

## Standards Committee

15 February 2007

### Complaints Handling for the Period October to December 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 October to 31 December 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 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 third quarter of 2006/07, 69 complaints were received averaging 23 per month, compared with 21 per month in the period October to December 2005.
5. All complaints in this latest quarter were acknowledged and received full responses or progress reports within the Council's performance targets.
6. 43 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 complaints still under investigation are complete.
7. In this quarter, poor service was the largest single category of complaint at 43% compared with 52% in the same period in 2005. Staff conduct represented 23% of complaints received in the third quarter of this year compared with 20% 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 third quarter of 2006/07.

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

9. **Culture and Leisure** – 6 complaints were received through the Corporate Complaints system, 4 of which related to service users' perception of staff attitude and conduct. In each of the instances the staff concerned have stated it was not their intention to appear unhelpful or rude. 3 of the complaints arose during face-to-face contact with customers, and one occurred during a telephone conversation. One complaint related to all staff based in a particular library and their general lack of engagement with the complainant whilst the remainder involved 3 separate individuals/locations. Managers have reviewed the complaints and have not identified any specific trend, as each situation was different. In response staff have received advice/counselling from line managers and customer care training for staff will continue to be a priority and will form an important element of the Service plan.

Outlines of two of the staff conduct complaints are supplied for illustrative purposes.

It was alleged a mobile library vehicle had caused an obstruction in the road and the vehicle driver had been rude. In response the staff member explained it had not been his intention to be rude, he had sought to draw attention to the fact he was engaging in a reverse manoeuvre. A full explanation and apology was provided to the complainant with an assurance every effort would continue to be made to avoid any obstruction and minimize inconvenience to road users.

A member of the public made a complaint about the abrupt manner in which she had been spoken to by a staff member during a visit to the Record Office. The County Archivist investigated the incident and telephoned the complainant to apologise for the perceived discourtesy and to offer support for the complainant's next visit to the Record Office. The member of staff concerned had previously undertaken customer care training and received further instruction regarding personal interaction with customers.

10 compliments were received during the quarter. 5 referred specifically to library staff, 2 to visits to Killhope and the others were generally complimentary about particular service issues or events..

10. **Adult Services** –27 complaints were received in this quarter 13 of which related to poor service and 4 to staff conduct. 6 of the complaints received were referred to stage 2 for further consideration during this period.

The complaints about staff conduct included two which were about alleged actions of staff and two which related to the attitude of staff – in particular about staff not listening to client’s concerns.

### **Example of a Staff Conduct complaint**

A Service User complained that an Occupational Therapist had not listened to his concerns about the operation of ceiling track hoist equipment and failed to respond to his calls. The professional lead for Occupational Therapy services visited and checked the reliability of the equipment and reassured the service user as to the management of any future concerns.

### **Example of other Stage 1 complaint received this quarter**

A service User wandered out of day centre premises. Issues raised with day centre staff including updating of risk management plan, communication strategies. Family satisfied with outcome.

### **Stage 2 Complaints**

The six Stage 2 complaints covered a range of service areas and concerns

- Complainant with physical disabilities unhappy about arrangements made for respite care – this complaint is being resolved as result of discussion between investigating officer, advocate and complainant and is to be withdrawn
- Complaint about implementation of policy re contracting.- older person
- Complaint about provision of services in residential care home – older person
- Complaint about assessment and service provision – learning disabilities
- Complaint about service provision – learning disabilities
- Complaint about outcome of occupational therapy assessment

## **Learning from complaints**

Information regarding complaints is regularly reported to management meetings for dissemination to staff.

Specific outcomes are taken up with the appropriate people – e.g. issues with independent providers are raised with the Contracts Section.

Outcomes from complaints are raised with relevant staff members

## **Compliments**

77 compliments were received during the Quarter

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

11. **Education** – 1 complaint was received during the quarter concerning home to school transport arrangements. The complainant alleged that the County council had revoked the child's existing transport arrangements following a house move and had failed to take account of disability rights and to consider the parent's concerns. An investigation was carried out by the Senior Officer with responsibility for home to school transport. The complainant was provided with a full explanation of circumstances relating to the transport tendering procedures and allocation of contracts. Support and advice were offered to the complainant, to the child's school and to the transport operator to ensure any issues and concerns were resolved.

