

REPORT TO: Corporate Policy & Performance Board

DATE: 2nd November 2010

REPORTING OFFICER: Strategic Director Resources

SUBJECT: Annual Complaints Report for Corporate Complaints, Adult Social Care Complaints and Children and Young People Complaints 1 April 2009 – 31 March 2010

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 To report and provide an analysis on complaints processed under all three of the Council's Complaints Procedure during 2009/10.
- 1.2 To inform the Board about the proposed introduction of a Vexatious Complaints Policy to help the Council effectively manage a minority of complaints deemed to be of a vexatious nature (Appendix 2).

2.0 RECOMMENDATION: That:

- (1) The report be accepted
- (2) The draft Vexatious Complaints Policy be reported to the Executive Board for consideration and approval.

3.0 SUPPORTING INFORMATION

Context

- 3.1 The Council has three separate complaints procedure in place, Corporate complaints, Children and Young People complaints, and Adult Social Care complaints. Whilst only the latter two procedures are statutory, the corporate complaints procedure was introduced to conform to the principles of the Citizens' Charter, which sought to enable the public to seek redress when public services failed to provide a satisfactory standard of service.
- 3.2 Although the complaint procedures are administered separately by the three directorates, the directorates do liaise with one another with regard to complaints which possess aspects that could possibly be considered by more than one of the procedures.
- 3.3 Whilst not identical, the procedures do share a number of similarities with regard to having a staged approach to complaint handling, target times for responses, and the aim of resolving all complaints swiftly, and wherever possible by the people who provide the service. When complaints are received that have not been raised previously, they are normally directed to the relevant service as an informal complaint to be investigated as a service improvement opportunity.
- 3.4 However the procedures differ in the number of stages they have, Adult Social Care have two stages, whilst Corporate and Children and Young People have three stages. If the Council cannot resolve complaints to the satisfaction of complainants they can be considered by the Local Government Ombudsman. The stages of each of the procedures are documented in Appendix 1.

4. COMPLAINTS ANALYSIS 2009-10.

4.1 The table below shows the number of complaints received and resolved during 2009-10 by the three separate complaints procedures, and the success rate for replying to complainants within the target time for stage one complaints. Forty one complaints were received through the Corporate procedure, forty six through Adults and Community and twenty three through Children and Young People.

Complaint Stage	Corporate Complaints	Adults & Community	Children & Young People	Total
Number of complaints resolved at Stage 1.	41	46	23	110
% of complaints completed within target time	93%	80%	100% *	89%
Complaints proceeding to Stage 2	3	3	0	6
Complaints proceeding to Stage 3	0	Not applicable	0	0
Complaints proceeding to the Ombudsman	1	2	0	3

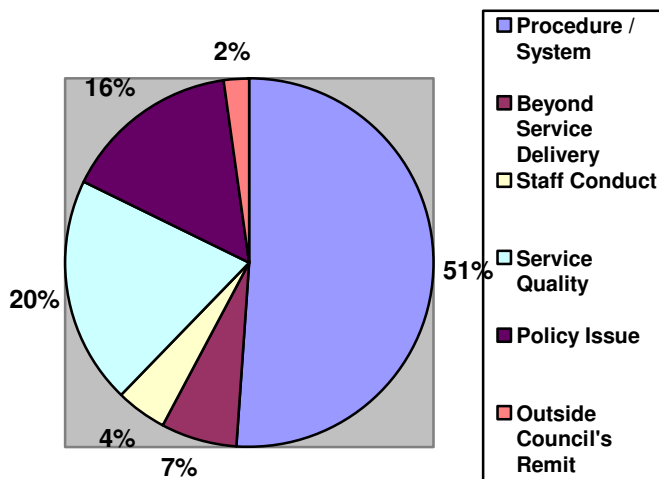
* Sixteen of the twenty three complaints were responded to within the target time and the remaining seven within extended target timescales, which can be due to absenteeism of key staff or the complexity of the complaint.

4.2 The table below shows the stages that each Corporate complaint was resolved at by directorate and the percentage that was replied to within target. It should be noted that complaints do not need to be considered at every stage of the Corporate complaints procedure prior to being referred to the Local Government Ombudsman.

Resolution Analysis	Adults & Community	Children & Young People	Environment	Resources	Total
Number resolved at Stage 1	4	0	21	16	41
% replied to within target	75%	0	90%	100%	93%
Number resolved at Stage 2	1	0	1	1	3
% replied to within target	100%	0	100%	100%	100%
Number considered at Stage 3	0	0	0	0	0
Proceeded to Ombudsman	1	0	0	0	1

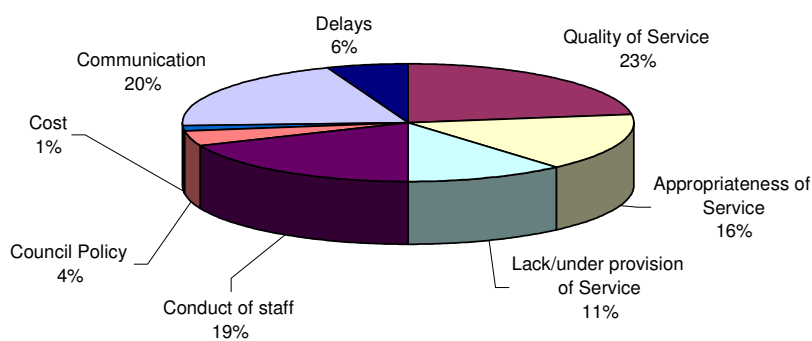
4.3 The graph below shows the reason for each Corporate complaint analysed by category for 2009-10. Further analysis of Corporate complaints can be found in Appendix 3.

