



City of York Council Annual Complaints Report 2016 - 2017

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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 conclusion of the internal 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, 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.

This year, the LGSCO chose not to include a 'compliance rate' which indicated a council's compliance with their recommendations to remedy a fault. This is because from April 2016, the LGSCO established a new mechanism for ensuring the recommendations they make to councils are implemented, where they are agreed to. This has meant the LGSCO's recommendations are more specific, and will often include a time-frame for completion. These are then followed up with the council and we have to provide evidence that recommendations have been implemented. As a result of this new process, the LGSCO plans to report a more sophisticated suite of information about compliance and service improvement in the future.

The LGSCO dealt with 57 cases about the council in April 2016 to March 2017 and their decisions are shown below:

LGSCO decision	How many?	%* rounded down to whole number
Closed after initial enquiries	19	33%
Referred back for local resolution	13	23%
Advice given	3	5%
Incomplete/invalid	1	1%
Not upheld	14	24%
Upheld	8	14%
Total	57	100%

The LGSCO's 8 upheld decisions had the following remedies

Apology, Financial Redress, Procedure Change
Financial Redress, Procedure Change
Apology
Apology, Reimbursement/unquantified payment
Financial Redress
Financial Redress
New appeal/review
Null

Whilst the annual review letter raised the LGSCO's concerns about the council's use of the Local Government Act section 32(3) confidentiality notices, we pursued meeting with the Assistant Ombudsman and the region/area relationship

co-ordinator on this topic and they have gone on to review their position on the use of this section, including possible discussions with the Information Commissioner's Office.

We were also successful in gaining an amendment to the initial annual review letter to remove an incorrect reference and comments about a case from the previous year.

The Ombudsman clarified in all annual review letters, how the statutory duty to report Ombudsman findings and recommendations should be discharged. This was after receiving several enquiries from authorities to ask how this should be done. The statement was

"The Ombudsman is comfortable with, and supportive of, a flexible approach to how this duty is discharged. The Ombudsman does not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members."

This significant statutory duty is triggered in most authorities every year following findings of fault by the LGSCO and it applies to all Ombudsman complaint decisions, not just those that result in a public report.

Using this clarification, the Monitoring officer supported by the CFT, will:

- Where there are findings of maladministration/fault in regard to routine mistakes and service failures, and we have agreed to remedy the complaint by implementing the recommendations made following an investigation, the Monitoring Officer will make a periodic/annual report to the council and members, summarising the findings on all upheld complaints over a specific period.
- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, the Monitoring Officer will consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that the council is minded not to comply with the LGSCO's recommendations following a finding of maladministration, the Monitoring Officer will report this to members under section five of the Local Government and Housing Act 1989. This is an exceptional and unusual course of action for any council to take and should be considered at the highest tier of the authority.

These duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all councils in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, if the LGSCO were to issue us with a formal,

public report, we are obliged to lay that report before the council for consideration and respond within three months setting out the action that we have taken, or propose to take, in response to the report.

3 What is a Complaint?

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

4 Effectiveness of the Procedure

The CFT offer and proactively encourage all staff and managers to participate in regular training and awareness raising regarding the complaints and feedback procedures. There were a number of sessions held across the different service areas through attendance at directorate management teams, service or team meetings.

In addition to this guidance is provided to assist managers with completing thorough investigations and comprehensive responses.

When managers have provided a response to a complaint they are asked to record what will be done to resolve complaints, 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 actions.

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

5 Themes

Although the main themes are about inappropriate or lack of action, this is more often about communication issues in all areas, including returning people's calls, keeping people up to date when there are unavoidable delays and how changes in services are explained to people.

Communication issues are 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 effective complaints service. These costs should be seen against the inherent costs of not providing this service. These may include customer dissatisfaction escalating, 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 £256,510.

The payments made as part of the three different complaints procedures are provided later in this report.

