



# **City of York Council Annual Complaints Report April 2019 – March 2020**

**Janie Berry**  
**Director of Governance and Monitoring Officer**  
Cath Murray  
Complaints and Feedback Manager

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## 1 Introduction

Complaints and Feedback are managed for all council areas through the Complaints and Feedback Team (CFT) to ensure that comments, complaints, concerns and compliments are dealt with in an independent and consistent way across the council.

Complaints about adult and children's social care services are dealt with under two separate pieces of legislation:

- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Complaints about other council services are dealt with under the council's Corporate Complaints and Feedback procedures and these have been designed using the guidance and good practice specified in the statutory procedures and by the Local Government and Social Care Ombudsman (LGSCO).

It is essential that all teams delivering services (including the contractors or providers of services on our behalf) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong, managers can ensure that matters are put right. Senior managers and the CFT therefore regularly encourage teams to recognise complaints and report these to the CFT.

It is important to note the impact of Covid19 in this reporting period. As for all services, this has resulted in the provision of the complaints and feedback services being provided remotely with officers and investigators, as well as service area managers and staff working from home.

As a result of this, the team and the independent agency, along with staff and managers in service areas, have reviewed the ways of working and have adapted this to ensure the complaints and feedback service can continue to be provided effectively. It is considered these changes have had a positive impact on service provision, with staff and investigators being able to speak to customers and key staff and managers, at a time convenient to them, without needing to find a quiet space for phone calls or arrange times for a meeting room.

It has given team members and senior managers the ability to work more closely to respond to and resolve complaints, with the complaints team providing advice to managers about appropriate remedies and responses for managers to then consider and agree or amend.

This has resulted in the ability to provide responses to the complainants' satisfaction more quickly and to provide thorough responses and explanations to explain the council's actions regardless of whether the complaint is upheld or not.

## 2 Ombudsman Investigations and Annual Review Letter

The LGSCO is the council's regulator and following the conclusion of the relevant complaints procedure, is able to investigate complaints about council services.

The exception to this is that the Housing Ombudsman Service (HOS) is the regulator for most housing related services and the Information Commissioner's Office (ICO) is the regulator for all information governance complaints, including complaints about data breaches, and responses to requests under the Data Protection Act, General Data Protection Regulation, Freedom of Information Act and Environmental Information Regulations.

The LGSCO provides an annual review letter about the council covering April to March each year. This includes tables presenting the number of complaints and enquiries received about the council and the decisions the LGSCO has made during the reporting period. This is to help us assess our performance in handling complaints. It includes the number of cases where the LGSCO's recommendations remedied the fault and the number of cases where they decided we had had offered a satisfactory remedy during our local complaints process. In these latter cases the LGSCO provides reassurance that we had satisfactorily attempted to resolve the complaint before the person went to them.

The LGSCO dealt with 68 cases about the council in April 2019 to March 2020 with 61 cases being concluded within this time period. (This therefore includes cases which were received but not concluded in the previous reporting period). The decisions are summarised below:

<b>LGSCO decision</b>	<b>How many?</b>	<b>%* rounded down to whole number</b>
Closed after initial enquiries	24	39%
Referred back for local resolution	15	25%
Advice given	2	3%
Incomplete/invalid	4	7%
Not upheld	4	7%
Upheld	12	19%
<b>Total</b>	<b>61</b>	<b>100%</b>

The LGSCO's 12 upheld decisions had the following remedies

<b>Remedy</b>	<b>Number</b>
Apology	1
Apology, Financial redress: Avoidable distress/time and trouble	1
Apology, Financial redress: Avoidable distress/time and trouble, New appeal/review or reconsidered decision, Procedure or policy change/review	1
Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review, Provide services	1
Apology, Financial Redress: Quantifiable Loss, Provide training and/or guidance	1
Financial redress: Avoidable distress/time and trouble	1
Financial redress: Avoidable distress/time and trouble, Provide services	1
Financial redress: Loss of service, Apology, Provide services	1
New appeal/review or reconsidered decision	1
Procedure or policy change/review	1
Null	2

The details of the 12 upheld cases are shown at Annex 1 at the end of this report. The points of particular importance in the Ombudsman's annual letter from this year are:

- 75% of cases investigated were upheld. This compares to an average of 56% in similar authorities.
- In 100% of cases the Ombudsman were satisfied that the authority has successfully implemented their recommendations. This compares to an average of 99% in similar authorities, and sees an improvement on the previous year.
- In 17% of upheld cases the Ombudsman found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 11% in similar authorities. In practice this means that although the Ombudsman found there had been fault, the authority had already acknowledged this and provided an appropriate remedy. The complaints team is currently reviewing the way it works with an aim to being

able to increase the ability to identify and offer appropriate remedies where fault has occurred.

Further details from the Ombudsman's annual report with the breakdown of cases they dealt with and the outcomes found for this reporting period are included at annex 1.

### **3 What is a Complaint?**

A complaint is an expression of dissatisfaction or disquiet however made, about the actions, decisions, or apparent failings of a local authority's social services provision, and/or the level or nature of a council service or policy, which requires a response. If it is possible to resolve the complaint immediately this does not need to be logged through the complaints procedure.

A complaint is not a request for a service that is made for the first time. For example, if a customer complains that a streetlight is not working, we will treat it as a service request that we aim to fulfil by repairing it within the service level agreement. If we then fail to repair it within that timescale, and the customer is still unhappy, it should then be defined and treated as a complaint

### **4 Effectiveness of the Procedures**

The CFT offer and proactively encourage all staff and managers to participate in regular training and awareness raising, about the complaints and feedback procedures. There were a number of sessions held across the council including with directorate management teams, service area and team meetings.

In addition to this, guidance is provided to assist managers with completing thorough investigations and comprehensive responses including on a case by case basis. We have worked with the providers of our independent investigators, who have knowledge and experience of complaints across a number of authorities to ensure our practice and guidance is effective and appropriate to fulfil our obligations and ensure best practice in complaints handling.

When managers have provided a response to a complaint, they are asked to record what will be done to resolve it, what lessons have been learnt and what action will be taken to improve services and avoid problems being repeated. The CFT proactively monitor the completion of both action plans and lessons learned.

A summary of the information received regarding the lessons learnt and action taken is included in this report.

## 5 Themes

The main themes this year are about lack of action however as in other years, this is most often related to communication issues in all areas, including involving all parties fully in assessments and care planning, in a timely way, keeping people up to date and explaining decisions and any changes fully and clearly.

Communication issues continue to be a key theme discussed with staff in the training and awareness raising sessions offered and provided by the CFT, which assists staff in understanding how to improve customer experience and avoid unnecessary or the escalation of complaints.

## 6 Cost of delivering the complaints procedure including the corporate procedure:

There are ongoing costs attached to delivering an efficient and effective complaints service. These costs should be seen against the inherent costs of not providing this service. These may include customer dissatisfaction escalating, an increase in number of and amount of financial remedies being recommended by the LGSCO, increased judicial reviews and non-compliance with legislation.

The total actual spend for the full service including the Information Governance provision, salary and on-costs was £353,979.

The financial remedies payments made as part of the three different complaints procedures are provided at sections 21, 36 and 48 later of this report.

The council also has to provide investigating officers and independent people for social care complaints where required and the costs for this in this reporting period was £60720.88. This includes the core costs for the service provision and this year also includes the 2 stage three panels. It is noted there has been a significant increase in the costs since last year. This is predominantly due to the increase in the complexity of cases, with a number being related to care provisions of young people moving from children's to adult services, which on occasions involves children, adult and education services.

The complaints team has however working with the agency to better understand and manage these costs without impacting on the thoroughness or independence of the investigation. This has included looking at improving the efficiency around provision of information and arrangements for interviews with staff.

