

Standards Committee

20 November 2009



Complaints, Compliments, Comments and Suggestions Performance Report – Quarter 2 (1 July to 30 September 2009)

Report of Jeff Riddell, Head of Policy, Planning & Performance, Neighbourhood Services

Purpose of the Report

- 1 To provide members of Standards Committee the second Quarterly report for 2009/10 on Complaints, Compliments, Comments and Suggestions.

Background

- 2 This paper informs the Standards Committee of performance results for the second quarter of 2009/10, providing information from 1 July 2009 to 30 September 2009. These results may not be comparable with previous years due to the changes to the new Council's structure and services delivered.
- 3 Corporate Complaints, Compliments, Comments and Suggestions are currently monitored and controlled by the Corporate Complaints Team within Customer Services in the Neighbourhood Services Directorate. They deal with Corporate Complaints across the Council, including non-statutory complaints for Adults, Wellbeing & Health and Children's & Young Peoples Services.
- 4 The target for dealing with Stage 1 complaints is ten working days from mid-May 2009 when CMT requested the target was changed from twenty working days. The target for sending an acknowledgement to the complainant was changed from 5 working days to 2 working days at the same time.

Complaints Policy

- 5 At the Joint Meeting of the Standards Committee in February 2009, Members requested that once work to produce a new Corporate Complaints Policy for the new Council had been completed, that it be available for the Committee to share. This Policy was approved by Council and a copy is attached as Appendix 1 to this document for information.

Review of Complaints Systems and Handling Mechanisms

- 6 A review is currently being undertaken by the Policy Team within Neighbourhood Services, on the operation of the Corporate Complaints Policy and supporting mechanisms. This review has highlighted a number of areas for further development as we move forward as a new Unitary Council. The review will consider the whole process of the complaints system; from accessing information when considering lodging a complaint; the system of recording complaints, through to resolution and learning outcomes for the services and the Council. This review will initially be considered by the Council's Improvement and Performance Group and brought forward for Member consideration. It is planned to have this review completed by the end of December 2009.

- 7 There have, however, already been a number of enhancements made as a result of considering the current system; these include updating the on line complaints form, so that it is easier for anyone to make a complaint using the Internet. Anyone accessing the website to make a complaint now only has to use one form, and the complaints leaflet is now available in a downloadable, accessible format. The system of logging compliments, comments and suggestions will now also be done via an easier "contact us" form. The information page on the website is also in the process of being updated to provide a more comprehensive set of information in terms of the Policy and processes for dealing with complaints, compliments, suggestions and comments. Plans are also in place to develop a guidance booklet for Staff and Elected Members on the operation of these systems.

Summary Analysis and Overview – Performance Quarter 2

- 8 During 1 July – 30 September 2009, a total of 228 Corporate Complaints were handled by the Corporate Complaints Team; 9 for Adults, Wellbeing & Health, 0 for the Assistant Chief Executive's Office, 13 for Children's & Young Peoples Service, 50 for Corporate Resources, 121 for Neighbourhood Services, and 33 for Regeneration & Economic Development.

- 9 A summary of the corporate complaints received and logged on the CRM system for quarters 1 and 2 of 2009/10 is shown below, along with response times.

Service Area	Q1 total	Q2 total	Direction of travel	Year to date	% acknowledged within 2 working days*		% response within 10 working days*	
					Stage 1	Stage 2	Stage 1	Stage 2
Adults Wellbeing and Health	9	9	↔	18	89	-	89	-
Assistant Chief Executive's office	3	0	↓	3	-	-	-	-
Children and Young People's Service	12	17	↑	29	30.8	-	80.0	-
Corporate Resources	96	50	↓	146	44.7	100	89.5	100
Neighbourhood Services	222	121	↓	343	47.5	100	90.3	33.3
Regeneration and Economic Development	44	33	↓	77	29.6	100	93.8	66.7
Total	386	230	↓	616	42.6	100	90.8	66.7

- 10 The following sections provide more detail in relation to the types and numbers of corporate and statutory complaints received across the service groupings during quarter 2 of 2009/10:

ADULTS, WELLBEING AND HEALTH

- 11 Members have received regular updates concerning the proposed changes to the statutory complaints procedure and this report provides details on complaints and representations in Adults, WellBeing and Health for the quarter ending 30 September 2009 under the new complaints arrangements in adult social care.

12 ***'Listening, Improving, Responding' Implementation of the Reforms to the Statutory Complaints Procedure***

The new complaints handling arrangements continue to work effectively and responsively. Complainants are also responding well to the opportunity to discuss their concerns in the very early stages and be involved in the resolution planning process.

