

## Standards Committee

ITEM NO.6

27 November 2008

### Complaints Handling for the Period July to September 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 July to 30 September 2008 also incorporating comparative figures for the same period in 2007.

#### Summary Analysis and Comparison

- 4 In the second quarter of 2008/09, 72 complaints were received averaging 24 per month, compared with 15 per month in the period July to September 2007.
- 5 The quarterly trend for numbers of complaints for 2005/06, 2006/07 2007/08 and 2008/09 is as follows:

<b>Quarter</b>	<b>2008/09</b>	<b>2007/08</b>	<b>2006/07</b>	<b>2005/06</b>
April to June	65	76	77	58
July to September	72	44	73	92
October to December		65	69	64
January to March		66	70	85
Total		251	289	299

- 6 94% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 65% of Stage 1 complaints were resolved within target.
- 7 44 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 49% of complaints compared with 42% in the same period in 2007. Staff conduct represented 28% of complaints received in the first quarter of this year compared with 21% in the comparison period.

### **Additional Background**

- 9 Individual Services have provided the following additional information on the nature and outcome of complaints received during the second quarter of 2008/09.

### **Adult and Community Services**

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

- 10 The Department of Health (DH) website went online in September following a four month delay in the implementation programme. Currently the website content comprises the summer road-show presentations, a listing of the Early Adopter Sites and links to the Ombudsmen's websites. No further substantive information about the proposed reforms and the detail has been received from the DH since the last report.

#### **National Audit Office(NAO) – Feeding Back? Learning from Complaints Handling in Health and Social Care**

- 11 In late 2007 the NAO conducted a survey to complement the consultation on *Making Experiences Count*. The results are now published in a 48 page report and the findings endorse the DH's *MEC* reforms. Headlines from the report, dealing with adult social care complaints are reproduced below.
- One third of those dissatisfied with adult social care services make a formal complaint
  - Advocacy provision is inconsistent nationally and service user take up is low
  - Leadership and support from senior management is important for effective complaints handling
  - 95% of complaints do not proceed beyond Stage One but quality and complainant satisfaction are rarely measured
  - 75% of Stage One complaints are completed in timescales
  - Arrangements for Stage Two investigations vary between authorities
  - There is no systematic way of capturing and disseminating learning to improve services
  - Complainants need clarity about how to access the system and have confidence in it
  - Organisational culture and attitudes need to be more open and constructive
  - Complainants should receive an informed and relevant response in a reasonable time

## ADULT SOCIAL CARE COMPLAINTS – STATUTORY PROCEDURES

- 12 20 Stage One complaints were received during the quarter, 2 of which remained unresolved and progressed to Stage Two. 5 complaints were escalated directly to Stage Two of the procedure due to the gravity of the concerns, the complexity of circumstances and the urgency of issues requiring resolution making the total number of complaints received at Stages One and Two 25.
- 13 *Poor Service* was the highest category of complaint. Examples of what constituted poor service include:-
- A carer complained about the charges incurred when her husband spent some time in a residential care setting following hospital discharge. The delay in conducting the financial assessment was found to be unreasonable and in consequence the charges were waived.
  - A service user complained that her place on the bus to a Day Centre had been lost in the time that she had been re-allocated from one social worker to another. Upon investigation it transpired that the loss of the transport was due to a re-assessment and application of the new transport policy. The service user was in receipt of higher rate mobility allowance and therefore no longer met the criteria for free transport. It could be evidenced that written and verbal explanations had been provided from the time of the re-assessment.
- 14 An example of one of the complaints categorised as *Staff Conduct* is provided:
- A complaint from a service user of the Countywide Substance Misuse Team involved a breakdown in trust and confidence in her social worker as she considered she was not receiving the appropriate levels of support and there was poor communication. Upon investigation the complaint was upheld. The service user was allocated a new social worker and a new assessment was conducted. The matters in the complaint involving the former social worker were dealt with in the supervision procedures.

