

Standards Committee

15 August 2006

Complaints Handling for the Period April to June 2006



Report of Lesley Davies Acting Director Corporate Services and Monitoring Officer

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 April to 30 June 2006. It is usual practice to incorporate details of the statistics for the comparative period in the previous year in the table, however, as a consequence of the recent Service restructurings within the Council a direct service comparison is not possible. The relevant data is attached at Appendix 2.

Summary Analysis and Comparison

4. In the first quarter of 2006/07, 77 complaints were received averaging 26 per month, compared with 19 per month in the period April to June 2005.
5. All complaints in this latest quarter were acknowledged and received full responses or progress reports within the Council's performance targets.
6. 38 complainants were either satisfied as to how their complaint was handled or did not pursue their complaint further beyond Stage 1 - and these numbers might well increase considerably when the significant number of complaints still under investigation are complete.
7. In this quarter, poor service was the largest single category of complaint at 61% compared with 38% in the same period in 2005. Staff conduct represented 12% of complaints received in the first quarter of this year compared with 28% in the comparison period.

Additional Background

8. Individual Services have provided the following additional information on the nature and outcome of complaints received during this first quarter of 2006/07.

Adult and Community Services (A & CS)

9. **Culture and Leisure** – One complaint was received during the quarter. An allegation that a Library Manager had been rude to a member of the public was investigated, the view was taken that the complaint was not justified. The staff member will attend refresher training on Customer Care. 10 compliments were received relating to libraries, Killhope Museum and the County Record Office.
10. **Adult Services** – 36 complaints were received about Adult Services. (As regards comparison with last year the combined Adult and Children figure was 41, compared with the current combined figure of 53.) 6 complaints were entered as 'Staff Conduct', and 25 as 'Poor Service' It is important to bear in mind that complaints vary widely in terms of their scope, e.g. from concern about the adequacy of a vital care package to concern about small elements of care. Hence, a complaint about 'staff conduct' or 'poor service' may not be indicative of general dissatisfaction with the involvement, or substantial flaws in the service being provided or arranged.

Examples of complaints entered as 'Staff Conduct'

11. A Service user was invited to attend a meeting about a new Supported Housing project. He was very dissatisfied with the attitude of one of the staff involved. The manager spoke to the service user and to the staff involved, and a way forward was agreed
12. A Service user who had been assessed by an Occupational Therapist (OT) was dissatisfied with the assessment process and the help provided by the OT and the locality manager. The manager discussed the concerns with the service user. A course of action was agreed with the service user and confirmed by letter.

Examples of Stage 1 complaints entered as 'Poor Service':

13. Many of these complaints are about the services provided by independent providers. It is the responsibility of the provider to investigate them in the first instance, but staff assist by liaising with the complainant, Contracts Unit, provider and Commission for Social Care Inspection. Where the service involved was commissioned by the Authority, service users may access the statutory complaints procedure if they are dissatisfied with the response of the provider.

14. A carer went to see a service user; she was unable to get an answer and put a note through the door. The service user had been taken ill and was not at home, and her family felt that they should have been contacted when there was no answer at the door. The locality manager spoke to the provider about what had occurred and the information was passed on to the family, reportedly to their satisfaction.
15. A Service user complained that he was not informed about changes made by an independent provider to visiting times and the way that his service was terminated. He was very happy with the carers and the care which had been provided, and did not want to change the provider. The Team Manager contacted the provider and a meeting was arranged with the Manager, domiciliary provider and service user. The concerns were clarified and a course of action agreed and confirmed in writing. (The service user was not entirely satisfied with the provider's response and the complaint was subsequently dealt with at Stage 2).

'Poor Service' Complaint handled at Stage 2 during the quarter

16. **The complaint:** The complainants were close relatives of a service user for whom SC&H had arranged and provided services for several years prior to her moving to a Home. Due to her increasing frailty and the onset of dementia, the level of service increased over time. The complainants considered that;
 - The care package was insufficient to meet the user's needs and she should have been moved to residential care much earlier than she was.
 - The views of the complainants and the GP were not given proper consideration in the development of the care package.
 - The services provided fell short of what had been promised and were uneven in quality.
 - Documentation about assessments/care plans was not shared with the family.
 - The above concerns were not dealt with effectively or satisfactorily when first raised (at Stage 1).

