

Standards Committee

10 July 2008



Complaints Handling for the period January to March 2008

Report of Lesley Davies, Acting Director of Corporate Services

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 January to 31 March 2008. Details of the statistics for the comparative period in the previous year are also incorporated in the table.

Current Position

Summary Analysis and Comparison

4. In the final quarter of 2007/08, 66 complaints were received averaging 22 per month, compared with 23 per month in the period January to March 2007. This brings the total number of complaints received during 2007/2008 to 251 compared with 289 complaints received during 2006/2007.
5. The quarterly trend for numbers of complaints in 2005/06, 2006/07 and 2007/08 is as follows:
6. 91% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 85% of the Stage 1 complaints were also resolved within target.
7. 65 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 52 % compared with 41% in the same period in 2007. Staff conduct represented 24% of complaints received in the final quarter of this year compared with 13% 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 final quarter of 2007/08.

Adult and Community services

Reforms to the Statutory Complaints Procedures

10. The Department of Health (DOH) has now published its response to the consultation, '*Making Experiences Count*', on reforms to the Health and Social Care Complaints' Procedures. The proposed complaints framework in health and social care will be reduced to two stages, *Local Resolution* and the *Ombudsman*.

Local Resolution will introduce a range of methods to support the resolution of complaints securing flexibility and a needs-based approach:

- initial/immediate risk assessments to identify any abuse or unsafe practice issues for referral speedily through the appropriate legislative route e.g. the Safeguarding procedures.
 - one-off incidents or simple complaints will be capable of being resolved very swiftly through a discussion between the people involved to provide explanation, response and learning. (Local Service Response).
 - complaints involving systematic failures and/or complex and serious issues would require an Organisational Response - orchestrated in consultation with the complainant, and employing a range of different methodologies for resolution.
 - the role currently played by Independent Review Panels is not alluded to but theoretically, at least there may still be a role for decisions and outcomes to be subject to scrutiny and review.
11. The Ombudsman would investigate when Local Resolution had failed to "put things right" through the local arrangements. The Ombudsmen would provide a definitive view of what happened and, where appropriate, make a finding of maladministration.
 12. Newcastle City Council and a number of NHS Hospital Trusts, Community and Primary Care Trusts have been selected by the DoH to pilot and develop the new procedures in the north-east. Implementation of the new procedures across England and Wales is scheduled for April 2009.

Stage One Complaints - Statutory

13. In the final Quarter, 19 Stage One complaints were received about Adult Services and investigations were concluded in 12 of these cases. 8 of the complaints were rated as Poor Service and 4 as Staff Conduct.

Poor Service

14. A client's carer complained about projected delays in implementing a complex care package funded by Direct Payments and the Disability Living Foundation to facilitate supported community living – because of a possible requirement to invite tenders for the commissioned care package and potentially result in a change in care provider. However, the Commissioning Division confirmed this was not the case and the client moved to new accommodation with the care providers of choice.

Staff Conduct

15. A client complained that an assessment had not been undertaken properly and as a result the client had failed to meet specific eligibility criteria. A second assessment was carried out by another member of the team who also concluded that the client did not meet the eligibility criteria.
16. The complaint was satisfactorily resolved when a full explanation was provided to assist the complainant better understand the eligibility criteria.

Corporate Complaints (Non Statutory)

17. ACS received 9 non statutory complaints relating to the work of the Libraries, Learning and Culture and Finance and Business Support Divisions.
18. In one instance a complaint was received about the price of entry to the DLI Art Galley and Museum. An explanation of the charge was provided along with information about subsidies which enable free entry to national museums.
19. 1 complaint related to a Freedom of Information (FOI) enquiry which did not initially reach the FOI/Data Protection Coordinator. A second copy was supplied by recorded delivery. The complainant was unhappy with the Council's response and felt that the Authority's procedures were either inadequate or not being followed. This complaint is still being investigated due to its complexity.
20. ACS received a total of 78 compliments across the Service, for example Welfare Rights received 20 compliments in which the professionalism, commitment, advice and kindness of staff was frequently cited and Workable Solutions received 11 compliments for the assistance given to clients in finding employment.

Children and Young Peoples Services (CYPS)

21. 18 complaints were received by CYPS in this quarter, 14 of which were statutory (Children in Need Service 11, Looked After Service 2, Standards/WMC9

Statutory Complaints

22. 4 of the statutory complaints related to staff conduct and occurred in the same service area. The Strategic Manager is addressing this issue by following up with the relevant Service Managers who will raise issues in staff supervision sessions. However it is worth noting the context of the 4 complaints from a live case load of over 1000 cases in that service. Outlines of 2 of the complaints are included by way of illustration.
23. A complaint was received from a child's Grandfather regarding the attitude of a social worker. However the complainant was unaware of all of the complexities surrounding the situation and was subsequently very satisfied with the explanation given and reassured that the social worker had acted appropriately in safeguarding the child.
24. One complaint related to the alleged inadequate level of support provided to a family by a case worker. Investigations revealed that communication and social work visits to the family were not as robust as they should have been. The case was re-assigned to a different social worker and steps are being taken to improve the quality of social work to prevent a recurrence of this problem.

