NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

3 March 2008

Complaints and Ethical Indicator Information

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to present to the Committee statistics in relation to complaints and compliments received by the Council for Quarters 2 and 3 in 2007. It also presents information in relation to agreed ethical indicators for the period 1 April 2007 to 19 February 2008, which help give an indication of the health of the authority in relation to standards and ethics.

2.0 BACKGROUND

- 2.1 Appendix 1 comprises two comprehensive reports from the Staff Officer to the Chief Executive in relation to compliments and complaints for the periods 1 July 2007 to 30 September 2007 and 1 October 2007 to 31 December 2007. Members are requested to consider the detailed information in the reports which covers complaints referred for handling through the Council's complaints system, and also matters that have been referred to the Local Government Ombudsman.
- 2.2 Members also considered that it would be helpful to regularly monitor statistics in a range of areas which might act as indicators if there were difficulties within the authority. This part of the report covers the period 1 April 2007 to 19 February 2008.

3.0 <u>DISTRICT AUDIT PUBLIC INTEREST REPORTS</u>

2007/8 There were no public interest reports during this period.

2004/5	2005/6	2006/7	2007/8
0	0	0	0

4.0 OBJECTIONS TO THE COUNCIL'S ACCOUNTS

2007/8 There were no objections to the accounts during this period.

2004/5	2005/6	2006/7	2007/8
0	0	0	0

5.0 <u>REFERRALS TO AND INVESTIGATIONS UNDERTAKEN BY THE STANDARDS</u> <u>BOARD FOR ENGLAND</u>

Status	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8
Received	5	2	1	5	0	5
Investigated	2	1	1	2	0	0
Code Breached	2	1	0	0	0	0
Penalty	1	0	0	0	0	0

6.0 NUMBER OF WHISTLEBLOWING INCIDENTS REPORTED

2004/5	2005/6	2006/7	2007/8
4	8	73 incidents	60 to date
		(21 of those raised through email)	

In 2007/08 60 matters were raised by whistle-blowing. 24 of those matters were reported via:

- the whistleblower hotline
- the whistleblower e mail
- the whistleblower e form
- letter

7.0 NUMBER OF CHALLENGES TO PROCUREMENTS

2004/5	2005/6	2006/7	2007/8
0	0	0	0

During 2007/8 there have been no actual legal challenges to procurements, although two unsuccessful tenderers have raised queries about the outcome of two procurement processes and in one of those the queries are ongoing.

8.0 <u>DISCIPLINARY ACTION RELATING TO BREACHES OF THE MEMBER/OFFICER PROTOCOL</u>

2004/5	2005/6	2006/7	2007/8
0	0	0	0

For the period April to December 2007, a total of 49 cases of disciplinary action were undertaken. 4 of those related to fraud matters, as detailed below.

Of the remaining 45 instances, 25 related to misconduct issues, including one case relating to bringing the authority into disrepute.

9.0 <u>DISCIPLINARY ACTION RELATING TO FRAUD</u>

2004/5	2005/6	2006/7	2007/8
1	3	3	4

The 4 matters recorded for 2007/8 relate to financial mis-management, falsifying timesheets and false claim of hours.

10.0 FREEDOM OF INFORMATION ACT INDICATORS

Statistics for 2007/08

The position to date can be summarised as follows -

Month	Number of requests received	Number of requests answered	Number of requests answered late	Percentage of requests answered late	Percentage of requests answered within time	Requests outstanding and overdue at month end
April 07	25	21	4	19%	81%	6
May 07	30	33	6	18%	82%	2
June 07	24	22	2	9%	91%	5
July 07	33	35	8	23%	77%	4
Aug 07	23	31	4	13%	87%	2
Sept 07	20	19	1	5%	95%	2
Oct 07	18	17	2	12%	88%	2
Nov 07	40	43	5	12%	88%	1
Dec 07	12	23	2	9%	91%	0
Jan 08	21	14	0	0%	100%	0
Feb 08 (part)	24	13	0	0%	100%	0
Total	270	271	34	13%	87%	

The 34 requests responded to outside of the 20 days time limit are spread across all services.

Appeals

The County Council is obliged to have an appeals process which provides a mechanism for the applicant to lodge an appeal where they are unhappy with a refusal to supply all or some of the information requested. In the period April 2007 to February 2008, 4 such appeals have been received.

11.0 INDUSTRIAL ACTION TAKEN OR NOTIFIED

There were no instances of industrial action in 2007/8.

I	2004/5	2005/6	2006/7	2007/8
	January – March	April – June	July – September	April – December 2007
	0	0	0	0

12.0 NUMBER OF EMPLOYMENT TRIBUNALS RECEIVED

2007/8 11 employment tribunal claims were commenced, together with further claims in respect of equal pay and part time pensions. At the time of writing this report the figures for new part-time pensions cases for this period are not available. An oral update will be given to the meeting.

