

Standards Committee**14 August 2007****Complaints Handling for the
Period April to June 2007**

**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 2007. 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 revised reporting arrangements following the Internal Audit review 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 2007/08, 76 complaints were received averaging 26 per month, compared with 26 per month in the period April to June 2006.
5. The quarterly trend for numbers of complaints for 2006/07 is as follows and for comparative purposes is matched to the levels for 2005/06.

Quarter	2006/07	2005/06
April to June	77	58
July to September	73	92
October to December	69	64
January to March	70	85
Total	289	299

6. 72% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 80% of Stage 1 complaints were resolved within target.
7. 56 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 further when the complaints still under investigation are complete.

8. In this quarter, poor service accounted for at least 33% of complaints compared with 61% in the same period in 2006. Staff conduct represented at least 13 % of complaints received in the first quarter of this year compared with 12% in the comparison period.

Additional Background

9. Individual Services have provided the following additional information on the nature and outcome of complaints received during this first quarter of 2007/08.

Adult and Community Services

10. This is the first quarterly report about complaints that includes data and narrative across the directorate and its services for adults. To ensure the transparent reporting of the statutory obligations of the authority, however, the adult social care complaints continue to be reported separately as the procedures are based upon the regulations and guidance issued for adult social care services complaints, by the Department of Health.
11. For information, notice has been received from the Department of Health that there is an intention to reform the statutory complaints procedures across health and adult social care. A consultation document has been published by the Department of Health entitled '**Making Experiences Count**' (this can be accessed on http://www.dh.gov.uk/en/consultations/liveconsultations/DH_075672).

Adult Social Care Complaints - Statutory Procedures

12. The Complaints Officer has initiated a review of administrative practices in relation to Stage 1 complaints to ensure timely and appropriate responses to complainants whilst ensuring that accurate data collection is facilitated. The opportunity will be taken to discuss the development of effective mechanisms to facilitate the consolidation of complaints data across the whole of the directorate, for reporting purposes.
13. Improving communication and outcomes and, most importantly, extracting learning opportunities to improve the individual experiences of service-users and disseminate to staff and inform the wider quality agenda continues to be an high priority.
14. In the last Quarter 29 complaints were received about Adult Services and entered at Stage 1 of the Social Care Complaints Procedure. (This figure compares as follows with the previous 4 Quarters: 25 (January to March 2007); 27 (October to December 2006); 34 (July to September 2006); and 36 (April to June 2006). The Quarterly figures have to be interpreted with caution, as the numbers fluctuate from Quarter to Quarter without necessarily indicating any significant change in overall performance.

15. Three of the complaints received during the quarter were referred to stage 2 for independent investigation and were ongoing during the period. Two of the three were fast-tracked due to the complexity of the issues, hence no stage one investigation took place.

Example of Stage 1 complaint (Adult Social Care)

16. A service user was admitted to a rehabilitation unit and concern was expressed by a relative that the client was unable to perform certain tasks as part of the rehabilitation process. A meeting was held and explanations given to the complainant about the rehabilitation process and what this had entailed. This clarified the issues and allayed concerns. During the course of the meeting the complainant had expressed concerns about the attitude of one of the unit's carers. The concerns had subsequently been substantiated on investigation and it was agreed that the carer's performance required improvement. The staff member had to undertake additional customer care training. The discussion and follow-up of the staff attitude issue and outcome were confirmed in a letter to the complainant

Example of Stage 2 complaint (Adult Social Care)

17. During the Quarter one Stage 2 complaint was resolved to the client's satisfaction without progressing to Independent Review. A client had been a self-funder in a residential care home but under the auspices of a DCC contract which afforded lower rates than a private arrangement. However, following legal advice DCC had to withdraw from this arrangement. Unfortunately, there was failure to notify the complainant of the changes to the arrangement and the associated financial implications for the client. The weekly fees increased without notice. An apology was given for the failure to communicate with the client/carer and information has been developed to ensure that other clients, similarly affected, are made aware of the unavoidable change.