It has been noted by the investigators that conducting interviews and receiving information remotely through a secure portal, during the working from home arrangements, has significantly improved the efficiency and effectiveness for this.



They have been able to receive information quickly and prior to interviews with staff, so they can structure questions more effectively and interview staff and speak to complainants remotely at a mutually convenient time. They are able to arrange for follow up questions and interviews where new points come up, or further clarity is needed, without the need to arrange several appointments to attend the office or try to fit everything for complex cases into one day, when more time is needed.

It is considered this will have a positive impact on the efficiency of the investigations and is likely to have a cost saving as well.

## Annual Children's Social Care Complaints and Representations Report April 2019 – March 2020

### 7 Context

The following information relates to complaints made during the twelve months between 1st April 2019 and 31st March 2020 for children under the Children Act 1989 Representations Procedure (England) Regulations 2006.

All timescales contained within this report are for working days.

In addition, the numbers of compliments are also recorded and these are:

12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
6	8	3	23	6	17	22	22

The CFT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure we are able to provide an accurate picture of our customers' experiences of the services they receive.

The compliments received include:

- National Minimum Standards for Foster Carers delivered with respect, politeness and professionalism
- Comments from health visitors & nurses, staff at Mash are taking the time to listen & share.
- Social Worker always professional, nothing too much trouble and made the family feel valued.
- Social Worker and Service Manager prepared very well for meetings, always professional and well prepared, and knew the history of the case and took time to understand the family.

The legislation makes it clear that people should be able to provide feedback and have this responded to, without this being seen as a complaint. Therefore concerns, comments and requests are also logged.

The number of concerns, comments and requests received in this period were:

12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
12	13	6	14	11	26	20	33

A concern is logged when someone wants to tell us about a problem, without wanting this to be considered as a complaint.

A comment or request is logged when someone makes a suggestion, or request, or is making the council aware of a problem for the first time. This is then passed to the appropriate person to respond to the issues being raised. If a person remains dissatisfied after receiving a response, this would then be logged as a complaint.

## **8 Who can make a Complaint?**

- Any child or young person (or a parent, or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them, but is in need.
- Any local authority foster carer (including those caring for children placed through independent fostering agencies).
- Children leaving care
- Special Guardians
- A child or young person (or parent) to whom a Special Guardian order is in place.
- Any person who has applied for an assessment under section 14F (3) or (4).
- Any child or young person who may be adopted, their parents and guardians.
- Persons wishing to adopt a child.
- Any other person whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents, natural parents and former guardians and such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is received from a representative on behalf of a child or young person, we will, where possible, confirm that the child or young person is happy for this to happen and that the complaint received reflects their views.

The complaints manager in consultation with relevant operational managers will decide whether the person is suitable to act in this capacity and has sufficient interest in the child's welfare. If it is decided that a person is not suitable to act as a representative for a child, they will be informed of the decision in writing by the complaints manager. The complaint will then fall outside the statutory procedure. They will however be able to complain through the corporate complaints procedure.

Complaints may also be made by adults relating to a child or young person, but are not being made on their behalf. The complaints manager in consultation with operational managers will decide whether the person has sufficient interest in the child's welfare for the complaint to be considered. The child may also be consulted as part of the decision making process.

## 9 Grading of Complaints

Complaints are graded following an assessment of issues including severity, complexity, risk to the customer and other customers, risk to the authority, history of similar complaints and likelihood of future similar complaints. Other considerations include, the outcomes wanted to resolve the complaint, who is best placed to consider and effectively respond to the complaint and the complainant's views of how the complaint should be dealt with.

### **Stage One.**

Is dealt with by line managers of the service area the complaint concerns, this includes where the service is being provided on behalf of the council by an external contractor. The expectation is that the managers will have the knowledge and understanding of the issues and delegated responsibility to be able to resolve complaints at this stage quickly, without the need for an in depth formal investigation.

The legislation requires complaints at stage one to be responded to within 10 working days. This can be extended for a further 10 working days in some circumstances, for example where further time is needed to arrange an advocate, or where staff may be away from work. This can only be extended with the agreement of the complainant.

### **Stage Two.**

This stage is implemented where the complainant is dissatisfied with the findings of stage one, or where it is assessed as being appropriate to be considered and responded to at this stage, due to issues including the severity, complexity or risk. Stage two requires an investigation conducted by either an internal manager who has not had any previous involvement in the complaint and has no line management responsibility for the area being complained about, or an external investigating officer. The Assistant Director for children's social care services acts adjudicates on the findings of the investigation, although on occasions, this can be completed by another senior manager with an understanding of children's social care, where the Assistant Director for children's social care services is not available.

The council must offer an advocate to assist children and young people in making a complaint and appoint an independent person to oversee the investigation process at this stage. Stage two complaints falling within the social services statutory complaints procedures should be dealt with in 25 days, although in certain cases this can be extended to 65 days.

## Stage Three.

The third stage of the complaints process is the review panel. Where complainants wish to proceed with complaints about statutory social service functions, the council is required to establish a complaints review panel. The panel makes recommendations to the Director of children's social care services, who then makes a decision and provides a written response on the complaint and any action to be taken.

Complaints review panels must be made up of 3 independent panellists. There are various timescales relating to stage three complaints. These are:

- setting up the panel within 30 working days;
- producing the panel's report within 5 working days of the panel; and
- producing the local authority's response within 15 days following receipt of the report.

A further option for complainants is the LGSCO who is empowered to investigate where it appears that a council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGSCO at any time, although the Ombudsman normally refers the complaint back to the council, unless the council has been given sufficient opportunity to consider and respond to the complaint. The council will usually agree to a complaint being considered by the Ombudsman without the third stage of the internal process having been completed, where it is considered there has been sufficient opportunity to consider and respond to the complaint at stage 2 and further consideration is unlikely to lead to a substantially different outcome.

## 10 Activity

The CFT recorded 91 complaints under the children's social care procedure during the year, compared with a total of 44 last year.

An additional 12 complaints were received through the corporate complaints procedure, compared to 4 in the previous year.

## 11 Total complaints made:

Of the 91 complaints dealt with:

- 72 were investigated at stage one of the social care procedures,
- 9 progressed to stage two
- 17 complaints in total heard at stage two with 8 of these being moved straight to stage 2, due to their complexity and or severity.
- 2 complaints were heard at stage 3

## 12 Comparison with the preceding year

The numbers of complaints being received are small in number and typically fluctuate each year and this is typical of social care complaints received across Yorkshire and Humberside. The figures show an increase of 52% for this reporting period, which is a higher than average increase and the reasons for this are noted in the following information.

## 13 Complaint outcomes – total

	2015-2016	2016-2017	2017-2018	2018-2019	2019 - 2020
Upheld	3	0	4	6	19
Partly upheld	15	9	10	19	27
Not upheld	8	14	20	14	12
Not proved	0	0	0	0	2
Not pursued	4	3	2	5	14
No response	0	1	2	-	16
Ongoing	4	1	2	0	1
<b>Total</b>	<b>34</b>	<b>28</b>	<b>40</b>	<b>44</b>	<b>91</b>

## 14 Response Times

A key requirement of complaints procedures is to ensure that individuals are informed of the outcome of their complaints, in an appropriate time frame.

The timescales in working days for children's social care complaints as set out in the regulation are:

- 10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required);
- 25 days at Stage 2 (with maximum extension to 65 days);
- 20 days for the complainant to request a Review Panel;
- 30 days to convene and hold the Review Panel at Stage 3;
- 5 days for the Panel to issue its findings; and
- 15 days for the local authority to respond to the findings.

## Details of Complaints by stage

### 15 Stage One Complaints

There were 72 stage one complaints compared to 34 last year.

