

STANDARDS COMMITTEE

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CORPORATE COMPLAINTS - MONITORING

RICHARD G LONG

DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

PURPOSE OF REPORT

- 1 To present to Members the report for 2010 – 2011 in respect of the Council's Corporate Complaints Procedures.

BACKGROUND

- 2 As previously reported to Members, the full version of the Corporate Complaints IT System (CCITS) was launched in January 2007. The system assists in administering complaints from referral to the Council, through the Council's three stage complaints procedure, and on to Ombudsman consideration.
- 3 The Tables contained in Appendix 1 to this report provide statistical information for the period April 2010 – March 2011, along with figures for the previous two years, so that comparison may be made.

COMPLAINTS 2010 - 2011

- 4 A total of 371 complaints were received last year, compared with 358 for the previous year, so the number of complaints has been very consistent over the past two years.
- 5 Table 1 gives a breakdown of the complaints received by Department. As ever the largest number of complaints relate to Environment Department. This is to be expected, as Environment services (street lighting, bin emptying, street cleaning, etc) are universal services, and as such are used by all residents of Middlesbrough. Considerably fewer people use services such as those provided for by Economic Regeneration and Social Care.

- 6 The large number of complaints relating to Environment Department that were received in 2008-2009 resulted from an operational review of waste services in Streetscene Services which took effect in 2008-2009. This year the number of complaints relating to this area of Council services has again reduced, and is now the lowest since systematic recoding started in 2007.
- 7 Complaints relating to Children Families & Learning have again increased. The majority of these complaints related to social care services. Sometimes these relate to families that are reluctant to engage with specialist services. However, all but six of the complaints were dealt with at Stage 1 of the process, indicating effective resolution of complaints at the informal stage. Of those which progressed to formal stages, a number were complex and required independent investigation.
- 8 Otherwise, there are no significant increases or decreases in trends taken over the past three years.
- 9 Table 2 provides details of complaints received that were not dealt with by way of the Complaints procedures, and the reasons for this. Non-qualifying complaints include complaints relating to decisions of Planning & Development Committee or Licensing Committee, complaints that should be dealt with by way of an insurance claim, or matters where other means for resolution exist (such as Tribunals or Courts). The Council has not changed its criteria for what counts as a non-qualifying complaint, and so there is no real explanation as to the increase in the number received.
- 10 Table 3 provides details of complaints dealt with by Stage received.
- 11 The Council has until now had a three stage complaints procedure. Stage 1 is Local Resolution, Stage 2 is Formal Investigation, and Stage 3 is a Review Panel. The only exceptions are in relation to complaints about personal social services as these are governed by regulations approved by Parliament. In respect of Children's complaints, the Stage 3 is an independent review panel. In respect of adult social care complaints, there is no longer provision for a Stage 3: if the person is still dissatisfied after a formal investigation has been completed, then they have the right to complain to the Ombudsman. For all other complaints, Stage 3 has been to the Complaints & Appeals Committee of the Council.
- 12 Disregarding those complaints referred by the Ombudsman, Members will note that only 8% of qualifying complaints received went on to Stages 2 and 3 of the Complaints Procedures last year, compared with 11% the previous year. Also, 92% of qualifying complaints were resolved at Stage 1 of the procedures, compared with 90% the year before. Apart from the consistency, this would also suggest that Local Resolution at Stage 1 is effective in resolving the majority of complaints without the need for a formal investigation.
- 13 Table 4 provides details of the outcome of complaints dealt with under the Corporate Complaints Procedures. Of the 325 complaints where a decision was made (that is, excluding the 12 complaints that were either withdrawn or cancelled), in 168 cases the complaint was fully upheld. In a further 52 cases the

complaint was partially upheld. This means that in 68% of cases, complaints were fully or partially upheld, compared with 72% last year. This suggests that complainants are consistently receiving fair treatment in the consideration of their complaints.

- 14 Table 5 expands on Table 4 and shows the outcome of complaints by Department. The significant variation in the number of complaints relating to the Environment Department has been explained in paragraph 6 above. The only significant trend appears to be in the year on year increase of complaints relating to Children Families & Learning that are not being upheld which have gone from 12 to 27 to 44 in the past three years. Otherwise, there are no other notable changes in departmental statistics over the past three years
- 15 Table 6 shows the completion times for Stage 1 complaints. The Council's Corporate Complaints Procedures currently require Stage 1 complaints to be completed in 20 working days unless there are exceptional reasons: examples would be that the complaint is particularly complex, or the complainant is temporarily away from the area.
- 16 Last year 80% of Stage 1 complaints were dealt with within this timescale, compared with 83% the previous year, and 88% in 2008-2009. However, 43% of all complaints were dealt with within 10 working days – just half of the target timescale.
- 17 Previously, Members have expressed concern that almost 20% of complaints dealt with at Stage 1 exceeded the 20 working day time limit. Regrettably, and despite efforts to reduce this figure, the number of Stage 1 complaints that exceeded the 20 day target remains unchanged at 20% for 2010-2011.
- 18 Members will note that totals for complaints received and outcomes do not tally. This is because some complaints received are not dealt with under the Complaints Procedures (Table 2), and not all complaints received during a given period are resolved during that same period. This means that some outcomes for the current period relate to complaints received during the preceding period. Conversely, some complaints received during the current period will not be resolved until the following period.

