

**REPORT TO:** Corporate Policy & Performance Board

**DATE:** 10<sup>th</sup> January 2013

**REPORTING OFFICER:** Strategic Director Policy & Resources

**PORTFOLIO:** Resources

**SUBJECT:** Annual Report for Adult Social Care, Children & Young People and Corporate Complaints and Compliments (2011 – 12)

**WARDS:** All

## **1.0 PURPOSE OF THE REPORT**

1.1 To report on and provide an analysis of complaints processed under all three of the Council's Complaints Procedures during 2011 - 12.

## **2.0 RECOMMENDATION: That:**

(1) That the contents of the report be noted.

## **3.0 SUPPORTING INFORMATION**

### **Context**

3.1 The Council has a statutory responsibility to administer complaints in relation to Children and Young People and Adult Social Care. Additionally, the Council also administers a procedure to deal with Corporate complaints whereby the public can seek redress if they believe Council Departments have failed to deliver a satisfactory level of service.

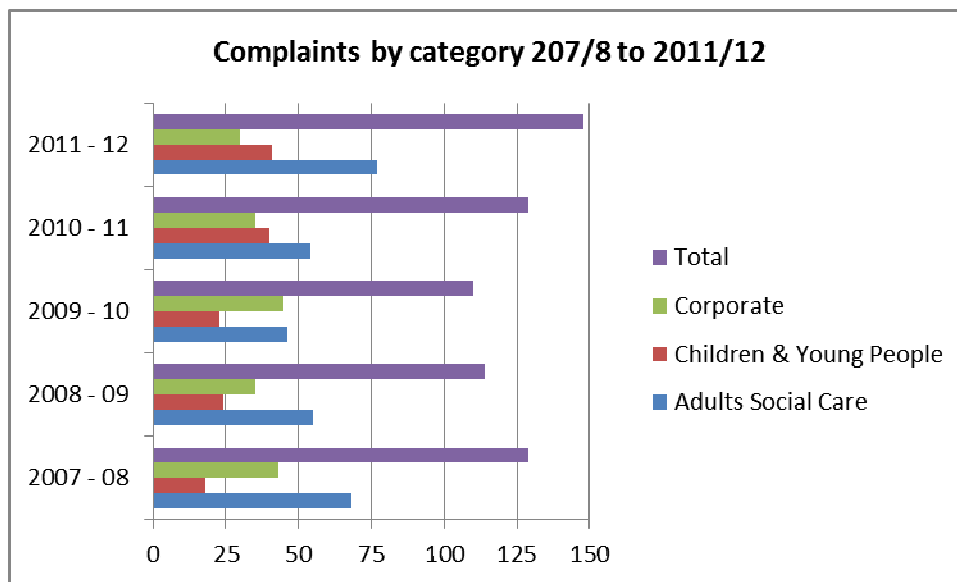
3.2 Although the complaint procedures are administered separately, Directorates do liaise with one another with regard to complaints which possess aspects that could possibly be considered by more than one of the procedures.

3.3 The procedures share 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 department 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 has two stages, whilst both Corporate and Children and Young People have three stages. If the Council cannot resolve complaints to the satisfaction of complainants they can be further considered by the Local Government Ombudsman and or the Information Commissioner. The stages of each of the procedures are documented within Appendix 1.

### 3.5 COMPLAINTS TREND ANALYSIS 2011-12.

3.5.1 The chart below provides a breakdown of the number of complaints received



for each of the financial years from 2007 – 08 to 2011 – 12.

3.5.2 Whilst the number of complaints received through the Corporate and Children’s and Young Peoples systems has remained similar to that of 2010 – 11, the number of complaints made in respect of Adult Social Care services has risen by almost 40% over the preceding year.

3.5.3 During 2011 – 12 there were a total of 5, 091 people receiving an Adult Social Care service and the number of complaints received represents a rise from 1.09% (2010 – 11) to 1.51% of the served population (2011 – 12).