It is note this is a significant increase to previous years and it is considered there are a number of reasons for this. These include the fact that there was a

significant period of change within the department with a number of staff shortages. In addition to this there had been a public maladministration report from the Ombudsman in the previous reporting period and training sessions delivered to staff to increase their understanding of the procedure and be more able to ensure customers are aware of and supported to be able to make complaints.

It is not considered receiving larger numbers of complaints is always a negative, because this can show that the procedure is accessible and customers are supported to make complaints which provide invaluable feedback.

It is however a concern when there are a number of complaints with related themes and the council is aware that there was an increase in the number of complaints about a lack of action. These were predominantly related to delays with communication and updating family members and delays in progressing work.

Whilst these were during a period of staff vacancies, it is also noted that the Assistant Director has worked with managers in the Directorate and the Complaints and Feedback team to improve communication and ensure customers are kept up to date, importantly even where there may not be anything new to report, to ensure people are still told this. It is believed the improvements in this will be evidenced in future reports.

These have been categorised as follows:

### Stage One - Nature of complaint

	2016 - 2017	2017 - 2018	2018 -2019	2019 -20
<b>Attitude of staff</b>	2	1		-
<b>Disagree with Policy</b>	1	1	1	-
<b>Disagree with Assessment</b>	4	10	9	13
<b>Discrimination</b>	0	0	1	-
<b>Inappropriate Action</b>	12	13	12	32
<b>Lack of Action</b>	6	3	6	22
<b>Quality of Advice/ Communication</b>	1	2	5	5
<b>TOTAL</b>	<b>26</b>	<b>30</b>	<b>34</b>	<b>72</b>

You will note that inappropriate action remains the highest number of complaints this year, with lack of action becoming the next highest theme.

**Stage One - Responding in time performance**

	<b>2016</b> - <b>2017</b>	<b>%*</b>	<b>2017</b> - <b>2018</b>	<b>%*</b>	<b>2018</b> - <b>2019</b>	<b>%*</b>	<b>2019</b> - <b>2020</b>	<b>%*</b>
<b>Within 10 days</b>	19	73%	24	80%	17	50%	31	43%
<b>Within 20 days</b>	2	8%	5	17%	12	34%	8	11%
<b>Over 20 days</b>	2	8%	0	-	1	2%	20	28%
<b>Not Pursued</b>	3	11%	1	3%	4	11%	13	18%
<b>TOTAL</b>	<b>26</b>		<b>30</b>		<b>34</b>		<b>72</b>	

\*% figures are rounded to the nearest whole number

You will note that there has been a significant increase in the numbers of complaints where there was no response at stage 1 and it is noted this resulted in more complaints progressing to stage 2. This was during a period of a number of staff changes and shortages within the service area and the Assistant Director has worked with managers in the Directorate and the Complaints and Feedback team to improve this. This will be evidenced in future reports.

**Stage One - Outcomes**

	<b>2016</b> - <b>2017</b>	<b>%*</b>	<b>2017</b> - <b>2018</b>	<b>%*</b>	<b>2018</b> - <b>2019</b>	<b>%*</b>	<b>2019</b> - <b>2020</b>	<b>%*</b>
<b>Upheld</b>	0	-	3	10%	3	8%	16	22%
<b>Partially Upheld</b>	7	27%	7	23%	14	41%	15	21%
<b>Not Upheld</b>	15	58%	16	53%	13	38%	10	14%
<b>Not Proven</b>	0	-	0	-	0	-	2	3%
<b>Not Pursued</b>	3	11%	2	7%	4	11%	13	18%
<b>No response</b>	1	4%	2	7%	-	-	16	22%
<b>TOTAL</b>	<b>26</b>		<b>30</b>		<b>34</b>		<b>72</b>	

\*% figures are rounded to the nearest whole number



## 16 Stage Two Complaints

### Stage Two - Nature of Complaint

	2016 -2017	2017 -2018	2018 -2019	2019 - 2020
Attitude of staff	-	-	-	-
Disagree with Policy	-	-	-	-
Disagree with Assessment	-	1	3	6
Discrimination	-	-	-	-
Inappropriate Action	3	4	3	6
Lack of Action	1	3	4	4
Quality of Advice/ Communication	1	2	-	1
<b>TOTAL</b>	4	10	10	17

It is noted there has been an increase in the number of complaints received at this stage, for the reasons noted in the information at stage one related to both the lack of response at stage one. It also noted that it is likely to result in an increase of complaints at this stage in the next reporting period, due to the time periods of escalations from stage one to stage two.

### Stage Two – Responding in time performance

	2016 - 2017	%*	2017 - 2018	%*	2018 - 2019	%*	2019 - 2020	%*
Within 25days	1	25%	6	60%	1	10%	3	17%
Within 65 days	2	50%	0	-	2	20%	3	17%
Over timescale	1	25%	4	40%	6	60%	9	51%
Not Pursued	-	-	0	-	1	10%	1	6%
Ongoing	-	-	0	-	-	-	1	6%
<b>TOTAL</b>	<b>4</b>		<b>10</b>		<b>10</b>		<b>17</b>	

It is noted the majority of responses at this stage were “over the timescale”. It is important to remember complaints at this stage are often complex, with a number of elements of complaint and the timescales may also be related to the need to arrange advocates and appointments with both staff and complainants, particularly at adjudication. The CFT ensure that complainants are kept updated in these cases.

## Stage Two Outcomes

	2015 - 2016	%*	2016 - 2017	%*	2017 - 2018	%*	2017 - 2018	%*	2019 - 2020	%*
<b>Upheld</b>	1	10%	-	-	-		3	30%	2	12%
<b>Partially Upheld</b>	4	40%	2	50%	3	30%	5	50%	11	65%
<b>Not Upheld</b>	-	-	-	-	3	30%	1	10%	2	12%
<b>Not Pursued</b>	1	10%	-	-	2	20%	1	30%	1	6%
<b>No response sent</b>	-	-	1	25%	2	20%	-	-	-	-
<b>Ongoing</b>	4	40%	1	25%	-		-	-	1	6%
<b>TOTAL</b>	<b>10</b>		<b>4</b>		<b>10</b>		<b>10</b>		<b>17</b>	

We are pleased to be able to report that there have not been any cases where responses have not been sent at this stage for the last two years, which indicates the commitment from the Assistant Director to take complaints seriously and use the feedback to learn lessons and improve services.

## 17 Stage Three Complaints

There were 2 children's stage three complaints, which is the first time for several years that complaints have progressed to this stage, although in previous years a number of complaint progressed from stage 2 straight to the Ombudsman.

The process at stage three of the Children's Social Care Complaints Procedure is an independent review panel that will consider whether the investigation, findings and recommendations at stage two, were thorough, logical and fair. The Panel then provides a report to the Director of Children's Services with their conclusions and any recommendations considered appropriate. The Director would then respond confirming whether they agree with the conclusions and any recommendations made.