LEARNING LESSONS FROM COMPLAINTS

- 19 In most cases complaints arise from a straightforward service failure such as missed bin collections; following personal assessments such as those relating to personal care; or following particular actions by the Council such as raising charges for sports facilities or introducing the use of 'wheely bins'.
- 20 In some instances, however, complaints highlight procedural or policy weaknesses. In such cases it is important that the Council learns from these complaints and that consideration is given as to whether working practices need to be reviewed or revised.

21 Last year the Council changed its practices or procedures, or reviewed its policies, in respect of a number of complaints received.

Many of these changes simply involved revising administrative procedures. Examples of changes implemented by various Departments as a result of complaints handling include:

- ✓ Change of operational procedures relating to allocation of social workers to cases
- ✓ New procedures regarding interviewing staff as part of complaints investigations
- ✓ New information leaflet (for staff) to be developed and implemented so that hospital social work staff are better aware of financial processes and procedures
- ✓ Training & Development to improve professionals' understanding of children with autism
- ✓ Production of a definitive list of outstanding items action list relating to OT cases
- ✓ Agreeing a system for making requests for modifications/ equipment in OT cases and ensuring reasons are given in writing
- ✓ Staff to be given guidance on appropriate action to take around case closures or cases where NFA is decided

In other cases the lessons learned from complaints have a more direct impact on the public:

- ✓ New requirements regarding child safety seating for children who are the responsibility of the Local Authority where they are being transported by taxi
- ✓ Provision of better information to complainants who are being represented by a solicitor in child welfare cases
- ✓ Revised procedures to ensure that where a Children's complaint is made by a third party, a copy of the complaints guidance will be issued to the complainant and to their representative
- ✓ Revised procedures to ensure that decisions and reasons are communicated to service users
- ✓ New procedures to ensure that changes in staff locations and their contact details are communicated to service users: and that associated voicemail messages are updated to reflect changes

COMPLIMENTS

22 Last year I reported, at the request of Members, on the number of compliments that had been lodged with the Council. Table 7 shows the number of compliments received for the past two years. Table 8 gives reasons where these have been recorded.

CONCLUSIONS

23 Overall, the figures contained in the Tables at Appendix 1 suggest that the Council investigates complaints quickly, in a fair and impartial manner, and with a genuine willingness to find a resolution whenever possible.

- 24 Whilst it is difficult to identify meaningful trends, it is positive that of all complaints received by the Council some 68% are either fully or partially upheld, and only 8% of complaints progressed to Stages 2 and 3 of the Complaints Procedures.

CHANGE TO THE COUNCIL'S COMPLAINTS PROCEDURES

- 25 In 2002 the Council adopted a three stage corporate procedure. The Council had been criticised by the Ombudsman for a lack of consistency in the way that complaints were handled in different Council departments, or in respect of different Council services.
- 26 At that time both of the complaints processes regulated by legislation (Children's Representations and Adults' Social Care Complaints) required a three stage procedure, Stage 3 of which was a hearings panel. Elected Members were involved as members of both the Stage 3 Children's and Adults' Panels. The Council's Corporate Complaints Procedures were therefore modelled on the legislated schemes in order to ensure clarity and consistency of process, regardless of the nature or subject of the complaint.
- 27 Since then the legislation has changed considerably. Only the children's complaints regulations now require a Stage 3 Panel, and those regulations now prevent elected Members from sitting on these Panels. The Adults' regulations now prohibit a stage 3 of any kind, but instead specify that following a formal investigation, a complainant – if still dissatisfied – must be advised of their right of appeal to the appropriate Ombudsman.
- 28 Furthermore, the Ombudsman's latest guidance¹ is that "two stages will normally be appropriate for dealing with most complaints".
- 29 In several other authorities, the final right of consideration in respect of corporate complaints is either by the Chief Executive, or delegated to the Complaints Manager. This is the process that is now being adopted by Middlesbrough Council. Clearly this does not apply in respect of Children's and Adults' complaints which are still subject to the requirements of regulations.
- 30 In future, if the complainant remains dissatisfied following the Stage 2 investigation, a paper review of the Investigation Report could be undertaken to ensure that:
- the complaint had been properly addressed and considered
 - the process had been properly followed
 - the findings were properly arrived at, reasonable, and within the legislation
 - proper reasons were given for the decision
- 31 If the Investigation Report did not meet the above requirements then it will be referred back to the investigating officer and/or appropriate Head of Service.

¹ Local Government Ombudsman: Guidance on running a complaints system

32 If however the Investigation Report does meet the above requirements then the complainant will be advised of their right to complaint to the appropriate Ombudsman.

RECOMMENDATIONS

33 Members are asked to note the content of this report.

Author:

Chris Davies

Members' Office Manager

(01642) 729704