Annual Children's Social Care Complaints and Representations Report for Period 2016 - 2017

7 Context

The following information relates to complaints made during the twelve months between 1st April 2016 and 31st March 2017 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:

10/11	11/12	12/13	13/14	14/15	15/16	16/17
5	8	6	8	3	23	6

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 include:

- Being supported to achieve being able to be a family
- Being supported to have breaks from caring
- Being a lifeline
- Being the best ever social worker
- For support during a short term health problem

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:

10/11	11/12	12/13	13/14	14/15	15/16	16/17
9	5	12	13	6	14	11

An example of what may be raised as a concern is where a grandparent wants to let us know about concerns they may have about grandchild(ren) when parents have split up.

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, the council authority 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

Stage One. This is the most important stage of the complaints procedure. The teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this stage.

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 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 usually implemented where the complainant is dissatisfied with the findings of stage one. Certain cases may though be escalated straight to stage two. Stage two is 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 adjudicates on the findings, although on occasions, this can be delegated to a group manager, where an Assistant Director is not available.

The council must appoint an independent person to oversee the investigation process for all stage two complaints. 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 who then makes a decision 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 if it has not been considered under our procedure first. The council will usually agree to a complaint being considered by the Ombudsman without the third stage of the internal process having been completed.

10 Activity

The complaints service recorded 30 complaints under the children's social care procedure during the year, compared with a total of 34 last year.

An additional 10 complaints were received about children's social care services under the corporate complaints procedure, compared to 4 in the previous year.

The LGSCO has since instructed the council to investigate one of the corporate complaints at stage 2 of the social care procedure.

There were 4 complaints investigated under the corporate complaints procedure regarding Special Educational Needs services. Three were at stage 1 and one at stage 2.

11 Total complaints made:

Of the 30 complaints dealt with 26 were investigated at stage one of the social care procedures, 1 progressed to stage two. There were though 4 complaints in total heard at stage two of the social care procedure. 3 of these were 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 following outcomes were reached.

- 1 was upheld as maladministration with injustice without a report
- 3 were closed after initial enquiries with no further action.
- 1 was not upheld and no further action

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. Accordingly, while the figures show a 13.3% decrease in complaints from last year, it is dangerous to accord too much weight to this and it should be noted that this is in the context of a 56% increase last year from the previous year.

13 Outcomes of complaints:

	2014-2015	2015-2016	2016-2017
upheld	1	3	0
partly upheld	9	15	9
not upheld	7	8	14
not proved	0	0	0
not pursued	2	4	3
no response	2	0	1
ongoing	1	4	1
Total	22	34	28

14 Response Times

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

The timescales in working days for the procedure 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

15 Stage One Complaints

There were 26 stage one complaints compared to 24 last year. These have been categorised as follows:

Stage One Nature of complaint

	2014 - 2015	2014 - 2015	2016 - 2017
Attitude of staff	-	3	2
Disagree with Policy	-	-	1
Disagree with Assessment	1	2	4
Discrimination	-	-	0
Inappropriate Action	6	10	12
Lack of Action	7	5	6
Quality of Advice/ Communication	3	4	1
TOTAL	17	24	26

You will note that inappropriate action and lack of action have consistently been the main themes with the highest numbers of recorded complaints.

Stage One Social Care Response Times

	2014 - 2015	%*	2015 - 2016	%*	2016 - 2017	%*
Within 10 days	9	53%	13	54%	19	73%
Within 20 days	5	29%	6	25%	2	8%
Over 20 days	2	12%	2	8%	2	8%
Not Pursued	1	6%	3	12%	3	11%
TOTAL	17		24		26	

*% figures are rounded to the nearest whole number

You will note that there has been an improvement of 19% for responses due within the 10 days timeframe from last year. Where there has been a need to extend the response time, as per the legislation and guidance, we have agreed this with the complainant.

Stage One Outcomes

	2014 - 2015	%*	2015 - 2016	%*	2016 - 2017	%*
Upheld	1	6%	2	8%	0	-
Partially Upheld	7	41%	11	46%	7	27%
Not Upheld	6	35%	8	33%	15	58%
Not Proven	0	-	0	-	0	-
Not Pursued	1	6%	3	12%	3	11%
No response	2	12%	0	-	1	4%
TOTAL	17		24		26	

*% figures are rounded to the nearest whole number

You will note that there has been a significant improvement in the number of complaints upheld or partially upheld at stage one, than in previous years.