Advice and guidance for staff has been disseminated, with the policies and procedures due to be posted on the Intranet shortly. New publicity material has also been developed for posting on the DCC website and in the form of leaflets.

- 13 The Joint Protocol for Health and Social Care Organisations on Complaints Handling, which defines how the statutory duty to co-operate will operate at a practical level, has now been finalised by the North East Health and Social Care Network. The signatories will be 7 North East Local Authorities and 13 NHS organisations and DCC will be asked to endorse and adopt the protocol and agree the signatory to the document. The protocol defines the management of complaints that span both health and social care. A legal opinion on the document is currently being sought from the DCC Legal Services.

Adult social care representations

- 14 Details of the adult social care representations received in Quarter 2 are shown in Appendix 2 to this report.
- 15 During this period, 18 complaints were received, 16 of these (89%) were acknowledged within 3 working days. Reasons for the 2 not being acknowledged in timescales were administrative errors, however were acknowledged within 5 working days.
- 16 Of the 18 complaints, Complaints Resolution Plans (CRPs) were completed in 13 cases (72%). This compares to 71% in the first quarter. In the 5 cases where a CRP was not completed with service users' involvement the reasons are as follows:-
- One complaint was received in a day centre and a meeting was convened immediately and the complaint was resolved.
 - One complaint was withdrawn as the Service User refused to give consent to his sibling to pursue an issue with which he did not agree.
 - One complaint was declined as the service users upon whose behalf the complaint had been made did not agree to the content of the complaint and withheld their consent.
 - One complainant did not respond to offers to meet/talk to have their concerns clarified
 - One complaint was accelerated to a Safeguarding Review and closed as a complaint until the outcome is known.

Completion within CRP Timescales

- 17 Of the 13 cases where a CRP was agreed, 3 are ongoing not yet having reached the agreed timescale. In the remaining 10 cases, resolution was achieved within the timescale agreed within the CRP in 8 cases. In 1 of the other 2 cases timescales were extended due to the complexity of the investigation and in the second case, due to the issues involved, an external investigation has been commissioned and the CRP date extended accordingly with the approval of the complainant.

Ongoing Cases

- 18 The 2 cases ongoing at the end of the last quarter were completed within the agreed CRP timescales. At the end of this quarter, 3 cases are ongoing but are within timescales.

Local Government Ombudsman

- 19 No notification was received to indicate that any complaints had been progressed to the Local Government Ombudsman

20 Learning Outcomes

In this quarter learning outcomes have been identified for implementation by the relevant Operations Manager. These include:

- Information distributed to the parents of young people approaching the transition from children's to adult services in County Durham schools was not being routinely provided to the parents of children who were in schools outside of the County. This is being rectified with a system being put in place to ensure all parents receive the appropriate information.
- A young woman who had recently made the transition into adult services who was in receipt of a direct payment was subsequently assessed as being eligible for 100% Continuing Health Care (CHC) funding (as the Primary Care Trust [PCT] would not conduct such assessments before a young person reached the age of 18) and the parents were unhappy at the lack of flexibility afforded by health funding. As a result of this case the PCT have acted in advance of the anticipated guidance on individualised budgets in the NHS, by providing an individual budget in this case. They have also agreed to conduct CHC assessments before the age of 18 is reached.
- Staff are to be reminded of the importance of recording all discussions with clients about charging policies and financial assessment for residential and respite care as there continues to be some omissions in case notes in this area.

Compliments, Comments and Suggestions

- 21 109 corporate compliments were received – 89 in the Welfare Rights Service, 14 in WorkAble Solutions and 6 in Libraries, Learning and Culture. Clients play great tribute to the importance of the work of Welfare Rights to their quality of life and the support that Workable Solutions play in supporting people into employment is highly-valued.
- 22 Of the 6 compliments in LLC 4 were about Chester-le-Street Library and particularly mentioned the helpful, staff and excellent summer and educational activities. 1 was about Pelton Library where the staff were commended for their pleasantness, helpfulness and that they were very

knowledgeable. Finally, Seaham Library was thanked for the very helpful staff who had assisted in a genealogy search.

- 23 100 adult social care compliments were received during the Quarter, compared with 109 in the previous quarter and 76 in the last quarter of 2008/2009. The ratio of compliments to complaints is 6:1.
- 24 Compliments within County Durham Care and Support, the in-house provider establishments were numerous. Clients and carers consistently praised the levels of support and care that they received and many individuals were singled out for praise. Compliments are now featuring in the *Soapbox* of the Adults, Wellbeing and Health staff magazine to provide examples of people's positive experiences of services and spotlighting the individual's whose practice is praiseworthy.

