

Meeting	OLC Board Meeting	Agenda Item No.	10
		Paper No.	99.8
Date of meeting	24 October 2019	Time required	10 Minutes

Title	Service Complaint Adjudicator's Interim Report
Sponsor	Claire Evans
Status	OFFICIAL
To be communicated to:	Members and those in attendance

Executive summary
<p>This paper provides the Board with the Service Complaint Adjudicator's interim report for 2019/20 and sets out the outcome of the complaints that have been considered so far this business year.</p> <p>The report highlights an increase in the number of Stage 3 complaints seen by the Service Complaint Adjudicator and covers the findings and recommendations made for the period covered.</p> <p>In reading the report, the Board's attention is drawn to the following context:</p> <ul style="list-style-type: none"> • The stage 3 complaints referred to in the report are largely 2017 and 2018 matters and therefore reflect the challenges at that time. • At the end of Q1 (June 2019) the process for dealing with Service Complaints was improved, including the appointment of a Senior Ombudsman to drive speed of resolution and improved learning into LeO's wider quality agenda. The Adjudicator refers to the impact of this on her workload in the report. <p>A summary of the service complaints received at each stage over the last four years can be found in Annex A and a summary of service improvement recommendations can be found in Annex B.</p>
Recommendation/action required
Board is asked to note the report.

Service Complaint Adjudicator's Report

1. This report sets out the outcome of the service complaints I have considered so far this business year.

2019-2020 service complaint workload

2. I considered 15 complaints about LeO's service so far this business year, including 118 individual issues of complaint that were within my remit.

3. I supported 19 individual issues of complaint (16%) in 7 cases I looked at. That is an increase of 2.5% on the year end position last year (13.5%). The reason for that has been the increase in justified complaints about delays and the way those have been managed.

4. This year has seen a significant increase in the number of Stage 3 complaints being referred to me. I have received 22 complaints so far this business year (I received eight new service complaints in September alone). Part of the reason for that is the number of Stage 2 complaints that have been considered (as opposed to be being received) during this period (37). However, I also get the sense that people are deeply dissatisfied because of the delays they have experienced coupled with receiving a decision that has not been what they hoped for.

5. A breakdown of the service complaints I have seen are set out in annex A.

Areas for service improvement

6. I have made 7 recommendations for service improvement and I am pleased to report on the action LeO have taken in response to my recommendations at annex B to this report.

Overall impression

7. As in previous years the majority of complaints are resolved at the first two stages of the complaints process and do not come to me. While I have not upheld the full decision made in 7 of the cases I have seen, overall the decisions and explanations provided at the first two stages of the complaints process are appropriate.

8. I am pleased that where I have had concerns about the service provided that LeO have apologised for that and have agreed to the remedies I recommended. I am also very pleased that LeO have continued to be receptive to the service improvements I have suggested and have taken or are taking those forward.

Claire Evans
Service Complaint Adjudicator

2019-20 service complaint workload

1. The table below provides information about the number of service complaints received at each stage over the last four years, including the first six months of this business year.

Year	Number of complaints Stage 1	Number of complaints Stage 2	Percentage Stage 1 to 2	Number of complaints Stage 3	Percentage Stage 2 to 3
2015/16	98	33	34%	12	36%
2016/17	118	51	43%	21	41%
2017/18	129	42	32.5%	20	47.5%
2018/19	183	45	24.5%	28	62%
2019/20	91	20	22%	22	110%*

*This is because while 20 complaints have been received at Stage 2, 37 cases have been considered during this period.

2. Work has been taken forward this year to identify the reason for the increased number of Stage 1 service complaints. As I have suggested above, one reason for that is because people are very unhappy about the delays they have experienced and that, coupled with receiving decisions that were not what they had hoped for, has led to increased levels of dissatisfaction.

3. It also seems that since the introduction of the Customer Experience Specialist (who undertakes Stage 1 service complaint investigations) that less work had been done to resolve complaints locally before commencing the formal service complaints process. In the light of that LeO have encouraged relevant staff members to take action (as envisaged under the service complaints process) to informally resolve concerns at the outset. It will be interesting to see if this has an impact going forward.

4. As I set out above I have continued to see a significant increase in the number of Stage 3 complaints being referred to me. I have received 22 complaints so far this year. That is the largest number that has ever been received in a six month period previously. It seems to me that the reason for that is because of the significant number of complaints that have closed at Stage 2 during this period (37), coupled with the dissatisfaction caused by delays.

