



**Joint Meeting of Corporate Issues Overview and Scrutiny Committee
and Overview and Scrutiny Management Board**

Date **Friday 25 November 2016**
Time **9.30 am**
Venue **Committee Room 2, County Hall, Durham**

Business

Part A

**Items during which the Press and Public are welcome to attend. Members
of the Public can ask questions with the Chairman's agreement.**

1. Apologies
2. Substitute Members
3. Minutes of the meetings held on:- (Pages 1 - 10)
27 September 2016
10 October 2016
4. Declarations of Interest, if any
5. Medium Term Financial Plan (7) Update (Pages 11 - 24)
Joint report of the Corporate Director Resources and Director of
Transformation and Partnerships
6. Report of the Council's use of powers under the Regulation of Investigatory
Powers Act 2000 - Quarter 2 2016/17 (Pages 25 - 28)
Report of the Head of Legal and Democratic Services
7. (Former) Children and Adults Services Statutory Representations Report
2015/16 (Pages 29 - 82)
Joint Report of the Interim Corporate Director, Children and Young People's
Services and the Interim Corporate Director, Adult and Health Services
8. Such other business as, in the opinion of the Chairman of the meeting, is of
sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
17 November 2016

To: **The Members of the Corporate Issues Overview and Scrutiny Committee**

Councillor J Lethbridge (Chairman)
Councillor K Henig (Vice-Chairman)

Councillors J Alvey, B Armstrong, J Armstrong, L Armstrong, H Bennett, G Bleasdale, J Carr, P Crathorne, J Hillary, E Huntington, N Martin, J Rowlandson, A Shield, P Stradling, L Taylor, A Turner, M Wilkes, S Wilson and R Young

Other Members:

Councillors E Adam, A Batey, R Bell, J Blakey, D Boyes, K Corrigan, R Crute, B Graham, A Hopgood, P Lawton, T Nearney, M Nicholls, C Potts, L Pounder, J Robinson, M Simmons, J Shuttleworth, W Stelling and J Turnbull

Parent Governor Representatives:

Mr R Patel

Faith Communities Representatives:

Mrs M Elliott

Contact: Lucy Gladders

Tel: 03000 269712

DURHAM COUNTY COUNCIL

CORPORATE ISSUES OVERVIEW AND SCRUTINY COMMITTEE

At a Special Joint Meeting of **Corporate Issues Overview and Scrutiny Committee and Overview and Scrutiny Management Board** held in Committee Room 2, County Hall, Durham on **Tuesday 27 September 2016 at 9.30 am**

Present:

Councillor J Lethbridge (Chairman)

Members of the Committee:

Councillors K Henig (Vice-Chairman), J Armstrong, G Bleasdale, J Hillary, N Martin, P Stradling, P Crathorne, B Graham, E Adam, J Alvey, A Hopgood, A Batey, R Bell, C Potts, J Turnbull, M Wilkes, S Wilson, B Armstrong, H Bennett and J Rowlandson

1 Apologies for Absence.

Apologies for absence were received from Councillors L Armstrong, J Carr, P Lawton, T Nearney, L Taylor and Mrs M Elliott, Co-optee.

2 Substitute Members.

There were no substitutes.

3 Declarations of Interest, if any.

There were no declarations of interest.

4 Scrutiny of the Medium Term Financial Plan (7) - Report of Director of Transformation and Partnerships.

The Committee considered a joint report of the Interim Director Corporate Resources and Director of Transformation and Partnerships which provided an update following the report which was considered by Cabinet on the Medium Term Financial Plan (7) (for copy see file of minutes).

The Head of Corporate Finance and HR provided an overview of the Executive Summary of the Cabinet report considered on 20 July advising Members that the MTFP going forward was now a 3 year plan and would be linked to the settlement received from Government. He advised that the council had achieved all savings to date, however future savings would become increasingly difficult to achieve.

It was reported that there was still a level of uncertainty regarding public finances although it had been stated by government that this further deterioration would not result in a change to the four year settlement provided to local authorities in February 2016. Further

uncertainty in relation to the European Referendum and government spending plans could also impact upon the public sector.

The Head of Corporate Finance and HR further provided details relating to the process of moving towards 100% Business Rate Retention from 50%. Work with colleagues at ANEC would be ongoing.

It was further reported that although the four year settlement from government remained unchanged the MTFP Model had been reviewed and savings of £64.1 million would be required to balance the budget over the 2017/18 to 2019/20 period. In 2017/18 – £29.1 million of savings would be required but in order to balance the budget £8.2m would be drawn from the budget support reserve. Further details of key adjustments following the review of the MTFP Model were detailed within paragraph 21 of the report.

The Head of Corporate Finance and HR referred members to page 12 of the report and provided an update regarding the savings forecast which were considered by Cabinet in September. Moving on he provided an overview of MTFP (7) advising that the additional savings required to balance the budget in 2017/18-2019/20 were a huge challenge for officers and services were currently identifying where those savings could be achieved.

In summary members were provided with details regarding the current AAP consultation exercise and it was noted that the December cabinet report would provide an overview of the response provided.

Councillor Wilkes commented that in March 2012 the council held £97.199m in reserves which had now risen to £234m. The Head of Corporate Finance advised that the increase in reserves could be attributed to a number of factors including the transfer of reserves from the Housing Revenue Account and underspends across services during that period of time often generated via the early realisation of MTFP savings. He added that the level of reserves held left the council in an enviable position which would allow consideration to be given to delaying savings until future years. In addition a proportion of the reserves would be held for the new headquarters.

Councillor Wilkes further commented that he was concerned that saving proposals identified scrapping open access youth clubs and suggested that this decision should be delayed as the cuts were unfair and unnecessary.

Councillor Armstrong commented that the percentage of youths accessing youth clubs across the county was low and the decision to cut this service had already been taken. He added that by achieving the savings in this area funds could be better directed to looking after the county's most vulnerable.

Councillor Hopgood stressed the need for the council to be open and transparent with regard to reserves. For example publicity had been given to the fact that the council had drawn £11m out of reserves to balance the budget, although no publicity was given regarding the addition of £17m to reserves, nor to the receipt of £23m following the closure of the Housing Revenue Account. The Head of Corporate Finance and HR advised that the level of reserves were anticipated to significantly reduce over the next five years. He further advised that details regarding the council's reserves position were reported to Cabinet on a quarterly basis as part of Forecast of Outturn reports.

Councillor R Bell referred Members to Appendix 3 of the report and in particular the choices which were given in the consultation exercise. He further asked whether the results of the public consultation were scrutinised by the Cabinet in order to avoid essential services or areas being cut.

In response the Head of Planning and Performance advised that the consultation exercise followed a well-established approach, providing a balanced view which could be weighed against other factors and advice regarding financial prudence and council priorities.

Further discussion and debate took place regarding the Pension Fund and Councillor Hillary asked whether the volume of staff who had left the authority put the council in danger of having more people drawing pension than those contributing. In response the Head of Corporate Finance and HR advised that an ERVR reserve was built into the MTFP to cover this eventuality. He further provided details regarding recent changes to workplace pensions and auto enrolment. It was noted that 60% of those staff who were not previously paying into a pension had opted to join the pension scheme as part of phase of of the auto enrolment exercise. In relation to phase two of the process a base budget pressure of £1.1m is included in the MTFP which would result in more employees were contributing to the fund.

Councillor Martin commented that he was disappointed that the committee had not received an updated MTFP position that reflected September Cabinet decisions. In addition he raised a query regarding changes to the MTFP Model following the split of the CAS service grouping.

In referring back to the point raised by Councillor Wilkes relating to cuts to youth services, Councillor Martin added that this along with other youth services such as the music service added an important cultural and social aspect to our communities and with such suggested that scrutiny make a plea to Cabinet to retain the music service.

In response to the issues raised, the Head of Corporate Finance and HR advised that an addendum providing an update could have been included within this report and would be noted for future meetings. Regarding changes to service groupings, revised financial reporting would be in place from 1 October 2016 and information would be seen in the revised format from Quarter 3 onwards. The MTFP report which would be considered by Cabinet in December would be based on the new structure.

Regarding issues relating to the music service, the Head of Corporate Finance and HR advised that the service was self-financing and as such no decision had been taken to withdraw. Regarding other youth services it was noted that many services had been offered to schools under SLA's. Councillor Martin added that there had been a lot of concern within this service and felt that this message needed to be better communicated to staff.

Councillor Adam raised a query regarding RPI increases in Business Rates and Top Up Grants and asked whether the assumption was too prudent. In response the Head of Corporate Finance advised that Business Rates increased each year, in line with the RPI. He advised that this was currently set at 1.5% however the December Cabinet report would provide calculations based upon the September figure. He further added that the council

was currently processing a number of appeals with approximately 20% of those being successful, with payment for up to 5 years having to be refunded.

Councillor Wilkes raised a query regarding Microsoft licences and asked why the cost had been increased in 2018/19. He further commented that it would be interesting to learn how much money was spent on software licences across the council. He made reference to practice adopted in Scandinavia where staff in public services used free open access software as opposed to Microsoft office. In response the Head of Corporate Finance and HR advised that the figure presented on page 24 of the report wasn't to do with volume of licences but was related to an expected price rise. ICT Services were carrying out a VFM review and with such this figure may be reduced. It was suggested that The Head of ICT Services be invited to attend a future meeting.

Further discussion took place regarding a recent Microsoft Office staff offer and it was noted that this was limited to 6000 staff at no cost to the council.

Councillor Graham further made reference to page 24 of the report and queried the costs associated with a medical examiner. In response the Head of Corporate Finance and HR advised that this related to changes in relation to the requirement for local authorities being given responsibility for the issuing of death certificates.

Discussion ensued regarding the timing of reporting to scrutiny and it was noted that an additional meeting could be scheduled to take place late November to provide Members with an opportunity to receive an updated position following receipt of the autumn statement. Councillor Hopgood commented that the meeting needed to be scheduled to allow sufficient time for parties to put forward comments.

Councillor Wilkes added that he wanted assurance that the comments of the committee were considered by Cabinet. Councillor Armstrong advised that all comments raised at the meeting including those relating to cuts to youth services would be taken forward to the relevant Portfolio holder.

Resolved:

That the July Cabinet report on the Medium Term Financial Plan (7), Council Plan, Service Plans 2017/18-2019/20 and Review of the Local Council Tax Reduction Scheme be received and the comments raised be forwarded to Cabinet for consideration.

DURHAM COUNTY COUNCIL

CORPORATE ISSUES OVERVIEW AND SCRUTINY COMMITTEE

At a Meeting of **Corporate Issues Overview and Scrutiny Committee** held in Committee Room 2, County Hall, Durham on **Monday 10 October 2016 at 9.30 am**

Present:

Councillor J Lethbridge (Chairman)

Members of the Committee:

Councillors J Alvey, B Armstrong, J Armstrong, G Bleasdale, J Carr, K Henig (Vice-Chairman), J Hillary, N Martin, J Rowlandson, L Taylor and R Young

1 Apologies.

Apologies for absence were received from Councillors L Armstrong, P Crathorne and A Shield.

2 Substitute Members.

There were no declarations of interest.

3 Minutes of the meeting held 11 July 2016

The minutes of the meeting held on 11 July 2016 were confirmed as a correct record and signed by the Chairman with the following amendment:-

Councillor K Henig (Vice-Chairman in Chair)

Apologies for absence from Councillor J Lethbridge.

Matters Arising

The Head of Planning and Performance advised that information regarding housing benefits as raised on page 1 of the minutes had now been circulated to the full committee.

With regard to page 4 of the minutes, item 8, the Head of Planning and Performance advised that an update on the CRM review group would be given under item 9 on the agenda.

4 Declarations of Interest, if any.

There were no declarations of interest.

5 Regulation of Investigatory Powers Act 2000 - Annual Review of the Council's use of powers and approval of RIPA Policy

The Committee considered two reports of the Head of Legal and Democratic Services, the first which informed members about the Council's use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the period 1 April 2015 to 31 March 2016 and the training undertaken by officers. The report further sought Members' approval of the Council's RIPA policy for the forthcoming year (for copy see file of minutes).

The second report provided detail relating to the Council's use of powers under the Act during the period 1 April 2016 to 30 June 2016 (Quarter 1) (for copy see file of minutes).

The Governance Solicitor advised that the Consumer Protection Manager had been invited to attend the meeting of the Committee in January 2017 to provide some further details regarding surveillance activity undertaken.

Resolved:

- (i) That the annual report on the Council's use of powers under RIPA be received.
- (ii) That the policy on the use of RIPA be approved.
- (iii) That the quarterly report on the Council's use of RIPA for the period 1 April 2016 to 30 June 2016 be noted and that the use of RIPA was being used consistently with the Council's policy and that the policy remained fit for purpose.

6 Quarter 1 - 2016/17 Performance Management Report

The Committee considered a report of the Director of Transformation and Partnerships which presented progress against the council's corporate basket of indicators (PIs), Council Plan and service plan actions and reported other performance issues for the first quarter of the 2016/17 financial year, covering the period April to June 2016 (for copy see file of minutes).

The Corporate Scrutiny & Performance Manager highlighted the key performance achievements for the quarter which included; council tax collection rates, income received from solar panel installations, telephone calls and customer access point footfall.

Key performance issues for the quarter included processing times for council tax reduction and housing benefit claims; average days sickness per full time equivalent, percentage of performance appraisals completed and percentage of FOI and EIR requests responded to within 20 days.

Councillor Armstrong added that he found the level of sickness absence continues to be too high, with almost half of employees accounting for 11 days+ of absence. In addition he added that he was concerned that not all appraisals were being completed on time and suggested that it would be useful to receive further information.

Resolved:

That the content of the report be noted.

7 Customer Feedback: Complaints Compliments and Suggestions 2016/17 - Quarter 1

The Committee considered a report of the Corporate Director of Regeneration and Local Services which presented the Customer Feedback: Complaints, Compliments and Suggestions report for 2016/17 Quarter 1 (for copy see file of minutes).

The Customer Relations, Policy and Performance Manager provided a summary of the report highlighting that during quarter 1, 504 complaints were received; 45 statutory complaints and 459 corporate complaints. Of the complaints handled during quarter 1, approximately half were upheld (partially or fully) and the Local Government Ombudsman delivered decisions into 21 matters, 5 of which were upheld.

She further reported that during the quarter 286 compliments, 88 suggestions and 64 comments on the council's policies and procedures were received.

Further details were then reported in relation to statutory complaints and it was noted that during the quarter, 45 had been received; 51% relating to Children's Services and 49% to Adult Care. A summary of the complaints received relating to those two service areas was provided and actions which had been put in place as a result of complaints received.

Moving on details were reported in relation to corporate complaints, noting that 459 corporate complaints were received during quarter 1. The main reasons for those complaints were; missed collections, staff behaviour, communication, response times and the condition of the local environment.

In conclusion the Customer Relations, Policy and Performance Manager reported upon Local Government Ombudsman activity advising that the LGO had delivered decisions into 21 complaints. Of the 21 received, 5 were upheld. She further advised that the LGO had written to the Chief Executive Officer on 21 July 2016 providing a summary of statistics on complaints made for the year ending 31 March 2016.

Councillor Bleasdale asked what action had been taken in light of complaints made regarding staff behaviour. In response the Customer Relations Policy and Performance Manager advised that any complaint against a member of staff was taken seriously and fully investigated by the manager and HR. Following the outcome of the investigation appropriate action was taken. It was also noted that Neighbourhood Services were reviewing staff training and looking at ways to help staff, particularly those who deal with refuse collections to deal with aggression and difficult situations.

Further discussion ensued regarding contamination of bins and communication with residents. It was also noted that bin wagons were also now installed with 360° cameras and this would help in future to resolve some complaints.

Councillor Martin added that there was a lot of confusion amongst residents regarding which plastics could be recycled and added that he felt the council's website could be clearer on this topic, by showing images of the recycling labels often found on plastics to determine whether they were recyclable material. He further added that this was a common problem across the country and suggested that councils should be putting pressure on the

LGA to assist in standardising recycling across the country. Councillor Armstrong suggested that the Portfolio Holder take this matter up directly with the LGA.

In relation to a point raised regarding action taken at Stanley Louisa Centre Library to make books more accessible on shelving, Councillor Hillary queried whether this suggestion had been rolled out across all libraries. The Customer Relations, Policy and Performance Manager advised that this could be followed up.

Resolved:

That the content of the report be noted.

8 Revenue and Capital Outturn 2015/16 and Q1 Forecast of Revenue and Capital Outturn 2016/17

The Committee received two reports of the Assistant Chief Executive and Corporate Director Resources, the first of which provided details of the outturn budget position for the Resources and Assistant Chief Executive service grouping highlighting major variances in comparison with the budget based on the outturn position at the end of March 2016 (for copy see file of Minutes).

The second report provided details of the forecast outturn budget position for the Resources and Assistant Chief Executive's service grouping, highlighting major variances in comparison with the budget based on the position to the end of June 2016.

Councillor J Armstrong reminded all members that their Neighbourhood Budget had to be committed or spent by 26 February 2017 or it would be lost. It was suggested that member support send an email reminder to all members advising of the above.

Councillor Hillary in referring to the subjective analysis headings, noted that there were no figures in the report detailing employee turnover/costs. He suggested that it would be useful to see how many staff were employed from one month to another. Where there had been a reduction in costs, he asked whether this had been due to ERVR / MTFP savings or otherwise. Where there was an increase in costs, he wanted to know whether this was a result of staff being paid more or an increase in the headcount. In summary, he asked that staff turnover rates be provided, broken down by service area against payroll costs.

The Head of Planning and Performance advised that she would look into what information could be provided, however noted that Overview and Scrutiny Management Board received similar data within their quarterly MTFP delivery report.

Resolved:

That the content of the reports be noted.

9 CRM Light Touch Review Working Group - Verbal Update

Councillor Henig provided members with an update regarding the work of the review group and provided a summary of the site visit to Northumberland County Council. She further

advised that the member support team were meeting regularly with the project team and were providing positive input into the development of the members' portal.

Members of the review group were scheduled to meet again on 2 November and a further update would be provided to the full committee in due course.

Resolved:

That the verbal update be noted.

