

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

13 September 2010

Complaints and Ethical Indicators**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 Quarter 4 in 2009/2010 and Quarter 1 in 2010/2011. It also presents information in relation to agreed ethical indicators for the period 1 April 2009 to 31 March 2010, which help give an indication of the health of the authority in relation to standards and ethics.

2.0 BACKGROUND

- 2.1 The Committee periodically considers statistical information relating to complaints and compliments received by the Council. A schedule of the corporate compliments and complaints received for Quarter 2 (July to September) in 2009 (and Quarter 3, October to December 2009) was considered by the Committee at its meeting on 10 May 2010.
- 2.2 Figures for Quarter 4 (January to March 2010) are comprised within the Annual Report on compliments and complaints for the year April 2009 to March 2010 attached at **Appendices 1a and 1b** to this report; there is no separate Quarter 4 report.
- 2.3 Figures for Quarter 1 (April to June 2010) are set out at **Appendix 2** to this report.
- 2.4 Members are requested to consider the information in the reports, which also cover matters which have been referred to the Local Government Ombudsman. At the Committee's last meeting, Members queried whether the corporate compliments and complaints figures are benchmarked: officers have confirmed that attempts have been made in the past to benchmark the figures but ultimately it was not possible to do so as statistics were not available from all of the comparative authorities.
- 2.3 Once each year, this information is also accompanied by information in relation to agreed ethical indicators which help give an indication of the health of the authority in relation to standards and ethics. This part of the report covers the period 1 April 2009 to 31 March 2010.

3.0 DISTRICT AUDIT PUBLIC INTEREST REPORTS

- 3.1 2009/10 There were no public interest reports during this period.

2004/5	2005/6	2006/7	2007/8	2008/9	2009/10
0	0	0	0	0	0

4.0 OBJECTIONS TO THE COUNCIL'S ACCOUNTS

4.1 2009/10 There were no objections to the accounts during this period.

2004/5	2005/6	2006/7	2007/8	2008/9	2009/2010
0	0	0	0	0	0

4.2 There have been no public objections to the Council's accounts for the period 1 April 2009 to 31 March 2010, however members of the public are still able to object to the Council's accounts until the completion of the external audit at the end of September 2010.

5.0 REFERRALS TO AND INVESTIGATIONS UNDERTAKEN BY STANDARDS FOR ENGLAND / STANDARDS COMMITTEE

5.1 Standards for England

5.1.1 Member standards complaints sent to Standards for England for the period 2009/2010 are set out below. On 1 May 2008, the new local standards regime came into operation, whereby all complaints that Members may have breached the Members' Code of Conduct are sent to local standards committees. Standards Committees are now responsible for all aspects of the handling of such complaints. Complaints information for the period 2009/2010 is set out in the Standards Committee section at paragraph 5.2 below.

Status	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/2009	2009/2010
Received	5	2	1	5	0	5	0	0
Investigated	2	1	1	2	0	0	0	0
Code Breached	2	1	0	0	0	0	0	0
Penalty	1	0	0	0	0	0	0	0

5.2 NYCC Standards Committee

5.2.1 Member standards complaints sent to the Council's Standards Committee for the period 1 May 2009 to 31 March 2010 are set out below.

Status	2008/9	2009/2010
Total received	3 (same complaint in respect of 3 Councillors from same complainant)	3
Referred to Complaint Assessment Sub-Committee	3	3

Referred to Complaint Review Sub-Committee	3	1 Upheld Assessment Sub-Committee decision to take no action on complaint.
Decision to take no action on complaint	3	1
Referred to Monitoring Officer for investigation	0	2
Referred to Monitoring Officer for other action	0	0
Referred to SFE for investigation	0	0
Code Breached	0	2
Sanction	0	1 – Letter of apology to complainant and further training on the Code 1 – Letter of apology to complainant and further training on the Code

6.0 **NUMBER OF WHISTLEBLOWING INCIDENTS REPORTED**

2005/06	2006/07	2007/08	2008/09	2009/10
8	73	60	71	75

6.1 The table below summarises the main areas investigated by Internal Audit during 2009/10:

Allegation	Number
Misuse of IT, email or internet facilities	9
Theft	12
Abuse of time recording, overtime, mileage claims and flexitime	2
Incorrect or fraudulent payments made to employees	7
Inappropriate letting of contracts/award of grants or incorrect procurement process followed	5
Misuse of NYCC vehicles	2
Ineffective or improper accounting, budgetary management or financial reporting	2
Improper recruitment practices	4
Data security breaches	4
Abuse of position	3
Inappropriate behaviour	4
Total cases Investigated	54

6.2 Internal Audit's audit management and recording system records details of 75 cases reported during 2009/10. 54 of these cases are summarised in the above table whilst the remaining cases relate to one of the following:

- Internal Audit periodically issues 'alerts' to schools in response to potential frauds or scams involving external individuals or organisations.
- Concerns which relate to another department or external body or agency. For example, two complaints were received which were passed to Integrated Passenger Transport, relating to the safety checks carried out on vehicles by contractors and the organisation of taxi routes.
- Cases from previous financial years which required re-opening.