16 Stage Two Complaints

Stage Two Nature of Complaint

	2014 -2015	2015 -2016	2016 -2017
Attitude of staff	-	-	-
Disagree with Policy	-	-	-
Disagree with Assessment	-	1	--
Discrimination	-	-	
Inappropriate Action	2	6	3
Lack of Action	1	2	1
Quality of Advice/ Communication	2	1	-
TOTAL	5	10	4

You will note that there has been a 60% reduction in the number of stage 2 complaints compared to last year.

Stage Two Response Times

	2014 - 2015	%*	2015 - 2016	%*	2016 - 2017	%*
Within 25days	1	20%	2	20%	1	25%
Within 65 days	1	20%	-	-	2	50%
Over timescale	1	20%	7	70%	1	25%
Not Pursued	1	20%	1	10%	-	-
ongoing	1	20%	-	-	-	-
TOTAL	5		10		4	

You will note that there has been a significant improvement in the number of complaints going over the timescale for response at stage 2. However it is important to remember that reasons for extending up to the 65 days may include arranging 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

	2014 - 2015	%*	2014 - 2015	%*	2016 – 2017	%*
Upheld	-	-	1	10%	-	-
Partially Upheld	2	40%	4	40%	2	50%
Not Upheld	1	20%	-	-	-	-
Not Pursued	1	20%	1	10%	-	-
No response sent	-	-	-	-	1	25%
ongoing	1	20%	4	40%	1	25%
TOTAL	5		10		4	

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 does not include a further investigation. An independent review panel considers 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 advisors 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 confirmation will be provided in writing that it is considered the council has had sufficient opportunity to consider and respond to the complaint that further consideration by the council is unlikely to lead to a different outcome and the complainant is able to 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, three complaints were received as a corporate stage one. 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. None of these complaints were escalated within the complaints procedure.

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	1 of 26	3.8%	96.2%
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

	2013 -2014	2014 - 2015	2015 - 2016	2016 - 2017
Male	9	7	5	11
Female	14	15	29	16
Male & Female	1	-	-	3
Not stated	-	-	-	-

Ethnic origin

0 comments were made about ethnicity

Age

4 people were between 16 – 24.

20 Who made the complaints

- 3 complaints were made by a child or young person via an advocate.
- 1 complaint was made direct by a child or young person.
- 1 complaint was made by an adult via an advocate.
- 6 complaints were made by family or friends on behalf of a child or young person.
- 19 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 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 the reporting period 2016- 2017 were:

	£
Investigating Officers & Independent People	£17,176.25 This was for 6 cases some of which were started and recorded in the previous reporting period, but completed and paid in this period.
Review Panel	0
IP contract	£6636.42

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.

One amount of £1,460.00 was made for time trouble and delays and to pay for an agreed service.

An additional amount of £400 has been offered for time, trouble and upset on a case that was initially received in this reporting period, but is being considered by the Ombudsman and is currently ongoing.

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 resulted in agreement to undertake the following actions, in addition to apologies and financial recompense:

- Agreement to update people about outcome of Local Authority Designated Officer (LADO) referrals. For information: The role of the LADO is set out in Working Together to Safeguard Children (2015) and is governed by the Authorities duties under section 11 of the Children Act 2004 and MKSCB Inter-Agency Policy and Procedures (Ch 2.8). This guidance outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self employed. The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has:
 - behaved in a way that has harmed, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
- Improved quality assurance arrangements for reports to child protection case conferences from one team
- Review and reminder of medicines procedure
- Review of communication when re-scheduling respite care

Annual Adult Social Care Complaints Report for Period 2016 - 2017

24 Context

This report provides information about complaints made during the twelve months between 1st April 2016 and 31st March 2017 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.