Compliments

18. 63 compliments were received during the Quarter. Examples of compliments are as follows:-
 - 2 compliments were addressed to Dean Lodge, providing respite accommodation for people with learning disabilities. Relatives were highly complimentary about communication with staff and the quality of care and the environment at Dean Lodge. Staff members were also thanked for their response in dealing with an emergency request for respite.
 - 11 compliments were addressed to Grampian House which provides intermediate care/rehabilitation for older people. Clients thanked staff for the care and attention they had received, the quality of the food and the caring attitude of staff.

- A number of Promoting Independence Teams received thanks for, e.g., helping with the transition from hospital to nursing home, the quality of care for clients in the latter stages of their life, a well-co-ordinated care package and customer care generally.
- The Sedgefield Occupational Therapy Team were thanked for assisting client's to obtain aids and adaptations and for making personal contact to communicate decisions.

Adult and Community Services Complaints (Corporate procedures)

19. In the last quarter four complaints were received and entered at stage one of the corporate complaints procedure. There were no complaints ongoing during the quarter. Two of these complaints were investigated under Stage 2 of the corporate complaints procedure due to dissatisfaction with the Stage 1 findings.
20. **Staff Conduct** -Two of the four Stage 1 complaints related to 'staff conduct'. In one, the customer complained that libraries staff had ignored him by continuing to talk to each other rather than serve him. In the other complaint a customer complained of an inefficient response to an enquiry in a library. Both of these complaints were unresolved at stage one and proceeded to Stage 2. After further investigation, explanation and apology the customers indicated that they were satisfied.
21. **Poor Service** - One complaint related to a reduction in library hours at Bishop Auckland. This was resolved at Stage 1 when a full explanation of the level and nature of budgetary reductions was provided to the customer who had misunderstood the actual situation.
22. **Other** – A complaint was received from two elected members of Durham City Council, relating to an unofficial traveller encampment at Sherburn Village. The Travellers Liaison Service organised a multi-agency meeting to discuss and agree future procedures for such an occurrence. A follow-up meeting is scheduled to agree the actioning of the new procedures.

Compliments

23. 55 compliments were received during the quarter. Four related to library services and 51 to the welfare rights service (WRS). Customers of the WRS were highly complimentary of the work staff did on their behalf in appeals and also commented on the kindness and caring attitude of welfare rights staff.

Learning from complaints

24. Information regarding complaints continues to be regularly reported to management meetings for dissemination to staff. Specific outcomes are taken up with the relevant personnel, including with independent providers. Outcomes from complaints are raised with relevant staff members. Over the coming months the work of the Complaints Officer will be largely focused on improving the dissemination and learning from complaints and progress will be recorded in future reports.

Children and Young People's Services - Social Care

25. In this quarter, 18 complaints were received in relation to Children and Young People's Service and entered at Stage 1 of the Complaints Procedure, exactly the same as in the last quarter. 4 complaints are still "under investigation" and it is important to bear in mind that there will always be some overlap from one quarter to the next. In comparison with the previous quarter the number of complaints has remained the same. We continue to be pro-active in encouraging clients to voice their opinion about the service provided with a view to improving that service.
26. During this quarter, there is one Stage 2 complaint that has been ongoing since the previous quarter.

General Comments

27. Overall performance is reported in this quarter with greater accuracy due to improvements in the IT system. The Service has continued to consolidate relationships with the advocacy service during the last three months. Following the introduction of the new procedures an independent investigator and independent person have been engaged at Stage 2 of the procedure. Each person making a children's complaint is provided with information on advocacy with their acknowledgement letter, in line with the new National Guidance.
28. In addition to the formal complaints procedures, each Service team continues to try to fulfil the needs of all service users by dealing with concerns at a local level, as per government guidance and team training is ongoing to establish good staff attitude and conduct.