3.5.4 This rise, in part, may be a consequence of the Councils successful ‘Help us Help You’ campaign which was launched in autumn 2011, and was developed in response to national and local intelligence which indicated that those in vulnerable situations can find it difficult to complain. In addition, a number of Local Authorities have reported that there has been a rise in the number of complaints received relating to Adult Social Care.

3.5.3 The table overleaf shows the number of complaints received and resolved during 2011-12, by the three separate complaints procedures, and the success rate for replying to complainants within the target time for stage one complaints. The figures for complaints received in 2010-11 are shown in italics for comparison purposes.

Complaint Stage	Corporate Complaints	Adults Social Care	Children & Young People	Total
Number of complaints resolved at Stage 1.	<b>22</b> (31)	<b>73</b> (50)	<b>37</b> (40)	<b>132</b> (129)
Proportion replied to within target time	<b>72%</b> (82%)	<b>88%</b> (93%)	<b>100 %</b> (100%)	<b>87%</b> (85%)
Complaints proceeding to Stage 2	<b>8</b> (4)	<b>5</b> (4)	<b>4</b> (3)	<b>17</b> (11)
Complaints proceeding to Stage 3	<b>1</b> (0)	N/A	<b>0</b> (0)	<b>1</b> (0)
Complaints proceeding to the Ombudsman	<b>0</b> (0)	<b>0</b> (0)	<b>0</b> (0)	<b>0</b> (0)

3.5.4 For both Adult Social Care and Corporate complaints the stage 1 response times in 2011 – 12 were slightly lower than those in the preceding year. This is likely to be the result of a range of factors including a reduction in overall staff numbers, an increase in the overall number of complaints, the complexity of some complaints, and, particularly in cases involving Adult Social Care, a focus upon reaching a satisfactory conclusion,

3.5.5 Only one complaint was progressed to stage 3 of the process which involves a review being undertaken by a Members Panel. The complaint related to the siting of a street lamp at the boundary of a residential property and was upheld by the panel. The following extract is taken from the letter that was sent to the complaint confirming the appeal outcome.

*‘Although the Panel were satisfied that the Officers had acted in good faith with the initial location of the street column, they felt that the request by yourself to relocate the column was not unreasonable due to the negative impact the location of the column was having on your property, bearing in mind your property’s particular characteristics.’*

3.5.6 The table overleaf shows a breakdown of Corporate complaints for Stage 1 and 2 received by Directorate and the target time response rate. The figures for 2010-11 are shown in brackets for comparison purposes. The one corporate complaint received during the year proceeding to stage three of the procedure has been excluded from the below table. No corporate complaints progressed to the Local Government Ombudsman in 2011/12.

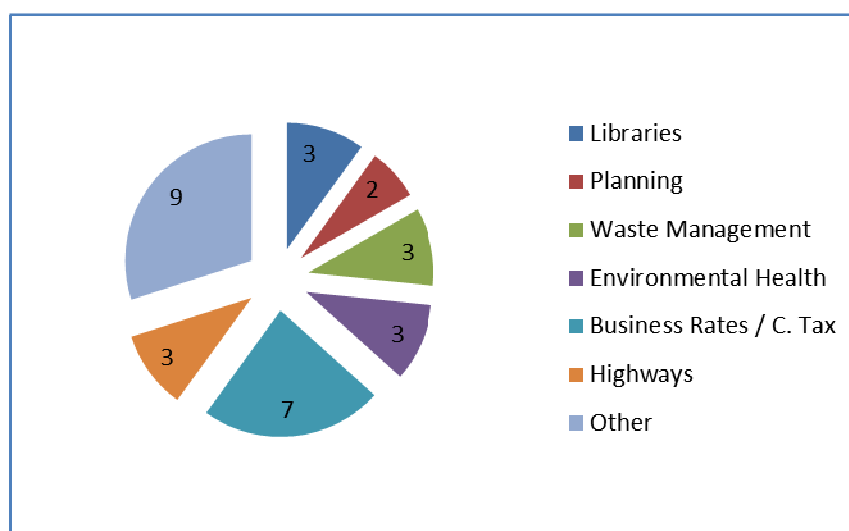
Resolution Analysis	Communities	Children & Enterprise	Policy & Resources	Total
Total number	13	1	16	30
Number resolved at Stage 1	12	0	9	22
Replied within target time	10 (83%)	n/a	7 (78%)	17 (77%)
Number resolved at Stage 2	1	1	7	8
Replied within target time	1 (100%)	1 (100%)	6 (86%)	8 (95%)

