1		Q2		Q3		Total	
	No. Responded to	% in time	No. Responded to	% in time	No. Responded to	% in time	No. Responded to	% in time
Children's Social Care	57	25%	76	49%	47	49%	180	41%
Adult Social Care	41	41%	41	59%	33	36%	115	46%
Climate Change, Environment & Transport	168	80%	260	82%	174	80%	602	81%
Public Health, Communities & Prosperity	20	85%	8	50%	2	100%	30	77%
County Solicitors	3	33%	9	78%	2	50%	14	64%
Education and Learning	73	52%	80	55%	68	71%	221	59%
Transformation & Business Services	5	60%	11	73%	13	100%	29	83%
Total	367	61%	485	69%	339	71%	1191	67%

There is a very gradual improvement in response times across the whole Council this reporting year, which is pleasing to see, although performance is variable within the Directorates.

Please see Appendix 1 for a summary document showing the outcome of a dip sample of Children's Social Care upheld complaints concluded at Stage 1 and Stage 2 in Quarter 3, undertaken by the Customer Relations Manager, Head of Service for QARSS and Principal Social Worker, collated under the seven Pillars of Practice in line with the way in which the service assesses the quality of practice through their auditing activity.

Similar work has not yet been undertaken for other services however the Customer Relations Manager is considering how this could effectively be achieved with the large volume of complaints received.

Complaints – Stage 2 & 3

Where a complaint is not resolved to the complainant's satisfaction at Stage 1 under the Children's Social Care statutory complaint procedure, the complainant has the right to request investigation of the complaint at Stage 2. It is not possible to prevent this from happening even if the complaint has been fully upheld at Stage 1. Consideration of complaints at Stage 2 is achieved through an investigation conducted by an external investigating officer and an independent person. Each Stage 2 costs on average £3,500, along with staff time in administering the process, being interviewed as part of the investigation, providing requested documentation to the investigator, and Head of Service time in adjudicating the Stage 2 on completion of the investigation. It is therefore important that as many Children's Social Care complaints as possible are resolved to the complainant's satisfaction at Stage 1.

There were a significant number of Stage 2 requests received in 2022-23, which has reduced in 2023-24 and continues to remain at a much lower level each quarter to date. There have been less requests received, but in addition Service Managers are being asked

to attempt to resolve any outstanding issues to the complainant's satisfaction before they escalate to Stage 2.

Stage 2 complaint trends

	Q1	Q2	Q3	Q4
16/17	17	5	6	5
17/18	9	7	7	19
18/19	13	13	8	5
19/20	9	10	11	10
20/21	2	2	3	7
21/22	6	11	10	11
22/23	16	11	8	13
23/24	5	5	6	

There have been 34 Stage 2 complaint investigations concluded in 2023-24 to date. One was not upheld, 28 were partially upheld, five were fully upheld.

A Stage 3 Review Panel Hearing (RPH) is the last Stage of the Council's complaints procedure for Children's Social Care. The Panel is made up of three independent people, and their role is to look at the adequacy of the Stage 2 investigation and make further recommendations if required.

There was one RPH held in Quarter 1, one in Quarter 2 and none in Quarter 3 of 2023-24.

Complaints - LGSCO

The Local Government and Social Care Ombudsman (LGSCO) investigates 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 Ombudsman is the final stage following the completion of the Council's relevant complaints process. 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.

You can view the published LGSCO data for Devon and all other councils the LGSCO investigates here: [Devon County Council - Local Government and Social Care Ombudsman](#)

The table below shows the number of LGSCO complaints received in the reporting period. While Education and Learning have seen a reduction in the number of LGSCO complaints received in Q3 compared to the two previous quarters, there has been an increase in those received about Children's Social Care. Most of the complaints received about Children's Social Care in Q3 however were quickly closed by the LGSCO, stating that they couldn't or wouldn't investigate for various reasons. An increase in complaints received is therefore not particularly meaningful on its own, as it may just indicate that we are good at signposting customers to the LGSCO.