Non Statutory Complaints

25. Of the 4 non statutory/corporate complaints received 3 related to Learning and Support for children in education and 1 related to Admissions and Transport. For example a parent complained about a refusal to provide Speech and Language support for her child. A reassessment was carried out by the original Appeal Panel with the benefit of additional information. This resulted in the provision of learning support assistance.

Future Developments - Integrated CYPS Representation Process

26. The provision of an integrated CYPS Representation process is in development to merge the former Social Care and Health (SCH) and Education complaints systems into one universal system to make the process simpler for service users and improve coordination of all CYPS representations through the service.

Advocacy Services

27. At present independent advocacy services are only available to children who have in the past received or are currently receiving services from former Social Care and Health. The possible extension of this service to all children and young people in County Durham is under consideration to provide equal opportunities for all young people to be represented by an independent advocate. A pilot scheme will operate in Derwentside. The scheme will be evaluated and dependent on the

findings, may be introduced as a rolling programme, with a view to providing a more inclusive service to all children across the County.

28. The Service's meetings with the advocacy service are of great value to inform developments in the representations process.

CYPS recorded receipt of 21 compliments during the quarter.

Corporate Services

29. Corporate Services received 3 complaints during the period relating to the work of the Estates Division. One complaint centred upon the positioning of an access road across Council owned land. A detailed response was provided and this aspect of the private construction scheme was resolved.
30. A second Estates matter related to the compulsory purchase of land by the Council in connection with construction of a Bypass. The complainant's concerns that he had been disadvantaged by the Council in negotiations were fully investigated. An outstanding title issue was resolved resulting in the release of a compensation payment and the complainant has not pursued the matter any further.
31. Lastly, a member of the public complained about the potentially dangerous state of trees at a school site. Senior officers met with the complainant to discuss his concerns and he accepted reassurances that the trees were not in a dangerous state and arrangements would be made to have them pruned.
32. Corporate Services received 55 compliments, 52 for the Registration Service and 3 for the County Hall Facilities Team during the period.

Environment

33. Environment received 13 complaints during the quarter relating to a range of issues:-
- alleged failures to respond to correspondents
 - staff conduct
 - repairs to vandalised fencing, replacement of road signage and highways resurfacing works etc
 - installation of a pedestrian controlled crossing
 - public rights of way
34. One of these matters related to vandalised fencing and the replacement of loose coping stones on a walkway bridge. The issues were investigated and the Council arranged to replace the coping stones with an alternative provision to alleviate the problem. Responsibility for the fencing repairs lay with the District Council who were experiencing ongoing problems with the removal of fence rails because of anti social behaviour and were reluctant to continue repairing them. The complainant was provided with advice on how to contact the District Council Street Wardens.

Environment received 15 compliments during the period.

Service Direct

35. 4 complaints were received during this period, 1 concerned staff conduct, and the remaining 3 were attributed to poor service evidenced by employees working without appropriate signage, untidy working and finishing and delay to respond to a call out.
36. The staff conduct matter related to driver behaviour in merging traffic lanes. The employee was interviewed and had been unaware that his behaviour had caused offence to the complainant. It was concluded that the complaint was valid and the driver will receive appropriate counselling.
37. Service Direct received 19 compliments during this period, 6 in Domestic Services, 6 in Civil Engineering, 6 in Building Services and 1 in Fleet Services.

Compliments

38. 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.
39. During this final quarter of 2007/08, a total of 188 compliments were received. For 2007/08 as a whole a total of 753 compliments were received compared with a total of 251 complaints during the year. (For 2006/07 as a whole a total of 656 compliments were received compared with 289 complaints. For 2005/06 as a whole a total of 890 compliments were received compared with 299 complaints.)

Local Government Ombudsman

40. The Local Government Ombudsman is an independent service set up by the Government to investigate complaints about most council matters.
41. The Ombudsman undertakes an annual health check (now in its sixth 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.
42. The 2007/08 Annual Letter revealed that complaints to the Ombudsman about the County Council totalled 24, compared with 27, 36, 38 and 35 respectively in the four previous years.
43. 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. As a consequence of Local Government reorganisation and the fact that this is the last letter to the Council in its present form the Ombudsman took the opportunity to thank all Members and officers who have dealt with her office for their courtesy and cooperation and extended best wishes for the future.

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. In recent Years our average response times had increased and we met with the Assistant Ombudsman and discussed strategies to collectively improve response times. We secured an improvement in performance in 2006/07 and have done so again in 2007 /08. The Ombudsman has commended the Council for this improvement in response times to enquiries. The target is 28 days and in 2007/08 on average it took 23 days to respond compared to 30 days in 2006/07, 34 days in 2005/06, 30 days in 2004/05 and 29 days in 2003/04.
45. The Ombudsman issued no reports against the Council during the year and noted the Council agreed to settle 4 complaints locally. The Ombudsman has indicated this reflects well on the Council that it is willing to acknowledge fault where it occurs and offer an appropriate remedy.
46. 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 the previous four years there were no findings of maladministration against the Council by the Ombudsman.

Conclusion

47. 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.

Contact: Bill McKibbin Tel: 0191 383 3507
