



City of York Council Annual Complaints Report April 2018 – March 2019

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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) formerly known as the Local Government Ombudsman (LGO).

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.

2 Ombudsman Investigations and Annual Review Letter

The LGSCO is the council's regulator and following the exhaustion and 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 Officer (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 57 cases about the council in April 2018 to March 2019 with 60 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:

LGSCO decision	How many?	%* rounded down to whole number
Closed after initial enquiries	23	38%
Referred back for local resolution	8	13%
Advice given	3	5%
Incomplete/invalid	5	8%
Not upheld	10	16%
Upheld	11	18%
Total	60	100%

The LGSCO's 11 upheld decisions had the following remedies

Remedy	Number
Apology	1
Apology, Financial redress: Avoidable distress/time and trouble	1
Apology, Financial redress: Avoidable distress/time and trouble, Reassessment, Procedure or policy change/review	1
Apology, Financial redress: Avoidable distress/time and trouble, Training and guidance, Procedure or policy change/review, Improved remedy	1
Apology, Financial Redress: Quantifiable Loss	1
Apology, Procedure or policy change/review, New appeal/review or reconsidered decision	1
Financial redress: Avoidable distress/time and trouble	2
Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service	1
Null	2

The details of the 11 upheld cases are shown at Appendix 1 at the end of this report.

The points of particular importance in the Ombudsman's annual letter from this year are:

- A case resulting in a public report following a finding of maladministration (included in the upheld figures above). The Ombudsman noted:

“We recommended the Council act to improve services and learn lessons from what happened. We are pleased to note the Council has undertaken the action we recommended and also wrote to the family to invite them to take part in an internal review that will inform changes to policies and procedures.”

- A further reminder to the council about the Ombudsman's powers when requesting information for investigations. The Ombudsman states:

“During our investigation the Council took the view that it could not share some information with my office without the permission of the courts. We had to remind the Council of our longstanding powers to obtain information in order to investigate complaints. I have had to remind the Council of our powers in a previous annual letter and I trust this will not be necessary in future.”

The complaints and feedback team has provided refresher training and written reminders to managers about the Ombudsman's powers when requesting information.

This year the Ombudsman has also included information about the council's compliance with the remedies made. Three remedies were not completed within the agreed timeframe and the council shares the Ombudsman's disappointment about this and is working with managers to ensure timescales are complied with in future.

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.

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 at the end of this report at section 51.

5 Themes

The main themes this year are about inappropriate action and disagreeing with assessments, 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 £285,885.76.

The financial remedies payments made as part of the three different complaints procedures are provided at sections 21, 37 and 49 later in 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 £17,004.00 which includes the core costs for this service provision.

Annual Children's Social Care Complaints and Representations Report April 2018 – March 2019

7 Context

The following information relates to complaints made during the twelve months between 1st April 2018 and 31st March 2019 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
6	8	3	23	6	17	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:

- Thanking placements team and workers for the way they handled their case
- Whenever school staff have a safeguarding concern or need to make a referral, they always get first rate advice from the Front Door team.
- Every single one of you has enabled us to continue to love our role as foster carers and as a foster family.
- Family Learning courses are 'absolutely fab. Really, really good". 'The best help I've ever had.
- I have been assisted by the swift and thorough way in which the social worker has responded to my call for information.
- Thank you so much for all the activities you put in place.
- Thank you for all the support and advice you've given us, it has made a huge difference.

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
12	13	6	14	11	26	20

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 44 complaints under the children's social care procedure during the year, compared with a total of 40 last year.

An additional 4 complaints were received through the corporate complaints procedure, compared to 16 in the previous year.

11 Total complaints made:

Of the 44 complaints dealt with:

- 34 were investigated at stage one of the social care procedures,
- 3 progressed to stage two

- 10 complaints in total heard at stage two with 7 of these being moved straight to stage 2, due to their complexity and or severity.

No complaints were considered at stage three.

