

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

4 June 2007

Report of the Director of Housing and Adult Social Services

**Social Care Complaints Report April 05 – March 06 and March 06 –  
April 07**

**Summary**

1. This report includes the number of complaints made about social care services between April 05 – March 06 and April 06 – March 07. This is because the legislation governing the management of social care complaints changed on the 1<sup>st</sup> September 2006 and the previous year's report was delayed to enable the provision of information on this new legislation. Further information is available in annex A.

**Background**

2. Prior to the 1<sup>st</sup> September 2006 the legislation governing the management of social care complaints was the NHS and Community Care Act 1990 and the Children's Act 1989. This required local authorities which provided social care services, to have a procedure to ensure the effective review and investigation of complaints. These procedures for the City of York Council had been in place since 1998 and consisted of 2 separate procedures. 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. See annex B for additional information about the changes to the legislation.

**Social Care Complaints Procedure**

3. There are three different stages of the social care complaints procedure.
4. Stage one, allows the complaint to be remedied as close as possible to the point of service delivery.
5. 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.

6. 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.
7. 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.
8. If the complainant is dissatisfied with the stage two outcome, they can request their complaint is heard 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.
9. If the complainant remains dissatisfied, then the matter can be referred to the Local Government Ombudsman. The Ombudsman may decide to investigate the complaint and the council will abide by their direction as appropriate.
10. 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.
11. 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.
12. 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. This report is for information only.

## Analysis

### Total Number of Complaints

15. In 2005 – 06 the total number of complaints received for adult services included learning disability services. Due to a re-structure of departments this is recorded separately in 2006 – 07.

### Stage One

	Children 05/06	Adult 05/06	Children 06/07	Adult 06/07	L.Dis. 06/07
<b>Total received</b>	19	55	16	72	6
<b>Total pursued</b>	12	47	10	63	6
<b>Total in target</b>	7	41	8	53	5
<b>Total resolved did not progress</b>	18	49	16	66	6

### Stage Two

	Children 05/06	Adult 05/06	Children 06/07	Adult 06/07	L.Dis. 06/07
<b>Total received</b>	1	11	0	15	0
<b>Total pursued</b>	1	10	-	15	-
<b>Total in target</b>	0	5	-	4	-
<b>Total resolved did not progress</b>	0	0	-	13	-

### Stage Three

16. The complaint heard for adult services at this stage in 05/06 was heard at stage two in 04/05. 2 stage three complaints for children's services were held in 05/06. 1 was requested in the previous year.

	Children 05/06	Adult 05/06	Children 06/07	Adult 06/07	L.Dis. 06/07
<b>Total received</b>	2	1	0	2	0
<b>Total pursued</b>	2	1	-	2	-
<b>Total in target</b>	0	0	-	1	-
<b>Total resolved did not progress</b>	1	0	-	Not known	-

### LGO Enquiries

	Children 05/06	Adult 05/06	Children 06/07	Adult 06/07	L.Dis. 06/07
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<b>Total received</b>	1	1	0	2	0
<b>Total in target</b>	0	0	-	2	-

### MP Enquiries

	<b>Children 05/06</b>	<b>Adult 05/06</b>	<b>Children 06/07</b>	<b>Adult 06/07</b>	<b>L.Dis. 06/07</b>
<b>Total received</b>	4	26	0	28	2
<b>Total in target</b>	4	22	0	20	2

### Councillor Enquiries

	<b>Children 05/06</b>	<b>Adult 05/06</b>	<b>Children 06/07</b>	<b>Adult 06/07</b>	<b>L.Dis. 06/07</b>
<b>Total received</b>	2	14	0	34	1
<b>Total in target</b>	2	13	0	28	1

### Compliments

17. It is accepted that many more thank you letters are received by staff and the complaints team are working to raise awareness of the importance of having these recorded and reported upon, to enable a more accurate picture of the quality of services provided.

	<b>Children 05/06</b>	<b>Adult 05/06</b>	<b>Children 06/07</b>	<b>Adult 06/07</b>	<b>L.Dis. 06/07</b>
<b>Total received</b>	1	5	4	12	1

### Corporate Priorities

18. 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**

The new legislation introduced in September 2006 has increased the need for the use of independent people. This will result in an increased cost to the department of approximately £7K per annum. This small increase in costs will be managed within the overall departmental budget.

- **Human Resources**

There are no implications

- **Equalities**

There are no implications

- **Legal**  
There are no implications
- **Crime and Disorder**  
There are no implications
- **Information Technology**  
There are no implications
- **Property**  
There are no implications
- **Other**  
There are no implications

### **Risk Management**

19. There are no specific risks associated with this report.

### **Recommendations**

20. That members note the information in this report and the annual social care complaints and representations report 2006/07.

Reason: To inform the Executive Member.

### **Contact Details**

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**Chief Officer Responsible for the report:**  
Graham Terry  
Head of Corporate Services

**Report Approved**  **Date** 11 May 2007

**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 – Table of legislation timescales

Annex B – Annual Social Care Complaints and Representations Report 2006 – 2007