This page is intentionally left blank

**Corporate Issues Overview and Scrutiny
Committee**

25 November 2016



Medium Term Financial Plan (7) Update

John Hewitt Corporate Director Resources

Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To provide an update on the development of the 2017/18 budget, the Medium Term Financial Plan (MTFP(7)) and the MTFP consultation process.

Background

- 2 Corporate Issues Overview and Scrutiny Committee (CIOSC) considered the 20 July MTFP(7) Cabinet report at its meeting on 27 September. The outcome of the CIOSC meeting was that an additional meeting was requested where a further report could be provided in relation to MTFP (7) planning. The report includes an update on the MTFP(7) model and subsequent impact on the forecast utilisation of the Budget Support Reserve. The report also provides an overview of progress on the MTFP(7) Budget Consultation process. In addition a verbal update will be provided upon the content of the 23rd November Autumn Statement.

Review of MTFP Model

- 3 A number of amends have been made to the MTFP(7) model since the report to Cabinet on 20 July. The amendments required have resulted from the approval of subsequent Cabinet reports but also from a number of changes in base assumptions. The amendments required are detailed below.

(i) Town and Parish Council Revenue Support Grant (RSG) adjustment

The grant the council receives in relation to the loss of council tax income due to the introduction of the Local Council Tax Reduction Scheme which is payable to Town and Parish councils is reduced each year the County Councils RSG reduces. The forecast sums to deduct in this regard have been adjusted to reflect the latest County Council RSG reductions.

(ii) Business Rates/Top Up Grant Retail Price Index (RPI) increase

Business Rates and Top Up Grant are increased every year based upon the previous September's RPI increase. The forecast of the September 2016 RPI in the 20 July Cabinet report was 1.5%. The

actual has now been reported and is 2%. The MTFP(7) model has been updated accordingly.

(iii) Council Tax – Tax Base Increase

The Council benefits from any growth in the tax base. Growth is mainly due to more properties being built and assumptions made with regards to discounts and exemptions and in particular forecasts of the impact of the Local Council Tax Reduction Scheme. The 2017/18 forecast increase in tax base included in the report to Cabinet on 20 July 2016 was a £750,000 increase. No increase was assumed in the Business Rate tax base due to concerns in relation to the impact of business rate appeals and the revaluation of rateable values.

The tax base for Council Tax 2017/18 is based upon the position at the end of September 2016 and is reported to government via the CTB1 return. Cabinet received a report on 16 November 2016 providing details of the revised tax base for Council Tax for 2017/18. This report detailed that the increase in the tax base for 2017/18 will be £2.4million.

The figures in the MTFP(7) model for the Council Tax generated annually from percentage increases have also been updated to reflect the revised baseline position due to the increase in tax base.

At this stage additional analysis is being carried out in relation to the Business Rate tax base especially in relation to the impact of appeals and the recent revaluation of all rateable values.

(iv) Concessionary Fares

Previously a £100,000 base budget pressure was included for 2017/18. The Q2 Forecast of Outturn report to Cabinet on 16 November 2016 references however a £390,000 2016/17 underspend in this budget. On that basis there is confidence that this base budget pressure can be removed from the 2017/18 MTFP plan.

(v) Children Services Base Budget Pressures

The Q2 Forecast of Outturn report to Cabinet on 16 November 2016 references significant budget pressures in Children Services relating to additional numbers of children requiring care and the increased number of children's social workers required to manage this increase in demand. The budget pressure in year for 2016/17 is presently forecast to be circa £3.4million. The MTFP(7) model for 2017/18 has been updated to reflect the full year impact of this budget pressure with a sum of £4.2million included to reflect the increase in the base budget required for care placements and additional social workers.

(vi) Adult Wellbeing and Health Savings Plans

The 20 July Cabinet Report included a £6million 2017/18 saving in relation to 'Review of direct provision of remaining in house services'. Since that time Cabinet have received a report on 14 September 2016 'County Durham Care and Support Review'. This report provided a range of options for Cabinet to consider with the agreed recommendation being to implement a mixed economy model which would generate a £5.055million saving across three years 2017/18 to 2019/20 as detailed below rather than £6m in 2017/18. The MTFP(7) model has been amended to reflect the revision to this saving.

Year	£m
2017/18	2.357
2018/19	1.614
2019/20	0.914
Total	5.055

2017/18 Savings Forecast

- 4 Based upon the revised assumptions detailed in this report, the savings requirement for 2017/18 is forecast to be £34.6million. This is detailed in the revised MTFP(7) model in Appendix 2. The savings options presently being considered to realise the required savings target have been revised to £25.6million.
- 5 The creation of the Budget Support Reserve (BSR) was meant to provide an option to finance a shortfall of this nature. At the same time, however, a forecast adjustment of £4.2million due the one off 2016/17 utilisation of BSR (£1.6million) and a Collection Fund surplus (£2.6million) increases the need to achieve savings in 2017/18. On that basis it is forecast at this stage that an additional £13.2m of the BSR will need to be utilised in 2017/18 to support the MTFP. This is an increase in the utilisation of the BSR from the 20 July Cabinet report of £5million from the previously reported £8.2million. This will reduce the balance on the BSR from £28.4million to £15.2million. The table below illustrates this position.
- 6 At this stage the financing of the 'Savings Requirement' is forecast to be realised as follows:

	£m	£m
Savings Requirement		34.619
Add 2016/17 One Off Funds		
Budget Support Reserve	1.622	
Collection Fund Surplus	<u>2.617</u>	4.239
Financed as follows:		
Savings Options	(25.632)	
Budget Support Reserve	<u>(13.226)</u>	(38.858)
SHORTFALL		0

- 7 The position above will be monitored closely over the coming months. The outcome of the consultation process on both MTFP(7) and individual savings options will also influence the final proposals to be considered by Council in February 2017. It is imperative that the Council continues to review budgets and consider all savings options to minimise the reliance upon the BSR in 2017/18 and beyond. Utilising the BSR to balance the budget is not a long term sustainable strategy and, merely delays the required savings to bring the budget into balance.

MTFP(7) – 2017/18 to 2019/20 Update

- 8 The adjustments to MTFP(7) planning detailed in this report have impacted upon the forecast savings requirements for the 2018/19 to 2019/20 period. The forecast utilisation of £13.2m of the BSR in 2017/18 results in an increase in the 2018/19 savings target. The current forecast of savings to be identified for 2018/19 and 2019/20 are detailed below. This is after deducting £3.465million of savings in 2018/19 and £1.832million of savings in 2019/20 which Council have already agreed.

Year	Savings Required
	£m
2018/19	23.245
2019/20	11.142
TOTAL	34.387

- 9 The £34.387million of saving required is circa £2m higher than the sum reported to 20 July Cabinet. This increase has resulted from the additional base budget pressures which have been offset by additional available resources mainly from the 2017/18 Council Tax base increase. Work will continue over the coming months to identify savings options to realise the £34.387million of savings identified above.

Updated Reserves Forecast

- 10 The updated reserves position was reported to 16 November 2016 Cabinet as part of the Q2 Forecast of Outturn report. A summary of the forecast is detailed below.

Reserve Type	April 2016	March 2017	Variance
	£m	£m	£m
General Reserve	29.1	33.0	+3.9
Earmarked Reserve	183.1	166.0	-17.1
Cash Limit Reserve	22.2	21.2	-1.0
TOTAL	234.5	220.2	-14.2

- 11 The table above highlights that reserves are forecast to reduce in 2016/17 which is expected to be a regular occurrence in future years. In terms of Earmarked Reserves three 'Corporate' Reserves which are likely to be fully utilised within the next five years as detailed below

	£m
Office Accomodation Reserve	42.5
MTFP ER/VR Reserve	11.9
Budget Support Reserve	28.3
TOTAL	82.7

- 12 The three Earmarked Reserves detailed above constitute 50% of the Earmarked Reserves total and will be utilised over the next five years which will significantly reduce the level of overall reserves. It is also highly likely that the MTFP ER/VR Reserve and the Budget Support Reserve will need replenishing. It is likely that the Cash Limit Reserves would be top sliced to replenish these reserves if required.

Council Budget Consultation 2017-18

- 13 The budget consultation for 2017/18 builds on annual consultation and the major MTFP consultation exercise carried out in 2013, which involved more than 4,000 people and provided a clear steer on which services should be prioritised for a standard, larger or smaller reduction for the period 2013-2017.
- 14 It sought views from the general public, the voluntary and community sector as well as partners on; our approach to the budget reductions to date; whether the service priorities identified in 2013 continued to be relevant; our proposals for 2017-18 and what can individuals, communities and other local organisations do to help us meet this challenge. A copy of the questionnaire is attached in Appendix 3 of this report.
- 15 We undertook an outreach approach to the consultation, attending all 14 AAPs as well as meetings and events already planned in the community; a roadshow in key locations across the county including supermarkets, leisure centres, customer access points, markets and shows as well as in meetings scheduled with partners and other stakeholders. In addition, an online survey was available which was promoted via the County Durham News and social media.
- 16 Specific consultation was also targeted at protected characteristic groups and identified groups such as disabled people, young people, faith, and armed forces. Further analysis on these will be included in the final Cabinet report.
- 17 Discussions were also held with partner organisations including; County Durham Partnership, the Local Council's Working Group and the Community and Voluntary Sector Working Group.
- 18 The table overleaf shows participation figures.

Meetings and events	No of people in attendance or talk to	No of completed forms
14 AAP Board meetings	544	299
74 meetings with communities including toddler groups, AAP task groups, parish councils, coffee mornings and luncheon groups	1,275	493
3 youth groups	73	39
15 roadshow events in key places across the county	1,022	297
Posted/misc.	-	66
Total paper surveys	-	1,194
Online responses	-	275
Total participating in events	2,914	1,469
5 meetings with people with learning disabilities and older people with physical disabilities	40	40*
1 event with school children	421	410**
Overall total	3,375	1,919

*an easy read version was developed for this group

**an easy read, quick response version was developed for this group

- 19 The results from the responses are currently being analysed and will be reported to Cabinet on 14 December 2016.

Recommendations and Reasons

20 CIOSC is asked to:-

- (i) Note the updated amendments to the MTFP(7) model attached at Appendix 2.
- (ii) Note the forecast increase in the utilisation of Budget Support Reserve in 2017/18 from £8.2million to £13.2million to balance the budget.
- (iii) Note the increase in the requirement to identify additional savings to £34.387million for 2018/19 and 2019/20.
- (iv) Note the forecast end of year position on reserves and note the likelihood of the utilisation of Corporate reserves over the next five years
- (v) Note the information in relation to the MTFP(7) Consultation
- (vi) Determine a response to provide to Cabinet at this stage upon the development of MTFP(7)

Contact: Jeff Garfoot (03000 261946)
Jenny Haworth (03000 268071) Gordon Elliott (03000 263603)

Appendix 1: Implications

Finance – The report highlights that at this stage £34.619million of savings are required to balance the 2017/18 budget. Savings options of £25.6million are detailed in the report. If these savings were agreed then £13.226million of the Budget Support Reserve would be required to balance the budget. In addition, forecast savings of £34.387million need to be identified for 2018/19 and 2019/20.

Staffing – Impact upon employees is monitored at all stages of the MTFP process.

Risk – Risk continues to be assessed at all levels of MTFP planning.

Equality and Diversity/ Public Sector Equality Duty – Equality considerations are built into the proposed approach to developing MTFP(7), Council Plan and Services Plans, as a key element of the process.

An equality impact assessment has not been completed at this stage in respect of the amendments to the Discretionary Rates Relief policy, as the amendments seek to extend and enhance current arrangements in line with Government policy, with regards to the increased Retail Relief and the extension of Transitional Relief for a two year period

Accommodation – None

Crime and Disorder – None .

Human Rights – Any human rights issues will be considered for any detailed MTFP(7) and Council Plan proposals as they are developed and decisions made to take these forward.

Consultation – The approach to consultation on MTFP(7) is detailed in the report.

Procurement – None specific within this report.

Disability Issues – All requirements will be considered as part of the equalities considerations outlined in the main body of the report.

Legal Implications – None

Appendix 2:

Medium Term Financial Plan - MTFP (7) 2017/18 - 2019/20 Model			
	2017/18	2018/19	2019/20
	£'000	£'000	£'000
Government Funding			
Government RSG Funding Reduction	21,140	14,140	14,240
Reduction in Public Health Grant	1,263	1,363	1,363
Reduction in Education Services Grant	2,500	1,800	0
Reduction in Benefit Admin Grant	300	300	300
Town and Parish Council RSG Adjustment	-280	-39	-99
Business Rates - RPI increase (2%/2%/2%)	-1,093	-1,110	-1,130
Top Up Grant - RPI increase (2%/2%/2%)	-1,240	-1,270	-1,300
Better Care Fund	-2,400	-11,000	-9,700
Other Funding Sources			
Council Tax Increase (1.99% per annum)	-3,730	-3,890	-4,060
Council Tax Adult Social Care Precept (2% increase)	-3,760	-3,910	-4,090
New Homes Bonus - Reduction from 2017/18 onwards	2,000	2,000	2,000
Council Tax/Business Rate Tax Base net increase	-2,400	-1,000	-1,000
Estimated Variance in Resource Base	12,300	-2,616	-3,476
Pay inflation (1% - 1.5% - 1.5%)	2,200	3,100	3,000
Price Inflation (1.5% - 1.5% - 1.5%)	2,400	2,300	2,200
Reduction of Corporate Risk Contingency Budget	-2,000	0	0
Base Budget Pressures			
Costs Associated with National Living Wage	6,000	6,000	6,600
Additional Employer Pension Contributions	5,000	800	800
Energy Price Increases	250	250	250
Concessionary Fares	0	100	100
Pension Fund Auto Enrolment - Employer Contributions	550	550	0
Apprentice Levy	1,200	0	0
Childrens Home to School Transport	1,500	0	0
Childrens - Demographics	2,735	500	500
Childrens - Social Work Posts	1,384	0	0
Microsoft Licences	0	500	0
Medical Examiner	100	0	0
Adults Demographic	1,000	1,000	1,000
Prudential Borrowing to fund new Capital Projects	0	1,000	2,000
TOTAL PRESSURES	22,319	16,100	16,450
SUM REQUIRED TO BALANCE BUDGET	34,619	13,484	12,974
Savings Plans			
Savings to be Identified/agreed	-25,632	-3,465	-1,832
Adjustment for use of Budget Support Reserve in previous year	0	-23,245	-11,142
Adjustment for Utilisation of Collection Fund Surplus in 2016/17	1,622	13,226	0
Utilisation of Budget Support Reserve	2,617	0	0
	-13,226	0	0
TOTAL SAVINGS REQUIRED	-34,619	-13,484	-12,974



Altogether better



Council Budget 2017/18 Consultation

Over the last five years we've faced the largest financial challenge in our history, having to save more than £180 million as funding from Government has gone down year after year and demand for services has increased. We still have a long way to go as we need to reach savings of £250 million by 2020.

Please help us manage these reductions by completing the following survey and returning to Partnerships and Community Engagement, Durham County Council, County Hall, Durham, DH1 5UF by **7 October 2016**.

Alternatively, visit the council website to complete an online form at:
<http://www.durham.gov.uk/consultation>.

For more information about the council budget, please refer to the report to Cabinet on 20 July 2016 by visiting the council website. If you would like further information on this consultation please email engagementandtrainingteam@durham.gov.uk or call 03000 263600.

Our approach to date

Q1 Were you aware that over the last five years we have made savings of more than £180 million?
Yes No.....

Q2 In your view, during this period, have council services:
Improved.....
Stayed the same.....
Got worse
Please specify how they have changed.

To date, we have attempted to minimise the impact of the savings on frontline services to the public. We have tried to protect services identified in public consultations from larger reductions.

Q3 Having read the leaflet, what do you think of our approach so far? (rate 1-10 with 1 being poor and 10 being excellent)

1 2 3 4 5 6 7 8 9 10

Budget consultations we have undertaken in previous years have indicated that we should make larger savings in certain services and smaller ones in others.

Q4 Do you think we should continue to prioritise smaller savings for the areas below?

	Yes	No
Children's centres and support for families	<input type="checkbox"/>	<input type="checkbox"/>
Gritting and snow clearance	<input type="checkbox"/>	<input type="checkbox"/>
Job creation	<input type="checkbox"/>	<input type="checkbox"/>
School support and education service	<input type="checkbox"/>	<input type="checkbox"/>
Social work and protecting vulnerable children and adults	<input type="checkbox"/>	<input type="checkbox"/>
Support for adults in their homes	<input type="checkbox"/>	<input type="checkbox"/>
Support for community projects, centres, partnerships and groups	<input type="checkbox"/>	<input type="checkbox"/>

Q5 Do you think we should continue to target larger savings for the areas below?

	Yes	No
Democratic Support, decisions and elections	<input type="checkbox"/>	<input type="checkbox"/>
Finance, Legal, IT and Human Resources	<input type="checkbox"/>	<input type="checkbox"/>
Performance management, policy and communications	<input type="checkbox"/>	<input type="checkbox"/>
Subsidised bus travel	<input type="checkbox"/>	<input type="checkbox"/>

Q6 If you think any other council services should receive smaller or larger reductions, please specify below. The range of services that the council provides are detailed in the attached information sheet.

Smaller saving:

Larger saving:

Our proposals for 2017/18

Q7 Having read about the savings approach for 2017/18 in the leaflet, do you think this is a reasonable way to go forward?

Yes

No

Don't know

If no, why?

What can you, your community or local organisations do to help?

Over the next three years, the council will need to find further savings of £64 million.

Q8 Looking at the suggestions in the leaflet that would help meet the savings, which would you be willing to support?

Access more of our services online

Bin it right

Work with local groups to take over the running of a local facility or service

Get active

Help a neighbour

Help look after your neighbourhood

Shop locally

Volunteer for local groups and charities

Q9 Do you have any other ideas for ways in which you, your community or local organisations can help us to meet future savings?

About you

The questions below are **optional** and help us to know if we are involving as many different groups and areas as possible in local decision making. Your answers are confidential and will only be used for this consultation.

Q10 What is your postcode?

Q11 Are you:
Male Female

Q12 What is your age?
Under 18 25-34 45-54 65-74
18-24 35-44 55-64 75+

Q13 Do you consider yourself to be a disabled person?
(This may include any long-standing illness, disability or infirmity which has a substantial effect on your day-to-day life. Long standing means it has lasted, or is likely to last, for at least a year).
Yes No

Q14 How would you describe your sexual orientation?
Heterosexual/straight Gay man Other
Gay woman/lesbian Bisexual
If other, please specify.

