

**Corporate Overview and Scrutiny
Management Board**

23 July 2019

**Year end, 2018/19
Customer Feedback Report**



Report of Corporate Management Team

John Hewitt, Corporate Director of Resources

Lorraine O'Donnell, Director of Transformation and Partnerships

Councillor Joy Allen, Cabinet Portfolio Holder for Transformation

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To present to Members the Customer Feedback: Complaints, Compliments and Suggestions report for 2018/19 (full report attached at Appendix 2).

Executive Summary

- 2 The report (attached at Appendix 2) brings together a range of information collected from our customers which highlights their experiences of using our services during 2018/19.
- 3 The report includes a selection of customer suggestions and their outcomes, an overview of comments relating to our policies, procedures and decision-making, a summary of customer satisfaction through compliments and surveys, and our performance in dealing with complaints (both statutory and corporate). The report also highlights recent customer developments.
- 4 We will use information from this report to further develop our services, inform policy decisions and our transformation programme, and support the use of digital tools, techniques and processes to improve the customer experience.

- 5 We will continue to work, throughout 2019/20, to improve the consistency and quality of the data in this report, as well as the range of customer feedback.

Recommendation

- 6 Members are recommended to note the information in the report.

Background

- 7 Successful organisations understand their customers and one way to gain this valuable insight is by gathering and utilising customer feedback. This information, provided by customers as to whether they are satisfied or dissatisfied with our services and about their general experience, is a resource for improving customer experience and determining our actions in line with our customers' needs.

Background papers

- None

Other useful documents

- Previous Customer Feedback reports

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Tel: 03000 267 707

Appendix 1: Implications

Legal Implications

Not applicable.

Finance

Information on financial remedies in relation to the Local Government and Social Care Ombudsman is included within the report

Consultation

None

Equality and Diversity / Public Sector Equality Duty

Complaints regarding any equality and diversity aspect are handled in consultation with the Council's Equality Team.

Human Rights

None

Crime and Disorder

None

Staffing

None

Accommodation

None

Risk

None

Procurement

None

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Putting our customers first

Customer Feedback Report

Complaints, compliments and suggestions

Year-end,
2018/19

Altogether better



Background Information

- 8 Customer feedback is a valuable tool. It not only helps us to understand what is important to service users and what we are doing well, it can also indicate any issues and offer us the opportunity to put things right and improve our services.
- 9 Covering a range of customer feedback, this report highlights the main themes identified during 2018/19, with a focus on quarter four. As feedback can highlight opportunities for operational improvement, the report includes a selection of customer suggestions and their outcomes, an overview of comments relating to our decision-making and a summary of customer satisfaction through compliments and surveys. It also summarises our performance in dealing with complaints, identifies any lessons learned and states what remedial action we have taken, or plan to take, to put things right and ensure similar mistakes are avoided in the future.
- 10 The following summarises customer feedback for 2018/19, compared to the same period last year:



* partially or fully

Recent Customer Developments

- 11 During 2018/19, we utilised customer feedback to inform our transformation programme and support the use of digital tools, techniques and processes to improve the customer experience. Examples included enhancing communication through SMS bulk-messaging, supporting ease of access via voice recognition call transfer and reducing processing and service delivery times through automated enquiry handling and Robotic Process Automation.
- 12 Many of our service requests are now instantly received by frontline operatives, which has reduced double entry in the back office, and software installed in our fleet vehicles is helping optimise routes / work programmes. These initiatives are facilitating real-time progress updates to the customer.
- 13 During 2018/19, we sought views of both public and employees on how we use digital technology and the areas we need to develop. We have used this feedback to develop our new Digital Strategy.

Customer suggestions

- 14 We believe suggestions are essential to the ongoing development and improvement of our services and carefully consider all received. During 2018/19 we received 507 suggestions.
- 15 Almost one third related to our Waste Collection and Clean and Green teams.
- 16 Although we consider every suggestion, not all can be implemented. For example, we regularly receive suggestions that propose changes to our road system. However, when looked at in context of countywide traffic flows, many would have knock on effects to the traffic flows elsewhere if they were to be implemented. Removing the £20 replacement bin charge for customers subscribing to our garden waste scheme is also not possible as the garden waste charge only covers the service, not the actual bin.
- 17 A sample of suggestions received during quarter four and our response is attached at Appendix 1.

Customer feedback relating to our policies and procedures

- 18 Our service provision reflects our policies and procedures, and during 2018/19 we received 213 items of feedback as a direct consequence of carrying out actions in line with these policies and procedures. We use this feedback to inform our policies and procedures at their review.

- 19 Just over half of this feedback (115 contacts) can be attributed to our Refuse and Recycling Service, a third of which was due to our policy of not emptying contaminated bins (although this was 102 contacts fewer than 2017/18).
- 20 Other contact covered a wide range of issues in small numbers. These included: the removal of lights as part of the street light energy reduction programme, the requirement to leave bulky waste at the designated bin collection point; not collecting side waste; refusing a request for an additional bin and not collecting recycling in black bags.

Customer feedback relating to our decision making

- 21 198 contacts, during 2018/19, objected to decisions we had made. Two thirds related to operational decisions, mainly in response to a decision from planning, enforcement or highways works.

Customer feedback relating to our fees and charges

- 22 During 2018/19, 105 contacts related to our fees and charges, which we review annually and allow us to provide local services that might not otherwise be possible.
- 23 Three quarters were due to dissatisfaction with the £20 charge for a replacement bin / new bin for a new build property (43 contacts) or council tax charges (35 contacts).
- 24 Most of the dissatisfaction with council tax charges (14 comments) was received during quarter four and referred directly to the 5% increase in council tax.

Compliments

- 25 We also receive many positive comments about our staff and the services we provide, and we believe that understanding what is working well and valued is as important as knowing what is not working as well.
- 26 Throughout the year we received 915 compliments; 215 in relation to social care service and 700 in relation to other services. Most related to satisfaction with service provision, but others related to specific individuals.
- 27 A small sample of compliments from quarter four, 2018/19 is attached at Appendix 2.

Customer Satisfaction

28 As part of the closure process within the Customer Relationship Management (CRM) system, our customers can now provide feedback, in relation to both contact and service delivery, for 64 different service requests. These are listed at Appendix 3.

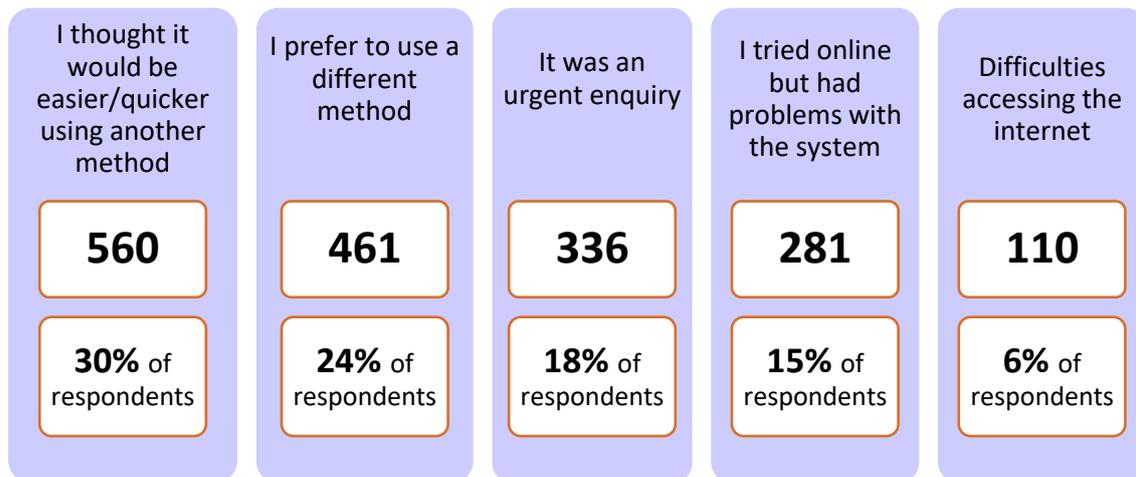
29 Between 1 April 2018 and 31 March 2019, we received 3,901 completed questionnaires through which customers rated their experience. 1,439 of these were received during quarter four. High level results are shown below:

91% found it easy to contact the right service	64% were informed how long it would take to resolve task	80% were provided with clear information
89% were treated with dignity and respect	68% were informed of progress	95% felt request was handled effectively and knowledgeably
84% were satisfied with the handling of their initial contact	76% were satisfied with service delivery	79% were satisfied with the time taken to complete the task

30 To drive further improvement, we asked customers who were dissatisfied the reasons why. In line with previous reports, the most frequent reason given was difficulty finding the exact option they required on the website. Other comments included being slow to respond, often resulting in the customer having to progress chase, not completing the task to the customers satisfaction, and lack of contact / being unable to talk to the specific person they required.

31 To further engage with customers over their appetite for online transactions, we asked customers who did not request service through our website the following question: You can request many of our services online through the council's website. Why did you choose another method?

32 We received 1,896 replies, 92% of which fit into one of five key categories, listed below:



33 We are using this feedback to inform our digital projects programme and will monitor the impact of the implemented improvements. Updates will be provided in future reports.

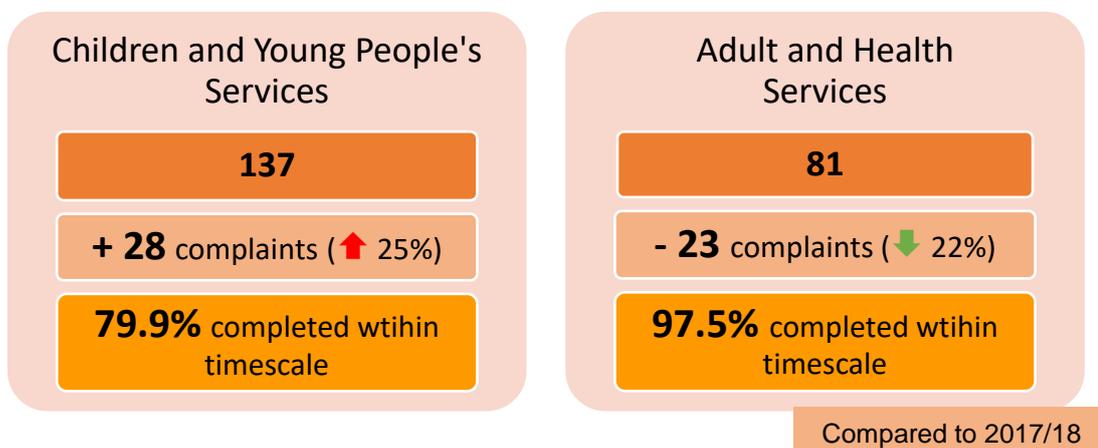
Customer complaints

34 Within this document there are two types of complaints; statutory complaints that arise from our duties as a local social services authority and corporate complaints that cover all other complaints. As each complaint type is subject to its own processes and policy, they are reported separately.

Statutory complaints (arising from our duties as a local social services authority)

35 At any one time, approximately 3,800 children and young people are being supported by a statutory social care team and at the end of quarter four there were more than 18,500 Adults Services clients with open cases.

36 The following summarises statutory complaints received during 2018/19:



37 In line with the requirements of the regulations for statutory complaints, full details of representations for 2018/19 are included in reports at appendices six and seven.

Children and Young People's Services

38 The majority (80%) of these complaints related to Families First teams (110). The most common reason for complaint was 'lack of communication' (40), followed by 'speed of service' (12).

39 During quarter four, actions taken in response to complaints received included;

- (a) Incorporating anonymised complaints into a training session for social workers.
- (b) Amending Special Guardianship Order (SGO) procedures and scheduling staff training following a complaint regarding the administration of payments.
- (c) Implementing "Signs of Safety" across the service. This new model of social work practice supports staff to improve relationships, and thereby communication, with parents and children.

Adult and Health Services

40 Almost half (48%) the complaints received during 2018/19 related to Older People / Physical Disabilities / Sensory Impairment (39). A further 21% related to Learning Disabilities / Mental Health / Substance Misuse (17).

41 The most common reason for complaint was a disputed decision where a service user disagreed with an explanation or decision (24) followed by lack of communication (12) and staff attitude (12).

42 12 complaints related to external providers.

43 During quarter four, actions taken in response to complaints received included:

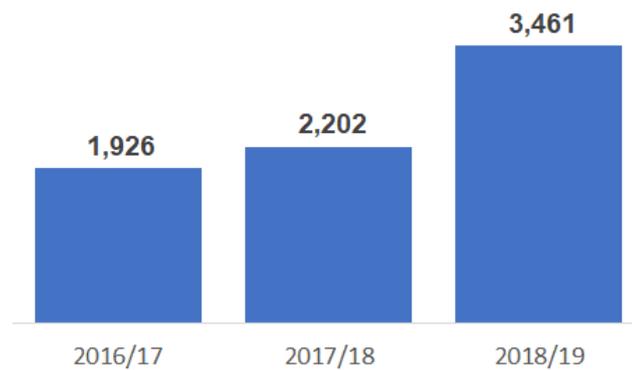
- (a) Reiterating that should a service user (or their representative) refer to an issue as a complaint, either verbally or in writing, it should be considered as such. If a care provider decides it should not be dealt with under their complaint procedure, the complainant should be notified in writing with a brief explanation for this decision.
- (b) Reiterating that correspondence relating to complaints should always be accessible, not only to the compliance officer/manager, but other

appropriate staff so that it can be accessed when staff are absent or leave the company.

- (c) Reminding staff that the names and contact details of family members should be checked and accurately recorded on documents.