31 compliments were received during the quarter.

12. **Social Care and Health** – In the last quarter, 17 complaints were received about Children and Young People's Service and entered at Stage 1 of the Complaints Procedure. 10 complaints were completed during this quarter, with 5 cases being "satisfied". 10 complaints are still "under investigation".

In recent months the Service has explored with the National Youth Advocacy Service and Investing in Children ways of complementing their service to children. In line with the new National Guidance, each person making a children's complaint is provided with information on advocacy with their acknowledgement, Publicity regarding the complaints procedure has improved and the views and comments from young people have been incorporated into improved leaflets on representations which have been distributed to all offices and residential homes.

Concerns about service provision or staff issues have been addressed by team managers and the provision of staff training continues to be of paramount importance. Staff training, at individual team meetings, has accompanied the introduction of the new complaints regulation, guidance and procedures with a focus on improved data entry and recording.

There was a relatively low figure of 3 Staff conduct complaints in this quarter. One allegation of poor communication between a social worker and client was investigated. However it was found the complainant had failed to inform the social worker of a change of address and communication was impossible.

The second staff complaint was made against a social worker who allegedly refused to take a child's name off the child protection register. In effect because the child had previously lived outside the area the decision could not be taken by Durham County Council. An explanation was provided and subsequently a Child Protection conference was convened to agree a course of action in relation to this matter.

The third staff conduct complaint was regarding the non-attendance of the social worker at a monthly progress meeting. There had been a lack of communication regarding the meeting and a full apology was provided and accepted by the family.

### **Compliments**

There were no compliments recorded for this quarter but further research indicates that compliments were received. This remains a focus for improvement. It is essential to share best practice which can lead to an improved service and to provide a balanced picture of representations.

### **Corporate Services**

13. In this quarter 6 complaints related to School Meals provision for which Corporate Services has responsibility for contract monitoring. They centred on menu choices, pricing of meals and the standard of food service. As is the practice Contract staff responded rapidly to these complaints, arranged remedial action and provided parents with explanations.

38 letters of appreciation were received during the quarter.

### **Environment**

14. A total of 6 complaints were received during this quarter relating to issues surrounding footpath repair works, failure to respond to telephone calls, allocation of grant funding, provision of advice on traffic hazards and obstruction of the pavements.

An example incorporating elements of dissatisfaction with service provision are provided below along with the one complaint this quarter identified as an equality issue.

In the first case a complainant was unhappy with regard to footpath works where they live for the following reasons:-

- No consultation or prior warning with residents before work commenced.
- Site left in dangerous condition.
- Work carried out to part of the street only.
- Top part of the street looks like a public car park.

The complaints officer has explained that it is not normal practice to consult with residents when designing maintenance work on the highway and budgeting constraints had limited the improvement works to one area of the street. An apology was offered on the contractor's behalf for the lack of notice prior to the commencement of the work. The resident's concerns regarding the state of the site were conveyed to the contractors for urgent attention. The complainant did not return the complaint satisfaction survey.

A member of the public complained that the presence of tables and chairs at a pavement café obstructed his passage on his disabled motor scooter. The service complaints officer has contacted the complainant and proposed a site meeting to discuss the matter with the complainant, the coffee shop manager and the highways engineer to secure a practical solution to the problem.

13 compliments were received during the October to December quarter.

### **Service Direct**

15. 6 complaints were received during this period, 5 concerned staff conduct (3 of which related to standards of driving) and 1 to a delay in service provision. Further details of each of these complaints will be available to Members during the dip sampling procedures.

### **Remedial/Preventive Measures**

The preventive measures specified in the report to Standards Committee in November last year (i.e. disciplinary actions, withdrawal from driving duties, monitoring of driving record and re-training) have been implemented and instructions issued to operational managers to closely monitor the situation.

