



## **Standards Committee**

**Date**        **Friday 7 September 2012**  
**Time**        **10.00 am**  
**Venue**       **Committee Room 1A - County Hall, Durham**

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### **Business**

#### **Part A**

**Items during which the Press and Public are welcome to attend.  
Members of the Public can ask questions with the Chairman's agreement.**

1. Minutes of the Meeting held on 29 May 2012 (Pages 1 - 4)
2. Declarations of Interest, if any
3. Overview of the New Standards Regime  
Presentation by the Monitoring Officer.
4. Performance Report for quarter 1, 2012/13: Complaints, Compliments and Suggestions - Report of Corporate Director, Neighbourhood Services (Pages 5 - 28)
5. Annual Report Statutory Adult Social Care Complaints, Compliments and Comments 2011/2012 - Report of Corporate Director, Children and Adults Services (Pages 29 - 66)
6. Openness and Transparency on Personal Interests - Report of Head of Legal and Democratic Services and Monitoring Officer (Pages 67 - 80)
7. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.
8. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

## **Part B**

### **Items during which it is considered the meeting is not likely to be open to the public (consideration of exempt or confidential information)**

9. Appointment of Independent Persons to Assist with the Standards Process - Report of Head of Legal and Democratic Services and Monitoring Officer (Pages 81 - 84)
10. Local Investigation - Case Reference LA186 - Report of Head of Legal and Democratic Services and Monitoring Officer (Pages 85 - 94)
11. Update on the handling of Current Complaints - Report of Head of Legal and Democratic Services and Monitoring Officer (Pages 95 - 100)
12. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.

**Colette Longbottom**

Head of Legal and Democratic Services

County Hall  
Durham  
30 August 2012

**To: The Members of the Standards Committee**

Councillor P Charlton (Chair)  
Councillor J Shiell (Vice Chair)

Councillors J Armstrong, A Bainbridge, E Bell, C Carr, D Farry, G Holland,  
D J Southwell, W Stelling and M Williams

**DURHAM COUNTY COUNCIL  
STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Committee Room 2 - County Hall, Durham on **29 May 2012** at **10.00 am**

**Members of the Standards Committee:**

Chairman: Mrs D Winter

County Councillors J Armstrong, A Bainbridge, E Bell, C Carr, P Charlton, D Farry, G Holland, J Shiell and D Southwell.

Mr JG Armstrong, Mrs D Balmer, Mr J Hitchman and Mrs T Naples.

Councillors M Goyns and D Liversidge.

**Apologies:**

Councillor Zair, Parish Councillor T Batson, independent member Mr D Balls and Police Authority representatives Mr W Ault and Mr P Thompson.

**Also in attendance:**

Mrs E Davies – Police Authority

**1 Minutes of the Meeting held on 17 February 2012**

The minutes of the meeting held on 17 February 2012 were confirmed as a correct record and signed by the Chairman.

**2 Declarations of Interest**

There were no declarations of interest received.

**3 Performance Report for 2011/12: Complaints, Compliments and Suggestions**

Consideration was given to the report of the Corporate Director, Neighbourhood Services, the purpose of which was to present performance in relation to complaints, compliments and suggestions for quarter 4 and year end for the financial year 2011/12 and to highlight any learning outcomes resulting from them. In addition the report provided an update in relation to developments in the collection, monitoring and management of complaints (for copy see file of Minutes).

The Service Development Manager was in attendance to deliver the report and an overview presentation of the statutory, non statutory and Local Government Ombudsman complaints received throughout the period (for copy of slides see file of Minutes).

In response to a question from a member, the Service Development Manager advised of the circumstances when compensation would be paid to a complainant and the associated criteria.

The Service Development Manager also advised on the timetable for the garden waste scheme.

It was acknowledged that issues regarding the Council's telephone systems were successfully being addressed and any remaining issues were being dealt with.

The Chair commented that she felt a lot of progress had been made with input from the Standards Committee, in addressing issues with the handling of, and responding to, complaints and the work of the Corporate Complaints team was acknowledged.

**Resolved:**

That the report be noted.

**4 The Localism Act 2011 – The Amended Standards Regime**

Consideration was given to the report of the Head of Legal and Democratic Services and Monitoring Officer, which provided an update on the steps being taken to introduce a new Code of Conduct with effect from 1 July 2012 (for copy see file of Minutes).

In presenting the report the Deputy Monitoring Officer advised that until such time as the regulations on disclosable personal interests were released any new Code could not be published, however it was envisaged that the new Code would be prepared in time for the 1 July 2012.

Members were also aware that the current composition of the Standards Committee would cease to exist from 1 July 2012. The Chair therefore thanked all members of the Committee for the work undertaken and the progression made in promoting and maintaining the ethical standards of the authority.

**Resolved:**

That the report be noted.

**5 Exclusion of the Public**

**Resolved:**

That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the said Act.

## **6 Monitoring Officers Other Action in relation to complaint LA185**

The Committee considered a report following allegations that a County Councillor had contravened the Code of Conduct. The Assessment Sub-Committee of the Standards Committee had determined that it did not merit a formal investigation and therefore the Monitoring Officer met with the Councillor to advise on future conduct (for copy see file of Minutes).

### **Resolved:**

That the report be noted.

## **7 Update on the Handling of Current Complaints**

The Committee considered a report of the Head of Legal and Democratic Services which provided an update report in respect of complaints of alleged breaches of the Code of Conduct (for copy see file of Minutes).

### **Resolved:**

That the report be noted.

## **8 Review of Completed Complaints**

Members of the Committee inspected a sample of completed complaints, comments and compliment files for the review period in question.

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**Standards Committee**

**7 September 2012**



**Performance Report for quarter 1, 2012/13:  
Complaints, Compliments and Suggestions**

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**Report of Terry Collins- Corporate Director, Neighbourhood Services**

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**Purpose of the Report**

1. To present performance in relation to complaints, compliments and suggestions for quarter 1, 2012/13.
2. To highlight any learning outcomes resulting from the complaints, compliments and suggestions received.
3. To update Standards Committee of developments in the collection, monitoring and management of complaints.

**Background**

4. There are 2 types of complaint used throughout this report,
  - **Statutory.** A complaint which arises from the duties placed on a local social services authority to provide assessments and care services under the provisions of relevant adult and children's social care legislation. The process for managing such complaints is prescribed in Regulations.
  - **Non-Statutory.** All other complaints
5. This report contains information on all complaints received by the Authority and logged on the Customer Relationship Management (CRM) system or Social Services Information Database (SSID). All complaints received and reported relate to Durham County Council internally run services only. The overview section refers to the numbers of non-statutory complaints received across the Council. Details of the statutory complaints for Adults, Wellbeing & Health and Children & Young People's Services are provided in the section appropriate to that service grouping.
6. The Corporate Complaints Unit (CCU), and the Council as a whole, works to specified service standards, previously agreed by Cabinet for non-statutory complaints, and so have a number of targets to achieve, for example, acknowledging all complaints within 2 working days, and responding to stage 1 complaints within 10 working days and stage 2 complaints within 20 working days.
7. Performance updates are reported on a quarterly basis and this is the first routine report for 2012/13.

**Change to Service Groupings**

8. Members are aware of the integration of Adults, Wellbeing and Health and Children and Young People Services and the disaggregation of some functions to Neighbourhood Services. Information presented in the next quarter update will reflect these new arrangements and will be presented as Children and Adults Services for both statutory and non-statutory complaints, compliments and suggestions.

### **Review of the complaints process**

9. DCC's Customer First Strategy is in the process of being refreshed and will be presented to both the Customer First Board and Corporate Management Team (CMT) during September 2012. This refresh will include a review of the current Corporate Complaints Policy and a revised mechanism for capturing learning outcomes.

### **Format of this report**

10. This report is divided into 2 main sections.

Section 1: Overview of Quarter 1, 2012/13

Section 2: Detailed quarter 1, 2012/13 report from each service grouping

Assistant Chief Executive's Office (ACE)

Adults, Wellbeing and Health (AWH)

Children and Young People's Services (CYPS)

Neighbourhood Services (NS)

Regeneration and Economic Development (RED)

Resources (RES)



## Section 1: Overview of Quarter 1, 2012/13

11. Between 1 April 2012 and the 30 June 2012, 1,125 non-statutory complaints, 281 compliments and 106 suggestions were received by Durham County Council.

### Complaints

12. Overall, there has been a 92% increase in the number of non-statutory complaints received and recorded on the CRM or SSID systems during quarter 1, 12/13 (compared to quarter 1, 11/12)

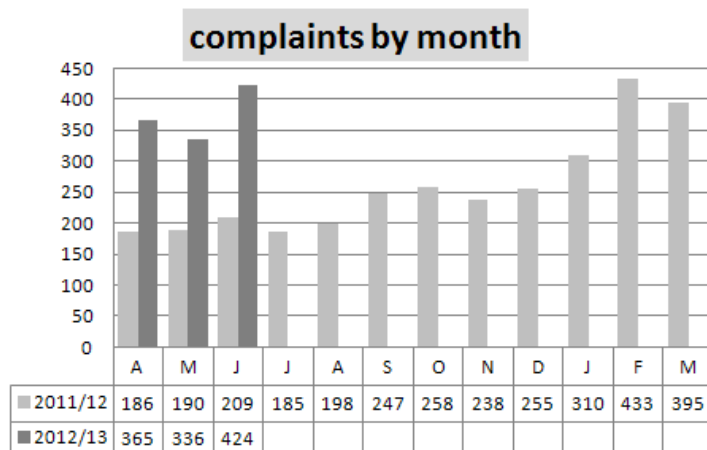
Service Grouping	Number Received												% change*
	10/11	11/12					12/13						
		Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total		
<b>ACE</b>	6	3	1	2	4	10	0					0	-
<b>AWH</b>	42	14	28	13	12	67	3	-	-	-		3	-79
<b>CYPS</b>	11	4	4	1	7	16	1					1	-75
<b>NS</b>	1,069	329	301	360	599	1,589	737	-	-	-		737	124
<b>RED</b>	309	84	76	79	88	327	85					85	1
<b>RES</b>	350	151	220	296	428	1,095	299					299	98
<b>TOTAL</b>	<b>1,787</b>	<b>585</b>	<b>630</b>	<b>751</b>	<b>1,138</b>	<b>3,104</b>	<b>1,125</b>					<b>1,125</b>	<b>92</b>

\*12/13 to date compared to the same period last year

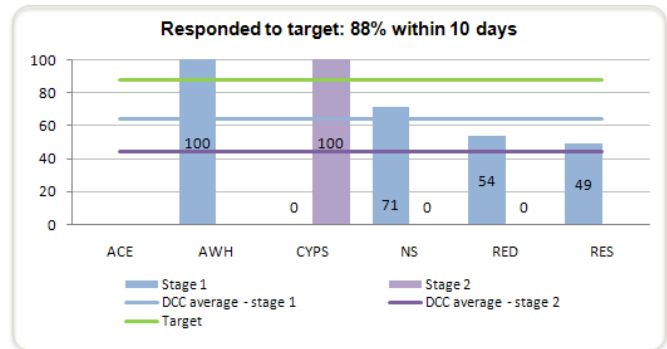
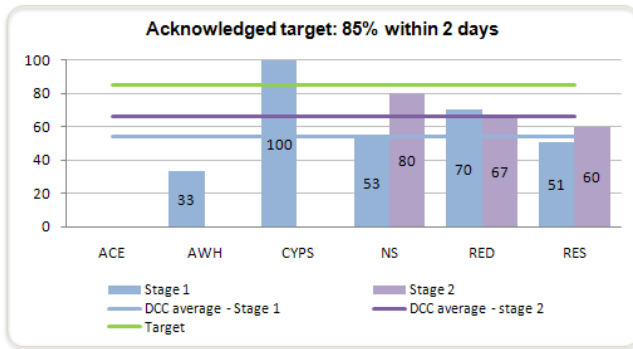
13. As can be seen in the table above and the graph to the right; there is variation in both the number of complaints received by each service grouping and the time of year.

14. There are several reasons for this increase in complaints, including;

- Greater use of and improved recording on the Customer Relationship Management (CRM) system and Social Services Information Database (SSID)
- The time taken to process benefits
- Changes to the refuse and recycling arrangements (Alternate Weekly Collection) (AWC)
- Increased call volumes leading to longer call waiting times

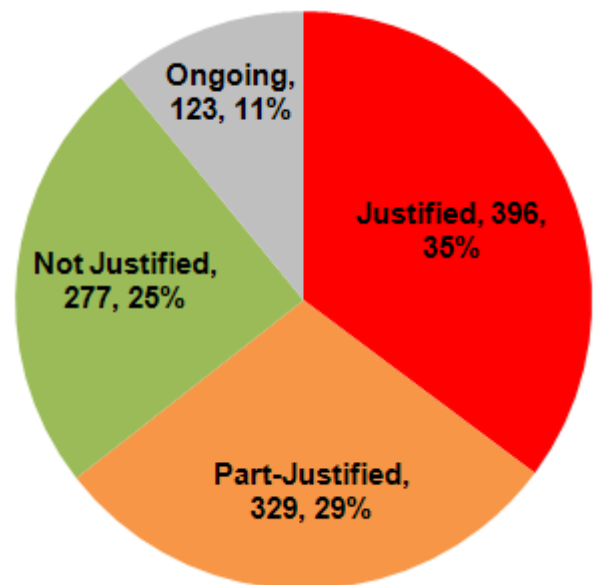


15. For all complaints there is an acknowledgement target of 2 working days. In addition, there is a responded to target time of 10 working days for stage 1 complaints and 20 working days for stage 2 complaints. The following graphs show the average response times throughout quarter 1, 2012/13.