3.5.7 It should be noted that as a result of the organisational restructure in 2010 a number of service areas previously within the former Environment Directorate, including Highways Planning and Transportation, Waste Management and Open Space Services and Employment and Enterprise and Property, have been amalgamated into Policy and Resources, Communities and Children and Enterprise Directorates respectively.

3.5.8 As a consequence the complaint received in relation to the Children and Enterprise Directorate was related to the process involving the sale of Council land, which following a stage 2 investigation was found to be wholly appropriate and in line with existing policy and practice.

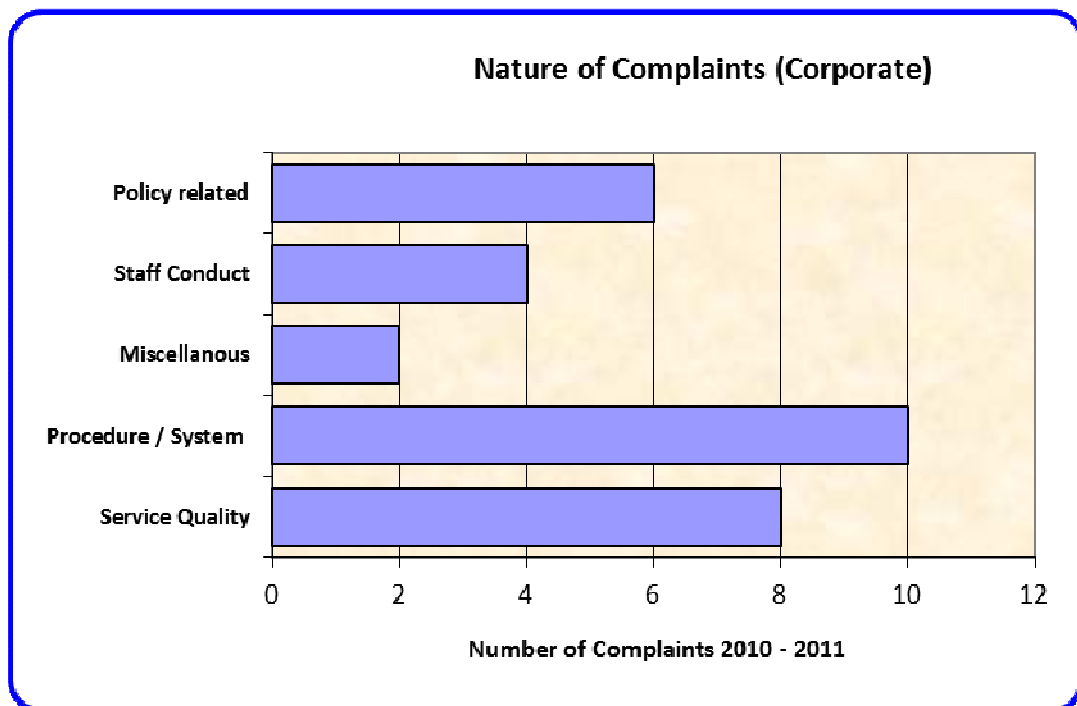
3.5.9 Additionally, the majority of complaints in relation to the Communities Directorate were in regard to Libraries, Waste Management and Open Spaces and Environmental Health.

3.5.10 As would be expected the nature of those corporate complaints received covered a relatively wide range of Council services as illustrated within the chart below.