LGSCO complaints received 2023-24	Q1	Q2	Q3	Q4	YTD
Children's Social Care	2	3	10		15
Adult Social Care	6	4	12		22
Education & Learning	15	22	9		46
Climate Change, Environment & Transport	9	12	9		30
Transformation & Business Services	3	1	2		6
Communities, Public Health, Environment & Prosperity	1	1	1		3
Legal & Democratic Services	2	1			3
Finance & Public Value					
Total	38	44	43		125

The table below summarises the LGSCO outcomes by Directorate for each quarter.

LGSCO Outcomes 2023-24	Q1							Q2							Q3							Total						
	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Q1 Total	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Q2 Total	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Q3 Total	Closed after initial enquiries - No further action	Closed after initial enquiries - out of jurisdiction	Not upheld - no fault or injustice	Upheld - Fault and injustice	Upheld - Fault but no injustice	% Upheld	Grand Total
Children's Social Care	2		1	1		25%	4	1	1					4	4	2		1	2	14%	7	7	3	1	4	27%	15	
Adult Social Care									1	2		67%	3	1	1	2			50%	4	1	2	4	2	4	57%	7	
Education & Learning	2	1	11	1		73%	15	1		1	10	83%	12	3	2	14			74%	19	6	2	2	35	1	76%	46	
Climate Change, Environment & Transport	7					0%	7	6	2	1	1	10%	10	6	3	3			0%	12	19	5	4	1		3%	29	
Transformation & Business Services	3		2	1		17%	6	1			1	50%	2	1		1			50%	2	5	2	3			30%	10	
Communities, Public Health, Environment & Prosperity		1				0%	1	1				0%	1		1				0%	1	1	1	1			0%	3	
Legal & Democratic Services		1	1			0%	2	1				0%	1						0%	1	1	1	1			0%	3	
Finance & Public Value																						1	1	1			0%	3
Total	14	2	5	13	1	37%	35	11	3	3	16	48%	33	15	7	5	18	0	40%	45	40	12	13	47	1	42%	113	

It is positive to see that our uphold rate to date in this reporting year is just 42%, compared to 74% in 2022-23. While this may increase during the final quarter of the reporting year, it is currently almost half the uphold rate for similar Authorities in 2022-23. Having a lower uphold rate suggests that our operational work is generally good, as the LGSCO will usually only uphold a complaint if we have not acted in line with law, or our published policies and processes.

The LGSCO indicate that Devon's uphold rate in 2022-23 (74%) is lower than other similar authorities (80%) – it should be noted that while it is positive that our uphold rate is lower, the LGSCO consider all Local Authorities to be “similar” when making this comparison so this figure could be misleading. When compared to other Local Authorities with a similar size population, Devon's uphold rate sits a little lower than halfway. Our uphold rates are therefore roughly on par with other similar Local Authorities.

As a result of the 47 upheld complaints to date in 2023-24, the LGSCO made 122 recommendations.

Over half of the recommendations to date involved the payment of a financial remedy to the customer, totalling £36,013. Most of the financial remedies relate to delays in EHCPs or alternative provision. This is not surprising, given the position of Education services at the current time and the improvement work ongoing. It is anticipated that the financial remedy payments will start to reduce as the improvement work is further implemented. Most of the remaining recommendations related to providing training or guidance to staff, and to review operational policy or procedure to ensure that it was in line with law or best practice.

4) Strategic Plan

The handling of customer feedback in an efficient and timely way aligns with the following Strategic Plan priorities:

Be ambitious for children and young people – by ensuring that they can have their say through a formal framework which is responded to by senior managers.

Improve health and wellbeing – providing managers with greater intelligence about where services are not working well or as intended, particularly in relation to social care.

5) Summary

We recommend accepting this report for publishing in the public domain in compliance with policy, in public interest, and to fulfil statutory obligations.

Name

Matthew Jones - Director of Transformation and Business Services

Electoral Divisions: All

Local Government Act 1972: List of background papers

Nil

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Appendix 1 - Complaint Themes from Q3 (Children's Social Care)

Quality of Responses:

Overall there were demonstrable efforts by the complaint responder to speak with or meet with the complainant to discuss the details of their complaint prior to providing a written response. This shows a commitment to relational practice and an opportunity for the complainant to feel heard and be able to share their experiences with the service and supports a co-working approach to resolve complaints together with the complainant.