Q15 What is your religion or belief?
Christian Buddhist Jewish None
Sikh Muslim Hindu Other
If other, please specify.

Q16 What is your ethnicity?
White Black or Black British Arab or Middle Eastern Travelling Community
Asian or Asian British Mixed Race Other
If other, please specify.

Thank you for taking the time to help us plan for the future by completing this questionnaire.

**Corporate Issues Overview and Scrutiny
Committee**

25 November 2016

**Report on the Council's use of powers
under the Regulation of Investigatory
Powers Act 2000 – Quarter 2 - 2016/17**



**Report of Colette Longbottom, Head of Legal and Democratic
Services**

Purpose of the Report

1. To inform members about the Council's use of powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period 1 July 2016 until 30 September 2016 (Quarter 2) to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

Background

2. As members are aware, the Regulation of Investigatory Powers Act 2000 (RIPA) enables local authorities to carry out certain types of surveillance activity provided that specified procedures are followed. The Local Authority is able to rely upon the information obtained from those surveillance activities within court proceedings.
3. This report gives details of RIPA applications that have been authorised during the period 1 July 2016 until 30 September 2016 and the outcomes following surveillance.

Quarter 2 Activity

4. During Quarter 2 there were 5 new RIPA Directed Surveillance authorisations which related to operations conducted by Trading Standards regarding sales of counterfeit tobacco from residential premises and test purchases at a number of premises where complaints were received by the Council about underage sales of alcohol.
5. There were 2 new Covert Human Intelligence Source (CHIS) authorisations which related to the operations conducted by Trading

Standards regarding sales of counterfeit tobacco from residential premises and where Directed Surveillance authorisations were also in force.

6. There was one Communications Data authorisation which related to the sale of counterfeit goods.
7. All authorisations were approved the Magistrate and there were no difficulties or issues raised by the Magistrate in approving the applications.
8. The Council's Senior Responsible Officer is satisfied that the Council's use of its powers under RIPA during Quarter 2 is consistent with the Council's policy and that the policy remains fit for purpose.

Outcomes following surveillance

9. In relation to the test purchase operations, non-compliance has been dealt with by way of fixed penalty notices and/or training. Those who failed test purchases will be subject to further visits. Investigations have concluded in relation to one operation regarding the sale of counterfeit tobacco from a residential premises and significant amounts of illicit tobacco, cigarettes and cash were seized. Formal proceedings and Proceeds of Crime action will likely follow. A warning was issued to the seller and information was recorded for intelligence purposes in relation to one operation. Allegations were not proven in relation to another operation and one operation remains ongoing.

Recommendations and Reasons

10. It is recommended that members receive the quarterly report on the Council's use of RIPA for the period 1 July 2016 to 30 September 2016 and resolve that it is being used consistently with the Council's policy and that the policy remains fit for purpose.

Background Papers

None

Contact: Clare Burrows

Tel: 03000 260548

Appendix 1: Implications

Finance: None

Staffing: None

Equality and Diversity: None

Accommodation: None

Crime and Disorder: The appropriate use of an oversight of RIPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.

Human Rights: None

Consultation: None

Procurement: None

Disability Discrimination Act: None

Legal Implications: None

This page is intentionally left blank

**Corporate Issues Overview and Scrutiny
Committee**

25 November 2016



**(Former) Children and Adults Services
Statutory Representations Report 2015/16**

Report of Margaret Whellans, Interim Corporate Director, Children and Young People's Services (CYPS) and Jane Robinson, Interim Corporate Director, Adult and Health Services (AHS)

Purpose of report

- 1 The purpose of the Annual Statutory Representations Report is to provide Overview and Scrutiny Committee with an overview of statutory representations relating to children's and adults social care services during the period 1 April 2015 – 31 March 2016. The report focuses on Children and Adults Services (former CAS) as one service rather than 2 separate services as it is a retrospective report relating to 2015/16.

Background

- 2 The Annual Statutory Representations Report is prepared under the provisions and requirements of the '*Children Act 1989 Representations Procedure (England) Regulations 2006*' and the '*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*'. The reporting format reflects the requirements detailed in the regulations.
- 3 Corporate complaints and compliments are reported and approved by Children and Adults Services Management Team (CASMT) on a quarterly basis. Neighbourhood Services lead on the production of the annual corporate complaints, compliments and suggestions report and the extract relating to CAS is outlined in Appendix 2 for information.

Content

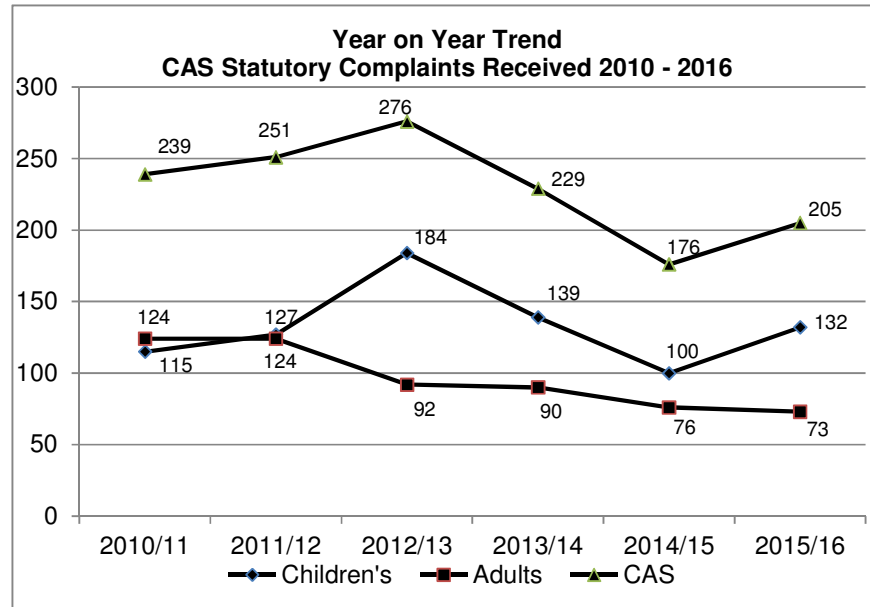
- 4 The Annual Statutory Representations Report brings together statutory representations from service users, families and carers that have been previously reported to CASMT on a quarterly basis and includes information on the management of statutory representations. The full report is attached as Appendix 3.

Overview of statutory social care complaints

- 5 In 2015/16, a total of 205 statutory social care complaints were received by CAS.
- 6 There has been an overall increase of 16.5% in CAS complaints when compared with the number of complaints received in 2014/15 (176).

- 7 Graph 1 illustrates a steady overall increase in the number of statutory complaints received over the period 2010 – 2013, attributable to complaints in relation to children’s social care services. Between 2013 and 2015 the number of statutory complaints decreased in relation to both children’s and adults social care services. In 2015/16, the downward trend continued for adult services complaints but there was an increase in complaints relating to children’s services.

Graph 1: Year on year trend 2010-2016 – CAS statutory social care complaints received



Children’s social care complaints

- 8 In 2015/16, a total of 132 new statutory children’s social care complaints were received by CAS. The majority (98%) were actioned at Stage 1 of the statutory complaints procedure. Two were investigated directly at Stage 2 of the statutory complaints procedure. Six of the 132 complaints progressed to Stage 2 following the complainant’s dissatisfaction with the Stage 1 response.
- 9 There has been an overall increase of 32% in children’s complaints when compared with the number of complaints received in 2014/15 (100).

Timescales

- 10 The regulations state that whenever practicably possible, complaints should be resolved within 10 working days, which can be extended to 20 working days, where complaints are complex.
- 11 During 2015/16, 22 of the 130 Stage 1 complaints (16.9%) were responded to within 10 working days. A further 51 were responded to within 20 working days (38.6%). One Stage 1 investigation (0.8%) was ongoing at the year-end and the other 56 complaints (42.4%) were resolved outside the 20 day timescale.
- 12 The other 2 were actioned directly at Stage 2 for which there is a maximum 65 working day timescale. Neither was completed within the 65 days. One was

completed in 78 working days and one in 80 working days. Reasons for these delays included the necessity to engage an Advocate during the process, and complainants requesting additional time to review the draft investigation report and provide written comments. Complainants were kept up to date with these delays in both cases.

Outcomes and categories

- 13 Of the 132 complaints, 22 were upheld in full (16.7%) and 37 were partially upheld (28%). There were 70 complaints (53%) that were not upheld. One complaint (0.8%) was still being investigated at the year-end. Two complaints (1.5%) which moved from Stage 1 to Stage 2 were also still ongoing at the year-end therefore their final outcome (at Stage 2) is to be confirmed.
- 14 Of the 59 upheld or partially upheld complaints, 'Professional Conduct of Staff'¹ featured in 28 complaints (57.1%). 'Lack of Communication/Information' featured in 24 complaints (40.7%). 'Lack of Service – Contact/Visits' featured in 11 complaints (18.6%) and a further 11 complaints (18.6%) were in relation to 'Speed of Service'. Note: a complaint can have more than one category recorded within it.
- 15 These have been the major categories for complaints within CAS as a whole during previous years. For this reason action has been put in place to obtain a more detailed analysis about these category areas, and work is being undertaken to seek a more detailed understanding regarding the frequency of occurrence, for inclusion in next year's report.

Complainant type

- 16 Parents made the highest number of complaints, 93 (70.5%), regarding children's social care services.

Declined complaints

- 17 During the year, CAS declined to consider 17 complaints; an increase on the 5 declined complaints in 2014/15. Declined complaints are not included in the numbers of actioned complaints.

Local Government Ombudsman (LGO)

- 18 During 2015/16, the LGO contacted the Council in relation to 15 statutory cases regarding children's social care services. This represents a 36.4% increase on the 11 cases in 2014/15. Two cases were not taken to investigation. One LGO investigation was ongoing at the year-end for which a Draft Decision is awaited. Final Decisions were subsequently received for 12 complaints. Of these, 2 were upheld:
 - a. In 1 case the LGO agreed with the Council's finding of fault and recommended a financial remedy (£600).

¹ The distinction between professional conduct issues and the separate category of 'Staff Attitude' is that the former relates to how the worker conducts themselves according to their professional responsibilities and the regulatory requirements whilst the latter relates to, for example, allegations of rudeness in communication.

- b. In 1 case the LGO found maladministration with injustice and made 2 recommendations, including a time and trouble payment (£350).

Remedies and learning outcomes

- 19 Some examples of remedy and learning in relation to children's social care complaints include:

Professional Conduct of Staff

- Managers reminded staff through the supervision and appraisal process of their professional responsibilities when engaging with families and young people.
- Social workers were reminded of the importance of checking factual information with families before completing reports.

Lack of Communication/Information

- Managers and staff reminded that they should return calls when messages are taken or voicemails, as soon as practically possible.
- Information on how to make a complaint was made more widely available by being included in the introductory pack for families.

Speed of Service

- Staff reminded to ensure that parents are informed of dates, times and venues of meetings and contact sessions, and any changes to these, in good time
- Reminding social workers of the need to ensure that sufficient time is allowed for sharing reports with families for Child Protection Conferences.

Lack of Service – Contact/Visits

- Monitoring arrangements have been introduced to ensure improved performance and compliance with regard to Single Assessment timescales.

Note: a complaint can have more than one category recorded within it

Benchmarking comparisons

- 20 Benchmarking information from North East local authorities for the 2015/16 reporting year is shown in Table 1. From the information supplied by 10 neighbouring local authorities:

- Durham had the fifth lowest rate of Stage 1 complaints (1.16) per 1000 population aged 0-19 years. In 2014/15 and 2013/14 Durham had the second lowest rate and now therefore showing a decline in performance.
- Durham had the second lowest percentage (6.1%) of Stage 1 complaints progressing to Stage 2, the same result as in 2014/15.

Table 1: Complaints relating to children’s social care services – North East regional authorities 2015/16

Local Authority	Number of Complaints	Rate of Complaints (per 1000 0-19 Population*)	Number of Complaints Actioned at Stage 2**	Stage 2 Complaints as a % of Stage 1 Complaint Numbers**
A	37	0.82	4	10.8%
B	26	0.85	4	15.4%
C	25	1.11	5	20.0%
D	50	1.12	1	2.0%
Durham	132	1.16	8	6.1%
E	81	1.20	11	13.6%
F	56	1.19	8	14.3%
G	45	1.36	4	8.9%
H	67	1.86	16	23.9%
I	54	2.15	14	25.9%
J	176	2.86	23	13.1
K	No Information	-	No Information	-

* ONS Mid-2013 estimates; Office for National Statistics

** Note: some complaints actioned at Stage 2 in 2015/16 may have been investigated initially at Stage 1 during 2014/15 or 2015/16; and some may have been investigated directly at Stage 2, bypassing Stage 1

21 The Local Government Ombudsman (LGO) ‘Review of Local Government complaints 2015-16’ was published on 28 July 2016 and includes the following headline information regarding complaints in relation to education and children’s services:

- The LGO experienced a 6% increase from the previous year in relation to the number of enquiries and complaints received across all services. In contrast, Children and Adults Services within Durham County Council experienced a 16.5% increase.
- The majority of complaints to the LGO were in relation to education and children’s social care services. There were 3,438 complaints and enquiries, which represents 17.5% of the total (19,702).
- Overall, the LGO experienced a 13% increase in comparison to the previous year in relation to complaints and enquiries regarding education and children’s services. In DCC, there was a 32% increase in complaints received in relation to education and children’s services in 2015/16.
- The LGO upheld 53% of these 3,438 complaints. In comparison, the percentage of complaints partially or fully upheld in relation to education and children’s services in DCC was 47%.

Adult statutory social care complaints

22 In 2015/16, a total of 73 new statutory adults social care complaints were received by CAS.

23 There has been an overall decrease of 3.9% in adults complaints when compared with the number of complaints received in 2014/15 (73).

Timescales

- 24 All complaints were completed at the year-end. Of the 73 complaints, 72 (98.6%) were completed within the individual timescales agreed in the Complaints Resolution Plan (CRP), compared with 100% in 2014/15. The 1 complaint completed outside of the negotiated timescales was due to the service issuing a response 1 week after the date given on the CRP.

Outcomes and categories

- 25 Of the 73 complaints received, 18 were upheld in full (24.7%) and 24 were partially upheld (32.9%). There were 31 complaints that were not upheld (42.4%).
- 26 Of the 42 upheld or partially upheld complaints, 'Lack of Communication/Information' featured in 8 (19%) complaints as a category. A further 8 upheld/partially upheld complaints (19%) were in relation to 'Disputed Decision'. Seven complaints featured 'Professional Conduct of Staff' (16.7%).

Complainant type

- 27 Relatives (non-parent) made the highest number of complaints, 43 (58.9%), regarding adult social care services.

Declined complaints

- 28 During the year, the service declined to consider 7 adult social care complaints, an increase on the 4 declined complaints in 2014/15. Declined complaints are not included in the numbers of actioned complaints.

Local Government Ombudsman (LGO)

- 29 During 2015/16, the LGO contacted the Council in relation to 19 adult statutory cases. This represents a 46.2% increase on the 13 cases in 2014/15. Three LGO investigations were ongoing at the year-end for which Draft Decisions are awaited. In 3 cases, enquiries were received and information is awaited on what action the LGO intends to take. Final Decisions were subsequently received for a further 13 complaints. Of these, 4 were upheld:
- a. In 1 case the LGO found maladministration without injustice. No recommendations were made to the Council but a care home was required to make improvements.
 - b. In 1 case the LGO found fault without injustice and agreed that the Council's offer to make a time and trouble payment of £350 was adequate remedy.
 - c. In 1 case the LGO found maladministration with injustice but closed the case as the Council had remedied the injustice.
 - d. In 1 case the LGO found fault with injustice and recommended that the Council should apologise to the complainant for the injustice and write advising of actions taken to avoid a recurrence.

Remedies and learning outcomes

- 30 Some examples of remedy and learning in relation to adult social care complaints include:

Professional Conduct of Staff

- Staff were reminded of the need to ensure that the conversations about the financial implications of any services provided are discussed and clearly understood by service users and their families and that the appropriate documentation is completed to reflect these discussions.

Lack of Communication/Information

- Team managers and staff were reminded that they need to ensure that service users and their families understand the purpose of an assessment and why decisions have been made.
- Staff were reminded to clearly communicate the criteria for the Intermediate Care Plus (IC+) service, particularly when service users are admitted to hospital during a period of service provision, and that the service user and their family understand that the services is based on assessed need and is for up to 6 weeks.

Speed of Service

- Staff were reminded that adequate notice of meetings should be given to service users and their families

Lack of Service – Contact/Visits

- Staff in the Emergency Duty Team were reminded that referrals can be made to the IC+ service outside of an emergency situation.

Note: a complaint can have more than one category recorded within it

Benchmarking comparisons

- 31 Benchmarking information from North East local authorities for the 2015/16 reporting year is shown in Table 2. From the information supplied by 10 neighbouring local authorities:

- In 2015/16 Durham had the second lowest rate of complaints (0.18) per 1000 population aged 18 and over. This is an improvement on 2014/15 and 2013/14 when Durham had the fourth and fifth lowest rate respectively.

Table 2: Complaints relating to adult social care services – North East regional authorities 2015/16

Local Authority	Total Number of Complaints	Rate of Complaints (per 1000 18+ Population*)
A	11	0.10
Durham	73	0.18
B	15	0.21
C	23	0.21
D	47	0.29
E	73	0.32
F	40	0.34
G	62	0.39
H	87	0.39
I	49	0.59
J	No information	-
K	No information	-

* ONS Mid-2013 estimates, Office for National Statistics

32 The LGO ‘Review of Local Government complaints 2015-16’ which was published on 28 July 2016 includes the following headline information regarding complaints in relation to adult social care services:

- Overall, the LGO experienced a 6% increase from the previous year, in relation to complaints and enquiries regarding all services provided or commissioned by local authorities. In contrast, Children and Adults Services within Durham County Council (DCC) experienced a 16.5% increase.
- Of the 19,702 complaints and enquiries received, 13.1% were in relation to adult social care services (2,584).
- The 2,584 complaints and enquiries received in relation to adult social care services represents a 4% increase in comparison to the number received in 2014/15. In the same period, complaints received in respect of adult social care by DCC decreased by 3.9%.
- The LGO upheld 58% of these 2,584 complaints. In comparison, the percentage of complaints partially or fully upheld in relation to adult services in DCC was 57.6%.