CHILDREN AND YOUNG PEOPLE'S SERVICES (CYPS)

New formal complaints (including Stage 2) by service area and theme

- 25 A breakdown of new complaints by service area and theme is shown in the following table

	Poor Service	Staff Conduct	Poor Service & Staff Conduct	Decision re Service	Staff Conduct & Decision re Service	Other	Total
Statutory Complaints							
SaSS	5 (5)	3 (1)	1 (1)	4 (0)	0 (0)	2 (0)	15 (7)
Corporate Complaints							
Access & Inclusion	4 (0)	1 (1)	0 (0)	2 (0)	1 (0)	0 (0)	8 (1)
Achievement Services	2 (0)	0 (0)	0 (0)	0 (1)	0 (0)	1 (0)	3 (1)
Extended Services	1(0)	0 (0)	0 (0)	0 (2)	0 (0)	0 (0)	1 (2)
Finance Services	2 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	2 (0)
SaSS	0 (0)	2 (0)	0 (0)	0 (0)	0 (0)	0 (0)	2 (0)
Strategic Commissioning	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)
Totals	14 (5)	6 (2)	1 (1)	7 (0)	1 (0)	3 (0)	32 (11)

(numbers in brackets refer to Q1 2009/10)

- 26 The number of formal complaints (both statutory and corporate) received has increased, and they are also growing in complexity, with

more complaints being received through solicitors and the Ombudsman.

- 27 A decreasing number of formal complaints are about poor service (51.5% compared to 71.5 in Q1). Formal complaints about staff conduct increased, from 14.3% in Q1 to 20% in Q2. A continuing theme of CYPS complaints is poor communication with service users and /or their representatives – taking too long to communicate and not giving adequate explanations for actions taken. This is being addressed through the creation and dissemination of a Strategic Action Plan which highlights *Communication* and *Culture* as key areas for improving the service user experience.

Learning Outcomes

- 28 Performance against resolution timescales has worsened for statutory complaints; this is to be discussed at the Safeguarding and Specialist Services (SaSS) Performance Session on 18th November. The main reason is believed to be managers' capacity to carry out time-consuming investigations on increasingly complex complaints.
- 29 Of the 20 formal statutory complaints resolved during Q2 (some brought forward from previous quarter), 7 (35%) were upheld, 1 (5%) was partially upheld and 60% were not upheld, indicating that although service users were dissatisfied with services received, the service had in fact acted properly and followed appropriate procedures. Even where complaints were not upheld, possible actions for improved outcomes for service users have been noted.
- 30 Appendix 3 shows a summary of corporate complaints actioned through the formal procedures during Q2. Similar information regarding statutory complaints can be provided upon request.
- 31 The following actions for improvement have been identified from complaints received in Q2:
- a. Families to be given timely explanations where there is a temporary gap in services (eg Social Worker leaves).
 - b. Statutory assessment reports to be carried out within recommended timeframe, and to be adequately checked for accuracy prior to sharing with family.
 - c. Potential adopters to be given all relevant family history details prior to completion of the adoption process.
 - d. Set up a system for monitoring the progress of building works/equipment required to enable disabled child(ren) full access to school.

- e. Improve lines of communication to parents/carers with regard to Statutory Assessments of Special Educational Needs.
- f. Improve internal systems to ensure that messages are passed on to staff who are out of office, so that calls to service users can be returned as promised.

Performance Information

- 32 100% of all *new* formal complaints were acknowledged within the statutory and corporate target timescales of 5 and 2 working days respectively; and all were acknowledged within the CYPS target of 2 working days.
- 33 33.3% of statutory and 80% of corporate formal complaints at Stage 1 were resolved within the target timescales (20 working days for statutory, 10 working days for corporate).

Compliments

- 34 There were a total of 100 CYPS compliments (16 statutory, 84 corporate) which can be evidenced in the form of letters, e-mails and cards received in this quarter.