The team is aware that 5 people contacted the LGSCO in relation to children's services. The cases were decided upon with the following outcomes:

- 1 was closed after initial enquiries with no further action.
- 1 upheld maladministration & injustice with an apology and payment of £400 made after an offer of £300 during the council's internal stages.
- 2 Upheld: Maladministration, No Injustice
- 1 Report Issued: Upheld; Maladministration & Injustice with an apology, review of practice and payment of £2000 for the distress caused.

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 10% for this reporting period.

13 Complaint outcomes – total

	2015-2016	2016-2017	2017-2018	2018-2019
Upheld	3	0	4	6
Partly upheld	15	9	10	19
Not upheld	8	14	20	14
Not proved	0	0	0	0
Not pursued	4	3	2	5
No response	0	1	2	-
Ongoing	4	1	2	0
Total	34	28	40	44

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 34 stage one complaints compared to 30 last year. These have been categorised as follows:

Stage One - Nature of complaint

	2015 - 2016	2016 - 2017	2017 - 2018	2018 -2019
Attitude of staff	3	2	1	
Disagree with Policy	-	1	1	1
Disagree with Assessment	2	4	10	9
Discrimination	-	0	0	1
Inappropriate Action	10	12	13	12
Lack of Action	5	6	3	6
Quality of Advice/ Communication	4	1	2	5
TOTAL	24	26	30	34

You will note that inappropriate action and disagree with assessment have been the main themes with the highest numbers of recorded complaints at this stage for the previous two years, with lack of action and quality of advice being the next highest number received.

Stage One - Responding in time performance

	2015 -	%*	2016 -	%*	2017 -	%*	2018 -	%*
	2016		2017		2018		2019	
Within 10 days	13	54%	19	73%	24	80%	17	50%
Within 20 days	6	25%	2	8%	5	17%	12	34%
Over 20 days	2	8%	2	8%	0	-	1	2%
Not Pursued	3	12%	3	11%	1	3%	4	11%
TOTAL	24		26		30		34	

*% figures are rounded to the nearest whole number

It is noted that there has been an decrease of 30% for responses due within the 10 days' timeframe from last year. However we are pleased to note that all complaints are now receiving a response and those over 10 working days even where responded to usually within an additional day. The one complaint responded to outside the 20 working day timescale, had not been recorded with

the CFT prior to the response being sent. This resulted in a significantly late response as the CFT were not able to support managers to respond within the timescale, or make senior managers aware of the problems in the ability to provide a response. The CFT has been working with managers and has provided updated training to staff on the importance of ensuring all complaints are logged immediately with the CFT, so the process can be appropriately and independently managed to assist with the provision of through and timely responses.

Stage One - Outcomes

	2015 -	%*	2016 -	%*	2017 -	%*	2018 -	%*
	2016		2017		2018		2019	
Upheld	2	8%	0	-	3	10%	3	8%
Partially Upheld	11	46%	7	27%	7	23%	14	41%
Not Upheld	8	33%	15	58%	16	53%	13	38%
Not Proven	0	-	0	-	0	-	0	-
Not Pursued	3	12%	3	11%	2	7%	4	11%
No response	0	-	1	4%	2	7%	-	-
TOTAL	24		26		30		34	

*% figures are rounded to the nearest whole number

You will note that there has been an increase in the numbers of complaints being partly upheld this year, in comparison to the previous years, with a decrease in numbers being fully upheld or not upheld.

16 Stage Two Complaints

Stage Two - Nature of Complaint

	2015 -2016	2016 -2017	2017 -2018	2018 -2019
Attitude of staff	-	-	-	-
Disagree with Policy	-	-	-	-
Disagree with Assessment	1	-	1	3
Discrimination	-	-	-	-
Inappropriate Action	6	3	4	3
Lack of Action	2	1	3	4
Quality of Advice/ Communication	1	1	2	-
TOTAL	10	4	10	10

You will note the number of complaints received at this stage, remains the same as those received in the previous reporting period

Stage Two – Responding in time performance

	2015 - 2016	%*	2016 - 2017	%*	2017 - 2018	%*	2018 - 2019	%*
Within 25days	2	20%	1	25%	6	60%	1	10%
Within 65 days	-	-	2	50%	0	-	2	20%
Over timescale	7	70%	1	25%	4	40%	6	60%
Not Pursued	1	10%	-	-	0	-	1	10%
Ongoing	-	-	-	-	0	-	-	-
TOTAL	10		4		10		10	