16. The Corporate Complaints Unit (CCU) is responsible for both acknowledging complaints and ensuring complainants receive an appropriate response within set timescales. On occasions when complaints are received and a response is not available within the timescales holding letters are sent out explaining the reasons for the delays.
17. There is variation in response times throughout the year: turnaround times being dependent upon the number received. Changes in response times are most notable during the council tax billing period, periods of inclement weather and bank holidays. At these times, officers are unable to handle complaints within the desired timescales due to a combination of the volume received and the relevant officers endeavouring to keep services running through these busy periods.

18. Further investigation of the complaints received shows that during quarter 1, 2012/13 there were 277 occasions (28% of complaints processed, i.e. excluding those ongoing) where the complaint was not upheld, indicating that although service users were dissatisfied with the service received, the service had in fact acted properly and followed appropriate procedures.



19. If the not justified complaints and those that are ongoing are removed, DCC is left with 725 (64%) justified complaints, 396 fully and 329 partly justified, from which there is possibility of learning.
20. In addition to complaints, we also analyse compliments and suggestions to determine if we can further improve processes, and thereby service delivery. The following table is a summary of the compliments and suggestions received throughout quarter 1, 2012/13.

Service Grouping	Compliments	Suggestions
ACE	3	0
AWH	113	11
CYPS	36	4
NS	75	71
RED	38	9
RES	16	11
<b>TOTAL</b>	<b>281</b>	<b>106</b>

21. A large proportion of compliments relate to staff in recognition of their support and help in resolving the customer's concerns and issues. On each of these occasions, the individual officer is notified of the compliment and thanked by their line manager. Many of these relate to the professionalism, politeness and general helpfulness of staff.

## Section 2: Detailed quarter 1, 2012/13 report from each service grouping

### Assistant Chief Executive's Office (ACE)

22. The ACE service grouping consists of 3 service areas and between 1 April 2012 and 30 June 2012 ACE received 0 complaints, 3 compliments and 0 suggestions.

Abbreviation	Service Area
PCE	Partnerships & Community Engagement
PP	Planning & Performance
PC	Policy & Communications

### Compliments and Suggestions

23. During quarter 1, ACE received 3 compliments.
24. 3 compliments related to the support provided by the Area Action Partnerships.
25. ACE did not record any suggestions during Q1 2012/13.

### Adults, Wellbeing and Health (AWH)

#### Non-statutory complaints, compliments and suggestions

#### Non-statutory Complaints

26. The AWH service grouping consists of 4 main Service Areas and between 1 April 2012 and 30 June 2012, 3 non-statutory complaints, 113 compliments and 11 suggestions were received.

Abbreviation	Service Area
AC	Adult Care
C	Commissioning
PP&P	Policy, Planning & Performance
SI	Social Inclusion

27. During quarter 1, 100% of complaints were responded to within 10 working days.
28. 2 complaints (67%), were received by the Social Inclusion Service Area with 1 received by Commissioning.
29. Of these, 1 was not justified, indicating that although the complainant was dissatisfied with the service received, the service had in fact acted properly and followed appropriate procedures. 1 was partly justified and 1 was justified.
30. In all complaints, information, explanations and apologies were provided to complainants which resolved the enquiries satisfactorily.
31. During the quarter, 113 compliments were received. There was 1 for Commissioning and 4 were for Social Inclusion thanking the staff for their level of service and assistance with research. The remaining 108 also related to Social Inclusion, with 61

complimenting the work of the Adult Learning & Skills Service and 46 complimenting the work of Welfare Rights.

32. There were 11 suggestions received all directed towards Social Inclusion, of these, 8 related to the Adult Learning & Skills Service (ALSS). The other 3 suggestions related to the price of photocopying in library services; a web request for information on a book; and the proposed re-alignment of supported employment. No key trends were identified.

### Statutory complaints, compliments and suggestions

33. During the quarter, 19 complaints were received. This is a 9.5% decrease on the previous quarter. Details of the quarterly performance are shown below.

Comparison of Complaints Received by Quarter						
Service Area	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Direction of Travel from previous quarter
Adult Social Care	29	39	35	21	19	↓

34. 100% of complaints were acknowledged within 3 working days.
35. Of the 19 complaints, Complaints Resolution Plans were completed in all cases. There were 12 complaints completed within the timescales agreed within the CRP. The remaining 7 cases were not concluded within the quarter but are still within their agreed completion timescales.
36. Social Work (Older Persons/Mental Health Services for Older People/Physical Disability/Sensory Support Services) Teams received the most with 11, followed by Commissioning with 5 complaints.

Complaints Received by Service Area		
Service Area	Number	
	Current Quarter	Previous Quarter
Social Work Teams (Learning Disability /Mental Health/Carers)	1(5%)	2 (9.5%)
Social Work Teams (Older Persons /Mental Health Services Older Persons/ Physical Disability and Sensory Impairment & Sensory Support)	11(58%)	5 (24%)
Social Work Teams (Safeguarding)	1(5%)	0
County Durham Care and Support	1 (5%)	2 (9.5%)
Commissioning	5 (27%)	12 (57%)
Policy, Planning & Performance	0	0
<b>TOTAL</b>	<b>19 (100%)</b>	<b>21 (100%)</b>

37. Of the 12 complaints completed in the quarter, 58% (7) were not upheld compared to 53% in the previous quarter. Of the remaining 5 completed complaints, 4 were partially upheld and 1 was upheld.

Service Area	Number				
	Not upheld	Partially Upheld	Upheld	TBC	Total
County Durham Care and Support	0	1	0	0	1
Social Work Teams (Learning Disability/ Mental Health/ Carers)	0	0	0	1	1
Social Work Teams (Older Persons/ Mental Health Services Older Persons/ Physical Disability and Sensory Impairment & Sensory Support)	6	2	0	3	11
Social Work Teams (Safeguarding)	0	0	0	1	1
Commissioning	1	1	1	2	5
Policy, Planning & Performance	0	0	0	0	0
<b>TOTAL</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>7</b>	<b>19</b>

38. Quality of Service – Personal Financial Issues was the highest category of complaint with 9 recorded.

Complaints by Classification	
Classification	No. of complaints
Lack Of Service - Communications/Information	2
Conduct Or Attitude Of Staff	2
Lack Of Service – Other	3
Quality Of Service – Personal Financial Issues	9
Provision Of Service – Equipment	1
Quality Of Service – Work Of Other Agencies	2
Quality Of Service – Another Resident	1
Finance – Direct Payments	1
Disputed Payments	1

**NB A complaint may have more than one classification recorded against it**

### Actions as a result of statutory complaints

39. During the period the following outcomes/actions have been identified from the complaints concluded:
- A reminder has been issued by the Operations Manager Older Persons/Physical Disabilities and Sensory Impairment to all staff that they must wear their ID badges at all times; show this to clients/carers to verify their identity; and to establish that their role and reason for their visit was understood.
  - Staff are to be advised that following an assessment of need, where there are exceptional circumstances and known objections by clients and/or carers about the outcomes of discussions, that any discussions/decisions should also be recorded in the form of written meeting notes, or in letter form, to be circulated to the persons present at an assessment.

## Local Government Ombudsman (LGO): Current Activity

40. The LGO reported one decision during the Quarter: A complaint about the management of Safeguarding of a client with learning disabilities was referred to the LGO as the parent had remained dissatisfied with the outcome at the local resolution stage. The Ombudsman concluded that the client had not suffered an injustice as a result of any failure on the part of the Council. For this reason, the Ombudsman declined to have further involvement in the complaint as there were no grounds on which to justify the public expense of the continuing of an investigation.

## Compliments

41. There were 90 compliments received in quarter one.

Compliments Received by Service Area		
Service Area	Number	
	Current Quarter	Previous Quarter
County Durham Care and Support	44 (49.5%)	83 (70%)
Social Work Teams (Learning Disability /Mental Health/Carers)	1 (0.5%)	3 (2.5%)
Social Work Teams (Older Persons /Mental Health Services Older Persons /Physical Disability and Sensory Impairment & Sensory Support)	45 (50%)	29 (25%)
Policy, Planning & Performance	0 (0%)	3 (2.5%)
Commissioning	0 (0%)	0 (0%)
<b>TOTAL</b>	<b>90</b> <b>(100%)</b>	<b>118</b> <b>(100%)</b>

42. No suggestions relating to statutory functions were received during the quarter.

## Children and Young People's Services (CYPS)

### Non-statutory complaints, compliments and suggestions

#### Non-statutory Complaints

43. Between 1 April 2012 and 30 June 2012, 1 Stage 1 non-statutory complaint, 36 compliments and 4 suggestions were received.
44. During quarter 1, 100% of complaints were acknowledged within 2 working days.
45. During quarter 1, the one non-statutory complaint which was received was responded outside the 10 working day timescale due to its complexity.
46. The lowest percentage of complaints was received by County Wide Services.
47. Further investigation of the 1 Stage 1 complaint received during quarter 1 shows that it was partially upheld. It has subsequently been taken to Stage 2 of the Council's corporate complaints procedure and an outcome is awaited.
48. The learning outcome from this complaint was that Social Workers should double-check information and not make assumptions before sharing key information with service users. Managers have been made aware of the issues and these have been discussed with staff to avoid future recurrences.

Abbreviation	Service Area
AS	Achievement Services
CWS	County Wide Services
EI&PS	Early Intervention and Partnership Services
SaSS	Safeguarding and Specialist Services

#### Non-statutory Compliments and Suggestions

49. During quarter 1, CYPS received 36 compliments which were not about social care services.
50. During the quarter CYPS received a suggestion via a Sure Start Children's Centre about an arts and craft activity session. The suggestion was taken forward and the parent was thanked.

### Statutory complaints, compliments and suggestions

#### Statutory complaints

51. During quarter 1, 3 statutory complaints were received by the CYPS service grouping which were actioned at Stage 1. In addition, a further 50 statutory complaints were resolved locally and informally to the complainants' satisfaction. Details of the quarterly performance of Stage 1 complaints is shown below:

Comparison of Statutory Stage 1 Complaints Received by Quarter						
Service Area	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Direction of Travel from previous quarter
Safeguarding and Specialist Services	7	10	5	5	3	↓ ↓



52. All 3 complaints were acknowledged within two working days maintaining performance at 100%.
53. Of the 3 Stage 1 complaints received in the quarter, none of the investigations were completed within the 20 working day timescale for response; all are still being investigated at the time of writing. This is reflective of the complexity of the relatively few complaints which are actioned at the formal stage.
54. The table below shows the where the complaints were received this quarter:

<b>Complaints Received by Service Area</b>		
<b>Service Areas</b>	<b>Complaints Received</b>	
	<b>Current Quarter</b>	<b>Previous Quarter</b>
<b>Fostering and Adoption</b>	<b>1 (33%)</b>	<b>0</b>
<b>Safeguarding Children – Durham</b>	<b>1 (33%)</b>	<b>0</b>
<b>Young People’s Service – North</b>	<b>1 (33%)</b>	<b>0</b>
<b>TOTAL</b>	<b>3 (100%)</b>	<b>0</b>

55. None of the 3 Stage 1 complaints made this quarter had been resolved at the time of writing; therefore it is not possible to report on outcomes.
56. The complaints can be classified as shown in the table below. ‘Poor Service’ was the highest category of complaint.

<b>Complaints by Classification</b>	
<b>Classification</b>	<b>Number</b>
<b>Poor Service</b>	<b>3</b>
<b>Conduct or attitude of staff</b>	<b>0</b>
<b>Decision regarding service</b>	<b>0</b>
<b>Total</b>	<b>3</b>

### **Compliments**

57. During quarter 1, CYPS received 56 compliments about social care services. These compliments were all about Safeguarding and Specialist Services (SaSS), which is the only service within CYPS which provides social care services.
58. SaSS received 81 compliments in the previous quarter (see table below). The ratio of compliments to formal complaints is 18.7:1, compared to 16.2:1 in the previous quarter.

Number of compliments received		
Service Area	Current Quarter	Previous Quarter
Children's Homes	5 (8.9%)	1.2%
Looked After Children - Durham	1 (1.8%)	0
Looked After Children - Aycliffe	3 (5.4%)	2.5%
Pathfinder service	20 (37.5%)	27.2%
Safeguarding Children – Bishop Auckland	2 (3.6%)	2.5%
Safeguarding Children – Chester le Street	1 (1.8%)	0
Safeguarding Children - Durham	1 (1.8%)	0
Safeguarding Children - Easington	3 (5.4%)	0
Safeguarding Children – Seaham	2 (3.6%)	1.2%
Safeguarding Children – Stanley 2	1 (1.8%)	2.5%
Young People's Service	2 (3.6%)	1.2%
4Real Team	15 (26.8%)	4.9%
<b>Total</b>	<b>56</b>	<b>81</b>

### Suggestions

59. No suggestions were received during the quarter regarding social care services.

### Actions as a result of statutory representations

60. No actions have been identified as a direct result of Stage 1 statutory complaints received during this quarter, but as a result of informally resolved complaints about social care matters, it has been brought to managers' attention that assessments of disabled young people should be carried out in accordance with procedures and in a timely manner.

### Neighbourhood Services (NS)

61. **Overview**  
The NS service grouping consists of 5 main service areas and between 1 April 2012 and 30 June 2012, 737 complaints, 75 compliments and 71 suggestions were received and recorded on the CRM.