Of those 11 employment tribunal claims, 2 were withdrawn, 2 were settled, 2 were struck out and for the remaining 5 they are pending dates for hearing.

2004/5	2005/6	2006/7	2007/8
9 + 1	10	8	11
Multiple		+ 14 equal pay and 9	+ 23 new equal pay
		part-time pension cases	claims - all now
			withdrawn/settled
			Details of part-time
			pension cases to follow.

13.0 CONCLUSION

13.1 These indicators are provided at the request of the Committee to help give the Committee an indication of the health of the authority in relation to standards and ethics.

14.0 **RECOMMENDATIONS**

14.1 Members are requested to note the report.

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Background Documents:

None

County Hall NORTHALLERTON

21 February 2008

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

3 MARCH 2008

COMPLIMENTS AND COMPLAINTS QUARTERLY REPORT

QUARTER 2 – 1st JULY 2007 TO 30th SEPTEMBER 2007

1. This report summarises the compliments and complaints received during quarter 2 of 2007/08 year.

Summary of Compliments Received

	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central Services	Total
Compliments Received 2006/07	193 (53%)	149 (41%)	3 (1%)	20 (5%)	0 (0%)	365 (100%)
Quarter 1	276	88	6	21	4	395
2007/08	(70%)	(22%)	(2%)	(5%)	(1%)	(100%)
Quarter 2	277	224	15	14	2	532
2007/08	(52%)	(42%)	(3%)	(2.5%)	(0.5%)	(100%)

- 2. This table shows the number of compliments received by Directorate. Frontline and customer facing services obviously receive the most compliments.
- **3.** For Adult and Community Services 117 compliments were for adult social care and 160 for community services including libraries and registration offices. Children and Young People's Services received a total of 14 Compliments which includes compliments relating to Children's Social Care.
- 4. It is worth noting that since the introduction of the new procedure all compliments are now recorded by the Directorate Complaints Co-ordinators, which accounts for the increased number of compliments received compared to 2006/07.

Summary of Complaints Received

	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central Services	Total
Total number of complaints received 2006/07	276	112	7	125	10	530
	(52%)	(21%)	(1%)	(24%)	(2%)	(100%)
Quarter 1	89	12	9 (6%)	38	1	149
2007/08	(60%)	(8%)		(25%)	(1%)	(100%)
Quarter 2	161	23	7	30	1	222
2007/08	(73%)	(10%)	(3%)	(13%)	(1%)	(100%)

5. Adult and Community Services received a total of 161 complaints which includes 47 complaints for Adult Social Care, the remaining 114 relate to Library and Community Services. Children and Young People Services received a total 30 complaints which includes 24 complaints relating to Children's Social Care. A total of 8 complaints were withdrawn at stage 1 and 1 complaint at stage 2.

Timescales for Completion

- **6.** The procedure provides clear timescales for handling of complaints. If a complaint cannot be resolved straight away, it must be acknowledged and a full response provided within 20 days from receipt.
- **7.** The table shows in percentage terms the complaints completed within these timescales across each Directorate.

Percentage of Complaints	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central Services	Total	
Completed < 20 working days	72%	11%	5%	13%	1%	87%	
Completed > 20 working days	50%	-	-	50%	-	13%	

8. It is worth noting that complaints handled through the statutory procedure within and Adult and Children's Social Care are often of a personal and complex nature. Such complaints often involve other agencies or require legal advice and therefore can take longer to investigate. When a complaint is more complex and requires more time to respond fully complainants are kept well informed in accordance with the procedure.

Outcomes of Complaints by Directorate

9. The table shows the outcomes of complaints.

Percentage of Complaints	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central Services	Total
Upheld / partly upheld	44%	17%	-	36%	3%	29%
Not upheld	81%	6%	3%	10%	-	71%

Analysis by category

10. Analysis by category of complaint is now available following introduction of the new reporting system. The breakdown of this for all complaints across the Council are shown below.

Number of Complaints	Poor Service	No Service	Delay in provision of Service	Disagree with decision / policy	Staff Attitude	Poor communication	Personnel	Other
Upheld / partly upheld	31	4	6	14	6	10	0	0
Not upheld	81	8	3	30	3	7	0	19

Complaints by stages

11. The procedure provides for stages in the handling of complaints. During the second quarter a total of 205 stage 1 complaints were received. A total of 9 stage 2 complaints were received which required formal investigation whilst 2 complaints required further review at stage 3.

Ombudsman complaints

12. A total of 6 ombudsman complaints were received within the quarter. 9 ombudsman complaints were in progress at the beginning of the quarter which fell to 7 ombudsman complaints awaiting decisions at the end of the quarter. The authority received 8 final decisions, 6 of which were not upheld and the Ombudsman agreed a decision of Local Settlement on 1 complaint and a decision of maladministration and injustice on 1 Adult Social Care complaint.