You will note that there has been an increase in the number of complaints going “over the timescale”. It is important to remember that this may 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	%*
Upheld	1	10%	-	-	-	-	3	30%
Partially Upheld	4	40%	2	50%	3	30%	5	50%
Not Upheld	-	-	-	-	3	30%	1	10%
Not Pursued	1	10%	-	-	2	20%	1	30%
No response sent	-	-	1	25%	2	20%	-	-
Ongoing	4	40%	1	25%	-	-	-	-
TOTAL	10		4		10		10	

17 Stage Three Complaints

There were no children’s stage 3 complaints, which is the same as last year.

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.

Where someone remains unhappy following a stage two response, the complaints advisers assess whether the council has been given sufficient opportunity to consider and respond to the complaint and whether a review is likely to lead to a different outcome.

Where it is not considered a different outcome is likely to be achieved through this process, people are made aware the council has an obligation to hold a Review Panel if requested. However we will provide written confirmation of this to the complainant and that they can contact the LGSCO for an independent view of their complaint. This is to avoid any delay in people being able to seek an independent view from the Regulator.

In addition to the information given above for complaints made through the children's' social care complaints procedure, four complaints were received as a corporate stage one. None of these complaints were escalated within the corporate complaints procedure, however one corporate complaint was logged at stage two, due to the complexity of the issues. 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	7 of 10	30%	70%
Stage 2 to Stage 3	0	0%	100%

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

	2014 -2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 – 2019
Male	7	5	11	10	15
Female	15	29	16	25	26
Male & Female	-	-	3	5	3
Not stated	-	-	-	-	44

Ethnic origin

- 0 people gave us information about their ethnicity

Age

- 1 people was under the age of 16

20 Who made the complaints

- 4 complaints were made by a child or young person via an advocate.
- 0 complaints were made direct by a child or young person.
- 6 complaints were made by family or friends on behalf of a child or young person.
- 33 complaints were made by adults about the service provided to them.
- 1 complaint was made by a professional about concerns they had.

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.

In addition to costs awarded following an Ombudsman recommendation, the payments were made:

- £5,626.74 refunded payment made by customer following an over payment by the council of an allowance, which it had wrongly tried to reclaim.
- £1,526.42 back dated allowance and agreement to continue to fund at current rate.

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:

- Review of communication and practice when dealing with absent parents, including the need to ensure all assessments and plans for children include the participation of and views of absent or separated parents
- Reminder to staff of the need to provide families with details of agencies who can provide counselling and other support, even if the council is not in a position to make a referral for these services.
- Refresher training on the complaints procedures and how to deal with complaints is currently being provided to all staff and managers in Children's Services
- Reminder about the importance of clarifying whether any support is needed to help people making a complaint and reminded staff this should be done when confirming the points of complaint with people in writing.
- Review of information sent to people making a complaint about the meetings they are invited to with managers as an informal way of resolving concerns.
- Review the current arrangements of the foster carers managing contact entirely. Where indirect contact has been agreed, the local authority should seek to ensure this is being effectively promoted by the foster carers and for any issues to be reflected within pathway reviews.
- The local authority to ensure all social workers, IRO's and pathway workers are equipped with the knowledge and understanding of the requirements as set out in CYC strategy, to promote sibling contact for looked after children.
- Review of procedures in respect of how interaction and communication occurs between IRO's and the Pathway team regarding rights to contact.
- Reviewing the Special Guardianship system to ensure compliance with guidance and that children's needs are met accordingly. Including decisions being based on the child's needs considering costs for food / bedding etc as opposed to blanket financial constraints.

