



## **REPORT OF LEADER OF THE COUNCIL**

### **OUTCOMES FROM THE COMPLAINTS PROCESS - APRIL 2015 TO MARCH 2016**

#### **Purpose of the Report**

1. The purpose of this report is to present a summary of complaints made to the County Council and the Local Government Ombudsman (LGO) between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016

#### **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. C&IT 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.
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 Local Government Ombudsman will usually only consider complaints which have not been resolved at local level and concern service failure or maladministration resulting in an injustice to the complainant. The LGO does not usually investigate complaints about decisions the Council has made simply because the complainant does not agree with them, unless the evidence suggests that a procedural fault has occurred in reaching the decision. Where fault is found the recommendations may include an apology, a financial remedy or an improvement in procedures so that the problems don't arise again.
9. The statistical information relating to complaints made directly to the Council is set out in Appendix A to this report. Appendix B is the report from the Local Government Ombudsman about the complaints referred to their office for the year ending 31/03/2016.
10. Please note; the information provided in the LGO report (Appendix B) does not correlate with the information provided in Appendix A. This is because the LGO investigates complaints once they have completed the Council's complaints process, therefore the time periods involved are different.

## **Children's Social Care**

11. It is important to understand complaints in the context of whole service provision. Children's Social Care dealt with **8,905 referrals** in the year ending 31/03/16. At this time there were **700** children on child protection plans, and **838** Looked After Children.
12. The number of complaints received during the year is **312** 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.
13. Of the complaints completed at Stage 1 during this period 129 were not upheld, 83 partially upheld and 45 fully upheld. It should also be noted that during the year 9 complaints were independently investigated at Stage 2 and of these 3 were not upheld, 5 partially upheld and 1 fully upheld. Five of these complaints were then independently reviewed at Stage 3 and in each case the panel agreed with the outcome of the Stage 2 investigation with regard to the main complaints.

14. The majority of children's social care complaints include; concerns about the content or outcome of assessments and professional decisions in child protection cases, the action or conduct of individual workers and the way referrals have been handled.
15. Other main themes include communication concerns and the level of support offered to families including children with disabilities.
16. 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.

## Adult Social Care

17. During 2015/16 Adult Social Care received **26,239 new contacts** – **5,320** younger adults, **20,919** older adults.
18. The number of complaints received in the year is **288** 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.
19. 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 themes are disputes about paying for care, hospital discharge arrangements, the reduction in care packages and the quality of care from homecare or residential care providers.
20. Of the complaints completed during the year 104 were not upheld, 64 partially upheld and 45 fully upheld following investigation.
21. 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.
22. As in children's social care complaints about assessments, where families are unhappy with the conclusions reached, these are very individual and generally have no ongoing lessons that can be drawn from them.

## Corporate Complaints

23. The number of corporate complaints received during the year was **428** which is a significant decrease in the number received during the previous year. The reason

appears to be related to severe winter weather conditions and that during 2014/15 a high number of highways complaints were made about road gritting and potholes. Although it may be too soon to draw any firm conclusions from the reduction of complaints about potholes, early indications suggest that the Council's change to the 'Find and Fix' approach and use of new materials for repairs may also be a factor.

24. A significant number of complaints are received each year relating to tree, hedge and verge maintenance and the lack of response to fault reporting in this area of work. As some of this work is now undertaken by the District and Borough Council's the number of complaints received by the Council therefore are likely to have reduced.  
In response to complaints about communication and responses to fault reporting, in Highways services, the automated acknowledgements and response letters produced by HAMS, the Highways asset management system were reviewed and amended to explain response times and the next steps in resolving issues.
25. Since April 2016 the Complaints Team are working with Via to ensure a good level of service is provided for responding to and monitoring highways complaints.
26. The second highest number of complaints relate to transport issues 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.
27. A number of other complaints were raised with regard to Blue Car Badge applications or renewal process.
28. Of the complaints which were completed and resolved at Stage 1 during the year, 181 complaints were not upheld, 84 partially upheld and 153 fully upheld. Remedies offered for upheld complaints included; changes to procedure and staff training, reviewing policies, improvements to written and website information and customer service training.
29. There were 7 complaints independently investigated at Stage 2 with 5 not upheld and 2 partially upheld.