6.3 Of the 54 cases above, 23 were communicated via one of the following:

- Whistleblowers' letter/email
- Whistleblowers' hotline

When a referral is received, an assessment is made by a senior member of staff in Veritau Ltd (the County Council's Internal Audit contractor) as to what action needs to be taken. This could be referral to another department, such as Human Resources, Trading Standards, Integrated Passenger Transport, or the Headteacher of a school, for them to investigate and report back. In cases such as bullying or vehicular safety, this would always be the case. Alternatively, a member of internal audit staff would be allocated the case to investigate, which they would do in consultation with senior management in the Service Unit concerned and Human Resources. In the majority of cases it would quickly become apparent whether it was likely that a prolonged investigation was required, and if so arrangements may be put in place to suspend the employee in question and interview them as part of a pre-disciplinary investigation. Following the investigation a report would be issued to management, who would decide whether it was appropriate to take disciplinary action.

6.4 The cases investigated resulted in 4 employees being dismissed, 4 resigning, 2 being given disciplinary warnings as to their future conduct and 2 have action plans put in place to monitor their future activities.

7.0 NUMBER OF CHALLENGES TO PROCUREMENTS

2005/6	2006/7	2007/8	2008/9	2009/10
0	0	0	1	7

7.1 During 2009/10 there were 7 specific challenges made to procurement matters.

7.2 The biggest area of complaint has been surrounding challenges to construction - related procurements. By way of background information for Members, NYCC used to operate a select list of many contractors. This did not prove to be workable and it was decided to establish a limited number of framework contractors. This meant that many contractors who had worked for NYCC for many years were having to compete for the work against much stiffer competition and, in some cases, were unsuccessful. This impacted upon their business and in some cases created redundancies etc.

7.3 Whilst it was absolutely the right process for the NYCC to carry out, because it gave NYCC a better relationship with a more limited number of contractors, so added value could be obtained, the price of doing so, mid way through a recession, was always anticipated to be a high one. NYCC received five challenges:

- (i) A complaint was received in respect of the procurement methodology. Complaints were raised personally with the Chief Executive Officer and Members and concerns were also raised in the media. Officers felt that each and every point in the challenge was addressed and whilst the complaint was not formally withdrawn, the complainant eventually became out of time to launch a formal challenge under the Public Contracts Regulations 2006. Officers were in no doubt that the procurement had been undertaken professionally and properly.
- (ii) A complaint was received by a construction firm in respect of a works' framework procurement on the grounds of concerns over the methodology of the scoring mechanism, and the fact that the Office of Fair Trading had recently published a long list of firms who had been found guilty of bid-rigging. Some of those firms were firms that NYCC were dealing with. NYCC received correspondence from the particular contractor, and also from Anne McIntosh MP. Meetings took place with the Corporate Director of Finance and Central Services, Corporate Asset Management, Jacobs UK and the contractor in May 2010. No formal challenge was ever made and NYCC addressed all of the concerns raised. The issue is now closed as from May 2010.
- (iii) Another complaint received in respect of framework procurement related to the use of the pre-qualification questionnaire and again referred to the Office of Fair Trading investigation. All of the salient points raised in the correspondence from the contractor were addressed and answered in October 2009 and the matter is now closed.
- (iv) This complaint was received in November 2009, again, in respect of works framework procurement. The complaint specifically referred to the procurement methodology used and yet again a reference to the OFT investigation. All of the points raised within correspondence from the contractor were addressed and answered in a formal response from the NYCC. The issue was closed in November 2009.
- (v) A complaint was received in July 2009 in respect of themed framework procurement. During the procurement process, NYCC had excluded the complainant firm on the grounds of non disclosure of information. All of the points raised within the correspondence were addressed and answered in responses from NYCC and also at a meeting with the Corporate Director of Finance and Central Services in 2009. The issue was closed as from August 2009.

7.4 Other complaints received, not in relation to construction-related procurement, were as follows;

7.4.1 A complaint was received in June 2009 in respect of the procurement of multifunctional devices (MFDs). The complaint surrounded the methodology applied to the procurement. The challenge was justified. Although there was a minor error in

the process, NYCC decided that it was appropriate to restart the procurement. This ran smoothly and has now been completed.

7.4.2 In July 2009 a complaint was received in respect of a Household Recycling Tender. One applicant firm was excluded by NYCC at the pre-qualification stage which led to the complaint. NYCC had excluded them on financial stability grounds. The complaint was not pursued and the procurement proceeded.

7.5 Periodic requests are received for information under the Freedom of Information Act after tender exercises have been completed.

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

2005/6	2006/7	2007/8	2008/9	2009/10
0	0	0	0	0

8.1 By way of wider information, Members will be interested to know that for the period 1 April 2009 to 31 March 2010, a total of 24 cases of disciplinary action relating to breaches of the Officer Code of Conduct were undertaken. Two instances related to fraud matters. The majority of cases related to misconduct issues.

9.0 DISCIPLINARY ACTION RELATING TO FRAUD

2004/5	2005/6	2006/7	2007/8	2008/9	2009/2010
1	3	3	4	0	2

9.1 There were 2 instances of disciplinary action relating to fraud recorded for 2009/2010.

10.0 FREEDOM OF INFORMATION ACT INDICATORS

10.1 Regarding the above statistics for 2009/2010, 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 09	74	79	0	0%	100%	-
May 09	49	53	1	2%	98%	0
June 09	54	49	1	2%	98%	0
July 09	77	73	1	1%	99%	0
Aug 09	62	65	0	0%	100%	0

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
Sept 09	67	78	1	1%	99%	0
Oct 09	85	70	0	0%	100%	0
Nov 09	92	81	0	0%	100%	0
Dec 09	58	82	1	2%	98%	0
Jan 10	59	50	1	2%	98%	1
Feb 10	59	61	1	2%	98%	2
Mar 10	91	85	0	0%	100%	1
Total	827	826	7	1%	99%	-

10.2 This year the figures have been produced using a different format for collating the data. Figures have been produced according to the Ministry of Justice definition of a 'request for information' and their statistical standards. This means that the figures in the final four columns are based on the requests which were received that month (rather than the requests which were answered in that month).

