

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 2 - County Hall, Durham on **16 September 2011** at **10.00 am**

Members of the Standards Committee:

Chairman: Mrs D Winter

County Councillors J Armstrong, E Bell, C Carr and P Charlton.

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

Councillor T Batson

Other Members:

County Councillor B Myers and Mr P Thompson.

Apologies:

Councillors A Bainbridge, D Farry, G Holland, J Shiell, D Southwell, Parish Councillors F Duggan, M Goyns, D Liversidge and J Marr, Mr D Balls, Mrs Khan Willis, Mrs E Davies and Mr W Ault.

1 Minutes of the Meeting held on 27 May 2011

The minutes of the meeting held on 27 May 2011 were confirmed as a correct record and signed by the Chairman.

2 Declarations of Interest, if any

There were no declarations of interest received.

3 Performance Report for Quarter 1, 2011/12: Complaints, Compliments and Suggestions - Report of Corporate Director, Neighbourhood Services

The Committee noted a report of the Corporate Director, Neighbourhood Services, the purpose of which was to present performance in relation to complaints, compliments and suggestions for the financial year 2011/12, to highlight any learning outcomes resulting from those which had been received, and also to provide 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. He began by providing an overview of the non-statutory complaints which had been received during quarter 1, reporting that a total of 579 had been received. The majority of those complaints (57%) were received by Neighbourhood Services. Consistent with the trend over the 2010/11 financial year, that was to be expected due to the front facing nature of that service grouping.

95% of non statutory complaints had been acknowledged within target at Stage 1 and 82% were responded to within target. Members were advised that on the occasions when it was not possible to provide a response within the timescales, holding letters were issued explaining the reasons for the delays.

241 (42%) of non statutory complaints during the period had been found to be justified and a further 125 (22%) were partly justified.

The Committee were provided with an overview of non statutory complaints, compliments and suggestions received by each service area.

Three non statutory complaints had related to the Assistant Chief Executive Service, two of which related to issues with the Durham County News publication. Twelve complaints and 114 compliments had related to the Adult, Wellbeing and Health Service. It was reported that no key trends or learning outcomes had been identified.

Children and Young People's Services had received 4 complaints and 161 compliments during the quarter, with no learning outcomes to report, and Neighbourhood Services had received 332 complaints and 91 compliments. A significant number of improvements and changes had been made as a result of learning outcomes identified from those complaints, including the introduction of a web strategy to tackle the lack of information or out of date information on the website, and a key policy change regarding the replacement charge for wheeled bins.

The Service Delivery Manager advised that as a result of the 84 complaints received by the Regeneration and Economic Development service, a new procedure had been introduced to ensure customer contact details were kept up to date, and work was continuing with bus operators to optimise the Public Transport Network.

Corporate Resources had received 114 complaints and 39 compliments, with a number of measures since being taken to improve service delivery.

The Service Delivery Manager also provided an overview of the statutory complaints which had been received during quarter 1 of 2011/12, which related specifically to Adult, Wellbeing and Health and Children and Young People's Services. All statutory complaints received by both services had been acknowledged within a maximum of 3 days.

Members were informed of the Local Government Ombudsman activity during the quarter and the learning outcomes which had been identified as a direct result of complaints being made to the Ombudsman against the Council.

In response to queries from Members the Service Delivery Manager clarified the difference between justified and partly justified complaints and how learning outcomes could be identified even though a complaint was only found to be partly justified.

He continued by advising that work was being undertaken regarding the complaints procedures which were in currently in place. The views of complainants were being sought as to how they found dealing with the complaints process, and improvements would be made accordingly. It had already become apparent that many complaints could be dealt with very early on without needing to progress to Stage 2, as such training was to be provided to front line staff to empower them to deal with matters and avert the need to refer matters on. This approach was to be piloted from the beginning of October and progress would be reported back to the Standards Committee.

Members commended the report and the presentation The Chair advised that both she and the Vice Chair regularly visited the Corporate Complaints Unit ahead of each Standards Committee meeting. She commended the work which was undertaken within the Unit and invited any Members to join her on future visits should they so wish.

Resolved:

That the report be noted.

4 Annual Report of Statutory Adult Social Care Complaints, Compliments and Comments 2010/11

Consideration was given to a report of the Corporate Director, Adults, Wellbeing and Health, the primary purpose of which was to detail the performance of Durham County Council's Adults, Wellbeing and Health Statutory Adult Social Care Complaints Procedure. The report also included details about the compliments and comments received from service users and carers during the year (for copy see file of Minutes).