Abbreviation	Service Area
DS	Direct Services
EHCP	Environmental Health & Consumer Protection
PBS	Projects and Business Services
S&L	Sport and Leisure
TS	Technical Services

62. As can be seen in the table below; there is variation in the number of complaints received throughout the year.

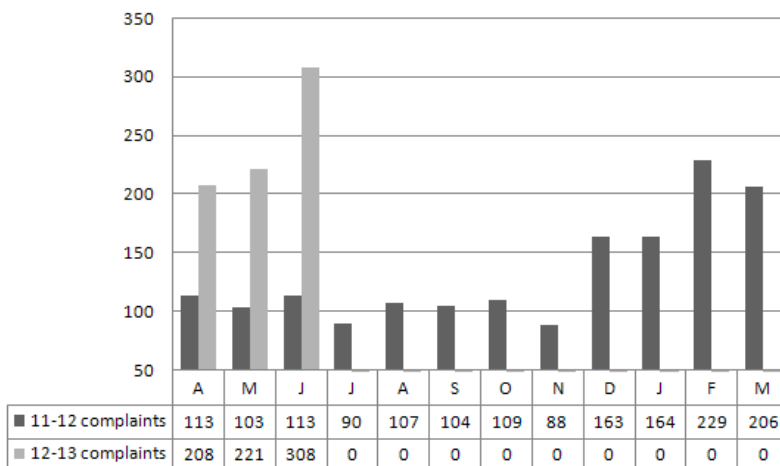
Service Grouping	Number Received												% change*
	10/11	11/12	11/12 split by quarter				12/13 split by quarter				12/13 to date		
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4			
<b>NS</b>	1,032	1,589	329	301	360	599	737	-	-	-	737	124	

\*12/13 to date compared to the same period last year

63. A monthly breakdown is shown in the graph to the right.

64. More than 50% if the complaints received during quarter 1 can be attributed to

- Missed Bins. 291 complaints were received, compared to 34 in the same period last year, and this category made up 44% of the complaints received during quarter 1, 12/13. This increase could be attributed to changes to the refuse and recycling arrangements (Alternate Weekly Collection (AWC)).
- Call waiting time. 71 complaints were received, compared to 13 in the same period last year, and this category made up 11% of the complaints received during quarter 1, 12/13. This increase can be attributed to an increase in calls in relation to council tax billing, benefits and AWC. The council tax and benefits enquiries tend to be complex so are more time consuming which itself increases the wait time for customers.



65. Further detail in relation to these areas can be found in the section of the report dedicated to that service area.

66. Further investigation of the complaints received shows that during quarter 1, 12/13 there were 143 occasions (28% of complaints processed, i.e. excluding those ongoing) where the complaint was not upheld, indicating that although service users were dissatisfied with the service received, the service had in fact acted properly and followed appropriate procedures.

	Justified (fully or partly)	Not justified	Ongoing	Total
Number	370	143	224	737
% of total received	50%	19%	30%	-

67. If the not justified complaints and those that are ongoing are removed, NS is left with 370 justified complaints, 232 fully and 138 partly

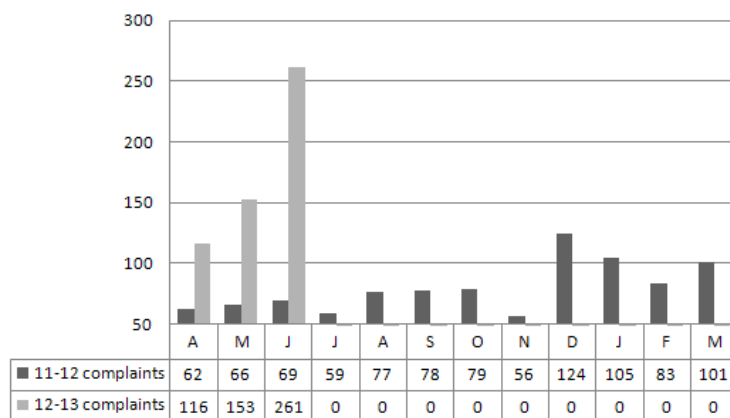
### Direct Services (DS)

68. Between 1 April 2012 and 30 June 2012, 530 complaints were received by DS

	Justified (fully or partly)	Not justified	Ongoing	Total
Number	250	101	179	530
% of total received	47%	19%	34%	-

69. The number of complaints received by DS each month is shown in the graph to the right.

70. There has been a marked increase in the number of complaints received by DS during quarter 1: this is mainly due to an increase in missed bins as changes to our refuse and recycling service have been implemented, as shown in the table below.



Overarching Complaint Category	Detail	Q1 11/12	Q1 12/13	Change		Direction of Travel
				No.	%	
Refuse Collection	Missed Collection	58	281	+223	+384%	✗
	Staff not returning bins / containers	7	19	+12	+171%	✗
	Staff making a mess	4	11	+7	+175%	✗
	Special collections	1	3	+2	+200%	✗
	<b>Total</b>	<b>70</b>	<b>314</b>	<b>+244</b>	<b>+349%</b>	<b>✗</b>
	<b>Charges</b>	19	23	+4	+21%	✗
	<b>Lack of Action: Non-delivery of bins and containers</b>	21	30	+9	+43%	✗
	<b>Staff Attitude</b>	11	14	+3	+27%	✗
	<b>TOTAL</b>	121	381	+260	+215%	✗

71. Other complaints received by DS during quarter 1 are listed in the following table.

COMPLAINT CATEGORY	TOTAL	% of total
Call waiting time	3	1%
Charges (excl refuse service)	3	1%
Condition of local area	21	4%
Damage caused by council	8	2%
DCC fleet: driving / parking issues	7	1%
Highways: drainage	1	0%
Lack of action	14	3%
No communication / missed appointments	12	2%
Other	32	6%
Parking	2	0%
response to ASB	1	0%
Staff Attitude (excl refuse service)	2	0%
Staff making a mess (excl refuse service)	1	0%
website / communication	15	3%
<b>TOTAL</b>	<b>503</b>	<b>100%</b>
comment	19	-
Page 18	1	-
service request	7	-

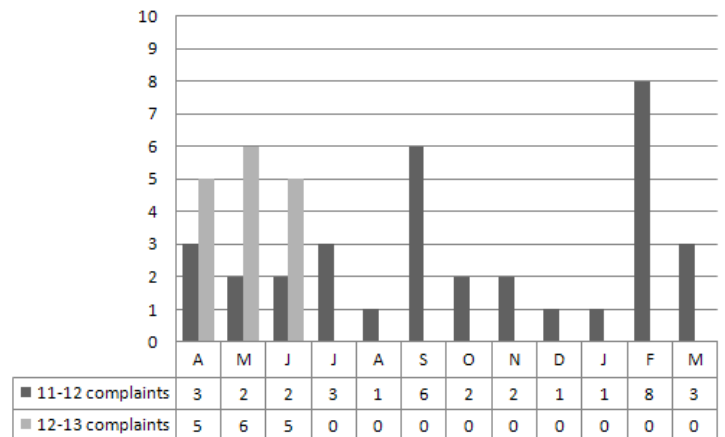
72. A regular meeting has been set up for exchanging data, including complaints and suggestions, in order to improve the customer experience. Learning outcomes from this analysis will result in a number of Improvement actions which will be implemented.

**Environment, Health and Consumer Protection (EHCP)**

73. Between 1 April 2012 and 30 June 2012, 16 complaints were received in relation to EHCP

	Justified (fully or partly)	Not justified	Ongoing	Total
Number	6	6	4	16
% of total received	38%	38%	25%	-

74. The number of complaints received by EHCP remains relatively low. The complaints tend to be specific and as such, learning outcomes are difficult to identify. However, the service continues to monitor all complaints in order to identify any emerging trends. The distinction between a genuine complaint and a service request still appears to be an issue but EHCP is endeavouring to resolve at an earlier stage.



## Projects and Business Services (PBS)

75. Between 1 April 2012 and 30 June 2012, 133 complaints were received in relation to PBS.

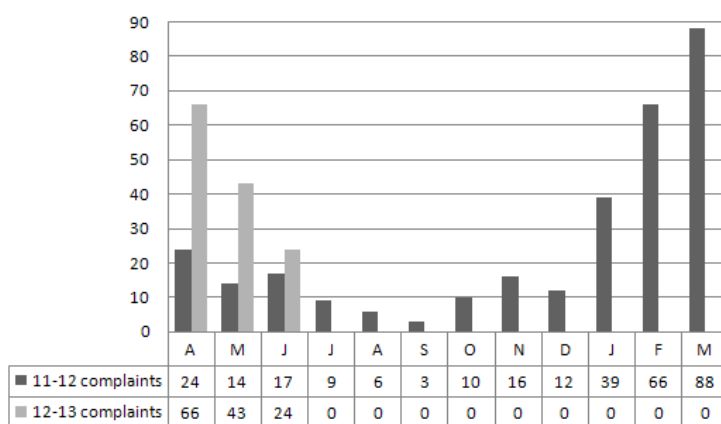
	Justified (fully or partly)	Not justified	Ongoing	Total
Number	94	16	23	133
% of total received	71%	12%	17%	-

76. The majority of complaints received related to Customer Services and in particular call waiting times.

77. 66 complaints were received by Customer Services in relation to call waiting times, compared to 13 throughout the same period last year.

78. The main reasons for increased call waiting times are:

- An increase in the volume and complexity of calls in relation to council tax billing and benefits enquiries.
- An increase in the number of calls resulting from changes to the refuse collection service.
- An increase in footfall at our access points: mostly in relation to council tax and benefit queries. Resources have been realigned; moving staff from telephone duties to face-to-face duties.

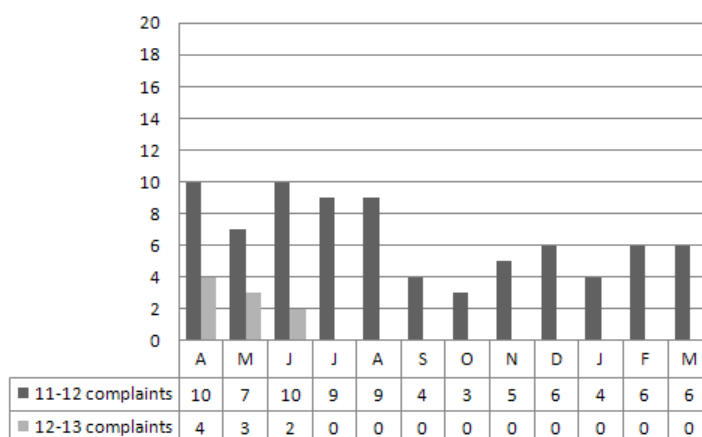


## Sport and Leisure Services (S&L)

79. Between 1 April 2012 and 30 June 2012, 9 complaints were received in relation to S&L.

	Justified (fully or partly)	Not justified	Ongoing	Total
Number	1	4	4	9
% of total received	11%	44%	44%	-

80. The number of complaints received by S&L remains relatively low. The complaints tend to be specific and as such, learning outcomes are difficult to identify. However, the service continues to monitor all complaints in order to identify any emerging trends.

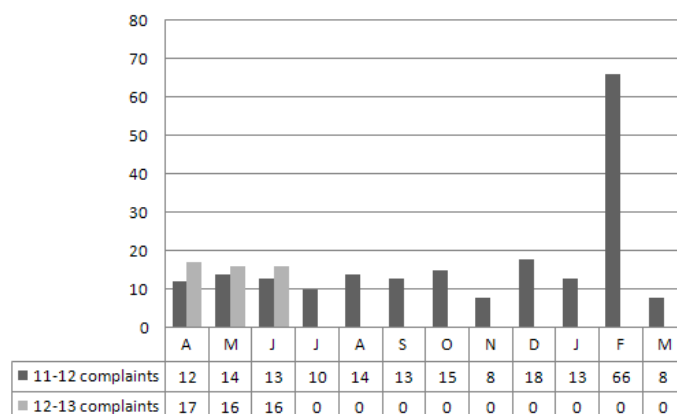


## Technical Services (TS)

81. Between 1 April 2012 and 30 June 2012, 49 complaints were received in relation to TS.

	Justified (fully or partly)	Not justified	Ongoing	Total
Number	19	16	14	49
% of total received	39%	33%	29%	-

82. The number of complaints received by TS remains relatively low. The complaints tend to be specific and as such, learning outcomes are difficult to identify. However, the service continues to monitor all complaints in order to identify any emerging trends.



## Compliments

83. Between 1 April 2012 and 30 June 2012, NS received 75 compliments which covered a wide range of subjects and service areas.

84. A large proportion of compliments relate to staff in recognition of their support and help in resolving the customer's concerns and issues. On each of these occasions, the individual officer is notified of the compliment and thanked by their line manager. Many of these relate to the professionalism, politeness and general helpfulness of staff.

85. The remaining compliments relate to our service provision, examples include

- Standard of work, e.g. keeping local areas clean and tidy, carrying out remedial work, road improvements
- Speed of work, e.g. repair to street lights, filling in pot holes.

## Suggestions

86. Between 1 April 2012 and 30 June 2012, NS received 71 suggestions which covered a wide range of subjects and service areas.

