

20 February 2009

Complaints Handling for the  
Period October to December 2008



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**Report of Lesley Davies, Acting Director (Corporate Services)  
and Monitoring Officer**

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

**Summary Analysis and Comparison**

- 4 In the third quarter of 2008/09, 83 complaints were received averaging 28 per month, compared with 22 per month in the period October to December 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	83	65	69	64
January to March		66	70	85
Total		251	289	299

- 6 100% of complaints received in this latest quarter were acknowledged within the Council's performance targets. 94% of Stage 1 complaints were resolved within target.
- 7 73 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 51% of complaints compared with 37% in the same period in 2007. Staff conduct represented 17% of complaints received in the first quarter of this year compared with 31% 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 third quarter of 2008/09.

## **Adult and Community Services**

### **Making Experiences Count Reforms to the Statutory Complaints Procedures**

- 10 The Regulations are expected to be published at the conclusion of the consultation analysis in late January/early February.
- 11 The Department of Health website has gradually added a small number of implementation guides, emerging from the Early Adopter Sites, including *Complaints Handling Evaluation*, *Customer Care in the NHS and Handling Complaints*. The guidance will continue to be added to, beyond April 2009, to include Joint NHS/Social Care Working Protocols and other guidance as the work from the Early Adopter Sites is analysed and evaluated.

## **ADULT SOCIAL CARE COMPLAINTS – STATUTORY PROCEDURES**

- 12 13 Stage One complaints were received during the quarter, 9 were completed and 4 were ongoing, 2 of which remained unresolved and progressed to Stage Two.
- 13 Poor Service was the highest single category of complaint at 31%. In nearly all of the cases the complainants raised the concern that Services provided by the independent sector were of poor quality for the amount of money paid by the service user. 2 of the 4 cases (50%) were upheld and this information has been shared with Commissioning Services.
- 14 2 complaints were categorised as *Staff Conduct* and details of one of these cases is provided:
- An Integrated Learning Disabilities Team convened a meeting with the family of a client to resolve issues concerning the inappropriate frequency of their telephone contacts with the service. A 'memorandum of agreement' was developed specifying acceptable arrangements for future contacts between the parties. However the family did not like the way this was communicated and made the complaint. The complaint was partially upheld as it was felt that although the team's concerns were legitimate the whole issue could have been dealt with more sensitively. The matter has been addressed through supervision.

## Learning Outcomes

- 15 There have been a number of learning outcomes in the current quarter.
- New guidance is to be developed to ensure that information on Disabled Facilities Grant applications is routinely maintained on a client's record
  - All staff will be issued with a reminder of the importance of the duty of care with regard to Carers and to ensure that staff have advised carers of their right to request a carer's assessment of need and to record and date the response from the carer.
  - A review of the practice guidance *Durham and Darlington Joint Guidelines for Equipment and Adaptations* will be conducted with a view to it being shared with service users. Service users will also, in future be made aware of the range of equipment available to facilitate informed choice and to enable information being provided that advises them of the right to appeal decisions and recommendations made by Adult and Community Services.
  - A review will be conducted of how aids and equipment are logged on the Home Equipment Loans Service data base to ensure that equipment recommended by Adult and Community Services staff or health colleagues is identified and appropriately maintained.
  - The Caldicott Guardian and Data Protection Officer will be asked to look at how we respond to DPA requests and how we ensure that **all** records are located and provided and whether a review of current guidance is required.
  - In relation to cases where there is a degenerative illness it is proposed that a review of specialist medical involvement will take place.

## Compliments

- 16 49 compliments were received during the quarter, compared with 41 in the second quarter and 37 in the first. The compliments ranged from appreciation of the quality of care provided to individuals by staff and the support given following bereavement.

## Adult and Community Services Complaints (Corporate Procedures)

- 17 There were 22 complaints received in Libraries Learning and Culture this quarter. This compares to 8 in the previous quarter and 20 in the first quarter.
- 18 20 were about service and 15 of these were from visitors to a series of war talks at the DLI Museum, complaining that the room where the talks were hosted was too small and inconvenient. All complainants were advised that the next season of war talks would be arranged so that a larger space could be used, but that it was a service priority to

also develop the Durham Art Gallery where the talks used to be held. Most complainants accepted this as satisfactory but 1 has asked that the complaint move to Stage 2.