5. I would caution against anticipating a reduction in the number of service complaints this business year. As LeO makes progress in closing more cases it is likely they will generate more service complaints. That is because many of them will have been subject to lengthy delays, which has understandably led to dissatisfaction in the service.

6. As I set out above, the 15 service complaints I considered raised in total 118 individual issues of complaint about LeO that were within my remit. I supported 19 individual issues of complaint (16%) in 7 cases I looked at. That is higher than last year, which was 13.5%. However, it is worth keeping in mind that I did not support 84% of the individual issues of complaint that were put to me.

7. On the whole I have again been satisfied with the consideration of complaints earlier in the service complaints process. I also wanted to particularly report that I have seen an improvement in the Stage 2 investigation and complaint responses issued so far this business year. Those should improve further in the second half of the business year as LeO embeds contacting complainants to discuss and clarify their outstanding service concerns as part of the Stage 2 complaint investigation.

Service issues:

8. I have upheld the following complaints where LeO's service could have been better and an appropriate remedy for that had not been offered earlier in the complaints process:

Service Complaint Area	Number of upheld complaints
Delay and failure to update and manage expectations	8
Service complaints process	1
Content of service complaint response	4
Attention to detail	2
Issues with communication with the parties	3
Miscellaneous	1
TOTAL	19

9. I wanted to draw your attention to the number of cases so far this year where delays have been an issue. Some of those are not reflected in the numbers of upheld complaints at Stage 3 because LeO had already appropriately apologised for and remedied the complaint before it had been referred to me.

10. I have been particularly disappointed to see lengthy delays in complaints being allocated to an investigator. It remains the case that in the cases I have seen so far this year that the customer's expectations have not always been managed well and they have not always been regularly updated. However, against that, I recognise that the cases I have reviewed this business year related in the main to delays in allocation that occurred during 2017 and 2018.

Redress:

11. During this business year I have made the following recommendations for redress: Chief Ombudsman apologies for the service issues I have identified; compensation of £450 related to four cases; and for a decision to be issued again with the correct costs information so that could be considered by the parties. Overall, I have been generally content with LeO's approach to redress.

LeO have either agreed to the following changes in service or reminded staff about policies and procedures already in place. The recommendations for service improvement do not necessarily link with complaints I have supported but are separate issues I have noted as part of my review.

Recommendations for service improvement	LeO's actions following recommendation
To remind investigators of the importance of explaining why the additional evidence they have received (following the case decision) has not persuaded them to change their minds.	LeO have taken action to remind Team Leaders and Ombudsmen about this, who have reinforced this message in team meetings. This will also be included in the Quality Assessment Framework and so can be monitored going forward.
To remind Team Leaders of the importance of ensuring an easy transition between investigators, including notifying the relevant parties to the complaints they are considering.	LeO have put a new process in place to manage the transition from one investigator to another. This includes reviewing an Investigator's case load as soon as they notify LeO that they are leaving and reallocating as a priority cases that will not be completed before their departure.
To remind staff of the importance of considering individual communication preferences and noting the case file so this is clear to all users.	LeO have issued a reminder to all staff about this issue, with a specific reminder being issued to the Ombudsmen Team for them to not only check an individual's communication preferences but also for any reasonable adjustments that are in place before a decision is issued.
To remind staff to check that their response to service complaints matches with the evidence on file.	LeO have issued a reminder to all service complaint handlers about this and provide guidance to Team Leaders on handling service complaints when they are allocated to them.
To ensure time limits for requesting information are tailored to the case and the level and complexity of information being requested.	LeO have a guidance note for staff on ' <i>Requesting information</i> ' which contains information about setting deadlines for requesting information and that those need to be tailored to the circumstances of the case. LeO have reminded investigators about the guidance contained in this guidance note.
To remind staff that service complaints should be confirmed with the complainant and, if doing so my email, set a deadline for that response.	LeO have taken this forward at Stage 1 of the service complaints process and going forward it will also be taken forward at Stage 2.

<p>To remind staff to be careful about the language used in explanations for compensation decisions for service complaints, in particular avoid saying LeO are a public body and must use its funding responsibly. Decisions should focus on:</p> <ul style="list-style-type: none"> ➤ has something gone wrong? ➤ has the service issue had a negative impact on the person? ➤ If so, what action should LeO take to remedy the impact and / or compensate for the impact? 	<p>LeO have adapted their approach to ensure that compensation decisions are based on the impact on the person.</p>
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