Examples of Stage 1 complaints

29. **Complaint:** The grandparents of a child were very upset at the removal of their grandson from a placement in Bishop Auckland.

Outcome: When grandparents accessed their grandson they agreed that he was doing very well and now support the new arrangement. They realise that their initial concerns were unfounded and that they had not appreciated all of the circumstances.
30. **Complaint:** A young man who was recently taken into care complained that he did not see enough of his family and felt that he did not have a forum for his worries.

Outcome: As he settled into a routine of regular contact with his family and realised that he could use his "looked after reviews" to raise issues which concerned him, he was much happier.

Compliments

31. There were 6 compliments recorded in SSID for this quarter indicating continued use of recording. It is essential to share best practice which can lead to an improved service and to provide a balanced picture of representations. 5 of these compliments were received in appreciation of the support and hard work of social workers and the remaining one was praising the work of an individual social worker for her "help and kindness over the last 18 months". It is our view that under reporting of compliments still continues and hence will continue to be a focus for improvement.

Children and Young People's Services (Education)

32. 2 complaints were received during the quarter, one concerned the non payment of invoices to a taxi operator and the second related to the authority's handling of a request for transfer of a child to a special school placement. In the first instance, after a full investigation the complainant was provided with an explanation of the processing of claims and why the delay had occurred. The complainant was neither satisfied with the outcome nor the way in which the complaint was handled and the matter is currently being investigated under Stage 2 of the complaints procedure.
33. The second complaint was referred by the Local Government Ombudsman for investigation. On completion of the investigation and in an attempt to resolve the complaint, the authority apologised for the delay which had occurred between the Annual Review meeting and the date of issue of the Proposed Statement. Arrangements were made for the complainant's child to be admitted to the special school of choice from May 2007 in advance of the original indicated date of September 2007.
34. The complainant has informed the Local Government Ombudsman that she remains unhappy with the authority's response to her complaint and the matter is now being dealt with by the Ombudsman.

Compliments

35. 26 evidenced compliments were received during the quarter including one letter of congratulations from the then Prime Minister Tony Blair when the Council gained Beacon Status for School Improvement. Expressions of satisfaction were also received in relation to the work of Access and Pupil Services (Access and Inclusion Services); Advisory and Specialist Teaching Service, Learning Support Services (Access and Inclusion Services); C & YPS Finance Team (Finance Services); Education Welfare Service (Access and Inclusion Services); School & Governor Support Service (Achievement Services); Special Educational Needs Placement and Provison (Access and Inclusion Services) and Sure Start County Durham (Extended Services).

Corporate Services

36. Corporate Services received two complaints during the April to June quarter. The first of these arose in the Registration Service when the complainant attended to register the death of a close relative. It was the complainant's view that the staff member dealt with the registration process in an insensitive and unhelpful manner. In addition the receptionist was subsequently unable to provide detailed advice on how to submit a complaint.
37. The matter was investigated fully by the Head of the Registration Service who offered sincere apologies for the unsatisfactory service provided on this occasion. An assurance was also given that measures had been implemented and advice issued to staff to prevent such an occurrence in the future.
38. The second complaint related to aspects of anti-social behaviour occurring in the vicinity of a vacant County Council property currently on the market for redevelopment. Remedial action was taken in consultation with the local county councillor. The complainant was informed of the measures and will be kept apprised of developments.
39. During the quarter the Registration Service received 18 compliments and the County Hall team received 9 letters of appreciation.