3.5.11 Similarly to 2011-12 a significant number of complaints related to Business Rates / Council Tax administration and involved issues such as the cancellation of direct debit facilities as a result of non-payment, the award of discretionary rate relief and the release of information under Freedom of Information (FOI) requests. In all cases, and whilst the outcome for the individual may not have been positive, the Council acted in accordance with its statutory responsibilities and or in accordance with its agreed policy. However, in one case, resolved following a stage 2 investigation and involving an FOI request. Whilst the authority was not obliged to release information it agreed to do so taking account of the specific circumstances of the case and as a gesture of goodwill.

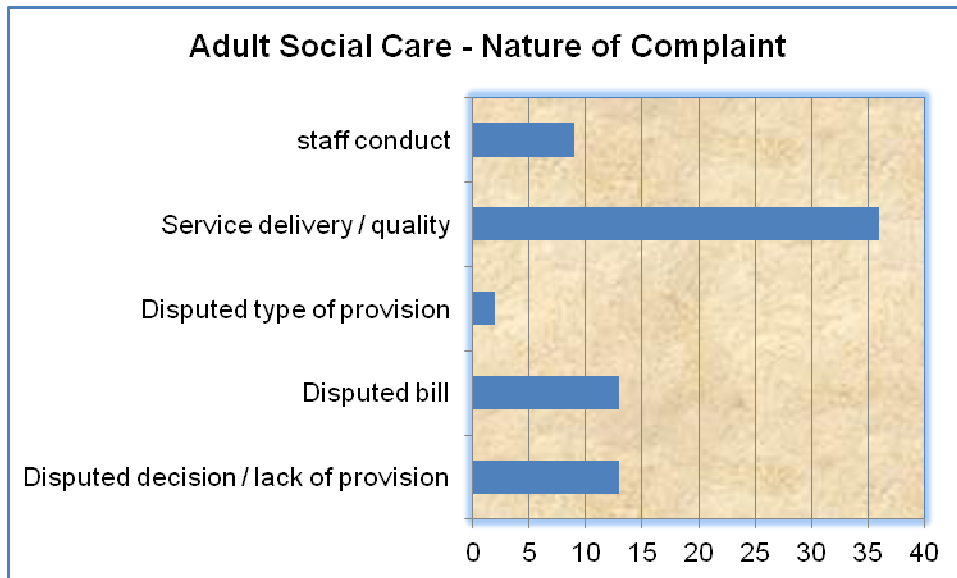
3.5.12 The following chart provides a breakdown of complaints by type for 2011 – 12 which largely reflects the position of the preceding year.



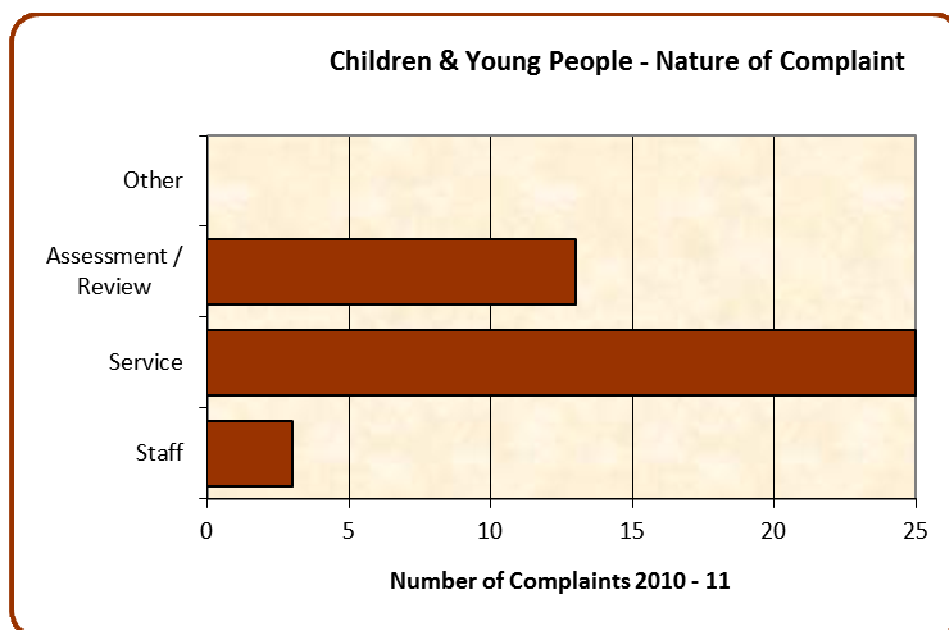
3.5.13 There were a relatively small number of complaints concerning staff conduct and in all cases the situations which led to the complaint being made were subject to discussion with individuals concerned. However, such complaints raised no specific concerns in relation to either service provision or identified training requirements.