Annual Adult Social Care Complaints Report April 2018 to March 2019

24 Context

This report provides information about complaints made during the twelve months between 1st April 2018 and 31st March 2019 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
Adult services	19	49	Be Independent	
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
Public health	-	1	Care Homes	9
			Community Provision	
			Mental health Safeguarding & DOLS	4

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:

- The care you gave relative in their final days was fantastic
- Quickly understood difficulties and complex home circumstance and from then on worked with professionalism , diligence, care and compassion
- you have been so very much needed. Friendly and non-patronising/condescending. You have not made me feel stupid or inadequate

in any way. You are polite friendly and professional. There are not enough words in the English dictionary to say just what you have done for me

- Thank you for looking after relative so well, always making them happy, which is a reflection on the care received.
- Grateful for the high standard of work put into the care of relative. The approach was spot on and kept me informed of developments in finding a residential placement. Even when that broke down worker stayed with the case to ensure continuity even though it wasn't their responsibility. Genuinely impressed by professionalism.
- Been caring, polite and helpful throughout
- Always being there, standing up for them when nobody else would listen.
- Thank you for help with assessment and going above and beyond duty.

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
Adult services	6	7	Be Independent	-
Occupational therapy		-	Commissioning & Contract Management	4
Commissioning and Purchasing (C&P) and mental health	5	-	Commissioning Provision	-
Learning disability services		-	Joint Commissioning	-
Public health	3	-	Assessment	3
			Care Homes	5
			Community Provision	8
			Mental health Safeguarding & DOLS	11

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	Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care. OR 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.
Medium	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.
High	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. OR 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.

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 21 complaints under the adult social care procedure during the year 2017 – 2018, compared with a total of 21 the previous year.

An additional 12 complaints were received about adult social care services under the corporate complaints procedure, compared to 9 the previous year.

28 Total complaints made to the LGSCO

The CFT are aware that 8 people contacted the LGSCO in relation to adult services.

Of the 8 received in this reporting period the following outcomes were reached:

- 1 maladministration & injustice
- 4 no maladministration
- 1 Premature with advice given
- 2 premature & referred back to the council

29 Comparison with the preceding year

The figures show a slight increase in the number of complaints received in 2018 – 2019 through the adults social care procedures. Although numbers do typically fluctuate each year.

30 Outcomes of complaints:

	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019
Upheld	6	9	4	4
Partly upheld	16	12	8	11
Not upheld	17	26	6	5
Not proved	0	2	1	0
Not pursued	5	1	1	1
No response	3	0	1	0
Ongoing	0	0	0	0
Total	47	50	21	21

31 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

32 Green Complaints

There were 16 complaints graded as Green in adult services compared to 18 last year and these 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	-	-	1	-	1	2	1	2	7
Discrimination	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	1	1	-	1	-	1	-	4
Lack of Action	-	1	-	-	1	-	1	-	3
Quality of Advice/ Communication	-	-	-	-	-	-	-	-	-
TOTAL	-	2	2	-	4	2	4	2	16

It is not uncommon for disagree with assessment and inappropriate action to be the categories receiving the most complaints.

Green Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Within 10 days	-	2	2	-	3	2	4	2	15
Within 25 days	-	-	-	-	-	-	-	-	-
Over 25 days	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	1	-	-	-	1
TOTAL	-	2	2	-	4	2	4	2	16

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.

33 Amber Complaints

There were 5 complaints graded as Amber in adult services compared to 2 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	-	-	-	-	1	1	-	-	2
Discrimination	-	-	-	-	-	-	-	-	-
Inappropriate Action	-	-	1	-	-	-	-	1	2
Lack of Action	-	-	-	-	-	-	-	1	1
Quality of Advice/ Communication	-	-	-	-	-	-	-	-	-
TOTAL	-	-	1	-	1	1	-	2	5

Amber Response Times

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Within 25days	-	-	1	-	1	1	-	2	5
Within 65 days	-	-	-	-	-	-	-	-	-
Over timescale	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-	-
TOTAL	-	-	1	-	1	1	-	2	5

Amber Outcomes

	BI	CCM	Commis Provision	JC	A	CH	Com Provision	MH S DOLS	Total
Upheld	-	-	-	-	1	1	-	-	2
Partially Upheld	-	-	1	-	-	-	-	2	3
Not Upheld	-	-	-	-	-	-	-	-	-
No Response	-	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-	-
TOTAL	-	-	1	-	1	1	-	2	5

34 Red Complaints

There was 0 complaints graded as Red in adult services, which is the same as last year.