Learning from Complaints

- **13.** Examples of some of the specific learning from complaints received in quarter 2 include:
 - a. Following a complaint to Library and Community Services that opening hours were not displayed new signage on disabled access to libraries has now been displayed.
 - b. Within Adult Social Care a number of procedural changes in certain teams have been made relating to case recording and financial assessment and funding guidance given to families. In addition there has been a review of local respite procedures to ensure all admissions are confirmed.
 - c. The REOTAS planning provision has been amended as a result of a complaint received by Children and Young People's Services which highlighted a weakness.
 - d. Within Children's Social Care change to policy and service delivery include:
 - Review of internal team communication to ensure consistent information provided to service users.
 - Review of guidance needed regarding photography of children in foster care.
 - Review of communication regarding Eligibility Criteria.
 - Guidance regarding private fostering arrangements to be reviewed.
 - e. Within Finance and Central Services procedures and guidelines were reviewed to ensure staff clarify requirements for establishing identity and appropriateness of responses in regard to sensitive cases.

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Staff Officer to the Chief Executive
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5 November 2007

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Presenter of Report: Amanda Fry Background Documents: None

Annexes: None

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

3 MARCH 2008

COMPLIMENTS AND COMPLAINTS QUARTERLY REPORT

QUARTER 3 – 1 OCTOBER TO 31 DECEMBER 2007

1. This report summarises the compliments and complaints received during quarter 3 of 2007/08.

Summary of Compliments Received

Compliments Received	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central	Total for year/ quarter
2006/07 Total	193	149	3	20	0	365 (year)
Quarter1 2007/08	276	88	6	21	4	395
Quarter 2 2007/08	277	224	15	14	2	532
Quarter3 2007/08	216	130	16	43	2	407
Total 2007/08	769	442	37	78	8	1334

Analysis and Further Information

- 2. The new procedure and improved recording leads to the increase in figures between 2006/07 and 2007/08.
- 3. The majority of compliments were, as expected due to the amount of front line services, received by ACS (61%), with 100 (28%) for social care and 116 (33%) for Library and Community Services.
- 4. The number of compliments for BES rose in quarter 2 and fell again in quarter 3. This is because compliments for Trading Standards and Regulatory services had not been recorded for April to September and it was decided to record the figures in quarter 2.
- 5. No seasonal trends have yet been identified.

Complaints Received

Complaints Received	Adult & Community	Business & Chief Executive		Children & Young People	Finance & Central	Total for year/ quarter
2006/07 Total	276	112	7	125	10	630
Quarter1 2007/08	89	12	9	38	1	149
Quarter 2 2007/08	161	23	7	30	1	222
Quarter3 2007/08	222	8	3	50	3	286
Total 2007/08	472	43	19	118	5	657

Analysis and Further Information

- 6. ACS continues to receive the majority of complaints (78% in quarter 3). It is accepted that this is because of the amount of front line services it provides. Of the 222 complaints received 41 related to Social Care and 181 to Library and Community Services.
- 7. There has been an increase in the number of complaints received by CYPS in quarter 3 which accounts for the recently improved compliments and complaints monitoring systems within County Catering.

Timescales

- 8. During the last quarter 92% of complaints were dealt with within the target timescale (a full response within 20 working days of receipt). This is an improvement on the previous quarter, when 87% of complaints were dealt with on time.
- 9. 23 complaints took longer than 20 working days to resolve. Of these 18 were handled through the statutory procedure for Social Care complaints and it is acknowledged that these are generally of a more complex nature requiring specialist input and the involvement of other agencies and occasionally legal advice. Additional reasons this quarter included complainant availability, staff capacity/availability and difficult communication caused by the involvement of may officers. Steps have been taken in CYPS to overcome this last factor by appointing a lead officer for each complaint.
- 10. When complaints do go over timescale complainants are kept fully informed in accordance with procedures.

Outcomes of Complaints by Directorate

Outcomes	Adult & Community		Business & Environment		Chief Executive		You	ren & ung ople		nce & ntral	Total for year/ quarter	
	U	NU	U	NU	U	NU	U	NU	U	NU	U	NU
2006/07 Total	109	136	54	67	1	5	43	62	5	8	212	278
Quarter1 2007/08	17	61	7	3	3	1	7	11	0	0	34	76
Quarter 2 2007/08	27	127	11	8	7	1	25	15	2	0	72	151
Quarter3 2007/08	33	192	1	7	3	0	34	8	3	0	74	207
Total 2007/08	77	380	19	18	13	2	66	34	5	0	180	434

 $U = Upheld \quad NU - Not Upheld$

- 11. 26% of complaints in quarter 3 were upheld or partly upheld, the majority falling in ACS and CYPS (with approximately 12% each). This is a 3% fall from the previous quarter.
- 12. It is accepted that some complaints will be upheld, but we seek to learn from these and improve our services as a result. Some of the changes that have

been made as a result of complaints are detailed in the section 'Learning from Complaints'.

