

Standards Committee

28 February 2008

**Complaints Handling for the
Period October to December 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 October to 31 December 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 third quarter of 2007/08, complaints were received averaging 22 per month, compared with 23 per month in the period October to December 2006.
5. The quarterly trend for numbers of complaints in 2005/06, 2006/07 and the current year is as follows:

Quarter	2005/06	2006/07	2007/08
April to June	58	77	76
July to September	92	73	44
October to December	64	69	65
January to March	85	70	
Total	299	289	

6. 95% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 89% of the Stage 1 complaints resolved were also done so within target.

7. 31 complainants were either satisfied as to how their complaint was handled or did not pursue their complaint further beyond Stage 1.
8. In this quarter, poor service was the largest single category of complaint at 37% compared with 43% in the same period in 2006. Staff conduct represented 31% of complaints received in the third quarter of this year compared with 23% in the same period in 2006.

Additional Background

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

Adult and Community Services

10. This is the third quarterly report about complaints that includes data and narrative across the directorate and its services for adults. The adult social care complaints continue to be reported discretely to ensure that the statutory procedures, based upon the regulations and guidance issued for adult social care services complaints by the Department of Health, are transparently presented.

Reforms to the Statutory Complaints Procedures

11. The Department of Health's consultation on reforms to the Health and Social Care Complaints' Procedures (as reported in the last quarter's report to Standards Committee) has been concluded. The response to the consultation is expected in Spring/Summer 2008. To complement the consultation, the National Audit Office conducted a comprehensive survey on complaints handling (and representations) in Adult Social Care across English and Welsh social services authorities in October. Durham County Council participated in the survey. Further information on the survey and consultation findings will be provided as it becomes available.

Local Government Ombudsman's Annual Letter

12. The Local Government Ombudsman (LGO) drew to the attention of all Social Services Authorities three major investigations and reports concerning failures in domiciliary care services. These had resulted in placing individual service users at significant or grave risk with the failure to provide domiciliary support services according to care plans. In order to pro-actively seek to prevent such incidents occurring, the current arrangements for reporting and responding to potential failures in domiciliary care (both commissioned and in-house) have been examined. Whilst the current reporting systems were robust there were areas where current systems and contractual requirements could be strengthened. The Commissioning directorate are in the process of convening a Steering Group to further elaborate areas for improvement and the development of an Action Plan.

Action Plan for Adult and Community Services Representations Procedures

13. With the re-structure of Adult and Community Services the complaints function has transferred from the Adult Social Care - Service Development Team into Quality Assurance and the Quality Standards Team. An improvement in the handling and performance management of statutory complaints management, and non-statutory representations, and the dissemination of learning has been prioritised by the Planning and Performance Service Area.
14. A detailed Action Plan has been developed to identify and address actions and timescales. Whilst some improvements have already been achieved, the Action Plan will further improve the accurate and comprehensive reporting of adult social care complaints on SSID. Improving communication and outcomes and most importantly, extracting learning opportunities continues to be a high priority. Additional information on learning outcomes from Stage One complaints will be included in future reports.

Adult Social Care Complaints (Statutory Procedures)

Stage One Complaints

15. The largest category of type of complaint was poor service, with staff conduct comprising the second largest cause.

Poor Service

16. Following a hospital discharge emergency respite care was arranged. Due to unforeseen circumstances the respite care placement lasted longer than the client had anticipated. The complaint was about the delay and the resultant cost of respite care. This complaint has progressed to a Stage Two investigation.

Staff Conduct

17. A complaint was made by a relative about a member of social work staff and their failure to take account of and act upon the relatives' opinions in relation to the care of their elderly mother. The relatives considered that their mother should be placed in residential care. This was against the wishes of the client who wished to remain in their own home with support.
18. The family partially accepted that there was a difficult balance to be struck between the aspirations of clients and their concerned relatives. The Investigating Officer did partially uphold a complaint that communication had been compromised and the relationship between the Social Worker and family had broken down irretrievably and for that reason it was felt to be inappropriate that the Social Worker continue to be involved in the case.

Example of Stage One Complaint entered as ‘Other’

19. The Authority has, after very careful consideration, taken the unusual step of invoking the procedure for dealing with persistent and vexatious complainants including unacceptable behaviour. The person consistently complains that he is being denied services which he considers he is in urgent need of. Since April 2005, following an investigation by the LGO that concluded that previous similar complaints were without merit, there have been 80 recorded contacts, many of which have been informal complaints and three of which were formalised.
20. The person has been advised that all future communication should be screened through the Complaints Officer. The LGO was provided with a copy of the letter and indicated satisfaction with how the matter had been dealt with at this stage.

Refusal of requests for Stage 2 investigations.