Environment

40. A total of 13 complaints were received during this quarter, The majority related to environmental and highway issues surrounding the condition of footpaths, pavement parking, tree pruning, development in Durham City and congestion charging, footpath closures and rights of way, drainage problems, and transport provision for clients visiting Abbey Day Centre.
41. 2 of the complaints related to Trading Standards matters, in one case the complainant was dissatisfied with the service provided following a dispute with a trader. The investigating officer met with the complainant to resolve the issue however the complainant remained dissatisfied and asked that the complaint proceed to stage 2. An independent Head of Service investigated and advised the complainant of his finding i.e. that whilst the Service's initial correspondence was factually correct the tone could have been more helpful. Accordingly, arrangements were made for the complainant to receive follow up correspondence containing an apology and further clarification of the issues raised.
42. In the second case the complainant was dissatisfied that Trading Standards would not agree to issue a statement regarding the activities of firms who disregard complainant/clients' requests to stop doorstep sales. In view of the previous involvement of the Section Manager and Head of Service in this matter the investigation commenced at Stage 2 of procedures. An independent Head of Service investigated the matter and concurred that a specific endorsement should not be provided. This finding was communicated to the complainant who was also signposted to the work of the community safety partnerships in the context of consumer vulnerability.
43. Environment received a total of seventeen compliments during April to June.

Service Direct

44. 7 complaints were received during this period, 2 concerned staff conduct, 2 concerned delay in provision of a service and 3 related to poor service delivery. One of the staff conduct issues arose as a consequence of an employee parking a Service Direct vehicle adjacent to the complainant's property for a period of one week. The employee has been instructed to ensure the vehicle is parked outside of his own property in future. Further details of each of the seven complaints will be available to Members during dip sampling procedures.
45. Members previously received details of a planned Customer Care training programme for Service Direct employees, by the end of June 228 employees had completed the training with a remaining 152 employees yet to undergo the programme.
46. Service Direct received a total of 30 compliments/ thanks during the quarter, in the respective divisions as follows, Catering 3, Cleaning 8, Civil Engineering 8 and Building Services 11.

Treasurer

47. The Treasurer was involved jointly with Adult and Community Services in responding to a complaint about the delay in payment of a refund to a client receiving respite care. The main contributory factor of the delay arose as a consequence of the protracted period taken by the mail delivery service to deliver the cheque to the client. This necessitated the re - provision of the cheque for an amended amount and the complainant sought and received further clarification of Council procedures in this regard.

Compliments

48. 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. During this first quarter of 2007/08, a total of 224 compliments were received.

Review of Completed Complaints

49. 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

50. The Local Government Ombudsman is an independent service set up by the Government to investigate complaints about most council matters.
51. The Ombudsman undertakes a health check (now in its fifth 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.

52. The 2006/07 Annual Letter revealed that complaints to the Ombudsman about the County Council totalled 27, compared with 36 and 38 respectively in the two previous years.
53. 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. The Ombudsman has acknowledged that working relationships between our respective staffs remain excellent.
54. 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 the previous two years had increased and last year the Ombudsman identified that this issue needed to be addressed. We met with the Assistant Ombudsman and discussed strategies to collectively improve response times and to consider the content of the Annual Letter in general. The Ombudsman has commended the Council for its improvement in response times to enquiries. The target is 28 days and in 2006/07 on average it took 30 days to respond compared to 34 days in 2005/06.
55. The Ombudsman has also made particular mention of one locally settled case involving delay and procedural shortcomings on the part of the Council and it is intended to examine this further and report back to Members.
56. 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 2004/05 and 2005/06, there were no findings of maladministration against the Council by the Ombudsman.

Local Government Ombudsman – Current Activity

57. In the April to June quarter the Ombudsman referred four complaints (three Environment and one Education) to the Council for consideration under our corporate procedures as we had not previously had the opportunity to do so.
58. One Social Care and Health matter was concluded during the quarter as a local settlement when the Council adopted the Ombudsman's recommendation for the payment of a sum of compensation.
59. The Council also responded within target to the Ombudsman's enquiries in relation to one child protection issue and one Adult Social Care matter concerning the costs of respite care.
60. The Ombudsman notified the Council of receipt of a complaint concerning a village green application. The Ombudsman exercised discretion not to investigate this matter. The Ombudsman also received a complaint relating to community care services. This did not proceed to investigation as it was deemed outside of the Ombudsman's jurisdiction.

Conclusion

61. 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 Departments and the Local Government Ombudsman.

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