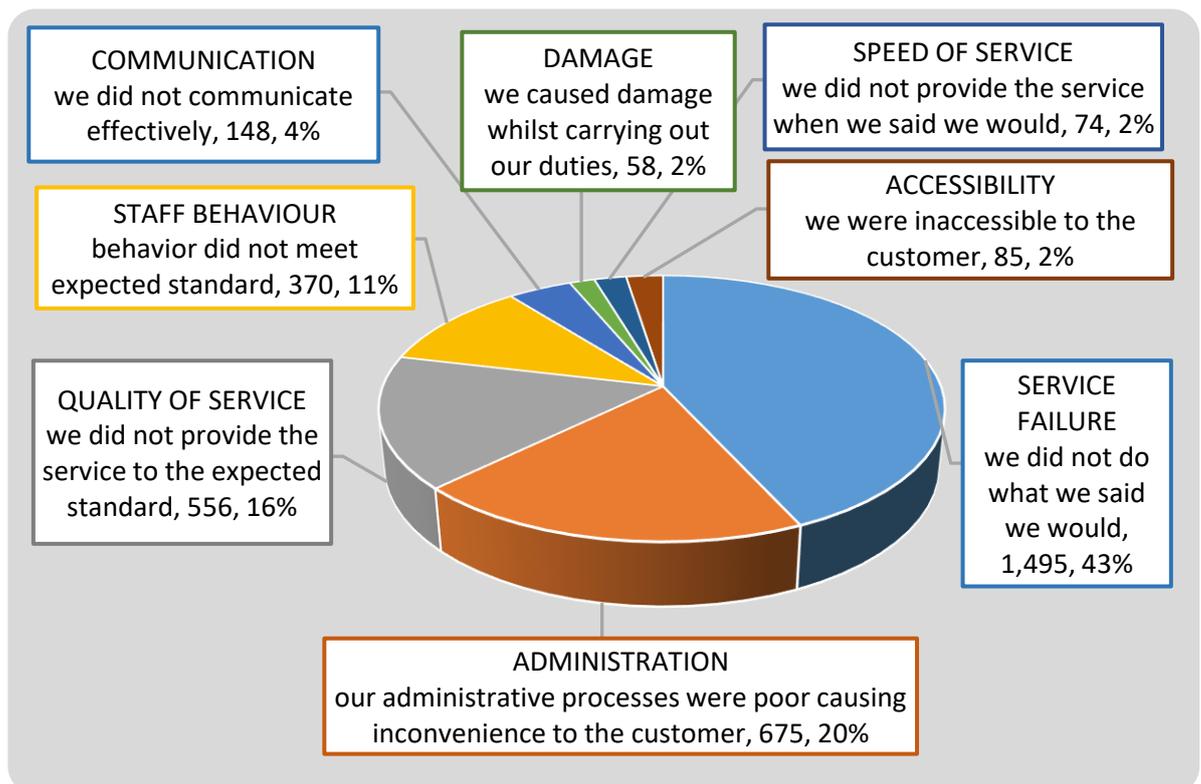
Corporate Complaints

44 During 2018/19, we received 3,461 corporate complaints, which is almost 60% more than we received in 2017/18 and almost 80% higher than 2016/17.

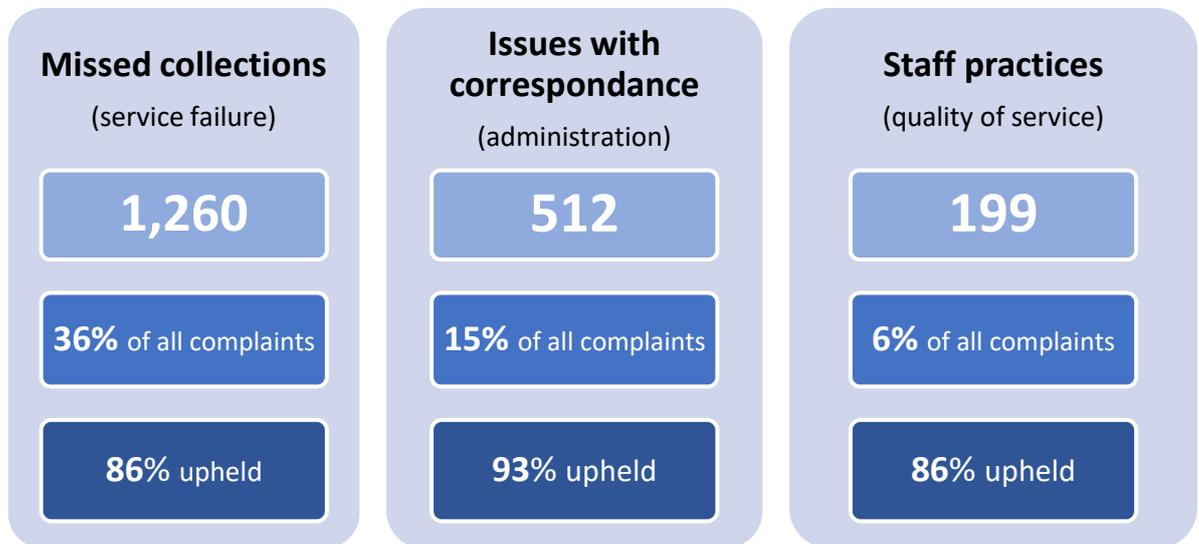


45 The increases experienced over the last two years can mainly be attributed to a change in the complaints process which re-categorised disputed missed collection service requests as complaints (+657) and increased activity around contamination issues (+460). It is also, to a lesser extent, a reflection of the increased demand for specific service requests following the launch of do-it-online and the inclement weather experienced in 2017/18.

46 During 2018/19, the eight main causes for complaint were as follows:



47 However, almost 60% complaints related to one of the following three specific areas.



48 In line with previous reports, missed collections continue to be our most frequent cause of complaint. However, it should be noted that in any 12-month period this highly visible frontline service completes more than 12 million refuse and recycling collections, almost a million garden waste collections and 32,000 bulky collections.

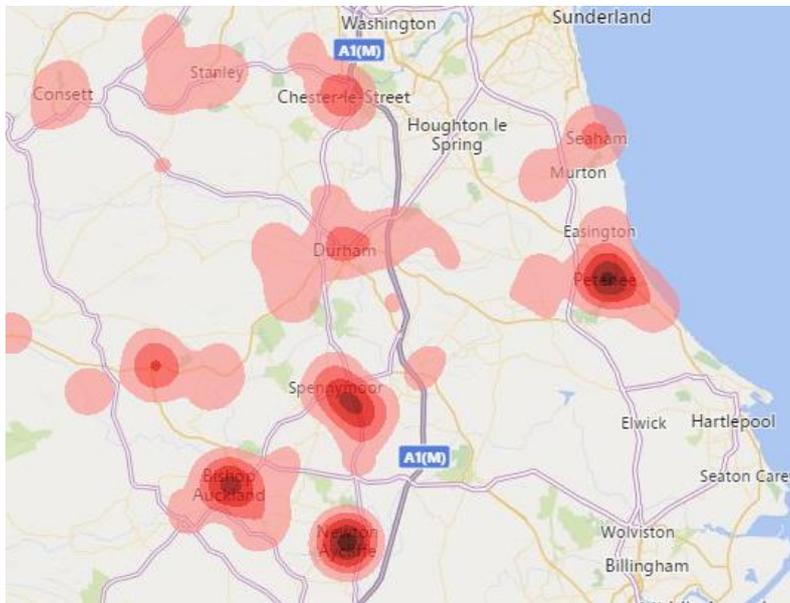
49 During 2018/19, missed collection complaints almost doubled (+657) compared to 2017/18. This increase was a consequence of a change to the complaints process in November 2017 which re-categorised disputed missed collection service requests as complaints.



50 This change increased visibility of this complaint type, allowing us to identify hotspots and key trends and drive discussions with the refuse and recycling team. By addressing and better managing the disputed missed collections (which mainly related to contamination) we have been able to reduce the number of complaint investigations carried out by the operational team,

thereby freeing up more operational capacity, and maintain a downward trend in contact of this type throughout 2018/19.

- 51 Having mapped missed bin complaints, we know the largest concentrations are in the south of the county. We are targeting improvements in these areas through training and development of our crews.



- 52 We are also proactively contacting residents by text (where we are able) to inform them when we have been unable to access their street and empty their bins.
- 53 Of the 512 correspondence complaints, 485 were from customers who had received a contamination notice they believed should have been sent to somebody else (due to, for example, the bin in question not being presented or being emptied as usual with no contamination sticker placed on it). This is an increase of almost 460 complaints since 2017/18.
- 54 This increase has followed increased activity to reduce contamination. In addition to campaigns, door-knocks and sessions with community groups, recycling assistants are now accompanying bin crews on their rounds. Consequently, more contaminated bins are being identified. Of the 12,000 contamination notices issued during 2018/19, 96% reached the correct recipient. The disputed 4% are due to difficulties, more noticeable in back streets, identifying the house to which the bin belongs. Mistakes are rectified as soon as we become aware.
- 55 Staff practice complaints mainly related to our Refuse and Recycling crews not returning bins to Bin Collection Points. Complaints of this type doubled from 73 in 2017/18 to 133 in 2018/19.

Corporate complaints subjected to independent investigation

- 56 During 2018/19, some complainants remained dissatisfied with their response and requested that we consider escalating their complaint to the Customer Feedback Team for independent investigation. Consideration was based on the service response, remedy already offered, and the reasons given by the customer for the escalation. All investigations should be completed within 30 days.

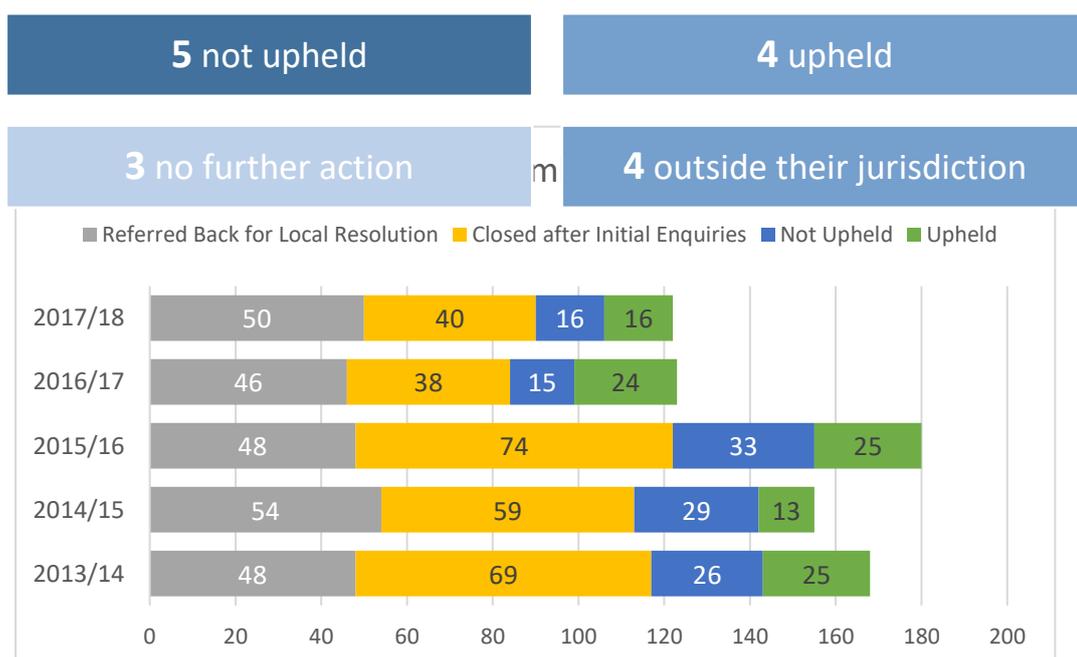


- 57 See Appendix 4 for details of complaints upheld by independent investigators during quarter four.

Complaints to the Local Government and Social Care Ombudsman

- 58 During 2018/19, the Ombudsman delivered decisions in relation to 84 complaints. Conclusions were reached based on details supplied by complainants, and in some instances supplemented with contextual information from council officers.

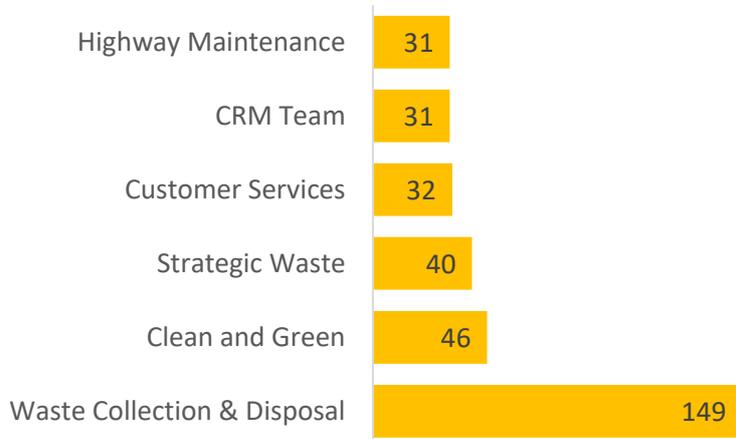
- 59 Of the 16 decisions delivered during quarter four:



- 60 Since 2013/14, we have seen a reduction in both the number of complaints referred to and upheld by the Ombudsman.
- 61 This decrease is a direct response to the robust approach we have taken to investigate complaints at both the service response stage and the independent investigation stage, as well as strong links with the Ombudsman to reduce escalations.
- 62 More information about local government complaint reviews is available [here](#). Benchmarking information for 2018/19 will be available in July 2019 and an update provided during quarter two, 2019/20.
- 63 See Appendix 5 for details of complaints upheld by the Ombudsman during quarter four.

Appendix 1: Sample of suggestions received during quarter four, 2018/19

Top 5 Customer Service Areas (2018/19)



You said: Customer suggested that we send a text message confirming garden waste receipt numbers as the automated payment line read the number too quickly.

We did: Payment options are fully established for the 2019 garden waste service, but we will look at the feasibility of including a text messaging service for the 2020 service.

You said: Customer would like Young Lifestyle gym membership to be made available at Consett Leisure Centre.