Conclusions of investigation:

17. The investigation concluded that the first 3 points of complaint were partially upheld; the fourth point was not upheld and the fifth was upheld. The following matters in particular were accepted:

Follow-up actions:

- Apologies were tendered for the shortcomings in service provision.

- Locality staff were informed of the conclusions of the investigation.
- Locality managers were asked to review the arrangements for supervision of complex cases, such as this one.
- It was agreed to review the guidance for sharing information with relatives and others who are closely involved with the user, where he/she has limited understanding. It was also agreed to consider issuing concise advice about this aspect of information-sharing to supplement existing detailed guidance, and to incorporate any such advice in staff training.
- The conclusions about the delay in the initial handling of the complaint to be passed on to the Representations Group, which deals with the development of complaints handling by Adults and Children's Services.

Children and Young People's Services (C & YPS)

18. **Education** – 2 complaints were received, one of which related to dissatisfaction with the level of service provided by the Educational Psychology Service which had arisen as a consequence of staffing difficulties following the resignation a member of staff. A limited allocation of cover was provided by another Educational Psychologist. An apology was offered for the level of service and for the failure to provide written feedback.
19. The second complainant alleged that secondary schools in the County did not provide the requisite 190 days (380 sessions) of teaching to pupils during the school year. This matter has progressed to Stage 3 of procedures and the Acting Director of Corporate Services will arrange further investigation and review of the complaint.
20. 10 compliments were received during the quarter.
21. **Social Care and Health** – 17 complaints were received during the quarter 11 of which are still under investigation, 3 complainants were satisfied with the way in which their complaints were dealt with and the remaining three have not yet responded. New complaints regulations issued by DFES for Children's Services will be implemented on 1 September, 2006. A rolling staff training programme is planned to accompany the introduction of the new complaints regulation, guidance and procedure with a focus on improved data entry and recording. This will hopefully improve timescales and provide a more accurate complaints' analysis. SSID is being upgraded to accommodate the new procedures which should better reflect the complaints handling procedure.

Examples of Stage 1 complaints

22. An incident took place in a care home where a resident complained that she was restrained in such a manner which resulted in bruising. The information was forwarded to Police who completed their own enquiries, talked to witnesses, the complainant and staff of the home

and their conclusion was that the restraint had been fully justified in preventing harm to the service user.

23. The father of a service user in care was not happy with the communication from the social worker who was relaying information via his children. An apology was given and it was acknowledged that direct contact to the father was essential. Efforts will be made to verbalise comments to him before putting anything in writing.
24. The parents of a disabled child had been informed in error that active care provision for their daughter was ending. Services were resumed and it was established that the parents had been given incorrect information. An apology was given.
25. A complaint from both parents and service user, from another area, that the family were finding it difficult to have any contact with a child who had been placed in care in our area. Effective relationships were established with the current social worker who is exploring a move closer to the family.

Corporate Services

26. In this quarter 3 complaints related to School Meals provision for which Corporate Services has responsibility for contract monitoring. They centred on inclusion of an unhealthy food option on menu, standard of food service and one instance of kitchen hygiene. As is the practice Contract staff responded rapidly to these complaints, arranged remedial action and provided parents with explanations.
27. One complaint received from a parent school governor, related to the impact of potential delays to a school construction project. The Head of Design Services checked on the progress of the project and communicated the project programme to the complainant. He extended an offer to meet with Governors to discuss how improved communications might be achieved between the parties.
28. One complaint concerned the apparent lack of action by the Council to attend to stray horses roaming on an area of council land. The problem had been referred to contractors providing horse impounding services for attention. The matter was expedited and an explanation was communicated promptly by telephone to the complainant.
29. 28 letters of appreciation were received during the quarter.

Environment

30. A total of 8 complaints were received during this quarter relating to issues surrounding:- a highways planning decision, delays in the introduction of highways safety measures at a location, operation of the permit scheme for household waste recycling, Trading Standards advice, the School Travel Plan, parking of an employees works vehicle and lastly flooding problems outside of the complainant's home.