10.3 The 7 requests responded to outside of the 20 days time limit are spread across all services.

Appeals

10.4 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 1 April 2009 to 31 March 2010, 8 such appeals were received. Of these, 7 were not upheld, and it was deemed information had been correctly refused, although in 2 cases additional information, which it was considered may have been of interest to the applicant, was identified and released, in accordance with the County Council's duty to provide advice and assistance. The remaining appeal was upheld and the information requested was released. In this instance a request for a copy of a policy had been refused as the policy was out for consultation at the time, however on appeal a copy of the County Council's existing policy was provided to the applicant.

11.0 INDUSTRIAL ACTION TAKEN OR NOTIFIED

11.1 During the period 2009/2010 there were no instances of strike action.

12.0 NUMBER OF EMPLOYMENT TRIBUNALS RECEIVED

12.1 2009/10: 16 Employment Tribunal claims were commenced, together with two further claims in respect of part-time pensions.

12.2 The types of claims are broken down as follows:

Unfair dismissal:	6	(two of those claims also included a claim for disability discrimination. Another of those claims also included a claim for age discrimination and disability discrimination.)
Race Discrimination:	2	
Disability discrimination:	1	
Sex discrimination:	2	
Constructive dismissal	2	(one of those claims also included a claim for disability discrimination)
Breach of flexible working Provisions	1	
Unlawful deduction of wages	2	
Claim for arrears in holiday pay	1	

Of those 16 Employment Tribunal claims, 3 were withdrawn, 1 was struck out by the tribunal, 3 were settled, 1 went to full hearing and was dismissed by the tribunal, 1 went to full hearing and the claimant was successful and 7 are awaiting hearings.

2004/5	2005/6	2006/7	2007/8	2008/9	2009/10
9 + 1 Multiple	10	8 + 14 equal pay and 9 part-time pension cases	11 + 23 new equal pay claims - all now withdrawn/settled	16 + 8 new part- time pension cases	16 +2 part time pensions

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 this report.

CAROLE DUNN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:
Standards Committee minutes

County Hall
NORTHALLERTON

25 August 2010

APPENDIX 1a

COMPLIMENTS AND COMPLAINTS ANNUAL REPORT 2009/10

Introduction

- 12.1 This is the annual report on compliments and complaints for the year April 2009 to March 2010. A report will also be presented to the Standards Committee.
- 12.2 Figures for the total for last year have been included for comparison.
- 12.3 The percentage of upheld or partly upheld complaints and those dealt with over timescale shows us where problem areas may lie (Appendix 1 shows actions/learning that has been identified to address issues arising). However, those complaints that are not upheld can still help us to improve services and should still be monitored.

Compliments Received

Compliments Received	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central	Total for year/quarter
Total 2008/09	843	921	47	47	110	1968
Quarter1 2009/10	166	237	24	12	12	451
Quarter 2 2009/10	217	214	16	10	20	477
Quarter 3 2009/10	222	154	20	17	32	445
Quarter 4 2009/10	247	187	2	21	8	465
Total 2009/10	852	792	62	60	72	1838

- 12.4 Overall the number of compliments received during the year has dropped from 1968 to 1838. That is a percentage drop of 6.6%.
- 12.5 No particular issue has been identified, nor procedures changed, although a particularly harsh winter and the general economic downturn may have had some influence here.

Complaints Received: Stages 1 – 3 and Adult Social Care

Complaints Received	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central	Total for year/quarter
Total 2008/09	492	165	14	91	18	780
Quarter 1 2009/10	78	31	7	18	1	135
Quarter 2 2009/10	51	41	7	16	2	117
Quarter 3 2009/10	86	34	2	23	3	148
Quarter 4 2009/10	63	73	5	49	3	193
Total 2009/10	278	179	21	106	9	593

- 12.6 The number of complaints received during 2009/10 has dropped from 780 to 593, which is a 24% decrease.
- 12.7 This is mostly due to work carried out in ACS Community Services in the first half of last year on improved monitoring and recording. Figures for other areas have not changed significantly.
- 12.8 The only issue identified as having a number of complaints sent in about it was regarding objections to requests for information about sexuality and religion within the public library user survey questionnaire, which generated 32 complaints in quarter 3.
- 12.9 All information gained from comments continues to be captured to assist with service delivery.

Timescales

- 12.10 A total of 496 (88%) complaints were completed within target timescale and 67 (12%) complaints took longer than the deadline set. Of these 54 were handled through the statutory procedure for Social Care complaints, which is noted for being generally of a more complex nature requiring specialist input and the involvement of other agencies and occasionally legal advice. The percentage completed within timescale has decreased from 92% in the last year.
- 12.11 It should be noted that under the new regulations for Adult Social Care complaints there is no fixed timescale, although internally target response times are in place. These vary dependent upon complexity and a deadline for full response is negotiated with the complainant in each case.
- 12.12 Other reasons for delay include staff/complainant/investigating officer availability, complainant's family circumstances, change of adjudicating officer, legal issues and staff changes.