The Strategic Manager and the Team Manager, Adults, Wellbeing and Health, were both in attendance to present the report. The Strategic Manager began by advising that the Regulations which govern the adult social care complaints arrangements were changed from the 1st April 2009 as such the report was the service's second Annual Report to be presented reflecting those changes.

The Strategic Manager drew attention to key areas within the report. The report outlined the processes and standards which the service was required to follow to ensure the management of adult social care representations was robust. For each individual complaint, a Complaint Resolution Plan was negotiated direct with the

complainant and within that timescales and expected outcomes were agreed ensuring a customer focussed service.

The Report provided information relating to the number of complaints in comparison to the number of contacts made with service users. Although as a proportion at 124 that was small, it did not mean that the information gathered was any less meaningful and did not result in improvement within the Service.

Information on whether complaints were well-founded was outlined in the report, indicating that 65 (56%) of the complaints were not upheld compared to 21(35.5%) in 2009-10. That showed more than a 20% decrease in the number of complaints where the issues raised were well founded.

The Strategic Manager advised that under the new standards of the legislation, the Service no longer worked to fixed timescales for completing complaints. The Services' average over the 116 complaints completed was 16 working days and 100% of those complaints were within the agreed timescales which had been set with the complainant in the Complaints Resolution Plan.

The Strategic Manager highlighted the outcomes of the positive joint working as required by the new legislation where complaints regarding both health and social care services were effectively managed together ensuring the complainant received one response from both organisations.

She advised that 2010/11 had seen a sharp rise in the number of complaints received for the first time since 2006-07 and she drew attention to the area of the report which detailed the remedies which had been applied and the learning outcomes which had been gathered from the complaints, which had led to improvement within the Service.

The report also provided details on the services performance with regard to compliments and comments received in the Service and the Strategic Manager highlighted that the number of compliments had continued to rise with a 43% increase from the previous years performance.

In concluding, the Strategic Manager was pleased to report that the adult social care procedure which was focussed on a more personalised approach to complaints, was working effectively.

Mrs D Balmer raised concerns regarding the rise in the number of complaints, particularly as many of those complainants were from two of the most vulnerable groups. Also she expressed concerns as the category which generated the majority of the complaints had been "Conduct or Attitude of Staff." The Team Manager clarified that many people were disappointed with the outcome of assessments, having been unsuccessful on the grounds of eligibility. She advised that the explanations might not always be clear as such it was not the attitude of the staff which was the issue but more the manner in which they communicated. This was recognised as an area for improvement and work was being done to try to resolve the issues.

The report detailed that the service had 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. As such providers would be measured against a number of evidence based measures within many domains, one of which related to complaints. The report stated that such work was in the early stages of development and more details on performance would be provided in the next years Annual Report. Councillor Carr queried whether updates could be provided sooner than that. The Team Manager advised that the plan was to show a whole years analysis, however a mid term progress report would be provided for members.

Resolved:

That the report be noted.

5 Draft Annual Report of the Standards Committee

Consideration was given to the draft Annual Report of the Standards Committee 2010/11 (for copy see file of Minutes).

The Chair advised that the purpose of the report was to reflect and report on the work of the Standards Committee during 2010/11 and to set out the future direction which the Committee intended to take during 2011/12. The Chair further advised that the report would be presented to a forthcoming meeting of the full Council.

Mrs T Naples wished to update the biography of her detailed within the report, suitable wording would be provided accordingly.

Resolved:

That the report be approved for submission to full Council, subject to necessary amendments being made.

6 Town and Parish Council Sub Committee

Consideration was given to the report of the Chair of the Parish and Town Council Sub Committee which provided an update in relation to the work which had been undertaken by the sub committee since the last meeting (for copy see file of Minutes).

Members were advised that due to summer recess the number of visits which had been undertaken had reduced, however a number of visits were planned over the coming months.

Mrs T Naples queried the current position regarding the Localism Bill and also any work which was being undertaken by Durham County Council in relation to preparing a future Code. The Deputy Monitoring Officer clarified that the Bill was still progressing through the Parliament. Many amendments had been proposed to

the Standards part of the Bill and the Government had indicated that they would discuss those amendments before the Bill was debated again in the Lords. At this stage it was not possible to predict what detailed form the revised Standards regime would take.

As such he confirmed that although the matter had been considered by the Constitution Working Group it had not been possible to progress preparations until such time as the future was clearer,

Resolved:

That the report be noted.

7 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.

8 Update on the handling of current complaints

Consideration was given to the 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.

9 Review of Completed Complaints

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