3.5.14 Six complaints related to the implementation of Council policy, e.g. fortnightly waste collection, surcharges for payment with a credit card etc. and in such cases the complainant was given a clear explanation of the policy and the reasons as to why it had been introduced.

3.5.15 The chart below shows the reason for each Adult Social Care complaint analysed by category for 2011-12. A more detailed report is presented to the Healthy Halton Policy and Performance Board and can be accessed here <http://members.halton.gov.uk/documents/s27105/Adult%20Social%20Care%20Customer%20Care%20Report%201st%20April%202011%20-%2031st%20March%202012.pdf>



3.5.16 The chart below shows the reason for each Children and Young People complaint analysed by category for 2009-10. A more detailed analysis is reported to the Children and Young People Policy and Performance Board which can be accessed here <http://members.halton.gov.uk/documents/s26382/Complaints%20Annual%20Report%202011-12.doc.pdf>



### 3.6 THE OUTCOME OF COMPLAINTS

3.6.1 The following tables provide a breakdown of the numbers of complaints across each of the three complaints procedures that were upheld, partially upheld or not upheld during 2011-12. For comparison figures for 2010–11 have also been included in brackets for the purposes of comparison.

Outcome of Corporate Complaints

<b>Outcome</b>	Communities	Children & Young People	Resources	Total	Percent
Upheld	<b>2</b> (2)	<b>0</b> (1)	<b>2</b> (2)	<b>4</b> (23)	<b>13%</b> (40%)
Partially Upheld	<b>3</b> (4)	<b>0</b> (n/a)	<b>3</b> (3)	<b>6</b> (8)	<b>20%</b> (17%)
Not Upheld	<b>8</b> (0)	<b>1</b> (n/a)	<b>11</b> (5)	<b>20</b> (14)	<b>67%</b> (43%)

3.6.2 In relation to the two complaints upheld for Communities one related to the inappropriate use of a Council vehicle on a bus lane, which resulted in a disciplinary investigation, and one concerned the use of a PC within the ground floor area of Kingsway Learning Centre by a disabled youth, which resulted in an individual specific change in working practices.

3.6.3 In relation to Resources one of the complaints upheld related to the repositioning of a street light, as referred to earlier. The second related to transport arrangements to Riverside College for a disabled student. In this case whilst the Council had no statutory responsibilities, due to the students age, colleagues within the transport section worked with the student's father to secure transport for his son utilising a vehicle which was already in operation for this purpose.

3.6.4 In relation to those complaints across the three Directorates that were partially upheld this generally involved an apology being made, although this does not necessarily suggest that the Council had acted unprofessionally or inappropriately but that the nature of the complaint had some merit.

3.6.5 For example one such complaint related to the Council's Lifeline Wardens accessing a resident's property during the early hours of the morning following an area wide power failure. This led to telephone lines being out of service leaving residents unable to contact the Lifeline service in an emergency. As the resident had originally informed the Council that she would not be at home at the time the power failure occurred technically, there was no reason for them to have entered the property.

3.6.7 As it transpired the lady had returned earlier than planned from a holiday and was in the property at the time the Wardens gained entry through the 'keysafe' system. An apology was made and an explanation of the circumstances given to the resident i.e. that whilst records could have been more accurately checked the Wardens were acting with concern for the welfare of elderly residents registered with the Lifeline service.