87. Each suggestion is passed to the appropriate service area and reviewed.

## Resources (RES)

88. The Resources service grouping consists of 5 main service areas.
89. During Q1 2012/13 a total of 299 complaints were recorded on the Customer Relationship Management (CRM) system that related to services delivered by the Resources Service Grouping. While the number is significantly higher than at the same point in Q1 2011/12 when 151 complaints were received, the quarterly trend improved from a worst point of 428 in Q4. Q1 therefore represents a 30% reduction over Q4 2011/12.

Abbreviation	Service Area
FS	Financial Services including the Revenues and Benefits Service
CF	Corporate Finance
HROD	Human Resources and Organisational Development
ICT	Information and Communication Technology
LDS	Legal and Democratic Services

90. The rise in Resources' complaints during 2011/12 is well documented and is known to have come about due to delays that arose in processing benefit claims during the implementation period of our new single computer system. While it is regrettable that complaints remain higher than the same point last year, it is encouraging that the trend has started to improve; this reflects the improvements that have taken place in benefits processing over recent months. Work continues on the implementation of our improvement plan for the Benefits Service, and in the meantime our staff do their utmost to protect the most vulnerable and respond to complaints.
91. During Q1 2012/13, a total of 16 compliments and 11 suggestions were also logged in the CRM. The majority of compliments related to wedding ceremonies.
92. Of the 299 complaints received in Q1 for Resources, 64% were either justified or part justified (75% in 11/12), 21% were not justified (22% in 11/12) and 15% were unresolved at the point of reporting. (3% in 11/12)
93. Whilst having fewer complaints during Q1 is encouraging, the proportion of complaints responded to within the 10 days standard appears to have worsened from 71% in Q4 to 49% in Q1.

## Financial Services

94. During Q1 2012/13, 292 complaints were received in relation to Financial Services (which includes Revenues & Benefits Service)

	Justified	Partly Justified	Not justified	Ongoing	Total
Number	89	98	60	45	292
% of total received	64%		21%	15%	100%

95. There were 292 complaints received in the first quarter 2012/13; this is a reduction of 31% on the previous quarter. The majority of complaints (41%) were received in April and the remaining evenly split over May and June.



96. The complaints fell in to 8 different categories: Service Failure – 55%, Quality of Service – 17%, Speed of Delivery – 17%, Administration – 8%, Council Policy, Communications, Government Policy & Staff Attitude
97. Of the 292 complaints, 64% were either fully or partly justified, 21% were not justified and the remaining 15% are ongoing. The Benefits service received 219 complaints the majority (65%) of which related to delays in processing claims; approximately half of these complaints were submitted by private landlords.
98. There were two discernible trends common to both Revenues and Benefits: issues related to contacting the council and the calculation of benefits or Council Tax bills. Customers reported long call waiting times, having to wait in offices, and inconsistent advice and information being given. Other customers complained to dispute their benefit calculation or Council Tax bill (36 complaints).
99. In the last quarter the Revenues service reported that a number of complaints were received following changes to Council Tax charges on long term empty properties and exemptions on second homes; in Q1 4 such complaints where received.
100. The Benefits Service has a comprehensive recovery plan which is monitored on a weekly basis. This plan has produced positive results and delays have been significantly reduced and this is reflected in the reduction of complaints received in May and June. Likewise the service continues to meet regularly and work with Customer Services to improve the customers' experience when contacting the Council. Landlords have now been given a dedicated email address which is closely monitored.

### Legal & Democratic Services

101. During Q1 2012/13, 7 complaints were received in relation to Legal and Democratic Services.

	Justified	Partly Justified	Not justified	Ongoing	Total
Number	3	0	4	0	7
% of total received	43%		57%	0%	100%

102. The complaints received related to contact issues for our Registration service, delays with sending out marriage certificates, delays with land charges and right to buy issues. All complaints have been handled within the quarter and 3 were justified. Relevant managers within Legal and Democratic Services have been involved in the necessary investigations and responses and have considered the implications of each.

### Compliments & Suggestions

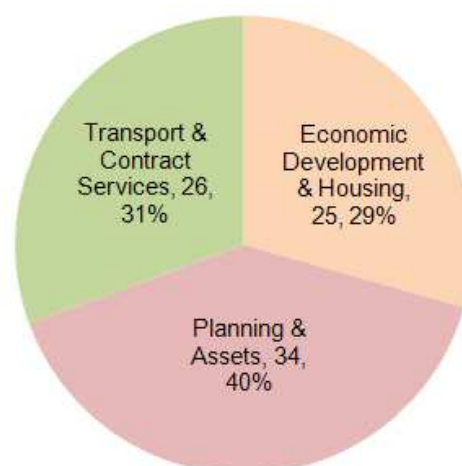
103. During Q1 2012/13 we received a total of 16 compliments and 11 suggestions.
104. The majority of compliments were for carrying out wedding ceremonies, and for staff in the Benefits Service.
105. Suggestions were received in relation to the wording of letters from the Revenues and Benefits Service. A project to review all correspondence and notification letters is planned and will be undertaken during the remainder of 2012/2013.

## Regeneration and Economic Development (RED)

106. The level of Stage 1 complaints received by RED has remained consistent in comparison with previous quarters. The 4 quarters of 2011/12 saw 84, 76, 79 and 88 complaints being received respectively. Taken in the context of service changes and budget reductions the maintaining of complaints levels can be seen positively.

### Stage 1 Complaints

Service Area	Number Received						
	10/11	11/12	12/13 split by quarter				12/13 to date
			Q1	Q2	Q3	Q4	
<b>Economic Development &amp; Housing</b>	106	119	25				25
<b>Planning &amp; Assets</b>	145	129	34	-	-	-	34
<b>Transport &amp; Contract Services</b>	46	79	26				26
<b>TOTAL</b>	297	327	85				85



Service Area	% Stage 1 complaints acknowledged within 2 day deadline	% Stage 1 complaints replied to within 10 day deadline
<b>Economic Development &amp; Housing</b>	100.0%	77.3%
<b>Planning &amp; Assets</b>	58.8%	36.7%
<b>Transport &amp; Contract Services</b>	73.1%	47.8%
<b>RED Total</b>	<b>74.1%</b>	<b>52.0%</b>

	Justified	Part Justified	Not Justified
<b>Economic Development &amp; Housing</b>	22.7%	45.4%	31.8%
<b>Planning &amp; Assets</b>	23.3%	10%	66.7%
<b>Transport &amp; Contract Services</b>	26.1%	39.1%	34.8%
<b>RED Total</b>	<b>24%</b>	<b>29.3%</b>	<b>46.7%</b>

## Stage 2 complaints

Service Area	Number Received					
	11/12	12/13 split by quarter				12/13 to date
		Q1	Q2	Q3	Q4	
<b>Economic Development &amp; Housing</b>	7	2				2
<b>Planning &amp; Assets</b>	29	7				7
<b>Transport &amp; Contract Services</b>	1	-				-
<b>TOTAL</b>	37	9				9

Service Area	% Stage 2 complaints acknowledged within 2 day deadline	% Stage 2 complaints replied to within 10 day deadline
<b>Economic Development &amp; Housing</b>	100.0%	0%
<b>Planning &amp; Assets</b>	100.0%	0%
<b>Transport &amp; Contract Services</b>	-	-
<b>RED Total</b>	<b>100%</b>	<b>0%</b>

### Economic Development and Housing

107. During Quarter 1, 25 stage 1 complaints were received by the Economic Development and Housing service all in connection with Housing.
108. Of the 25 complaints received, 19 were in relation to Durham City Homes mainly repairs and maintenance issues, 5 were in connection to Housing Solutions and 1 was for Housing Regeneration.
109. 2 complaints have escalated to Stage 2 during Quarter 1, both in relation to Durham City Homes.

### Planning and Assets

110. During Quarter 1, 36 Stage 1 complaints have been received by the Planning and Assets service.
111. Of the 36 complaints received, 19 were in relation to Development Management mainly in relation to planning decisions, 3 were in relation to Spatial Policy, 7 were in relation to Assets and 5 were in relation to Environment and Design.
112. 7 complaints escalated to Stage 2 during Quarter 1 all of which were received by Development Management and were in relation to building control and planning decisions

## Transport and Contract Services

113. During Quarter 1, 26 complaints were received by Transport and Contract Services.
114. Of the 26, 14 were received by Sustainable Travel, 10 were received by Strategic Traffic and 2 by Supported Housing. The complaints covered a wide variety of issues not providing any themes for discussion.
115. During Quarter 1 no complaints escalated to Stage 2.

## Compliments and Suggestions

Service Area	Compliments	Suggestions
<b>Economic Development &amp; Housing</b>	1	1
<b>Planning &amp; Assets</b>	36	5
<b>Transport &amp; Contract Services</b>	1	3
<b>RED Total</b>	<b>38</b>	<b>9</b>

116. The compliments received by RED are generally thanks to staff for the service they have provided. All compliments have been passed to the relevant staff and teams and have also been raised during team meetings highlighting the importance of a positive customer focus. All suggestions have been considered.

## Local Government Ombudsman (LGO): current activity

117. During quarter 1, 2012/13, the Local Government Ombudsman (LGO) initiated investigations into 8 matters relating to a range of complaints concerning:
- **Anti-social Behaviour.** Outcome awaited
  - **Planning / Environmental Health.** Outcome awaited
  - **Highways.** Outcome awaited
  - **School Admissions.** Outcome awaited
  - **Noise Nuisance.** Outcome awaited
  - **Refuse / Recycling.** Following preliminary enquiries, LGO decided not to investigate this matter
  - **Benefits and Tax.** Of the 2 cases, LGO decided to discontinue one matter. The other matter is under investigation and the outcome is awaited
118. The Ombudsman delivered decisions on 8 matters which had been subject to investigations that had been initiated prior to the beginning of the quarter. These matters can be summarised as follows:
- **School admissions Appeal.** LGO discontinued the investigation.
  - **School Transport.** LGO discontinued the investigation
  - **Environmental Services, Public Protection and Regulation Issue (flooding).** LGO discontinued the investigation
  - **Benefits and Tax.** This matter was outside LGO jurisdiction
  - **Planning and Development.** Of the 4 cases; 2 were discontinued, following preliminary enquiries LGO decided not to proceed with another. In the fourth case, LGO identified maladministration but the case was ultimately discontinued following

agreement of a local settlement. However, learning outcomes were identified in relation to this fourth case. It was identified that there is a need for

- accuracy when checking the extent of neighbourhood consultation undertaken
- accuracy and attention to detail when drafting reports to determine planning applications.

The Ombudsman's decision was circulated to all relevant Line Managers for information, with a service management request that implications of decisions are discussed within teams and staff are reminded of the required standards of work. Attention was also drawn to the need for all staff to complete all standard control documentation on planning application files, including the fail safes on "Site Record Sheets".

119. During the quarter the Ombudsman also notified the Council of the outcome in relation to a range of matters which were not subject to full investigation. The Ombudsman's investigators reached their decisions on the basis of the details supplied by complainants supplemented in some instances with contextual information from Council officers. These matters can be summarised as follows:
- **Noise Nuisance.** This issue was out of LGO jurisdiction.
  - **Benefits and Tax.** Investigation was not initiated,
  - **Adult Care Services.** Investigation was not initiated,
  - **Planning and Development Issue.** Investigation was not initiated,
  - **Environmental Services, Public Protection and Regulation.** This issue was outside of jurisdiction.
  - **Planning and Control.** Investigation was not initiated.

## RECOMMENDATIONS AND REASONS

120. Members of Standards Committee note the report.
121. 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.

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### Contact:

#### **Mary Readman**

Customer Relations, Policy and Performance Manager

Tel: 0191 372 7669

#### **Neil Green**

Corporate Complaints Team Leader

Tel: 01388 761933

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**Standards Committee**

**7<sup>th</sup> September 2012**



**Annual Report Statutory Adult Social Care  
Complaints, Compliments and Comments  
2011/2012**

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**Report of Rachael Shimmin Corporate Director, Children and Adults  
Services**

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**Purpose of Report**

1. The provide information regarding the management of Statutory complaints in Adult Care. The Report also includes details about the compliments and comments received from service users and carers during the year.

**Background**

2. This Annual Report is the third that is published under the provisions and requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 that became operative on 1 April 2009. The reporting format reflects the requirements detailed in the regulations.
3. Under the regulations there are just two timescales that apply to the management of a complaint and these are that a complaint must be acknowledged within 3 working days and that a complaint will be expected to completed at the "Local Resolution Stage" within 6 months, unless there are very exceptional circumstances.