In addition to the above, there were 8 complaints about adult social care services made under the corporate complaints procedure. 6 were completed at stage one and 2 of these then progressed to stage two, 2 further complaints moved straight to stage two, meaning that a total of 4 were considered at stage two.

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.

35 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: 7

Female: 14

36 Who made the complaints

- 8 complaints were received directly from a customer
- 13 complaints were made by a family member

37 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.

In addition to costs awarded following an Ombudsman recommendation, the payments were made:

- Refund of charges already paid £607.42 and cancellation of remaining charge of £696.84

38 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.

39 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.

40 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:

- Findings of a complaint about 3rd party top up charges to be shared with managers within Adult Social Care and to be further discussed within team meetings with frontline social work staff.
- To add a 'flag' on our records system so social workers are aware of the need for emergency short breaks, and to ensure we have a robust relationship with providers to assist with decision making. In addition we will ensure our communication is more effective and people are kept informed of issues that arise in securing an emergency short break.
- To remind providers of the need to make sure daily records are kept up to date and any changes clearly recorded.

Annual Corporate Complaints Procedure Report April 2018 to March 2019

41 Context

This is the third 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.

Directorate	Number of compliments
CCS	48
CEC	9
EAP	91
HHASC	88
TOTAL	236

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 to repairs team for the help and advice you have been fantastic
- Thank you for conducting wedding ceremony, and doing everything to make it a special and memorable day.
- Thank You - Flowers pots in front of the Centre and station are lovely.
- Website is easy to use and has up to date information on it.
- Thank you for swift action in regards to road condition repairs.
- Splendid service from trading standards officer.
- Excellent service of two street cleaners working near the shambles.
- Thank you for servicing boiler quickly.
- Thank you to housing officer for help in re-housing.
- Great service regarding universal credit.
- Thank you very much indeed for fixing the lights in Tower Gardens so promptly.
- Thank you for organising grass cutting so quick.
- Thanks you Hazel Court - all the staff there who were polite, friendly and helpful.
- Thank you to the mowing man who carefully avoided the few bluebells growing in the public grassy areas.
- Praise for the waste crew, returning bin considerately and working with a smile on their face

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:

Directorate	Number of concerns, comments and requests
All Directorates	7
CCS	164
CEC	21
EAP	491
HHASC	173
TOTAL	856

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

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.

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	6	95	20	1	63	25	25	235
CEC	0	2	0	0	1	1	1	5
EAP	13	57	241	1	206	652	60	1230
CEX	0	0	0	0	0	0	0	0
HHASC	6	21	15	0	31	61	18	152
Total	25	175	276	2	301	739	104	1622

Outcome by directorate

	upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	74	91	42	5	16	7	235
CEC	2	3	0	0	0	0	5
EAP	455	149	100	30	475	21	1230
HHASC	32	51	29	5	26	9	152
CEX	0	0	0	0	0	0	0
Total	563	294	171	40	517	37	1622

Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	194	36	5	235
CEC	4	1	0	5
EAP	504	696	30	1230
HHASC	97	50	5	152
CEX	0	0	0	0
Total	799	783	40	1622

46 Stage Two 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	12	2	0	8	6	4	32
CEC	0	0	0	0	1	0	0	1
EAP	2	23	19	1	52	221	11	329
CEX	0	0	0	0	0	0	0	0
HHASC	2	8	1	0	5	14	5	35
TOTAL	4	43	22	1	66	241	20	397

Outcome by directorate

	Upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	5	15	6	0	4	2	32
CEC	0	1	0	0	0	0	1
EAP	179	33	25	9	77	6	329
HHASC	2	14	14	2	2	1	35
CEX	0	0	0	0	0	0	0
Total	186	63	45	11	83	9	397

Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	23	9	0	32
CEC	0	1	0	1
EAP	129	191	9	329
HHASC	15	18	2	35
CEX	0	0	0	0
Total	167	219	11	397