12.13 When complaints do go over timescale complainants are kept fully informed in accordance with procedures.

Outcomes of Complaints by Directorate

Outcomes	ACS			BES			CEG			CYPS			FCS			TOTAL																				
	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU																		
Total 2008/09	191			309			80			83			7			3			43			34			8			7			329			436		
Quarter 1 2009/10	15	14	49	10	2	13	2	1	6	3	5	5	0	0	1	30	22	74																		
Quarter 2 2009/10	20	7	22	18	1	23	1	1	2	2	8	4	0	1	1	41	18	52																		
Quarter 3 2009/10	10	6	66	5	3	31	2	0	4	5	6	9	0	1	2	22	16	112																		
Quarter 4 2009/10	8	14	38	17	3	53	0	0	1	8	14	18	1	1	1	34	32	111																		
Total 2009/10	53	41	175	50	9	120	5	2	13	18	33	36	1	3	5	127	88	349																		

U = Upheld PU = Partly Upheld NU = Not Upheld

12.14 Last year upheld and partly upheld complaints were counted together. These have now been split.

12.15 During the year 22.5% of complaints were fully upheld and 15.6% were partly upheld. 61.9% of stage 1 – 3 and social care complaints were not upheld.

12.16 Last year 43% of complaints were either upheld or partly upheld and 57% were not upheld (a 4.9% shift).

12.17 Some complaints will be upheld, but we seek to learn from these and improve our services as a result. An overview of changes that have been made as a result of upheld or partly upheld complaints during the year are detailed in Appendix 1 'Overview of Learning Outcomes for Upheld or Partly Upheld Complaints'.

Reason for Complaint

Category	Poor Service			No Service			Delay in Service			Disagree decision/ policy			Staff Attitude																	
	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU															
Total 2008/09	155			86			11			22			22			10			36			228			48			26		
Quarter 1 2009/10	6	6	15	3	1	4	5	1	2	3	6	30	2	1	3															
Quarter 2 2009/10	9	4	9	6	0	4	0	0	7	4	4	17	9	3	3															
Quarter 3 2009/10	6	2	21	1	0	5	3	1	2	3	3	66	1	1	5															
Quarter 4 2009/10	10	7	15	2	0	1	5	2	4	6	7	66	4	5	8															
Total 2009/10	31	19	60	12	1	14	13	4	15	16	20	179	16	10	19															

Category	Poor Communication			Premises*			Service Users*			Other			Total		
	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU
Total 2008/09	35		18	New category			New category			22		46	329		436
Quarter 1 2009/10	11	6	4	0	0	8	0	0	0	0	1	8	30	22	74
Quarter 2 2009/10	9	5	3	0	0	0	3	1	1	1	1	8	41	18	52
Quarter 3 2009/10	5	8	6	2	1	3	0	0	2	1	0	2	22	16	112
Quarter 4 2009/10	5	9	7	0	0	0	0	0	0	2	2	10	34	32	111
Total 2009/10	30	28	20	2	1	11	3	1	3	4	4	28	127	88	349

U = Upheld PU = Partly Upheld NU = Not Upheld

***New categories – Premises, to do with the fabric of our buildings – Service Users, where complaints have been about the behaviour of other service users.**

- 12.18 Last year upheld and partly upheld complaints were counted together. These have now been split. Two new categories – Premises and Service Users were introduced this year.
- 12.19 This year 564 stage 1 - 3 complaints were completed. 215 (38%) of these fell in the Disagree with Decision/Policy category, 110 (19.5%) in Poor Service and 78 (14%) in Poor Communication. This is the fourth quarter where these are the top three categories and they accounted for 71% of all complaints this year. Complaints will be categorised to a second level following the introduction of the new recording system (see Conclusion) and it is hoped that better analysis can be made to investigate possible reasons why this is so.
- 12.20 83% of complaints in the 'Disagree with Decision/Policy' category were not upheld. 7.5% were wholly upheld. This category has received the most complaints for the last 6 quarters, but the majority of them are not upheld. Complaints in this category are usually about a change in policy, or a decision that has been made following policies, procedures and guidance correctly, but where the complainant is unhappy about the outcome.
- 12.21 An example would be the change to charging for internet access at libraries, a change to policy that was made correctly, but which a lot of customers were unhappy about and felt that they had been treated unfairly. Learning from such complaints could be used to inform the introduction of other policy changes or unpopular decisions, perhaps to inform service users in a better way, so avoiding complaints being made. The introduction of the new recording system should provide better information to progress this further.
- 12.22 54.5% of complaints in the 'Poor Service' category were not upheld and 28% were wholly upheld. 25.5% of complaints in the 'Poor Communication' category were not upheld and 38.5% were wholly upheld.
- 12.23 No particular cause for concern in any service has been identified.

Complaints Process

- 12.24 During the last quarter 153 complaints were received at stage one, nine at stage two and three at stage three. It can be seen that only a small percentage of complaints move on to stages 2 (formal Investigation) and 3 (review of investigation by Chief Executive). This is a reflection of the aims of the procedure.
- 12.25 In addition 28 adult social care complaints were received in the quarter. The statutory procedure now has no fixed stages (for these statistics all new complaints are included as stage 1), but each complaint is evaluated on an individual basis and a complaint resolution plan is agreed with each complainant outlining how the complaint will be addressed.