### Stage Three - Nature of Complaint

	2018 -2019	2019 - 2020
<b>Attitude of staff</b>	-	-
<b>Disagree with Policy</b>	-	-
<b>Disagree with Assessment</b>	-	-
<b>Discrimination</b>	-	-
<b>Inappropriate Action</b>	-	-
<b>Lack of Action</b>	-	2
<b>Quality of Advice/ Communication</b>	-	-
<b>TOTAL</b>	-	-

### Stage Three - Responding in time performance

	2018 -	%*	2019 -	%*
	2019		2020	
<b>Within 15 days</b>	-	-	1	50%
<b>Over 15 days</b>	-	-	1	50%
<b>TOTAL</b>	-	-	<b>2</b>	

It is noted that the delay in responding at this stage was due to Covid19

### Stage Three Outcomes

	2018 -	%*	2019 -	%*
	2019		2020	
<b>Upheld</b>	-	-	1	50%
<b>Partially Upheld</b>	-	-	1	50%
<b>Not Upheld</b>	-	-	-	
<b>Not Pursued</b>	-	-	-	
<b>No response sent</b>	-	-	-	
<b>Ongoing</b>	-	-	-	
<b>TOTAL</b>	-	-	<b>2</b>	

In addition to the information given above for complaints made through the children's' social care complaints procedure, ten complaints were received as a corporate stage one. One of these complaints were escalated within the corporate complaints procedure and a further complaint at this stage had previously been considered as a request. Complaints are dealt with under the corporate procedure when the complainant is not complaining with the consent of the customer, or it is considered they are not complaining in the customer's best interest.

## 18 Percentage escalation

The following table indicates how many complaints in children's services have been escalated. By measuring these figures as a percentage, we are able to gauge the implied customer satisfaction levels.

	Number	% escalated to next stage	% implied customer satisfaction
Stage 1 to Stage 2	9 of 72	12.5%	87.5%
Stage 2 to Stage 3	2 of 17	12%	88%

## 19 Equalities Monitoring Information

Following the guidance produced by the Department of Health and the Department for Education and Skills, we have to seek to identify who is making complaints to get a greater understanding of them. The following information was provided:

### Gender

	2015 - 2016	2016 - 2017	2017 - 2018	2018 – 2019	2019 -2020
Male	5	11	10	15	17
Female	29	16	25	26	64
Male & Female	-	3	5	3	0
Not stated	-	-	-	44	0

### Age

- For the those complaints made by an advocate or young person, 2 were aged under 16 and 2 between the ages of 16 and 24.

## 20 Who made the complaints

- 8 complaints were made by a child or young person via an advocate.
- 3 complaints were made direct by a child or young person.
- 11 complaints were made by family or friends on behalf of a child or young person.
- 69 complaints were made by adults about the service provided to them.

The Complaints Manager is aware the majority of complaints about Children's Services are not made by children or young people receiving a service. To ensure that children are aware of and are supported to use the complaints and feedback procedure, the team works closely with the Children's Rights team and where appropriate, other support and advocacy services and others making a complaint on behalf of a child or young person.

The council has a statutory obligation to offer advocacy support to any child or young person making a complaint and the Children's Rights team make people aware of the options available for raising comments, concerns, complaints and compliments and provide advocacy support to assist with this where requested.

The CFT are also available to attend meetings with staff members, children and young people and on occasions foster carers to raise awareness of and understanding about how people can use the procedure.

## 21 Costs and Payments

The council has an obligation to ensure independence in the children's social care complaints procedure. This includes a requirement for:

- A person independent of the council to oversee all complaints at stage two made by children and young people.
- To ensure the investigator at stage two has not had any involvement in the complaint or line management responsibility for the services being complained about.
- To have a panel of 3 independent people at stage three.

The costs of this in this reporting period are included in the section 6.

In addition to this the council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's investigation, it is concluded that:

- the LGSCO would find that there has been maladministration by the council causing injustice to the complainant; and
- the LGSCO would recommend that financial recompense should therefore be paid to the complainant.

Details of payments:

£1,526.42	Recalculation of SGO allowance
£5,626.74	Recalculation of SGO allowance
£1,028.05	Reimbursement of loss of earnings and court costs.
£600	LGSCO Recommendation Part contribution towards legal fees in recognition of the delay and timeliness of CYC communication.
£400	LGSCO Recommendation Recognition for upset, frustration and avoidable time and trouble.
£3,485.64	Loss of earnings
£300	Distress, plus time and trouble.
£12,966.85	Total

## 22 Alternative Dispute Resolution

It is important to note that the Department for Education and Skills Guidance makes it clear that nothing in the procedure should preclude Alternative Dispute

Resolution and that if agreed by both complainant and the Complaints Manager the council should explore this option.

Possible alternatives which may be considered by the Complaints Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

## **23 Learning Lessons/Practice Improvements**

The council is always happy to consider appropriate ways of resolving a customer's complaint. Some of the types of action the council has undertaken to resolve complaints have been issuing apologies, meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place. This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has included the agreement to undertake the following actions, in addition to apologies and financial recompense:

- Strengthened care reviews
- Improved timeliness of sharing documents.
- Making sure copied of reports are included on files
- Review services for Special Guardianship cases
- Management of cases completed by qualified rather than unqualified workers
- Improved communication

## Annual Adult Social Care Complaints Report April 2019 to March 2020

### 24 Context

This report provides information about complaints made during the twelve months between 1st April 2019 and 31st March 2020 for adults under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

All timescales contained within this report are for working days.

The structures for reporting have changed and are reflected in the reporting for adult service as shown in the below tables.

In addition the numbers of compliments are also recorded were:

	16/17	17/18		18/19	19/20
Adult services	19	49	Be Independent		1
Occupational therapy	-	-	Commissioning & Contract Management	1	-
Commissioning and Purchasing (C&P)	-	1	Commissioning Provision	7	-
Mental health	28	2	Joint Commissioning		
Learning disability services	4	0	Assessment	16	10
Public health	-	1	Care Homes	9	6
			Community Provision		22
			Mental health Safeguarding & DOLS	4	3

The CFT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure that we are able to provide a true picture of our customers' experiences of the services they receive.

The compliments received included:

- Thank you for calling an ambulance in time and saving customers life.
- Thank you for the time and effort with a relatives move into a care home
- Thank you for a gardening job well done
- Fantastic job supporting my relative and helping family navigate challenging care situations.

- Worker was professional and treated customer with dignity.
- Occupational therapist showed care, kindness, respect while fitting stair lift.
- Worker went above and beyond in end of life arrangements

The legislation makes it clear that people should be able to provide feedback and have this responded to without this being seen as a complaint. Therefore concerns, comments and requests are also logged.

The number of concerns, comments and requests received in this period were:

	16/17	17/18		18/19	19/20
Adult services	6	7	Be Independent	-	1
Occupational therapy		-	Commissioning & Contract Management	4	2
Commissioning and Purchasing (C&P) and mental health	5	-	Commissioning Provision	-	-
Learning disability services		-	Joint Commissioning	-	-
Public health	3	-	Assessment	3	10
			Care Homes	5	3
			Community Provision	8	8
			Mental health Safeguarding & DOLS	11	9

## 25 Who can make a Complaint?

Someone who:

- The local authority has a power or duty to provide or secure the provision of a social service for him/her and
- His/her need for such a service has (by whatever means) come to the attention of the Authority.

This definition also applies to a person acting on behalf of someone who meets the above requirements.

A complaint can be made by a representative where the Complaints Manager receives permission from the eligible person, usually in writing, giving their permission for the representative to make the complaint on their behalf. A representative will also be able to make a complaint where the eligible person is not capable of making the complaint themselves, this includes when they have died.



The Complaints Manager will decide if a person is suitable to act as a representative, if it is decided they are not acting in the eligible person's best interests, they will inform them in writing of the reasons for this.

If a customer is not eligible under the terms of the Act, they will always be able to have their complaint looked at under the council's corporate complaints procedure.

## 26 Grading of Complaints

The department of health designed the following tool to assess the seriousness of complaints and decide the relevant action:

### Step 1: Decide how serious the issue is

Seriousness	Description
Low	<p>Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care.</p> <p><b>OR</b></p> <p>Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation.</p>
Medium	<p>Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.</p>
High	<p>Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so require investigation. Possibility of litigation and adverse local publicity.</p> <p><b>OR</b></p> <p>Serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.</p>

## Step 2: Decide how likely the issue is to recur

Likelihood	Description
Rare	Isolated or 'one off' – slight or vague connection to service provision.
Unlikely	Rare – unusual but may have happened before.
Possible	Happens from time to time – not frequently or regularly.
Likely	Will probably occur several times a year.
Almost certain	Recurring and frequent, predictable.