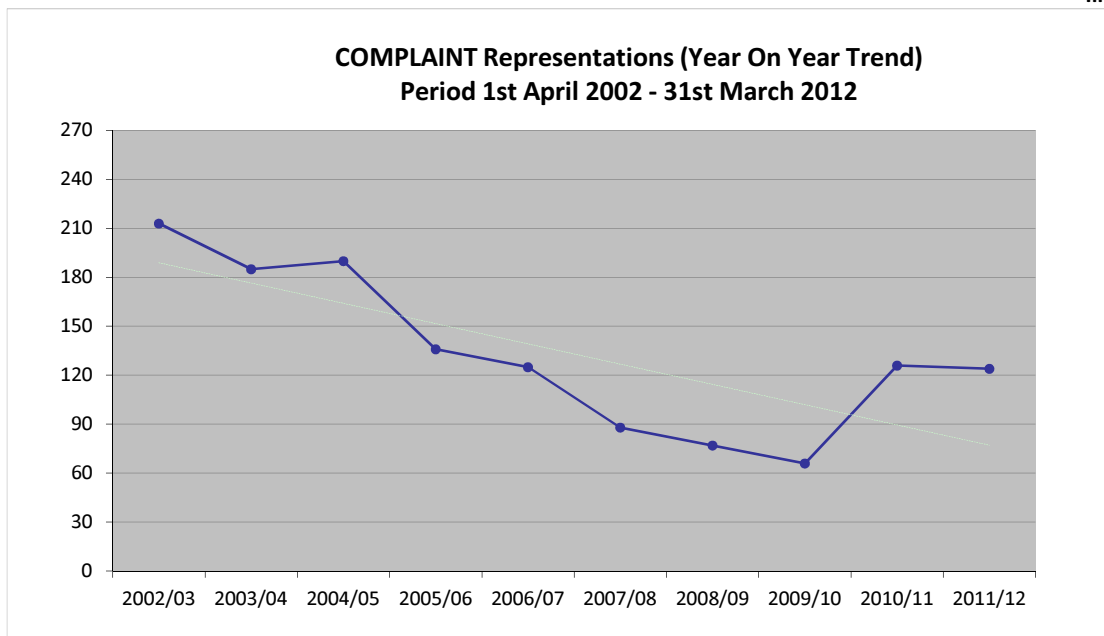
**Content**

4. A copy of the Annual Report is attached at Appendix 2.

## Number of Complaints

5. In 2011/2012 a total of 124 complaints were received and progressed through the Statutory Adult Social Care Complaints Procedure. This is exactly the same number of complaints received in 2010/2011. Trends on the number of complaints received within the Service over the last 10 years are shown below.

Illustration 2



## Complaints by Client Group

6. The largest number of complaints by client group was Older People with 72 complaints (58%) followed by Learning Disabilities with 30 complaints (24%) which reflects the customer base of the Service.

## Age Profiles of Service Users Making Complaints

7. The greatest number of complaints 33 (27%) were made in respect of males aged 18-64, followed by females over the age of 85 with 26 complaints (21%) and females aged 18-64 with 21 complaints (17%). This data is consistent with previous years where similar results were reported.

## Ethnicity and Diversity

8. Complaints analysed by ethnicity represented 99.2% White British and this reflects the demographic profile of the ethnic population of the County as reported by the Office of National Statistics 2009.

## Categories of Complainant

9. As has been the trend over previous reporting years, relatives (non-parent) constituted the highest category of complainant at 62 complaints (50%). In almost all cases an adult child made the complaint on behalf of their parent. The number of people who raised complaints on their own behalf was 34 (27%). The number of parents making a complaint 25 (20%) is the same as 2010-2011.



## **Outcome of Complaints**

10. Of the 124 complaints received, 120 were completed by the end of the reporting year. Of the 120 complaints completed 44 (37%) were upheld in full and 15 (12.5%) were partially upheld. There were 61(51%) complaints were not upheld.
11. This shows an 11% increase in the number of complaints where the issues raised were upheld in full and a 5% decrease overall in the numbers of complaints not upheld. Where a complaint is not upheld this does not mean that the complainant did not have just reasons for submitting their concerns. However, the reasons for many of the cases being 'not upheld' within this period related to the correct application of changes to service provision and newly-introduced charging policies.

## **Number of Complaints Referred from the Local Government Ombudsman (LGO)**

12. During 2011/12 Durham County Council (DCC) received 7 referrals from the LGO where a complaint has been made to them but the Authority had not been provided sufficient opportunity to investigate. These complaints were then referred back to DCC for investigation and response before the LGO would consider them and are included in the 124 complaints recorded for the year.
13. There were 9 complaints forwarded from the LGO seeking further information upon which to base a determination. During the year the LGO provided findings on 8 of the 9 cases. In 2 cases the LGO discontinued their investigations as they were satisfied with the actions of the Service, in 2 cases they determined there were no grounds to pursue the issue, in a further 2 cases it was found there were no evidence of maladministration, in 1 case the LGO declined the investigation and in the final case the LGO determined that the Service has already addressed the issue.

## **Summary of the Subject Matter of Complaints Received**

14. '*Personal Financial Issues*' constituted the highest category of complaint relating to 35 complaints (28%). This is the first year where complaints about financial issues have been greater than other categories of complaint and can be explained by the introduction of client contributions to day care and the withdrawal of free transport services.
15. The next highest category of complaint was '*Conduct or Attitude of Staff*' which related to 22 complaints (17.8%) and the next highest category was 14 complaints relating to '*Lack of Communication/Information*' (11.3%). In the majority of cases citing conduct/attitude of staff there is often a direct link with failures in communication and information.

## **Timescales for managing Complaints**

16. The timescale for acknowledging a complaint is 3 working days. Of the 124 complaints received, 122 (98.4%) were acknowledged within timescale and many within one working day.
17. Monitoring of the speed of response to complaints has shown that 33.3% were concluded within 10 working days with an average time of 17 working days.

## **Duty to Co-operate – Joint Social Services and NHS Complaints**

18. Three complaints were received during the year that involved both adult social care and health services. One case involved the Tees, Esk & Wear Valley NHS Foundation Trust and County Durham and Darlington NHS Foundation Trust; one case involved the County Durham and Darlington NHS Foundation Trust; and the

third involved the North Tees and Hartlepool NHS Trust. DCC took the lead in all these cases and formulated the joint response. All of these complaints were effectively managed and satisfactorily resolved and the benefit to the complainant was they received a single joint response to their issues and worked with a single point of contact.

### **Declined Complaints**

19. During the year 12 complaints were declined (compared to 1 in the previous reporting year).
- In 4 cases the complaint was declined as the clients would not give consent.
  - In 2 cases complainants sought to resurrect issues that had been already been investigated and responded to.
  - In 2 cases the events complained about had occurred several years previously and were declined on the grounds that they were significantly outside of the 12 month time limit prescribed by the Regulations.
  - In 4 cases the issues complained about related to issues which did not come within the jurisdiction of Durham County Council.

### **Remedies and Learning Outcomes**

20. The learning outcomes extracted and acted upon in the reporting year have included:-
- Reminders to staff in an in-house respite facility that all telephone calls relating to a client's needs, bookings or cancellations must be recorded, either on the client's case notes or in the office diary.
  - The Learning Disability Social Work teams are working with the in-house respite unit to review the respite booking system to improve the process.
  - The Learning Disability Transitions Social Work Team are developing a detailed map of children currently in receipt of services so that long term planning can be better achieved.
  - A briefing note was issued to Social Work Team Managers/Safeguarding Leads in Older People's Services to remind them of the need to ensure service users views were explicitly sought and recorded in relation to safeguarding matters.
  - Staff in Older People Social Work teams were issued with a reminder of the importance of detailed recording and that the opinions of service users and their family/carers must be given suitable weight in the assessment process.

### **Numbers of Compliments Received**

21. In the reporting year a total of 399 compliments were received. This represents a decrease of 30.7% from the 576 received during 2010/11. Previous trends have seen a year on year increase in compliments. The reduction can be attributed to a drop in the number received in County Durham Care and Support (CDCS), the in-house provider.

### **Ratio of Compliments to Complaints**

22. The ratio of compliments to complaints received is 3.2:1 compared to 4.65:1 in 2010/11.

## Conclusions

23. The principle of working with complainants to achieve complaint resolution is fully embedded and working effectively. The implementation of learning outcomes arising from complaints ensures practice is changed and service delivery improved.
24. When comparing Durham's numbers of complaints per 10,000 population (2.97) with the average of other Regional Local Authorities (3.46) and Comparator Local Authorities performance (3.52) the ratio is relatively low.
25. During 2011/12 Adults Wellbeing & Health adopted the Regional Quality Band Assessment in respect of Care Homes and Care Homes with Nursing for Older People for contract monitoring of the independent sector. A programme of monitoring has been agreed for 2012/2013.
26. The Service continues to receive a large number of compliments each year. This remains a significant reminder of the excellent work that is carried out by staff.

## Recommendations

27. That Standards Committee
  - Note the content of this report and receive the Annual Report

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**Contact: Peter Appleton Head of Service Planning and Service Strategy**  
**Tel: 0191 3834543**

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**Appendix 1: Implications**

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<b>Finance</b>	None at this stage. However complaints can lead to claims for compensation in extreme cases.
<b>Staffing</b>	N/A
<b>Risk</b>	N/A
<b>Equality and diversity/ /Public Sector Equality Duty</b>	Consistent with national and local requirements Representations Procedure has been Impact Assessed
<b>Accommodation</b>	N/A
<b>Crime and disorder</b>	System can record any complaints about bullying, harassment or racist incidents.
<b>Human rights</b>	Compatible with Human Rights Act – able to record and respond to complaints about alleged breaches.
<b>Consultation</b>	Work continues with Health for managing the joint working for Statutory Adult Social Care Complaints.
<b>Procurement</b>	N/A
<b>Disability Issues</b>	N/A
<b>Legal Implications</b>	N/A



# Adults, Wellbeing and Health

## Statutory Adult Social Care Complaints, Compliments and Comments Annual Report 2011/12



**This report is published under the provisions of the  
Local Authority Social Services and National Health Service Complaints  
(England) Regulations 2009 No. 309**

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## ANNUAL REPRESENTATIONS REPORT 2011/2012

### SUMMARY AND KEY MESSAGES

#### OVERVIEW

1. This Annual Report for the year 2011-2012 is published under the provisions and requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 that became operative on 1 April 2009. The reporting format reflects the requirements detailed in the Regulations.
2. The primary purpose of the Annual Report is to detail the performance of Durham County Council's Adults, Wellbeing & Health Statutory Adult Social Care Complaints Procedure. Whilst there is no requirement to publish data on Compliments it is important that the fullest picture is obtained about what service users, their carers and other representatives think about the services and the professionalism of staff they experience.
3. The 2009 Regulations promoted new ways of managing and seeking to resolve complaints with no fixed timescales apart from 3 working days to acknowledge the complaint and a 6 month completion target. A complaint made verbally, if capable of being resolved within one working day, does not constitute a complaint for recording purposes under the new Regulations.
4. Complaints are risk-assessed to ensure that there are no safeguarding or other procedural issues that might supersede the complaints procedure.
5. Consent has to be obtained to confirm that someone making a complaint on another's behalf has been given the authority to do so.
6. Complainants are invited to be fully involved in planning how their complaint is to be addressed, within what timescale and their expectations on the desired outcome and from this a Complaints Resolution Plan is produced.
7. Enabling complainants to voice their concerns at an early stage and be listened to without judgment and with empathy establishes the foundations of conciliation as the complaint progresses. Different resolution methods are utilised depending on the issues being addressed and individual preferences and circumstances.
8. Where all proportionate resolution mechanisms have been exhausted and if the complaint remains unresolved, the complainant can refer outstanding issues to the Local Government Ombudsman.

9. The data and analysis presented reflects the requirements of the Regulations but additional analysis is also included as it provides useful information upon which improvements can be made or trends monitored.
10. From the issues raised in complaints, real opportunities are presented to change and improve services by having a clearer understanding about what works best for service users leading to client-centred provision. The frequent aspiration of complainants is that they do not want what happened to them, to happen to anyone else.
11. By committing to learn from complaints a partnership is created between service users and carers, the staff and the Service. Complaints provide an opportunity for reflection both at an individual practice level and at strategic level. Could something have been done differently and are there wider implications, lessons to be learnt and changes made?
12. Details about the Adults, Wellbeing Health Complaints process are available on Durham County Council's website ([www.durham.gov.uk](http://www.durham.gov.uk)) and public information is in key locations throughout the County.

## **KEY ISSUES**

### **Numbers of Complaints**

13. In 2011/2012 a total of 124 complaints were received and progressed through the Statutory Adult Social Care Complaints Procedure. This is exactly the same number of complaints received in 2010/2011.

### **Complaints by Client Group**

14. The largest number of complaints by client group was Older People with 72 complaints (58%) followed by Learning Disabilities with 30 complaints (24%) which reflects the customer base of the Service.

### **Age Profiles of Service Users Making Complaints**

15. The greatest number of complaints 33 (27%) were made in respect of males aged 18-64, followed by females over the age of 85 with 26 complaints (21%) and females aged 18-64 with 21 complaints (17%). This data is consistent with previous years where similar results were reported.

### **Ethnicity and Diversity**

16. Complaints analysed by ethnicity represented 99.2% White British and this reflects the demographic profile of the ethnic population of the County as reported by the Office of National Statistics 2009.

### **Categories of Complainant**

17. As has been the trend over previous reporting years, relatives (non-parent) constituted the highest category of complainant at 62 complaints (50%). In almost all cases an adult child made the complaint on behalf of their parent. The number of people who raised complaints on their own behalf was 34 (27%). The number of parents making a complaint 25 (20%) is the same as 2010-2011.

### **Outcome of Complaints**

18. Of the 124 complaints received, 120 were completed by the end of the reporting year. Of the 120 complaints completed 44 (37%) were upheld in full and 15 were partially upheld. There were 61(51%) complaints were not upheld.
19. This shows an 11% increase in the number of complaints where the issues raised were upheld in full and a 5% decrease overall in the numbers of complaints not upheld. Where a complaint is not upheld this does not mean that the complainant did not have just reasons for submitting their concerns. However, the reasons for many of the cases not being upheld within this period related to the correct application of changes to service provision and newly-introduced charging policies.

