

13 December 2017

Agenda Item: 8

## **REPORT OF THE MONITORING OFFICER OUTCOMES FROM THE COMPLAINTS PROCESS – APRIL 2016 TO MARCH 2017**

### **Purpose of the Report**

1. The purpose of this report is to present a summary of complaints made to the County Council between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017

### **Information and Advice**

#### Introduction

2. The Complaints and Information Team (C&IT) is based at County Hall and deals with all the formal complaints made to the Council including those made through the Local Government Ombudsman. The team is distinct from the Customer Service Centre. The Complaints and Information Team also deals with all requests made under the Freedom of Information Act, Access to Records requests and data breaches.
3. The aim of the complaints service is to provide a responsive and outcome focussed local complaints system. Formal complaints are those which require some element of investigation and an official written response under one of the Council's complaints procedures.
4. Members will be aware that there are three complaints processes; two of which, children's and adult's social care processes, are statutory. The corporate complaints process deals with all other areas of Council service. Members receive quarterly reports giving details of completed complaints in their area and the outcome for each complaint.
5. Where complaints are partially or fully upheld, the remedies offered aim to be proportionate to the nature of the fault found and the level of impact this caused to the customer or service user. Remedies offered at the early stages include a full written explanation with an apology and in some cases a meeting may also be arranged. It should be noted that the majority of all formal complaints are completed at the earliest stage of the process and resolved at local level without further escalation. There has been a reduction in the number of complaints escalated to an independent investigation at Stage 2 as there has been more emphasis on working to resolve complaints at the initial stage including exploring alternative resolution options.
6. The outcomes of complaint investigations are valuable for the Council to monitor so performance can be improved however it is also important to know that in the majority of

cases where complaints are partially or fully upheld, the service failures identified relate to individual cases rather than across a whole service area.

7. Where the evidence does demonstrate that policy or procedural changes are required an action plan is created and monitored and shared with Leadership teams to ensure that service improvements are made. In addition, the Service and Corporate Directors for Children's Social Care receive all reports from the independent panels, who review the complaint at the final stage of the statutory process, and approve an action plan to carry out any recommendations.
8. The Complaints and Information Team are committed to ensuring all Nottinghamshire residents and their representatives receive an equitable and independent service in response to any concerns or complaints they raise with the Council. As we aim to seek a considered response and resolution to all complaints, we welcome contact from Members at the earliest opportunity when raising concerns on their constituents' behalf.
9. The statistical information relating to complaints made directly to the Council is set out in Appendix A to this report. The total number of complaints received is consistent with previous years' figures however anecdotal evidence suggests the focus and nature of some complaints is changing. For example we have seen an increase in complex complaints which cover more than one area of service; including children and adults with complex needs requiring coordinated services from more than one organisation or independent service provider. These inevitably require specialised skills and knowledge to manage however are also more likely to be escalated by the complainant or their representative if the outcome they are seeking is unlikely to be achieved, which can interrupt the formal complaints process.

### Children's Social Care

10. It is important to understand complaints in the context of whole service provision. Children's Social Care dealt with 9317 referrals in the year ending 31/03/17. At this time there were 859 children on child protection plans, and 775 Looked After Children. There were 4319 children assessed as Children in Need during this period with 292 children with 1 or more recorded disabilities.
11. The number of complaints received during the year is 271 which is consistent with the previous years' figures. The statutory children's social care complaints process has 3 stages: initial response, independent investigation, and finally a review by a panel of 3 independent people.
12. Of the complaints completed at Stage 1 during this period 114 were not upheld, 61 partially upheld and 31 fully upheld. It should also be noted that during the year, 4 complaints were independently investigated at Stage 2 and of these 3 were partially upheld and 1 not upheld. Three complaints were escalated and independently reviewed at Stage 3 and all recommendations were actioned.
13. The main themes of children's social care complaints include; delay in an assessment process, concerns about the content or outcome of assessments, professional decisions in child protection cases, the action or conduct of individual workers and the way referrals have been handled. A significant number of children's social care complaints arise where there is

conflict within families and disputes regarding contact arrangements between children and family members.

