

**Standards Committee**

21 May 2009

**Complaints Handling for the  
Period January to March 2009**

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**Report of Lesley Davies, Head of Legal and Democratic Services  
and Monitoring Officer**

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**Purpose of the Report**

- 1 To provide details of complaints handling in the Council during the period in question.

**Background**

- 2 The Committee previously agreed that information on complaints handling should in future be presented on a quarterly basis.
- 3 Attached at Appendix 1 is a summary of complaints received for the period 1 January to 31 March 2009 also incorporating comparative figures for the same period in 2008.

**Summary Analysis and Comparison**

- 4 In the final quarter of 2008/09, 68 complaints were received averaging 23 per month, compared with 22 per month in the period January to March 2008.
- 5 The quarterly trend for numbers of complaints for 2005/06, 2006/07 2007/08 and 2008/09 is as follows:

<b>Quarter</b>	<b>2008/09</b>	<b>2007/08</b>	<b>2006/07</b>	<b>2005/06</b>
April to June	65	76	77	58
July to September	72	44	73	92
October to December	83	65	69	64
January to March	68	66	70	85
Total	288	251	289	299

- 6 88% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 82% of Stage 1 complaints were resolved within target.
- 7 63 complainants were either satisfied as to how their complaint was handled or did not pursue their complaint further beyond Stage 1.

- 8 In this quarter, poor service accounted for 39% of complaints compared with 52% in the same period in 2008. Staff conduct represented 33% of complaints received in the last quarter of this year compared with 24% in the comparison period.

### **Additional Background**

- 9 Individual Services have provided the following additional information on the nature and outcome of complaints received during the final quarter of 2008/09.

### **Adults Wellbeing and Health**

10 ***'Making Experiences Count' Reforms to the Statutory Complaints Procedures***

Members have received regular updates concerning the proposed changes to the statutory complaints procedure. The Statutory Instrument (2009 No. 309) and Guidance for the Local Authority Social Services and NHS Complaints (England) Regulations 2009 were given parliamentary approval on 27 February 2009, much later than expected and led to the Service having to work to very tight timescales to manage the change.

The key characteristics of the new procedure include:

- Time Limit of 3 days for the acknowledgement of a complaint which must also offer the opportunity to discuss the complaint and its resolution;
- Verbal complaints received that are capable of resolution within 24 hours will not be considered or recorded as complaints;
- Each complaint to be risk assessed and a Complaints Resolution Plan (CRP) developed in collaboration with the complainant so that aspirations and expectations are clearly identified.
- Timescales for resolution are now to be individually agreed with the complainant.
- There is now a statutory duty placed on social services and NHS authorities to cooperate on complaints resolution where a complaint spans both.
- In pursuance of Local Resolution a variety of techniques should be used in an attempt to satisfactorily conclude the complaint. These can include meetings, compensatory redress, mediation and conciliation and independent investigation. These will be assessed according to the principle of proportionality.

- Where Local Resolution has been unsuccessful the outstanding issues can be referred to the Local Government Ombudsman as the final arbiter of the disputed issues.
- 11 The Service Management Team has approved a system to manage complaints which will continue to be received from a variety of sources. The Complaints Officer (CO) will play a pivotal role, conducting the Risk Assessment and the Complaints Resolution Plan, (the latter with the complainant where they agree). The CO will maintain oversight of the complaints investigation to ensure the CRP agreement is complied with, to identify incremental opportunities for resolution including such techniques as mediation and conciliation, or to renegotiate timescales if the complaint is more complex than originally anticipated. At the conclusion of a complaint learning outcomes are extracted to inform and develop good practice and service delivery.

### **ADULT SOCIAL CARE STATUTORY COMPLAINTS AND REPRESENTATIONS**

- 12 16 Stage One complaints were received, none of which progressed to Stage Two in the quarter. 2 earlier Stage Two investigations were concluded in the quarter. 1 was resolved to the satisfaction of the complainant and the associated learning outcomes are being actioned (examples are detailed below). The second case is unlikely to progress to Stage Three and discussions are ongoing with the complainant to reach a satisfactory resolution.
- 13 Poor Service was the highest category of complaint amounting to 50% but there was no single predominating pattern. In one case carers from an independent agency had omitted to prompt a client to take her medication. This was referred to the safeguarding procedures and a comprehensive investigation completed. As a result of the complaint the agency have provided training for their carers in the prompting and recording of medication. Commissioning was advised of the complaint.
- 14 In another case a learning disabled client complained that he no longer had the choice of which member of staff supported him on holiday. A full explanation was provided as to why this arrangement was no longer possible and this was accepted.
- 15 The complaint categorised as Staff Conduct involved a Continuing Health Care assessment which was completed without the Social Worker seeing the client during the process. The learning outcomes from this complaint are described below.