Outcome of Children and Young People / Adult Social Care Complaints

Outcome	Adult Social Care		Children & Young People*	
	Number	Percent	Number	Percent
Upheld	<b>23</b> (20)	<b>29%</b> (37%)	<b>8</b> (3)	<b>21%</b> (10%)
Partially Upheld	<b>21</b> (17)	<b>27%</b> (31.5%)	<b>7</b> (3)	<b>18%</b> (10%)
Not Upheld	<b>34</b> (17)	<b>44%</b> (31.5%)	<b>23</b> (25)	<b>61%</b> (80%)

3.6.8 The outcome of Adult Social Care Complaints by Stage 1 and 2 is as follows:

- Of the 73 Stage 1 closed complaints, 21 (29%) were upheld and 18 (25%) partially upheld (complaints that are partially upheld indicate a number of issues raised, some of which were not upheld). Overall 39 (54%) of complaints had elements of their complaint upheld.
- There have been 5 complaints classified at stage 2. None were undertaken by an External Independent Investigator, all were conducted internally by Senior Managers. Of these, 3 Stage 2 complaints were partially upheld and 2 were completely upheld.

3.6.9 The outcome of Children and Young People Complaints by Stage 1 and 2 is as follows:

- Stage 1

Stage 1	Upheld	Partially Upheld	Not Upheld	Totals
2011-12	8	7	23	38
2010-11	6	4	25	35
2009-10	1	1	21	23

- **Upheld** –there were 8 upheld complaints, each were single incidents.
- **Partially upheld** – there were 7 partially upheld, each were single incidents. (A complaint can be partially upheld where there have been a number of issues raised and some elements have been upheld, whilst others may not have been.)



- **Not Upheld** – Complaints can initially be made against staff however the actions were governed by child protection policies.
- One complaint closed as not upheld was investigated under a different procedure which took precedence over the complaint procedure.

- Stage 2

Four Stage 2 investigations have been undertaken in this financial year, 3 more than in the previous year. Key points arising from these investigations are as follows:

- i. A Stage 2 investigation was concluded in 2011/12 which was carried over from the previous year. There were 23 elements to this complaint which resulted in a very complex investigation and detailed report.
  - 15 elements were upheld
  - 6 elements were not upheld
  - 2 elements there were no definitive findings
  - 38 recommendations were made by the independent investigator

The Independent Investigator's report was adjudicated on by a senior manager in the Directorate who accepted conclusions and recommendations including:

- Prior to the investigation, the Disabled Children's services had already been amalgamated with the Child in Need Service, part of the rationale for that decision was to ensure increased understanding of Safeguarding issues.
- The Commissioning role, risk assessments, provider monitoring be reviewed
- Staff Training be undertaken regarding the LADO (Local Authority Designated Officer) role and commissioning responsibilities
- Quality checking/assurance systems of assessments and timeliness be completed

The complainant was satisfied with the Independent Investigation, the findings, recommendations and the adjudicating officer's response. The complaint did not progress to Stage 3 Review Panel.

- ii. A Stage 2 investigation commenced for a young person in care who was disputing a decision. Due to decisions made by an external organisation, the complaint outcome could then not be met by the Local Authority. This Stage 2 investigation was then withdrawn by the young person who was supported by an advocate.
- iii. A Stage 2 investigation was undertaken due to differing views regarding the level of intervention required. The investigator's report stated that 'during the course of the investigation it was identified that a core assessment should be carried out' and so upheld this element.

It was also noted that help could have been received earlier if the complainant had continued with the Common Assessment Framework (CAF) process. Five recommendations were made by the independent investigator. The conclusions and recommendations were accepted by the adjudicating officer including reviewing documentation and staff training. The complainant was satisfied with the report and the complaint did not progress to Stage 3 Review Panel.

iv. A Stage 2 investigation was undertaken to investigate 5 elements:

- 1 element was upheld
- 1 element partially upheld
- 3 elements were not upheld

There was one recommendation and this was accepted by the adjudicating officer. The complainant remained dissatisfied and requested a Stage 3 Review Panel. After consultation, this was declined and the complainant was offered early referral to the Local Government Ombudsman (LGO) as the outcome being sought could not be met through the complaints procedure.

