



City of York Council Annual Complaints Report April 2017 – March 2018

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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

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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 54 cases about the council in April 2017 to March 2018 and their decisions are summarised below:

LGSCO decision	How many?	%* rounded down to whole number
Closed after initial enquiries	15	28%
Referred back for local resolution	11	20%
Advice given	1	2%
Incomplete/invalid	4	7%
Not upheld	10	19%
Upheld	13	24%
Total	54	100%

The LGSCO's 13 upheld decisions had the following remedies

Other Remedy
Apology
Apology, Financial Redress
Apology, Financial Redress, Procedure Change
Financial redress: Avoidable distress/time and trouble, Other Remedy
Financial Redress: Quantifiable Loss, Procedure or policy change/review
Apology
Provide information/advice
Null
Apology
Apology, Financial redress: Avoidable distress/time and trouble, Other Remedy
Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review

The details of the 13 upheld cases are shown at Annex 1 at the end of this report.

Whilst the annual review letter highlighted that in the previous year, they had concerns about Council's Complaint handling (largely resulting from a difference of view regarding the proper way of sharing information relating to third parties with the Ombudsman – something which the Ombudsman undertook to review), it states

“This year my investigators have had some concerns about delays in responding to our enquiries or draft decisions. However, the major issue raised in my letter last year was the Council's use of

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section 32 (3) confidentiality notices. In response to last years letter you invited my Assistant Ombudsman to meet with you to discuss matters. This was a positive meeting where clear progress was made. There have been no further inappropriate section 32(3) notice issued by your Council. It is to the Council's credit that it has addressed my concerns in a positive way and made improvements to how it responds to our complaint enquires."

The Ombudsman clarified in all annual review letters issued, that one of the purposes for the letters, is to help ensure learning from complaints informs scrutiny at the local level.

"Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints date, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny. I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources."

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.

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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

Although the main theme is about lack of action, this is more often about communication issues in all areas, including returning 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 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 £248,270.

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.

Annual Children's Social Care Complaints and Representations Report April 2017 – March 2018

7 Context

The following information relates to complaints made during the twelve months between 1st April 2017 and 31st March 2018 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:

11/12	12/13	13/14	14/15	15/16	16/17	17/18
8	6	8	3	23	6	17

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:

- Regular communications with customer, politeness, courtesy, and organisation skills shown.
- Thank you for support through the adoption process and making a family complete.
- Support provided to other professionals through an Education and Health Care plan meeting.
- Unconditional emotional and practical support from a Social Worker enabling a family to remain together.
- Compliment for the quality of training issued by individuals within Children's Social Services

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:

11/12	12/13	13/14	14/15	15/16	16/17	17/18
5	12	13	6	14	11	26

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, 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

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.

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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 CFT recorded 40 complaints under the children's social care procedure during the year, compared with a total of 30 last year.

An additional 16 complaints were received through the corporate complaints procedure, compared to 10 in the previous year.

11 Total complaints made:

Of the 40 complaints dealt with:

- 30 were investigated at stage one of the social care procedures,
- 4 progressed to stage two
- 10 complaints in total heard at stage two with 6 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 11 people contacted the LGSCO in relation to children's services. Of these, 9 cases were decided upon with the following outcomes:

- 4 were upheld, requiring an apology, financial redress and procedural changes.
- 1 was closed after initial enquiries with no further action.
- 3 were not upheld and no further action
- 1 was referred back to the council for investigation.

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 a third or 33% for this reporting period.

13 Complaint outcomes – total

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

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

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Stage One - Nature of complaint

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

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

Stage One - Responding in time performance

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

*% figures are rounded to the nearest whole number

You will note that there has been an improvement of 7% 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

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

*% figures are rounded to the nearest whole number

You will note that there has been an increase to 10% of cases upheld this year, in comparison to the previous years 0%.

16 Stage Two Complaints

Stage Two - Nature of Complaint

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

You will note that there has been a 150% increase in the number of stage 2 complaints compared to last year.