### Learning Outcomes

- 15 There have been a number of learning outcomes in the current quarter, one case example is provided:
- A relative of a service user with learning disabilities was sent a publicity brochure of the home she was resident in. The service user's photograph was on the cover of the brochure despite the fact that she was unable to give consent to having her photograph taken and used in this way and thus breached her right to privacy and was in contravention of the contractual obligations to comply with relevant legislation as detailed in the contract.

- The Home removed the brochures immediately and the Commissioning Department were requested to communicate with all care homes to remind them that the use of photograph's for publication purpose is not acceptable if the consent of the subject has not been or cannot be obtained.

### **Compliments**

- 16 41 compliments were received during the quarter, compared with 37 in the previous quarter. The compliments ranged from appreciation of the quality of care provided to individuals by staff and the support given following bereavement. One compliment was about the way a complaint had been handled and the complainant's satisfaction with the outcome.

### **Comparative Information**

- 17 At the last Standards Committee meeting it was agreed that comparative information would be sought on how the statutory procedures operated in relation to other similar authorities and this is provided in Appendix 2 to the report.

### **Adult and Community Services Complaints (Corporate Procedures)**

- 18 8 Stage 1 complaints were received in the quarter by the Libraries, Learning and Culture Division. All came under the classification of *Poor Service*, 2 of which concerned the Mobile Library not calling at a particular location. This was due to problems with the service and unfortunately it had not been possible to notify service users in advance to avoid inconvenience. Apologies and explanations were provided.
- 19 One complaint was received by Finance and Business Support (Welfare Rights). A service user had been referred for a welfare rights assessment as it was believed that she may have entitlement to additional welfare benefits. Her family complained that during a telephone call she was asked some intrusive questions about her financial situation and she had found this distressing. The complaint is ongoing.

### **Compliments**

- 20 65 compliments were received during the quarter, relating to the work undertaken by staff in the Libraries, Welfare Rights, WorkAble Solutions, Community Safety and Community Development.
- 21 In addition 10 suggestions were received about the installation of an awning outside the DLI Museum to protect Brass Bands and other performers from the weather. This is being investigated as to feasibility and cost.

## **Children and Young People's Services**

22 32 complaints were received by Children and Young People's Services (CYPS) in this quarter. 15 issues were resolved informally, leaving 17 to be actioned as formal complaints. 14 of these were statutory complaints (relating to Safeguarding and Specialist Services); the majority of which related to the Children Looked After Service.

### **Examples of Stage 1 Statutory Complaints**

#### **23 Poor service**

- A father whose children are in foster care complained that no steps were taken to teach him and his partner how to provide a safe environment; he felt that his needs and advice from other professionals were being ignored; and he was not happy with level of care being given to his 2 youngest children.

The Social Worker met with the complainant numerous times to discuss his concerns and possible ways forward. The final response letter to complainant agreed that parenting classes should have been organised sooner; these have now been arranged. The other complaints were not upheld and reasons were given to the complainant.

#### **24 Staff Conduct**

- A foster carer made a complaint about a Team Manager and the Fostering Team. She felt that she had been victimised and that as a result of this, the child she was fostering was removed from her care.
- The Stage 1 investigation has now been completed. No evidence was found of the alleged victimisation; the decision to remove the child had been taken by his social work team, not the fostering team or manager. The complainant remains dissatisfied and has requested an independent investigation at Stage 2.

#### **25 Examples of Stage 1 Corporate complaints**

- A mother complained about an Education Welfare Officer regarding discussing her son with the family doctor. The mother was informed that the EWO had acted reasonably as the child had not been seen for some time, so it had been necessary to contact partner agencies to ascertain his well-being.

- A mother complained (via her solicitor) about her perceived failure of Durham County Council to provide adequate and appropriate educational provision for her son, who had left school in the summer of 2007. It was agreed that, due to the complexity of the complaint it be directly considered at Stage 2. Following investigation a response to the complainant concluded that DCC had consistently made educational provision available, but the parents had initially refused to accept what was offered, and then had failed to engage their son with it once they had accepted it.

## 26 **Compliments**

There were a total of 84 CYPs compliments which can be evidenced in the form of letters, e-mails and cards received in this quarter. There were 28 compliments regarding statutory services, and 56 regarding non-statutory services.