CAS Compliments regarding social care services

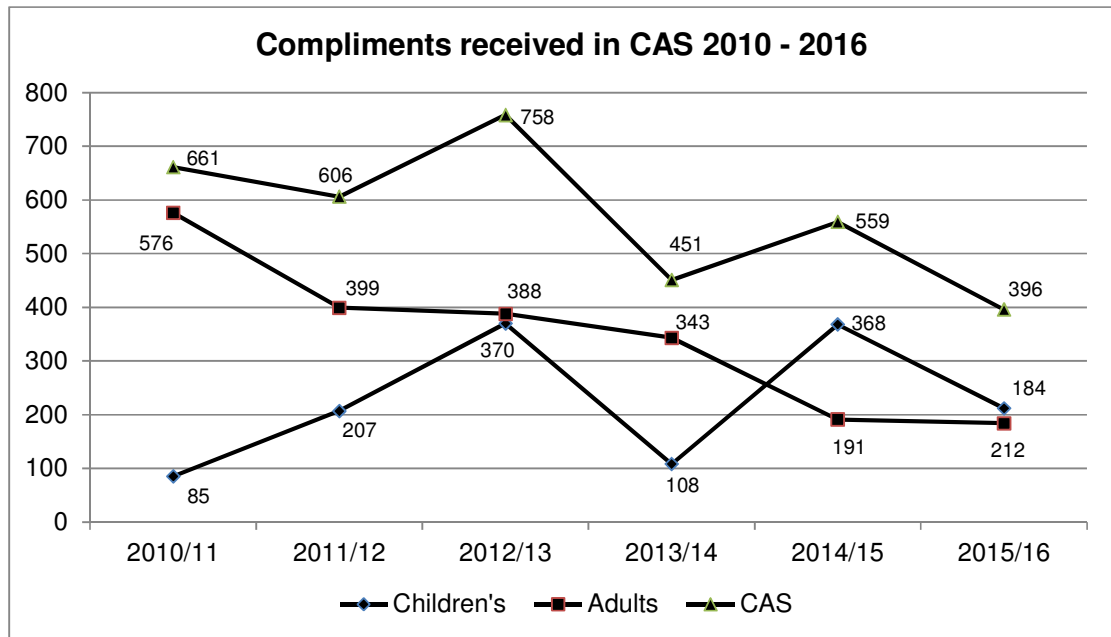
33 As shown in Graph 2, a total of 396 compliments were received by CAS in the reporting year, of which 212 related to children’s social care and 184 to adult social care.

34 Overall, there has been a decrease of 29.2% in compliments in comparison to the previous year when 559 compliments were received.

35 The ratio of compliments to all complaints received across CAS is 1.9:1. This means that for every complaint received, almost 2 compliments were received. This

represents a decrease on the previous year when the ratio of compliments to complaints was 3.2:1.

Graph 2: Compliments received in CAS 2010-2016



36 Examples of compliments and themes are contained within the Annual Statutory Representations Report (Appendix 3) under parts three and four.

Summary

37 In 2015/16, there was an increase in complaints relating to children’s services, resulting in an increase in numbers in CAS overall. However with the exception of 2014/15, the total number of compliments received in 2015/16 was still lower than in any other year since 2010/11.

38 During 2015/16 the number of compliments for CAS decreased to its lowest level in 6 years. Despite this, the ratio of compliments to complaints of 1.9:1 meant that for every complaint received, almost 2 compliments were received.

39 Partially or fully upheld complaints constituted 44.7% of children’s complaints and 57.6% of adults’ complaints received respectively.

40 The highest number of upheld and partially upheld complaints across CAS relate to ‘Lack of communication/ information’ and ‘Professional Conduct of Staff’. The service continues to closely monitor these areas, and the complaint category codes have been reviewed and amended to give a more detailed descriptor, to enable a better understanding of the themes of complaints.

41 CAS continues to develop a collaborative approach with complainants to seek to reach appropriate resolution. An approach based on local resolution, where the complainant is central to the discussion and resolution, is proactively encouraged.

Recommendations

- 42 It is recommended that Committee note the contents of the Annual Statutory Representations Report (Appendix 3).

Contact: Peter Appleton, Head of Planning and Service Strategy

Tel: 03000 267381

Email: peter.appleton@durham.gov.uk

Appendix 1: Implications

Finance	Complaints can lead to financial claims for compensation in some cases.
Staffing	N/A.
Risk	Upheld complaints can lead to reputational risk for the local authority.
Equality and diversity/ /Public Sector Equality Duty	Consistent with national and local requirements. Representations procedure takes into account equality and diversity and ensures accessibility. The profile of complainants in relation to equality and diversity is consistent with the equality and diversity profile of County Durham.
Accommodation	None.
Crime and disorder	Any complaint made in relation to hate crime will be redirected to the appropriate officer to progress under the relevant policy and procedure.
Human rights	Compatible with Human Rights Act – able to record and respond to complaints about alleged breaches.
Consultation	None.
Procurement	None.
Disability Issues	Taken into consideration within the procedure.
Legal Implications	Complaints Team work closely with Legal Services when appropriate.

Appendix 2: Summary of CAS Corporate Complaints, Compliments and Suggestions 2015/16

- 1 From 1 April 2015 to 31 March 2016, a total of 33 corporate complaints were received in CAS as shown in the table below:

Q1 15/16 Total	Q2 15/16 Total	Q3 15/16 Total	Q4 15/16 Total	Total of Corporate Complaints Received in 2015/16
8	9	6	10	33

Acknowledgement within 2 working days 2015/16

- 2 Of these 33 complaints, 32 were acknowledged within 2 working days (97.0%) during the period 2015/16.

Corporate Complaints responded to within timescale 2015/16

- 3 Of the 33 corporate complaints received, 26 were responded to within the agreed timescale (78.8%). During quarter 1, this was prescribed at 10 working days for all corporate complaints, in accordance with the policy. The policy was then amended, so that each individual complaint is given a personalised timeframe for response. The 7 complaints not responded to within timescale (21.2%) were particularly complex cases and apologies were offered to the complainant.

Service Breakdown of Corporate Complaints received 2015/16

- 4 The breakdown of the 33 corporate complaints is as shown in the table below.

	Q1	Q2	Q3	Q4	Totals
Adult Care*	0	0	1	0	1
Children's Services*	4	4	4	8	20
Commissioning	1	0	0	0	1
Education	1	3	1	2	7
Planning & Service Strategy	2	2	0	0	4
Public Health	0	0	0	0	0
Totals	8	9	6	10	33

* Complaints relating to social care services can be actioned through the corporate complaints process, if they do not meet the criteria within the statutory regulations to be actioned as a statutory complaint.

Learning Outcomes

5 Actions as a result of learning from corporate complaints are shown overleaf:

- A telephone caller was kept on hold for an excessive period, the system was checked and it was found that the telephone system was not operating to normal standards and this was rectified.
- The procedures relating to the role of Local Authority Designated Officer (LADO) were reviewed.
- There was a review of the administrative resources within Service Support to ensure referrals are allocated to the appropriate social care team promptly.

Compliments received 2015/16

6 The table below shows a breakdown by service area of the 166 compliments received by CAS between 1 April 2015 and 31 March 2016 relating to non-statutory services:

	Q1	Q2	Q3	Q4	Totals
Adult Care	0	0	0	0	0
Children's Services	34	29	27	44	134
Commissioning	0	0	0	0	0
Education	8	2	5	16	31
Planning & Service Strategy	0	0	0	1	1
Public Health	0	0	0	0	0
Totals	42	31	32	61	166

This page is intentionally left blank



Children and Adults Services

Annual Statutory Representations Report
Children and Adults Social Care Services 2015/16

Annual Statutory Representations Report

Children and Adults Social Care Services 2015/16

CONTENTS

	Page(s)
Part One	
Introduction	4
Part Two	
Key messages for CAS	5-15
Part Three	
Representations relating to children's social care services	16-25
• Context	16
• Year on year trend 2010-2016	16
• Number of complaints received	17
• Complaints received by service area	17
• Percentage of complaint acknowledgements in timescale	18
• Complaints completed within timescale	18
• Number of complaints upheld	20
• Categories of upheld and partially upheld complaints	20
• Complaints referred to the Local Government Ombudsman (LGO)	21
• Complaints by complainant type	22
• Age and gender profiles of complainants	22
• Ethnicity and diversity	22
• Declined complaints	22
• Number of compliments received	23
• Ratio of compliments to complaints	23
• Compliments received by service area	23
• Key areas highlighted within compliments received	24
• Examples of compliments received	24

Part Four	Representations relating to adult social care services	26-33
	• Context	26
	• Year on year trend 2010-2016	26
	• Number of complaints received	27
	• Complaints received by service area	27
	• Percentage of complaint acknowledgements in timescale	28
	• Complaints completed within timescale	28
	• Number of complaints upheld	28
	• Categories of upheld and partially upheld complaints	28
	• Complaints referred to the Local Government Ombudsman (LGO)	29
	• Complaints by complainant type	30
	• Age and gender profiles of complainants	31
	• Ethnicity and diversity	31
	• Declined complaints	31
	• Number of compliments received	31
	• Ratio of compliments to complaints	31
	• Compliments by service area	32
	• Key areas highlighted within compliments received	32
	• Examples of compliments received	33
Part Five	Remedies and learning outcomes	34-36
	• Remedies in children’s and adults complaints	34
	• Learning outcomes in childrens and adults complaints	35
Part Six	Developments	37
Part Seven	Conclusion	38
Appendices	Appendix 1 – Glossary of abbreviations	39

Part One - Introduction

Welcome to Durham County Council's (DCC) Children and Adults Services (CAS) Annual Report which details representations made in relation to CAS Social Care Services. The report covers the period 1 April 2015 to 31 March 2016.

The report is published under the provisions and requirements of the relevant regulations: *The Children Act 1989 Representations Procedure (England) Regulations 2006* and the *Local Authority Social Services and the National Health Service Complaints (England) Regulations 2009*¹. The reporting format reflects the requirements detailed in the regulations. The regulations for children and young people's social care complaints are different to those for adult social care complaints and for this reason the data and analysis is presented in individual sections within the report.

Complaints are valued as an important source of feedback from service users on the quality of services provided by CAS. Each complaint is investigated, findings fed back to the complainant and various remedies provided when appropriate. Complaints also provide opportunities to learn lessons and continually improve services to prevent a repeat of any failures.

There is no statutory requirement to publish data on compliments but it is important to provide a rounded view of what service users, their carers, families and nominated representatives think about the services they receive. Compliments provide the opportunity to understand what elements of services are valued and why.

During the Ofsted Single Inspection Framework (SIF) of services for children in need of help and protection, children looked after and care leavers, which was carried out in February - March 2016, inspectors looked at a selection of children and young people's complaints and the arrangements for managing complaints regarding Children's Services. The Ofsted report published on 16 May 2016 included at paragraph 108: "Complaints are well coordinated and managed, with learning regularly identified and fed back to inform future practice."

This Representations Annual Report is broken down into seven parts and provides an overview of the following areas in the reporting period:

- The numbers and composition of complaints and compliments received.
- Information in relation to the complainants.
- Performance data in relation to the handling of complaints.
- Lessons learnt and actions taken to improve service delivery.
- Future developments.

¹ Statutory Regulations for the management of complaints only apply to complaints about **social care** provision, as defined in community care legislation, not to any other service within the Authority. The Regulations **prescribe** how social care complaints must be managed and progressed, hence children's and adult social care complaints are referred to as 'statutory complaints'. All other complaints received by the Local Authority are dealt with under the corporate complaints procedures. Whilst for 'corporate complaints' there is a duty placed upon a Local Authority to have a complaints procedure, how such complaints are managed is not prescribed by Regulations. Each Local Authority can determine how it manages its non-statutory (or corporate) complaints.

Part Two - Key messages for CAS

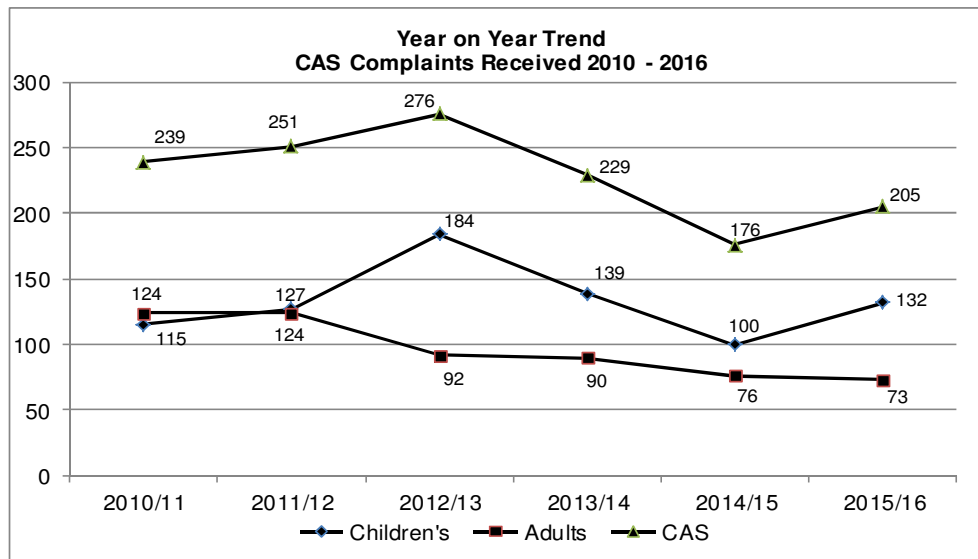
Number of complaints received

In 2015/16, a total of 205 new complaints were received by CAS; 132 related to children's social care services and 73 related to adult social care services. There has been a 16.5% increase in CAS complaints when compared with the number of complaints received in 2014/15 (176). Children's social care complaints have increased by 32% in comparison to the previous reporting year whilst complaints about adult services have decreased by 3.9% over the same period.

Graph 1 below illustrates a trend of a steady overall increase in the number of statutory complaints received over the period 2010-2013, with the increase being mainly attributable to complaints in relation to children's social care services. In 2013/14 the number of complaints decreased in relation to both children's and adults social care services and in 2014/15 the total figure was at its lowest for 6 years.

In 2015/16 the downward trend continued for adult services complaints but there was an increase in complaints relating to children's services, resulting in an increase in numbers in CAS overall. Reasons for this have been considered. A number of front-line services have been reconfigured through change and transformation programmes. Whilst the changes have been embedding, the service has experienced some staffing pressures leading to families having numerous different social workers, as referenced in the Ofsted SIF report.

Graph 1: Year on year trend 2010-2016 – CAS complaints received



Composition of complaints received

Children's social care complaints are managed and resolved in 3 Stages:

- Stage 1 (local resolution) which has a target timescale of up to 20 working days.
- Stage 2 (independent investigation) which has a target timescale of 25-65 working days.
- Stage 3 (Review Panel) which has a total timescale of up to 50 working days.

Of the 132 complaints, 2 were actioned directly at Stage 2 of the statutory complaints process and 6 of the 132 new complaints progressed from Stage 1 to Stage 2. No complaints were progressed to Stage 3. Of the 132 complaints, 129 were concluded at the year-end, with 3 ongoing.

Complaints relating to adult social care must be resolved within 6 months of receipt and within timescales agreed with the complainant (see Part Four for more details). There is one stage to this procedure. If a complainant remains dissatisfied with the Local Authority's (LAs) response, the next step is for them to take the matter to the Local Government Ombudsman (LGO). Of the 73 complaints in relation to adults social care services, all were concluded by the year end.

In total, 202 of 205 CAS complaints were completed at the year-end (98.5%), compared with 97.2% at the end of 2014/15. This is despite the fact that a number of complaints (17) were received in the latter 2 weeks of the final quarter of the reporting year.

Benchmarking comparisons

Table 1: Complaints relating to children's social care services – North East regional authorities 2015/16

Local Authority	Number of Complaints	Rate of Complaints (per 1000 0-19 Population*)	Total Number of Stage 2 complaints**	Stage 2 Complaints as a % of Stage 1 Complaint Numbers**
A	37	0.82	4	10.8%
B	26	0.85	4	15.4%
C	25	1.11	5	20.0%
D	50	1.12	1	2.0%
Durham	132	1.16	8	6.1%
E	81	1.20	11	13.6%
F	56	1.19	8	14.3%
G	45	1.36	4	8.9%
H	67	1.86	16	23.9%
I	54	2.15	14	25.9%
J	176	2.86	23	13.1%
K	No information	-	No information	-

* ONS Mid-2013 population estimates, Office for National Statistics

** Note: some complaints actioned at Stage 2 in 2015/16 may have been investigated initially at Stage 1 during 2014/15 or 2015/16; and some may have been investigated directly at Stage 2, bypassing Stage 1

Table 1 shows that from the information supplied, in 2015/16 in comparison to regional neighbours:

- Durham had the fifth lowest rate of Stage 1 complaints (1.16) per 1000 population aged 0-19 years. In 2014/15 and 2013/14 Durham had the second lowest rate.
- Durham had the second lowest percentage (6.1%) of Stage 1 complaints progressing to Stage 2, the same result as in 2014/15. Durham has historically had a relatively low percentage of complaints escalating to Stage 2 for a number

of years. Managers and staff try to resolve as many complaints as possible within the Stage 1 (local resolution) part of the process. This may at times mean that resolution is achieved outside target timescale (20 working days), for example due to meetings being held with complainants to reach a satisfactory conclusion; this is balanced against the time and cost involved in the Stage 2 process.

Table 2: Complaints relating to adult social care services – North East regional authorities 2015/16

Local Authority	Total Number of Complaints	Rate of Complaints (per 1000 18+ Population**)
A	11	0.10
Durham	73	0.18
B	15	0.21
C	23	0.21
D	37	0.25
E	47	0.29
F	73	0.32
G	40	0.34
H	62	0.39
I	87	0.39
J	49	0.59
K	No information	-

** ONS Mid-2013 estimates, Office for National Statistics

Table 2 shows that in 2015/16, in comparison with 10 neighbouring authorities who supplied information, Durham had the second lowest rate of complaints (0.18) per 1000 population aged 18 and over. This is an improvement on 2014/15 and 2013/14 when Durham had the fourth and fifth lowest rate respectively.

