

21 August 2008



Complaints Handling for the Period April to June 2008

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 2008 also incorporating comparative figures for the same period in 2007.

Summary Analysis and Comparison

- 4 In the first quarter of 2007/08, 65 complaints were received averaging 23 per month, compared with 26 per month in the period April to June 2007.
- 5 The quarterly trend for numbers of complaints for 2005/06, 2006/07 2007/08 and 2008/09 is as follows:

Quarter	2008/09	2007/08	2006/07	2005/06
April to June	65	76	77	58
July to September		44	73	92
October to December		65	69	64
January to March		66	70	85
Total		251	289	299

- 6 97% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 77% of Stage 1 complaints were resolved within target.
- 7 34 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 accounted for 57% of complaints compared with 33% in the same period in 2007. Staff conduct represented 28% of complaints received in the first 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 first quarter of 2008/09.

Adult and Community Services

Making Experiences Count (MEC) - Reforms to the Statutory Complaints Procedures

- 10 Members have been regularly appraised of the ongoing developments in reforms to the statutory complaints procedures. The proposed two stage complaints framework in health and social care, Local/Informal Resolution and the Ombudsman, has been confirmed. The Department of Health has stressed the importance of outcomes not processes. In that regard there remains uncertainty whether there will be any timescales attached to the local/informal resolution stage other than those agreed between the service and the complainant.
- 11 Whilst there is a preoccupation with health complaints within MEC, nevertheless, the opportunity to deliver a representations procedure in adult social care that is innovative and needs-based is both exciting and challenging. There have been some recent practice developments in complaints resolution in DCC which demonstrate the innovation and creative thinking that will be required in the new complaints resolution arena. For example, complaints about needs assessment have been addressed by offering a second opinion through an independent re-assessment of needs. Also, in the last 12 months compensatory payments have been made in a small number of cases where the degree of loss or harm warrants such recognition. Both of these forms of redress are being proposed as potential resolution mechanisms by the Department of Health.

Adult Social Care Complaints - Statutory Procedures

- 12 17 Stage One complaints were received and no Stage Two or Stage Three requests were received during the quarter.
- 13 Poor Service was the highest category of complaint. Examples of what constituted poor service include:-
- A service user had complained that a specialist alarm for the hearing impaired (that had been fitted by DCC) was reported as faulty on several occasions without action. It was not possible to create a communication trail from the information provided by the complainant but the repair was effected immediately and apologies given.

- An assessment of need, conducted whilst a service user was hospitalised in a critical condition, was informed by the service user's wife who provided information and history to the assessor. Following recovery the service user complained about inaccuracies in the Single Assessment Process document. Apologies were given for any inaccuracies or misunderstandings and an explanation provided about how the information was obtained. The inaccuracies were rectified as soon as they were brought to the attention of the assessor.
- 14 An example of one of the complaints categorised as Staff Conduct is provided:
- A member of staff of an independent home care service provider allegedly spoke inappropriately to a Carer. Upon investigation the complaint was upheld. The provider had a Service User Communication Policy and the member of staff was formally reminded of the communications protocol and apologies were provided.

Learning Outcomes

- 15 There have been a number of learning outcomes in the current quarter:
- The issue of the need for vigilance when accepting a complaint purportedly made on a service user's behalf. Before progressing an investigation contact should be made with the subject of the complaint to verify that they consented to the action being taken on their behalf, and if appropriate for them to provide a letter of consent which should be maintained on file. Where a person could not give their consent due to capacity issues the Guidance should be followed to ensure the complainant has standing to act on a service user's behalf.
 - Where out of necessity and circumstance a needs assessment is conducted without reference to the service user the Single Assessment Process should be re-visited once the service user is sufficiently recuperated to ensure accuracy of content.
 - Where there is doubt as to whether an expression of concern should be treated as a complaint immediate contact should be made to establish how they wish the matter to be dealt with.

Compliments

- 16 37 compliments were received during the quarter, compared with 41 in the previous quarter. The ratio of compliments to complaints (approximately 2:1) remains balanced and within the range of expectation.
- 17 Compliments were received by Teams, Residential/Intermediate Care Homes and individuals. The compliments ranged from appreciation given to a Social Work student in assisting a service user to secure independent living accommodation to the high quality care in intermediate care settings.

