

**Meeting of the Executive Member for Housing  
and Adult Social Services and Advisory Panel**

**14<sup>th</sup> July 2008**

Report of the Director of Housing and Adult Social Services & Director of Learning  
Culture & Children's Services

***Social Care Complaints Report April 2007 – March 2008***

**Summary**

1. This report includes the number of complaints, compliments, comments and requests made about social care services between April 07 – March 2008. It also includes information about the lessons learnt as a result of complaints received and the service improvements made.
2. The report is for information prior to becoming a public document and members are asked to note and accept the contents of the report.

**Background**

3. Local authorities which provide social care services, are required to have a procedure to ensure the effective review and investigation of complaints and to provide a report on an annual basis which should be made publicly available. These procedures for the City of York Council are A) adult social care complaints. B) children and young people's social care complaints. Reports have been supplied to members on an annual basis since 1998.

**Social Care Complaints Procedure**

4. There are three different stages of the social care complaints procedure.
5. Stage one, allows the complaint to be remedied as close as possible to the point of service delivery.
6. Stage two, the adjudicating officer (head of service or group manager) appoints a senior manager within their directorate to undertake a full investigation. The investigating officer (IO) will have had no prior involvement in the complaint nor have responsibility for the service under investigation. Where an appropriate person is not available, or the complaint is serious or complex, an independent investigator may be commissioned. On receipt of the IO's report, the adjudicating officer will respond in writing. They may also offer to meet with complainant either before or after completing their final response.

7. If the complaint relates to children's services or a complaint about adult services is complex or the complainant is vulnerable then an Independent Person (IP) is also appointed to provide the statutory independent element to the investigation.
8. The complainant will also be offered support to assist them in making their complaint; this may be through the use of an advocate, translation or other support as appropriate.
9. If the complainant is dissatisfied with the stage two outcome, they can request their complaint is heard at stage three at a complaint review panel. The review panel consists of an independent chair (not employed by CYC), another IP and either a councillor or third IP. The panel will judge whether the complaint has been properly investigated and make recommendations to the Director. They are not empowered to overturn the professional decisions of officers.
10. If the complainant remains dissatisfied, then the matter can be referred to the Local Government Ombudsman (LGO). The Ombudsman may decide to investigate the complaint and the council will abide by their direction as appropriate.
11. The time scale for the completion of each stage of the procedure is:
  - Stage one                      10 working days.  
20 working days in exceptional circumstances with the complainants agreement.
  - Stage two                        25 working days, can be extended to 65 working days.
  - Stage three                      30 working days to hold the panel  
5 working days for the panel to send the report to the complainant and Director  
15 working days for the Director to send their final response.
12. The complaints team writes to complainants at the conclusion of every stage to ensure that they are satisfied and aware of their rights to pursue their complaint and to request feedback on the complaints service.
  - After every stage the manager who had responsibility for providing the response completes an action plan for service improvements to ensure that lessons are learnt and acted on effectively.

## **Consultation**

13. Not applicable

## **Options**

14. To accept the contents of this report.

## Analysis

Total number of complaints received in the last 3 years:

|               | <b>2005 – 2006</b> | <b>2006 – 2007</b> | <b>2007 - 2008</b> |
|---------------|--------------------|--------------------|--------------------|
| Upheld        | 18                 | Upheld 25          | Upheld 16          |
| Partly Upheld | 26                 | Partly Upheld 33   | Partly Upheld 29   |
| Not Upheld    | 20                 | Not Upheld 31      | Not Upheld 23      |
| Withdrawn     | 25                 | Withdrawn 18       | Withdrawn 16       |
| Ongoing       | 0                  | Ongoing 4          | Ongoing 0          |
| <b>Total</b>  | <b>89</b>          | <b>Total 111</b>   | <b>Total 84</b>    |

**Total number of Stage One complaints received between April 2007 – March 2008:**

|  | <b>Adults</b> | <b>Mental Health</b> | <b>Learning Disability</b> | <b>Children</b> |
|--|---------------|----------------------|----------------------------|-----------------|
| <b>Total received</b>                  | 40            | 6                    | 13                         | 16              |
| <b>Total pursued</b>                   | 37            | 4                    | 11                         | 9               |
| <b>Total in target</b>                 | 31            | 3                    | 11                         | 7               |
| <b>Total not pursued</b>               | 3             | 2                    | 2                          | 7               |
| <b>Total resolved did not progress</b> | 34            | 4                    | 9                          | 6               |

15. In Children's Services 2 of the Stage One complaints became stage Two complaints under the corporate complaints procedure as they were not eligible to be pursued under the social care legislation. This is because the complaints were not made on behalf of the child or young person.