21. During the quarter 2 requests for Stage Two investigations were declined and details of one of the cases is included below:
22. A new client was assessed as meeting the Fair Access to Care Services eligibility criteria following assessment and was provided with home care services. The client was also subsequently awarded Attendance Allowance.
23. Once Attendance Allowance was awarded the client was financially re-assessed and their contribution to the care package increased. They complained about the increase and thought they should not have to pay. At Stage One the complainant was advised that the financial assessment was correct and that even though the financial contribution had increased they were now in receipt and benefiting from an additional weekly income.
24. The client was not satisfied and requested referral for an independent investigation. The Complaints Officer and Head of Finance jointly considered the request. Together they concluded that as the financial contribution had been accurately calculated, and as the Attendance Allowance had to be taken account of, and as the client was benefiting as a result, the request for independent investigation was without merit. Also the cost of an independent investigation could not be justified. The complainant was provided with details of the LGO if they considered the decision to be unjust.

Compliments

25. 70 compliments were received during the quarter, compared with 54 in the previous quarter. The increase in compliments should be positively noted. Service Users and Carers and professionals allied to social care make particular effort to pay compliment to the high quality of services we provide which frequently involve quality of life issues for our Service Users.

ADULT AND COMMUNITY SERVICES COMPLAINTS (NON-STATUTORY)

26. In the last quarter no non-statutory complaints were received at Stage One or progressed to Stage Two within Libraries, Learning and Culture (LLC), Planning and Performance, Social Inclusion or Finance and Business Support.
27. One LLC complaint was referred to Stage Three from the previous quarter and completed but was outside of the timescales. The complaint involved a failure in communication for which apologies were given to the complainant and lessons learnt implemented. As a result of the complaint, procedures for handling post have been revised to avoid a recurrence of the problem.
28. LLC have noted no discernible trends and stress that Customer Care is a key to all services and continue to prioritise this.

Compliments

29. 31 compliments were received during the quarter, 3 relating to LLC, 2 to Community Safety and 26 to the Welfare Rights Unit.

Learning from Complaints

30. Some examples of how complaints, arising or being completed in the quarter, have positively improved policy and practice are as follows:-
31. Advice to residential care staff in the protocol for calling out GPs or the paramedic/ambulance service has been revised as a result of a complainant being of the opinion that there had been undue delay in seeking medical help for a relative.
32. Staff will be reminded of the rights of service users to access their personal information and provide them with advice on the Access to Personal Social Care and Health Records procedure that must be followed to demonstrate entitlement and obtain access. (NB In some exceptional cases the law allows for non-disclosure if potential harm to the subject or other parties could be caused.)
33. 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.
34. Outcomes from complaints are raised with relevant staff members. The work of the Complaints Officer remains focused on improving the dissemination and learning from complaints.

Chief Executives Office

35. The Chief Executives Office did not receive any complaints or compliments during the quarter.

Children and Young Peoples Services

36. In this quarter, 16 complaints were received in relation to Children and Young People's Service (C&YPS) (statutory representations) and entered at Stage 1 of the Complaints Procedure, compared to 11 in the previous quarter. 13 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. During this quarter, the ongoing Stage 2 complaint from the previous quarter has been fully investigated but there are unavoidable delays due to the complainant's personal circumstances.
37. C&YPS received 4 corporate complaints at stage 1, 3 of which were completed on target in their timescale of 15 days with one ongoing. There were no stage 2 complaints.

General Comments

38. There has been a significant improvement this quarter in the way that complaints have been logged and an effective system is now in place to ensure that complaints are acknowledged and dealt with timely and appropriately. Independent investigators and independent persons have been utilised in the stage 2 complaint. Each person making a children's complaint is provided with information on advocacy with their acknowledgement letter, in line with the new National Guidance.
39. In addition to the formal complaints procedures, each team continues to try to fulfil the needs of all our service users by dealing with concerns at a local level, in line with government guidance and team training is ongoing to establish good staff attitude and conduct.
40. The Service continues to take on board comments from children at "Agenda Meetings" facilitated by the Investing in Children team. Strategic managers feed back both positive and negative comments to their team managers to discuss, in supervision sessions, ways forward to improve the service provided.

Examples of Stage 1 complaints

41. **Complaint:** The complainant expressed concern regarding the difficulties he experienced with his application for student support and, in particular, the conduct of the member of staff handling the assessment of his application.

Outcome : The complainant received a letter of apology which also addressed, in detail, the process for assessment of financial entitlement relating to student support. The investigating officer confirmed action had been taken to ensure that all staff within the Student Support Team handle enquiries in an appropriate manner. The complainant confirmed he was satisfied with the outcome and with the way in which his complaint had been handled.