Stage Two – Responding in time performance

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

You will note that there has been a significant improvement in the % of cases being responded to within the shortest timescale, along with 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	%*
Upheld	1	10%	-	-	-	
Partially Upheld	4	40%	2	50%	3	30%
Not Upheld	-	-	-	-	3	30%
Not Pursued	1	10%	-	-	2	20%
No response sent	-	-	1	25%	2	20%
Ongoing	4	40%	1	25%	-	
TOTAL	10		4		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, 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 is considered they are not complaining in the customer’s best interest. None of these complaints were escalated within the corporate 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	4 of 30	13.3%	86.7%
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
Male	7	5	11	10
Female	15	29	16	25
Male & Female	-	-	3	5
Not stated	-	-	-	-

Ethnic origin

- 0 people gave us information about their ethnicity

Age

- 2 people were under the age of 16
- 2 people were between 16 – 24.

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.
- 2 complaints were made by an adult via an advocate.
- 5 complaints were made by family or friends on behalf of a child or young person.
- 29 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

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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 were:

	Total cost April 2017 to March 2018 * excluding VAT
Investigating Officers & Independent People – this includes expenses e.g. travel	£8665.72 These were for 6 Childrens Social Care cases
Review Panel	Nil
IP contract – core costs	£6250.00

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.

Two amounts of £200.00 were made for time trouble and delays in responding to the customer's complaint, and this was paid to the parent and child.

A payment of £500 was paid in relation to time and trouble in resolution to a stage two complaints investigation, along with a payment of £1232.20 for a quantifiable loss in relation to travel expenses for the same complaint.

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:

- Revisit a complaint, appointing an Independent Person and Independent Investigator to carry out the investigation.
- A review of procedures for assessing needs for Short Breaks.

Annual Adult Social Care Complaints Report April 2017 to March 2018

24 Context

This report provides information about complaints made during the twelve months between 1st April 2017 and 31st March 2018 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:

	13/14	14/15	15/16	16/17	17/18
Adult services	47	44	31	19	49
Occupational therapy	4	2	2	-	-
Commissioning and Purchasing (C&P)	-	-	-	-	1
Mental health	6	2	20	28	2
Learning disability services	7	1	1	4	0
Public health		-	-	-	1

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:

- I could not of ask for a more understanding care Manager as you were with Mum or me as we weren't easy.
- Social worker provided a brilliant service with amazing help, she is fantastic.
- Care at Windsor House should be considered an example held by the rest of the country.
- I've been so impressed with how you speak to the resident and the support you are giving her and me. It is the best I've come across from City of York. Thanks very much!
- Customer stated Social worker was empathetic, professional and "excellent in every way".

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:

	13/14	14/15	15/16	16/17	17/18
Adult services	31	54	11	6	7
Occupational therapy		1	1		
Commissioning and Purchasing (C&P) and mental health	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

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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 50 the previous year.

An additional 9 complaints were received about adult social care services under the corporate complaints procedure, the same as the previous year.

28 Total complaints made to the LGSCO

The CFT are aware that 13 people contacted the LGSCO in relation to adult services.

Of the 13 received in this reporting period the following 11 outcomes were reached:

- 3 Closed as not upheld
- 4 Closed as upheld
- 1 Closed after initial enquiries
- 2 Referred back to the Council
- 1 Closed as invalid

29 Comparison with the preceding year

The figures show a decrease in the number of complaints received in 2017 – 2018 through the adults social care procedures. Although numbers do typically fluctuate each year, the total figure for 2017/2018 of 21 complaints is some way below the average over recent years.

30 Outcomes of complaints:

	2015 - 2016	2016 - 2017	2017 - 2018
Upheld	6	9	4
Partly upheld	16	12	8
Not upheld	17	26	6
Not proved	0	2	1
Not pursued	5	1	1
No response	3	0	1
Ongoing	0	0	0
Total	47	50	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 18 complaints graded as Green in adult services compared to 43 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	-	-	-	-	-	-	-	-	0
Disagree with Policy	-	-	-	-	-	1	-	-	1
Disagree with Assessment	1	3	1	-	1	-	-	-	6
Discrimination	-	-	-	-	-	-	-	-	0
Inappropriate Action	2	2	1	-	-	2	-	-	7
Lack of Action	-	1	-	-	1	-	-	-	2
Quality of Advice/ Communication	1	-	-	-	1	-	-	-	2
TOTAL	4	6	2	0	3	3	0	0	18

It is not uncommon for inappropriate 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	1	6	2		3	2			14
Within 25 days	3								3
Over 25 days						1			1
Not Pursued									
TOTAL	4	6	2	0	3	3	0	0	18

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 78% of green complaints within the shortest timescale.