We did: We are harmonising gym products across the county and anticipate this will be available at Consett from September 2019. A project is underway to upgrade our membership management systems and ensure staff are suitably qualified to support this age group (11-15 years).

You said: Customer struggled to chase up an outstanding issue using 'do it online' and suggested we introduce a method to do this.

We did: We are reviewing the way we manage customer contact in relation to progress chasing and follow up and hope to have a new system in place by October 2019.

You said: Customer suggested that garden waste collections end later in the year as they are paying for a service and still make visits to the local recycling centre to dispose of garden waste between November and April.

We did: Garden waste collections take place during the growing season (April- November). There are no collections during the winter months because of the limited amount of garden waste produced. Garden waste during these months can be taken to any of our household waste recycling centres or can be home composted.

You said: Customer's bin was missed and was advised that crews will return within three working days. However, it was not explained that crews do not work on a Monday. The customer suggested this information is updated.

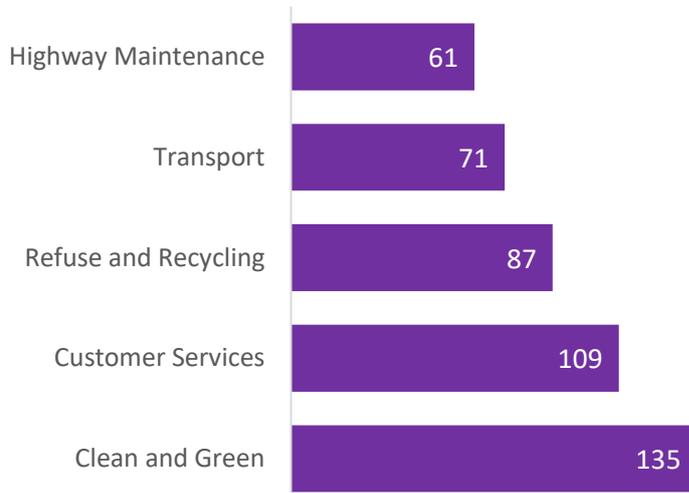
Our response: Our e-mail response system has now been updated to reflect that Mondays are excluded.

You said: Suggestion for a coffee machine to be installed at Crook CAP.

Our response: A coffee machine was installed when the library was first refurbished but was removed due to lack of use and health and safety concerns.

Appendix 2: Sample of compliments received during quarter four, 2018/19

Top 5 Service Areas (2018/19)



I would like to pass on my thanks for the quick response for cleaning up fly-tipped items

Thank you for speedily dealing with the graffiti in the North End and Whitesmocks area of Durham. An excellent job by all.

Thank you to the Clean and Green team for their prompt response in cleaning up the dog fouling.

I would like to thank council for the improvement in the street lighting on Garden Avenue, the road at the back of Newcastle Terrace

I just wanted to pass on my thanks again to the council men who helped me when I was stuck coming into Durham this morning! The road was horrific, and my car kept sliding which was extremely un-nerving. The men were helping people get up the hill (near council office) but took the time to come and guide me down the hill.

I wish to extend my sincere gratitude to your entire adult social care team for the excellent and timely service they have provided to my parents.

Last Summer we received a superb service with temporary carers, aids and equipment, OT and Physio helped them regain independence.

Most recently it was necessary to arrange carers once again on an urgent footing. I was most impressed at the speed of the response and the care and compassion shown.

Dear Staff of Crook Library,

Class 6H are writing to thank you for letting us visit the library on World Book Day.

We enjoyed the activities that you printed out linked to David Walliams and we loved our sweets and enjoyed our quiz.

Customer called to say thanks for the help that they received from the Care Connect wardens after a fall. They were very grateful.

Customer would like to give a massive thank you to the staff at the HWRC in Seaham who found their lost wedding ring. Customer is very grateful and would like this compliment to be given to the staff.

Appendix 3: Satisfaction questionnaires are applied to the following service requests

- Abandoned shopping trolleys
- Abandoned vehicles
- Access Bus
- Allotments
- Anti-social behaviour
- Barriers
- Bin – new, replacement, repair
- Bin – waste collections for businesses
- Bin – request help with your bin
- Bollards
- Bonfires
- Built structures
- Bulky Waste – white goods collection
- Bus stop and shelters
- Care Connect – apply
- Care Connect – VAT exemption
- Complaints
- Council tax account
- Council tax paperless billing
- Council tax – change of payment
- Customer Services appointment
- Dead animal removal
- Dog bins and litter bins
- Dog fouling
- Drainage and flooding
- Dropped kerbs and disabled ramp access
- Durham Institute of Sport
- Flyposting
- Fly-tipping
- Garden Waste – appeal /exchange your bin / join the scheme
- Generic enquiry
- Graffiti
- Grass cutting, shrubs and flower beds
- Gritting or snow clearance – request
- Gypsy, roma and traveller sites
- Invite out chairman to your event
- Litter
- Manhole and utility covers
- Needles and drug paraphernalia
- Noise complaint
- Road or footpath
- Roads or footpath obstruction – non-vehicular
- Roads or footpath obstruction – vehicular
- Road or pavement – spillage
- Road signs
- Roadworks
- Rubbish in gardens and yards
- Salt bins
- Sandbags
- Seating and Benches
- Spilt Rubbish
- Stray dogs
- Stray horses
- Street lighting
- Street name plates
- Taxis – report an issue with a driver
- Taxi licencing – vehicle
- Traffic safety and traffic calming schemes
- Traffic lights and crossings
- Tree or hedge pruning, removal
- Walls and fences
- Waste collection for businesses
- Waste permits
- Ways to wellbeing

Appendix 4: Independent Investigations by Customer Feedback Team where corporate complaints were upheld

Complaint	Action to be taken
<p>Complainant was dissatisfied with our decision to take no further action regarding implementation of traffic calming measures</p>	<p>We acknowledge that lacked transparency.</p> <p>However, although works are not as originally proposed, we are satisfied that the promontory constructed is more substantial than what was originally agreed.</p>
<p>Complainant dissatisfied with decision to hold landlord liable for council tax and lack of contact from Council Tax Office.</p>	<p>We acknowledged we did not respond proactively to the initial enquiry and did not initially recognise that customer was disputing liability.</p> <p>However, we have followed our internal process to reach the decision regarding liability.</p>
<p>We missed garden waste collections due to a payment error.</p> <p>Customer requested service provided free of charge 2019/20.</p>	<p>We apologised that a glitch in our CRM system prevented collections starting when they should have and have acknowledged that we did not provide our expected level of service.</p>
<p>Complainant was unhappy with services provided by highways team and contractor, and our response to their complaint.</p> <p>They believed equipment was unsafe, made several recommendations regarding how they felt we could improve our strategic approach to roadworks.</p>	<p>We apologised for the lack of detailed communication during the initial service request and subsequent contact.</p> <p>We provided feedback to the service and suggested that complaints regarding our contractors are managed with more contractor input.</p>
<p>Complainant is unhappy with quality of service from Archaeology Service and lack of allocated officer for correspondence.</p>	<p>We acknowledge that contact could have been made via a medium other than e-mail and apologised for the time and trouble complainant took in pursuing the matter.</p>

Complaint	Action to be taken
Complainant is unhappy not to receive a call back and requests compensation for cost of calls and lack of service.	We found no evidence of deviation from policy or process. However, we did not provide complainant with enough information, therefore poorly managing expectations.
Complainant is challenging Fixed Penalty Notice and was unable to speak to anyone using the telephone number provided on letter.	We found no fault with the actions that lead to the issue of the FPN. However, we apologised for the delay in issuing a response.
Complainant challenging Fixed Penalty Notice and time taken to respond to complaint.	We would no fault in the application of guidance and legislation, but complaint partially upheld regarding time taken to respond to initial complaint and further queries
Complainant paid for bulky waste collection, but believes item was taken by non-Durham County Council officer.	Investigation was not conclusive, but the service recognises the need for evidence-based collection to act as proof of collection where contention may arise. We apologised for poor communication on the day of collection, and time taken by complainant trying to ascertain whether we had attended.
Complainant dissatisfied with lane end refuse and recycling collection policy and its application.	Policy is being applied to all farms and isolated properties in the county, however we apologised for delays and communication breakdown.

Appendix 5: Complaints upheld by the Local Government and Social Care Ombudsman (the Ombudsman)

Ombudsman's final decision	Agreed action
<p>Complainant is unhappy about the lack of service provision for her severely autistic daughter since she left school. The Ombudsman has found the council failed to meet her needs.</p>	<p>We have apologised and agreed to make payment of £500 to acknowledge the impact of failing to meet her needs and in recognition of the support she missed out on.</p>
<p>Complainant is unhappy we disclosed information about a historic conviction to relatives caring for a child</p>	<p>We acknowledge we should have sought consent first and have agreed to review our policies.</p> <p>We have apologised and agreed to make a symbolic payment of £300.</p>
<p>Complainant is unhappy we did not take planning enforcement action against the change of use of a neighbouring property and noise from the property was disrupting sleep.</p> <p>Although no fault was found in how we considered the initial complaint, fault was found in how we investigated information received later.</p>	<p>We are remedying the injustice by carrying out further enquiries.</p>
<p>Complainant feels we failed to correctly address needs and identify eligibility for continuing healthcare by charging unnecessarily for care costs. The Ombudsman ruled we were at fault for not explaining care costs to the complainant</p>	<p>We have agreed to reduce the money owed.</p>

**Appendix 6: Annual Statutory Representations Report Adult
Social Care Services 2018/19**



Annual Statutory Representations Report

Children and Young People's Services



Annual Statutory Representations Report

Children's Social Care Services 2018-2019

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Appendix 1: Statistical Data

Appendix 2: Examples of Compliments

Introduction

- 1 Welcome to Durham County Council's (DCC) Children and Young People's Services (CYPS) Annual Report which details representations (complaints and compliments) made in relation to children's social care services. It is a legal requirement for every local authority to produce an annual report about the complaints it has received throughout the year. This report covers the period 1 April 2018 to 31 March 2019.
- 2 Durham County Council want every child, young person and family to be able to achieve better outcomes. When they are facing problems, the Council want to support them well to overcome those problems. We listen to children, young people and families to help us understand their experiences of the service, and we use this feedback to help make changes when appropriate. Having an effective process for managing complaints and compliments helps us to ensure that the voices of children and young people are heard.

What is a complaint?

- 3 The Children Act 1989 states that a "complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response."
- 4 Guidance produced by the Department for Education (DfE) called "Getting the Best from Complaints" was published in 2006 and helps local authorities to implement the Children Act 1989 complaints procedures with a clear emphasis on resolving problems quickly and effectively and learning from them.
- 5 The guidance explains that complaints can arise as a result of many matters relating to statutory social services functions including:
 - an unwelcome or disputed decision
 - concern about the quality or appropriateness of a service
 - delay in decision making or provision of services
 - delivery or non-delivery of services including complaints procedures
 - quantity, frequency, change or cost of a service
 - attitude or behaviour of staff
 - application of eligibility and assessment criteria
 - the impact on a child or young person of the application of a local authority policy
 - assessment, care management and review
 - control of parental contact with children in care

How does the complaints process work?

- 6 “Getting the Best from Complaints” outlines three stages which every local authority should have in place for the consideration of complaints. These are as follows:
- (a) **Stage one – Local Resolution**

The DfE guidance emphasises resolving problems quickly and effectively. Stage one of the process provides managers in Children’s Social Care with the opportunity to try and resolve complaints locally with the complainant.
 - (b) **Stage two – Investigation**

Stage two involves a full and formal investigation. In accordance with the regulations the investigation is undertaken by an independent Investigating Officer. An ‘Independent Person’ must also be appointed to oversee the investigation and report on the timeliness and transparency of the Investigating Officer’s investigation. Both the Investigating Officer and Independent Person produce reports, which are considered by a senior manager who then makes the Council’s response to the complainant.
 - (c) **Stage three – Review Panel**

Where a complainant is dissatisfied with the stage two response, then a review panel is brought together at stage three to consider the complaint. The panel consists of an independent chairperson and two panel members. All three members must be independent of the Council.
 - (d) **The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman (LGSCO) is an independent and impartial organisation which acts as the final stage for complaints. The LGSCO will normally expect that a complaint has been investigated by the Council at all three stages of the complaints process before agreeing to investigate. If the LGSCO investigates and finds that the Council has been at fault they can ask the Council to put things right. This could include making an apology, making changes to procedures, or making a payment in recognition of Council fault.
 - (e) **Complaint Recording and Resolution in Children’s Residential Facilities**

All children’s residential homes have their own “in-house” complaints process to resolve ‘low level’ complaints. Residential staff work with the young person and allow them to try to identify for themselves how their issues can be resolved to their satisfaction. Information about these low level complaints is retained within the individual facilities and is available in the event of Ofsted inspections. If a young person wishes to access the more formal process (involving the stages detailed above), they can be assisted to do so with the help of staff or an advocate.

Support during the complaints process

- 7 To ensure that all children and young people have appropriate support should they need to make a complaint, the Council has a contract with Advocacy Services to support them during the complaints process.

Advocacy for children and young people

- 8 Durham County Council has a contract with the National Youth Advocacy Service (NYAS) to provide free advocacy services to children and young people who are looked after. Children or young people who would like an advocate can contact NYAS directly. If a child or young person makes a complaint to the Council, the complaints officer will provide them with information and advice about the advocacy service provided and where appropriate will contact NYAS on a complainant's behalf.
- 9 A child or young person making a complaint about a young carer's assessments can access a free advocate through an organisation named Rethink.

Advocacy for Adults

- 10 There are a range of advocacy services available to adults who are social care service users. During 2018-2019 these services were provided through Rethink.