**Total number of Stage Two complaints received between April 2007 – March 2008:**

|  | <b>Adults</b> | <b>Mental Health</b> | <b>Learning Disability</b> | <b>Children</b> |
|--|---------------|----------------------|----------------------------|-----------------|
| <b>Total received</b>                  | 6             | 0                    | 2                          | 1               |
| <b>Total from stage one</b>            | 3             | 0                    | 2                          | 1               |
| <b>Total direct to stage two</b>       | 3             | 0                    | 0                          | 0               |
| <b>Total pursued</b>                   | 5             | -                    | 1                          | 1               |
| <b>Total in target</b>                 | 0             | -                    | 0                          | 0               |
| <b>Total not pursued</b>               | 1             | -                    | 1                          | 0               |
| <b>Total resolved did not progress</b> | 5             | -                    | 1                          | 1               |

16. Reasons for delay include arranging advocates and difficulties arranging appointments with both staff and complainants, particularly at adjudication. However the council considers it of upmost importance to invite complainants to an adjudication meeting before the response is finalised so that they have the opportunity to discuss their complaint with a senior manager and ensure that their concerns have been heard clearly by them. Complainants are kept updated where there are delays in providing a final response to their complaint and in most cases have preferred to take up the offer of a meeting with the adjudicating officer before the response is finalised, even though they realise this may take some time to arrange. It is considered that the opportunity for complainant to discuss their concerns directly with a senior manager at adjudication has in part contributed to the fact that no complaints have progressed to stage three in this period.

**Total number of Stage Three complaints received between April 2007 – March 2008:**

17. There were no Stage three complaints received during this period. A review panel was originally organised for one complaint, but this was postponed when the complainant wanted the panel to consider additional information. The additional information was then made available to the Head of Service who was the adjudicating officer at stage two and they then made a further offer to settle the complaint without the need to re-convene a review panel.

**Local Government Ombudsman Enquiries**

|                        | <b>Adults</b> | <b>Mental Health</b>       | <b>Learning Disability</b> | <b>Children</b> |
|------------------------|---------------|----------------------------|----------------------------|-----------------|
| <b>Total received</b>  | 2             | 1                          | 0                          | 0               |
| <b>Total in target</b> | 1             | N/A (outside jurisdiction) | -                          | -               |

**MP Enquiries**

|                        | <b>Adults</b> | <b>Mental Health</b> | <b>Learning Disability</b> | <b>Children</b> |
|------------------------|---------------|----------------------|----------------------------|-----------------|
| <b>Total received</b>  | 22            | 2                    | 7                          | 2               |
| <b>Total in target</b> | 19            | 2                    | 7                          | 1               |

## Councillor Enquiries

|                        | Adults | Mental Health | Learning Disability | Children |
|------------------------|--------|---------------|---------------------|----------|
| <b>Total received</b>  | 25     | 3             | 7                   | 1        |
| <b>Total in target</b> | 19     | 3             | 6                   | 0        |

## Comments and Requests

18. The council also responds to comments and requests made by customers who want a response without this having to be called a complaint. The following number of comments and requests were logged by the council:

|                       | Adults | Mental Health | Learning Disability | Children |
|-----------------------|--------|---------------|---------------------|----------|
| <b>Total received</b> | 11     | 4             | 1                   | 4        |

## Compliments

**Total Number of Thank You comments received:**

|                       | Adults | Mental Health | Learning Disability | Children |
|-----------------------|--------|---------------|---------------------|----------|
| <b>Total received</b> | 25     | 2             | 1                   | 7        |

## Corporate Priorities

19. The production and acceptance of this report complies with the council's responsibilities to provide a publicly available report on complaints relating to its social care services.

## Implications

- **Financial**  
There are no implications
- **Human Resources (HR)**  
There are no implications

- **Equalities**  
There are no implications
- **Legal**  
There are no implications
- **Crime and Disorder**  
There are no implications
- **Information Technology (IT)**  
There are no implications
- **Property**  
There are no implications
- **Other**  
There are no implications

## **Risk Management**

20. In compliance with the Council's risk management strategy. There are no risks associated with the recommendations of this report.

## **Recommendations**

21. That the Advisory Panel advise the Executive Member to note and accept the information in this report and the annual social care complaints and representations report 2007/08 provided as an annex.

Reason: to comply with the council's responsibilities to provide a publicly available report on complaints relating to its social care services.

## Contact Details

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Report Approved  Date 27/06/08

Chief Officer's name  
Title

Report Approved  Date 27/06/08

**Specialist Implications Officer(s)** N/A

**Wards Affected:** *List wards or tick box to indicate all*

All  N/A

For further information please contact the author of the report

### Background Papers:

Not applicable

### Annexes

Annex A - Annual Social Care Complaints and Representations Report 2007 – 2008