Ombudsman's Complaints

- 12.26 At 31st March 2009 four Ombudsman complaints were in the process of being investigated and a further 34 were received during the year. Eleven complaints were still in train at the end of the year.
- 12.27 28 complaints were decided upon – none of which found maladministration.

Local Settlement	3
No Maladministration	17
Ombudsman's Discretion	7
Outside Jurisdiction	1

- 12.28 Five responses to the Ombudsman were made over the given timescale, three of which were given the shorter timescale of 14 calendar days (the usual deadline is 28 calendar days). The average number of days overdue of these was 4 days. The average response rate overall was 4.5 days under the timescale given.

Learning from Complaints

- 12.29 Appendix 1 shows an overview of learning actions and outcomes from complaints that were upheld or partly upheld and for any complaints where the Ombudsman's decision was of Local Settlement.

Conclusion

- 12.30 The numbers of complaints the Authority currently reports continue to be low, so it remains difficult to identify any trends or areas of concern, although some patterns are becoming apparent. This also means that a small change in numbers can have a greater effect on percentages.
- 12.31 Complaints dealt with within our target of 20 working days have decreased from 92% last year to 88% in 2009/10.
- 12.32 During the year 22.5% of complaints were fully upheld, 5.6% were partly upheld (43% upheld or partly upheld last year) and 61.9% were not upheld (57% last year).

- 12.33 The team of Directorate Complaints Coordinators continue to meet regularly to share best practice.
- 12.34 In the light of the likely financial position the Directorate Complaints Coordinators Group anticipate an increase in the number of complaints received. The last time eligibility criteria were changed in ACS there was a 20% increase in the number of complaints received.
- 12.35 Nationally SEN complaints are already being referred to the Local Government Ombudsman. Complaints against schools are initially being picked up by the Local Government Ombudsman in four local authorities, with more joining in September 2010. This service will be rolled out nationally from September 2011. They will also consider complaints by self-funders against private care homes and care providers from October 2010. In theory these complaints will go directly to the Ombudsman, but there will inevitably be some impact and knock-on for the Local Authority. It will be important therefore that we monitor and learn from the issues raised from those complaints, particularly in relation to picking out particular geographical or policy areas. All this means we must be on the front foot in terms of systems to support the complaints procedure as it expands ever further.
- 12.36 A new system to record, monitor and report on complaints is becoming imperative to maintain and improve the procedure as the changes above are implemented. The tendering process for the corporate electronic system for compliments, comments and complaints is almost complete, with evaluation of the ITT currently underway. Corporate funding has been earmarked. A contract award date cannot yet be given, although it is expected that this will be in early July.

12.37 RECOMMENDATION

To note the contents of the Compliments and Complaints report

Amanda Fry
Staff Officer to the Chief Executive
County Hall
NORTHALLERTON

4 June 2010

Overview of Learning Outcomes for Upheld or Partly Upheld Complaints
April 2009 – March 2010

STAGE 1 COMPLAINTS		
Directorate	Description	Learning Action/Outcome
ACS Community	A number of upheld complaints regarding not being able to find the telephone number of library in telephone book	L&IS to review how contact details for libraries are publicised
	Unhappy with treatment from a member of staff – libraries	The team leader involved has already had a discussion with the member of staff involved.
	Price of Jute bags for carrying books in	L&IS to investigate if a cheaper alternative could/should be provided.
	2 complaints re other service user's noisy behaviour.	Team leader is already involved in working with local schools.
	3 complaints regarding staff attitude re customer service	Discussion has taken place with staff involved
	A number of complaints from customers re heat in libraries	Discussion already taken place with landlords at Ripon regarding the air conditioning unit
	Unhappy that online request system is same 60p charge as requesting a member of staff to do this on their behalf	Passed to senior managers for their consideration when reviewing the charges system
	Customer charged £1.20 in fines that should have been waived due to Xmas closure	The money has been refunded
	Incorrect information given to customer with regard to only displaying North Yorkshire Events	Staff have been made fully aware of the range of information that can be displayed.
	On line book reservations proving difficult	Known 'bug' in the system and the software suppliers have been asked to rectify the issue.
ACS Social Care	Unhappy with case management	Apology for poor communication. Moved to Stage 2
	Lack of information /poor communication	Apology. Explanation of actions taken
	Delay in transport and difficulty contacting staff	Apology, procedures reviewed.
	Unhappy with assessment	Apology and re-assessment
	Unhappy with hospital discharge arrangements	Meeting with CSM. Apology for lack of contact
	Timings of PCAH visits and poor communication	Apology and explanation
	Suitability of care and care standards	Move to another placement
	Contact from staff following death of service user	Apology and review of recording to ensure not repeated
	Quality of service provided by carers	Apology and explanation of actions
	Actions of carers	Procedures reviewed
	Late visit	Apology. Rota amended, back-up call introduced
	Funding of placement	Policy explained, placements agreed
	Disagrees with assessment.	Apology and explanation
	Delay in support	Apology and appointment re-arranged
	Delay in financial assessment and lack of communication	Apology and re-assessment
	Behaviour of care staff	Apology. Issues raised with worker and team
	Incorrect information re cost of care home	Apology. Waiver of top-up, repayment of over payment
	3 Poor communication	Apology and explanation, procedures reviewed
	Appointment not kept	Apology and explanation
	Missed call	Apology. Future calls monitored
Care plan and communication	Care plan changed, review of communication	
Lack of care plan	Apology and care plan provided	
Care visits	Apology and explanation	
Communication and quality of care	Meeting with CSM. Apology, explanation and change of worker	