- 19 The remaining 5 complaints about service related to the non supply of free newsletters , information re opening hours in the Christmas period, IT facilities for the blind and partially impaired, toilet facilities and an FOI enquiry.
- 20 There were 2 complaints about staff:
  - A library user felt she had been spoken to in a rude way by a member of staff. This was investigated and resolved satisfactorily.
  - A subcontractor complained about comments that had been made to their employer about their standard of work. This was investigated and found on a balance of probabilities that the comments were justified.
- 21 The large number of complaints about the war talks at the DLI was noted and action taken to ensure further talks were not similarly affected. There were no other obvious trends.
- 22 Welfare Rights received 3 complaints. One of these revolved around the client asserting that misleading advice was given over Income Support (IS) claims that disadvantaged the family financially. However, after investigation the complaint was not upheld as the claims could only be made once the client had been awarded higher rate Disability Living Allowance (DLA) and the IS situation could not be resolved until the DLA rate had been determined.

### **Compliments**

- 23 150 compliments were received during the quarter. Welfare Rights received 121 compliments, a significant increase on previous Quarters. This may reflect how greatly the service is valued as greater numbers of people experience economic difficulties. The professionalism, advice, commitment and kindness of staff are frequently cited and the help given in securing welfare benefits entitlement is highly valued.
- 24 The remaining complaints related to the work undertaken by staff in the Libraries, Welfare Rights, WorkAble Solutions, Community Safety and Community Development.

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

- 25 37 complaints were received by Children and Young People's Services (CYPS) in this quarter. 16 issues were resolved informally, leaving 20 to be actioned as formal complaints at Stage 1 and 1 complaint at Stage 3. 18 of these were statutory complaints (relating to Safeguarding and Specialist Services); the majority of which related to the Children Looked After Service.

26 The exact distribution of the complaints is illustrated below:

### ***Distribution of CYPS Complaints***

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

<b><i>Type</i></b>	<b><i>Service</i></b>	<b><i>No</i></b>
Statutory	Children In Need	7
Statutory	Children Looked After	9
Statutory	Specialist Services (Disabled children)	2
Non Statutory	Education Welfare	1
Non Statutory	Special Educational Needs	1
Non Statutory	Various education (Stage 3)	1
	<b>Total</b>	<b>21</b>

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

#### **27 Poor service**

- A step-father felt that his family had received little support or advice from DCC regarding the behavioural problems of his wife's son, which were causing disruption to the family.
- A Team Manager met with the complainant to discuss his concerns, but was limited in the information she could give as he did not have parental responsibility. The complainant was aware that DCC had identified appropriate services for the young man, but he would not engage with them. It was agreed that if further services were required in the future, a re-referral could be made.

#### **28 Staff Conduct**

It is pleasing to note that there has been a 15% decrease in this area since the last report, especially when it is known that sometimes people complain about their perceived dissatisfaction with a member of staff, but when the complaint is investigated, the real reason behind the complaint is unhappiness with the *decisions made* by that person.

An example of a staff conduct complaint is included:

- A grandmother complained about her granddaughter's Social Worker, whom she felt was 'out of her depth' and had an unprofessional attitude, and who she said had passed on confidential information without her prior consent.
- The investigation concluded that information had been passed on as the SW had *not* been informed by the complainant that it could not be. The SW, although new to the team, was believed to be knowledgeable about and committed to the particular case. Some aspects of her behaviour were however deemed to be inappropriate and this was dealt with by her Team Manager.

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

- A mother complained that there had been no support staff organised for her son, who has Down's Syndrome, for when he started in Reception in January. A speedy response was given to the mother, to allay her worries – a Learning Support Assistant had been organised; however this had been done very near to the start of the new school term, despite the mother having raised the issue a number of months in advance, so an apology was offered for any unnecessary distress caused.
- A father complained about an Education Welfare Officer's threats to prosecute him for his son's non-attendance at school, which was due to medical problems. A senior EWO met with the father and son and then conferred with other agencies. As a result of this a referral was made to the Home and Hospital Support Service. The EWO had acted correctly; all the information about the boy had not been given to the school by the parent.