14. Some of the more complex complaints received concern the process followed in completing Education, Health and Care (EHC) plans which are managed by the Integrated Children's Disability Service however involve assessments and consultation with partner organisations. EHC plans are for children and young people whose special educational needs require more help than would normally be provided in a mainstream education setting.
- 16 Further examples include complaints which relate to historical and contemporaneous allegations made against people who have or currently work with children. These can be difficult to manage and resolve, as they are also very difficult for the subjects of the complaints, and they potentially have a significant impact for an individual in terms of their employment. Disputes commonly arise when the person at the centre of the allegation wishes to challenge the evidence provided by third parties, the process of the investigation and the outcome decision reached by the concluding multi-agency strategy meetings.
15. The learning outcomes from upheld complaints identified; that information in assessments and social work reports should be recorded more accurately and shared with parents promptly to allow an opportunity for further discussions and factual amendments to be made. In cases where a complainant strongly disagreed with a professional view, the remedy offered was the opportunity to submit their own written views to be considered alongside the social work assessment. The reasons for most complaints to be upheld or partially upheld relate to individual cases and often involve some form of communication issue.

#### Adult Social Care

16. During 2016/17 Adult Social Care received 26,239 new contacts – 5,320 younger adults, 20,919 older adults.
17. The number of complaints received in the year is 334 which is an increase in the number received during the same period the previous year however is consistent with the previous years' and general trends.
18. The main themes relate to the provision of services following changes in assessment criteria and decisions in some cases not to fund long term care for service users. Other issues are paying for care, hospital discharge arrangements, the reduction in care packages and the quality of care from homecare or residential care providers. More complex complaints arose from disputes about the process or outcome of safeguarding investigations or where there was conflict between family members regarding the care and best interests of elderly parents.
19. Of those completed during the same period 85 were not upheld, 67 were partially upheld and 50 were fully upheld following investigation which is again consistent with the previous years' figures.
20. Where complaints were upheld the remedies offered in addition to an apology included; offers to reassess the service user which in some cases led to a change of decision about provision of services and good will gesture payments. Other outcomes identified were; improvements required in communication with close family members for example; following

the outcome of safeguarding investigations, explaining personal budgets and the process for paying for care.

21. As in children's social care complaints about assessments, where families are unhappy with the conclusions reached, are very individual and generally have no ongoing lessons that can be drawn from them.

### Corporate Complaints

22. The number of corporate complaints received during the year was 588 which was an increase on the previous years' figure of 428 however 108 of these concerned the introduction of the registration process for use of Household Waste Recycling Centres in Nottinghamshire. The majority of these complaints were received in the period between April and September 2016 and resolved quickly with an explanation. One complainant escalated his complaint to the Local Government Ombudsman about the requirement to register for the scheme however the LGO didn't find fault in the Council's decision or consider that the complainant had been caused a significant injustice. In a few cases further assistance and apologies were offered initially when some technical issues occurred with the online registration form. The second half of the year saw a significant decrease in the number of complaints about the scheme and have reduced further since March 31, 2017.
23. A large proportion of complaints received each year relate to highways issues including traffic management, tree, hedge and verge maintenance and the lack of response to fault reporting in this area of work. Since April 2016 The Complaints and Information Team have been working with Via to ensure a good level of service is provided for responding to and monitoring highways complaints.
24. Another main area are transport complaints including individual and isolated issues with bus services, changes to bus timetables, the issuing of concessionary bus passes and a small number of complaints about the process followed to relocate bus stops.
25. Of the complaints which were completed and resolved at Stage 1 during the year, 303 complaints were not upheld, 65 partially upheld and 127 fully upheld. The remedies included written apologies, with an explanation or advice and on some occasions small good will gesture payments were offered.
26. There were 5 complaints independently investigated at the second stage of the complaints process with 4 not upheld and 1 partially upheld which was then resolved by a letter of apology.

### **Other Options Considered**

27. No other options considered

### **Reason/s for Recommendation/s**

28. To enable members to scrutinise complaints dealt with using the corporate complaints procedure between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017.

### **Statutory and Policy Implications**

29. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

30. Nine complaints that were upheld involved disputes about care fees and the remedy offered and accepted in each case was to waiver of a proportion of the charge. This amounted to £6100 in total.

## **RECOMMENDATION**

That members consider whether there are any actionst they require in relation to the issues contained within the report.

**Jayne Francis-Ward**  
**Corporate Director Resources**

**For any enquiries about this report please contact:**

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### **Constitutional Comments (SLB 29/11/17)**

31. Governance and Ethics Committee is the appropriate body to consider the content of this report. If Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

### **Financial Comments (SES 29/11/17)**

32. The financial implications are set out in the report.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

### **Electoral Division(s) and Member(s) Affected**

- All