Overview of representations in 2018-2019

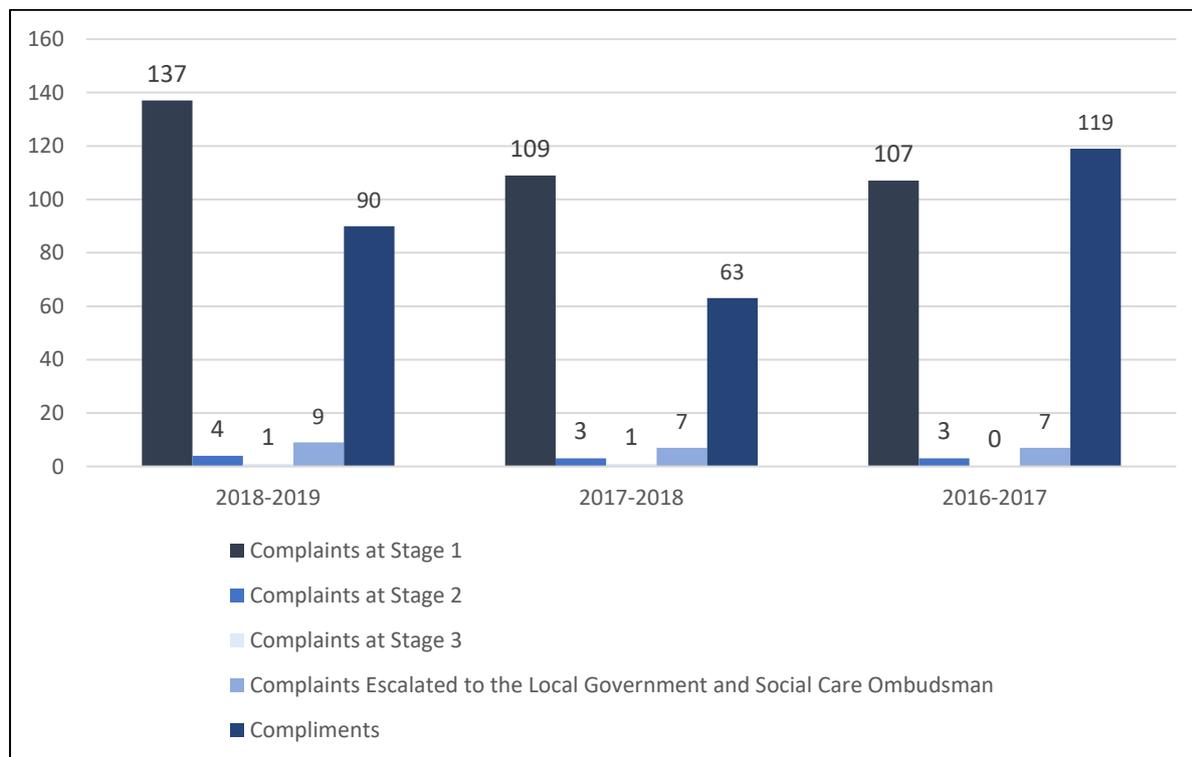
- 11 Chart 1 (below) provides an overview of complaints and compliments received between 2016-2017 and 2018-2019. The chart shows that the vast majority of complaints in all three years have been dealt with at stage one. Only a very small number progress to stages two and three or are escalated to the LGSCO. This pattern is in line with the Department for Education (DfE) guidance "Getting the Best from Complaints", which places an emphasis on speedy and effective resolution.
- 12 The number of complaints at stage one has increased by 28 (26%) in 2018-2019, having been relatively stable in the previous two years.
- 13 The number of statutory complaints received by Durham County Council should be viewed alongside the increasing number of episodes of children in need during the previous three years as highlighted in the table below:

Table 1: Number of Episodes of Children in Need 2016/17 – 2018/19 in Durham

	2016/17	2017/18	2018/19
Number of Episodes of a Child in Need in year	6,267	7,639	8,152 (provisional)
% increase		+21.9%	+6.7%

The number of compliments is higher than in 2017-2018 but lower than 2016--2017, and this is explained in more detail later in this report (see Compliments).

Chart 1: Three year trend in complaints and compliments

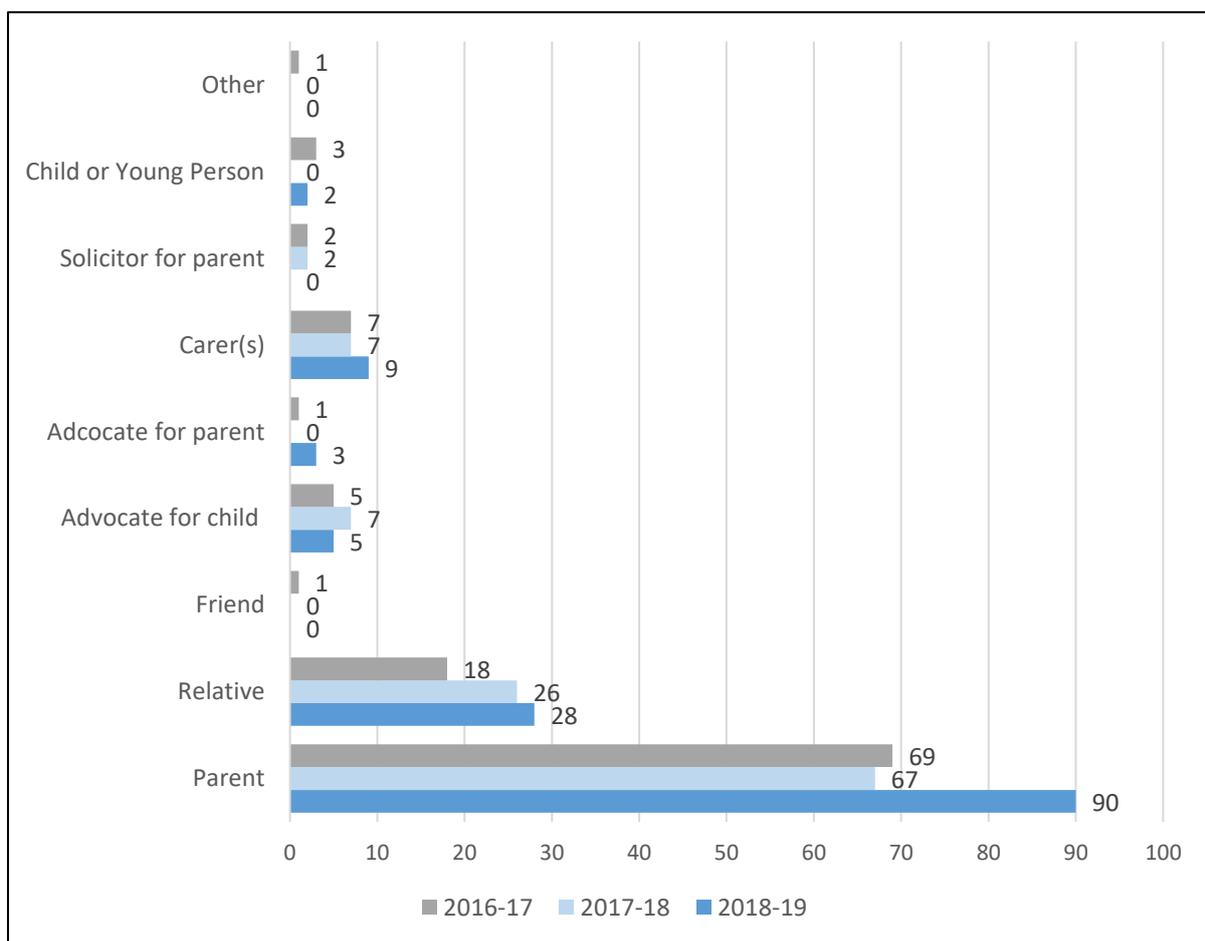


Who made complaints?

- 14 The local authority is able to consider complaints from anyone who has sufficient interest in the child or young person’s welfare. If the complainant does not hold legal Parental Responsibility the complaint can be investigated but a full response which would include detailed case information cannot be given to the complainant.
- 15 Chart 2 (below) shows that in 2018-2019 the largest number of complaints (65.7%) were made by parents on behalf of their children. This is consistent with previous years. The number of complaints from parents has increased by 34% in the latest year (from 67 in 2017/18 to 90 in 2018/19).
- 16 The number of complaints from “relatives” which includes grandparents, aunts, uncles, and adult siblings has remained fairly stable in 2018-19 at 28 compared to 26 in the previous year.
- 17 Over the last three years, only a very small number of complaints have been received directly from children or young people. In 2018-2019, two complaints (1.5%) were received directly from a child or young person. The number of complaints made by children or young people through an advocate decreased to five (3.6%) in 2018-19.
- 18 There are a number of ways that the council ensures children are informed and supported in relation to the complaints process. These include:

- All children receiving a pack of information from their Social Worker, which contains information about how to complain. This is explained to the child/young person where appropriate.
- As part of their Looked After Review, children who are Looked After are sent a letter which advises them in relation to how to raise any issues they may be having at the Review. The Independent Reviewing Officer also offers a placement visit to children prior to the Review, where any worries or concerns are discussed and they are advised of formal and informal processes to make their views/complaints known.
- The complaints leaflet is available on the Children in Care Council website.

Chart 2: Who made complaints? - Three year trend

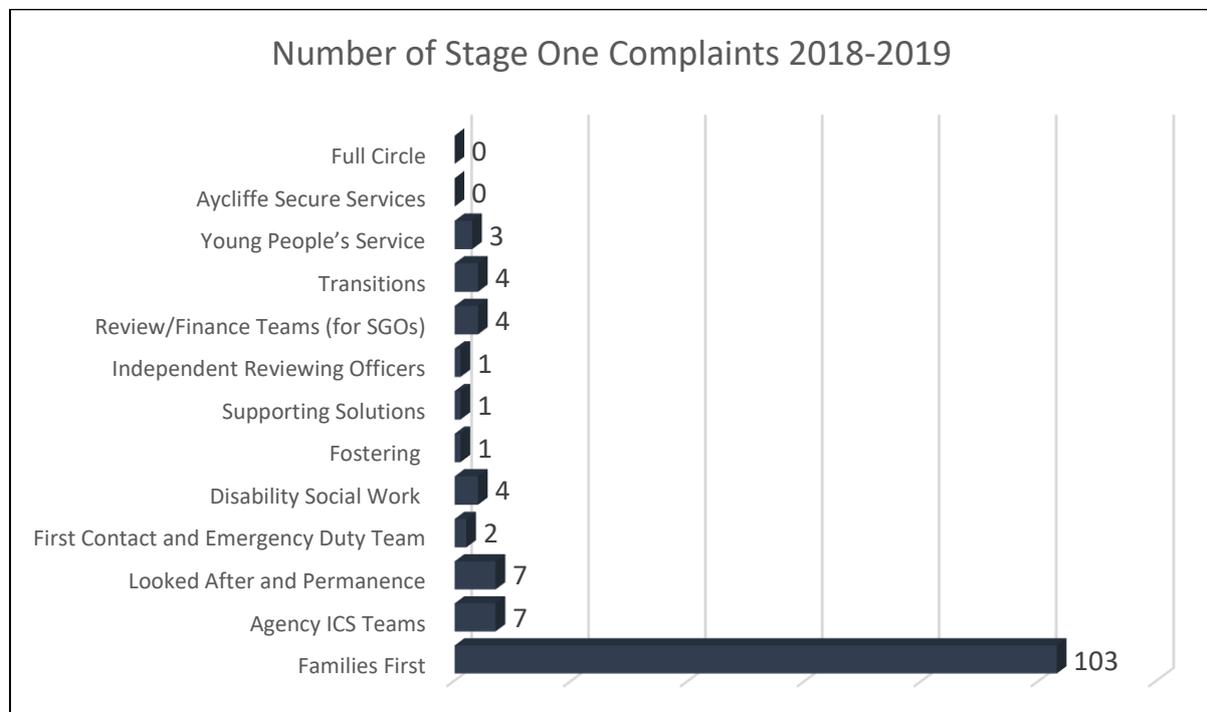


Appendix 1 provides statistical data about the profile of children and young people on whose behalf complaints were made in 2018-2019.

What were the complaints about?

- 19 Chart 3 below shows that in 2018-2019 the largest number of complaints (75%) were made about Families First teams. A further 5% of complaints were made about the Looked After Children service.
- 20 The high percentage of complaints received by the Families First teams reflects the size of the staff group and number of cases they manage, which is much larger than other staff groups in Children's Social Care. It also reflects that these teams are more likely to be working with children, young people and families who may not all want social workers involved in their lives.
- 21 The Service has analysed this data at team level and implemented improvement actions for teams where there is a higher percentage of complaints. These teams have also had staffing issues over the past year which are now resolved.
- 22 The lower number of complaints from Children Looked After may reflect the strength and longer term relationship between the worker and child. In a recent Children Looked After Survey (56 responses from children), there was a strong response in relation to their satisfaction with their worker. For example, 92.2% of children responded that they 'know where to go to get help' and 94.5% responded that 'my worker helped me when I needed them to'.

