

## Standards Committee

16 November 2006

### Complaints Handling for the Period July to September 2006



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### Report of Lesley Davies Acting Director Corporate 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 July to 30 September 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 second quarter of 2006/07, 73 complaints were received averaging 24 per month, compared with 30 per month in the period July to September 2005.
5. All complaints in this latest quarter were acknowledged and received full responses or progress reports within the Council's performance targets.
6. 40 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 58% compared with 50% in the same period in 2005. Staff conduct represented 23% of complaints received in the first quarter of this year compared with 21% 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 second quarter of 2006/07.

## **Adult and Community Services (A & CS)**

9. **Culture and Leisure** – Two complaints were received during the quarter, both of which were building related /site specific. A local resident complained about the failure to display a warning notice to alert the public that the car park at one library location was flooded with sewage. Northumbrian Water dealt with the problem and a procedure has been introduced so that warning notices will be displayed if any similar problems occur in future. The complainant was happy with the way the complaint was handled.
10. The other complaint related to the presence of children playing around a library site whilst the building was closed to the public and included a request for consideration to be given to fencing and gating of the premises. The proposal will be considered and the complainant will be advised of progress and the final decision in this regard.
11. 13 compliments were received during the July to September period, covering Sky High Saturday at Aykley Heads, Killhope Museum, service in various libraries (which in some cases had helped people get work) and on the helpfulness of staff.
12. **Adult Services** – 34 complaints were received about Adult Services during the quarter. 24 of the complaints related to Poor Service and 4 to Staff Conduct. New regulation, guidance and procedure for the handling of social care complaints was introduced in September and an upgraded SSID Representations system, will also be introduced. The database will be more user-friendly and should better reflect the complaints handling process and the issues involved.

### **Example of complaints entered as ‘Staff Conduct’:**

13. The husband of a service user felt that staff had been rude to him and his wife and that they ignored her health needs; he said that he and his wife were upset by the last minute cancellation of a visit by a social worker. A letter was sent responding to those points and giving reasons for the cancellation of visit, namely, that no further visit was required as there had been a recent assessment and further contact could be made by phone. The complainant was dissatisfied with the response and the complaint has proceeded to Stage 2.

### **Examples of complaints entered as ‘Poor Service’:**

14. A service user complained about aspects of care given to her at a Care Home. Advice and support were given to the service user in raising the matter with the Home and the concern was resolved.

15. The father of a service user objected to his son going for treatment while he was visiting him. The reasons for the administration of the treatment at specified times were explained in a letter (to which there was no response).
16. A neighbour of a service user contacted the Service to say that it would be in the interest of the user to be placed into care, as she hardly went out. The social worker visited the service user to check if her needs had changed and if she required additional services. The service user was happy with the care and services she was receiving, and no further action was taken (the neighbour was not entitled to any information about the service user).
17. Many of the Poor Service complaints relate to services provided by independent providers. In the first instance it is the responsibility of the provider to investigate the complaint and respond, but staff assist by liaising with complainants, Contracts Unit, service provider and Commission for Social Care Inspection. In those instances where the service was commissioned by the Authority, service users may access the statutory social care complaints procedure if they are dissatisfied with the provider's response.

### **Compliments**

18. 78 compliments were received during the Quarter.

### **Children and Young Peoples Services**

19. **Education** – There is a nil return in relation to complaints and 14 compliments were received during the quarter as follows; Educational Psychology Service 3, Education Welfare Service 1, Music Support Service 2, SEN Placement & Provision 3 and Sure Start County Durham 5.
20. **Social Care and Health** – 13 complaints were received during the July to September period, 7 of which related to Poor Service and 5 to Staff Conduct. Members will be interested to note that during the last few months personal contact has been encouraged at the very earliest sign of a dissatisfied service user to meet individual needs at an early stage or agree an acceptable compromise in accordance with the new National Guidance. Where appropriate concerns about service provision or staff issues have been addressed by team managers and training provided with specific action plans, agreed where necessary, by strategic managers. Publicity regarding the complaints procedure has improved and the views and comments from young people has been instrumental in improved leaflets on representations.
21. A rolling staff training programme has been completed 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.

## **Examples of complaints regarding staff conduct**

22. It is essential that complaints regarding staff are taken seriously and the Service is striving to improve the position for users. One complaint suggested inappropriate comments from a member of staff. This member of staff was immediately suspended and a staff disciplinary investigation is currently running alongside the complaints procedure.
23. Another complaint regarding staff attitude was the perception that carers were not taken seriously by their social worker. Another assessment was undertaken and the family are being allocated another social worker. This issue is being addressed by further training.
24. The further 3 complaints surrounded issues of communication and strategic managers are addressing the problems of workload by monitoring and measuring individual performance on a regular basis to identify individual training needs.

## **Compliments**

25. In this quarter 4 compliments were recorded, staff will be reminded of the need to record and to share positive user comments. In this way best practice can be shared with colleagues and lead to an improved service.