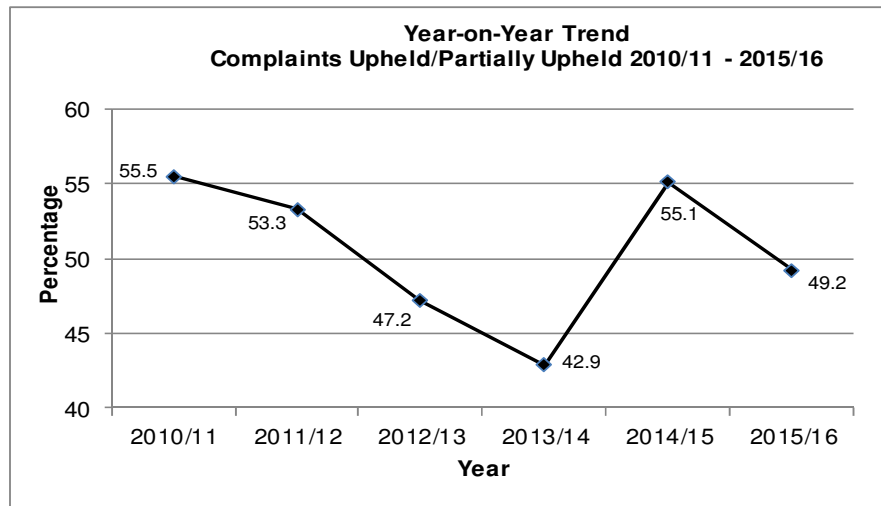
Number of complaints upheld

Once complaints have been investigated, a determination is made based upon the findings as to whether the complaint is upheld, partially upheld or not upheld. A complaint determined as 'upheld' means that all elements of the complaint have been found to be substantiated or justified. A complaint 'not upheld' indicates that no element of the complaint has been substantiated or justified. A finding of 'partially upheld' denotes that some elements of the complaint have been found to be substantiated or justified whilst other elements of the complaint have not.

Of the 205 complaints received by CAS, 40 were upheld (19.5%) and 61 were partially upheld. (29.7%) There were 101 that were not upheld (49.3%), and 3 that were not completed by the year end (1.5%).

As Graph 2 overleaf illustrates, in previous years the percentage of complaints upheld and partially upheld across CAS as a whole had been decreasing year-on-year but in 2014/15 this percentage increased by 12.2%. In 2015/16, the percentage of complaints upheld and partially upheld has decreased by 5.9% from the previous year but has not returned to the levels of 2012-2014.

Graph 2: Complaints not upheld in CAS 2010-2016



In children's social care complaints, of the 132 new Stage 1 and 2 complaints, 22 were upheld in full (16.7%) and 37 were partially upheld (28%). There were 70 complaints (53%) that were not upheld; and 3 complaints (2.3%) were still being investigated at the year-end (two of which were at Stage 2, both having been escalated from Stage 1). The percentage of complaints not upheld in children's social care services has varied over the past 3 years but has risen by 5% from 2014/15.

In adult social care complaints, of the 73 complaints received, 18 were upheld (24.7%) and 24 were partially upheld (32.9%). There were 31 complaints that were not upheld (42.4%). The percentage of complaints not upheld in adult social care services has varied over the past 3 years but has risen by 1.6% from 2014/15.

Percentage of complaint acknowledgements within 2 working day timescale

There were 99% of complaints acknowledged within the timescale of 2 working days, which is a 1.3% improvement on the previous year. One complaint about children's services was acknowledged outside the 2 working days. The complaint had been received by a front-line team and receipt was not acknowledged until it was brought to the attention of the Complaints Team.

Complaints completed within timescale

Of the 132 new children's social care complaints, 130 were actioned at Stage 1. Where Stage 1 complaints are not complex, the regulations state that whenever practicably possible, they should be resolved within 10 working days, which can be extended to 20 working days where complaints are complex.

During 2015/16, of the 132 new complaints, 22 were responded at Stage 1 within the 10 working day timescale (16.7%). A further 51 were responded to within 20 working days (38.6%). One of the 132 new complaints was still under investigation at the year-end (0.8%), at Stage 1, outside of the 20 day timescale. The remaining 58 of the 132 new complaints were responded to outside Stage 1 and Stage 2 timescales (43.9%). Of these, 2 were actioned directly at Stage 2.

Of the total 8 Stage 2 complaints (6 of which had been escalated from Stage 1 so were not new complaints), 2 were responded to within the 65 working day timescale, 4 outside this timescale and 2 investigations were ongoing at the year end.

The above information is illustrated in Charts 1 and 2 below:

Chart 1: Stage 1 response timescales

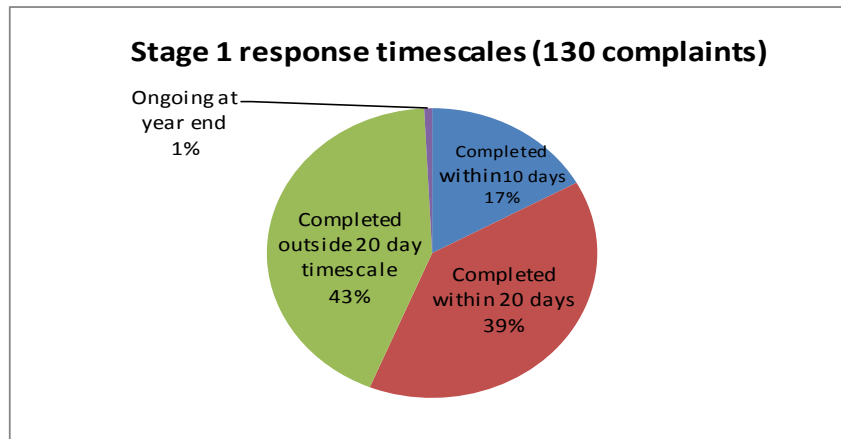
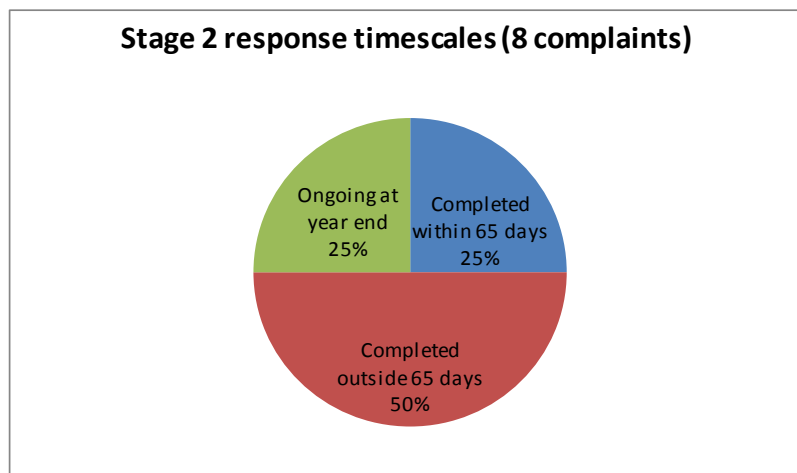


Chart 2: Stage 2 response timescales



For complaints relating to adult social care, all 73 complaints were completed at the year-end and 72 were completed within the individual timescales agreed in the Complaints Resolution Plan (CRP), 98.6% compared with 100% in 2014/15. The 1 complaint completed outside of the negotiated timescales was due to the service issuing a response 1 week after the date given on the CRP, and not updating the complainant that the response would be later than anticipated.

Subject matter of upheld and partially upheld complaints

Of the 101 CAS complaints which were fully or partially upheld during 2015/16, the following 3 categories had the highest occurrence:

1. 'Professional Conduct of Staff'² - 34.7% of complaints included this as an element (28 children's services and 7 adult services).
2. 'Lack of Communication/Information' - 31.7% of complaints contained this as an element (24 children's services and 8 adult services).
3. 'Disputed Decision' – 14.9% of complaints contained this as an element (7 children's services and 8 adult services).

Note: a complaint can have more than one category recorded within it.

These have been the 3 major categories for complaints within CAS as a whole during previous years. For this reason action has been put in place to obtain a more detailed analysis about these 3 category areas, and work is being undertaken to seek a more detailed understanding regarding the frequency of occurrence, for inclusion in next year's report.

Complaints by team and service area

Tables 3 and 4 show the breakdown of complaints by team and Graph 3 provides the breakdown by service area. Further detail is included in Parts Three and Four of this report.

Table 3: Children's complaints by team

Service Area	Number of Stage 1-3 Complaints 2015/16	Number of Stage 1-3 Complaints 2014/15	Direction of Travel from Previous Year	% of Total Complaints 2015/16	% of Total Complaints 2014/15
Child Protection	43	32	↑	32.6%	32%
Assessment & Intervention ^a	38	35	↑	28.8%	35%
Families First ^b	19*	-	-	14.4%	-
Looked After and Permanence	11	8	↑	8.3%	8%
Disability Social Work	9	4	↑	6.8%	4%
First Contact & Emergency Duty Team	4	10	↓	3.0%	10%
Young People's Service	4	0	↑	3.0%	-
Fostering and Adoption	3	7	↓	2.3%	7%
Full Circle	1	0	↑	0.8%	-
Safeguarding Children ^c	0	2	↓	-	2%
Independent Reviewing Officers	0	1	↓	-	1%
Children's Home	0	1	↓	-	1%
Total	132*	100	↑	100%	100%

^aTeams in place since February 2014 following an internal restructure

^bTeams in place since further restructure throughout 2015/16

^cTeams no longer in place

*Includes 2 complaints actioned directly at Stage 2

² The distinction between professional conduct issues and the separate category of 'Staff Attitude' is that the former relates to how the worker conducts themselves according to their professional responsibilities and the regulatory requirements, whilst the latter relates to, for example, allegations of rudeness in communication.

Table 3 shows that in Children’s Services, the service area receiving the greatest number of complaints was the Child Protection service, followed by the Assessment and Intervention service, which was gradually replaced by the Families First service.

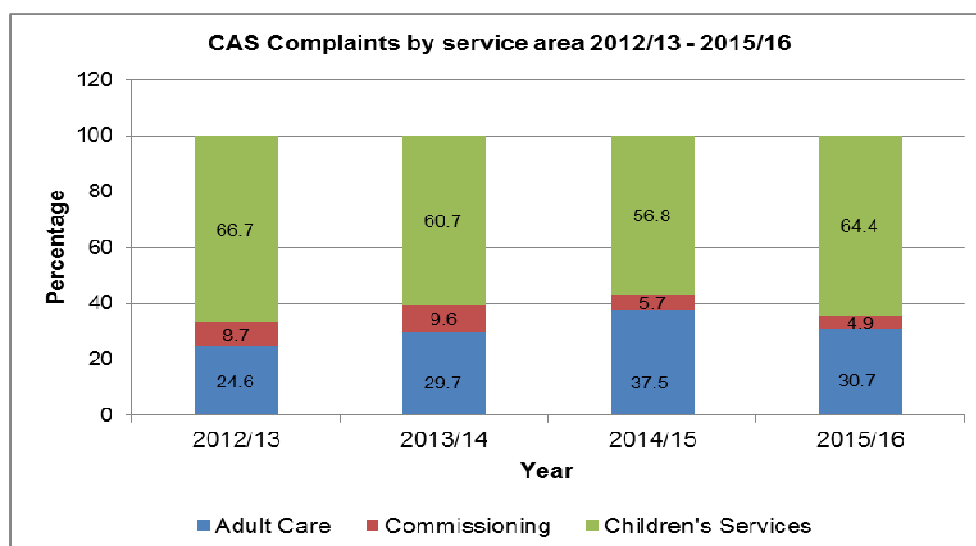
Table 4: Adult complaints by team

Service	Number of Complaints 2015/16	Number of Complaints 2014/15	Direction of Travel from Previous Year	% of Total Complaints 2015/16	% of Total Complaints 2014/15
Older People/ Physical Disabilities/Sensory Impairment	32	41	↓	43.8%	54.0%
Learning Disability/Mental Health/Carers/Substance Misuse	15	17	↓	20.5%	22.3%
Commissioning	10	10	-	13.7%	13.2%
County Durham Care And Support	2	7	↓	2.8%	9.2%
Adult Care - Safeguarding	3	1	↑	4.1%	1.3%
Finance	9	0	↑	12.3%	-
Emergency Duty Team/Social Care Direct	2	0	↑	2.8%	-
Total	73	76	↓	100%	100%

Table 4 shows that in Adult Care, as in previous years, the service area receiving the greatest number of complaints was Older People/ Physical Disabilities and Sensory Impairment followed by the Learning Disability/Mental Health/Substance Misuse service. These service areas have the greatest amount of direct contact with service users and members of the public.

As Graph 3 illustrates, for the past 4 years, Children’s Services have received the highest percentage of complaints relating to CAS. In 2015/16, of the 205 CAS complaints, 64.4 % related to Children’s Services. Adult Care accounted for 30.7% of all complaints in 2015/16, whilst complaints relating to the Commissioning service (regarding commissioned care providers) area accounted for 4.9% in 2015/16.

Graph 3: CAS statutory complaints by service area



Complaints referred to the Local Government Ombudsman (LGO)

During 2015/16, the LGO contacted the Council in relation to 34 (15 children's and 19 adult) statutory cases that had been referred to them. This represents a 41.7% increase on the 24 cases referred to the LGO in 2014/15. The LGO usually makes an enquiry with the Council to ask what action has been taken, and to request copies of any correspondence. After considering the information from the Council and the complainant, the LGO then issues a Draft Decision Notice, which both parties are given an opportunity to comment upon, before the LGO issues a Final Decision.

The process for complaints about children's social care services has 3 stages prior to referral to the LGO, in contrast to the adult procedure which only has 1 stage. If a complainant is dissatisfied with the LAs response, the next step is for them to take the matter to the LGO.

At the end of 2015/16 in relation to children's and adult social care services, 4 LGO investigations were ongoing (1 children's and 3 adult cases) for which Draft Decisions are awaited. In 3 adult cases, enquiries were received and information is awaited on what action the LGO intends to take. In 2 children's cases the LGO took no action. During 2015/16 the Council received 25 Final Decision letters (12 children's and 13 adult cases), of which 6 complaints were upheld:

- In one case (children's) the LGO agreed with the Council's finding of fault and recommended a financial remedy (£600).
- In one case (children's) the LGO found maladministration with injustice and made 2 recommendations, including a time and trouble payment (£350).
- In one (adult) case the LGO found maladministration without injustice. No recommendations were made to the Council but a care home was required to make some improvements.
- In one case (adult) the LGO found fault without injustice and agreed that the Council's offer to make a time and trouble payment (£350) was adequate remedy.
- In one case (adult) the LGO found maladministration with injustice but closed the case as the Council had remedied the injustice.
- In one case (adult) the LGO found fault with injustice and recommended that the Council should apologise to the complainant for the injustice and write advising of actions taken to avoid a recurrence.

A total of £1300 was paid across CAS for 3 complaint resolutions (2 children's and 1 adult) which is a comparable figure with 2014/15 when a total of £1150 was paid, also across 3 complaints (2 children's and 1 adult).

Complaints by complainant type

In complaints received about children's social care services, 'Parents' constituted the largest cohort of complainants with 93 of the 132 complaints made by parents (70.5%). In complaints about adult social care services, 'Relatives' (non-parent) made 43 of the 73 complaints (58.9%). These have been consistent cohorts over previous reporting years.

Age and gender profiles of complainants

Using information based on the eldest child in a family or the child who the complaint was made on behalf of, 56 of the 132 children's services complaints were made on behalf of girls aged 0-18 years (42.4%), and 75 were made on behalf of boys aged 0-17 years (56.8%). One complaint (0.8%) was made by foster carers about a general finance issue and was not relating to the case of a particular child in their care. In relation to adults' complaints, the majority (65.7%) were made by (or on behalf of) females and 34.3% of complaints were made by (or on behalf of) males.

Ethnicity and diversity

Of the total of 205 complaints made regarding childrens and adults social care services, 98% were made by or on behalf of services users recorded as being White British. Two services users were recorded as being Mixed Race Asian (1%), one as White Other (European) (0.5%); and one complaint (0.5%) did not relate to a particular service user.

Declined complaints

During the year, CAS declined to consider 24 complaints, an increase on the 9 declined complaints in 2014/15. There were 17 declined complaints about children's services and 7 about adult services. Declined complaints are not included in the numbers of actioned complaints. Reasons for declining complaints are detailed in Parts Three and Four of the report.

Remedies and learning outcomes

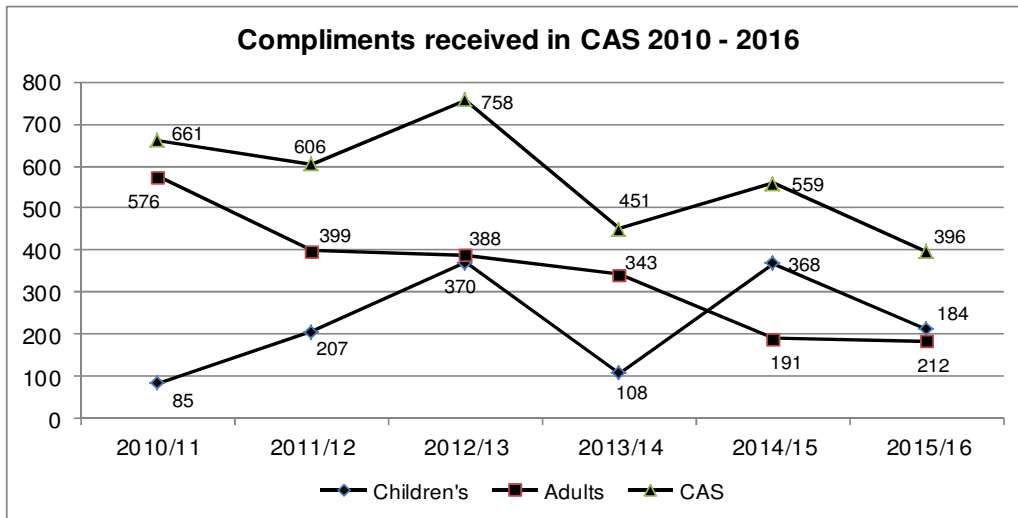
Examples of the remedies used to achieve resolution and the learning and practice developments that have resulted from complaints are provided in Part Five of the report.