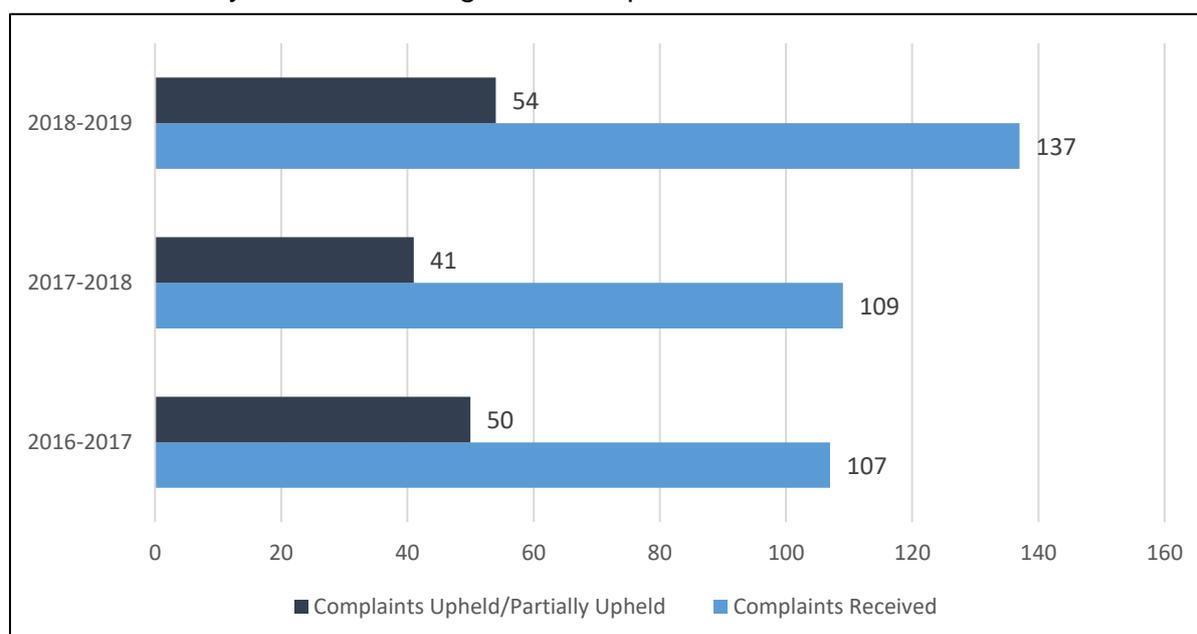
Chart 3: Which services were complaints about?



Complaints at stage 1

- 23 Durham County Council received a total of 137 complaints about Children's Social Care at stage one during 2018-2019. Chart 4 (below) shows that this is an increase from numbers received in the previous two years.
- 24 Although the number of complaints upheld or partially upheld has increased to 54 in 2018/19 (from 41 in 2017/18), as a percentage of total complaints received (39%) it is consistent with 2017/18 (38%) and lower than 47% in 2016-2017.

Chart 4: Three-year trend in stage one complaints



Note: There are 3 stage 1 complaints from 2018-2019 ongoing at the time of publishing this report

- 25 Table 1 below shows the number of upheld and partially upheld complaints at stage one by category over the last three years. This information shows that in 2018-2019 where complaints are upheld they are most often linked to the following categories:
- **Lack of communication** (linked to 40 complaints in 2018-2019), has been the largest category of upheld and partially upheld complaints for the last three years. The number of complaints in this category has more than doubled from the previous year, and includes 13 complaints relating to unreturned phone calls and messages.
 - **Speed of service** (linked to 12 complaints in 2018-2019) has increased significantly from 2017-18 (three complaints upheld) to become the second largest category of upheld and partially upheld complaints.
- 26 It is also significant that complaints about the **professional conduct of staff** have reduced to four complaints in 2018-2019, compared to 17 in 2016-17.

- 27 Learning and service improvement linked to complaints is outlined in a later section of this report.

Table 2: Number of Upheld and Partially Upheld Complaints by Category

Category of Complaint	2018-2019	2017-2018	2016-2017
Application of service guidance/procedures	1	2	
Confidentiality	2		5
Disputed Decision	6	3	16
Finance - Assessment	2	2	
Lack of Communication	40	19	30
Lack of Service – change to clients service			1
Lack of Service – contacts/visits	6	3	4
Lack of Service – denied service			3
Lack of service – referral of concern not actioned	1		2
Lack of service – restricted choices of current service	1		
Provision of Service - assessment		1	2
Provision of Services – Placement Provision	1		
Provision of Service – foster care	1		1
Quality of Service – personal care	1		
Quality of service – personal financial issues	1		
Quality of Service – report writing		1	3
Quality of Service – transport			1
Speed of Service	12	3	7
Staff Attitude	3	5	6
Professional Conduct of Staff	4	14	17
Safeguarding	4		
Total	86	53	98

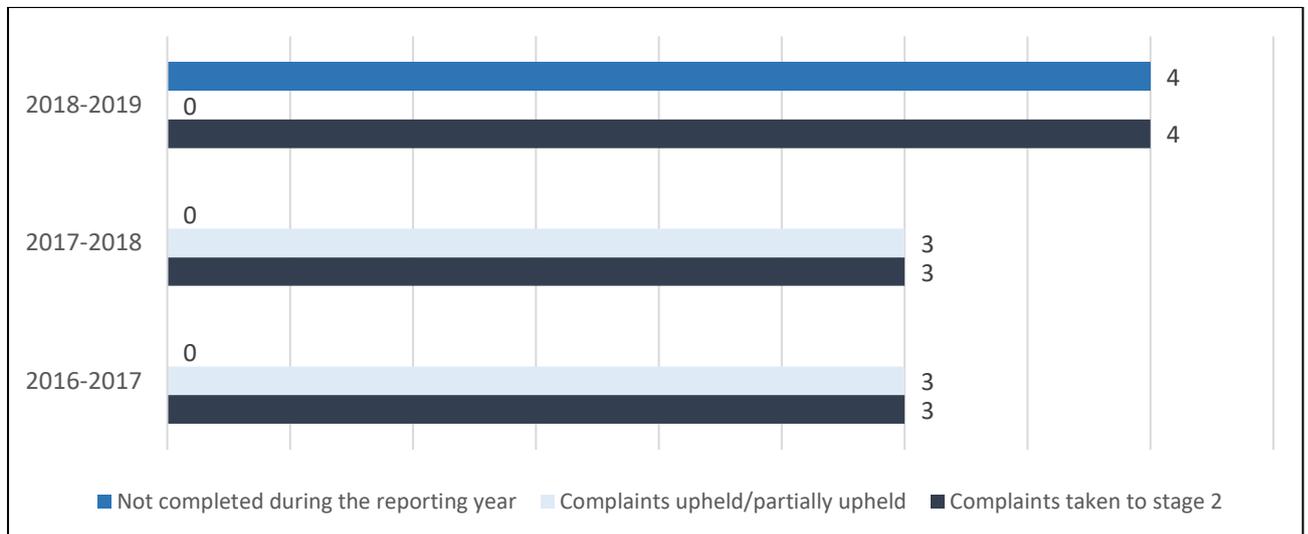
Note: a single complaint can have up to three categories of complaint.

Complaints at stage two

- 28 A total of four complaints were taken to stage two during 2018-2019, all of which are still in progress. Chart 5 (overleaf) shows that the total number of complaints taken to stage two has remained relatively stable over the last three years. This reflects the commitment of Children’s Social Care to ensure that complaints are resolved as often as possible at stage one, which sometimes includes arranging meetings between the complainant, Complaints Officer and a senior manager to enable resolution to be reached as quickly as possible.
- 29 Two of the four complaints moved from stage one to stage two when the complainant was dissatisfied with the response provided at stage one.
- 30 The remaining two complaints were taken directly to stage two. One was at the request of the LGSCO, where the Council was asked to investigate

elements of a complaint, while other elements were a matter for the court. The other was a very complex case where it was felt that an independent investigation was required to try to resolve the complaint.

Chart 5: Three year trend in stage two complaints



Complaints at Stage Three

31 It is rare that complaints reach stage three of the complaints process. In 2018-2019, only one complaint was escalated to Review Panel. The complaint received in 2017-2018 was partially upheld.

Compliance with Timescales

32 “Getting the Best from Complaints” sets out timescales for completion of each stage of the complaints process, and every local authority is expected to ensure that each complaint is dealt with as quickly as possible.

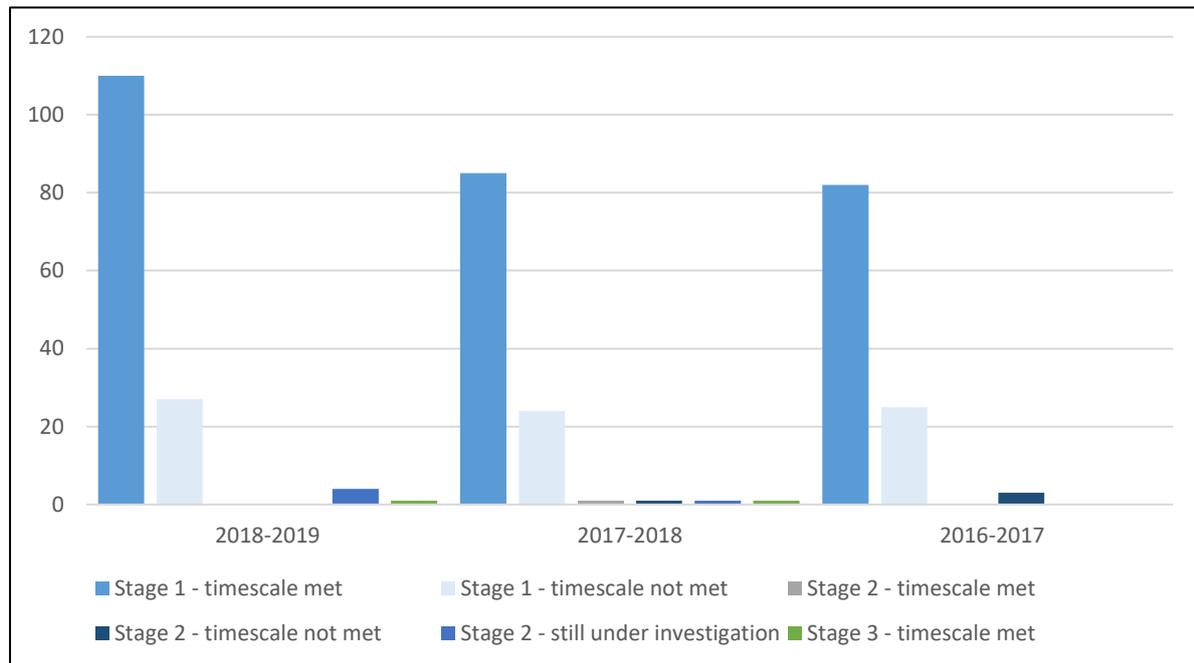
33 The timescales in working days are:

- **At stage one:** ten days, with a further ten days for more complex complaints or if an advocate is required.
- **At stage two:** 25 days with maximum extension to 65 days.
- **At stage three:** 20 days for the complainant to request a review panel, 30 days to convene and hold the review panel, five days for the panel to issue its findings, and 15 days for the local authority to respond to the findings.

34 Chart 6 (below) identifies that the majority of complaints were actioned within the set timescales over the last three years. In 2018-2019, despite an increased number of complaints at stage one, the percentage of stage one complaints actioned within timescale was 80.3%, an improvement from 77.9% in 2017-2018.

35 The Council aims to meet timescales wherever possible. Where a timescale is likely to overrun, complainants are kept informed, provided with a reason and advised of the revised timescale.

Chart 6: Three-year trend in number of complaints actioned within timescales



Complaints considered by the Ombudsman

36 Where a complainant remains dissatisfied with the outcome of a complaint heard under the regulations, they can refer outstanding issues to the LGSCO who will determine a course of action dependent on the issues presented within the complaint. This can be done at any point of the process.

37 The LGSCO usually asks the Council what action has been taken and requests copies of any correspondence and reports. The LGSCO then issues a Draft Decision Notice, which the council and complainant are invited to comment upon, before the LGSCO issues a Final Decision.

38 Table 2 (below) shows the outcome of complaints referred to the LGSCO over the last three years.

39 During 2018-2019, the LGSCO contacted the Council in relation to nine children's social care cases that had been referred to them. Although this was an increase from the seven cases referred during each of the previous two years, the number of complaints where the LGSCO has found the Council to be at fault has not increased. At the time of producing the report there were two cases where the council was at fault in 2018/19 which is the same number as in 2017/18. Two cases are still subject to further investigation.

Table 3: Outcome of complaints referred to the LGSCO

Outcome	2018-2019	2017-2018	2016-17
The Council was at fault (financial remedy recommended)	2	1	1
The Council was at fault (improvements recommended)		1	
Ombudsman investigating – outcome awaited	1		
Premature (the Council was asked to further investigate)	1	1	2
The Council was not at fault	2	1	
Ombudsman closed the complaint without taking action	2		3
Ombudsman declined the complaint	1	3	1
Total	9	7	7

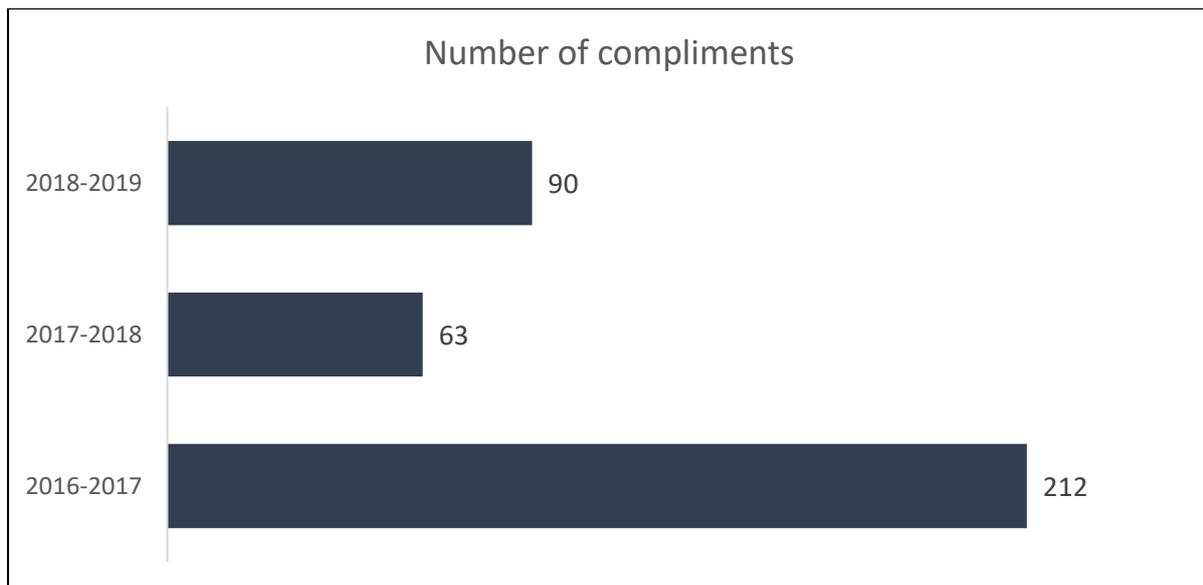
Compensatory redress

40 In 2018-2019 the LGSCO concluded that for the two cases where the council was at fault that a monetary amount was recommended and offered to each complainant. In one case £300 was recommended for distress, and the time and trouble pursuing the complaint. In the other case £400 was recommended (£200 for distress and £200 for time and trouble). Both complainants have accepted the compensatory redress.