## Step 3: How to categorise the risk

Seriousness	Likelihood of recurrence				
	Rare	Unlikely	Possible	Likely	Almost Certain
Low	Low				
		Moderate			
Medium					
			High		
High				Extreme	

The CFT grades the complaints as:

- Low = Green - Can be resolved locally
- Medium = Amber - Needs a response from the Director
- High = Red - Needs a response from the Director

Complainants are contacted by the CFT to design a complaints plan and agree an appropriate response timescale. This is often done through an acknowledgment letter requesting the complainant to confirm the council's understanding of the complaint and the timescale for response.

Following the response, a complainant can ask the Local Government and Social care Ombudsman (LGSCO) to investigate if they remain dissatisfied.

## 27 Activity

The CFT recorded 53 complaints under the adult social care procedure during the year 2019 – 2020, compared with a total of 21 the previous year.

An additional 4 complaints were received about adult social care services under the corporate complaints procedure, compared to 12 the previous year.

## 28 Comparison with the preceding year

The figures show an increase in the number of complaints received in 2019 – 2020 through the adults social care procedures.

## 29 Outcomes of complaints:

	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020
Upheld	9	4	4	15
Partly upheld	12	8	11	12
Not upheld	26	6	5	16
Not proved	2	1	0	1
Not pursued	1	1	1	3
No response	0	1	0	6
Ongoing	0	0	0	0
<b>Total</b>	<b>50</b>	<b>21</b>	<b>21</b>	<b>53</b>

## 30 Response Times

A key requirement of the reform of complaints procedures is the importance of informing service users of the outcome of their complaints, in an appropriate time frame.

The Department of Health guidance on deciding how long it should take to respond to a complaint states:

*“If someone makes a complaint, your organisation has to acknowledge it within three working days. The person making the complaint will want to know what is being done – and when. However, accurately gauging how long an issue may take to resolve can be difficult, especially if it is a complex matter involving more than one person or organisation. To help judge how long a complaint might take to resolve, it is important to:*

- *address the concerns raised as quickly as possible*
- *stay in regular contact with whoever has complained to update them on progress*
- *stick to any agreements you make – and, if for any reason you can’t, explain why.*

*It is good practice to review any case lasting more than six months, to ensure everything is being done to resolve it.”*

## Details of Complaints

### 31 Green Complaints

There were 44 complaints graded as Green in adult services compared to 16 last year. It is noted this is a significant increase

It is not considered receiving larger numbers of complaints is always a negative, because this can show that the procedure is accessible and customers are supported to make complaints which provide invaluable feedback.

It is however a concern when there are a number of complaints with related themes and the council is aware that there was an increase in the number of complaints about a lack of action. The majority of these were about delays either in completing assessments or arranging the support identified.

It is also noted there has been an increase in complaints about the arrangements for care provision for young people moving into adult services. Senior managers have been made aware of and been involved in providing the response for these complaints to ensure any lessons can be identified and service improvements made were necessary.

Complaints graded at this level were categorised as follows:

BI	= Be Independent
CCM	= Commissioning & Contract Management
Commis Provision	= Commissioning Provision
JC	= Joint Commissioning
A	= Assessment
CH	= Care Homes
Com Provision	= Community Provision
MH/S/DOLS	= Mental health Safeguarding & DOLS

## Green Nature of complaint

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Attitude of staff	-	1	-	-	-	-	-	-	1
Disagree with Policy	-	-	-	-	1	-	-	-	1
Disagree with Assessment	-	-	-	-	4	-	2	3	9
Discrimination	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	-	-	8	-	3	3	14
Lack of Action	-	3	-	-	2	1	2	4	12
Quality of Advice/ Communication	-	1	-	-	3	1	1	1	7
<b>TOTAL</b>	-	<b>5</b>	-	-	<b>18</b>	<b>2</b>	<b>8</b>	<b>11</b>	<b>44</b>

It is not uncommon for disagree with assessment and inappropriate action to be the categories receiving the most complaints. It is also noted there are a similar volume of complaints about lack of action in this reporting period and the majority of these were about delays either in completing assessments or arranging the support identified.

It is however noted that 5 complaints did not receive any response and this is something which will continue to be brought to the attention of senior managers to assist with improving this for future complaints.

## Green Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Within 10 days	-	4	-	-	13	2	5	8	32
Within 25 days	-	1	-	-	1	-	2	1	5
Over 25 days	-	-	-	-	2	-	1	2	5
Not Pursued	-	-	-	-	2	-	-	-	2
<b>TOTAL</b>	-	<b>5</b>	-	-	<b>18</b>	<b>2</b>	<b>8</b>	<b>11</b>	<b>44</b>

It is important to remember that the legislation and guidance for adults does not prescribe actual timescales for responses. However we do manage and monitor performance in this area using best practice across the different complaints legislation and guidance. The above table highlights that we are responding to complaints at this stage within the shortest timescale.

## Green Outcomes

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Upheld	-	-	-	-	6	-	4	2	12
Partially Upheld	-	2	-	-	5	-	1	2	10
Not Upheld	-	2	-	-	3	2	2	5	14
No Response	-	-	-	-	2	-	1	2	5
Not Pursued	-	1	-	-	2	-	-	-	3
<b>TOTAL</b>	-	5	-	-	18	2	8	11	44

### 32 Amber Complaints

There were 7 complaints graded as Amber in adult services compared to 5 in the last year.

#### Amber Nature of Complaint

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Attitude of staff	-	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	-	-	-	-	-	-	-
Disagree with Assessment	-	-	-	-	2	-	-	-	2
Discrimination	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	-	-	-	1	-	1	2
Lack of Action	-	-	-	-	2	-	-	1	3
Quality of Advice/ Communication	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	4	1	-	2	7

#### Amber Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Within 25days	-	-	-	-	2	-	-	2	4
Within 65 days	-	-	-	-	-	1	-	-	1
Over timescale	-	-	-	-	2	-	-	-	2
Not Pursued	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	4	1	-	2	7

### Amber Outcomes

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Upheld	-	-	-	-	1	1	-	1	3
Partially Upheld	-	-	-	-	1	-	-	1	2
Not Upheld	-	-	-	-	2	-	-	-	2
No Response	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	<b>4</b>	<b>1</b>	-	<b>2</b>	<b>7</b>

### 33 Red Complaints

There were 2 complaints graded as Red in adult services.

#### Red Nature of Complaint

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Attitude of staff	-	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	-	-	-	-	-	-	-
Disagree with Assessment	-	-	-	-	1	-	-	-	1
Discrimination	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	-	-	1	-	-	-	1
Lack of Action	-	-	-	-	-	-	-	-	-
Quality of Advice/ Communication	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	<b>2</b>	-	-	-	<b>2</b>

#### Red Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Within 25days	-	-	-	-	1	-	-	-	1
Within 65 days	-	-	-	-	-	-	-	-	-
Over timescale	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	1	-	-	-	1
<b>TOTAL</b>	-	-	-	-	<b>2</b>	-	-	-	<b>2</b>

## Red Outcomes

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Upheld	-	-	-	-	-	-	-	-	-
Partially Upheld	-	-	-	-	-	-	-	-	-
Not Upheld	-	-	-	-	-	-	-	-	-
Not proven	-	-	-	-	1	-	-	-	1
No Response	-	-	-	-	-	-	-	-	1
Not Pursued	-	-	-	-	1	-	-	-	-
<b>TOTAL</b>	-	-	-	-	<b>2</b>	-	-	-	<b>2</b>

In addition to the above, there were 3 complaints about adult social care services made under the corporate complaints procedure at stage one. None of them progressed further.