33 Amber Complaints

There were 2 complaints graded as Amber in adult services compared to 7 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	-	-	-	-	-	-	-	0
Disagree with Policy	-	-	-	-	-	-	-	0
Disagree with Assessment	-	-	-	-	1	-	-	1
Discrimination	-	-	-	-	-	-	-	0
Inappropriate Action	-	-	-	1	-	-	-	1
Lack of Action	-	-	-	-	-	-	-	0
Quality of Advice/ Communication	-	-	-	-	-	-	-	0
TOTAL	0	0	0	1	1	0	0	2

Amber Response Times

	Adults Delivery	Assess & Safe-guarding	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Within 25days	-	-	-	1	1	-	-	2
Within 65 days	-	-	-	-	-	-	-	0
Over timescale	-	-	-	-	-	-	-	0
Not Pursued	-	-	-	-	-	-	-	0
TOTAL	0	0	0	1	1	0	0	2

Amber Outcomes

	Adult Delivery	Assess & Safeguarding	OT	C&P	Mental Health	Learning Disability	Public Health	Total
Upheld	-	-	-	1	-	-	-	1
Partially Upheld	-	-	-	-	1	-	-	1
Not Upheld	-	-	-	-	-	-	-	0
No Response	-	-	-	-	-	-	-	0
Not Pursued	-	-	-	-	-	-	-	0
TOTAL	0	0	0	1	1	0	0	2

34 Red Complaints

There was 1 complaints graded as Red in adult services compared to 0 in the last year.

In addition to the above, there were 9 complaints about adult social care services made under the corporate complaints procedure. All 9 were completed at stage one and 2 of these then progressed to 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: 12

Female: 9

36 Who made the complaints

- 13 complaints were received directly from a customer
- 7 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 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.

There was one payment of £250.00 for time and trouble in pursuing the complaint. A payment for £235.13 was also paid for reimbursement of care costs.

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:

- 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 April 2017 to March 2018

41 Context

This is the second 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	45
CEC	25
EAP	106
HHASC	136
Not CYC	3
TOTAL	312

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:

- Glen Lodge - absolutely beautiful and everything she could wish for.
- Highly commended in producing a comprehensive, professional and fair report on the above property. The report is extremely robust and highlights how the scheme grossly conflicts with national and local planning policies. We are personally grateful for your attention to detail and Council's decision.
- Thank you so much for clearing the alley of all the black bags so quickly.
- Providing 'significant and beneficial' support for the couple and this was cited as the catalyst for them revoking their resignation as Foster Carers.
- Youth Offending Team - their sheer, inspiring professionalism and dedication to the young people in their care. Every conversation about any young person, no matter how serious or challenging an offence they may have committed, is marked by compassion and faith in their ability to choose differently in future.

ANNEX 1

- Thanks to you, your team and security for helping to make the Apprenticeship Recruitment Event run smoothly.

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	2
CCS	162
CEC	23
EAP	979
HHASC	154
TOTAL	1320

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

ANNEX 1

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.