Compliments

- 41 Compliments provide the Council with another valuable source of information about the experiences of children, young people and families. They can help us to understand the elements of services which are valued most and why this is the case
- 42 From 2016-2017, a revised definition of a compliment was agreed. Since that point a compliment has been defined as: *“a positive statement from a service user that had not been actively sought (for example by feedback form, questionnaire etc.). It can be verbal if it is recorded (for example in case notes) or in writing (for example in an e-mail, letter, thank-you card or text message).”*
- 43 Chart 7 (below) provides an overview of the number of compliments received over the last three years.
- 44 The chart shows a significant reduction in recorded compliments between 2016-2017 and 2017-2018, which was due primarily to the revised definition of a compliment (no longer including feedback received via questionnaires or feedback forms). There has been an increase in the number of compliments received in 2018-2019 compared to 2017-28, particularly in the second half of the year.

Chart 7: Three year trend in number of compliments



- 45 Compliments continue to tell us that families, children and young people have appreciated:
- feeling respected, listened to and supported
 - having decisions explained to them
 - being kept informed
 - having issues explained in a way a child, young person or family understand
 - experiencing professional, caring and committed staff
 - being able to contact staff easily
- 46 Examples of compliments received during the year can be found in Appendix 2.

Learning and Service Improvement

- 47 Complaints give the Council a valued opportunity to learn and improve. Many of the complaints received are linked to the practice of an individual worker rather than a service wide issue. As a result, learning is most often effectively carried out at an individual level and within local teams, where there are opportunities for staff to reflect and learn.
- 48 However, in some cases complaints can also indicate that there is need for much wider learning or service improvement.

Key Themes

49 The emerging themes from 2018-19 are as follows:

(a) **Areas for Development**

- (i) **Lack of communication** (linked to 40 complaints in 2018-2019), has been the largest category of upheld and partially upheld complaints for the last three years. The number of complaints in this category has more than doubled from the previous year.
- (ii) **Unreturned phone calls and messages** (linked to 13 complaints).
- (iii) **Speed of service** (linked to 12 complaints in 2018-2019) has increased significantly from 2017-18 (three complaints upheld) to become the second largest category of upheld and partially upheld complaints.

(b) **Areas of Improvement**

- (i) **Professional conduct of staff** have reduced to four complaints in 2018-2019, compared to 17 in 2016-17.

50 The above Areas for Development have led to service improvements such as changes to the training programme, or the improvement of a policy, procedure, or way of working. This section of the report focuses on the improvements made:

Training and staff briefings:

51 Complaints have led to a range of training and staff briefings being carried out in 2018-2019. This has included:

Upheld Complaint	Action Taken
Assessment timescales	The assessment and intervention training course was amended to include more detailed information about the importance of timescales for assessment, and a reminder to share the assessment in a timely manner with the family.
Families not being informed when cases are closed	The assessment and intervention training course was amended to ensure social workers understand their responsibility to inform families when cases are closed.
The approach to families who may be under stress	Signs of Safety training has been rolling out to staff across the Service helping them to enhance their skills and confidence in building and maintaining collaborative partnerships with parents and children. This includes being mindful of tone and use of language, and to use an approach that is firm but hugely kind. This is also covered in training on Section 47 and assessment and intervention.

Upheld Complaint	Action Taken
Failure to share reports for Initial Child Protection Conferences in a timely manner	Staff have been briefed and this issue has been subject of quality audits and is reviewed by the quality improvement board for social care
Speed of service	Managers have been briefed on oversight of cases to ensure there is no 'drift and delay' when staff leave or are absent from work. In addition, a new case management IT System has been implemented which assists managers in adhering to agreed timescales
A family did not receive relevant information	Team managers were reminded to ensure that stocks of information packs for families are replenished regularly.
A parent was not informed how to make a complaint or challenge a conference decision	Independent Reviewing Officers were reminded how to action complaints about Conference decisions.

52 In addition, permission from two complainants has been given to use their cases for training purposes in 2019-2020. Both cases highlight how families were affected by the actions of Children's Social Care.

53 In addition, in 2019-2020 the Complaints Officer will be delivering training to support staff working residential homes to better understand the complaints process and best practice when dealing with complaints.

Changes to policies, procedures and documents:

54 In 2018-2019 complaints have directly led to, or contributed to, the decision to review and update policies, procedures and documents. This has included:

Upheld Complaint	Action Taken
The disclosure of information from a police check which was considered by the LGSCO	A new procedure and a supporting leaflet for families have been developed, explaining why a police check may be sought, and how the information received should be treated.
The administration of Special Guardianship payments which was considered by the LGSCO	The Special Guardianship Orders procedures have been reviewed and revised.
Families did not understand Section 20 well	Development of a new leaflet explaining Section 20 and which has been written in family-friendly language.

Updates to systems:

55 In 2018-2019 complaints have directly led to, or contributed to, the decision to review and update systems. This has included:

Upheld Complaint	Action Taken
Carers with Special Guardianship Orders or Child Arrangement Orders experienced delays in receiving payments	A new database has been introduced to process these payments efficiently.
Unreturned phone calls and messages	This is partly attributable to an issue with the telephone system which has been rectified. It continues to be monitored to ensure it is working effectively. However, there is also an issue around some staff not returning phone calls which is being monitored

Effectiveness of the complaints procedure

- 56 The effectiveness of the complaints procedure is reviewed every year as part of the annual report. This section of the report outlines the improvements to the process made during in 2018-2019.

Complaints made by children and young people

- 57 The 2017-2018 report highlighted that there had been no complaints made directly by children or young people during the year, and very few in the previous year. In 2018-2019 the complaints officer met with children and young people supported by Investing in Children (IiC) to review the “child friendly” information about making a complaint, and to determine if there were any further actions which should be taken to support children and young people to make complaints independently or through an advocate. As a result, the existing complaints leaflet for children and young people will be reviewed by children and young people supported by IiC, and uploaded onto the Children in Care website, which is used more often by children and young people than the Durham County Council website.

Change to the complaints process

- 58 The complaints procedure has been reviewed and updated and is now available to the public as part of a new web-based system for policies and procedures linked to Children’s Social Care. As a result, children, young people and their families can access the procedure easily.
- 59 An audit of compliance with the new procedure is planned in 2019-2020.

Appendix 1: Statistical Data

“Getting the Best from Complaints” requires that local authorities include a summary of statistical data about the age, gender, disability, sexual orientation and ethnicity of complainants in the annual report. The complainant is logged as the child or young person, not the parent, family member or advocate who makes a complaint on their behalf. This data is recorded and reported using the details of the eldest child (if there are more than one children in the family who are receiving the service being complained about), or specific child or young person (for example, a disabled child within the family) making the complaint, or on whose behalf the complaint is made.

Table 4: Age of complainants

Age	Number	Percentage
Pre-Birth	14	10%
1-6	42	31%
7-12	43	31%
13-18	36	26%
Unknown	2	2%
Total	137	

Table 5: Gender of complainants

Gender	Number	Percentage
Boy	68	50%
Girl	66	48%
Transgender	1	1%
Unknown (unborn)	1	1%
Total	137	

Table 6: Disability of complainants

Disability	Number	Percentage
Disability Recorded	8	6%
Disability not Recorded	129	94%
Total	137	

Sexual Orientation

Sexual orientation is not recorded unless it is of relevance to the child or young person’s complaint. In 2018-2019 there were no complaints where sexual orientation was an issue.

Table 7: Ethnicity of complainants

Ethnicity	Number	Percentage
White British	123	90%
Black Caribbean	1	0.7%
Mixed Race African	1	0.7%
Mixed Race Asian	1	0.7%
Mixed Race Caribbean	1	0.7%
White/Other Background	1	0.7%
Any Other Ethnic Group	1	0.7%
Ethnicity Not Recorded	8	6%
Total	137	

Appendix 2: Examples of Compliments

From a young person to a social worker in the Looked After and Permanence Service: “Thank you for everything you have done in the past 5 years, you have helped me so much. Yes I know it’s your job, or was, but you have changed my life. We have had many ups and downs where I have may disagreed with what you have said but in the end I know it’s because you wanted what was best for me. You know me better than I know me myself. You have watched me grow from a little girl into a stropky teenager. I will follow my dreams and hopefully I will follow in your footsteps to become a social worker and do what you have done for me.... I will never forget you!!!”

From a child to a social worker in a Families First Team: Handmade card with a drawing on the front of the social worker and the child with writing inside “To [social worker], Thank you [social worker] of all your hard work from [child]”

From a child to a social worker in a Families First Team: “Dear [social worker], I love our chats about dad and [family member]. I absolutely love having you over to see me and my mammy and you are so pretty as well. Have fun! From [child]”

From a young person to a social worker in the Young People’s Service: “Just a quick little email to say a massive thank you for everything you have done for me since being my social worker you have changed my life for the better and helped me get somewhere where I will be really happy”

From a parent to a social worker in the Looked After and Permanence Service: “we couldn’t wish for a nicer social worker than you and I appreciate every last thing you do for me and my kids, and I will do all I can to help aid you in any way I can.”

From foster carers to a social worker in the Looked After Children Team: “merely saying thank you does not express how much we have appreciated all the help, advice and support you have given us. We have had some challenging times with [child] but you were an absolute rock for us, readily available with support and down to earth advice.”

From a family to a social worker in a Families First team: “We were to have you, to help us through all of the problems, thick and thin. We appreciate all of your kindness, you are a unique and kind person with a great personality, you made us laugh but most of all your smile cheered all of us up. To say a huge thank you and to say how privileged we were to know you. You give more than your job work, you give us the strength and hope we need every day.”

From a parent to a social worker in a Families First team: “In the past 15 months of working with you, you have helped me and my children with a number of issues including giving me the confidence to attend difficult meetings making them a lot easier.....you have always been patient and kind and helped wherever you could despite my difficulty and as a result I did eventually trust you and work with you much better. I would like to thank you for all the support you have given me and my family I feel you have helped a great deal.As a result of your support I am now able to cope much better and can therefore be a better mam to my children so your involvement has helped my family a lot. Thank you for everything you have done we are really grateful.”

From a family to a social worker in a Families First team: “I just wanted to say a massive thank you for all the help and support you have me and my family. I know I`ve been a total nightmare to work with (sorry) but you have never given up on me and that means a lot. My family have been through a lot and you have supported us through difficult times. I really appreciate everything you have done for us, you`re one in a million. Thank you for everything.”

**Appendix 7: Annual Statutory Representations Report Adult
Social Care Services 2018/19**



Adult and Health Services

Annual Statutory Representations Report
Adult Social Care Services 2018/19

Annual Statutory Representations Report

Adult and Health Services 2018/19

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Appendix 1 Glossary of abbreviations

Part One - Introduction

- 1 Welcome to Durham County Council's (DCC) Adult and Health Services (AHS) Annual Report which details representations made in relation to adult social care services. The report covers the period 1 April 2018 to 31 March 2019.
- 2 The report is published under the provisions and requirements of the relevant regulations: the *National Health Service Complaints (England) Regulations 2009*. This is a single joint complaints process for both social care and health services where there are no fixed timescales for managing a complaint with a greater focus on local resolution. If all proportionate resolution mechanisms have been exhausted and if the complaint remains unresolved, the complainant can refer outstanding issues to the Local Government and Social Care Ombudsman (LGSCO). The regulations also introduced a duty for health and social care services to cooperate, should this be required, in complaints investigations.
- 3 This process aims to:
 - Make it as easy and accessible as possible for service users or their nominated representatives to raise complaints;
 - Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;
 - Ensure high levels of customer satisfaction with complaints handling;
 - Resolve individual issues when they arise and reduce the number of complaints referred to the Ombudsman; and
 - Enable the Council to identify topics and trends in relation to adult social care complaints and improve services as a result.
- 4 In recording and reporting upon the Council's performance in relation to the above, the Local Authority has a statutory duty to produce an annual report under Regulation 18 of the statutory instrument detailed above.
- 5 Other key features of the Regulations include:
 - the requirement for local authorities to appoint a Complaints Manager; and
 - a 12-month time limit to make complaints.
- 6 During 2018/19 the Development and Learning Manager fulfilled the role of 'Complaints Manager' in accordance with the requirements of the regulations, with a Complaints Officer allocated to undertake the day-to-day supervision of the complaints function, both being independent of social care services' operational line management, thus ensuring a high level of independence in the way social care complaints are managed within the Council.