Complaints are dealt with under the corporate procedure when the complainant is not complaining with the consent of the customer, or it may be considered they are not complaining in the customer's best interest.

### 34 Equalities Monitoring Information

Following the guidance and best practice, it is important to understand who is making complaints and so we seek to identify who is making complaints. Only the following information was provided:

#### Gender

Male: 16

Female: 37

### 35 Who made the complaints

- 25 complaints were received directly from a customer
- 23 complaints were made by a family member
- 3 complaints were made by an advocate
- 2 complaints were made by other professionals on behalf of a customer

### 36 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's investigation, it is concluded that the LGSCO would find that there has been maladministration by the council causing injustice to the complainant with a recommendation that financial recompense should therefore be paid to the complainant.



Detail of payments made:

£403.68	Refund of social care element of self funder admin charge
£1,000	Distress, plus time and trouble.
£1,588.06	Reimbursement of incorrect warden charges.
<b>£2,991.74</b>	<b>Total</b>

### **37 Alternative Dispute Resolution**

It is important to note that the complaints regulations and guidance for adult social care complaints are that a plan needs to be agreed between the complainant and the Complaints Manager about how the complaint will be dealt with and responded to, what outcomes are wanted and what can be realistically achieved.

Possible alternatives which may be considered by the Complaints Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

### **38 Complaints dealt with by the local authority and NHS Bodies**

The CFT works with contracted agencies and statutory agencies to identify the main themes concerned in a complaint. Informal agreements are in place to provide the customer with a co-ordinated response with the agency responsible for the provision of the main areas of complaint taking the lead with co-operation from the other agencies as required.

### **39 Learning Lessons/Practice Improvements**

The council is always happy to consider appropriate ways of resolving a customer's complaint including meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place.

This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed.

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has resulted in agreement to undertake the following actions, in addition to apologies and financial recompense:

- Review of support for people receiving Direct payments
- Further Monitoring and auditing of the service, to analyse in greater detail any safeguarding, accidents and incidents which occur, and learn lessons from these.
- Reminder to staff of the importance of contacting a GP rather than a nurse where appropriate
- Reminder to staff of the importance of recognising families comments about what their relatives need.

## **40 Public Health**

Complaints about services related to the functions of Public Health also fall under the legislation “Local Authority Social Services and National Health Service Complaints (England) Regulations 2009” and are therefore dealt with in the same way as those for adult social care services.

There have been no complaints reported about the functions of Public Health in this reporting period and similarly no compliments. There were however 5 comments all of which were received in the period January – March 2020 and related to comments and questions about Covid19.

## Annual Corporate Complaints Procedure Report April 2019 to March 2020

### 41 Context

This is the fourth year we have produced an annual report for complaints considered under the Corporate Complaints Procedure. This procedure covers all complaints about services provided by the council where no statutory procedure exists.

All timescales contained within this report are for working days.

In addition the numbers of compliments are also recorded and these are shown below for the directorates as they were known during the reporting period.

<b>Directorate</b>	<b>Number of compliments</b>
CCS	51
CEC	10
EAP	82
HHASC	63
<b>TOTAL</b>	<b>206</b>

The CFT are aware that many more compliments are received and actively work to encourage staff and teams to forward these to ensure they are recorded. This is to ensure we are able to provide a true picture of our customers' experiences of the services they receive.

The compliments received included thanks for:

- Thank you for your help at a difficult time, your assistance, help & kindness was appreciated.
- Excellent job upgrading the boiler.
- Praise regarding assistance provided with application, following inspection.
- Thank you to gardeners for work on customer's house.
- Thank you to team for work on garden at address.
- Thank you for work on kitchens at Schools.
- Thank you to NEO for prompt removal of fly-tipped carpet on the river bank.
- Time, effort and hard work to keep school ticking over good workmanship.
- Thank you for your help & support and providing a lift, so I can stay in my own home.
- Officer is knowledgeable, answering questions and dealing with our application.
- Thanks for the help to facilitate a swap of properties

- Thank you for all your help & support for fitting the lift. It means I can stay in my own home.
- Thank you to Pete Morley, Rob Burnett & Gabriel in heating and repairs.

The good practice from the statutory processes is clear that people should be able to provide feedback and have this responded to without this being seen as a complaint. Therefore concerns, comments and requests are also logged in the corporate procedure and these are shown below:

<b>Directorate</b>	<b>Number of concerns, comments and requests</b>
CCS	179
CEC	19
EAP	559
HHASC	252
<b>TOTAL</b>	<b>1,009</b>

## **42 Who can make a Complaint?**

The council's corporate complaint policy and procedures states we will accept complaints from

- a member of public or anyone acting on behalf of a customer with the proper authority and consent,

And using any of the following contact methods:

- in person
- by phone
- by letter
- by email
- through our website. [www.york.gov.uk](http://www.york.gov.uk)

## **43 Grading of Complaints**

The CFT assess the appropriate stage to investigate a complaint or referral to the relevant Ombudsman, taking account of issues such as:

- risk to the customer and the authority
- severity of the risk
- whether the issues in question are a one off, are a reoccurrence and likelihood of reoccurrence.

## 44 Response Times

It is considered good practice that a key requirement of a complaints procedure is the importance of informing service users of the outcome of their complaints in an appropriate time frame.

It is however recognised that these timescales are shorter in all cases than those set out in legislation. The council is currently reviewing ways of ensuring a more thorough investigation at an earlier stage to provide appropriate resolutions for an increased number of complaints. This review will consider how complaints are investigated and the grading and timescales for this.

The time limits for the council's corporate complaints procedure are:

- Stage One 5 working days
- Stage Two 15 working days
- Stage Three 20 working days

## Details of complaints

### 45 Stage One Complaints

#### Primary theme by directorate

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/work	TOTAL
CCS	1	25	7	0	66	22	13	<b>134</b>
CEC	0	0	0	0	2	4	2	<b>8</b>
EAP	6	31	69	0	271	540	27	<b>944</b>
HHASC	5	15	6	0	64	77	9	<b>176</b>
Total	12	71	82	0	403	643	51	<b>1262</b>

#### Outcome by directorate

	upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	38	55	26	4	8	3	134
CEC	4	1	0	1	1	1	8
EAP	521	165	132	14	90	22	944
HHASC	38	67	27	7	20	17	176
Total	<b>601</b>	<b>288</b>	<b>185</b>	<b>26</b>	<b>119</b>	<b>43</b>	<b>1262</b>

### Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	109	21	4	134
CEC	4	3	1	8
EAP	632	298	14	944
HHASC	109	60	7	176
<b>Total</b>	<b>854</b>	<b>382</b>	<b>26</b>	<b>1262</b>

### 46 Stage Two Complaints

It is noted that a number of complaints for the CEC directorate included complaints about the provision of educational support and included elements of the complaint relating to the transition of support from children into adult services. Some of the complaints relating to housing services also included elements relating to transition arrangements and education and the housing elements were around adaptation to properties.