In addition the numbers of compliments are also recorded. These were:

	12/13	13/14	14/15	15/16	16/17
adult services	53	47	44	31	19
occupational therapy	1	4	2	2	-
Commissioning and Purchasing (C&P)					
/mental health	-	6	2	20	28
learning disability services	14	7	1	0	4
public health	-	-	-	-	0

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 help and support received to find the right home, giving peace of mind
- Couldn't wish for anyone better to represent the relative, made a massive difference to the quality of relative's life, helping them to stay at home for as long as possible, which were what they always wanted and where they were happy. Helped to give some very special memories to treasure & will always be grateful.
- Taking a truly person centred approach which is positively impacting on quality of life.
- Heartfelt appreciation for wonderful care to relative. It has been a tonic to witness patience and care for well being, relative flourished under superb care.
- Everyone did such an outstanding job on assisting relative when needed, when they couldn't help themselves. They were indeed fortunate when the City of York Council took them under their wing. Everyone provides such professional and valuable services.

- Formal thanks to the Council for its support in the past. Support and encouragement within the Council's framework has always been very much appreciated.

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
adult services	12	31	54	11	6
occupational therapy	-	-	1	1	-
C&P/ mental health	3	4	-	-	5
learning disability services	-	-	-	-	-
Public Health	-	-	-	-	3

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 50 complaints under the adult social care procedure during the year 2016 – 2017, compared with a total of 47 the previous year. An additional 9 complaints were received about adult social care services under the corporate complaints procedure, compared to 3 in the previous year.

28 Total complaints made:

The CFT are aware that 3 people contacted the LGSCO in relation to adult services.

Of the 3 received in this reporting period the following outcomes were reached:

- 1 Closed as not upheld, no maladministration
- 1 Closed as not upheld with no further action
- 1 closed after initial enquiries with no further action

29 Comparison with the preceding year

The figures show a slight increase in the number of complaints received in 2016 – 2017. However numbers do typically fluctuate each year as shown in the table below and whilst this is typical of adult social care complaints received across Yorkshire and Humberside, the total figure for 2016/2017 is close to the average of the past 4years.

30 Outcomes of complaints:

	2014-2015	2015-2016	2016-2017
upheld	5	6	9
partly upheld	21	16	12
not upheld	7	17	26
not proved	0	0	2
not pursued	5	5	1
no response	0	3	0
ongoing	0	0	0
Total	38	47	50

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 43 complaints graded as Green in adult services compared to 36 last year and these were categorised as follows:

Green Nature of complaint

Social Care Service	Adults Delivery	Assess & Safe - guarding	Finance	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Attitude of staff	-	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	1	-	-	-	-	-	1
Disagree with Assessment	-	1	4	-	1	-	-	-	6
Discrimination	-	-	-	-	-	-	-	-	-
Inappropriate Action	4	2	5	-	3	1	1	1	17
Lack of Action	1	7	3	-	1	2	1	-	15
Quality of Advice/ Communication	-	2	-	-	1	-	1	-	4
TOTAL	5	12	13	0	6	3	3	1	43

It is not uncommon for inappropriate action or lack of action to be the category receiving the most complaints.

Green Response Times

	Adults Delivery	Assess & Safe - guarding	Finance	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Within 10 days	3	11	13	-	5	3	1	1	37
Within 25 days	1	-	-	-	-	-	1	-	2
Over 25 days	-	-	-	-	1	-	1	-	2
Not Pursued	1	1	-	-	-	-	-	-	2
TOTAL	5	12	13	0	6	3	3	1	43

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 86% of green complaints within the shortest timescale.

33 Amber Complaints

There were 7 complaints graded as Amber in adult services compared to 9 in the last year.