Part Two - Summary of key messages

7 The key headlines from this report are as follows:

- (a) There has been a decrease in complaints investigated, from 104 in 2017/18 to 81 in 2018/19.
- (b) There was an increase in complaints that the Council declined during 2018/19, 11 compared to only 2 in the previous performance year.
- (c) DCC AHS received 3 complaints where the contribution of colleagues from Health were needed to inform upon the Council's response this is in comparison to 4 complaints in the previous year. The Council led in these investigations and responded on behalf of all involved organisations in line with joint protocols.
- (d) Older People/Physical Disabilities/Sensory Impairment received 48% of the overall complaints about adult social care services.
- (e) A 'disputed decision' where a service user disagrees within an explanation or decision was the most common reason for making a complaint (12.8%).
- (f) The LGSCO received 18 adult social care complaints during 2018/19 and reached a decision on 14 of these cases with 4 still being investigated at the time of writing this report.
- (g) The service received 125 compliments about adult social care services during 2018/19, a significant decrease from 297 in 2017/18, due in the main to the outsourcing of some services previously provided through County Durham Care and Support.
- (h) Complaints continue to provide invaluable information and learning from which adult social care services can improve. Some examples of which are detailed below:
 - (i) A briefing note was issued to staff to remind them of the importance of checking personal details to ensure they are correct before accurately entering these onto the Social Services Information Database (SSID).
 - (ii) Team managers were made aware that the IT Helpdesk can add an 'out of office' message to email accounts when staff are unexpectedly away from work, so service users contacting absent colleagues are given alternative contact details within the 'out of office' message.
 - (iii) An issue relating to the correct interpretation of Department of Health guidance was brought to the attention of all staff responsible for financial assessments. It was confirmed that the

Council intended to review all affected adult social care cases on a rolling basis as part of each individual's annual review.

- (iv) It was identified that a care home was not applying its falls policy correctly. The Council commission placements from this care provider so it was agreed that an audit be completed to review practices and improve adherence to policy and procedure in this area.

Part Three- The adult social care complaints process

- 8 When a complaint is received, it is risk-assessed to ensure that there are no safeguarding or other procedural issues that might supersede the complaints procedure and that it is within the 12-month limitation period. Consent must be obtained to confirm that someone making a complaint on another's behalf has been given the authority to do so.
- 9 Once the above determinations have been made, complainants are engaged in planning how their complaint is to be addressed and the timescales for doing so, along with what they hope to see happen as a result of making a complaint in the form of desired outcomes. A Complaints Resolution Plan (CRP) is produced which summarises this information along with the specific elements of complaint for investigation and the complainant is encouraged to suggest any changes to this document so it accurately reflects the issues they wish to be examined.
- 10 The Council's focus is always on the resolution of the complaint and engagement with the complainant in order to resolve matters to their satisfaction. Where resolution is not achieved, the complainant remains dissatisfied and the Council's complaints procedure is deemed to have been exhausted, the complainant is invited to raise any outstanding issues with the LGSCO.
- 11 Whilst a complainant can refer their complaints to the LGSCO from the outset, the Ombudsman will not usually investigate a complaint until the Council has conducted its own investigation and provided a response. In some circumstances where there has been a joint investigation with Health Services, progression may involve the Parliamentary and Health Service Ombudsman (PHSO).

Part Four- Complaints made to the Local Authority (AHS)

- 12 We investigated 81 complaints during 2018/19, a decrease from 104 in 2017/18.
- 13 In addition to this number, 11 complaints were declined. One had already been thoroughly investigated by a care provider whose services had been commissioned by the Council and it was identified that further scrutiny by our Commissioning Service would not be able to substantiate the allegations made about a care home manager's interaction with the complainant or add anything further to the response already issued.

- 14 There were 2 complaints that were out of timescales with the issues being raised relating to events in 2014 and 2016, which could have been submitted at the time.
- 15 AHS received 2 complaints that did not relate to the service area and were therefore not matters for the Council to investigate, as one related to private law proceedings and the other to a cleaning service that was not commissioned by the Council.
- 16 There were 5 complaints that were made on behalf of service user's where the actual service user had not given consent for matters to be raised on their behalf, where they had the capacity to give this consent or to make a complaint themselves.
- 17 On a further 2 occasions it was identified that the service user did not have capacity, so could not give consent and in these cases a best interest decision deemed that the complainant was not acting in the service user's best interest and the complaints were declined.
- 18 In all of these cases the complainant was advised that they could ask the LGSCO to review of the Council's decision to decline their complaint. At the time of writing this report the Ombudsman has not approached the Council with an instruction to investigate any of these declined complaints.
- 19 AHS led on 3 complaints investigations that incorporated contributions from our partners in Health which included Tees, Esk and Wear Valley NHS Foundation Trust (TEWV), North Tees and Hartlepool NHS Foundation Trust (NTHFT) and County Durham and Darlington NHS Foundation Trust (CDDFT). These 3 complaints are included in the figures presented in this report.

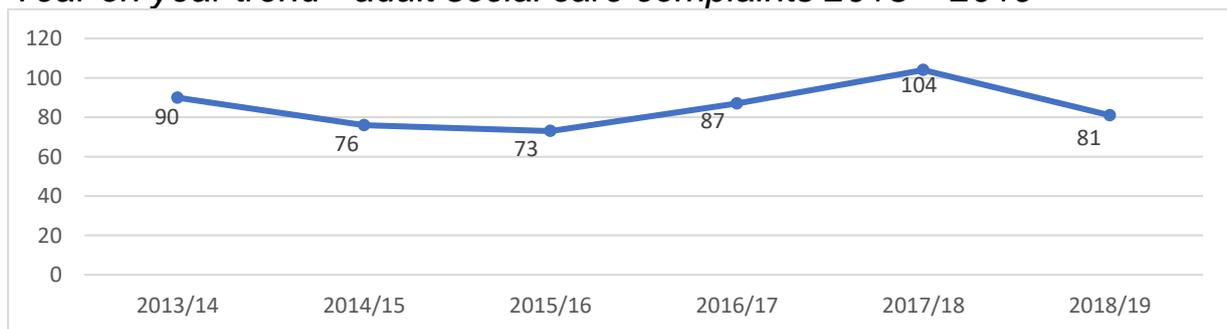
Number of complaints received by service area 2018/19

Service Area	Number of Complaints 2018/19	Number of Complaints 2017/18	% of Total Complaints 2018/19	% of Total Complaints 2017/18
Older People/ Physical Disabilities/Sensory	39	53	48%	51%
Learning Disability/Mental Health/Carers/Substance	17	26	21%	25%
Commissioning	12	6	15%	5.8%
County Durham Care and Support	1	3	1%	2.9%
Safeguarding, Practice Development & Access	5	4	6%	3.8%
Finance*	7	12	9%	11.5%
Total	81	104	100%	100%

**Finance is no longer part of AHS but the complaints were regarding statutory adult social care services*

- 20 As in previous years, the service receiving the greatest number of complaints was Older People/Physical Disabilities/Sensory Impairment, followed by the Learning Disabilities/Mental Health/ Substance Misuse service area.
- 21 The graph below shows the number of complaints received by adult social care services over the last 6 years and illustrates that after a trend towards a reduction in complaints, submissions began to increase, only for these to fall quite significantly in 2018/19. This represents a fall of 22% when compared with the previous performance year.
- 22 The percentage of complaints for each of the service areas has remained relatively consistent whilst the actual number of representations has fallen across most service areas, with the notable exception being the Council's Commissioning service. Here, complaints have doubled from the previous year and account for 15% of the overall total. These complaints relate to domiciliary or residential care services where the Council had commissioned the service. The Commissioning service are monitoring closely the issues that are arising from this increase in complaints and working directly with the independent sector providers to ensure actions are being followed up.

Year on year trend - adult social care complaints 2013 – 2019



Complaints completed within timescales

- 23 Complaints Resolution Plans (CRPs) were completed in all of the 81 complaints received in the year. The CRPs included a projected timescale for a response which was initially calculated based upon the perceived complexity of the case.
- 24 In 20 complaints investigations (25%), AHS needed more time to fully complete their enquiries for a variety of reasons such as the availability of staff for interview, unforeseen complexity, further information required from the Complainant and the need to seek legal advice.
- 25 In each case, the complainant was updated and fully informed of developments along with the new projected response date.
- 26 Of the 81 complaints received, 80 had been responded to at the time of writing this report with 1 investigation ongoing. Two complaints were not responded to within the projected timescale as one had to have the response formatted to meet the complainant's requirement for reasonable adjustments, whilst the other was a complex finance case.

Categories of complaints received and findings in 2018/19

27 When complaints are received they are recorded and categorised according to the subject matter of the issues raised.

28 Detailed below is the outcomes of complaints in 2018/19 in the associated categories (the highest three totals are shown in bold):

Complaint Category / Issue	Upheld	Partially U	Not U	Total
Application of Service Guidance/Procedures	1	8	-	9
Confidentiality	1	3	-	4
Discrimination	-	2	-	2
Disputed Decision – disagreement with an action	-	3	4	7
Disputed Decision – disagreement with an assessment	-	1	5	6
Disputed Decision – disagreement with a report	-	1	-	1
Disputed Decision – disagreement with an explanation or decision	2	7	15	24
Eligibility Criteria	-	-	1	1
Finance – Assessment	1	1	2	4
Finance – Charging policy	1	3	5	9
Finance – Direct Payment	-	-	1	1
Lack of Communication – no information received	-	7	2	9
Lack of Communication – not informed of meeting details/change	-	2	1	3
Lack of Communication – not updated about case	-	3	2	5
Lack of Communication – unreturned phone calls/texts	-	1	1	2
Lack of Communication – other	1	8	3	12
Lack of Explanation / Explanation not understood	-	2	2	4
Lack of Service – change to client’s service	-	-	3	3
Lack of Service – denied service	-	3	2	5
Lack of service – restricted choices of current services	-	1	1	2
Provision of Service – assessment	1	5	-	6
Provision of Service – equipment	-	2	1	3
Provision of Service – placement provision	-	1	1	2
Quality of Service – missed or incorrect medication	-	2	-	2
Quality of Service – missed/late domiciliary care calls	1	4	1	6
Quality of Service – personal care	1	4	-	5
Quality of Service – work of other agencies	-	4	2	6
Refusal of service	-	1	-	1
Safeguarding	-	6	2	8
Service withdrawal	-	-	1	1
Speed of service	-	6	4	10
Staff attitude	1	6	5	12
Staff being or seeming to be untruthful	-	2	1	3
Staff not acting in best interest of service user	-	4	5	9
Staff not adhering to statutory timescales or responsibilities	-	1	-	1
Standard of care	1	5	-	6
Overall total				194

It should be noted that a complaint can have more than one category assigned to it.

29 Of the top three reasons for a complaint, a *disputed decision – disagreement with an explanation or decision* was the most common reason 24, (12.4%). As an example, a service user’s application for a 1 to 1 support worker to assist them to access the community was refused and they wished to challenge this. This was also the most common reason for making a complaint in the previous performance year.

- 30 *Staff attitude* 12, (6.2%), where a service user perceives a member of staff to have been rude or disrespectful, was the joint second most common reason for making a complaint, the same as the previous year.
- 31 *Lack of communication – other* 12 (6.2%) has appeared for the first time in the top three replacing *disputed decision – disagrees with an assessment* which was the third most common reason for a complaint in the previous performance year. As an example, a service user’s daughter complained because the family were not notified when it was confirmed by the Court of Protection that the Council could take over the management of her mother’s finances.

Outcome of complaints by service area 2018/19

Service Area	Upheld	Partially Upheld	Not Upheld	Ongoing	Total	Not Upheld as a % of Total	Upheld/ Partially Upheld as a % of Total
Older People/ Physical Disability & Mental	3	18	18	0	39	22.2%	25.9%
Learning Disability/ Mental	0	7	10	0	17	12.4%	8.6%
Safeguarding, Practice Development	0	4	1	0	5	1.2%	5%
Commissioning	1	10	0	1	12	-	13.6%
County Durham Care and	0	0	1	0	1	1.2%	-
Finance	2	1	4	0	7	5%	3.7%
Total	6	40	34	1	81	42%	56.8%

(1.2% ongoing)

- 32 In 2018/19, more than half the complaints received were upheld in full or in part, meaning that the dissatisfaction reported by the complainant was justified in some way. Of the 81 complaints, only 7.4% of complaints were fully upheld.
- 33 Complaints that are upheld or partially upheld are of particular interest to adult social care services. In these cases, the service actively looks to identify what it could have done better and what action it can take with the aim of resolving matters to the complainant’s satisfaction.
- 34 These complaints give the service the opportunity for learning, on an individual level for example, where a social worker can be supported by management to improve their personal performance and sometimes across the whole service, where a policy or procedure is improved as a result of a complaint. Further examples of learning and service improvement as a consequence of complaints received are outlined in Part Six of this report.

Part Five - The Local Government and Social Care Ombudsman (LGSCO)

- 35 Where a complainant remains dissatisfied with the outcome of a complaint they can refer any outstanding issues to the LGSCO who will determine what action to take after considering the presenting issues.

Complaints considered by the LGSCO 2018/19

Service Area	Upheld	Partially Up	Not Up	Declined/ No	Ongoing	Total
Older People/ Physical Disability & Sensory Impairment	2	-	2	2	1	7
Learning Disability/ Mental Health / Substance Misuse	1	-	-	-	1	2
Safeguarding, Practice Development & Access	-	-	-	1	-	1
Commissioning	1	-	-	1	-	2
Finance	-	-	4	-	2	6
Total	4	0	6	4	4	18

- 36 During 2018/19, the Ombudsman reviewed 18 adult statutory social care complaints and had concluded their enquiries in 14 of these cases.
- 37 Of the 4 cases declined, closed or identified as needing no further action:
- In 2 cases, the LGSCO gave a holding decision as insufficient information had been provided to permit them to continue an investigation on the basis that the individual making the complaint did not provide the service user's consent or authority to make a complaint on their behalf about the services they had received. Consent in both cases was not subsequently forthcoming.
 - The LGSCO closed a further 2 complaints. In one of these cases the Ombudsman decided that the issues raised related to events in 2016, they were outside of the 12-month time limit for making a complaint and an investigation would be unlikely to add to the Council's investigation or result in a different finding. In the other case the Ombudsman decided that there was insufficient evidence of fault by the Council which had caused injustice to warrant an LGSCO investigation.
- 38 Of the 4 cases upheld where the Ombudsman identified maladministration and injustice:
- In one case, the Ombudsman reviewed the Council's response and the steps already proposed to resolve matters, concurred with the findings of the Local Authority's own complaints investigation and the remedy put forward in the hope of resolving the complaint. In essence they upheld a complaint that had already been upheld by the Council, where a service user had not been informed about the cost implication of moving from intermediate care to a temporary placement until a financial assessment was conducted. In resolution, the Council waived

the service user contribution to the costs of their care from the time they entered the care home until the date of the financial assessment, a period of 17 days, placing the service user back in the situation they would have been had the maladministration not occurred.