## **LEARNING OUTCOMES**

- 16 Some of the learning outcomes identified in the current quarter are as follows:-
- Team Managers are to reinforce the need for Social Workers, when taking over the management of a case, to introduce themselves personally to Service Users and their families within reasonable timescales. (It is acknowledged that in some instances a Service User may not wish the Social Worker to engage directly with their family.)
  - Local Authority Procedures need to be more explicit in relation to the Social Worker's responsibility in meeting Service Users and their families in the review process. The procedures are to be reviewed to accommodate this and in the meantime all staff will be reminded of their duties and obligations in relation to the importance of meeting with service users and families when a review takes place. In exceptional circumstances where this is not possible staff will be required to provide reasons why such meetings are either not possible or not in the clients best interests.
  - Social Workers are to be reminded that they must ensure Care Plans are completed within given timescales and forwarded to the appropriate people within those timescales. Staff to be reminded that Care Plans must be accurate and updated to reflect the Service Users actual needs at any given time.
  - That Service Managers allocated complaints are encouraged to meet with the Complainants in an attempt to secure a speedy and an amicable resolution of the issues.

## **COMPLIMENTS**

- 17 76 compliments were received during the quarter, compared with 49 in the previous quarter. The compliments ranged from appreciation of the quality of care provided to individuals by staff and the support given following bereavement. One client composed a poem to praise the quality of care provided by Home Care workers.

## **ADULT WELLBEING AND HEALTH REPRESENTATIONS (CORPORATE)**

- 18 There were 11 complaints received in Libraries Learning and Culture this quarter, 3 of which related to the room venue for DLI war talks reported in the previous quarter where further reassurance was requested that appropriate action had been taken.
- 19 Other examples include one complaint about changes to the mobile library service which was addressed by offering the complainant an alternative to that service; 1 was about a borrower being unable to take out a book that they had previously been allowed to take out but it had subsequently been designated a reference book due to its rarity and a further complaint about staff appearing unwelcoming at a branch library.

## Compliments

- 20 93 compliments were received - 55 about the Welfare Rights Service, 37 about Workable Solutions and 1 about Community Development.

## Children and Young People's Services (CYPS)

- 21 40 complaints were received by CYPS in quarter 4 of 2008/09. 20 complaints were resolved informally, leaving 20 to be investigated as formal Stage 1 complaints. 14 of these were statutory complaints, of which 13 related to Children in Need.
- 22 The exact distribution of the complaints is illustrated below:

### Children and Young People's Services Complaints

<i>Type</i>	<i>Service</i>	<i>No</i>
Statutory	Children In Need	13
Statutory	Children Looked After	1
Non Statutory	Safeguarding & Specialist Services	3
Non Statutory	Extended Services	2
Non Statutory	Finance Services	1
	<b>Total</b>	<b>20</b>

## Examples of Stage 1 Statutory Complaints

### Poor Service

- A grandmother complained that Durham County Council Safeguarding and Specialist Services failed to provide an adequate level of service to her granddaughter, whom she believed should have been made the subject of a Child Protection conference. Although the individual elements of the complaint were not upheld, the complainant was informed that, had account been taken of the 'bigger picture', it may have been prudent to undertake a Child Protection conference. Policies and procedures are to be amended to reflect this decision. The child has since been taken to another County by the parents; updates on the child's situation have been sought and the grandmother has been provided with contact details for the new area Social Services.
- A mother complained that her son's Social Worker (SW) did not fully understand his ASD; that her requests for information were ignored; and that she had not been invited to a meeting about her son. The investigation concluded that the SW had followed proper processes in her dealings with the boy, and had taken into account his special needs; she had given advice when asked; and that the mother had been invited to the meeting, initially verbally.