Number of compliments received

In the reporting year, a total of 396 compliments were received by CAS; 212 in relation to children's social care and 184 regarding adult social care. This represents a decrease across the service of 29.2% in comparison to the previous year's number of 559. This information is illustrated in Graph 4 overleaf.

Managers are reminded regularly through CAS communications of the importance of capturing and reporting compliments received by staff in the form of letters, emails and cards. The outcome of a review to standardise the definitions of compliments within CAS is being implemented from October 2016.

Graph 4: Compliments received in CAS 2010-2016



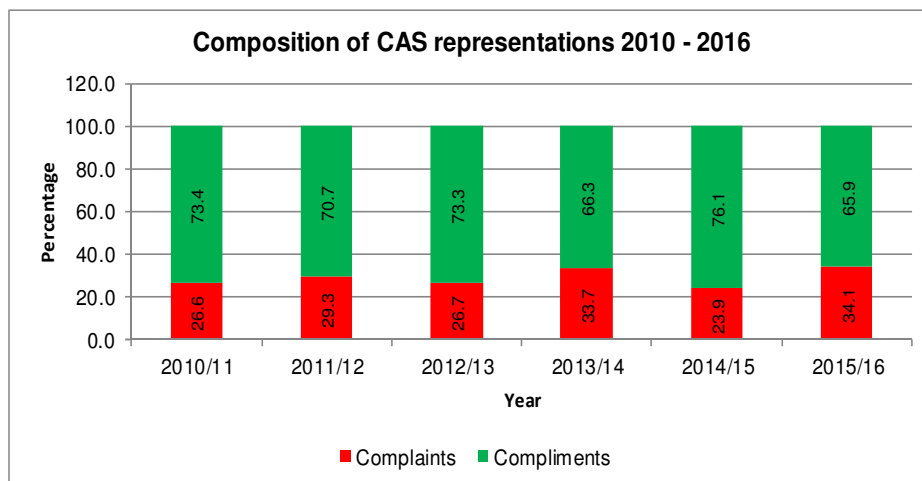
Ratio of compliments to complaints

The ratio of compliments to all complaints received across CAS is 1.9:1. This means that for every complaint received, almost 2 compliments were received. This represents a decrease on the previous year when the ratio of compliments to complaints was 3.2:1.

Consideration has been given to why the number of compliments has fluctuated so significantly over the last 3 years. A number of front-line services have been re-configured through change and transformation programmes. Service user numbers in adult social care are declining as citizens are accessing services through other non-statutory provisions outside of the Council's remit following the introduction of the Care Act 2014. These could be reasons why compliments about adult services have decreased in 2015/16.

Graph 5 shows that between 2010/11 and 2015/16, the percentage of compliments received has consistently outweighed the percentage of complaints received.

Graph 5: Composition of CAS representations 2010-2016



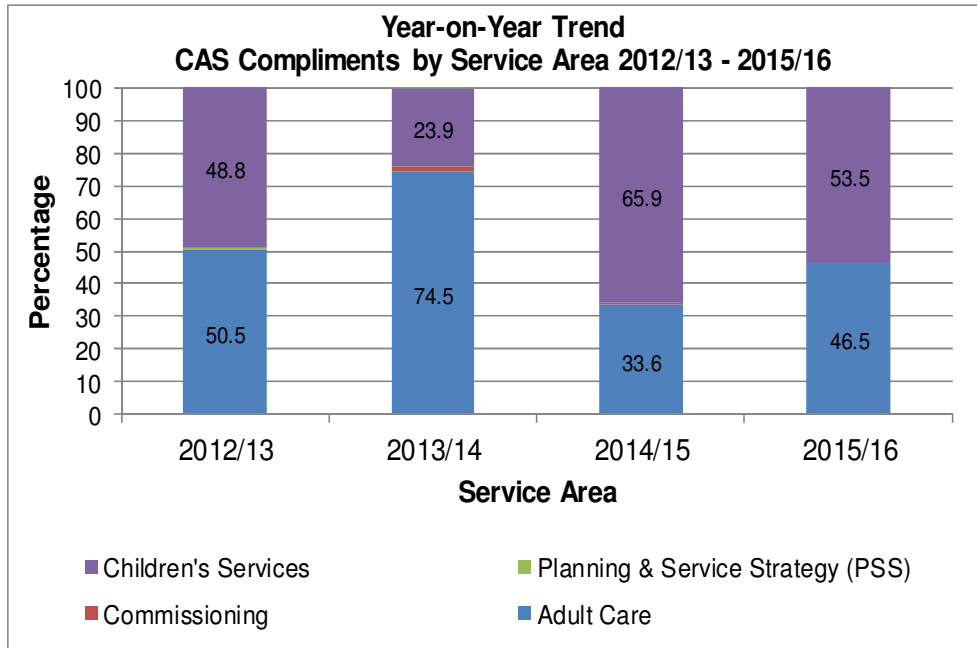
Compliments by team and service area

In Children's Services, in relation to social care provision the Think Family (preventative) service received the highest percentage of compliments in 2015/16, followed by the Council's children's homes (34.9% and 18.9% respectively).

In Adult Care, County Durham Care and Support attracted the greatest proportion of compliments across the service area, receiving 136 (73.9%) compliments. The Older People's/Physical Disabilities and Sensory Support Service area received 41 (22.3%) compliments.

Graph 6 (overleaf) shows that in 2015/16 the percentage of CAS compliments relating to Adult Care increased to 46.5% from 33.6% in 2014/15. Compliments relating to Children's Services decreased to 53.5% from 65.9% during the same period.

Graph 6: CAS compliments by service area



Part Three - Representations relating to children’s social care services

Context

This part of the report presents the data for representations relating to children’s social care services received during the reporting year 2015/16. It reflects the publication requirements of *The Children Act 1989 Representations Procedure (England) Regulations 2006*. Locally-agreed reporting information is also provided.

The regulations for children’s social care complaints detail that complaints should be managed and resolved in 3 stages:

- Stage 1 (local resolution) which has a target timescale of 10 working days for non-complex complaints, which can be extended up to 20 working days if necessary.
- Stage 2 (independent investigation) which has a target timescale of 25-65 working days.
- Stage 3 (review panel) which has a timescale of up to 50 working days.

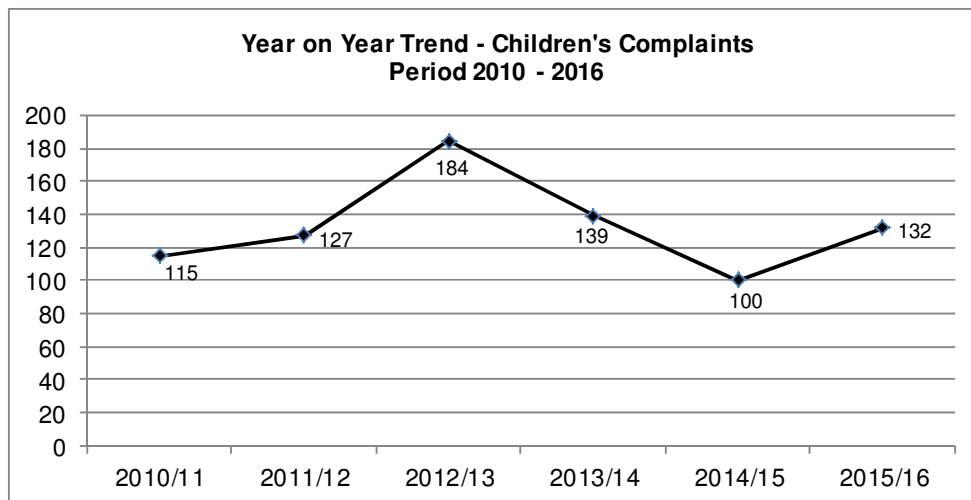
When a complaint is received it is risk-assessed to ensure that there are no safeguarding or other procedural issues that might supersede the complaints procedure. Dates are checked to ensure that it is within the 12 month limitation period (which may be waived in certain circumstances at the discretion of the local authority).

Where a complainant remains dissatisfied with the outcome of a complaint heard under the regulations, they can refer outstanding issues to the LGO who will determine their course of action dependent on the issues presented within the complaint. This can be done at any point of the process.

Year on year trend 2010-2016

Graph 7 below highlights overall performance from previous annual reports, showing year on year comparisons of the total numbers of complaints received for children’s social care.

Graph 7: Complaints trend 2010-2016 – children’s social care



Complaints increased between 2010/11 and 2011/12 then peaked in 2012/13. Reasons for this increase were explored with Children's Services managers and with neighbouring local authorities, 4 of whom also reported large increases in the same year. No particular and over-riding factor was identified for the increase in complaints about children's social care services in 2012/13. A decrease of 24.5% was experienced between 2012/13 and 2013/14. In 2014/15 there was a further 8.1% decrease in the total number of children's social care complaints received; 100 compared to 139 complaints received in 2013/2014.

In 2015/16, complaints have risen again to a similar level as 2013/14, with 132 complaints. This represents a 32% increase from 2014/15 numbers. Reasons for this have been considered. A number of front-line services have been reconfigured through change and transformation programmes. Whilst the changes have been embedding, the service has experienced some staffing pressures leading to families having numerous different social workers, as referenced in the Ofsted SIF report.

The service regularly considers ways of ensuring that complaints are resolved as quickly as possible and endeavours to find ways of minimising the number of complaints which are escalated to Stages 2 and 3. Despite this, during 2015/16 a total of 8 complaints were taken to Stage 2 by complainants, which represents a 60% increase from 2014/15 when 5 complaints were actioned at Stage 2.

Through increased and improved publication of statutory complaints processes by CAS, the Council and the media, service users can be more aware of their right to complain and their right to take their complaint further if they remain dissatisfied. This may account for the increased number of complaints overall, and complaints taken to Stage 2 during 2015/16. The Local Government Ombudsman reports that nationally in 2015/16, complaints have increased by 34%, which is reflective of the increased number of complaints relating to children's social care services.

Number of complaints received

In 2015/16, a total of 132 new complaints were received and progressed under the children's social care complaints regulations. This represents an increase of 32% on the 100 complaints received in 2014/15.

Of the 132 new complaints received:

- A total of 130 were actioned at Stage 1 (local resolution).
- Two were taken directly to Stage 2 of the process (independent investigation).
- None were actioned at Stage 3.

This report contains performance information in relation to the 132 new complaints recorded at Stages 1 and 2; of which 129 were concluded by the year end (97.7%).

Complainants asked for 6 of the 130 to be escalated to Stage 2. This report also contains some information about the total 8 complaints investigated at Stage 2.

Complaints received by service area

As shown in Table 7 below, the service area receiving the greatest number of complaints was the Child Protection service followed by the Assessment and Intervention service, which was gradually replaced across the year by the Families

First service. These service areas have the greatest amount of direct contact with service users and members of the public.

Table 7: Number of complaints received by service area 2014/15

Service Area	Number of Stage 1-3 Complaints 2015/16	Number of Stage 1-3 Complaints 2014/15	Direction of Travel from Previous Year	% of Total Complaints 2015/16	% of Total Complaints 2014/15
Child Protection	41	32	↑	31.1%	32%
Assessment & Intervention ^a	40	35	↑	30.3%	35%
Families First ^b	19*	-	-	14.4%	
Looked After and Permanence	11	8	↑	8.3%	8%
Disability Social Work	9	4	↑	6.8%	4%
First Contact & Emergency Duty Team	4	10	↓	3.0%	10%
Young People's Service	4	0	↑	3.0%	-
Fostering and Adoption	3	7	↓	2.3%	7%
Full Circle	1	0	↑	0.8%	-
Safeguarding Children ^c	0	2	↓	-	2%
Independent Reviewing Officers	0	1	↓	-	1%
Children's Home	0	1	↓	-	1%
Total	132*	100	↑	100%	100%

^aTeams in place since February 2014 following an internal restructure

^bTeams in place since further restructure throughout 2015/16

^cTeams no longer in place

*Includes 2 complaints actioned directly at Stage 2

Percentage of complaint acknowledgements in timescale

The statutory timescale for acknowledging a children's social care complaint is 2 working days. Of the 132 new complaints, 131 (99.2%) were acknowledged within the 2 day timescale. The remaining complaint was acknowledged after 13 working days, immediately it came to the attention of the Complaints Team from a front-line team.

Complaints completed within timescale

Of the 132 new children's social care complaints, 130 were actioned at Stage 1. Where Stage 1 complaints are not complex, the regulations state that whenever practicably possible, they should be resolved within 10 working days, which can be extended to 20 working days where complaints are complex. During 2015/16:

- Of the 132 new complaints, 22 (16.7%) were responded to at Stage 1 within the 10 working day timescale (16.7%), Two of these Stage 1 complaints were then escalated to Stage 2, where 1 was responded to within the Stage 2 timescale of up to 65 working days, and 1 was ongoing at the year end, on target to be responded to inside this timescale.
- A further 51 (38.6%) were responded to within 20 working days (38.6%), one of which was then escalated to Stage 2, and was ongoing at the year-end, outside the 65 working day timescale.

- One of the 132 new complaints was still under investigation at the year-end (0.8%), at Stage 1, outside of the 20 day timescale. The complainant has been advised of reasons for the delay and apologies given.
- The remaining 58 of 132 new complaints were responded to outside Stage 1 and Stage 2 timescales (43.9%). Of these, 2 were actioned directly at Stage 2 for which there is a maximum 65 working day timescale. Neither was completed within the 65 days. One was completed in 78 working days and one in 80 working days. Reasons for these delays included the necessity to engage an Advocate during the process, and complainants requesting additional time to review the draft investigation report and provide written comments.
- Three of the 56 Stage 1 complaints which were responded to outside 20 working days were then escalated to Stage 2. At that Stage, one was responded to within 65 working days and two outside this timescale.

As mentioned above, during 2015/16 a total of 8 complaints at Stage 2 were investigated by an Investigating Officer (IO) who is independent of the service area being complained about. In accordance with the regulations, an Independent Person (IP) was also commissioned. This person must not have worked for the LA for at least 3 years. Their role is to oversee the process to ensure it is carried out in a fair and timely manner. The 65 day response timeframe includes the issuing of a LA Adjudication response to the IO and IP reports.

Part of the independent investigating officers' role is to give regular progress updates to the complainants and the LA. As relatively few complaints are taken to Stage 2, those which do reach this stage are particularly complex and often comprise numerous elements.

Of the total 8 Stage 2 complaints, 6 were completed by the end of 2015/16, two of which were completed within 65 working days. The remaining 2 Stage 2 complaints was ongoing at the year-end, 1 on target to be completed within timescale and 1 outside timescale. The IO has kept the complainant updated and given reasons why timescale will not be met.

As mentioned above, of the 130 complaints which were actioned initially or wholly at Stage 1, 22 were responded to within 10 working days, with a further 51 being responded to within 20 working days. Therefore in total, 73 of the 130 Stage 1 complaints were responded to within the statutory timescale of up to 20 working days (56.2%). One Stage 1 investigation was ongoing at the year-end (0.7%), outside timescale, therefore 56 of the 130 Stage 1 complaints took longer than 20 working days to complete (43.1%). Additionally the 2 direct Stage 2 complaints were resolved outside the 65 working day timeframe, so in total 58 of the total 132 new complaints were completed outside statutory timescales (43.9%).

The service continues to strive to improve on performance against the target response timeframes and has introduced a more robust escalation process to improve this, ensuring senior managers are fully informed when there is a potential risk of timescales being exceeded. This process continues to be monitored and reviewed as necessary.

Number of complaints upheld

Of the 132 new Stage 1 and 2 complaints, 22 were upheld in full (16.7%) and 37 were partially upheld (28%). There were 70 complaints (53%) that were not upheld. One of the new complaints (0.8%) was still being investigated at the year-end. Two complaints (1.5%) which moved from Stage 1 to Stage 2 were also still ongoing at the year end, therefore their final outcome (at Stage 2) is to be confirmed.

Table 5 below shows the breakdown of children's social care complaints by teams. In 2014/15, 20% of complaints were upheld, 32% were partially upheld and 48% were not upheld. The percentage of complaints not upheld in children's social care has varied over the last 3 years but has risen by 5% from 2014/15.

Table 5: Outcome of complaints for children's social care services 2015/16

Outcome of Complaints 2015/16 Children's Social Care					
Service Area	Upheld	Partially Upheld	Not Upheld	Ongoing	Total
Child Protection	14**	6*	20	1	41
Assessment & Intervention ^{1,3}	6	15**	19**	0	40
Families First ²	1	5	11	2**	19
Looked After and Permanence	0	6	5	0	11
Disability Social Work	0	3	6**	0	9
First Contact & Emergency Duty Team	0	0	4	0	4
Young People's Service	0	1	3*	0	4
Fostering and Adoption	1	1	1	0	3
Full Circle	0	0	1	0	1
Total	22	37	70	3	132

¹Teams in place since February 2014 following an internal restructure

²Teams in place since further restructure throughout 2015/16

³Teams no longer in place

*Includes complaint actioned directly at Stage 2

**Includes complaints escalated from Stage 1 to Stage 2 and resolved at Stage 2

Categories of upheld and partially upheld complaints

As detailed in Table 6, of the 59 complaints which were fully or partially upheld 28 included 'Professional Conduct of Staff' (57.1%). Complaints in this category usually alleged that social workers had failed to follow procedures, had misled families, or had given preferential treatment to one parent over another.

(The distinction between professional conduct issues and the separate category of 'Staff Attitude' is that the former relates to how the worker conducts themselves according to their professional responsibilities and the regulatory requirements whilst the latter relates to, for example, allegations of rudeness in communication.)

'Lack of Communication/Information' was included in 24 of the 59 upheld/partially upheld complaints (40.7%). Examples include not being able to contact social workers and not receiving copies of children's records such as contact sheets or assessment reports.

There were 11 upheld/partially upheld complaints categorised as being in relation to 'Lack of Service – Contact/Visits' (18.6%) and a further 11 regarding 'Speed of Service' (18.6%). Such complaints tended to be made where parents felt that they or their children had not been visited often or quickly enough by social workers. These 2

categories have not featured within the 'top 3' in previous years but do reflect the reasons attributed to the overall increase in complaints relating to children's social care services.