No complaints have progressed to Stage 3 of the formal complaints procedure.

### **3.7 WHAT HAVE WE LEARNED FROM COMPLAINTS AND CHANGED AS A RESULT?**

3.7.1 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).

3.7.2 Whilst complaints have resulted in changes for individuals, collectively the Council uses this information, along with that resulting from routine interaction with residents, to help improve the services we provide or commission.

3.7.3 Examples of improvements made as a result of complaints in the last year include:

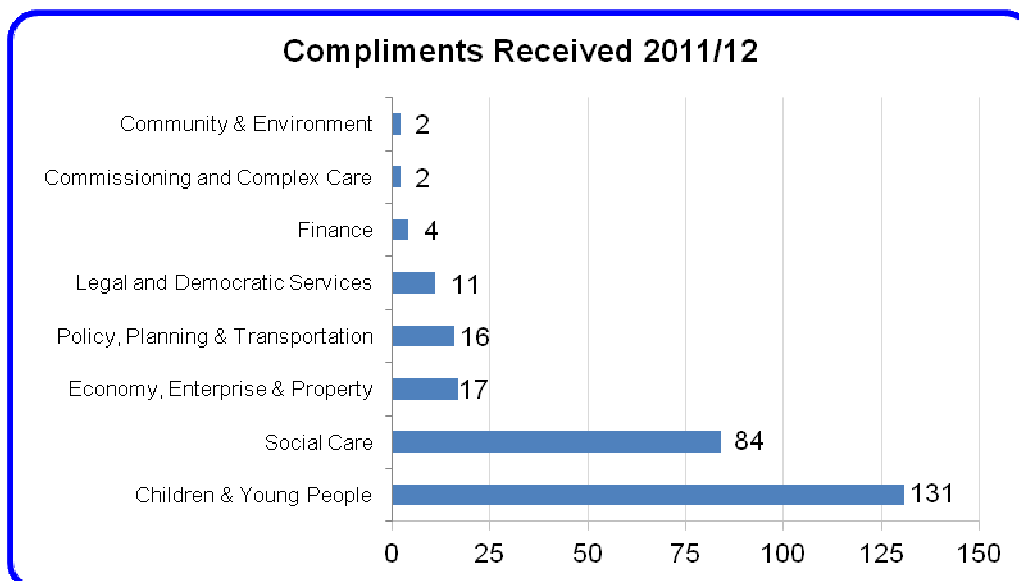
- Establishing individual specific arrangements to facilitate the extended use of the internet for a disabled library user at Kingsway Learning Centre.
- Implementing a revised system of delegated authority for foster carers
- Printout of immunisation to be passed to foster carers
- Various interventions to improve communication between clients, family or representatives and service providers.

- The procedures for the opening and closing of a day unit were reviewed and revised.
- Improvements to medication and prescription policies
- The successful delivery of the 'Help Us Help You' initiative to provide individuals with an easier route of access to making complaints and providing reassurance that their concerns will be acted upon responsibly and with respect.

3.7.4 In addition a number of group training sessions have been held for staff that have been well received and valued by participants. Further sessions will be planned on a periodic basis and delivered to appropriate audiences across the authority.

#### 4.0 COMPLIMENTS

4.1 Following a request by Elected Members this report now provides a short summary of those compliments that have been received concerning the provision of services across the Council during the year. Fifty two compliments have been received throughout the Corporate route as shown in the table analysed below, with the additional 84 compliments received by Adult Social Care and 131 by Children's Social Care.



4.2 It should be noted that compliments are made and received through a range of communication channels. Whilst steps have been taken to capture such information more consistently during the year 2011/12, the information contained in this report is representative and may not capture every complimentary exchange. For example in relation to human interaction, particularly in regards to inwardly focussed operational support services as noted for Corporate Services, whereas for Children's Services 55 compliments were positive feedback from workers/ professionals with 76 compliments received from service users of which 15 of these, were from

young people. Further analysis is required going forward on the source of the compliment, to ensure consistent treatment across the Council.