### Primary theme by directorate

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/ work	TOTAL
CCS	0	5	2	0	13	3	0	23
CEC	0	1	1	0	1	1	1	5
EAP	1	6	5	0	53	136	4	205
HHASC	1	7	0	0	9	21	1	39
<b>TOTAL</b>	<b>2</b>	<b>19</b>	<b>8</b>	<b>0</b>	<b>76</b>	<b>161</b>	<b>6</b>	<b>272</b>

### Outcome by directorate

	Upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	1	16	4	1	1	0	23
CEC	1	2	1	0	1	0	5
EAP	117	17	23	5	41	2	205
HHASC	11	10	5	3	10	0	39
<b>Total</b>	<b>130</b>	<b>45</b>	<b>33</b>	<b>9</b>	<b>53</b>	<b>2</b>	<b>272</b>

**Responding in time performance by directorate**

	In time	Out of time	Not pursued	TOTAL
CCS	13	9	1	23
CEC	3	2	0	5
EAP	86	114	5	205
HHASC	21	15	3	39
<b>Total</b>	<b>123</b>	<b>140</b>	<b>9</b>	<b>272</b>

**47 Stage Three Complaints****Primary theme by directorate**

	Staff attitude	Disagree with assessment	Disagree with policy	Discrimination	Inappropriate action	Lack of action	Quality of advice, communication/work	TOTAL
CCS	0	2	0	0	1	0	0	3
CEC	0	1	0	0	0	0	0	1
EAP	0	2	1	0	0	8	0	11
HHASC	0	0	1	0	4	1	0	6
CEX	0	0	0	0	1	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>6</b>	<b>9</b>	<b>0</b>	<b>22</b>

**Outcome by directorate**

	Upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	Ongoing	TOTAL
CCS	0	3	0	0	0	0	0	3
CEC	0	0	0	0	0	0	1	1
EAP	3	4	1	2	0	0	1	11
HHASC	1	3	1	1	0	0	0	6
CEX	0	1	0	0	0	0	0	1
<b>TOTAL</b>	<b>4</b>	<b>11</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>22</b>

The complaints which are ongoing were received at stage one between 1 April 2019 and 31 March 2020, but progressed to stage 3 following the 31<sup>st</sup> March 2020.

**Responding in time performance by directorate**

	<b>In time</b>	<b>Out of time</b>	<b>Not pursued</b>	<b>Ongoing</b>	<b>TOTAL</b>
<b>CCS</b>	3	0	0	0	3
<b>CEC</b>	0	0	0	1	1
<b>EAP</b>	1	7	2	1	11
<b>HHASC</b>	5	0	1	0	6
<b>CEX</b>	1	0	0	0	1
<b>TOTAL</b>	<b>10</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>22</b>



As the council is committed to transparency and where there is no conflict or risk to the complainant's interest or could compromise their anonymity, we have included the summary details of the LGSCO findings at Annex 1.

This is similar to how the LGSCO determines which decisions to publish. For the decisions they do publish, they do not use real names. You can search the LGSCO's published decisions on the following link:

<http://www.lgo.org.uk/decisions>

## 48 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGSCO's investigation, it is concluded that the LGSCO would find that there has been maladministration by the council causing injustice to the complainant; and would recommend that financial recompense should therefore be paid to the complainant.

Details of payments were made:

£100	Time and trouble repeated missed assisted collections
£65	Removal of council tax charges.
£44	Refund of bulky waste collections.
£21.20	Recompense for incorrect parking charge.
£10	Recompense for broken plant pot.
£860.61	Reimbursement of rent charge.
£146	Reimbursement of planning charge.
£250	LGSCO Recommendation. Payment in recognition of avoidable distress
£100	Housing Ombudsman order. Compensation for not investigating complaint to landlord about neighbours CCTV.
<b>£1,597</b>	<b>Total</b>

## 49 Alternative Dispute Resolution

Based on the good practice guidance in the statutory complaints procedures, the council also considers whether there would be an appropriate alternative way of resolving complaints, in the corporate procedure, rather than completing an investigation.

Possible alternatives which may be considered by the Complaints Manager include mediation, the opportunity to meet with senior managers, or the possibility of contributing to the review of policies and procedures.

## 50 Learning Lessons/Practice Improvements

The council is always happy to consider appropriate ways of resolving a customer's complaint and this has meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place.

This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date.

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has resulted in agreement to undertake the following actions, in addition to apologies and financial recompense:

- Road markings were reinstated
- Additional quality checks and monitoring
- Improved communication and updates

## Annex 1

### Complaints received by the Ombudsman

Category	Received
Adult Care Services	30 May 2019
Adult Care Services	14 Jun 2019
Adult Care Services	02 Aug 2019
Adult Care Services	07 Aug 2019
Adult Care Services	12 Sep 2019
Adult Care Services	18 Sep 2019
Adult Care Services	18 Oct 2019
Adult Care Services	18 Feb 2020
Adult Care Services	22 Jan 2020

Adult Care Services	06 Feb 2020
Adult Care Services	17 Feb 2020
Adult Care Services	04 Mar 2020
Adult Care Services	20 Feb 2020
Adult Care Services	21 Feb 2020
Benefits & Tax	20 Jun 2019
Benefits & Tax	23 Jul 2019
Benefits & Tax	28 Aug 2019
Benefits & Tax	11 Sep 2019
Benefits & Tax	13 Feb 2020
Benefits & Tax	03 Mar 2020
Benefits & Tax	03 Mar 2020
Corporate & Other Services	11 Apr 2019
Corporate & Other Services	09 May 2019
Corporate & Other Services	24 May 2019
Corporate & Other Services	31 Oct 2019
Corporate & Other Services	20 Dec 2019
Corporate & Other Services	17 Feb 2020
Education & Childrens Services	02 Apr 2019
Education & Childrens Services	03 Dec 2019
Education & Childrens Services	30 Sep 2019
Education & Childrens Services	15 Nov 2019
Education & Childrens Services	03 Jan 2020
Education & Childrens Services	27 Jan 2020
Education & Childrens Services	11 Feb 2020

<b>Category</b>	<b>Received</b>
Education & Childrens Services	26 Feb 2020
Environmental Services & Public Protection & Regulation	28 May 2019
Environmental Services & Public Protection & Regulation	21 Jun 2019
Environmental Services & Public Protection & Regulation	20 Jun 2019
Environmental Services & Public Protection & Regulation	23 Jul 2019
Environmental Services & Public Protection & Regulation	30 Sep 2019
Environmental Services & Public Protection & Regulation	02 Oct 2019
Environmental Services & Public Protection & Regulation	21 Oct 2019
Environmental Services & Public Protection & Regulation	31 Oct 2019
Highways & Transport	28 May 2019
Highways & Transport	02 Aug 2019
Highways & Transport	25 Sep 2019
Highways & Transport	01 Oct 2019

Highways & Transport	30 Oct 2019
Highways & Transport	07 Nov 2019
Highways & Transport	23 Dec 2019
Highways & Transport	16 Jan 2020
Housing	09 Oct 2019
Housing	16 May 2019
Housing	04 Jun 2019
Null	10 Sep 2019
Null	17 Jan 2020
Planning & Development	06 Jun 2019
Planning & Development	26 Apr 2019
Planning & Development	26 Apr 2019
Planning & Development	26 Apr 2019
Planning & Development	16 Jul 2019
Planning & Development	16 May 2019
Planning & Development	26 Jun 2019
Planning & Development	02 Sep 2019
Planning & Development	05 Dec 2019
Planning & Development	07 Jan 2020
Planning & Development	03 Mar 2020
Planning & Development	30 Mar 2020

### Complaints Decided By The Ombudsman

Category	Decided	Decision	Decison Reason	Remedy	Service improvement recommendations
Planning & Development	24/07/2019	Advice given	Previously considered and decided		