APPENDIX 1

	Unhappy with changes to policy for support workers	Explanation of planned changes. Further discussion on way forward
	Quality of care by private provider	Recommendations made and CQC alerted
	Incorrect charging and attitude of worker	Apology, top-up reimbursed and monitoring of worker
	Missed contact	Apology and reminder to staff
	Charging and quality of care	Apology and explanation
	Lack of assistance from staff	Apology and reminder to staff
	Attitude of provider staff and withdrawal of service	Recommendations made and alternative service sought
	Care package	Apology for delay and waiver of charge
	Lack of information	Apology and alternative arrangements made
	Quality of assessment and delay	Reassessment offered
	Lack of contact and support	Apology and new worker allocated
	Poor communication re case management	Meeting and explanation of actions. Way forward agreed
	Missed appointment	Apology and refund of travelling expenses
	Delay in invoicing	Apology and explanation
	Quality of service and communication	Meeting, explanation & agreed plan of action.
	3 complaints regarding poor Communication	Explanation and apology for poor communication.
	Lack of information	Apology and review of local systems.
	2 complaints regarding Quality of service	Apology and further staff training/communication plan agreed and new care plan provided.
	2 complaints regarding Information about charges	Apology and waiver of charges/apology and reduction in charges.
	Lack of consultation	Apology and explanation of new arrangements.
	Lack of support to find alternative accommodation & activities	Apology for delays and poor communication. Development of communication plan, staff review of telephone policy, action plan for case transfer
	Unhappy with care management	Letter of explanation, specialist assessment arranged, ongoing support/safeguarding issues.
	Quality of care	Apology for poor communication and misunderstanding
	Lack of information and poor communication	Explanation and apology
	Delay in following up assessment and lack of information	Apology for delay. Explanation of process
	Delay in allocating new worker	Apology. New worker allocated
	Quality of care and incorrect invoicing	Apology. Charges cancelled
	Unhappy with care management	Review of case management. Explanation of actions. Apology for lack of information
	Lack of contact re financial arrangements	Apology. Breakdown of charges given
	Lack of response re adaptations	Explanation of roles and responsibilities
	Missed calls	Apology and explanation
	Communication re change to funding arrangements	Explanation and further consultation on change
	Delay in confirmation of funding arrangements	Apology. Confirmation of funding arrangements
	Quality of care	Apology. Review of procedures
	Attitude of staff and incorrect advice	Apology. Explanation re comments
	Unreturned calls	Apology. Review of recording procedure
	Information re charging	Apology for confusion
BES	Abuse shouted by member of staff	Member of staff in question to face disciplinary procedure.
	Spoken to in a condescending manner by site attendant	Member of staff reminded of expected conduct, monitoring for any similar incidents.
	Language of site staff.	Default issued to EWC 04/11/09.
	Lack of communication regarding restricted times for long trailers, no leaflets on stand.	Informed contract manager to ensure guidance leaflets are fully stocked on all sites and to ensure that staff are allowing customers 1 visit if they are not aware of the restrictions.

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Verbally abused by member of staff as HWRC closing	Contract supervisors to monitor this site, in particularly the closing procedure more closely
Verbally abused and swore at by a council worker	Cannot corroborate swearing however contractor response shows levels of customer care not adhered to by staff. Further training given. Letter of apology sent to customer.
Refused entry 5 minutes before site was due to close	Yorwaste briefed on NYCC policy
Verbal abuse and threatening behaviour displayed by contractor	Whilst threatening behaviour could not be established member of staff admitted swearing and so disciplinary action in line with our contractor's procedures.
Walked past compactor, covered in paint, concerned that if wasn't wearing glasses, paint would have gone in eyes.	Ensure that present contractors have implemented appropriate systems to prevent any re-occurrence
Road closure without warning due to road works	Procedures reiterated to ensure appropriate notifications are sent.
Lack of response to request to recharge a Grit / Salt Bin	Additional inspections undertaken to ensure grit bins filled.
Winter Service – MEWITH	Admin processes improved to ensure locations are not missed in future.
Disagree with location of traffic island and not receiving appropriate information	Misinterpretation of request for information. If correct procedure of FOI had been taken then not occurred. Team to be reminded of FOI procedure at next team meeting.
Delay in repairing reported faults to street lights and request for information	Street Lighting Manager in discussions with Contractor re their performance over last 3 months. Sufficient resources made available to ensure that delay does not reoccur.
Trying to find out if son is entitled to assisted transport	Being addressed by colleagues in CYPS.
Officer refusing to speak on the phone, no response to complaint	CSC advised to direct calls to the team dealing with the query, officer reminded of expected levels of customer service
Supply and Sale of Goods Act complaint against motor trader passed to NYTS by Consumer Direct, no further contact.	Isolated incident, but a more rigorous checking regime has been put in place to ensure that any Consumer Direct complaints forwarded to NYTS are responded to within guidelines.
Emailed on six occasions to NYCC without reply	Changed procedures to ensure emails are properly tracked.
Informed that footpath was PROW by NYCC, land owner followed them in landrover, reported to NYCC over 3 months ago, no response received.	Acknowledgement cards to be issued earlier. Looking at ways to improve information held on systems, not just legal but current state of play of ongoing discussions/proposed changes.
Service from Arriva from April 2009 to present has not improved although NYCC and Arriva say it will.	Changed supplier of service
Appalling conditions of the highways outside his home	Need to keep customer updated and informed when try to solve a problem and the solution does not work. Customer Care training organised for all H&T staff.
We sent an overhanging vegetation letter wrongly	Genuine error in identifying property thus difficult to record lessons learnt. However, it does remind staff to be diligent in their work and to double-check provided information.
Lack of communication regarding kerbing works the Parish Council wish to be undertaken	Importance of not using personal email addresses for external correspondence stressed within Area Office. Recent distribution of Correspondence Procedure, which clearly outlines this. Monitoring/ensuring is being followed. The issue also to be raised at future Team Meetings. Staff will also be made more aware of Stage One Complaints procedure. Aided by Area 6 Complaints Procedure established and sent to all a few months ago.
Parcel of land adjacent to the Village Hall	Ensure consistency through better communication internally and review procedures. Ensure this is used as a bad example on Customer Care course.
Lack of reply to correspondence	Ensure that acknowledgements are sent out when required so that this does not occur again. Follow-up checks to be undertaken in future.
Lack of reply to his enquiry	Correspondence to be monitored by 'receiving' team and not removed from the database until all transactions completed.

