

**REPORT OF LEADER OF THE COUNCIL****OUTCOMES FROM THE COMPLAINTS PROCESS - APRIL 2014 TO  
DECEMBER 2014****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 April 2014 and 31<sup>st</sup> December 2014.

**Background**

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, it is also responsible for handling requests made under the Freedom of Information Act and Access to Records requests. C&IT is distinct from the Customer Service Centre which handles, amongst other things, fault reporting, formal complaints are those which require some element of investigation and a formal response under one of the Councils complaints procedures.
3. Members will be aware that the Council has three complaints processes; two of which, children's and adults social care processes, are statutory. The corporate complaints process deals with all other areas of Council service.
4. The statistical information relating to the numbers of complaints is set out in Appendix A to this report. It should be noted that although trend information (total number of complaints year by year) for children's and adult social care is provided, it is not possible to provide trend information for each area of service easily, as the structures have changed significantly in recent years.

**Children's Social Care**

5. It is important to understand complaints in the context of whole service provision. Children's Social Care dealt with **8716** referrals in the period during the last financial year. At the end of March 2014 there were **590** children on child protection plans, and **830** Looked After Children

6. The number of complaints received during the first 9 months of the year is 197 and this represents a slight reduction in the number of complaints received last year during the same period.
7. 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. It is very pleasing to note that 99% of complaints were resolved at stage 1 of the procedure. It is much better that complaints are resolved as soon as possible.
8. 75% of the complaints received were either not upheld or only partially upheld.
9. There have been a number of complaints about the contents of assessments when family members disagree with the contents and/or conclusions; about the way in which referrals have been handled: both about the decision to investigate further and the decision not to take further action. There have also been a small number of complaints about data breaches. The majority of complaints related to individual assessments when families were unhappy with the conclusions reached. These can only be dealt with on an individual basis, and have no ongoing procedural implications or lessons that can be drawn from them.

## **Adult Social Care**

10. Adult Social Care dealt with 32,600 referrals in 2013/14 and provided services to 11,087, older adults (65+) and to 4,746 younger adults. The support services to older adults include: help with mental health problems (2,407); help to people with physical disabilities (8,395); and support to other vulnerable adults (285). The support for younger adults includes: learning disability (2,158); physical disability (1,836) and remainder support to younger adults with mental health and other vulnerabilities (752).
11. The number of complaints received in the first 9 months of the year is 197 (it is a coincidence that the figure is the same as children's social care) which is also a reduction in the number received during the same period the year before. There are no set timescales in this process as these are negotiated individually with complainants as required by law.
12. There have been a number of complaints that related to the decisions not to fund long term care for service users, about hospital discharge arrangements, and about reduction in care packages. In a similar way to children's social care complaints about assessments where families are unhappy with the conclusions reached are very individual and have no ongoing lessons that can be drawn from them.

## **Corporate Complaints**

13. The number of corporate complaints received during the first 9 months of the year was 439 which is comparable figure with the number received in the same period during 2013. The proportion of complaints resolved at stage 1 was 98%.

14. During the period there have been a significant number of complaints relating tree and hedge maintenance and the lack of response to fault reporting in this area of work. Unfortunately there had been a vacant post of tree inspector, which has now been filled. In addition separate, temporary, funding has been made available to deal with the nationwide problem of ash tree die back which has placed an additional burden on the capacity of officers. It is however inevitable that as budgets reduce it is not possible to do the same volume of work as previously. Every effort is being made however to find innovative ways of delivering services.
15. 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, have been reviewed and amended to explain response times and the next steps in resolving issues.
16. Officers from the Customer Service Centre and the Pensions team have also met to review how pension queries are handled and a new “duty desk” system has been established, as there were some complaints about the response times for pension enquiries.
17. There were a number of complaints which highlighted that there were occasions when recorded and special delivery mail went missing. As a result the central mail team at County Hall have revised procedures for dealing with this type of incoming post.
18. Regular feedback about complaints is given to each Department’s leadership team and appropriate follow up action is taken. In addition the Service Director for Children’s Social Care receives all reports from the independent panels who review the complaint at the last stage of the statutory process, and approves an action plan to carry out any recommendations.

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

19. The Local Government Ombudsman (LGO) looks at complaints about councils and some other authorities and organisations, including education admissions appeal panels. During this period 32 complaints about this Council to the Ombudsman have been concluded of these 81% were not upheld or were closed after initial enquiries either because there was insufficient evidence of fault to conduct an investigation, or the complaint was out of the jurisdiction of the Ombudsman.
20. The Council has accepted the Ombudsman’s recommendations in the other cases, these included:
  - reducing the outstanding bill for a user of adult social care;
  - an apology and ensuring staff receive feedback about issues raised;
  - a revision of letters for parents applying “in year” for a school place;
  - offering places at schools in two cases;

- and a payment, in recognition of uncertainty caused to a service user and her family, as a result of errors in the assessment process.

21. 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**

22. 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:** Jo Kirkby, Team Manager Complaints and Information Team 9772821

### **Constitutional Comments (CH 23.2.15)**

The report is for noting purposes only.

### **Financial Comments (SES 25/02/15)**

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

## Breakdown by Category of Complaint April 2014 – December 2014

<b>Children's Social Care Complaints received by Service Area</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15 9 Months</b>
Access to Resources			7
Safeguarding & Independent Review			7
Social Work Services (MASH& Assessment teams)			42
Social Work Services (Childrens Disability Teams, District Child Protection Teams, Regulated Services, OT)			77
Social Work Services (Looked After Children, Permanence and Court work , Distict Child Protection Teams, Leaving Care)			64
	<b>249</b>	<b>289</b>	<b>197</b>

Of 194 Children's Social Care complaints completed in the period 192 (99%) were completed at Stage 1

<b>Adult Social Care Complaints received by Service Area</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15 9 Months</b>
Access & Public Protection			34
Day Services & Employment			5
North & Mid Nottinghamshire			97
Residential Services			3
South Nottinghamshire			55
Strategic Commissioning			3
<b>Total</b>	<b>218</b>	<b>245</b>	<b>197</b>

<b>Corporate Complaints Process</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15 9 Months</b>
Environment & Resources	426	453	359
Children Families & Cultural Services (excluding Children's Social Care)	67	63	47
Policy Planning & Corporate Services	11	9	9
Public Protection	10	4	8
Adult Social Care Health and public Protection (excluding adult social care)	10	10	7
Public Health	0	1	5
<b>Total</b>	<b>524</b>	<b>540</b>	<b>435</b>

Of 393 complaints completed in the period 386 (98%) were completed at Stage 1