## **Number of Complaints Referred from the Local Government Ombudsman (LGO)**

20. During 2011/12 Durham County Council (DCC) received 7 referrals from the LGO where a complaint has been made to them but the Authority had not been provided sufficient opportunity to investigate. These complaints were then referred back to DCC for investigation and response under the local procedures before the LGO would consider them and are included in the 124 complaints recorded for the year.
21. There were 9 complaints forwarded from the LGO seeking further information upon which to base a determination. During the year the LGO provided findings on 8 of the 9 cases. In 2 cases the LGO discontinued the investigation their investigations as they were satisfied with the actions of the Service, in 2 cases they determined there were no grounds to pursue the issue, in a further 2 cases it was found there were no evidence of maladministration, in 1 case the LGO declined the investigation and in the final case the LGO determined that the Service has already addressed the issue. Further details are provided in the body of the report at pages 20-21.

## **Summary of the Subject Matter of Complaints Received**

22. '*Personal Financial Issues*' constituted the highest category of complaint relating to 35 complaints (28%). This is the first year where complaints about financial issues have been greater than other categories of complaint and can be explained by the introduction of client contributions to day care and the withdrawal of free transport services. The next highest category of complaint was '*Conduct or Attitude of Staff*' which related to 22 complaints (17.8%) and the next highest category was 14 complaints relating to '*Lack of Communication/Information*' (11.3%).
23. In the majority of cases citing failures in communication and information there is a direct link with '*Conduct or Attitude of Staff*' and '*Lack of Service*'.

## **Timescales for Managing Complaints**

24. The timescale for acknowledging a complaint is 3 working days. Of the 124 complaints received, 122 (98.4%) were acknowledged within timescale and many within one working day. The 2 cases acknowledged outside of the timescales were due to delays in correspondence being forwarded to the Quality Standards Team.
25. Monitoring of the speed of response to complaints has shown that 33.3% were concluded within 10 working days with an average time of 17 working days.

### **Duty to Co-operate – Joint Social Services and NHS Complaints**

26. Three complaints were received during the year that involved both adult social care and health services. One case involved the Tees, Esk & Wear Valley NHS Foundation Trust and County Durham and Darlington NHS Foundation Trust; one case involved the County Durham and Darlington NHS Foundation Trust; and the third involved the North Tees and Hartlepool NHS Trust. AW&H took the lead in all these cases and formulated the joint response. All of these complaints were effectively managed and satisfactorily resolved and the benefit to the complainant was they received a single joint response to their issues and worked with a single point of contact.

### **Declined Complaints**

27. During the year, 12 complaints were declined (compared to 1 in the previous reporting year). The reasons were varied including lack of consent from the complaint and complaints being outside of the limitation period of twelve months.

### **Remedies and Learning Outcomes**

28. Examples of the remedies used to achieve resolution and the learning and practice developments that have accrued from complaints are provided at pages 23- 24 in the main body of the report.

### **Numbers of Compliments Received**

29. In the reporting year a total of 399 compliments were received. This represents a decrease of 30.7% from the 576 received during 2010/11. Previous trends have seen a year on year increase in compliments. The reduction can be attributed to a drop in the numbers received in County Durham Care and Support (CDCS), the in-house provider.

### **Ratio of Compliments to Complaints**

30. The ratio of compliments to complaints received is 3.2:1 compared to 4.65:1 in 2010/11.

### **Compliments by Service Area**

31. County Durham Care and Support, the in-house provider received 272 (68.1%) of the total number of compliments. Whilst CDCS has continued to receive the highest number of compliments, the service has seen a reduction in the number of compliments when compared to 2010/11, both in terms of numbers (464) and percentages (80.5%).

# ANNUAL REPRESENTATIONS REPORT 2011/2012

## PART ONE - INTRODUCTION

### PURPOSE OF THE REPORT

1. This Annual Report provides details about the performance of Durham County Council's Adults Wellbeing & Health, Statutory Adult Social Care Complaints Procedure during the year 2011/2012. The report also provides analysis and narrative on the Compliments received in the Service Areas for the same period to provide a representative overview of what service users, their carers and/or their representatives think of the services provided.
2. Where complaints are made about adult social care services, a Statutory Procedure has to be followed. In April 2009, the *Local Authority Social Services and National Health Service Complaints (England) Regulations 2009* were implemented and this report is the third to be produced which covers the reporting criteria prescribed within. These will be described in more detail in the following section.

## **PART TWO – THE COMPLAINTS PROCEDURE EXPLAINED**

### **BACKGROUND**

1. Requirements on the procedures for handling and considering complaints in adult social care are enshrined in the *Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (No. 309)*.

### **WORKING WITH THE 2009 REGULATIONS IN ADULTS, WELLBEING & HEALTH**

2. The 2009 Regulations recognise the need for engagement and communication with complainants. Consequently, as soon as a complaint is received (and after a risk assessment process and eligibility assessment, accepted as a complaint), every effort is made to communicate personally with the complainant to discuss what has happened, what expectations they have and what outcomes they would like to achieve. This stage of the procedure is conducted by the Complaints Officer who provides a consistent point of contact for the complainant throughout the process. The complainant is provided with information about what will happen next in terms of investigation and response and a timescale is agreed. On most occasions it is possible to identify complaints that will require a longer period of investigation due to their complexity and this is also discussed to ensure that the complainant is fully informed. Once agreed a Complaints Resolution Plan (CRP) is completed and provided to the complainant.
3. Once the CRP is completed and agreed with the complainant it is referred to the relevant Manager for investigation and response within the agreed timescales. If the timescales cannot be achieved, full reasons have to be provided and these are communicated to the complainant.
4. Once the complaint response is provided to the complainant, if they do not agree with the response, discussions take place to see whether other forms of resolution methods might be used. These include offers of meetings, the provision of further information, compensatory redress, independent investigation and conciliation and mediation based on an assessment of reasonableness and proportionality. If all attempts at resolution have failed the complainant is provided with the contact details for the Local Government Ombudsman to whom they can refer their complaint.

### **TIME LIMIT FOR MAKING A COMPLAINT**

5. The time limit for making a complaint is 12 months from the date that the event complained about occurred or came to the notice of the complainant. If a complaint is made after the 12 month limitation period, discretion can be exercised if there are exceptional and legitimate reasons why a delay in bringing the complaint has occurred and provided it is still possible to investigate the complaint effectively and fairly.

## VERBAL COMPLAINTS

6. Within the Regulations, there is an exception to the above process. If a complaint is received verbally and can be resolved, with the agreement of the complainant, within one working day then it is not logged or recorded as a complaint. This is to encourage staff to feel empowered to resolve a complaint as soon as it is brought to their attention and to provide immediate action for the complainant. It is important to stress, however, that this only applies to complaints made verbally and complainants need to be asked whether they want the matter resolved in this way or whether they would prefer to have the complaint formalised. If the latter the procedure detailed above applies.

## WHO IS ELIGIBLE TO COMPLAIN

7. The Statutory Adult Social Care Complaints Procedure in Adult Care can be accessed and used by individuals who are/have been in receipt, and/or are eligible to receive or be assessed for Social Care Services. A representative can make a complaint on someone else's behalf subject to the necessary consent.
8. The 2009 Regulations recognises the following:
  - i. *"A person who receives or has received services from [adult social care] or*
  - ii. *A person who is affected, or likely to be affected, by the action, omission or decision of [adult social care]*
  - iii. *A person acting on behalf of a person who has died covered by i and ii above*
  - iv. *A person acting with the consent of a person covered by i and ii above*
  - v. *A person acting on behalf of someone with physical or mental incapacity (the latter within the meaning of the Mental Capacity Act 2005(a) where the [local authority] is satisfied that the representative is acting in the best interests of the person on whose behalf the complaint is made."*

## EXCLUSIONS TO THE COMPLAINTS PROCEDURE

9. Complaints are **not** eligible to be heard under the 2009 Regulations if they are:-
  - not consented to by the subject on whose behalf the complaint is made (where the subject has capacity)
  - not made in the best interests of a person who lacks capacity
  - made by a responsible body that has a disagreement with another responsible body i.e. another local authority or NHS organisation
  - made by an employee complaining about matters relating to their employment
  - about subject matter the same as complaints previously raised, investigated and responded to under the current or past procedures
  - being investigated by the Local Government Ombudsman



- arising from an alleged failure to comply with a Freedom of Information request
- arising from an alleged failure to comply with a data subject request under the provisions of the Data Protection Act

## **OTHER KEY CHANGES IN THE 2009 REGULATIONS**

### **Disciplinary and Legal Action**

10. In a departure from the previous procedures a complaint can be investigated even where:-
- disciplinary action is being considered or taken. The two arrangements will remain separate and confidentiality for the parties must be maintained.
  - legal action is being considered or taken. Only if the complaint investigation might prejudice subsequent legal or judicial action should the complaint be suspended following discussion and the complainant advised of the reasons why.

### **Duty to Co-operate**

11. Local Authorities, NHS bodies and other responsible organisations now have a statutory duty to co-operate with each other in the resolution of a complaint that spans more than one organisation.
12. The duty to co-operate includes:-
- identifying which authority will take the lead
  - co-ordinating the handling and communication of a complaint
  - ensuring the complainant receives a co-ordinated response to the complaint
  - ensuring each organisation provides relevant information in pursuance of the complaints investigation as deemed necessary and relevant
  - attending meetings in connection with the consideration and resolution of a complaint

### **Publicity**

13. There is a statutory duty placed on the Local Authority to make information available to the public about:-
- Its arrangements for dealing with complaints
  - How further information about those arrangements may be obtained.

### **The Annual Report**

14. The 2009 Regulations requires the publication of an Annual Report to inform service users, their carers and/or representatives, elected members, staff, the general public and other statutory organisations such as the Care Quality Commission about how the Service has performed in handling complaints.

## **PART THREE - MANAGEMENT AND OPERATION OF THE COMPLAINTS PROCEDURE**

1. Within Adults, Wellbeing & Health the complaints management function is within Quality Standards Team of Policy, Planning and Performance. Nevertheless there is a close working relationship and collaboration with all operational managers and staff in all of the Service Areas in Adult Care.
2. Complaints can be received by a variety of methods – by post, email, telephone, to members of staff – and at a variety of locations. However, the formal acknowledgement and initial recording of Statutory Adult Social Care Complaints are managed by the Central Administrative Team at County Hall on the Social Services Information Database (SSID).
3. Once logged the complaint is passed to the Complaints Officer who conducts the risk assessment and negotiates the Complaints Resolution Plan (CRP) with the complainant.
4. The CRP contains all relevant information about the complaint and is provided to the relevant Senior Manager who will allocate the complaint for investigation and provide a response from the findings.
5. If a complaint is unresolved the Complaints Officer will liaise with the complainant to identify further attempts at resolution or provide advice about a referral to the Local Government Ombudsman (LGO).
6. Information about the complaints procedure is published and promoted throughout the Service. Service User Guides, which are provided to all Adult Care service users, contain a section on how to make a complaint, comment or compliment. Additionally, staff are expected to provide verbal information and advice to service users. Details about the Adults, Wellbeing Health Complaints process are available on Durham County Council's website ([www.durham.gov.uk](http://www.durham.gov.uk)) and public information is in key locations throughout the County.

**PART FOUR – STATUTORY ADULT SOCIAL CARE COMPLAINTS  
1 APRIL 2011 TO 31 MARCH 2012**

**REPORTING REQUIREMENTS UNDER THE REGULATIONS**

1. This section covers the reporting requirements of the 2009 Complaints Regulations. Sub-sections will cover:
  - The number of complaints received under the Statutory Adult Social Care procedure
  - The number of complaints found to have been well-founded
  - The number of complaints referred to the Local Government Ombudsman
  - A summary of the subject matter of complaints received
  - Learning Outcomes for services or complaints handling
2. In addition to the compulsory elements of the reporting process, this report will also include additional analysis which Adults, Wellbeing & Health consider important.
3. The data provided within this document is taken from the Social Services Information Database (SSID).

**ANALYSIS OF THE STATUTORY ADULT SOCIAL CARE COMPLAINTS**

4. In order to contextualise the complaints made in Adult Care it is important to appreciate the level and complexity of the services provided by the Authority.
5. In 2011/2012 the total number of adults who received a service (provision) was 21,721 (as compared to 19,875 in 2010/2011)\*. Of these 7,325 were aged 18-64 and 14,396 were aged 65+. Each client will have multiple contacts over the course of one year.

**The number and analysis of complaints received under the Statutory Adult Social Care Procedure**

6. In 2011/2012 the Authority received 124 Statutory Adult Social Care Complaints. As a proportion of the total number of contacts with service users and carers this represents a very small percentage.
7. As can be seen from Table 1, the service receiving the largest number of complaints related to the Older People/Physical Disability/Sensory Support service representing 50% of the total number of complaints. This shows a consistent pattern over several years of reporting. Given that the majority of referrals to Adult Care Services are of people aged 65 and over and given the demographic increase in the numbers of older people living longer, the proportions are within expectations.

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\* Sourced from the 2012 RAP Return.

Number of complaints received by service type

Table 1

Service	Complaint	Percentage
Older People/Mental Health Services for Older People/ Physical Disabilities/Sensory Impairment/ Sensory Support	58	46.8%
Learning Disabilities/Mental Health/Carers	18	14.5%
Commissioning	37	29.9%
County Durham Care And Support	9	7.2%
Adult Care - Safeguarding	1	0.8%
Policy, Planning & Performance	1	0.8%
<b>Total</b>	<b>124</b>	<b>100%</b>

8. Table 2 below illustrates the number of complaints by client group. Complaints about services for older people constituted the highest proportion at 54.84%, with services for learning disabilities clients at 25%.