'Professional Conduct of Staff' and 'Lack of Communication/Information' have been 2 of the 3 major categories of complaints in relation to children's social care services in preceding years. For this reason action is being taken to obtain a more detailed analysis of these category areas, for improved analysis of complaints received in 2016/17.

Table 6: Categories of upheld/partially upheld complaints 2015/16

Complaint Category / Issue	Number of Complaints
Professional Conduct of Staff	28
Lack of Service – Communications/Information	24
Lack of Service – Contact/Visits	11
Speed of Service	11
Disputed Decision	7
Provision of Service - Assessment	6
Staff Attitude	4
Application of Service Guidance/Procedures	3
Confidentiality	2
Lack of Service – Denied Service	2
Quality of Service - Transport	2
Safeguarding	2
Discrimination	1
Provision of Services – Placement Provision	1
Standard of Care	1
Total	105*

**Note: a complaint can have more than one category recorded within it*

Complaints referred to the Local Government Ombudsman (LGO)

During 2015/16, the LGO contacted the Council in relation to 15 children's social care cases that had been referred to them. The LGO usually asks the Council what action has been taken and requests copies of any correspondence. The LGO then issues a Draft Decision Notice, which the Council and complainant are invited to comment upon, before the LGO issues a Final Decision.

During 2015/16, of the 15 children's social care cases received by the LGO, 13 were progressed to investigation. Final Decision letters were received for 12 of the 13 cases:

- In 5 cases the LGO took no further action as the complaints were outside their jurisdiction.
- In 3 cases the LGO stated that the Council had not been at fault.
- The LGO closed one case as unable to give the complainant her desired outcome.
- The LGO said one case was premature as it had not been fully investigated by the Council.
- In one case the LGO agreed with the Council's finding of fault and recommended a financial remedy (£600).
- In one case the LGO found maladministration with injustice and made 2 recommendations, including a time and trouble payment (£350).

In the other case, the LGO's investigation of the complaint was still ongoing at the year-end. The complaint had been through Stage 2 of the process and the complainant then made a request for Early Referral to the LGO (by-passing a Stage 3 Review Panel).

A total of £950 was paid relating to 2 children's cases which is a comparable figure with 2014/15 when a total of £1000 was paid, also across 2 complaints. It should be noted that compensatory redress was only considered (and agreed in line with Scheme of Delegation) where there was strong evidence of shortcomings.

Complaints by complainant type

As has been the trend over previous reporting years, 'Parents' constituted the highest number of complainants, making 93 of the 132 complaints (70.5%). This is an increase on the 2014/15 figure of 69% complaints made by Parents. 'Other relatives' (in most cases, grandparents) brought 25 complaints (18.9%) compared with 18% in 2014/15. 'Carers' made 6 complaints (4.6%) followed by 'Advocates'* who made 4 complaints (3.0%). Two complaints (1.5%) were made by an 'Other' person (in 1 case, a teacher) in relation to a child's case). The other 2 cases (1.5%) were made by 'Clients' (1 child and 1 young person). In 2014/15, 9% of complaints were made by Carers, 3% by Advocates, 1% by Other persons and none by Clients.

**DCC has a contract with the National Youth Advocacy Service (NYAS) to provide free advocacy services to children and young people who are looked after. Additionally, 3 of the parent/relative/carer complaints were made through Advocates from the Citizens Advice Bureau.*

Age and gender profiles of complainants

Complaints made about services to children or young people may be submitted on behalf of one or more children in the family. If a complaint is made on behalf of more than one child, it is logged on the record of the eldest child. Using this information, 56 of the 132 complaints were made on behalf of girls aged 0-18 years (42.4%), and 75 (56.8%) were made on behalf of boys aged 0-17 years. One complaint (0.8%) was made by foster carers about a general finance issue and was not relating to the case of a particular child in their care.

Ethnicity and diversity

In 130 of the 132 complaints, the eldest child (or the child who the complaint was made on behalf of) was White British (98.5%); in 1 case (0.75%) the child was recorded as being Mixed Race Asian; and 1 case (0.75%) did not relate to a particular child.

Declined complaints

During the reporting year, 17 complaints were declined. Three cases were declined as the issues of complaint had already been considered as part of court proceedings. Three cases were declined due to there being concurrent criminal proceedings against the complainants. In 3 cases complaints were declined due to the children's case being in care proceedings so the issues needed to be raised within the court process. Three complaints were about matters that occurred outside the 1 year timescale. In 2 cases the complainants did not have Parental Responsibility so the complaint matters could not be considered. One complaint was declined as the case

was subject to private law proceedings. One complaint was declined due to the complainants stating their intention to take the Council to court. The other complaint was declined on the basis that it was based on opinion for which no evidence could be provided by the complainant; therefore it was not possible to undertake an investigation. Declined complaints are *not* included in the total figure of 132 complaints received.

Number of compliments received

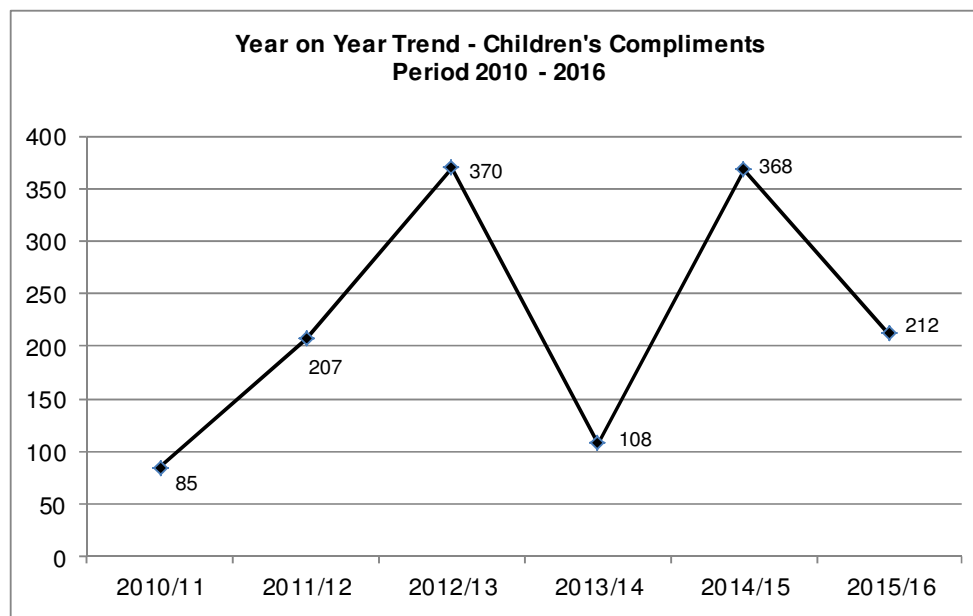
In the reporting year, the number of recorded compliments fell to 212. This represents a decrease of 42.4% from 2014/15 to 2015/16.

Ratio of compliments to complaints

The ratio of compliments to complaints received was 1.6:1. In 2014/15 the ratio was 3.5:1. In 2013/14 the ratio was 0.8:1. In 2012/13 it was 2.0:1 and in 2011/12 it was 1.6:1.

Consideration has been given to why the number of compliments has fluctuated so significantly over the last 3 years. A number of front-line services have been re-configured through change and transformation programmes. Whilst the changes have been embedding, there have been an increased number of complaints, and a decreased number of compliments.

Graph 8: Compliments year on year trend 2010-2016



Compliments received by service area

In 2015/16, the service which received the most compliments was Think Family, a positive intervention service, followed by the Children's Homes throughout the County.

Table 8: Number of compliments received by service area 2014/15

Service Area	Number of Compliments 2015/16	Number of Compliments 2014/15	Direction of Travel from Previous Year	% of Total Compliments 2015/16	% of Total Compliments 2014/15
Aycliffe Secure Service	4	90	↓	1.9%	24.5%
Assessment and Intervention ¹	6	24	↓	2.8%	6.5%
Children's Homes	40	22	↑	18.9%	6.0%
Child Protection	4	10	↓	1.9%	2.7%
Community Support Team	15	43	↓	7.1%	11.7%
Disability Social Work	16	7	↑	7.5%	1.9%
Family Pathfinder	5	91	↓	2.3%	24.7%
Families First ²	8	-	↑	3.8%	
Fostering and Adoption	13	8	↑	6.1%	2.2%
Full Circle	4	3	↑	1.9%	0.8%
Initial Response/Emergency Duty	0	7	↓	-	1.9%
Looked After & Permanence	19	23	↓	9.0%	6.3%
Think Family	74	35	↑	34.9%	9.5%
Young People's Service	4	0	↑	1.9%	
4Real ³	-	5	↓	-	1.3%
Total	212	368	↓	100%	100%

¹ Teams in place since February 2014 following an internal restructure

² Teams in place since further restructure throughout 2015/16

³ Teams no longer in place

Key areas highlighted within compliments received

Compliments highlight that service users have appreciated the following:

- Feeling respected, listened to and supported.
- Having decisions explained to them.
- Being kept informed.
- Staff explaining issues in a way the client understood.
- Professionalism, care and commitment of staff.
- Being able to contact staff easily.

Examples of compliments received

Some examples of compliments received include:

- *"(Staff member) is an excellent example of what community support means. She is so understanding and always there to give you the best possible advice. I trust her as she knows what she is talking about and she understands what you are going through."*

Community Support Team

- *"Thank you for all of the work you have done with (service user). I am really grateful for the support and professionalism you brought to the situation. Thank you!!!"*

Assessment & Intervention Crook

- *“(Staff member) has been a pillar of strength and support. She has, on more occasions than thought possible, gone over and above the call of duty in her role, and she has had very little thanks. We believe that she should be commended not to mention compensated for the work that she has had to do as without her (service user) would still be awaiting his first operation, we would not have any of the correct paperwork and meetings would not have been achieved or planned. We cannot speak highly enough about her. The same goes for (staff member) who has been very pro-active in trying to get these issues sorted out.”*

Fostering and IRO Services

- *“..... Your professionalism, support and guidance meant the world to us. We will always hold fond memories of the last 18 months.”*

Looked After and Permanence Service

- *“(Staff member)is an excellent example of what community support means. She so understanding and always tries to give you the best possible advice. I trust her as she knows what she is talking about and she understands what you’re going through.”*

Community Support Team

Part Four - Representations relating to adult social care services

Context

This part of the report presents the data for representations regarding adult social care received during the year 2015/16 and reflects the statutory requirements of *The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*. The reporting format also includes locally-agreed reporting information over and above that required by the Regulations.

The regulations for adult social care complaints promoted new ways of managing and seeking to resolve complaints. There are no fixed timescales, with the exception of 3 working days to acknowledge the complaint, although the local performance target has been set at 2 working days (to align with the children's regulations) and a 6 month completion target. Under the regulations, a complaint made verbally, if capable of being resolved within 1 working day, does not constitute a complaint for recording purposes.

When a complaint is received, it is risk-assessed to ensure that there are no safeguarding or other procedural issues that might supersede the complaints procedure and that it is within the 12 month limitation period. Consent must be obtained to confirm that someone making a complaint on another's behalf has been given the authority to do so.

Once the above determinations have been made, complainants are invited to be involved in planning how their complaint is to be addressed, within what timescale and their expectations on the desired outcome. From this a Complaints Resolution Plan (CRP) letter is produced.

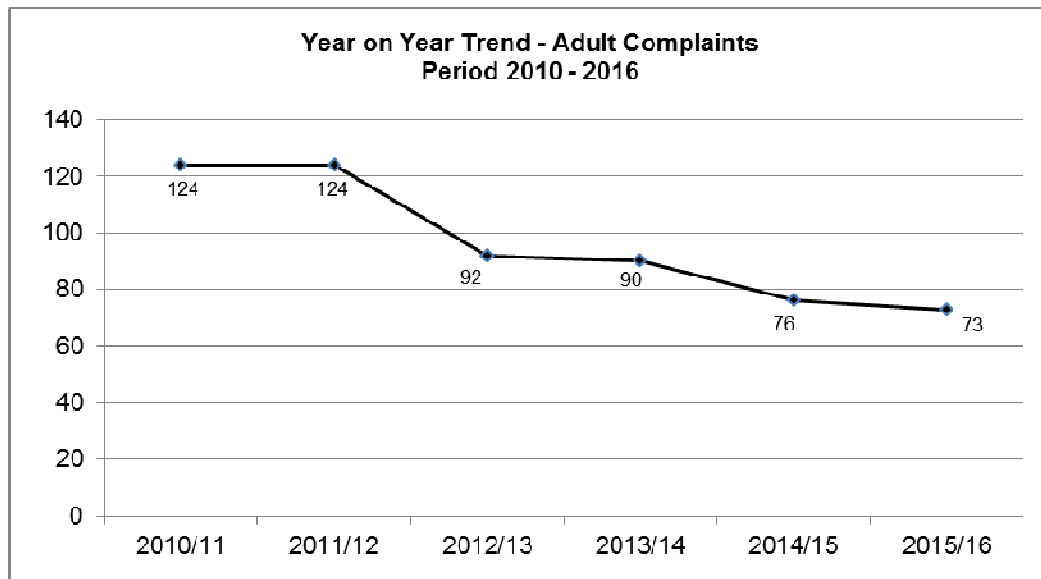
Different resolution methods are utilised depending on the issues being addressed and individual preferences and circumstances.

Where all proportionate resolution mechanisms have been exhausted and if the complaint remains unresolved, the complainant can refer outstanding issues to the Local Government Ombudsman.

Year on year trend 2010-2016

Graph 9 overleaf shows year on year comparison of the numbers of complaints received for adult social care. The graph shows that in 2015/16 there was a 3.9% decrease in the number of complaints received; 73 compared to 76 complaints received in 2014/15, continuing the downward trend of the previous reporting years apart from a spike which occurred between 2010/11 and 2011/12. (This had coincided with changes to charging policies leading to a greater number of complaints being made.) The 73 complaints received in 2015/16 reflect the second lowest number in the 6 years since 2010/11 and reflects the ongoing work to improve service delivery, including learning from previous complaints so that mistakes are not repeated.

Graph 9: Complaints trend 2010-2016 – adult social care



Number of complaints received

In 2015/16, a total of 73 complaints were received and progressed through the statutory adult social care complaints procedure. This represents a decrease of 3.9% on the 76 complaints received in 2014/15. Of the 73 complaints received, all were completed by the end of the reporting year.

Complaints received by service area

As in previous years, the service receiving the greatest number of complaints was Older People/ Physical Disabilities/ Sensory Impairment, followed by the Learning Disabilities/Mental Health/ Substance Misuse service area.

Table 11: Number of complaints received by service area 2015/16

Service	Number of Complaints 2015/16	Number of Complaints 2014/15	Direction of Travel from Previous Year	% of Total Complaints 2015/16	% of Total Complaints 2014/15
Older People/ Physical Disabilities/Sensory Impairment	32	41	↓	43.8%	54.0%
Learning Disability/Mental Health/Carers/Substance Misuse	15	17	↓	20.6%	22.3%
Commissioning	10	10	-	13.8%	13.2%
County Durham Care And Support	2	7	↓	2.7%	9.2%
Adult Care - Safeguarding	3	1	↑	4.1%	1.3%
Finance	9	0	↑	12.3%	-
Emergency Duty Team/Social Care Direct	2	0	↑	2.7%	-
Total	73	76	↓	100%	100%

Percentage of complaint acknowledgements in timescale

In accordance with the regulations the statutory timescale for acknowledging an adult social care complaint is 3 working days; however the CAS performance target is 2 working days. Of the 73 complaints received, all (100%) were acknowledged within the 2 day timescale.

Complaints completed within timescale

Complaints Resolution Plans (CRPs) were completed in all of the 73 complaints received in the year. The CRPs included timescales for response and are calculated based upon the potential complexity of the case. Of the 73 complaints received, all were completed at the end of the reporting year and 72 of these were completed within the agreed timescale of the CRP (98.6%).

Number of complaints upheld

Of the 73 complaints received, 18 were upheld in full (24.7%) and 24 were partially upheld (32.9%). There were 31 complaints that were not upheld (42.4%). The percentage of complaints not upheld in adult social care has varied over the last 3 years but has risen by 1.6% from 2014/15.

Table 9: Outcome of complaints 2015/16

Service Area	Upheld	Partially Upheld	Not Upheld	Ongoing	Total
Older People/ Physical Disability & Sensory Impairment	6	10	16	0	32
Learning Disability/ Mental Health / Substance Misuse	1	7	7	0	15
Adult Care - Safeguarding	3	0	0	0	3
Commissioning	5	4	1	0	10
County Durham Care And Support	0	2	0	0	2
Finance*	2	1	6	0	9
Emergency Duty Team/Social Care Direct	1	0	1	0	2
Total	18	24	31	0	73

**Finance is no longer part of CAS but the complaints were regarding statutory services*

Categories of upheld and partially upheld complaints

As detailed in Table 10 (overleaf), of the 42 complaints which were fully or partially upheld, 8 contained a category of 'Lack of Communication/Information' (19.0%). Complaints in this category usually detailed a failure in providing comprehensive and comprehensible information or not following up with information and updates when promised.

There were also 8 upheld/partially upheld complaints related to the category of 'Disputed Decision' (19.0%). An example of this is where following assessment, a client did not meet the criteria to receive a service and this was challenged.

The next highest category of upheld/partially upheld complaints was 'Professional Conduct of Staff' with 7 complaints containing this as an element (16.7%). Such

complaints tended to be allied to disputed decisions and involved allegations that assessments had not been thoroughly conducted.

(The distinction between professional conduct issues and the category of 'Staff Attitude' is that the former relates to how the worker conducts themselves according to their professional responsibilities and the regulatory requirements whilst the latter relates to, for example, allegations of rudeness in communication.)

These have been the three major categories of complaints in preceding years in relation to adult social care services. For this reason action has been taken to obtain a more detailed analysis of these category areas, for improved analysis of complaints received in 2016/17.

To try to mitigate against further complaints, particularly in the 'top 3 categories' in Adult Care key messages and learning from complaints are communicated to managers and staff through briefing notes which are published on the intranet. Although complaints continue to be received regarding these themes, total complaints regarding Adult Care services have decreased slightly during 2015/16.