42. **Complaint:** The complainant submitted a formal complaint about issues relating to the home education of his daughter. Concerns related to the timescales involved in requests for submission of information, staff conduct and allegations that Durham County Council does not demonstrate a positive / supportive attitude in relation to home education.

Outcome: The complainant received a letter of apology which also sought to clarify DCC's approach to home education. The investigating officer offered to meet both parents in order to discuss how DCC carries out its responsibilities with regard to home education.

43. **Complaint:** A child in a foster placement complained because she did not wish to be moved from the placement. She was represented by a NYAS representative with whom we negotiated.

Outcome: No decisions had been taken to move the child to an alternative placement and as a result there was no complaint to be made. This child did remain at the placement until she was 16 and moved voluntarily.

Compliments

44. The receipt of 4 compliments was recorded for C&YPS during the quarter. It is apparent there has been a general failure to record receipt of compliments and this aspect of recording is under scrutiny. Relevant reminders will be issued to staff in this regard.

Corporate Services

45. Corporate Services received 1 complaint during the October to December period.
46. This related to concern about the authority's decision to refuse the complainant's request to purchase or licence a plot of land at the rear of his property. In particular the complainant felt the decision was inconsistent with a former decision to grant the sale of land in the vicinity.
47. An investigation was initiated at Stage 2 of procedures and discussions were held with the complainant to clarify and address his concerns. A full explanation of the actions associated with the decision was provided to the complainant with an assurance there had not been any unequal treatment in dealing with the two applications to purchase land. At the request of the complainant the matter has progressed to stage 3.

Compliments

48. Corporate services received 44 compliments during the quarter, 40 relating to the Registration Service, 3 to the County Hall Facilities Team and 1 to Legal Services Division.

Environment

49. Environment received 9 complaints during the quarter relating to a range of issues:-
- An alleged failure to take action to prevent illegal advertising on a highway verge
 - Application of criteria relating to hardening of verges
 - The posting of a planning application public notice
 - Liability for and accounting processes re damage to the congestion charge bollard
 - Delay in the adoption of roads and pavements in a new development
50. One matter arose because a complainant was unhappy about alleged misleading and contradictory information received on home to school transport and in particular Yellow Buses. His specific concerns related to the non release of Focus Group Minutes and a refusal to provide information on school transport monitoring.
51. The Business Manager for the Integrated Transport Unit investigated the complaint. He held a meeting with the complainant to discuss the matter fully and subsequently confirmed the details and findings in relation to the complaint in writing. He explained why the Minutes had not been supplied and why the release of monitoring information could prejudice any investigation. The complainant expressed satisfaction with the way the complaint was dealt with.

Compliments

52. Environment received 11 compliments during the quarter.

Service Direct

53. The number of complaints received this quarter was 12 and this shows an increase against a year-on-year and previous quarter comparisons. This could be attributed to the more focused reporting/recording actions implemented in the Building Services Division.
54. Staff conduct accounted for 58% of the total and a breakdown shows 6 related to Driver behaviour and 1 related to employee behaviour in a school environment.
55. In one driving incident the employee was interviewed promptly regarding the allegation with an outcome that he was required to undergo a driver retraining course to improve his skills. The training was concluded within 12 days of the incident. The complainant was advised of the action taken and received an apology from the employee and his manager.

56. Poor Service accounted for the remaining 42% of the total and these related to delayed response to works orders, untidy end of jobs carried out, damage to premises and a pedestrian management problem.

Remedial/Preventive Measures

57. Targets relating to response times etc have been achieved during this period, and the prompt implementation of remedial actions within the Building Services Division has proved effective. It is also encouraging that 'driving' incidents across the Service currently show a fall. The Customer Care training programme recommenced during this quarter.

Compliments

58. A total of 20 compliments/thanks were received during the period: Domestic Services 5, Civil Engineering 8, Building Services 7.

County Treasurer

59. The County Treasurer did not receive any complaints or compliments during the quarter.

Compliments

60. 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 third quarter of 2007/08, a total of 179 compliments were received.

Review of Completed Complaints

61. 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

62. In the October to December quarter the Ombudsman gave initial consideration to a complaint from a school employee whose car had been damaged on school premises. However the Ombudsman discontinued the investigation because she cannot investigate internal matters in a school and the complainant had the right to have the matter dealt with in court.
63. The Ombudsman initiated an investigation into a complaint that the authority had refused to provide free travel to a pupil from home to a Catholic School and Sixth Form College.
64. The Ombudsman made a determination of No or Insufficient Evidence of maladministration in one Environment matter involving the County Council and Easington District Council jointly and relating to an allegation that trees were blocking light to a property.

Conclusion

65. 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

66. Correspondence from Departments and the Local Government Ombudsman.

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