Complaints by Client Group

Table 2

Service	LD	MH	OP	PD	SI	Total
Learning Disabilities/Mental Health/Carers	18					18
Older People/Mental Health Services for Older People/ Physical Disabilities/Sensory Impairment/ Sensory Support	1	0	44	11	2	58
Adult Care (Safeguarding)	1					1
County Durham Care and Support	5		4			9
Commissioning	5	1	24	7		37
Policy, Planning & Performance	0	0	0	1		1
<b>Total</b>	<b>30</b>	<b>1</b>	<b>72</b>	<b>19</b>	<b>2</b>	<b>124</b>
<b>Percentage</b>	<b>25%</b>	<b>3.23%</b>	<b>54.84%</b>	<b>10.48%</b>		<b>100%</b>

9. The greatest number of complaints were made about services received by male clients aged 18-64 (26.6%), followed by females aged 85+ (21%). This does not reflect the demographic profile of service users but does reflect the trend of last year and the number of complaints received by the Learning Disabilities Service. See Table 3 below.

Complaints by the Age Profiles of Service Users

Table 3

Age Group	Complaints	
	Female	Male
<b>18 - 64</b>	21	33
<b>65 - 74</b>	8	7
<b>75 - 84</b>	13	12
<b>85+</b>	26	4
<b>Total</b>	<b>68</b>	<b>56</b>

10. Complaints analysed by ethnicity represented 99.2% White British and this reflects the demographic profile of the ethnic population of the County as reported by the Office of National Statistics 2009.

11. Table 4 and Illustration 1 below show that the greatest proportion of complaints (50%) was made by relatives (excluding parents) of the service user. This reflects an increase on last year's figure where the percentage was 44.4%. This is indicative of the growing population of older people receiving services and reflects the concerns, usually of sons and daughters, of their parent's situation. If someone is making a complaint on behalf of a service user, the service user's written consent is obtained. Whilst the majority do give their consent some clients have withheld it as there can sometimes be differences of perceptions and expectations between a client and their relative. Where a client declines their consent this has to be respected and explained to the relative.
12. Clients making complaints on their own behalf constitutes the second highest category of complainant at 27.6% (an increase of 2.6% from last year), followed by complaints made by parents at 20%.

Categories of Complainants

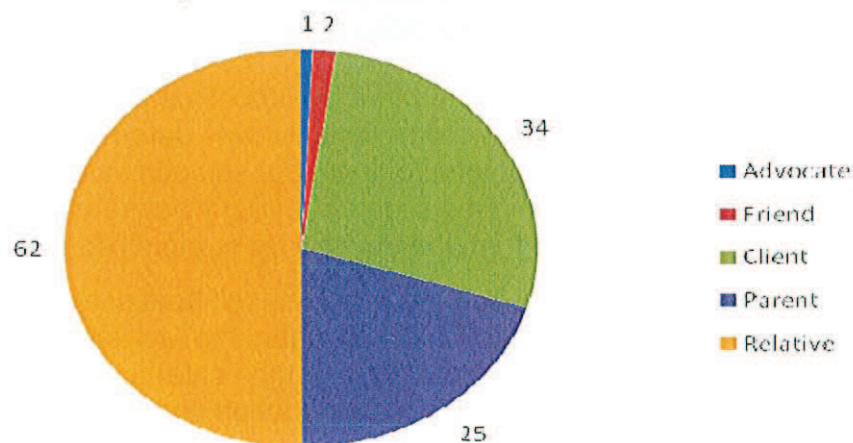
Table 4

Service	Advocate	Friend	Client	Parent	Relative	Total
Learning Disabilities/Mental Health/Carers	1		2	14	1	18
Older People/Mental Health Services for Older People/Physical Disabilities/Sensory Impairment/ Sensory Support		1	19	3	35	58
County Durham Care and Support			2	2	5	9
Adult Care - Safeguarding				1		1
Policy, Planning & Performance			1			1
Commissioning		1	10	5	21	37
<b>Total</b>	<b>1</b>	<b>2</b>	<b>34</b>	<b>25</b>	<b>62</b>	<b>124</b>
<b>Percentage</b>	<b>0.8%</b>	<b>1.6%</b>	<b>27.6%</b>	<b>20%</b>	<b>50%</b>	<b>100%</b>

Illustration 1

### Regulated Adult Social Care Complaints (by complainant type)

Period 1st April 2011 - 31st March 2012



## Outcome of Complaints

13. At the end of the reporting year, 4 of the 124 complaints had not been completed (2 within the Learning Disabilities Service; 1 within Older People's Services and 1 within Commissioning) and for the purpose of the analysis below are excluded from the calculation. Therefore 120 complaints equate to 100%.

Service	Upheld	Partially Upheld	Not Upheld	Total of the complaints completed	(Ongoing – complaints not yet completed)
Learning Disabilities/Mental Health/Carers	6	2	8	16	2
Older People/Mental Health Services for Older People/ Physical Disabilities/Sensory Impairment/ Sensory Support	23	6	28	57	1
Commissioning	13	3	20	36	1
County Durham Care and Support	2	3	4	9	
Adult Care - Safeguarding		1		1	
Policy, Planning & Performance	0	0	1	1	
<b>Total</b>	<b>44</b>	<b>15</b>	<b>61</b>	<b>120</b>	<b>4</b>
Percentage	Of completed complaints			Of all complaints received	
	36.7%	12.5%	50.8%	97%	3%

14. The number of complaints upheld in full constituted 36.7% of the total. This is more than a 10% increase on the numbers upheld in the previous reporting year where 26% were upheld. Where complaints are partially upheld this indicates that some, but not all, of the elements of complaint were upheld. If the figures of *upheld* and *partially upheld* are combined the total is 49.2% compared to 50.8% not upheld. In the previous reporting year these figures stood at 44% and 56% respectively.
15. Remedies and learning outcomes arise where complaints are upheld and these are detailed in Part 5 of this report.
16. Reasons why complaints are not upheld are varied and during the course of the year more detailed explanations have been reported in the quarterly cycle as to why complaints are not upheld. Some examples of why complaints have not been upheld follow:-
- A client complained that his lunchtime call was insufficient to prepare a meal. After review it was determined that the carers had sufficient time to do so but sometimes diverted by other requests from the client. The client was reminded that carers were there to perform the specific tasks identified in the care plan.
  - A client who had rendered himself homeless was placed in emergency respite at his request to facilitate hospital discharge, even though he did not meet the criteria. The client then objected to his emergency accommodation not being free. The

investigation had found that he had been made fully aware of the financial assessment process and charging policies.

- A relative complained that transport was not turning up to take his mother to day care. The investigation showed that the transport had consistently called for the client but on most occasions she would decline to get into the transport and indicated that she did not want to go to day care.
- A complaint about an occupational therapy assessment was not upheld as the client had misunderstood the need for a technical officer to conduct a feasibility study for the installation of a ramp.
- A client complained that his petrol costs and low-fat food costs should have been disregarded as disability-related expenditure in a financial assessment. Explanations were provided as to why these were not subject to disregards and guidance documents on these issues were provided.

### Summary of the Subject Matter of Complaints Received

17. The Social Services Information Database enables the recording of the subject matter of complaints under different categories and these are reproduced in the table below.
18. Some complaints will have different elements within them which require more than one subject matter to be categorised. Table 6 below illustrates the subject matter of the complaints received.

Subject Matter of Complaints Received*	No. of Complaints by subject matter
Quality Of Service - Personal Financial Issues	36
Conduct Or Attitude Of Staff	22
Lack Of Service - Communications/Information	14
Lack Of A Service - Other	14
Quality Of Service - Work Of Other Agencies	9
Application Of Service Guidance/Procedures	9
Provision Of Service - Equipment	7
Lack Of Service - Contact/Visits	7
Lack Of Service - Restricted Choices Of Current Services	6
Provision Of Service - Assessment	5
Quality Of Service - Personal Care	4
Special Case - Protection Investigations	3
Placement Provision	3
Handling Of Complaint	3
Confidentiality	1
Transport	1
Quality Of Service - Rules/Sanctions	1
Quality Of Service - Another Resident	1
Not Stated	1
Lack Of Service - Change To Clients Service As Per Care Plan	1
Disputed Decision	1
<b>Total</b>	<b>149</b>

\*NB a single complaint may have more than one subject category within it

19. *'Personal Financial Issues'* constituted the highest category of complaint relating to 36 complaints. This is the first year where complaints about financial issues have been greater than other categories of complaint and can be explained by the introduction of client contributions to day care and the withdrawal of free transport services.
20. The next highest category of complaint was *'Conduct or Attitude of Staff'* which related to 22 complaints and the next highest category was 14 complaints relating to *'Lack of Communication/Information'* (11.3%). In the majority of cases citing conduct/attitude of staff there is often a direct link with failures in communication and information.

### Time Taken to Conclude Complaints

21. Monitoring on the speed of response to complaints is detailed below in Table 7. Of the 124 complaints received in the year, 4 were ongoing at the year end and are excluded for the purpose of this analysis. If a complaint is unresolved at the first response stage other means of seeking to resolve the complaint are offered which inevitably lengthens the time taken to conclude a complaint.

Working Days to Conclude Local Resolution

Table 7

Working Days To Complete	Total	%
Within 10 Working Days	40	33.3%
Within 20 Working Days	45	37.5%
Within 30 Working Days	17	14.2%
More Than 30 Working Days	18	15%
<b>Total</b>	<b>120</b>	<b>100%</b>

22. Of the 120 complaints completed in the period 33.3% were concluded within 10 working days and 37.5% within 20. Of those concluded within 30 working days and beyond most involved organising a meeting with the relevant Senior Manager and some required a more in-depth or independent investigation due to their complexity. It has been calculated that the average time per case to conclude a complaint was 17 working days.

### Complaints Acknowledged within 3 Working Days

23. Of the 124 complaints received 122 (98.4%) were acknowledged within timescale and many within one working day. The 2 cases acknowledged outside of the timescales were due to delays in correspondence being forwarded to the Quality Standards Team.



## Complaints Completed within the timescales set in the Complaints Resolution Plan

24. Complaints Resolution Plans (CRPs) were completed in all of the 124 complaints received in the year. The CRPs included timescales for response. Of the 120 complaints completed in the year 119 (99.2%) were responded to within the timescale agreed in the CRP.

Completion of Complaints within CRP Timescale

Table 8

CRP Response Date Target	Total	Percentage
Target Met	119	99.2%
Target Not Met	1	0.8%
Total	124	100%

## Duty to Co-operate – Joint Social Services and NHS Complaints

25. Three complaints were received during the year that involved both adult social care and health services. One case involved the Tees, Esk & Wear Valley NHS Foundation Trust and the County Durham and Darlington NHS Foundation Trust; one case involved the County Durham and Darlington NHS Foundation Trust; and the third involved the North Tees and Hartlepool NHS Trust. AW&H took the lead in all these cases and formulated the joint response. All of these complaints were effectively managed and satisfactorily resolved and the benefit to the complainant was they received a single joint response to their issues and worked with a single point of contact.

## Declined Complaints

26. During the year 12 complaints were declined (compared to 1 in the previous reporting year).
- In 4 cases the complaint was declined for want of consent by the clients.
  - In 2 cases complainants sought to resurrect issues that had been investigated and responded to - one in 2009 and the other in 2005.
  - In 2 cases the events complained about had occurred several years previously – in 2007/08 and 2009 respectively and were declined on the grounds that they were significantly outside of the 12 month time limit prescribed by the Regulations (although in one case detailed enquiries and a response was provided due to the nature of the concerns).
  - In 4 cases the issues complained about related to issues which did not come within the jurisdiction of Durham County Council.

## Other Procedures

27. In 3 cases the Complaints Procedure was superseded by the Safeguarding Procedures due to the nature of the issues raised. In 2 cases the Tees Esk and Wear Valley NHS Foundation Trust and County

Durham and Darlington NHS Foundation Trust, respectively were identified as the Responsible Body and the complaints were referred to them for investigation and response.