Some complaint responses did not provide definitive answers and could leave the door open for further complaints and correspondence about particular issues that were raised. For example, one complainant was not sent a copy of their assessment. Rather than sending a copy of the assessment the response advised that if the complainant still wanted a copy of their assessment, they could respond confirming this position and then one would be shared. This was an unnecessary task for the complainant to complete when a copy of the assessment should have been shared as per their request.

There continue to be some grammatical and spelling errors within complaint responses despite proof reading from the Customer Relations Team prior to responses being sent back to the complainant.

Whilst not always a specific issue in complaints that are made to the service, the turnover of practitioners often makes responding to complaints more difficult and where the opportunity for clear and thorough "handovers" between outgoing and incoming practitioners were missed, this created a missed opportunity for information to be shared and created difficulties in understanding certain aspects of our practice with children and families. This was compounded by missing recording from the outgoing social worker. All of this contributes to the quality of the response that we were able to provide to the complainant.

Complaint Themes:

In Q3 there were 39 responses in total to both Stage 1 and Stage 2 complaints. The Customer Relations Manager, Head of Service for QARSS and Principal Social Worker undertook a dip sample of 30% (11) of these responses where complaints were upheld, including both Stage 1 and Stage 2 complaint responses and a response written to a young person who had complained.

The themes that were found in the dip sample cohort have been collated under each of the Seven Pillars of Practice in line with the way in which we assess the quality of our practice through our auditing activity.



Purposeful Visits

- In 1 complaint response (9%) it was found that the child's neurodiversity was not fully considered in the work with the child. A clear timescale was set for them to know the next steps for them, and when this timescale was not met it caused the child considerable distress. Understanding the importance of giving clear timescales but not making promises that we may not achieve is important, particularly when a child's neurodiversity may mean that they hold onto timescales that are of significant importance to them. This however is relevant for all children and not just those that are neurodiverse.
- In 2 complaint responses (18%), concerns about practitioner conduct were upheld.

Assessments

- Inaccuracies in our Reports or Assessments were raised within 27% of complaints (3/11).
- Assessment Quality was raised in 1 complaint (9%)

Planning

- In 1 complaint (9%) CIN planning had continued without Parenting Consent
- In 2 complaints (18%) the child was placed outside of a clear legal framework.
- In 1 complaint (9%) Safety Planning had been completed but it was deemed to be inappropriate to mitigate the identified risks as the emphasis was on the child having to keep themselves safe by removing themselves from risky situations.
- In 1 complaint (9%) the minutes from a CIN Planning Meeting had not been received.

Voice of the Child

- In 1 complaint response it was felt that the overall communication with the child was poor (9%)
- In 1 complaint response (9%) it was felt that the overall work with the child was poor in that visits and an ABE interview were undertaken without the knowledge of the child's parents and the child did not understand the process or what was happening, and the parents were unable to support. The social worker had also text the child their contact details but the child did not wish to receive them. The child had been upset by this.

Partnership Working

- In 1 complaint (9%) response it was acknowledged that the parent had not been provided with contact details for anyone other than the social worker whom they were able to contact in the social worker's absence.
- In 4 complaint (36%) responses it was felt that there had been poor communication with the parents.
- In 2 complaint (18%) responses the Social Worker leaving the service had contributed to difficulties in parents being offered responses to their concerns/questions.
- In 1 complaint response (9%) 3rd party information was shared with the family that we were working with about another family. For this family, this did not instill confidence in our service and the family were worried that we would share their information with others.
- In 2 complaint responses (18%) we had shared information about the family that we were working with to a 3rd Party enabling the 3rd party to identify the family that we were working with.

Recording

- In 2 complaint responses (18%) it was identified that there were gaps in recording.

Management Oversight

No complaints featured concerns relating to Management Oversight and Supervision.