Adult and Community Services Complaints (Corporate procedures)

- 18 There were 20 Stage 1 complaints in the quarter in the Libraries Learning and Culture Division, 4 of which related to poor service, 1 related to delay, 4 related to staff attitude/conduct and 2 about equalities issues. One complaint progressed to Stage Two and one complaint progressed to Stage Three during the quarter within LLC but was not pursued.
- 19 8 of the Poor Service complaints related to an article in The Northern Echo which stated that the *Squatters Handbook* was advertised on the County Council website. The article went on to publish alleged extracts from the Handbook. On investigation, there was an entry in the County Council's Community Information Online database which referred to the Advisory Service for Squatters, an organisation providing advice for people in squats and the homeless.
- 20 None of the information quoted in The Northern Echo actually appeared on the County Council website although there was a one line reference to the fact that the *Squatters Handbook* could be purchased from the Advisory Service for Squatters. The handbook was not available in libraries nor had it ever been part of stock. All complainants were written to with a full explanation. Two of the complaints came via MPs. One complainant asked that the matter be moved to Stage 2 and one wishes to discuss the issue further with their local MP.
- 21 It is rare to receive complaints relating to equalities, in this quarter 1 complaint related to the lack of parking spaces for disabled people at a Library site. This is being investigated to see if a designated space can be provided.
- 22 The other complaint concerned inability to access a particular website during the local elections and that the County Council was giving an unfair advantage to other political parties. In fact access to the website in question was not blocked. It was not possible to say why the user had been unable to access the website in question but the likely explanation was a problem with the host server.

Compliments

- 23 58 Compliments or letters of thanks were received during the quarter relating to the work of County Record Office staff, Welfare Rights staff and the WorkAble Solutions Team.

Children and Young People's Services

General Comments

- 24 19 Stage 1 complaints were received by Children and Young People's Services during the quarter 12 of which were dealt with as statutory complaints (occurring in the Children in Need, Children Looked After and Specialist Services) and 7 as corporate complaints 3 of which related to Education Welfare and 4 to Admissions and Transport.

Examples of Stage 1 Statutory Complaints

Poor Service

- A grandmother complained about lack of communication from a Social Worker regarding her request for extra contact with her grandchildren. An investigation showed that the children and their mother had been consulted about extra contact, and that some consent would be given for some longer contact during school holidays. This has now been communicated to the complainant.
- Parents complained about the organisation of direct contact meetings between their adopted children and their siblings and birth mother. Following a multi-agency meeting arranged by the Looked After Social Work Service Manager, a letter was sent to the parents to apologise for the problems experienced, and clarifying future arrangements.

Staff Conduct

- A young man complained about a member of staff making accusations about him (as well as about other residents of the home). The investigation is ongoing and the young man is aware that this will extend beyond the usual Stage 1 timescale, due to the number and complexity of issues being investigated.
- A mother complained about the attitude and unprofessionalism (failing to bring case notes to a meeting) of a Social Worker, with regard to taking her child off the Child Protection Register. A reply was sent explaining the reasons for the Social Worker not having the case notes (she had stood in at the last moment to cover for a colleague who had to go home due to a family bereavement, in order that the meeting could still go ahead). There was no evidence found about the Social Worker's negative attitude.

Examples of Stage 1 Corporate Complaints

- A parent complained about the decision to refuse a claim for financial support for her daughter. She also expressed dissatisfaction at the way the department had dealt with her application. Her claim for support was fully considered but the decision remained unchanged. The reply also stated that the member of staff who had dealt with her application had responded appropriately in explaining to the complainant that the decision had to be reviewed internally before being taken to the Local Government Ombudsman.
- A parent complained about an Education Welfare Officer interviewing his daughter at school without his prior permission. The daughter had been absent from school on numerous occasions and her father had failed to respond to requests from the school to give reasons for her absence. The school asked the EWO to speak to the daughter. An apology was made to the parent for upset and anxiety caused to the family, when it would have been better to have spoken to the father. The issue of the daughter's non-attendance at school without evidence of exceptional circumstances from her father remains outstanding and may in due course result in legal proceedings.