A series of Customer Care training sessions has been arranged to take place over a period of three months to include circa 300 front-line employees. Because of the operational nature of the workforce these sessions have been carefully planned to cause minimum disruption and cost to operational demands. The first session was held in December 2006, three more held in January 2007 and three more planned to take place in February. The Director and Senior Management Team expect to see an improved picture on the 'Staff Conduct' category in the next reporting period.

A recent disciplinary hearing resulted in one employee's complete removal from driving duties and refresher courses are scheduled for other drivers. In addition toolbox talks with the workforce are held monthly and will include staff conduct issues.

Service Direct received a total of 13 compliments during this period.

### **Compliments**

16. 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 182.

### **Review of Completed Complaints**

17. 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 – Current Activity**

18. In the October to December quarter we received notification that the Ombudsman received 5 complaints against the County Council, 3 related to highways matters, 1 to Education Transport and 1 to Social Services. In one of the highways matters the Ombudsman reached a provisional view of *no or insufficient evidence of maladministration* based solely on the information the complainant provided without further recourse to the Authority. The complainant offered no further evidence and the case was closed. A similar outcome was reached in relation to the Education transport matter after the County Council responded to the Ombudsman's request for information.

After an initial investigation the Ombudsman exercised discretion to allow the Social Services matter to continue to be dealt with by the County Council under statutory procedures. The investigations into the 2 remaining highways matters are ongoing.

We have complied with the Ombudsman's response targets in 3 of the cases, slight delays (2 days and 5 days) occurred in relation to 2 of the matters.

## **Conclusion**

19. 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**

20. Correspondence from Departments and the Local Government Ombudsman.

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**APPENDIX 1**

**TABLE 1  
COMPLAINTS**

**1 October 2006 – 31 December 2006**

| Service                      | Complaints Received | Average time taken to acknowledge receipt (working days) | Average time taken to give full response/ progress report (working days) | Satisfied as to how complaint has been handled | Not pursued further by complainant | Still under investigation | Referral to Stage 2 complaint | Referral to Stage 3 complaint |
|------------------------------|---------------------|--|--|--|------------------------------------|---------------------------|-------------------------------|-------------------------------|
| 1                            | 2                   | 3  | 4  | 5  | 6                                  | 7                         | 8                             | 9                             |
| A & CS – Culture and Leisure | 6                   | 3  | 7  | -  | 5                                  | -                         | 1                             | -                             |
| Social Care and Health       | 27                  | 3  | 16   | 8  | 2                                  | 11                        | 6                             | -                             |
| C & YPS – Education          | 1                   | 1  | 11   | -  | 1                                  | -                         | -                             | -                             |
| Social Care and Health       | 17                  | 1  | 22   | 5  | 4                                  | 8                         | -                             | -                             |
| Chief Executives Office      | -                   | -  | -  | -  | -                                  | -                         | -                             | -                             |
| Corporate Services           | 6                   | 5  | 5  | -  | 6                                  | -                         | -                             | -                             |
| Environment                  | 6                   | 2  | 15   | 1  | 5                                  | -                         | -                             | -                             |
| Service Direct               | 6                   | 2  | 10   | 2  | 4                                  | -                         | -                             | -                             |
| Treasurer                    | -                   | -  | -  | -  | -                                  | -                         | -                             | -                             |
| <b>TOTALS</b>                | <b>69</b>           | <b>2</b>   | <b>15</b>  | <b>16</b>                                      | <b>27</b>                          | <b>19</b>                 | <b>6</b>                      | <b>-</b>                      |