31. Examples incorporating elements of dissatisfaction with staff conduct are provided below.
32. A complainant was unhappy about the service provided by the School Travel Plan Team, particularly with regard to the length of time taken to resolve a matter and lack of communication from the Team. The complainant also submitted a Freedom of Information request for all correspondence relating to the case. This was supplied and a full explanation was given in response to the complaint including a breakdown of events and activities relating to the review of the schools travel plan. The next stage of procedures rested with the school concerned to arrange a meeting with the complainant however due to other priorities they had been unable to do so. At the request of the complainant the matter will be investigated as a Stage 2 complaint.
33. A member of the public arrived at a Household Waste Recycling Centre and was prevented from emptying his van as he did not have the necessary permit. The complainant was unaware of the scheme and was also dissatisfied with the unhelpful attitude of the site personnel and the lack of publicity surrounding the introduction of the Permit Scheme. An explanation was given outlining the reasons for the scheme and detailing the publicity that had been put in place to inform the public. An apology was offered for the attitude of site staff on the day. To date the complainant has not returned the satisfaction survey.
34. A resident complained that an Environment Service employee parked their works vehicle near to a resident's home and the vehicle's alarm activated regularly. An investigation was carried out and the Investigating Officer advised the complainant why there did not appear to be any obstruction caused by the vehicle and confirmed the employee was adhering to parking guidelines. An assurance was given that the vehicle would be checked with regard to the alarm activation.
35. 16 compliments were received during the April to June quarter.

Service Direct

36. 8 complaints were received during this period, three are categorised by type as Poor Service, and one as Delay – full details of these complaints will be available to Members during the dip sampling procedures. The remaining 4 complaints related to Staff Conduct and further details are provided herewith.
37. The substance of these complaints related to a parking infringement outside of school premises, two allegations of inappropriate driving practices and one instance of an employee responding aggressively during discussions with a client.
38. In each instance investigations were carried out and where appropriate disciplinary action was taken. The complainants were appraised of these outcomes. The following remedial measures were also taken –

- Guidance and instruction on parking practices were re-issued to staff.
- Staff received counselling about work practices.
- Works Foreman to address relevant issues during toolbox talks with staff members.

39. Service Direct received a total of 24 compliments during this period.

Compliments

40. 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.
41. In addition to the compliments referenced above the Treasurer has received 1 letter of appreciation relating to a staff secondment arrangement. Unfortunately data relating to compliments is not available from SSID for this quarter. The total number of recorded compliments for this quarter is 118.

Review of Completed Complaints

42. In Part B of the meeting (closed session) Members of the Committee will be invited to review completed complaints files in order to satisfy themselves on the robustness of the process followed.

Local Government Ombudsman

43. The Local Government Ombudsman is an independent service set up by the Government to investigate complaints about most council matters.
44. The Ombudsman undertakes a *health check* (now in its fourth year of operation) on each relevant authority and produces an Annual Letter which is aimed at helping councils learn from the outcome of complaints, underpinning effective working relationships and generally providing complaint based information to help councils assess and review performance.
45. The 2005/06 Annual Letter revealed that complaints to the Ombudsman about the County Council totalled 36, compared with 38 and 35 respectively in the two previous years. A copy of the Annual Letter 2005/06 is attached as Appendix 3.
46. The Ombudsman did not identify any issues arising from the distribution of complaints within service areas, nor did the Ombudsman feel it necessary to issue any formal reports about the Council in the year in question.

47. Our record with the Ombudsman is strong on praise for the relevant staff in dealing positively with complaints where a local settlement was felt to be merited and the Ombudsman thanked the Council and those concerned for this approach. The Ombudsman further commented that if public confidence was to be preserved an approach like this was essential.
48. The Ombudsman sets quite challenging timescales for councils to respond to complaints and many, including ourselves, sometimes find it difficult to meet them given the often complex nature of the complaints and the very thorough investigation we undertake on every occasion. Our average response times in 2005/06 and for the previous two years have increased and the Ombudsman has said this issue needs addressing. In response, it is intended to closely monitor this particular situation as part of the quarterly examination of complaints handling. Additionally the Ombudsman will be invited to meet and discuss with Members and Officers how collectively response times can be improved and to consider the content of the Annual Letter in general. The Ombudsman has also made particular mention of two locally-settled cases involving delay and procedural shortcomings on the part of the Council and these will be examined further.
49. The Ombudsman's Annual Letter now also forms part of the evidence gathered for the Comprehensive Performance Assessment process – it is therefore very pleasing to note that just as in 2003/04 and 2004/05, there were no findings of maladministration against the Council by the Ombudsman.

Conclusion

50. 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

51. Correspondence from Departments and the Local Government Ombudsman.

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