## **Corporate Services**

26. In this quarter 5 complaints related to School Meals provision for which Corporate Services has responsibility for contract monitoring. New food standards for school lunches were introduced in September and as a consequence 4 of the complaints related to the new menu choices and availability whilst the final complaint referred to a staff member's failure to wear a uniform. As is the practice Contract staff responded rapidly to these complaints, and provided parents with full explanations.
27. Two complaints occurred in the Registration Service during the quarter and both related to the conduct of staff. One complainant had attended to register a notice of marriage however, the Registration Officer was unable to accommodate the complainant's request to record specific details in the Register. The registration procedures are strictly prescribed by legislation. The Registration Services Manager who investigated the complaint has confirmed that training in customer care is taken very seriously within the Service and staff have received appropriate training. Having considered the full circumstances of the case the Manager was of the view that the Registration Officer did not require any additional training.
28. The second complaint related to the communication of information between a member of the public and Registration staff regarding booking arrangements for his marriage in 2007. The complainant requested an explanation and further clarification of the provisional booking procedures from the Registration Services Manager and in two ensuing telephone conversations the complainant alleges the member of staff was rude and unhelpful and concluded the second call abruptly.

The complaint has been investigated thoroughly. A full explanation and apology has been offered to the complainant who has indicated his satisfaction with the way in which the complaint has been handled.

29. During the quarter 46 compliments were received as follows; Registration Service 39, County Hall Facilities Team 5, Democratic and Corporate Services Division 2.

### **Environment**

30. A total of 8 complaints were received during the quarter relating to issues surrounding:- highway resurfacing, lack of street lighting, sewage odour from drains, tree pruning etc Full details of the complaints will be available to Members during the dip sampling procedures, examples of 2 of the complaints are referenced herewith.
31. A local resident was dissatisfied with the lack of communication following a road traffic accident that had occurred resulting in damage to his property and danger to his family. The Complaints Officer replied, apologising for the breakdown in communication and outlining the work that is intended to be done. The complainant has not returned their satisfaction survey.
32. A complainant was unhappy about a long standing lack of street lighting provision and the more recent sub-standard reinstatement of estate roads following repairs by the Council. The Complaints Officer replied apologising and explaining the reasons for the delay and suggested that arrangements could be made for a site visit if the complainant wished to discuss his concerns about the reinstatement works. The complainant has not returned their satisfaction survey.
33. 23 compliments were received during the July to September quarter.

### **Service Direct**

34. 9 complaints were received during this period, two are categorised by type as Poor Service, and one as Delay – and the remaining 6 complaints related to staff conduct issues centred in the main on driving standards and operation of convoy and traffic lights at the site of road works. Details of all of the complaints will be available to Members during the dip sampling procedures. Examples are provided of two of the incidents.
35. One complaint related to a driving incident which took place in July 2006. After investigation and consideration of the circumstances the driver was relieved of his driving duties with a recommendation that he undergo a driver refresher course. The employee was subject to a disciplinary hearing.
36. A further incident occurred whilst a car driver waited in an escorted convoy system and a Service Direct vehicle travelling in the opposite direction sprayed chippings onto the complainant's car causing the windscreen to break. The employee was counselled, removed from

road surface dressing operations and undertook driver refresher training.

37. Investigations were carried out into each of the complaints 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
  - Employees were transferred to alternative duties
  - Driver refresher courses undertaken by employees
38. Additionally, a senior management meeting is to be convened to determine a service wide remedial process on driver behaviour which will include disciplinary actions, eventual withdrawal from driving duties, ongoing monitoring of individual driving records and retraining.
39. Service Direct received a total of 17 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. The total number of recorded compliments for this quarter is 195.

### **Review of Completed Complaints**

41. 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**

42. The Local Government Ombudsman is an independent service set up by the Government to investigate complaints about most council matters.
43. Members will recall I provided details at the August meeting concerning the receipt of the Annual Letter from the Local Government Ombudsman.
44. 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. We agreed that in future the Standards Committee would closely monitor this particular situation as part of the quarterly examination of complaints handling.

45. The Chairman of the Committee, myself and senior officers from Corporate Services met with the Assistant Ombudsman in mid September to discuss how collectively response times can be improved and to consider the content of the Annual Letter in general. The meeting proved to be very constructive and we determined a strategy to effect improvements to response times. The agreed measures are listed in the response to the Annual Letter sent to the Local Government Ombudsman on 9 October and a copy of the letter is attached as Appendix 3?
46. The Ombudsman also made particular mention of two locally-settled cases involving delay and procedural shortcomings on the part of the Council.
47. In one instance a settlement payment of £2,500 was made to a woman who needed to relocate temporarily so that her property could be modified to allow the construction of a road. The Ombudsman found that the Council significantly underestimated how long she needed to be out; took too long over the work; damaged her property and took too long to put things right and then unrealistically raised her expectations as to when she might move back.
48. The second settlement payment of £2,000 occurred because of a failure within Social Services. The Council failed to make direct payments to cover extra hours of support during a clients holiday periods from college. These cases will be considered further in Part B of the meeting.

### **Current Activity**

49. In the current July to September quarter we have been notified that the Ombudsman received 2 complaints against the County Council. The Ombudsman has classified one Social Services matter as outside of jurisdiction for investigation.
50. The second case relating to the administration of a Schools Admission Appeal was investigated and the Council was able to respond to the Ombudsman's enquiries within a 10 day period. Subsequently the child who was the subject of the appeal was offered a place at the school of choice and the Ombudsman has discontinued the investigation which will be recorded as a local settlement.

### **Conclusion**

51. 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**

52. Correspondence from Departments and the Local Government Ombudsman.

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

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