Education & Childrens Services	06/02/2020	Upheld	mal & inj	Apology,Financial Redress: Quantifiable Loss,Provide training and/or guidance	The Council will: Remind officers of the importance of responding promptly to communication from parents and their representatives. Ensure decision letters following the post-maintained education panel are clear that placements are based on need, not affordability. Ensure it has a process for notifying families when officers assigned to their case change. Remind officers overseeing annual reviews of the need to issue a decision in writing within four weeks of the review confirming if the Council will maintain, amend or cease to maintain a plan.Officers will also be reminded of the timescales in the code for completing reviews for young people moving between post-16 institutions.
Education & Childrens Services	25/07/2019	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble	
Adult Care Services	01/05/2019	Closed after initial enquiries	26B(2) not made in 12 months		
Highways & Transport	09/05/2019	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble,Procedure or policy change/review,Provide services	To Council agreed to review the service it provides for handling applications for definitive map modification orders with the aim of reducing the backlog of applications.
Planning & Development	24/04/2019	Upheld	mal & inj - no further action, BinJ already remedied		
Adult Care Services	09/08/2019	Not Upheld	no mal		

Education & Childrens Services	06/11/2019	Upheld	mal & inj	Apology,Financial redress: Avoidable distress/time and trouble,New appeal/review or reconsidered decision,Procedure or policy change/review	The Council has agreed to develop a joint action plan between adult and children's services to explain how it will improve its practice to plan ahead for transitions from children to adult services support. It will also ensure, as part of this review, it keeps adequate records of when it sends key documents (for example assessments and care plans) to person's concerned. The Council will provide the action plan to the Ombudsman.
Highways & Transport	05/04/2019	Closed after initial enquiries	26(6)(c) Court remedy		
Benefits & Tax	10/06/2019	Closed after initial enquiries	Not warranted by alleged injustice		
Education & Childrens Services	02/04/2019	Referred back for local resolution	Premature Decision - referred to BinJ		
Environmental Services & Public Protection & Regulation	29/04/2019	Upheld	Injustice remedied during LGO consideration	Financial redress: Loss of service,Apology,Provide services	
Planning & Development	04/06/2019	Closed after initial enquiries	Not warranted by alleged injustice		
Adult Care Services	23/09/2019	Upheld	mal & inj	Apology	
Environmental Services & Public Protection & Regulation	16/08/2019	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble	
Adult Care Services	08/11/2019	Upheld	mal & inj	Procedure or policy change/review	The Council has agreed to review its procedures to ensure that where the Council commissions services to replace those that have been privately arranged, it:1. holds a contract or service level agreement that clearly states the services that are being provided; and2. a review of those commissioned services is carried out as soon as practicable to ensure they are being delivered appropriately and according to the contract or service level

					agreement.
Corporate & Other Services	23/05/2019	Referred back for local resolution	Premature Decision - referred to BinJ		
Corporate & Other Services	05/06/2019	Referred back for local resolution	Premature Decision - referred to BinJ		
Planning & Development	10/09/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Housing	16/05/2019	Advice given	Signpost - go to complaint handling		
Planning & Development	16/05/2019	Referred back for local resolution	Premature Decision - advice given		
Environmental Services & Public Protection & Regulation	12/12/2019	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Adult Care Services	22/07/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Highways & Transport	17/07/2019	Closed after initial enquiries	Not warranted by alleged injustice		
Housing	09/07/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Adult Care Services	15/10/2019	Upheld	mal & inj	New appeal/review or reconsidered decision	
Environmental Services & Public Protection & Regulation	03/12/2019	Not Upheld	no mal		
Benefits & Tax	20/08/2019	Closed after initial enquiries	26(6)(a) tribunal HB		

Environmental Services & Public Protection & Regulation	18/11/2019	Upheld	mal & inj - no further action, BinJ already remedied		
Planning & Development	25/10/2019	Not Upheld	no mal		
Education & Childrens Services	09/01/2020	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Environmental Services & Public Protection & Regulation	09/09/2019	Referred back for local resolution	Premature Decision - referred to BinJ		
Benefits & Tax	11/09/2019	Closed after initial enquiries	Sec 26(7) - all or most		
Highways & Transport	28/08/2019	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
Benefits & Tax	18/10/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Planning & Development	14/10/2019	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
Adult Care Services	07/11/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Null	10/09/2019	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Benefits & Tax	10/02/2020	Not Upheld	no mal		
Highways & Transport	22/11/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Environmental Services & Public Protection & Regulation	10/02/2020	Upheld	mal & inj	Financial redress: Avoidable distress/time and trouble, Provide services	
Education & Childrens Services	20/11/2019	Referred back for local resolution	Premature Decision - referred to BinJ		
Environmental Services & Public Protection & Regulation	02/10/2019	Referred back for local resolution	Premature Decision - advice given		
Adult Care Services	16/12/2019	Closed after initial enquiries	Not warranted by alleged mal/service failure		



Environmental Services & Public Protection & Regulation	18/12/2019	Referred back for local resolution	Premature Decision - referred to BinJ		
Highways & Transport	14/01/2020	Referred back for local resolution	Premature Decision - referred to BinJ		
Environmental Services & Public Protection & Regulation	31/10/2019	Referred back for local resolution	Premature Decision - advice given		
Corporate & Other Services	14/01/2020	Closed after initial enquiries	26B(2) not made in 12 months		
Highways & Transport	17/01/2020	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Education & Childrens Services	15/11/2019	Referred back for local resolution	Premature Decision - advice given		
Highways & Transport	06/01/2020	Closed after initial enquiries	26(6)(c) Court remedy		
Highways & Transport	20/02/2020	Closed after initial enquiries	26(6)(c) Court remedy		
Null	17/01/2020	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Adult Care Services	05/03/2020	Closed after initial enquiries	Sch 5.4 personnel		
Adult Care Services	06/02/2020	Referred back for local resolution	Premature Decision - advice given		
Education & Childrens Services	11/02/2020	Referred back for local resolution	Premature Decision - advice given		
Adult Care Services	31/03/2020	Closed after initial enquiries	Not warranted by alleged mal/service failure		
Corporate & Other Services	19/02/2020	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Adult Care Services	21/02/2020	Referred back for local resolution	Premature Decision - referred to BinJ		
Education & Childrens Services	27/03/2020	Closed after initial enquiries	Other Agency better placed		
Benefits & Tax	03/03/2020	Referred back for local resolution	Premature Decision - advice given		

## Compliance with Agreed Remedies

Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
Education & Childrens Services	06-Feb-20	Apology Financial Redress: Quantifiable Loss Provide training and/or guidance	05-Mar-20	25-Feb-20	Remedy complete and satisfied
Education & Childrens Services	28-Feb-19	Financial redress: Avoidable distress/time and trouble Financial redress: Loss of service	23-May-19	14-May-19	Remedy complete and satisfied
Education & Childrens Services	25-Jul-19	Apology Financial redress: Avoidable distress/time and trouble	27-Aug-19	15-Aug-19	Remedy complete and satisfied
Highways & Transport	09-May-19	Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review Provide services	09-Sep-19	22-Jul-19	Remedy complete and satisfied
Education & Childrens Services	06-Nov-19	Apology Financial redress: Avoidable distress/time and trouble New appeal/review or reconsidered decision Procedure or policy change/review	21-Feb-20	11-Feb-20	Remedy completed late
Environmental Services & Public Protection & Regulation	29-Apr-19	Financial redress: Loss of service Apology Provide services	31-May-19	31-May-19	Remedy complete and satisfied
Adult Care Services	23-Sep-19	Apology	21-Oct-19	09-Oct-19	Remedy complete and satisfied
Environmental Services & Public Protection & Regulation	16-Aug-19	Financial redress: Avoidable distress/time and trouble	16-Sep-19	03-Sep-19	Remedy complete and satisfied
Adult Care Services	08-Nov-19	Procedure or policy change/review	06-Dec-19	27-Nov-19	Remedy complete and satisfied
Adult Care Services	15-Oct-19	New appeal/review or reconsidered decision	12-Nov-19	31-Oct-19	Remedy complete and satisfied