### **Number of Complaints Referred from the Local Government Ombudsman**

28. At the conclusion of a complaint, if there remains dissatisfaction and no further resolution mechanisms remain, advice is given to the complainant about how to refer the matter to the Local Government Ombudsman (LGO). A complainant has twelve months within which they can refer an unresolved complaint to the LGO.
29. In the Annual Letter from the Local Government Ombudsman (July 2012) the Ombudsman stated 'I am pleased to say that I have no concerns about your authority's response times and there are no issues arising from the complaints that I want to bring to your attention'.
30. During 2011/12 Durham County Council received 7 referrals from the LGO where a complaint has been made to them but the Authority had not been provided sufficient opportunity to investigate. These complaints were then referred back to DCC for investigation and response before the LGO would consider them and are included in the 124 complaints recorded for the year.
31. During 2011/12 Durham County Council (DCC) received 7 referrals from the LGO where a complaint has been made to them but the Authority had not been provided sufficient opportunity to investigate
32. There were 9 complaints forwarded from the LGO's investigation team seeking further information upon which to base a determination. During the year the LGO provided findings on 8 of the 9 cases
  - i. The Ombudsman declined to investigate a complaint on the grounds of delay of 3 years.
  - ii. In one case the LGO found no evidence of maladministration in a complaint where someone was found on assessment and re-assessment not to meet the eligibility criteria for services.
  - iii. The Ombudsman discontinued an investigation as there was insufficient evidence of maladministration. The client wanted a walk-in shower installed but did not meet the criteria for such an adaptation.
  - iv. In one case the Ombudsman determined that there were no grounds to pursue a complaint further. The complaint related to a Declaration of Trust that the client had created and whether the capital invested in the client's share of the property should have been disregarded for the purposes of financial assessment for permanent residential care.
  - v. The Ombudsman discontinued an investigation as DCC had agreed to reimburse some legal fees to a client and a small compensatory amount for the time and the frustration caused, in bringing the complaint. The payments were approved under delegated powers by

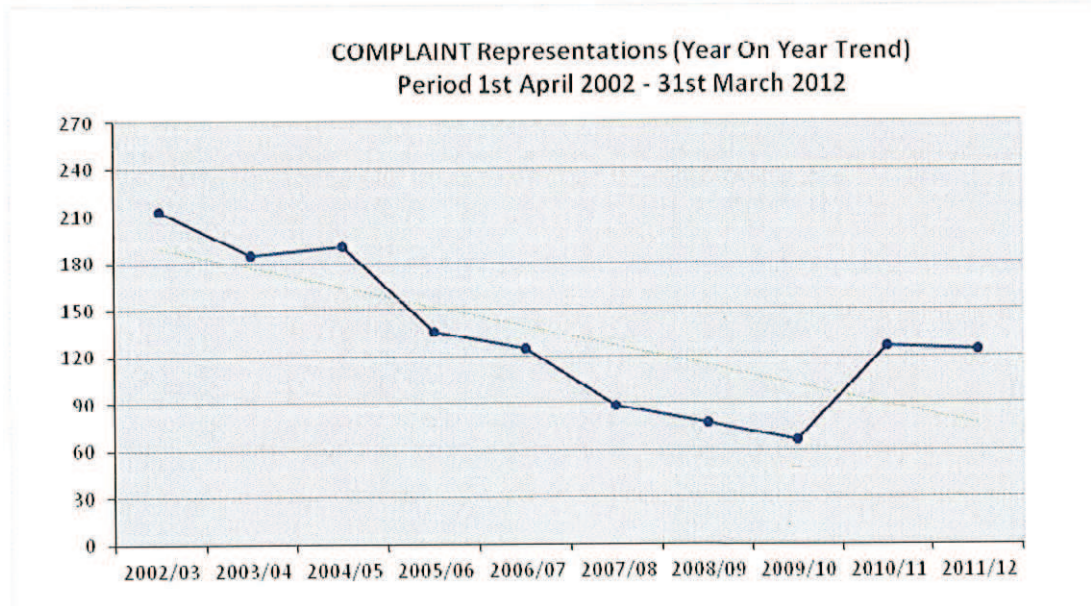
the Chair of Standards Committee and the Head of Corporate and Legal Services. In addition the Ombudsman had supported the Council's proposal that independent conciliation be arranged in this case and this subsequently took place.

- vi. In one case the LGO determined that the Council had already addressed the issues complained about through apology and had appropriately remedied any residual injustice. The LGO did not expect the Council to take further action in relation to the complaint and there were no grounds to justify the public expense of the continued involvement of the Ombudsman.
- vii. In one case the LGO determined that there were no grounds to pursue the issues raised as there was nothing further to be achieved by the complainant or the client.
- viii. In the eighth case the LGO found that needs assessments of a client and the parents were sufficiently comprehensive to meet government guidelines and legislative benchmarks. No maladministration was found in the way the Council had determined an entitlement to respite and the investigation was discontinued.

**Year on Year Comparisons**

- 32. In order to obtain an overview of overall performance from previous annual reports Illustration 3 below shows year on year comparisons of the numbers of complaints received.

Illustration 2



- 33. In 2011/2012 a total of 124 complaints were received and progressed through the Statutory Adult Social Care Complaints Procedure. This is exactly the same number of complaints received in 2010/2011 and ends the upward trend recorded between 2009/10 and 2010/11. The upward trend had coincided with policy and procedural changes relating to the introduction of charging for day care and transport services and the cycle of Reviews.

34. When comparing Durham's numbers of complaints per 10,000 population (2.97) with the average of other Regional Local Authorities (3.46) and Comparator Local Authorities performance (3.52) the ratio is relatively low.
35. Work has been on-going throughout the year with Local Authorities on the reasons why their numbers may have fluctuated and the following was provided:
- Increase in complaints about day care costs (about a perceived lack of consultation etc)
  - Increase in complaints relating to billing for care due to a system change
  - Felt that this rise in the numbers could be partially attributed to 5 parents making the same complaint about a Learning Disability service.
  - Increase in complaints due to changes in the supported living service
  - Improved publication of the complaints procedure
  - Increase in complaints relating to a wide range of financial issues
  - Slight fall in numbers which may be attributed to an increase in front line staff resolving at the point of contact

## PART FIVE – REMEDIES AND LEARNING OUTCOMES FROM STATUTORY ADULT SOCIAL CARE COMPLAINTS

### Remedies

1. Providing remedies to issues that have arisen in a complaint are essential if trust and confidence are to be restored between the Service and its clients. Even where complaints are not upheld full explanations, further information and often apologies are provided.
2. Remedies can be varied and examples of some provided in this reporting year include:-
  - Re-assessment of need following the reduction in care packages (in some cases this resulted in the reinstatement of services).
  - Explanations provided or reiterated where communication had been poor.
  - Occupational Therapy re-assessments were conducted where disputes arose following the original assessments for adaptations.
  - Waiving of charges for the first six weeks of domiciliary care, provided by the Re-Ablement Team, where the client believed that they were in receipt of intermediate care.
3. In all of the concluded cases, full explanations and apologies were provided in each case. It should be noted that compensatory redress will only be considered where there is very strong evidence of shortcomings that may be construed within the LGO's definition of maladministration. It is recognised however, that where AW&H is responsible for failings that have caused losses and significant emotional distress it is clearly the Service's duty to acknowledge that and avoid further distress to the complainant.
4. Meetings with Managers within the Service have proved extremely effective in satisfactorily concluding complaints. Complainants appreciate the time that Managers give to addressing their concerns in an open and informal way.
5. Independent conciliation occurred in one case in an effort to restore relationships and agree outcomes and a way forward.

## Learning Outcomes

6. Complaints provide invaluable information from which the Service learns how to improve. Complaints also act as a prompt to ensure all staff work consistently to policies and procedures.
7. The learning outcomes extracted and acted upon in the reporting year have included:-
  - Reminders to staff in an in-house respite facility that all telephone calls relating to a client's needs, bookings or cancellations must be recorded, either on the client's case notes or in the office diary.
  - The Learning Disability Social Work teams are working with the in-house respite unit to review the respite booking system to improve the process.
  - The Learning Disability Transitions Social Work Team are developing a detailed map of children currently in receipt of services so that long term planning can be better achieved.
  - A briefing note was issued to Social Work Team Managers/Safeguarding Leads in Older People's Services to remind them of the need to ensure service users views were explicitly sought and recorded in relation to safeguarding matters.
  - Staff in Older People Social Work teams were issued with a reminder of the importance of detailed recording and that the opinions of service users and their family/carers must be given suitable weight in the assessment process.

## PART SIX – COMPLIMENTS RECEIVED IN ADULT SOCIAL CARE

### Numbers of Compliments Received

1. In the reporting year a total of 399 compliments were received. This represents a decrease of 30.7% from the 576 received during 2010/11. Previous trends have been a year on year increase in compliments. The reduction can be attributed to a drop in the numbers received in County Durham Care and Support (CDCS), the in-house provider.

### Ratio of Compliments to Complaints

2. The ratio of compliments to complaints received is 3.2:1 compared to 4.65:1 in 2010/11.

### Compliments by Service Area

3. County Durham Care and Support, the in-house provider received 272 (68.1%) of the total number of compliments. Whilst CDCS has continued to receive the highest number of compliments the service has seen a reduction in the number of compliments received this year, both in terms of numbers and percentages, compared to 2010/11 when 464 (80.5%) compliments were received, by CDCS.

### Compliments by Service Area

4. As outlined in Table 11 below, County Durham Care and Support received the highest number of compliments across all of the service areas.

Compliments by Service

Table 11

Service	Compliments Received	Total Percentage
Learning Disabilities/Mental Health/Carers	9	2.3%
Older People/Mental Health Services for Older People/Physical Disabilities/Sensory Impairment and Sensory Support	112	28.1%
County Durham Care and Support	272	68.1%
Commissioning	1	0.2%
Policy, Planning & Performance	5	1.3%
<b>Total</b>	<b>399</b>	<b>100%</b>

5. The number of compliments received in the Service, is illustrative of the good practice that exists and the value placed upon the service and staff by service users and carers. It is important that staff know that they are appreciated and acknowledged.

## **Themes of the Compliments Received**

6. Themes arising from compliments are illustrated below:
- Appreciation of the quality of care provided to individuals by staff in residential and domiciliary care services expressed by both the clients and families
  - The support, care and kindness given by staff, to carers and service users, before and following family bereavement
  - The help given with obtaining aids and adaptations and the benefits derived
  - The ease by which services could be accessed
  - The confidence arising from the understanding and support being given by staff
  - Staff explaining issues in a way the client understood
  - The regaining and maintaining of independence due to the rehabilitation obtained in intermediate care settings or by the provision of longer-term domiciliary care services
  - Help with maintaining dignity
  - Empowering service users to achieve and maintain independent living
  - Assisting clients settling into new environments and reassuring other family members
  - Responding quickly to requests for assistance.



## PART SEVEN – CONCLUSIONS

1. A collaborative approach with the complainant to reach complaint resolution continues to develop and work effectively. As the number of complaints has remain steady from last year, clients and their carers and relatives continue to feel able to make their views known and seek remedies where things have gone wrong. The Service has continued to provide timely and detailed responses to the matters raised. Even where complaints have not been upheld, the reasons and explanations provided as to why not, is often sufficient for the complainant to feel they have been heard. Monitoring of the complaints figures will continue to be closely reviewed in the Services' Quarterly reports to ensure all staff are providing the appropriate opportunities to service users and carers to submit complaints.
2. During 2011/12 Adults Wellbeing & Health adopted the Regional Quality Band Assessment in respect of Care Homes and Care Homes with Nursing for Older People for contract monitoring of the independent sector. A programme of monitoring has been agreed for 2012/2013.
3. The Service continues to receive a large number of compliments each year. This remains a significant reminder of the excellent work that is carried out by staff.
4. Complaints and compliments are a valuable source of feedback to inform service improvement. This Annual Report indicates positive achievements in performance in the handling and consideration of complaints and compliments but also recognises the need to strive for continuous improvement. The implementation of learning outcomes arising from complaints provides the opportunity to change practice and improve service delivery with transparency and accountability.

## GLOSSARY OF ABBREVIATIONS

<b>AW&amp;H</b>	Adults, Wellbeing & Health
<b>CDCS</b>	County Durham Care and Support
<b>CRP</b>	Complaints Resolution Plan
<b>DCC</b>	Durham County Council
<b>LD</b>	Learning Disabilities
<b>LGO</b>	Local Government Ombudsman
<b>MH</b>	Mental Health
<b>MHSOP</b>	Mental Health Services for Older people
<b>NHS</b>	National Health Service
<b>OP</b>	Older People
<b>PD</b>	Physical Disability
<b>SI/SS</b>	Sensory Impairment/Sensory Support
<b>SSID</b>	Social Services Information Database



# Adults, Wellbeing and Health

## Statutory Adult Social Care Complaints, Compliments and Comments Annual Report 2011/12

Any comments or queries about this  
report can be made to:

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## Standards Committee

7 September 2012



## Openness and Transparency on Personal Interests

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### Report of Colette Longbottom, Head of Legal and Democratic Services

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#### Purpose of the Report

1. To invite members to note the Department for Communities and Local Government's ("DCLG") Guide for Councillors on Openness and Transparency on Personal Interests.

#### Background

2. DCLG has produced a guide on personal interests which gives information to councillors about how to be open and transparent about their personal interests. The guide is attached at Appendix 2. The guide includes information about what personal interests should be entered on the Council's register of interests and who can see that information, what pecuniary interests are and what that means in relation to participation and voting in Council business, what happens if the rules aren't followed in relation to disclosable pecuniary interests and how dispensations can be applied for.
3. The guide has been circulated to all County Councillors and to Parish and Town Council clerks for distribution to their members.

#### Recommendations and Reasons

4. Standards Committee is requested to note the content of this report.

Contact: Clare Burrows Tel: (03000) 260548

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Department for  
Communities and  
Local Government

# Openness and transparency on personal interests

**A guide for councillors**

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August 2012

ISBN: 978-1-4098-3604-9

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# The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011<sup>1</sup>.

## Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.<sup>2</sup>

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

## Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

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<sup>1</sup> The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

<sup>2</sup> The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

## How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.<sup>3</sup>

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

## What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

## What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of honesty - that **'holders of public office have a duty to declare any private interests**

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<sup>3</sup> <http://www.communities.gov.uk/publications/localgovernment/localcodeconduct>

**relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest<sup>4</sup>.**

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose<sup>5</sup> this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

## What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are

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<sup>4</sup> [http://www.public-standards.gov.uk/Library/Seven\\_principles.doc](http://www.public-standards.gov.uk/Library/Seven_principles.doc)

<sup>5</sup> If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

## Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

## Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

## Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

## Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

## Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

## When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

## What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

## Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

## When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

## What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a

criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

## Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

# Annex

## Description of disclosable pecuniary interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.



- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

## **Agenda Item 9**

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