## 30 **Compliments**

### **Compliments**

There were a total of 86 CYPS compliments which can be evidenced in the form of letters, e-mails and cards received in this quarter. There were 39 compliments regarding statutory services, and 47 regarding non-statutory services (compared with 28 statutory and 56 non-statutory in quarter 2).

### **Corporate Services**

- 31 Corporate Services received three complaints during the quarter relating to the procedural aspects surrounding committee consideration of a planning application to extend operations at an existing quarry. The complaints were investigated at Stage 2 initially and responses provided to the complainants on the specific issues raised. One complainant was dissatisfied with the outcome and the matter is currently the subject of a formal review under Stage 3 of procedures.

During the quarter the Registration Service received 44 compliments

### **Environment**

- 32 10 complaints were received during the quarter covering issues ranging from the erection of a school boundary fence, the construction of floodlit tennis courts at a school, home to school transport contract arrangements, parking issues, winter maintenance, reduction to bus services, pruning of vegetation etc. Details of the complaints will be available at the meeting and 2 examples are included for illustrative purposes.

- 33 The Local Government Ombudsman referred a complaint regarding the planning process in relation to retrospective approval given to allow a school to erect a school boundary fence. The complainant also expressed dissatisfaction with the lack of compromise from the school and the Council in connection with the fences height and general maintenance.
- 34 The Complaints Officer responded with an apology for any distress caused and provided clarification in relation to the planning process. Additionally the complainant was informed that an agreed maintenance plan had been drawn up with the school and that the issue of the hedge height had now been resolved.
- 35 The complainant was not satisfied with the way the complaint had been dealt with and a Stage 2 investigation was undertaken by an independent Head of Service. The allegation that local residents had been ignored was not upheld. The complaint is currently the subject of a Stage 3 formal review by the Acting Director of Corporate Services.
- 36 A complaint was received regarding winter maintenance in Teesdale. The Area Engineer investigated the complaint and replied apologising for the inconvenience and outlining the winter maintenance plan for the area in question.

### **Compliments**

- 37 During this quarter the Environment Service has received 21 compliments.

### **Service Direct**

- 38 The number of complaints received this quarter was 11 showing an increase of 2 against the previous period, and a decrease of 1 on the same period last year. Details of the complaints will be available at the meeting.
- 39 Poor Service accounted for 27% of the total and can be broken down as follows: 2 instances a lack of awareness of pedestrians on the part of winter maintenance drivers and the insecure loading of a service direct vehicle.
- 40 Staff Conduct accounted for the 45% of the total. The complaints referred to four allegations of aggressive or dangerous driving and the inappropriate use of a council vehicle.
- 41 The remaining 3 complaints related to a dispute with a sub contractor, the lack of communication re treatment of a private vehicle and a lack of consultation re the placement of Service Direct site cabins.

## **Remedial/Preventive Measures**

- 42 This quarter has seen a reversal of the reduction in driving complaints which occurred in the previous quarter and management will continue to work towards improvements in this area.

## **Compliments**

- 43 Service Direct received a total of 27 compliments/thanks during the period: Domestic Services 9, Civil Engineering and Grounds 11 and Building Services 7.

## **Compliments**

- 44 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 2008/09, a total of 377 compliments were received.

## **Review of Completed Complaints**

- 45 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**

- 46 During the quarter the Local Government Ombudsman (LGO) Advice Team has forwarded 4 premature complaints to the authority to deal with under our own procedures – 1 Child Care Services matter and 3 Environment/Planning matters. The Ombudsman concluded 3 investigations relating to School Admission Appeals, 1 of which was resolved by way of local settlement and 2 with findings of *no or insufficient evidence of maladministration*. One further case, relating to the installation of a stairlift was deemed to be outside the Ombudsman's jurisdiction.

## **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.

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