## **Staff Conduct**

- A father complained about inappropriate comments allegedly made by a Social Work Team Manager, relating to his son. The investigation concluded that the words used by the Manager had been taken out of context by the father; and that she was in fact attempting to promote some suitable activities for the child so the father could be given some respite.

### **Example of Stage 1 Corporate complaints**

- A complaint arose when the commencement of a course of evening classes was delayed and the complainant was not informed subsequently that the course had begun. In addition it was alleged that a member of staff had been unhelpful in responding to a request for a refund of fees. The matter was investigated and the complainant received a full refund.

## **Compliments**

- 23 There were a total of 120 CYPs compliments which can be evidenced in the form of letters, e-mails, cards and completed survey forms (customer service questionnaires) received in this quarter. There were 47 compliments regarding statutory services, and 73 regarding non-statutory services (compared with 39 statutory and 47 non-statutory in quarter 3).

## **Corporate Services**

- 24 Corporate Services received one complaint during the quarter regarding the Registration Service and disability access issues at a Register Office. Temporary arrangements were put in place to resolve the access issue for the complainant who was a guest attending a marriage ceremony.

During the quarter Registration Service received 31 compliments and Legal Services received 3.

## **Environment**

- 25 6 complaints were received during the quarter covering issues ranging from school crossing patrol provision, footpath renewals and reinstatement of grass verges, driving standards, settlement of a claim for structural damage to a property etc. details of the complaints will be available at the meeting and 1 example is included for illustrative purposes.
- 26 A complainant was unhappy with the standard of driving and attitude of member of staff following a 'near miss' incident near school. The Highway Management Information Unit investigated the complaint and interviewed the members of staff involved. The staff had requested that their apologies were passed onto the complainant for the distress they had caused. In addition the investigator agreed to review current

survey procedures with a view to re emphasizing the need to be aware of parking near schools, during opening and closing times. The complainant returned their satisfaction survey and was happy with the way the complaint was dealt with.

### **Compliments**

27 During the quarter the Environment Service received 20 compliments.

### **Service Direct**

28 The number of complaints received this quarter was 13 showing an increase of 2 against the previous period and increase of 9 on same period last year. Details of the complaints will be available at the meeting.

29 Poor Service represented 23% of the total and can be broken down as follows: Uncompleted building works, lack of customer service in the County Hall restaurant and a lack of general consideration during works.

30 Staff Conduct represented the remaining 77% of complaints. The complaints referred in the main to driving related incidences such as inconsiderate parking and winter maintenance operations.

### **Remedial/Preventive Measures**

31 Staff conduct and driver behaviour is the highest percentage overall reflecting in this quarter seasonal related issues i.e. winter maintenance activities. Management will continue to deal with these issues robustly.

32 Service Direct received 6 compliments during this period: Domestic Services 3, Building Services 1 and Civil Engineering & Grounds 2.

### **Compliments**

33 Members will recall that in order to present a more balanced picture, details are now included of evidenced compliments/expressions of appreciation that are received.

34 During this final quarter of 2008/09 a total of 349 compliments were received. For 2008/09 as a whole a total of 1195 compliments were received compared with a total of 288 compliments during the year. (For 2007/08 as a whole a total of 753 compliments were received compared with 251 compliments. For 2006/07 as a whole a total of 656 compliments were received compared with 289 compliments).

### **Local Government Ombudsman - Current Activity**

35 During the quarter the Local Government Ombudsman (LGO) Advice Team has forwarded 2 premature complaints to the authority to deal with under our own procedures - these were Environment matters.

- 36 The Ombudsman concluded 4 investigations during the quarter. Findings of *no or insufficient evidence of maladministration* were reached in 2 instances (a School Admission Appeal matter and a planning application matter.) The remaining matters (1 School Transport and 1 Adult Care Services case) were resolved by way of local settlement .

### **Conclusion**

- 37 When the current reporting regime for complaints handling was introduced it was on the understanding that refinements/further development would take place as a continuing process. The views of Members as part of this process are always welcome.

### **Background Papers**

Correspondence from Service Departments and the Local Government  
Ombudsman

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**Contact: Allison Mallabar Tel: (0191) 383 5580**

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