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TABLE 2

COMPLAINTS BY TYPE

1 October 2006 – 31 December 2006

| Service                         | Poor Service | Delay    | Staff Conduct | Equalities | Other     | Total      |
|---------------------------------|--------------|----------|---------------|------------|-----------|------------|
| 1                               | 2            | 3        | 4             | 5          | 6         | 7          |
| A & CS –<br>Culture and Leisure | -            | 1        | 4             | -          | 2         | 7*         |
| Social Care and Health          | 13           | -        | 4             | -          | 10        | 27         |
| C & YPS –<br>Education          | -            | -        | -             | -          | 1         | 1          |
| Social Care and Health          | 9            | -        | 3             | -          | 5         | 17         |
| Chief Executives Office         | -            | -        | -             | -          | -         | -          |
| Corporate Services              | 4            | -        | -             | -          | 2         | 6          |
| Environment                     | 4            | 1        | -             | 1          | -         | 6          |
| Service Direct                  | -            | 1        | 5             | -          | -         | 6          |
| Treasurer                       | -            | -        | -             | -          | -         | -          |
| <b>TOTALS</b>                   | <b>30</b>    | <b>3</b> | <b>16</b>     | <b>1</b>   | <b>20</b> | <b>70*</b> |

\* A complaint may have more than one type

**APPENDIX 2**

**TABLE 1  
COMPLAINTS**

**1 October 2005 – 31 December 2005**

| <b>Service</b>         | <b>Complaints Received</b> | <b>Average time taken to acknowledge receipt (working days)</b> | <b>Average time taken to give full response/ progress report (working days)</b> | <b>Satisfied as to how complaint has been handled</b> | <b>Not pursued further by complainant</b> | <b>Still under investigation</b> | <b>Referral to Stage 2 complaint</b> |
|------------------------|----------------------------|---|---|---|---|----------------------------------|--------------------------------------|
| <b>1</b>               | <b>2</b>                   | <b>3</b>  | <b>4</b>  | <b>5</b>  | <b>6</b>                                  | <b>7</b>                         | <b>8</b>                             |
| Chief Exec's Office    | -                          | -   | -   | -   | -   | -                                | -                                    |
| Corporate Services     | 5                          | 6   | 12  | -   | 5   | -                                | -                                    |
| Cultural Services      | 3                          | 1   | 8   | 1   | 2   | -                                | -                                    |
| Customer Services      | -                          | -   | -   | -   | -   | -                                | -                                    |
| Education              | 2                          | 2   | 8   | -   | 2   | -                                | -                                    |
| Environment            | 4                          | 1   | 4   | 1   | 2   | -                                | 1                                    |
| Service Direct         | 7                          | 2   | 16  | 3   | 4   | -                                | -                                    |
| Social Care and Health | 43                         | 6   | 15  | 6   | -   | 36                               | 1                                    |
| Treasurer              | -                          | -   | -   | -   | -   | -                                | -                                    |
| <b>TOTALS</b>          | <b>64</b>                  | <b>5</b>  | <b>14</b>   | <b>11</b>   | <b>15</b>                                 | <b>36</b>                        | <b>2</b>                             |

**Continued.....**

TABLE 2

COMPLAINTS BY TYPE

1 October 2005 – 31 December 2005

| Service                | Poor Service | Delay    | Staff Conduct | Equalities | Other     | Total     |
|------------------------|--------------|----------|---------------|------------|-----------|-----------|
| 1                      | 2            | 3        | 4             | 5          | 6         | 7         |
| Chief Exec's Office    | -            | -        | -             | -          | -         | -         |
| Corporate Services     | 5            | -        | -             | -          | -         | 5         |
| Cultural Services      | 2            | -        | 1             | -          | -         | 3         |
| Customer Services      | -            | -        | -             | -          | -         | -         |
| Education              | -            | 2        | -             | -          | -         | 2         |
| Environment            | -            | 2        | -             | -          | 2         | 4         |
| Service Direct         | 4            | 1        | 2             | -          | -         | 7         |
| Social Care and Health | 22           | -        | 10            | -          | 11        | 43        |
| Treasurer              | -            | -        | -             | -          | -         | -         |
| <b>TOTALS</b>          | <b>33</b>    | <b>5</b> | <b>13</b>     | <b>-</b>   | <b>13</b> | <b>64</b> |

\* A complaint may have more than one type