Amber Nature of Complaint

Social Care Service	Adults Delivery	Assess & Safe-guarding	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Attitude of staff	-	-	-	-	-	-	-	-
Disagree with Policy	-	-	-	-	-	-	-	-
Disagree with Assessment	-	-	-	-	-	-	-	-
Discrimination	-	-	-	-	-	-	-	-
Inappropriate Action	-	2	-	-	-	1	1	4
Lack of Action	-	-	-	1	-	1	-	2
Quality of Advice/ Communication	1	-	-	-	-	-	-	1
TOTAL	1	2	-	1	-	2	1	7

Amber Response Times

	Adults Delivery	Assess & Safe-guarding	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Within 25days	-	2	-	1	-	2	1	6
Within 65 days	1	-	-	-	-	-	-	1
Over timescale	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-
TOTAL	1	2	-	1	-	2	1	7

Amber Outcomes

	Adult Delivery	Assess & Safeguarding	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Upheld	-	1	-	-	-	-	-	1
Partially Upheld	-	-	-	1	-	1	1	3
Not Upheld	1	1	-	-	-	1	-	3
No Response	-	-	-	-	-	-	-	-
Not Pursued	-	-	-	-	-	-	-	-
TOTAL	1	2	-	1	-	2	1	7

34 Red Complaints

There were 0 complaints graded as Red in adult services compared to 2 in the last year.

In addition to the information given above for complaints made through the adult social care complaints procedure, 3 complaints about adult social care services were made under the corporate complaints procedure – there were 2 at stage one and 1 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: 21

Female: 29

Age

1 person stated they were over 75 years old

36 Who made the complaints

- 31 complaints were received directly from a customer
- 18 complaints were made by a family member
- 1 complaint was made by an advocate on behalf of a customer

37 Payments

The council provides financial recompense if, after a complaint has been investigated or as part of an LGO's investigation, it is concluded that the LGO 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.

There were no complaints requiring financial recompense in this reporting period.

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 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. 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 resulted in agreement to undertake the following actions, in addition to apologies and financial recompense:

- Review of policy and procedure
- Discussion with contracted agency about providing more considered responses
- Agreement to commission an independent assessment of needs
- Staff training on the importance of clear, effective and honest communication

Annual Corporate Complaints Procedure Report for Period 2016 - 2017

41 Context

This is the first time an annual report has been produced about 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	Total number of compliments
CAN	292
CBSS	88
CES	54
CEX	0

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:

- Support in granting of license
- Prompt clearance of dog fouling
- Prompt response to fly tipping
- Marriage being arranged so quickly in bereavement suite
- First aid administered in calm, confident and competent manner in Yearsley Pool
- Manhole issue has now been thoroughly and professionally rectified, was very impressed with the reinstatement operation / thorough excavation / back fill / base course / hot roll and clear up ... very slick operation carried out by a professional team'
- Making last 4 months bearable with help & kindness – to the flood team
- Prompt change of name on Minster Badge
- Cutting back grass making area a safer place to ride bike and cross road
- Prompt response to collecting waste
- Flowers make York look lovely
- Excellent emergency housing repairs service at weekend

- Congratulations to roofers on a job well done, cleaning out the guttering, removing moss to prevent birds picking it up and dropping it back into the guttering.
- Manner of processing and handling Council Tax Exemption request, and the questions. Whilst very professional, also very personable.

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	Total number of concerns, comments and requests
CAN	1453
CBSS	287
CES	202
CEX	9

42 Who can make a Complaint?

Someone who:

- The local authority has a power or duty to provide or secure the provision of a 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.

43 Grading of Complaints

The CFT assess the appropriate stage to investigate a complaint 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.

Following the response a complainant can ask LGSCO to investigate if they remain dissatisfied.

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 has been set at:

- 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 assess	Disagree with policy	discrimination	Inappropriate action	Lack of action	Quality of advice, communication /work	TOTAL
CAN	25	12	75	3	200	503	56	874
CBSS	1	35	13	0	83	35	16	183
CES	0	5	2	0	13	13	5	38
CEX	0	0	1	0	2	0	0	3
TOTAL	26	52	91	3	298	551	77	1098

Outcome by directorate

	upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CAN	345	159	87	5	185	93	874
CBSS	54	79	36	3	6	4	183
CES	4	19	4	3	6	2	38
CEX	1	2	0	0	0	0	3
TOTAL	404	259	127	11	197	99	1098

Response by directorate

	In time	Out of time	Not pursued	TOTAL
CAN	594	275	5	874
CBSS	163	16	4	183
CES	24	12	2	38
CEX	3	0	0	3
TOTAL	784	303	11	1098