NEIGHBOURHOOD SERVICES

- 35 **Direct Services** - whilst nearly half the complaints (27) relate to refuse collection the context is that during this quarter over 12 million refuse, recycling and compost bins would have been emptied. There are efficient processes in place to deal with missed bins in a speedy manner. Technology is already in place in Sedgefield, to report bins not put out, and this has reduced the number of false reporting of missed collections. This ICT has other benefits as well (e.g identifying assisted collections) and is therefore an aspiration of the service to expand further.
- 36 Of the 64 complaints received for the Service Area, eight complaints were directed at Fleet Operations, two of which were not justified. The six remaining complaints can be directly attributed to inconsiderate and/or bad driving habits with one incident being as a result of a driver using a mobile telephone whilst driving.
- 37 All complaints were investigated fully and the identified drivers provided with formal counselling on the standard of driving required whilst operating a County Council vehicle. The County Council operates a vehicle assessment process which is applicable to all drivers operating a County Council owned or hired vehicle. Where more than one complaint is received against a driver has been identified, formal disciplinary action is commenced which may lead to not only a formal written warning being issued but the following sanctions being applied: Re-assessment, Re-training and or removal of authority to drive County Council vehicles.

- 38 **Environment, Health and Consumer Protection-** Seven complaints were received in relation to this service area in the second quarter. Of these seven, 3 relate to the new licensing procedures which have been introduced following an extensive consultation process and review of Council Policy. These were found to be not justified and were closed. 2 of the 7 complaints related to trading standards services and have been progressed to Stage 1 although interim letters and acknowledgements have been actioned in relation to the complaints, they are yet to be closed and further actions may be required.
- 2 of the complaints referred to officer conduct and 100% were resolved at the first point of contact.
- 39 **Sport and Leisure Services** - Of the 22 complaints received, 14 were in relation to the operations/policies & procedures in place in the facilities. These include examples such as booking procedures & cleanliness issues. 4 were in relation to equipment issues, these include examples such as equipment failures. 3 were in relation to maintenance issues, these include examples such as overgrown trees. 1 was in relation to staff issues, this related to the conduct of a member of staff.
- 40 As a result of the complaints in relation to operational issues, responses were mostly given in regards to the harmonisation of policies and procedures across the County, explaining that these are being looked at across all facilities to ensure they are the same across the board, and it is a work in progress at present. Cleanliness issues were responded to by the facility managers giving an apology and explanation, where appropriate, for standards not kept to expectations including actions that will be taken to ensure standards do not fall in future.
- 41 Equipment issues were responded to by informing the complainant that they are checked regularly and defaults are reported and an apology for equipment failures from the area/facility managers and P&P's to be reviewed to ensure equipment failures are kept to a minimum.
- 42 The maintenance issues were highlighted to the relevant departments who have investigated these issues and dealt with them according to each individual case informing the complainant of the plan of action to deal with the issue.
- 43 The staff issue was highlighted to the member of staff and dealt with by the facility manager and reported back to the complainant in respect of this
- 44 Learning Outcomes - All complaints were satisfactorily handled without the need to establish changes and improvements
- 45 **Policy, Panning and Performance** - Of the 9 complaints received, 7 were in relation to the complex automated telephone system installed

by the former Durham City council and specifically the time taken by customers to work through the available options, in order to make the transaction. The other 2 complaints were in relation to isolated issues and appropriate apologies were made.

46 **Learning Outcomes**

47 As a result of the complaints in relation to the automated system, a wholesale review of the automated scripts was conducted. Statistical data also showed that the number of customers using the system had reduced by over 30% for the period April – September 2009.

48 Action has now been taken to simplify the system and reduce the time taken, for customers to complete the transaction, by over 40%. Detailed performance / complaints data will be monitored over the next 3 month period to measure the impact this change has had on overall customer satisfaction. An overall review of telecoms systems will also be conducted a part of the corporate improvement programme.

Compliments, Comments and Suggestions

49 3 comments and 20 compliments were received for Neighbourhood Services in this quarter

50 **REGENERATION AND DEVELOPMENT**

51 **Economic Development** - The number of complaints has fallen from 2 in quarter one to 0 in quarter two.

52 **Planning:** The majority of complaints continue to be aligned to 'Service Failure' (9 in Quarter two, 8 in quarter one). The nature of planning complaints is extremely diverse and more often than not is an expression of dissatisfaction on a decision to approve an application for planning permission where a commentator has lodged an objection.

53 It is very difficult in these circumstances to say whether improvements have been made when what is in dispute is often a difference of opinion on a subjective matter. The response to such types of complaint is to explain the background as to why a particular decision has been made with reference to the issues and the level of weight attached to the importance of these in the decision making process.