## **Complaints to the Local Government Ombudsman**

30. The Local Government Ombudsman (LGO) looks at complaints about councils and some other authorities and organisations, including education admissions appeal panels.
31. During this period the LGO considered and made decisions in 91 cases which included an increase in Adult Social Care complaints. Approximately a third of the cases were referred back to the Council for local resolution and a third closed after their initial enquiries. A further 8 complaints were considered but found to be outside the jurisdiction of the LGO. Detailed investigations were carried out by the LGO into 19 complaints. Of those investigations 9 (47%) found no fault in the Council's action and the other 10 (53%) of the complaints were upheld. These figures are consistent with the previous two years.

32. The Council accepted the Ombudsman's recommendations in all cases, these included;

- reviewing the policy on 'family group conferences'
- an apology and offer of £250 for procedural error in completing an assessment
- a time and trouble payment of £150 to complainant and adjustment to home care fees to account for missed calls
- further information to be provided to son about the outcome of a safeguarding investigation relating to his elderly father.
- waiver of part of the care home fees for a delay in arranging a financial assessment
- adjustment made to outstanding care home fee to account for decision to retrospectively agree to pay for service user's care
- offer of second school appeal and £650 payment for petrol costs incurred during course of the complaint
- apology and explanation of the decision following a school appeal
- refund for the sum paid for a penalty charge notice for incorrect information given and delay in response to customer's representations

33. The LGO is very much aware that all Councils are considering alternative methods of service delivery and will be commissioning services and entering into partnerships of many different kinds to provide services for residents. The Ombudsman has made it clear however that if a particular service is an administrative function of the Council the LGO will expect the Council to deal with any complaint about the service and the LGO will only enter into communication with the Council, rather than any provider, about the complaint.

## **Statutory and Policy Implications**

34. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

Policy Committee is asked to note the contents of this report,

**Cllr Alan Rhodes**  
**Leader of the Council**

**For any enquiries about this report please contact:** Laura Mulvany-Law, Temporary Team Manager Complaints and Information Team 9772821

## **Constitutional Comments**

As this report is for noting only no constitutional comments are required.

**Legal Comments (SLB 06/10/2016)**

Policy Committee is the appropriate body to consider the content of this report.

**Financial Comments (SES 07/10/16)**

There are no specific financial implications arising directly from this report.

**Background Papers and Published Documents**

None.

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

- All

## Formal complaints. 1 April 2015-31 March 2016

<b>Adult Social Care</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
<b>Total received</b>	<b>245</b>	<b>275</b>	<b>288</b>
<b>Completed complaints</b>			
Not upheld	68	79	104
Partially upheld	80	79	64
Fully upheld	37	48	55
Completed within 6 month timescale	95%	99%	93%

<b>Children's Social Care</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
<b>Total received</b>	<b>289</b>	<b>273</b>	<b>312</b>
<b>Completed complaints</b>			
Not upheld	105	105	129
Partially upheld	99	74	83
Fully upheld	27	30	45
Stage 1 responses completed in 20 working day timescale	85% (58% completed in 10 working days)	85% (48% completed in 10 working days)	82% (48% completed in 10 working days)
Complaints investigated at Stage 2	8	7	9
Complaints considered at Stage 3	7	6	5

<b>Corporate service</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
<b>Total received</b>	<b>540</b>	<b>604</b>	<b>428</b>
<b>Completed complaints</b>			
Not upheld	182	222	181
Partially upheld	124	100	84
Fully upheld	120	188	153
Stage 1 responses completed in 20 working day timescale	92%	89%	84%
Complaints investigated at Stage 2	0	6	7
Complaints considered at Stage 3	0	0	0

Local Government Ombudsman year ending 31/03/16

Appendix B

Local Authority Report: Nottinghamshire County Council  
 For the Period Ending: 31/03/2016

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
37	0	4	37	2	15	0	0	0	95

## Decisions made

				Detailed Investigations				
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total	
8	0	33	31	9	10	53%	91	

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

### Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
9	1	100%