46 Stage Two Complaints

Primary theme by directorate

	Staff attitude	Disagree with assess	Disagree with policy	discrimination	Inappropriate action	Lack of action	Quality of advice, communication /work	TOTAL
CAN	2	3	9	0	41	83	13	151
CBSS	0	5	2	0	12	3	1	23
CES	2	5	1	0	15	9	1	33
CEX	0	0	0	0	0	0	0	0
TOTAL	4	13	12	0	68	95	15	207

Outcome by directorate

	upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CAN	58	40	29	4	12	8	151
CBSS	4	10	3	2	3	1	23
CES	3	18	5	1	6	0	33
CEX	0	0	0	0	0	0	0
TOTAL	65	68	37	7	21	9	207

Response by directorate

	In time	Out of time	Not pursued	TOTAL
CAN	118	29	4	151
CBSS	17	4	2	23
CES	14	18	1	33
CEX	0	0	0	0
TOTAL	149	51	7	207

47 Stage Three Complaints

Primary theme by directorate

	Staff attitude	Disagree with assess	Disagree with policy	discrimination	Inappropriate action	Lack of action	Quality of advice, communication /work	TOTAL
CAN	0	0	0	0	5	2	2	9
CBSS	0	0	0	0	0	1	0	1
CES	0	0	0	0	1	0	0	1
CEX	0	0	0	0	1	0	0	1
TOTAL	0	0	0	0	7	3	2	12

Outcome by directorate

	upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CAN	2	4	1	0	0	2	9
CBSS	0	0	1	0	0	0	1
CES	0	1	0	0	0	0	1
CEX	0	0	1	0	0	0	1
TOTAL	2	5	3	0	0	2	12

Response by directorate

	In time	Out of time	Not pursued	TOTAL
CAN	8	1	0	9
CBSS	1	0	0	1
CES	1	0	0	1
CEX	0	1	0	1
TOTAL	10	2	0	12

48 Outcome of Investigations by the Ombudsman

	Closed Out of Jurisdiction	Closed NFA	Not Upheld	Upheld Malad, & injustice	Upheld Malad, no injustice	Report Issued Not upheld, no malad	Report Issued Malad & injustice	Report Issued, Malad, no injustice
Tenancy Services	0	0	1	0	0	0	0	0
Housing Options	0	1		0	0	0	0	0
Housing Registration	0	0	1	0	0	0	0	0
Projects & Tenants Choice	0	1	0	0	0	0	0	0
Repairs	0	1	1	1	0	0	0	0
Highways Maintenance	0	1	1	0	0	0	0	0
Neighbour - hood Management	0	1	0	0	0	0	0	0
Benefits	1	0	0	1	0	0	0	0
Council tax	0	2	1	0	0	0	0	0
ICT	0	0	1	0	0	0	0	0
Development Management	0	1	4	0	0	0	0	0
Highways & Network Management	0	2	0	0	0	0	0	0
Parking policy	0	0	2	0	0	0	0	0

Whilst the council is committed to transparency, we have not included details about the individual cases with the finding of “upheld maladministration with injustice” as this may not be in the complainant's interest or anonymity may be compromised.

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.

The following payments were made in this reporting period :

- £400 for distress and inconvenience due to delay in carrying out work and not keeping customer updated, following an Ombudsman investigation.
- £44.50 to refund cost of new bin due to delays, time and trouble and inconvenience, following stage 3 recommendation.
- £180 to repay bank charges and time and trouble for wrong processing of council tax forms, following Ombudsman investigation.
- £250 for injustice caused by delays to repair a wall, following Ombudsman investigation.
- £69.72 reimbursement for costs of having asbestos removed due to delays and time and trouble following stage 1 complaint investigation.

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. 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.

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:

- Reminder to update the customer if there are going to be delays in completing agreed actions
- Information about eviction appeals process updated

- Introduction of new registrars booking procedure to ensure full names and titles are collected to avoid assumptions being made
- Reminders to staff about appropriate customer care and service
- Reminders and clarification to staff of procedures
- Change in procedures for new bin deliveries to increase capacity for timely delivery