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Removal of hedge and fence obstructing right of way without prior consultation, subsequent attitude of staff and poor quality of work undertaken incurring cost	The improvement identified was that even where we are carrying out works to remedy an unlawful situation, we must make sure we communicate properly with landowners - this has been reinforced to the rangers.
Downgrading of public bridleway. Delay in sending the order to the Secretary of State	Follow-up checks to be instigated to ensure that actions are carried out on time.
Incorrect information published on service 30	Ensure timetables are appropriately labelled.
Appointment missed	Ensure that officers give precise time and date when making appointments
Attitude of HWRC staff	Further training on the implementation of the vehicle and trailer policies along with our expected level of customer service provided for all members of site staff to be conducted by our Waste Policy Officer. Contract supervisors to closely monitor the standard of operations to ensure they are in line with contractual requirements
Customer feels operative is quite uptight & threatening	Contractors informed to adopt a more customer friendly approach.
Initially refused permission to tip waste at 09:59 when the slot for trailers does not finish until 10:00	Contractors informed to adopt a sensible flexible approach when implementing policies.
Area 2 - Access at Kirkby Fleetham	Review of procedures for issuing information to the public (verify accuracy before release).
Lack of response to correspondence and overcharging issue	Database issues - current database is not robust, proposed replacement is currently being progressed by Corporate Performance and Transformation Group. Service delivery – identified need to develop and implement service delivery plan which will require 2 staff external to CSI (1 clerical and 1 technical) to provide backfilling at one days notice for planned and unplanned absence.
Has been trying for the past 6 years to have satisfactory remedial works carried out on the highway	Changes to works programme to be communicated. Customer Care training being organised for all Highways staff.
NYCC wrote stating that had illegally deposited material and opened up an access on the highway asking that access be returned to its original state. Responded saying will return the access to its original state if received information on the width of Green Lane. Thought he was being treated differently, thus unfairly.	Careful thought is, as always, required when writing a response to a customer. Staff should not in future offer the FOI route when there are alternatives available. Additional FOI and Data Protection training is to be researched to see if there are opportunities for staff to undertake such training.
Lack of reply to telephone calls and lack of enforcement against farmers who dig up public rights of way	Notes of all conversations must be kept as a file copy.
Drains outside property regularly blocked - flood damage. Drain investigation arranged 18 months ago - partially collapsed drain was source - no action taken since then.	Now buddy system in place between inspectors and all staff to ensure that information is shared and that matters can be followed up on in the absence of a member of staff.
No reply to two letters	Correspondences into HAM to be monitored by 'receiving' team and not removed from database until all transactions completed. Ownership – deal with communication from start to finish – chase up and progress report.
Delay in responding to search	A check of the searches database has been re-introduced and is to be carried out on all correspondence received before and acknowledgement is prepared.
Incomplete reply to enquiry on bus times	Part upheld – service has set tighter timescales for correspondence targets. Reinforce the need for staff to adhere to timescales and to understand what the question is.
Disappointed with IPT response to an incident re abusive driver. Feels should have been dealt with sooner.	Reinforce the need for staff to prioritise complaints and deal with them in accordance with targets.
Refused entry to HWRC because arrived one minute late.	A formal revision to guidance advising contractor staff to allow customers a window of 10 minutes beyond each time restriction to enter a site has been issued