54 **Learning Outcomes:**

55 The service has implemented a 'lessons learned log' to flag up issues where improvements can be achieved as a result of analysing customer complaints, comments and suggestions. The Planning

service will look for Quarter three at how we can make the performance data for customer complaints, comments and suggestions more accurate and make a clearer separation between dissatisfaction at the outcome of a planning decision and dissatisfaction with the service provided. The Regeneration and Economic Development Policy, Planning and Performance team have been asked to provide support to assess data quality and look at the systems in place at each area office

56 **Transport** - 3 complaints received in this quarter - with a low level of complaints it is hard to draw meaningful conclusions from the difference between quarters one and two. The type of complaints were different between quarters. This quarter there were two complaints about council policy and one relating to service failure.

57 **Learning Outcomes:**

58 The transport service is currently reviewing transport policy (2 complaints) in order to revise the Council's adopted policy in 2011. Any complaints, comments or suggestions will be considered in the development of this new policy and a formal consultation will take place prior to adoption of the new policy to give residents an opportunity to raise any concerns or make suggestions

59 **Housing** – The number of complaints registered through the CRM system has halved between quarter one and two. Both quarters one and two show that the majority of complaints are aligned to 'service failure'.

60 **Learning Outcomes:**

61 The Housing Service is probably the most customer-facing (external customers) service within the Regeneration and Economic Development service grouping. Within the service there are two very large Arms Length Management Organisations (East Durham Homes and Dale and Valley Homes) which use their own CRM systems plus work is underway to pull together the management of the in-house service provided through Durham City Homes.

62 As a result of this, work will be undertaken during quarters three and four to identify how complaints are registered and what information is made available to this committee so that a clear distinction can be made between the work of the Housing Service and those of contracted services. Some of this work will be clearer signposting for customers of where to register complaints, comments and suggestions and how this is coded on CRM. An outline of the different CRM systems used in the housing service will be provided in quarter three for information.

63 Within this service grouping, channels for complaints, comments and suggestions are being wholesale reviewed by the Policy, Planning and Performance team to ensure that each of the service areas are capturing all the relevant information within CRM.

Compliments, Comments and Suggestions

64 1 Compliment was received for this service during this quarter

65 RESOURCES

66 **Legal and Democratic Services** received 9 complaints during quarter 2 of 2009/10; 75% of stage 1 complaints were resolved within the 10 day target, showing an improvement on quarter 1 which resulted in 42.9% being resolved within the Corporate target. There was one stage 2 complaint which was resolved within the 10 day target. There are no outstanding complaints within this service for quarter 2

67 **Asset Management** received 7 complaints during quarter 2; all of these are stage 1 complaints and 5 of these were resolved within the 10 days target. The 2 outstanding complaints are subject to ongoing investigation.

68 **Finance** received 33 complaints during quarter 2; of these, 24 of the 31 identified as stage 1 were resolved within the 10 day target; and the 2 stage 2 complaints were resolved within this target; leaving 7 ongoing investigations.

69 The Corporate **Human Resources** function received 1 complaint for quarter 2 which was resolved outside of the 10 day target

70 No complaints were received for **Information and Computer Technology** against the 15 received during quarter 1.

71 Across the Resources Service Grouping, the majority of these complaints were due to service failure and in some cases, quality of service – all of which will be reviewed and considered by Resources Management Team once the Policy and Performance function is in place.

Compliments, Comments and Suggestions

72 50 compliments were received across this service grouping during this quarter

LOCAL GOVERNMENT OMBUDSMAN - CURRENT ACTIVITY

Local Government Ombudsman - Current Activity

73 During the quarter the Local Government Ombudsman (LGO) has initiated investigations into 8 matters during the quarter relating to a range of complaints concerning:

- School admission appeal arrangements (3)
- Request for repayment of a Youth and Community grant.
- Failure to alleviate dampness in council property
- Delay in completing school building adaptations for disabled pupil
- Highway drainage problems causing flooding to complainant's home.
- Decision to ban stallholder's pet dog from market premises

- 74 During the quarter 3 matters were concluded by way of local settlements (1 matter relating to the sale and disposal of land and 2 Planning application matters.)
- 75 The Ombudsman concluded investigations into 3 cases with findings of *no or insufficient evidence of maladministration* – 1 school admission matter, 1 concerning a council tenant's parking problems and 1 Council Tax prosecution matter.
- 76 The Ombudsman exercised discretion and discontinued the investigation of 3 complaints relating to a tenant's re - housing application, a house clearance which the council completed and an increase in garage rents.

Recommendations and Reasons

- 77 Members of Standards Committee note the report.
- 78 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.

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