- The Ombudsman also examined a complaint about a domiciliary care provider commissioned by the Council. They found that the care agency's actions when a care worker attended a service user's home and could not gain entry had already been appropriately dealt with by the Council as a result of their own complaints investigation. The Council had remedied the injustice and addressed any service improvements.
- The Ombudsman found that there was a lack of service provision for a severely autistic service user since they had left school and therefore the Council failed to meet their needs. Provision had been provided at the time the LGSCO ruled on this case and the Council agreed to apologise and make a payment to acknowledge the injustice caused. This equated to £250 for the service user in recognition of the support they missed on and £250 to the parent who made the complaint to acknowledge the impact upon them for this failing.
- It was found that there were some periods where a social worker failed to keep in regular communication with a service user's family. In addition, fault was found with the care home where this service user resided, as the care provider had failed to adhere to its own falls policy. The Council agreed to apologise and pay £500 in recognition of the distress caused by these faults. It also agreed to remind staff about the importance of regular communication, to carry out an audit to ensure the care home is applying its falls policy correctly and to consider how care providers can report concerns more effectively.

Part Six - Learning and service improvement

39 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. Even where complaints are not upheld, full explanations, further information and often apologies are given. Some of the learning outcomes and remedies for resolution in the reporting year are as follows:

- A domiciliary care provider commissioned by the Council failed to appropriately deal with the presenting circumstances when a service user failed to answer the door to their morning care call. They also failed to effectively deal with a subsequent complaint about this failing. As a result of the Council's investigation, the care provider reviewed its call handling arrangements and customer care practices in order to improve both individual and collective performance. It also reviewed procedures and practices to deal with a situation where a service user fails to answer the door for a scheduled visit. All actions taken by the care provider are now formally logged to show that potential

safeguarding issues have been considered and any steps taken can be evidenced. It was impressed upon the care provider that complaints should be dealt with promptly, immediate consideration given as to how each submission should be investigated and appropriate action taken within 28 days as per the provider's complaints procedure. The Council's Commissioning service liaised with the care provider to monitor compliance and performance improvements.

- It was identified that there could have been more effective communication between the University Hospital North Tees, the Community Intervention Team and care homes to facilitate a service user's discharge to a new care home that would be better able to support their needs, by ensuring their possessions and equipment were present upon their arrival at the new placement. This case was used as an anonymous example to highlight to care coordinators their responsibilities in this scenario, along with the support available when planning a service user's discharge from an acute hospital, with the aim of improving future practice.
- A social worker was unexpectedly absent from work, so there was no 'out of office' message on their email account, giving the impression that they were ignoring their emails. An apology was given as part of the complaint response along with an assurance that all team managers had been made aware that the IT Helpdesk can add an 'out of office' message to email accounts when staff are unexpectedly off work.
- An invitation to a service user's placement review was issued to the wrong address due to the address being entered into the Council's Social Services Information Database (SSID) incorrectly with the intended recipient reporting a potential data breach. An apology was given, as well confirmation that the incident had already been investigated under the Council's Data Protection Policy: Potential Data Breach Incident Procedure (June 2018). A briefing note was issued to staff to remind them of the importance of checking personal details to ensure they are correct before accurately entering these onto SSID.
- In relation to the service user's financial contribution for adult social care services, the minimum income guarantee (MIG) figure was consistently calculated incorrectly in the Council's financial assessments over the past four year, failing to include their dependent children. An unreserved apology was given for any distress caused by the misinterpretation of Department of Health guidance, a reassessment was conducted and refund offered as well as £250 in recognition of the distress caused. The correct interpretation of Department of Health guidance was brought to the attention of all staff responsible for financial assessments and it was confirmed that the Council intended to review all affected cases (on a rolling basis as part of each individual's annual review).

- 40 Payments were made where failures constituted maladministration and/or injustice as defined by the Local Government and Social Care Ombudsman. These are detailed within the LGSCO section in Part Five of the report. It should be noted that financial redress was only considered (and agreed in line with the Council's Scheme of Delegation) where there was strong evidence of shortcomings.
- 41 It is recognised that where adult social care services are responsible for service failures that have caused losses and significant emotional distress, there is clearly the duty for this to be acknowledged and further distress to the complainant be avoided. In each of the complaint responses issued, full explanations and where appropriate, apologies were offered.
- 42 Complaints continue to provide invaluable information and learning from which adult social care services can improve. At the conclusion of each complaint investigation, the Strategic Manager with responsibility for the service area being complained about ensures that any proposed action is completed, as well as disseminating any learning across their own area of the service and to a wider audience across AHS where appropriate.

Part Seven - Compliments

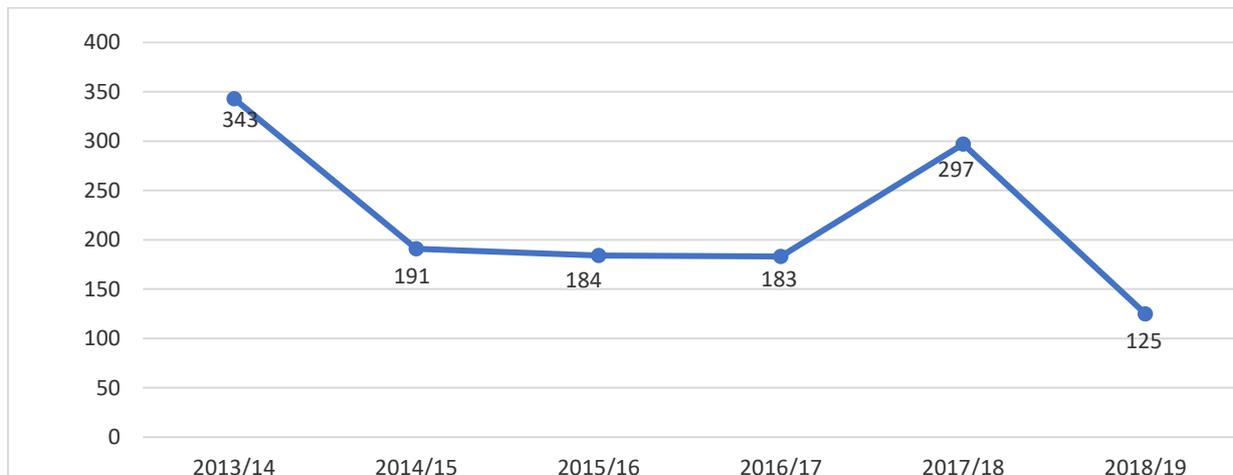
- 43 There is no statutory requirement to publish data on compliments for the period in question; these are included in this report in order to provide a more holistic view of what service users and their nominated representatives think about the services they receive and to understand what elements of the service that are valued.
- 44 There were 125 recorded compliments during 2018/19, a decrease from 297 in 2017/18.
- 45 As shown in the table below, the majority of the compliments in 2017/18 were for County Durham Care and Support (CDCS), the in-house provider services, and some services were outsourced at the end of the previous performance year. As a result, this has had a significant impact upon the total number of compliments, as any positive feedback about this service can no longer be included in these figures

Total number of compliments by service area 2018/19

Service	Total Compliments 2018/19	% of Total Compliments 2018/19	Total Compliments 2017/18	% of Total Compliments 2017/18
Older People/ Physical Disabilities/ Sensory Impairment	66	52.8%	59	19.9%
Learning Disability/Mental Health/ Carers/Substance Misuse	1	0.8%	2	0.7%
County Durham Care and Support	56	44.8%	233	78.4%
Safeguarding, Practice Development & Access	2	1.6%	3	1%
Total	125	100%	297	100%

46 Prior to the significant increase in compliments in the 2017/18 performance year, there has previously been a reduction in the number of compliments received year on year which appeared to have levelled out after a sharp fall in 2014. This decline was considered at the time and it was determined to be associated with changes in the types of provision provided by CDCS.

Year on year trend - adult social care compliments 2013 – 2019



47 It is noted that during 2017/18 the CDCS teams affected by the prospect of outsourcing captured a lot of positive feedback for their area of the service.

48 Compliments for reporting purposes must meet specific criteria. Managers are encouraged to ensure that all compliments in the form of positive comments, letters, emails and cards are captured and shared with their staff and teams to re-inforce their value.

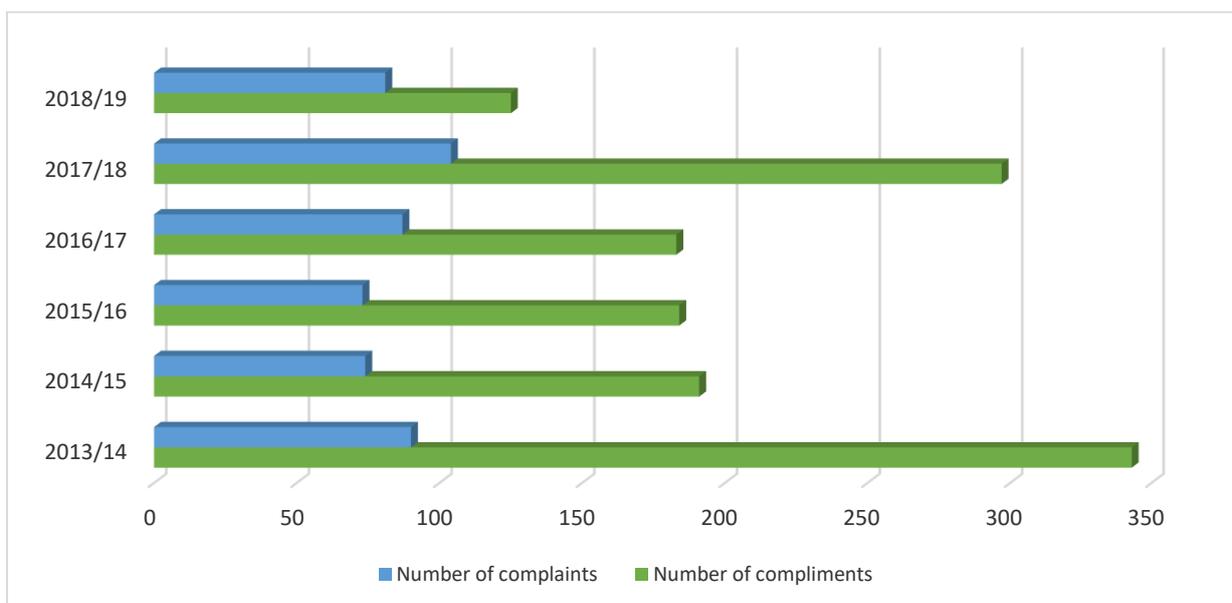
49 Compliments highlight that service users have appreciated the following:

- Feeling respected, listened to and supported.
- Having decisions explained to them.
- Being kept informed.
- Staff explaining issues in a way the client understood.
- Professionalism, care and commitment of staff.
- Being able to contact staff easily.

50 The ratio of compliments to complaints received across AHS is 1.5:1. This means that for every 1 complaint received, there were 1.5 compliments. This represents a decrease on the previous year when the ratio of compliments to complaints was 2.8:1.

51 The number of compliments received consistently outweighs the percentage of complaints received and this is shown in the graph below:

The ratio of compliments to complaints 2013 – 2019



Part Eight – Developments and Conclusion

Developments

52 Whilst the Local Authority has a statutory duty to operate and administer a system for dealing with and reporting upon adult social care complaints, DCC AHS does not simply meet that duty but continuously strives to achieve and maintain a high level of service in relation to the management of complaints. With this aim in mind, a number of developments have been undertaken during 2018/19 to include:

- The continuous improvement of tracking and monitoring systems to ensure actions and learning outcomes arising from complaints are implemented in a timely and effective way and fully embedded. This is also linked to a greater focus by the LGSCO on the monitoring of improvement actions as a consequence of decisions they have made on complaints.
- The active involvement with Azeus to develop a bespoke representations package within the new system for use by AHS, which will replace and update current clerical systems.
- Closer working with the Commissioning service to address an increase in complaints about domiciliary and residential care services which have been commissioned by the Council. This has been undertaken with a view to developing the interface between the complaints function and commissioning to improve the quality of complaints investigations, more effective information gathering and faster response times, with staff in this area of the service undertaking the LGSCO's Effective Complaints Handling course.
- A further focus on a consistency in approach for complainants who are persistent and/or vexatious, linking in with the corporate centre and making better use of the Council's policies and procedures in this area.

Reporting

- 53 Complaints information is reported on a quarterly basis corporately and to AHSMT once at 6 months and then at the year ends, for cascading to managers and staff.

Conclusion

- 54 The complaints function is a statutory requirement for social care services and it plays a vital role in contributing to quality improvement across adult social care as it provides an understanding of the service users' experiences. Acting upon the learning arising from complaints provides the opportunity to change practice and improve service delivery with transparency and accountability.

- 55 A collaborative approach is continually promoted during the management of complaints, where the complainant is central to the process and resolution is proactively sought and encouraged.

- 56 Further information regarding anything in this report is available by contacting:

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Appendix 1 - Glossary of abbreviations

AHS	Adult and Health Services
CDCS	County Durham Care and Support
CDDFT	County Durham and Darlington NHS Foundation Trust
CRP	Complaints Resolution Plan
DCC	Durham County Council
LGSCO	Local Government and Social Care Ombudsman
NTHFT	North Tees and Hartlepool NHS Foundation Trust
PHSO	Parliamentary and Health Service Ombudsman
TEWV	Tees, Esk and Wear Valley NHS Foundation Trust