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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	3	80	17	1	37	39	23	199
CEC	-	2	1	-	4	3	-	10
EAP	15	51	164	3	171	549	29	982
CEX						1		1
HHASC	3	27	13	2	32	69	15	161
Total	21	160	195	6	244	660	67	1353

Outcome by directorate

	upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	49	83	34	3	21	9	199
CEC	3	2	2	-	3	-	10
EAP	323	201	94	24	288	52	982
HHASC	29	66	14	8	29	15	161
CEX	-	-	-	1	-	-	1
Total	404	352	144	36	341	76	1353

Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	162	37	-	199
CEC	7	3	-	10
EAP	518	464	-	982
HHASC	108	53	-	161
CEX	-	-	1	1
Total	795	557	1	1353

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	2	13	2	1	6	7	3	34
CEC	1	1	-	-	1	2	-	5
EAP	2	17	21	-	47	238	12	337
CEX	-	-	-	-	-	1	-	1
HHASC	1	12	2	3	5	20	8	48
TOTAL	6	43	25	1	59	268	23	425

Outcome by directorate

	Upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	7	15	9	-	3	-	34
CEC	-	2	2	-	1	-	5
EAP	173	40	35	7	76	14	337
HHASC	9	19	7	1	10	2	48
CEX	1	-	-	-	-	-	1
Total	190	77	53	8	90	6	425

Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	27	7	-	34
CEC	4	1	-	5
EAP	225	115	7	337
HHASC	29	18	1	48
CEX	1	-	-	1
Total	276	141	8	425

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	1	-	3
CEC	-	-	-	-	-	1	-	1
EAP	-	-	1	-	3	11	2	17
HHASC	-	-	-	-	-	2	1	3
TOTAL	0	0	1	0	5	15	3	24

Outcome by directorate

	Upheld	Not upheld	Partly upheld	Not pursued	No response	Not proven	TOTAL
CCS	1	2	-	-	-	-	3
CEC	-	1	-	-	-	-	1
EAP	7	8	1	-	-	1	17
HHASC	1	2	-	-	-	-	3
TOTAL	9	13	1	0	0	1	24

Responding in time performance by directorate

	In time	Out of time	Not pursued	TOTAL
CCS	3	-	-	3
CEC	-	1	-	1
EAP	15	1	-	16
HHASC	3	-	-	3
TOTAL	21	2	0	23*

*at the time of producing this report, there was 1 reply at stage 3 which could still be answered in time

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	-	1	1	3	2	4	11
Benefits and Tax	-	-	1	1	3	2	7
Corporate and Other Services	-	2	1	-	2	-	5
Education and Children's Services	-	1	-	3	1	4	9
Environmental Services and Public Protection Regulations	-	4	1	1	2	-	8
Highways and Transport	-	3	-	-	-	-	3
Housing	1	2	1	1	1	-	0
Planning and Development	-	2	1	1	1	-	5

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

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

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

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.

ANNEX 1

The following payments were made in this reporting period:

- £100 for injustice as a result of incorrectly issuing a summons.
- £200 to both parent and child for time and trouble due to delays in investigating complaint.
- Refund of £310 for enforcement agent charges, and £20 liability order charge.
- Refund of £330.76 for care charges.
- £250 for time and trouble for pursuing complaint.
- £100 in recognition of poor service

In addition to the above payments, we made the following payment:-

- £950 for early resolution on the recommendation of the Housing Ombudsman.

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:

ANNEX 1

- Look at the possibility of changing care charging structure for residents in hospital care.
- Reminders to staff about appropriate customer care and service.
- Reminders and clarification to staff of procedures.
- Put monitoring in place for assisted waste collections.
- Review procedures for short stay care funding.