Reason for Complaint

Category		No Service Poor Service		Delay in Service		Disagree decision/ policy		Staff Attitude		Poor Communication		Personnel		Other		
	U	NU	J	NU	U	NU	J	NU	J	NU	U	NU	J	NU	J	NU
2006/07 Jul - Mar*	52	94	11	7	24	4	19	69	6	17	18	7	0	6	4	58
Quarter1 2007/08	13	26	2	9	3	2	6	27	4	5	7	1	0	1	0	10
Quarter 2 2007/08	31	81	5	8	6	3	14	30	6	3	10	7	0	0	0	19
Quarter3 2007/08	40	114	2	7	3	5	7	23	5	3	16	7	1	0	0	48
Total 2007/08	84	221	9	24	12	10	27	80	15	11	33	15	1	1	0	77

U = Upheld NU - Not Upheld

13. Of the 281 complaints received this quarter, 153 related to poor service, 9 to no service and 8 to a delay in service, giving a total of 170 (60% of all complaints) relating to the delay or poor level of service provided. Just over a quarter of these (44) were upheld or partly upheld.

Complaints Process

- 14. There are three stages to the complaints procedure: stage one dealt with locally; stage two formal investigation; and stage three review of investigation (not complaint) by Chief Executive. It is our intention that as many complaints as possible are dealt with at stage one.
- 15. Only after a complaint has been dealt with at stage one can it progress to stage two and then on to stage three.
- 16. During the last quarter 270 complaints were received at stage one, 15 at stage two and 1 at stage three.

Ombudsman's Complaints

- 17. Ombudsman complaints are usually of a complex nature requiring considerable investigation. The Ombudsman's Office is currently experiencing some pressure of work and therefore there are further delays. As a result Ombudsman complaints are currently taking some time to resolve. However, the majority of our responses are made to the Ombudsman within the timescales set by that office.
- 18. At the beginning of this quarter 7 complaints were already in progress and a further 4 were received during the quarter. 10 complaints are still in train.
- 19. Only one decision was received, which was not to uphold the complaint.

^{*} No statistics available for Apr - Jun 06

Learning from Complaints

- 20. Some of the learning points as a result of complaints dealt with in quarter 3 are:
- CYPS
 - i. Monitor/review procedures
 - ii. Monitor/review service
 - iii. Adult Learning have reviewed the syllabus.
 - iv. Procedural changes have been introduced to reduce the number of stages in a process.
 - v. Further procedure training given
 - vi. Removal of inaccurate data from records
 - vii. Review of needs and services offered
 - viii. Further guidance and instruction from Service Manager to all staff
 - ix. All foster carers to have supervising social worker
 - x. Ongoing action plan
- FCS-
- i. Guidelines were reviewed with staff so that in future letter of explanation included when there are queries about statements.
- ii. Procedures reviewed with staff to ensure timely and thorough execution.
- BES -
- i. Change to way of reporting to ensure that contact is made through the Customer Service Centre or direct to Area email address.
- ACS -
- i. Ingleton Library is a priority for new IT network.
- ii. Telephone system at County Records Office is under investigation.
- iii. Agreement that appointments are confirmed in writing
- iv. More flexible arrangements for day centre and respite stays offered
- v. Additional care visit arranged on an interim basis
- vi. Carers rotas reviewed and times changed to better suit service user
- vii. Review of admissions process at respite facility
- viii. Review of day time activities to better meet a service user's need
- ix. Various issues regarding contact centre/telephone system
- x. Ongoing consideration of issues raised
- xi. Staff awareness raising

Conclusion

- 21. The team of Directorate Complaints Coordinators (DCCs) continue to meet regularly to share best practice.
- 22. At the last meeting the DCCs discussed the complaints monitoring/recording system that has been built using Lagan. Many problems had been encountered, not least that accurate and useful reporting is not possible and a solution has not yet been offered. The group decided that the system is unusable, although it was agreed that all who had worked on the system had done all that they could and it was acknowledged that the system did have some good points.
- 23. The group agreed that a common system was still required and research on systems in place in other authorities and how well they perform is currently being carried out.

- 24. Although there have been some problems with the Lagan system, monitoring continues to improve and as a result statistics are becoming more reliable and meaningful. This will only improve further with the introduction of an electronic system that works well.
- 25. We are hoping to arrange a slot at a Members' Seminar during 2008 for the Assistant Ombudsman, Neil Hobbs, to speak to Members.

Amanda Fry
Staff Officer to the Chief Executive
County Hall
NORTHALLERTON

1 February 2008