Corporate Complaint Categories

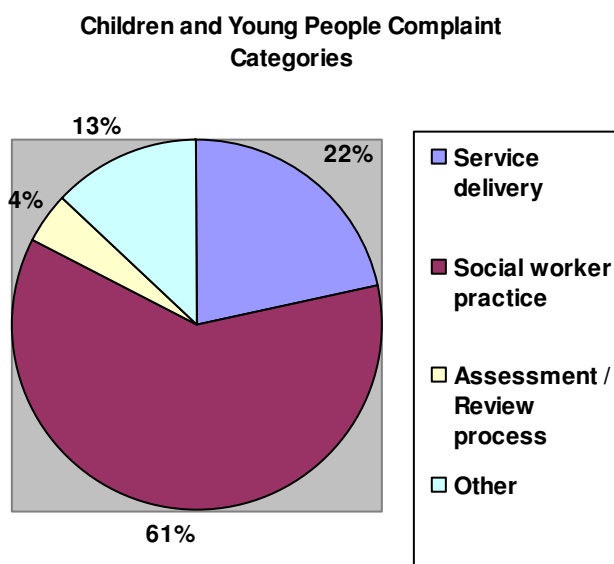


4.4 The graph below shows the reason for each Adult Social Care complaint analysed by category for 2009-10. A more detailed analysis is reported to the Healthy Halton Policy and Performance Board.

Adult Social Care Complaint Categories



4.5 The graph below shows the reason for each Children and Young People complaint analysed by category for 2009-10. More detailed analysis is reported to the Children and Young People Policy and Performance Board.



5. THE OUTCOME OF COMPLAINTS

5.1 It is important to analyse the outcome of complaints to establish whether opportunities exist for the Council to learn from them to improve service delivery. For this to happen it is necessary to determine whether individual complaints have been upheld, partially upheld or not upheld. The tables below give this information for each of the three complaints procedures.

Outcomes of Corporate Complaints 2009-10

Outcome	Adults & Community	Children & Young People	Environment	Resources	Total	Percent
Upheld	2	0	12	9	23	51%
Partially Upheld	2	0	3	3	8	18%
Not Upheld	2	0	7	5	14	31%

Outcomes of Adult Social Care Complaints 2009-10

Outcome	Total	Percent
Upheld	14	29%
Partially Upheld	25	55%
Not Upheld	7	16%

Outcomes of Children and Young People Complaints 2009-10

Outcome	Total	Percent
Upheld	1	4.5%
Partially Upheld	1	4.5%
Not Upheld	21	91%

6. WHAT HAVE WE LEARNED FROM COMPLAINTS AND CHANGED AS A RESULT?

6.1 Analysis of the complaints and comments the Council receives provide essential information to help shape and develop services. They complement the wide range of consultation exercises that the organisation undertakes (including postal and telephone surveys, open forums, consultation days etc).

6.2 Whilst complaints have resulted in changes for individuals, collectively the Council should use this information to help improve the services we provide or commission. Examples of improvements made as a result of complaints in the last year include:

- The formulation of a policy for Environmental Health investigating alleged breaches of Smoke Control Orders.
- Improved publicity of health and safety testing of memorials in cemeteries, and a return to conformance to council policy with regard to operating procedures for testing of memorials rather than adopted custom and practice.
- Improved procedures for the administration of allotment waiting lists and allocations.
- Agreement to pay forms have been introduced to help people to understand that there will be a charge for the services they receive and how those charges will be assessed.
- Operational staff have been made aware of the importance of clearly explaining the charging policy for adult social care services to service users and their families, to prevent confusion about charging policy.
- Operational Teams and the Contracts Team working closely together to resolve complaints with newly appointed independent provider contracts.

7. VEXATIOUS COMPLAINTS

7.1 Staff should respond in a professional and helpful manner to the needs of all complainants but occasionally there are times when there is nothing further that can reasonably be done to assist some complainants or to rectify a real or perceived problem. With the continual financial pressures on the Council, the organisation needs to be more adept at drawing a line under such situations that can place a disproportionate drain on staff resources over a protracted period of time. In determining arrangements for handling such complainants staff are presented with two key considerations. The first is to appreciate that even vexatious complainants may have issues that contain some genuine substance, and therefore an equitable approach is crucial. The second is to be able to identify the stage at which a complainant has become vexatious. One approach is to develop an approved policy, which would only be implemented in exceptional circumstances. Therefore a draft Vexatious Complaints Policy has been drafted and has been included in Appendix 2 for consideration.

8. POLICY IMPLICATIONS

- 8.1 Complaints provide essential information and inform the development of Halton Borough Council services and policies. The draft Vexatious Complaints Policy continues the policy of reviewing and updating the Corporate Complaints Procedure to ensure it continues to conform to best practice and remains fit for purpose.

9. OTHER IMPLICATIONS

- 9.1 Improvement and quality assessment agendas increasingly consider the robustness of complaints procedures and how they are demonstrably used to inform and drive change.

10. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 10.1 **Children and Young People in Halton** – It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of its priorities.

- 10.2 **Employment, Learning and Skills in Halton** – It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of its priorities.

- 10.3 **A Healthy Halton** – It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of its priorities.

- 10.4 **A Safer Halton** – It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of its priorities.

- 10.5 **Halton's Urban Renewal** – It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of its priorities.

11. RISK ANALYSIS

- 11.1 A weak complaints process will fail individuals who want to use it and prevent the organisation from learning from complaints.

12. EQUALITY AND DIVERSITY ISSUES

- 12.1 All complaint forms are issued with a separate form for monitoring diversity of complainants with regard to age, disability, ethnicity and gender. Unfortunately the majority of corporate complainants choose not to return the monitoring form with their complaint so information collected is extremely limited.