LGSCO ref	Director ate	Area/ Service	Date of decision	Decision	Outcome	CYC reference	LGSCO summary
16014507	CCCS	Benefits & Tax	03/04/2017	Upheld	Apology, Financial Redress	FT/5770	Summary: The Council accepted it wrongly sent summonses to Mr J for council tax he did not owe. It has agreed to pay Mr J £100 to redress the uncertainty and time and trouble caused by the fault.
16019375	CCCS	Benefits & Tax	20/06/2017	Upheld	Apology, Reimbursement/ unquantified payment	IGF/0638	Summary: there was fault by the Council in failing to communicate change of address information between housing benefit and council tax sections of the Council. The Council has offered to refund the enforcement agent costs and the liability order charge and to apologise. That is a satisfactory resolution of the complaint
16010789	CCEC	Education & Children's Services	21/06/2017	Upheld	Other Remedy	IGF/1127	Summary: The Council has delayed dealing with Mrs X's complaint under the statutory procedure for children's complaints. It should do so immediately.
16015675	CCEC	Education & Children's Services	20/07/2017	Upheld	Apology, Financial Redress, Procedure Change	FT/6214	Summary: The Council was at fault in April 2016 for giving Mrs B incorrect advice about Short Breaks funding, and for not assessing her son's eligibility. The Council conducted an assessment in October 2016 and decided Mrs B's son was eligible. The Council has agreed to apologise and to backdate the funding to April 2016 to recognise its failure to conduct an assessment sooner. The Council has also agreed to put a system in place to record when it has given advice and guidance to parents who have tried to access services for their children.
16017596	CCEC	Education & Children's Services	17/10/2017	Upheld	Financial redress: Avoidable distress/time and trouble, Other Remedy	Ft/4756	Summary: The Council failed to respond properly to the recommendations of a children's social care complaint about Mrs X's daughter. It has now provided a copy of the report as recommended, apologised to Mrs X, and offered her and her daughter a payment. This is a satisfactory remedy.
17006828	CCEC	Education & Children's Services	25/01/2018	Upheld	Null	Igf/1429	Summary: Mrs C says a school nurse failed to act on her concerns about her daughter's weight and the possibility that she may be suffering from an eating disorder. There is evidence of fault but not that led to injustice to Mrs C or her daughter, D
16013834	CEP	Environment al Services & Public Protection & Regulation	24/08/2017	Upheld	Apology	IGF/1395	Summary: The Council's decision not to undertake further reinstatement works on land near the racecourse is a matter of professional judgement

ANNEX 1

17011339	CEP	Environmental Services & Public Protection & Regulation	05/03/2018	Upheld	Apology, Financial redress: Avoidable distress/time and trouble, Other Remedy	IGF/0378	Summary: The Ombudsman finds the Council was at fault when it did not return Mrs X's bins in line with its assisted collection service and in how it handled her complaint. The Council's initial response was appropriate but given the continuing issues the Council has agreed to take further action to prevent the issues continuing and to remedy the injustice caused.
17001556	CHHASC	Adult Care Services	29/09/2017	Upheld	Financial Redress: Quantifiable Loss, Procedure or policy change/ review	IGF/0116	Summary: the Council did not tell Mr F he would have to pay for home care he did not receive when he was in hospital. The Council should refund these charges
17007141	CHHASC	Adult Care Services	26/02/2018	Upheld	Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/ review	IGF/0733	Summary: The Council was at fault when it decided to complete a safeguarding enquiry about Mrs X too soon. To acknowledge this fault, the Council has agreed to apologise, make a modest time and trouble payment to Mrs X and review its safeguarding procedures
17008043	CHHASC	Housing	12/01/2018	Upheld	Apology	IGF/1495	Summary: There was fault by the Council in wrongly identifying the property for a replacement boiler, in not immediately telling Mr B when it found the error and in its failure to keep proper records of its correspondence with Mr B and the councillor. The Council will apologise to Mr B within one month of the date of this decision
17010026	CHHASC	Adult Care Services	15/03/2018	Upheld	Provide information /advice	IGF/2581	Summary: Ms B complains the Council reduced her direct payment. We found funding was not authorised in line with council procedures. A later assessment concluded Ms B did not require night time care and we found the later assessment was in line with the Care Act and national guidance, so there was no fault in the reduction. The Council's complaint response was faulty because it did not explain what had gone wrong in any detail. The Council did not co-operate with the NHS in exploring whether counselling or therapy was available for Ms B. The Council accepted our recommendation to seek Ms B's consent to refer her for counselling or therapy
17015821	CHHASC	Adult Care Services	23/03/2018	Upheld	Apology	IGF/4806	Summary: The Ombudsmen find no fault in the way a care home and GP practice responded to a resident's declining health, or in the way the home tried to manage the resident's personal care needs. However, the Ombudsmen find fault in way the care home managed the resident's pressure area needs. This caused an injustice. The Ombudsmen recommend an apology and an action plan to address this