Compliments

- 25 There was a total of 20 compliments received in this quarter, 2 regarding statutory services - the preparation of a very high standard care plan; the other is about an excellent and timely report. 18 other compliments received which can be evidenced. The majority of these were received from school staff regarding services given by CYPS staff exemplifying their professionalism and willingness to go 'the extra mile' and a number of compliments were received from parents about Surestart services.

Corporate Services

- 26 Corporate Services received one complaint during the quarter relating to the lack of clarity of a Notice regarding the introduction of traffic restrictions in the vicinity of a school. The complainant's comments were taken on board and a revised Notice was posted on site for residents.
- 27 During the quarter Legal Services Division received 1 compliment and the Registration Service received 36 compliments/letters of appreciation.

Environment

- 28 2 complaints were received during this quarter. One complainant was unhappy at misinformation and alleged bullying/maladministration following the issue of an Excess Charge Notice by our Parking Contractor NCP. The Head of Service for Highway Management Services replied expressing regret that the complainant's experience and opinion of Durham City had been spoiled by the issue of the Excess Charge Notice. He advised that officers have made a site visit of the area concerned and confirmed that all signing and lining was correct however they have informed the complainant that as a gesture of goodwill, on this occasion only, the Notice will be rescinded. The complainant has not responded to this letter
- 29 The second complaint was received via Local Government Ombudsman. The complainant was dissatisfied at the poor service he received from the Integrated Transport Unit when he requested information regarding the concessionary bus scheme. The complainant experienced a further delay when he did not receive an emailed response sent to him on 2nd May, 2008. The Complaints Officer therefore followed up this email with a letter explaining the reason for the delay and expressing our apologies. The complainant returned their satisfaction survey and was happy with the way the complaint was dealt with.
- 30 Environment received a total of 18 compliments during April to June.

Service Direct

- 31 The number of complaints received this quarter is 6 showing an increase of two against the previous period, but a decrease of one on the same period last year. 1 complaint was categorised as Poor Service relating to poor organisation/management of works carried out.

Staff Conduct accounted for the remaining complaints as follows:

- Dangerous driving at a roundabout
- Inconsiderate parking
- Loose chippings thrown-up by overtaking vehicle
- Exceeded speed limit and loose chippings thrown-up
- Misjudged pulling-out manoeuvre

Remedial/Preventive Measures

- 32 Driving issues continue to feature prominently in Service Direct complaints statistics and they are a concern to the Senior Management Team. Because of good record keeping it can be shown that there are no trends featuring repeated offences by the same drivers either by individual or class, rather, each case involves a different employee. Justified driving complaints are dealt with on an individual basis directly with the driver through driver assessment, driver training, counselling etc.
- 33 Whilst having no wish to diminish the importance of driving behaviour, in order to give some context to Service Direct numbers of driving complaints, there are circa 350 Service Direct drivers on the road each working day. Each Service Direct vehicle carries a 'How is my driving' sticker that also displays a telephone number to report to, thus making it easier for any perceived driving issue to be reported.

Compliments

34 A total of 14 compliments/thanks were received this period:

Domestic Services	3
Civil Engineering	6
Building Services	4
Fleet Services	1

Compliments

35 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 2008/09, a total of 184 compliments were received.

Review of Completed Complaints

36 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

37 The Local Government Ombudsman (LGO) introduced a new first contact 'access and advice' service on 1 April 2008. A team of 12 advisers will provide a first contact service for all enquiries and new complaints and has dealt with many thousands of calls since its introduction. The purpose of the new team is to increase access to the Ombudsman service and provide consistently

high standards of information and guidance for all first contacts whether by telephone, letter, email or text. A sixth monthly review of the mechanics of operating the service will be undertaken in October.

- 38 During the quarter the Advice Team has forwarded 5 premature complaints to the authority to deal with under our own procedures – Adult Care Services - 1, Environment - 3 and Service Direct - 1. The Ombudsman concluded 4 investigations during the quarter which resulted in 4 findings of *no or insufficient evidence of maladministration* (Estates Services, Trading Standards, Transport & Highways and Family & Children Services).

Conclusion

- 39 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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