

Service Complaint Adjudicator's Report

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

2019-2020 service complaint workload

2. I considered 37 complaints about LeO's service this business year, involving 419 individual issues of complaint. I supported 56 individual issues of complaint (13.5%) in 21 of the cases I looked at. That is comparable with the year-end position last year and is an improvement on the mid-year point of 16%.

3. This year has seen a significant increase in the number of Stage 3 complaints being referred to me. I received 36 new Stage 3 service complaints in all. However, as we moved into the fourth quarter service complaint numbers began to fall and I received only 4 new service complaints in quarter 4. Part of the reason for that are the improvements in the Stage 2 complaint investigations and responses.

4. What has been disappointing this year is the number of cases where it has fallen to the service complaints process to rectify issues with the decision on the complaint about the service provider. However, I am reassured that the introduction of the Quality and Feedback Model should prevent a reoccurrence of these issues going forward.

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

Areas for service improvement

6. I have made 13 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 21 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 five years.

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	49	27%	28	57%
2019/20	164	51	31%	36	70.5%

2. Work was undertaken this year to identify the reason for the increased number of Stage 1 service complaints. One reason for that is no doubt 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 was being 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. This has had some impact with a reduction in the number of Stage 1 service complaints in the second half of the year from 91 to 73.

4. I would caution against anticipating a significant reduction in service complaints as LeO moves into the next financial year. That is because as LeO makes progress in closing more cases it is likely they will generate more service complaints. Many of those cases will have been subject to delays that will understandably lead to dissatisfaction in the service, which will only be heightened if the decision received is not what was expected.

5. As I set out above I have seen a significant increase in the number of Stage 3 complaints being referred to me. I received 36, and this is the largest number that has ever been received. It seems to me that the reason for that is because of the number of complaints that have closed at Stage 2 during this period (53), coupled with the dissatisfaction caused by delays and the quality of the Stage 2 complaint responses.

6. However, I am pleased to report that this year has seen a real turning point in terms of the Stage 2 investigation and complaint responses. As you know responsibility for service complaints passed to another Ombudsman not long before the mid-year point and I am pleased to report that this has brought about a noticeable improvement in the complaint investigation and responses. This is borne out by the reduction in the number of Stage 3 complaints in the last quarter, where I received only 4 new service complaints.

7. As I set out above, the 37 service complaints I considered raised in total 419 individual issues of complaint about LeO that were within my remit. I supported 56 individual issues of complaint (13.5%) in 21 cases I looked at. That is on the same lines as last year and is a reduction in 2.5% in the upheld rate at the mid-year point. It is worth keeping in mind that I did not support 86.5% of the individual issues of complaint that were put to me.

8. On the whole I have again been satisfied with the consideration of complaints earlier in the service complaints process.

Service issues:

9. 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	18
Issues with communication with the parties	12
Content of service complaint response	7
Attention to detail	5
Service issues that led to issues with the decision on the complaint about the service provider	5
Delay in recognising a SAR	2
Service complaints process	1
Miscellaneous	6
TOTAL	56

10. I wanted to draw your attention to the number of cases 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.

11. 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 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, 2018 and the beginning of 2019.

12. I also wanted to draw your attention to the issues I have seen this year that have led me to raise concerns about the decisions that have been reached on the service provider complaints. In particular, concerns about the summary of complaint not being properly understood. That has led to complaints being missed or misunderstood. It was disappointing to see that as an issue in four cases this year. That is particularly so, as it should not be the role of the service complaints

process to address a complainant's concern that their service provider complaint has been misunderstood. Those concerns should be appropriately addressed through the representation process.

13. Against that I recognise that with the introduction of the Quality and Feedback model this should not be an issue going forward. There is now rightly much more of a focus on the summary of complaint being clearly captured and understood at the outset of the investigation.

Redress:

14. During this business year I have recommended that the Chief Ombudsman apologises for the service issues I have identified in 21 cases and pays compensation of £1,375 related to eleven cases. In terms of the decisions on the complaints about the service provider I have recommended that:

- a decision be issued again with the correct costs information;
- an Ombudsman provides their view on missed issues of complaint (2 cases);
- a complainant be given a further opportunity to comment on a case decision; and
- issues not covered in the earlier investigation be included in a new investigation (2 cases).

15. I am pleased to report that LeO have accepted all my recommendations for redress. Overall, I have been generally content with LeO's approach to redress and that I have seen more of a focus in the second half of the year on considering redress in terms of the impact of the service issue.

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.
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>
<p>To let third parties know that their telephone calls with LeO are being recorded.</p>	<p>LeO have shared this learning with relevant staff.</p>
<p>To remind those undertaking service complaints about delay to focus both on what happened and what should have happened. The service issue being the difference between the two.</p>	<p>LeO have adapted their approach so that service complaints now calculate the period of delay from expected date of next action to the date of the action.</p>
<p>To remind staff of the importance of considering and responding to a complainant's concerns about the summary of their complaints.</p>	<p>LeO are confident that changes to the Quality and Feedback model should prevent a reoccurrence of the issues we have seen this year in terms of scoping the complaint.</p> <p>In addition, LeO are considering issuing a further reminder about how concerns about scoping should be addressed through the representation process.</p>
<p>To remind staff to ensure that in providing their initial views on a complaint that they provide their views on the whole complaint and not just parts of it.</p>	<p>LeO have addressed this via the Quality and Feedback model and investigators are now required to set out their findings against all the heads of complaint that have been agreed.</p>
<p>To revisit the guidance on Evidence Handling to ensure that it has kept pace with changes in the casework model. In particular, the explanation about when the evidence would be shared with the parties.</p>	<p>LeO have agreed that the guidance requires updating and are currently discussing relevant amendments to it.</p>

<p>To consider whether decisions to dismiss a complaint made by the General Enquiries Team should include information about the right to appeal that decision.</p>	<p>LeO are currently awaiting advice from their Legal Team about taking this recommendation forward.</p>
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