Table 10: Categories of upheld and partially upheld complaints received 2015/16

Complaint Category / Issue	Number of Complaints
Lack Of Service - Communications/Information	8
Disputed Decision	8
Professional Conduct Of Staff	7
Standard of Care	5
Quality Of Service - Personal Care	4
Application Of Service Guidance/Procedures	3
Confidentiality	3
Finance - Assessment	3
Lack Of Service - Denied Service	3
Quality Of Service - Personal Financial Issues	3
Quality Of Service - Work Of Other Agencies	3
Finance - Charging Policy	2
Provision of Service – Placement Provision	2
Quality Of Service - Missed/Late Dom Care Calls	2
Safeguarding	2
Speed of Service	2
Staff Attitude	2
Finance - Direct Payment	1
Lack Of Service – Change to Clients Service	1
Lack of Service – Contact/Visits	1
Provision Of Service - Assessment	1
Quality of Service - Laundry	1
Total	67*

**A complaint can have more than one category recorded within it*

Complaints referred to the Local Government Ombudsman (LGO)

During 2015/16, the LGO contacted the Council in relation to 19 adult social care cases that had been referred to them. The LGO usually asks the Council what action has been taken and requests copies of any correspondence. The LGO then issues a Draft Decision Notice, which the Council and complainant are invited to comment upon, before the LGO issues a Final Decision.

During 2015/16 in relation to adult social care complaints the Council received 6 enquires and 13 Final Decision letters. Of these:

- In 5 cases, the LGO found no evidence of fault by the Council.
- In one case, the LGO closed the case on the basis that a care home should investigate the matter first.
- In one case the complainant failed to provide enough information to the LGO who therefore closed the complaint.
- The LGO decided to close one case as 'premature' as it had not been through the Council's complaints procedure. Upon investigation it was not upheld.
- The LGO closed one case on the grounds that it was out of timescale.
- In one case the LGO found maladministration without injustice. No recommendations were made to the Council but a care home was required to make some improvements.
- In one case the LGO found fault without injustice and agreed that the Council's offer to make a time and trouble payment (£350) was adequate remedy.
- In one case the LGO found maladministration with injustice but closed the case as the Council had remedied the injustice.
- In one case the LGO found fault with injustice and recommended that the Council should apologise to the complainant for the injustice and within 3 months write advising of actions taken to avoid a recurrence.

A total of £350 was paid relating to 1 adult case in comparison with 2014/15 when a total of £150 was paid to 1 adult complainant. It should be noted that compensatory redress was only considered (and agreed in line with Scheme of Delegation) where there was strong evidence of shortcomings.

Of the 6 enquiries, the LGO decided to investigate 3 for which Draft Decisions are awaited in relation to:

- One complaint regarding the communication process during and after a safeguarding enquiry;
- One complaint regarding the decision making process when moving a service user from one care home to another;
- One complaint regarding a disagreement with assessment and finance decisions.

For the remaining 3 enquiries, information is awaited on what action the LGO intends to take.

Complaints by complainant type

'Relatives' (non-parent) constituted the highest category of complainant at 43 complaints (60%). This is consistent with trends in previous years. Twelve 'Clients' who raised complaints on their own behalf (16.4%); this reflects a decrease when compared to 2014/15 (18.4%). The number of 'Parents' making a complaint relating to their adult child was 9 which equates to 12.3%, a decrease from the 2014/15 figure of 19.7%. 'Advocates' made 6 complaints (8.2%) compared with 10.5% in 2014/15. The remaining 3 complaints (4.1%) were made by 'Other' persons for example friends. The overall conclusion is that fewer service users were complaining directly, with

more complaints being received from representatives on their behalf, in particular family members such as their adult children, spouses and siblings.

Age and gender profiles of complainants

Almost two-thirds (65.7%) of complaints were made by on or behalf of females (17.8% aged 18-64 years, 24.7% aged 65-84 years and 23.3% aged 85+ years). Males accounted for 34.3% of complainants (17.8% aged 18-64 years, 9.6% aged 65-84 years and 6.8% aged 85+ years). This data represents an increase in complaints from females (compared to 2014/15 when 55.3% were made in relation to female service users) and particularly an increase for females aged 85+ whose complaints comprised 13.2% of the total in 2014/15.

Ethnicity and diversity

Complaints were made by or on behalf of service users, 97.2% of whom were White British, 1.4% White Other (European) and 1.4% Mixed Race Asian.

Declined complaints

During the year, 7 complaints were declined. Three complaints were declined on the basis that they were outside the 1 year timeframe. Two complaints were declined as they related directly to care homes, which must be given an opportunity to investigate in the first instance. One complaint was declined as it concerned a report of court and should have been raised through a legal process. One complaint was declined as the complainant did not have the service user's authorisation to make the complaint.

Declined complaints are *not* included in the figure total of 73 complaints received.

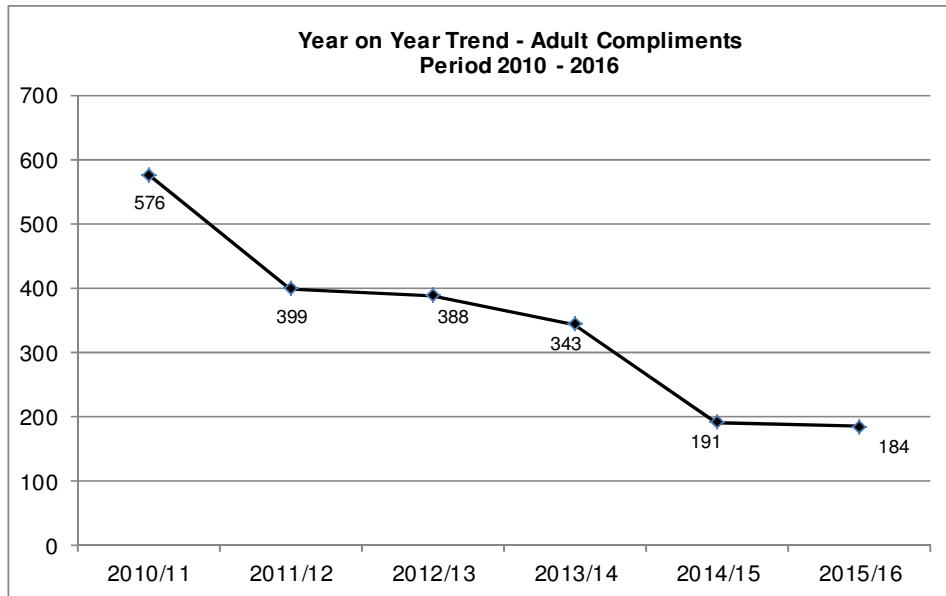
Number of compliments received

In the reporting year, a total of 184 compliments were received within the Adult Care service. This represents a slight decrease of 3.7% from the 191 received during 2014/15. Graph 10 shows that following a peak in 2010/11, the number of compliments relating to adult's services has fallen year on year, with 2015/16 being the lowest since 2007/08.

Ratio of compliments to complaints

The ratio of compliments to complaints in 2015/16 was 2.5:1, the same ratio as in 2014/15. In 2013/14 it was 3.8:1 and in 2012/13 it was and 4.2:1.

Graph 10: Year on year trend compliments – 2007-2016



Compliments by service area

Table 12: Total number of compliments by service area 2015/16

Service	Total Compliments 2015/16	Total Compliments 2014/15	Direction of Travel from Previous Year	% of Total Compliments 2015/16
Older People/ Physical Disabilities/ Sensory Impairment	41	58	↓	22.3%
Learning Disability/Mental Health/ Carers/Substance Misuse	6	4	↑	3.3%
County Durham Care and Support	136	126	↑	73.9%
Commissioning	0	3	↓	-
Social Care Direct	1	0	↑	0.5%
Total	184	191	↓	100.0%

County Durham Care and Support (CDCS), the in-house provider received 136 of the total number of compliments (73.9%). The Older People’s/ Physical Disabilities/ Sensory Support service area received 41 compliments (22.3%). These percentages reflect those in 2014/15 (65.9% and 30.4% respectively).

Key areas highlighted within compliments received

Compliments highlight that service users have appreciated:

- Being treated with dignity by staff providing care
- Being helped to regain their independence and confidence with the support of carers
- Being provided with aids and equipment that assists with their daily living

- Staff’s sensitivity and support when dealing with family bereavement
- Being given information in a way that is easy to understand
- The quick responses they have received when requesting assistance.

Examples of compliments received

Some examples of compliments received include:

- *“(Staff member) was very focused and listened to what I was saying and showed concern. She was also very empathetic and very considerate. She was able to give me very valuable information. I can only describe the service that I have been provided with as wonderful. I am extremely grateful and would like to thank you for such an excellent service.”*

Occupational Therapy Service

- *“I would like to inform you of the kind and considerate support my parents, I and my sister have received over the past 5 months from (staff member). She has supported our parents from having to give up their own home and to relocate into a nursing home. The transition has been understandably very emotional but she has always been on the other end of the phone offering support and advice on many occasions. She has always maintained her professionalism in a supportive reliable manner. We are very grateful to have had her assigned to our parents.”*

Sedgefield Locality Team

- *“I would like to record my formal thanks to (staff member) for their prompt, sensitive and practical assistance that they have provided. The response has been exemplary ensuring safety, self-dignity and independence are promoted and respected. Please forward my thanks to the team.”*

Intermediate Care Plus

- *“Thank you so very much for all your help and understanding of an old lady of 88 years helping me to find my way back to my own home (for I was lost). Your kindness and way of doing things I cannot find the words to express. All you ladies were just wonderful. (I will miss you all). Keep up your good work.”*

Reablement Easington

- *“A very special thank you, just to let you know your kindness means more than words could ever show. And with sincere appreciation this comes to say to you, your thoughtful, caring ways bring such happiness too. Thank you all very much indeed for your care it was very much appreciated.”*

Reablement Easington

Part Five - Remedies and learning outcomes 2015/16

Remedies in children's and adult complaints

Providing remedies to issues that have arisen in a complaint are essential if trust and confidence are to be restored between the local authority and its service users. Even where complaints are not upheld, full explanations, further information and often apologies are given. Remedies can be varied and examples of some provided in this reporting year are as follows:

Children's complaints:

- Full explanations were given or repeated in terms that the complainant was able to understand more clearly.
- Social Workers were changed in some cases, even where complaints were not upheld, in order to improve working relationships with parents.
- Addendums were added to reports to ensure that discrepancies were recorded in line with parent's wishes.
- The Social Resource Centre (which provides volunteer drivers to take children to and from contact sessions) put alternative transport in place after a complaint was received.
- Personalised contact arrangements were put in place to ensure a social worker and service user could maintain good communications.

Adult complaints:

- A re-assessment was carried out and a care package was changed as a result.
- A safeguarding and practice development officer made a follow-up visit with a care home to ensure improvements had been carried out following a safeguarding investigation.
- An alternative domiciliary care provider was quickly contacted in a case where the previous provider had cancelled their provision at late notice.

For both adults and children's services complaints, meetings with managers have continued to be an effective method in satisfactorily concluding complaints. Complainants appreciate the time that managers give to addressing their concerns in an open and informal way.

Compensatory payments were made where the failures constituted maladministration and/or injustice as defined by the Local Government Ombudsman. These are detailed within the Local Government Ombudsman sections of the report. A total of £1300 was paid across CAS for 3 complaints (2 children's' and 1 adults) which is a comparable figure with 2014/15 when a total of £1150 was paid, also across 3 complaints (2 children's and 1 adults). It should be noted that compensatory redress was only

considered (and agreed in line with Scheme of Delegation) where there was strong evidence of shortcomings.

It is recognised that where CAS is responsible for service failures that have caused losses and significant emotional distress, there is clearly the duty to acknowledge that and avoid further distress to the complainant. In each of the concluded complaints in CAS full explanations and where appropriate, apologies were offered.

Learning outcomes in children's and adults complaints

Complaints provide invaluable information from which the service learns how to improve. Complaints also act as a prompt to ensure all staff work consistently to policies and procedures. Some of the learning outcomes extracted and acted upon in the reporting year have included:

Children's complaints:

Policies and procedures

- The procedures for allegations made against foster carers are being reviewed, in liaison with the Durham Local Safeguarding Children Board.
- The process between First Contact and social work teams was reviewed and updated to ensure families are contacted more promptly after a referral has been received.
- Discussions were held between the fostering and child protection services on how to improve the system for reimbursing monies to foster carers.

Communications

- Staff reminded to ensure that parents are informed of dates, times and venues of meetings and contact sessions, and any changes to these, in good time.
- Managers and staff reminded that they should return calls when messages are taken or voicemails, as soon as practically possible.
- The need for good communication between colleagues in different teams, or when handing over cases, to ensure that no unnecessary delays are experienced by service users.
- Information on how to make a complaint was made more widely available by being included in the introductory pack for families.
- Social workers were reminded that telephone numbers should be double-checked with callers before recording on the system.

Reports

- Reminding social workers of the need to ensure that sufficient time is allowed for sharing reports with families for Child Protection Conferences.

Social work practice

- Monitoring arrangements have been introduced to ensure improved performance and compliance with regard to Single Assessment timescales.
- Managers reminded staff through the supervision and appraisal process of their professional responsibilities when engaging with families and young people.
- Social workers were reminded of the importance of checking factual information with families before completing reports.

Adult complaints:

Policies and procedures

- The procedure for issuing invoices was reviewed to make it more robust.
- The best interest procedure and process for involving an Independent Mental Capacity Advocate (IMCA) have been reviewed.

Communications

- Team managers and staff were reminded that they need to ensure that service users and their families understand the purpose of an assessment and why decisions have been made.
- Staff were reminded to clearly communicate the criteria for the Intermediate Care Plus (IC+) service, particularly when service users are admitted to hospital during a period of service provision, and that the service user and their family understand that the service is based on assessed need and is for *up to* 6 weeks.
- Staff were reminded of the need to ensure that the conversations about the financial implications of any services provided are discussed and clearly understood by service users and their families and that the appropriate documentation is completed to reflect these discussions.

Social work practice

- Staff were reminded that adequate notice of meetings should be given to service users and their families.
- Staff in the Emergency Duty Team were reminded that referrals can be made to the IC+ service outside of an emergency situation.

Part Six – Developments

Although the complaints function in relation to children's and adults social care complaints is enshrined in statutory regulations, DCC CAS does not simply meet that duty, but continuously strives to achieve and maintain a high level of service in relation to the management of complaints. With this aim in mind, a number of developments have been undertaken during 2015/16. These include:

- Revised procedures for dealing with adult social care statutory complaints have been made available for staff on DCC's intranet.
- Continuing and strengthening the monitoring system to ensure actions and learning outcomes arising from complaints are implemented in a timely and effective way and fully embedded.
- Reviewing and updating the complaints information that is available for service users.
- Reviewing and updating the complaint category codes, to enable improved reporting and understanding of the themes within complaints.
- Review of compliments - what is classified as a compliment and how they are logged.
- Development of further complaint training sessions for managers and staff.

Key areas that for development in 2016/17 include:

- Further development of the escalation process involving closer monitoring of children's social care managers to endeavour to improve response timescales.
- Sharing the results of the compliments review across CAS, ready for implementation during 2016/17.
- Review of the Joint Protocol arrangement for complaints involving both adult social care and health services.
- Review of Durham's participation and role within the Northern Regional Complaints Managers Group (NRCMG).
- Creation of an improved invoicing system for Investigating Officers and Independent Persons who carry out Stage 2 investigations.
- Closer follow-up of upheld and partially upheld complaints, including monitoring learning outcomes and informing senior management.
- Complaints Officers' attendance at social care manager's sessions to deliver key messages and updates.
- Development of an e-learning package for managers and staff regarding how to properly action complaints.

Part Seven – Conclusion

Complaints and compliments are a valuable source of feedback to inform service improvement. This Annual Report indicates positive achievements in performance in the handling and consideration of complaints and compliments but also recognises the need to strive for continuous improvement. The implementation of learning outcomes arising from complaints provides the opportunity to change practice and improve service delivery with transparency and accountability.

Over the period 2010-2012, there has generally been an overall upward trend for complaints and compliments, with a reduction in both of these areas in 2013/14. In 2014/15 the reduction in complaints continued, and total compliments increased. In 2015/16 the pattern reversed, with total complaints increasing and compliment numbers decreasing. Although the number of compliments has decreased this year, for every complaint received, over twice as many compliments were received.

The complaints function is a statutory requirement for social care services, and it plays a vital role in contributing to shaping the management of quality and assurance across the service. Developments for the future continue to focus on learning from complaints to improve the service.

In 2015/16 the percentage of complaints upheld and partially upheld decreased from the previous year. The highest number of complaints which were upheld and partially upheld related to a lack of communication/information, staff conduct and disputed decisions. The service continues to monitor these areas in particular for the future and from 2016/17 a more detailed analysis of these categories can be given.

A collaborative approach with the complainant to reach complaint resolution continues to develop. An approach based on local resolution and one where the complainant is central to the discussion and resolution of the complaint is proactively encouraged.

Details about the CAS Complaints procedures are available on Durham County Council's website (www.durham.gov.uk) and public information is in key locations throughout the County.

Further information is available by contacting the CAS Complaints Team at

CAS Complaints Team
Room 3/48
Durham County Council
County Hall
Durham
DH1 5UJ
Tel: 03000 266855/ 265762
Email: CASComplaints@durham.gov.uk .

Appendix 1 - Glossary of abbreviations

CAS	Children and Adults Services
CDCS	County Durham Care and Support
CRP	Complaints Resolution Plan
DCC	Durham County Council
IC+	Intermediate Care Plus
IMCA	Independent Mental Capacity Advocate
IO	Investigating Officer
IP	Independent Person
LA	Local Authority
LGO	Local Government Ombudsman
NRCMG	Northern Regional Complaints Managers Group
NYAS	National Youth Advocacy Service
ONS	Office for National Statistics
SIF	Single Inspection Framework

Children and Adults Services

Annual Statutory Representations Report

Children and Adults Social Care Services

2015/16

Mark Pickering, Complaints Officer
Tel: 03000 266855

Gill Ward, Complaints Officer
Tel: 03000 265762

Please ask us if you would like this document summarised in another language or format.



Braille



Audio



Large print

altformat.CAS@durham.gov.uk
03000 261 381

Children and Adults Services, CMI Team 2015