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	2	2	0	0	3	0	0	7
CEC	0	0	0	0	0	0	0	0
EAP	0	0	0	0	1	3	0	4
HHASC	0	1	0	0	1	2	0	4
CEX	1	0	0	0	0	0	0	1
TOTAL	3	3	0	0	5	5	0	16

Outcome by directorate

	Upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	0	4	3	0	0	0	7
CEC	0	0	0	0	0	0	0
EAP	1	2	1	0	0	0	4
HHASC	0	3	1	0	0	0	4
CEX	0	0	0	1	0	0	1
TOTAL	1	9	5	1	0	0	16

Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	3	4	0	7
CEC	0	0	0	0
EAP	4	0	0	4
HHASC	4	0	0	4
CEX	0	0	1	0
TOTAL	11	4	1	16

48 Outcome of Investigations by the Ombudsman

	Advice Given	Closed after initial enquiries	Incomplete /Invalid	Not Upheld	Referred back for local resolution	Upheld	Total
Adult Care Services	0	0	0	4	3	1	8
Benefits and Tax	1	4	0	1	1	0	7
Corporate and Other Services	0	2	1	0	0	1	4
Education and Children's Services	0	2	0	1	1	5	9
Environmental Services and Public Protection Regulations	0	4	1	1	0	1	7
Highways and Transport	0	6	0	0	1	2	9
Housing	2	0	0	0	0	0	2
Null	0	0	2	0	0	0	2
Planning and Development	0	5	1	3	2	1	12

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 Appendix 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>

49 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.

In addition to costs awarded following an Ombudsman recommendation, the payments were made:

- £65 refund of summons costs
- £44 refund of collection charge, when not all items were collected
- £300 for distress over missed opportunity which couldn't be replaced
- £500 refund of fees due to unclear wording in grant paperwork

50 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.

51 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:

- Arranged a surveyor to re-check the general condition of a home.
- Reviewed the impact of the works carried out relating to the extent of standing water works required and the priority needed.
- Made temporary changes to the waste vehicles collecting on a new estate and to keep things under review as more properties become occupied.
- Bins replaced.
- Internal asset system will be updated to show the bins and the correct collection schedule
- Web pages updated

- Re-Assessments of work needed
- Repairs agreed and completed
- Reminders and refresher training.
- Subscriptions to service extended

City Of York Council - Annual Complaints Remedies Report - April 2018
to March 2019

Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
Education & Children's Services	12-Apr-18	Financial redress: Avoidable distress/time and trouble	10-May-18	17-Apr-18	Remedy complete and satisfied
Adult Care Services	26-Feb-18	Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review	26-Mar-18	24-Apr-18	Remedy complete and satisfied
Adult Care Services	23-Mar-18	Apology	25-May-18	30-May-18	Remedy complete and satisfied
Corporate & Other Services	31-May-18	Financial redress: Avoidable distress/time and trouble	28-Jun-18	15-Jun-18	Remedy complete and satisfied
Environmental Services & Public Protection & Regulation	05-Mar-18	Apology Financial redress: Avoidable distress/time and trouble Other Remedy	11-Jun-18	26-Jun-18	Remedy complete and satisfied
Education & Children's Services	14-Nov-18	Apology Financial redress: Avoidable distress/time and trouble	17-Dec-18	23-Nov-18	Remedy complete and satisfied
Environmental Services & Public Protection & Regulation	12-Nov-18	Apology	10-Dec-18	26-Nov-18	Remedy complete and satisfied
Highways & Transport	24-Apr-18	Apology Procedure or policy change/review New appeal/review or reconsidered decision	17-Jul-18	27-Nov-18	Remedy completed late
Planning & Development	20-Nov-18	Apology Financial Redress: Quantifiable Loss	08-Jan-19	10-Dec-18	Remedy complete and satisfied
Adult Care Services	29-Aug-18	Apology Financial redress: Avoidable distress/time and trouble Reassessment Procedure or policy change/review	28-Feb-19	18-Mar-19	Remedy completed late
Education & Children's Services	16-Oct-18	Apology Financial redress: Avoidable distress/time and trouble Training and guidance Procedure or policy change/review Improved BinJ remedy	16-Jan-19	29-Mar-19	Remedy completed late