4.3 The following extracts are examples of compliments and positive feedback received during 2011 – 12 in relation to Children's and Adult Social Care:

*"In a nutshell I don't know how myself and family would have got through the last few months without A, she has shown constant support and professionalism. I always felt she was at the end of the phone when I needed her".*

*Card - with contributions from mum, dad and children, the children had previously been accommodated subject to a child protection plan. "I can't help but wonder if it was somebody else that day at the police station 2 years ago, I might not have a family now, thank you for all your support and guidance, will be eternally grateful". "Thank you for helping us to be good and learn". "Thank you for the nice stuff".*

*"I am made up that I got K as my Support Worker, I don't know what I'd have done without her, and she makes me understand things and points me in the right direction".*

*"I have had 1 to 1 sessions with J. This has helped me to understand why it's important to share things that are worrying me and that there is always somebody to help me make choices".*

*Daughter moved into supported accommodation. "I am writing to express true appreciation for the very helpful and thorough support offered. Many other excellent inputs over nearly 20 years have contributed to her development to greater independence. For all of us we are most grateful to Halton Council"*

*"A big thank you, a couple of years ago my mum was diagnosed with dementia, it happened rapidly and was traumatic for all concerned. We tried to cope but when we needed help we turned to the council. The help we needed was there as soon as we asked, as soon as we needed it. Halton Council can be justifiably proud of their concern for and care of the vulnerable and elderly in their charge. Once again thank you".*

*Client has severe and enduring complex mental health issues, it should be noted that writing this letter was a massive thing for him. "I don't know if clients ever write to the management, but I wanted to say a big thank you for the on-going support I am receiving. They treat me with dignity, respect and a smile which helps put me at ease. If I did not receive their support I feel I could not live in the community".*

4.4 In relation to the Policy and Resources Directorate and Corporate related issues the following are examples of positive feedback:-

*“I would like to take this opportunity to express our thanks to the Council’s team for the excellent professional and co-operative team work with ourselves and the design team on the new Tesco store in Widnes. They were a big part of the success of this project and hope to work with the team again if we are in the Halton area”.*

*“I just wanted to send you a personal thanks from me; to all colleagues who gave presentations over the last two days in the New Members’ Induction Programme. The feedback from the new members has been very positive”.*

*“I don’t think I could of coped without welfare rights, never been to a tribunal before and I think Judith Clayton helped my case and the outcome with the submittal she sent in to the tribunal and she was very patient and understanding with me cannot thank her enough”. Additionally from a different service user “Couldn’t make any more comments as everything was EXCELLENT especially at the time as I had just lost my husband”*

*“The area forum money we have been awarded over the years has enabled us to hold valuable community centre based events that have attracted large sections of the community. The events promote community cohesion and provide a platform for local consultation on local issues. (Outdoor space at Murdishaw, Intergenerational Issues, Community Safety)”*

## **5.0 POLICY IMPLICATIONS**

5.1 Complaints provide essential information and inform the development of Halton Borough Council services and policies. The Corporate Complaints Procedure is regularly reviewed to ensure it continues to conform to best practice and remains fit for purpose.

## **6.0 OTHER IMPLICATIONS**

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

## **7.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES**

7.1 It is important for the Council to have robust complaint procedures in place to improve service delivery and ultimately help the achievement of all of its six strategic priority areas.

## **8.0 RISK ANALYSIS**

8.1 An inefficient or ineffective complaints system will fail individuals who want to use it and prevent the organisation from learning from complaints. Whilst complaints can result in positive changes for individuals they are also a key

source of intelligence which can be used to influence the design and delivery of services that the organisation provides and commissions.

## **9.0 EQUALITY AND DIVERSITY ISSUES**

- 9.1 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. However upon the basis of available evidence no specific social groups are overly represented by age, gender, disability etc.

## Council Complaint Procedures