## **Corporate Services**

- 27 Corporate Services received two complaints during the quarter. One of these was a property related matter concerning the occupation by a community transport organisation in premises formerly owned by the Authority which had been made available to a rural networks partnership. The complainant received an assurance that appropriate records had been maintained and further clarification regarding the Authority's involvement in the matter.
- 28 The second complaint related to an alleged reduction in an offer of compensation payment to a resident for the construction of a road bypass. An investigation revealed that the complainant's Agent had not clarified that an initial offer made in the course of negotiations was subject to revision on receipt of further particulars.

During the quarter the Registration Service received 61 compliments

## **Environment**

- 29 10 complaints were received during the quarter covering issues ranging from reinstatement of highways, standard of driving, pruning of vegetation, street light repairs, consultation and consideration of planning issues and operation of the waste permit scheme. Details of the complaints will be available at the meeting and 2 examples are included for illustrative purposes.
- 30 A complainant expressed dissatisfaction with poor communication with residents and businesses, and delay in reinstating a highway following a burst water main. The Complaints Officer investigated complaint and replied apologising for the poor communication and explaining the reasons for the delay in reinstating the highway. The complainant requested that their complaint progress to stage 2 of the Complaints procedure. An independent Head of Service investigated and reiterated the apology and advised the complainant of measures put in place to avoid a recurrence of the situation. The Complainant was satisfied with this outcome.

- 31 A complaint was received via the Local Government Ombudsman regarding poor consultation on a planning application for a proposed composting scheme. The Business Manager for Planning Development Control Team investigated and advised the consultation was carried out in line with statutory planning requirements by way of site and press notices, notification to District Council and local County Councillors. He apologised if local residents may not have become aware of the proposal from any of these sources but hoped the complainant could appreciate that the application was handled in a transparent way. The complainant has not returned their satisfaction survey.

### **Compliments**

- 32 During this quarter the Environment Service has received 15 compliments.

### **Service Direct**

- 33 The number of complaints received this quarter was 9 showing an increase of 3 against the previous period, and an increase of 7 on the same period last year. Details of the complaints will be available at the meeting.
- 34 Poor Service accounted for 33% of the total and can be broken down as follows: a lack of organisation/professionalism, failure of the Key Holding Service and inflexible behaviour.
- 35 Staff Conduct accounted for the 56% of the total. The complaints referred to inconsiderate parking, dangerous driving, use of inappropriate language in a public area and unco-operative behaviour towards a customer.
- 36 The remaining complaint related to damage to a car from loose chippings from a vehicle.
- 37 One of the staff conduct issues arose as a consequence of inconsiderate parking. A member of the public complained that a Service Direct vehicle was parked outside her window over the weekend. The driver of the vehicle was interviewed and admitted to parking as reported by the complainant. The employee was counselled and reminded that parking of council vehicles must be done without causing nuisance to other residents.

### **Remedial/Preventive Measures**

- 38 Service Direct management continue to stress the importance of customer awareness and the need to be customer focussed as well as completion of work. A reduction in driving complaints has occurred. This is welcomed and it is hoped this positive trend will continue.

## **Compliments**

- 39 Service Direct received a total of 19 compliments/thanks during the period: Domestic Services 9, Civil Engineering 9 and Building Services 1.

## **Compliments**

- 40 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 second quarter of 2008/09, a total of 285 compliments were received.

## **Review of Completed Complaints**

- 41 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**

- 42 The Local Government Ombudsman (LGO) introduced a new first contact 'access and advice' service on 1 April 2008. A team of 12 advisers provide a first contact service for all enquiries and new complaints and have dealt with many thousands of calls since the introduction of this service.
- 43 During the quarter the Advice Team has forwarded 4 premature complaints to the authority to deal with under our own procedures – Corporate Services 1 Property related matter and Environment 3 i.e. 1 Highways and 2 Planning matters. The Ombudsman concluded 3 investigations relating to School Admission Appeals, 2 of which were concluded by way of local settlement and one of *no or insufficient evidence of maladministration*. One further case, a Family and Children's Services matter also concluded with a finding of *no or insufficient evidence of maladministration*.

## **Conclusion**

- 44 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.