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CEG	Wait 20 mins to get through to Customer Service Centre	New members of staff have been recruited to cover the possible risk, training is in place.
	Blue badge application	Reassessment carried out.
CYPS Social Care	Wants a manager to ring her asap as has left many messages	Advised that managers to return her calls but sometimes due to pressures of work, these are not immediate as complainant would like.
	Alleged breach of confidentiality	Confirmation the breach of confidentiality occurred, apology given and that steps are being taken to rectify many points raised in complainant's letter.
	<ol style="list-style-type: none"> 1. Length of time 'initial' assessment took 2. Final assessment – irrelevant and wrong information 3. Conduct of assessor/worker – short sighted statements not backed up by face 4. Contact made due to 'licence conditions'. No information ever presented to complainant yet 'emphasis' has always been as having all information to hand before making informed decision 	Contact to be made with complainant and discussion/meeting to be held regarding the raised matters.
	Concerns over thoroughness of investigations by social care staff of son's care	CSC did not adequately pursue some items of information raised.
	Complaint regarding unacceptable level of inappropriate presumptions made by CSC in an assessment report relating to her son	Apologies given with regard to inappropriate presumptions.
	Allegations that social care are not listening to their request to take daughter into foster care	Letter to advise complainant that working together with CSC will enhance plans for daughter's wellbeing.
	Unhappy that foster child is being placed with another family – within a short space of time	Advised SW will stay with foster child for foreseeable future. Also as good practice staff should continue to carefully plan transfers and take account of carer's views about needs of child when planning change of worker.
	Lack of communication between SW and complainant. Alleges that son allowed to visit and stay for tea but daughter not. Now that complainant lives out of North Yorkshire areas, wishes CSC of new area to take over her case	Advised that SW has attempted to make contact; advised that contact will increase from 3 to 4 sessions per year and advised that because the children live in North Yorkshire, case cannot be transferred.
	Unhappy with SW and lack of communication. Bullying by other resident.	Advised that contact with SW has been arranged. Concerns around lack of communications with complainant to be rectified with meetings etc.
	Complaint against old SW – not taking information down that children said but doing the opposite. Would not listen to what happened and SW kept on about drawings that were drawn for her and not mentioned lots drawn for complainant. However since changing SW, things are moving forward and not backward.	Advised that there was independent clarification of the information taken down by the SW. Apology given regarding disproportionate amount of mentions of drawings done but this was due to the structure of the form.
Unhappy with inappropriate comment made by SW	DSM asked SW to write a letter of apology to complainant and he enclosed this within the body of his letter	
Has not received payments due for caring for grandson	Special Guardianship Allowance has been resolved and receiving the appropriate amount in payment including payments back dated.	

	Alleges complaint form submitted end of May and online complaint made today 29/6/09. Neither of these were received. Complaint's manager emailed complainant's sister's email address and asked complainant to submit his complaint direct to Complaints Manager via email. Alleges SW is biased towards family.	New SW allocated to daughter.
	Concerns over Core Group minutes and treated generally in matters over her grand-daughter.	Ensure improvement of Core Group Meeting Minutes.
	Not receiving important paperwork Short notice of contact arrangements	Review arrangement for receipt of documents. Advanced notice of contact arrangements to be given.
	Angry and upset with how her daughter and family were treated	Foster carers given advice on use of sun protection.
	Complaint about receipt of letter from the After Care team in Ripon	Hand delivery rather than postal delivery in certain circumstances.
	Staff rude, unhelpful and unsympathetic. Calls from complainant not put on hold and alleges overheard SM talking in background about her son's position.	Acknowledgement of inappropriate comments.
	Access to updates on children not provided	To ensure updates for parent(s) who have parental responsibility.
	Children reside with their father - has concerns for their welfare and safety.	Unannounced SW visits to be used.
	Request for respite care not fulfilled	Advised that a CAF assessment will be processed as soon as possible.
	Lack of communication between social worker and complainant.	Apologies given for lack of communication but at times complainant had chosen to be unavailable.
	Disagrees with reduced payment when complainant moved from friends' parents to aunty.	Reduced payment agreed to be backdated from when complainant moved to live with aunty and will continue but will be reviewed when either complainant goes to college or finds employment.
	Alleges bullying, discrepancies in reports and unprofessional behaviour.	To ensure that the minutes of the review case conference reflect complainant's views and for a change of social worker.
	Social worker making things impossible to comply with solicitor. Attitude making situation extremely upsetting and difficult to work with her.	Advised that new social worker will be allocated
CYPS General	Complaint that taxi picks up complainant late for school/ from school so that he has to wait in dark, rain and be late for after school activities.	IPT responded with an apology and that they have changed the taxi firm for the afternoon transport and if things haven't improved, to contact again.
	Governor at school with responsibility for SEN and Inclusion. Writing on behalf of governing body at lack of support from Behaviour Support and Early Years for child with considerable behavioural problems.	Apology given for the lack of response and frustration caused to staff. Members of the team have been reminded of the boundaries of their specific responsibilities in relation to this type of need.
	Unhappy that ESW is in contact with family.	Explanation was to why ESW was involved and that a change of events had moved him on. Happy with new ESW.
	Unhappy with standard letter sent to parents about non-entitlement of free school meals.	Apology given and advice that standard letter will be reviewed.

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	Upset and distressed about receiving letter from SEN officer saying her son is not eligible for statement however name in letter refers to a different child.	Apology letter sent and advised that correct information has been placed on her son's file.
	Lack of support and contact by Childminding Support Officer.	Advised that Childminding Support Officer will be attending meetings and putting together support packages for the 6 Children's Centres she looks after.
	Unhappy that contact sessions have been reduced which enabled them to see grandchildren.	Apologies given for not sending out notes sooner and contact session dates to be agreed in advance so everyone is aware of when they are going to happen.
	Complainant wishes to discuss frequency and quality of contact sessions with her grand-daughter.	Advised that contact sessions evolve around the feelings/wishes of grand-daughter. If grand-daughter wishes not to have a contact session, then no contact goes ahead.
	Upset and stress caused by disrupted arrangements for contact with grand-daughter	Apologies given for upset and stress caused but room was booked and everything was in hand for the contact session to take place.
	Very concerned about contents of a risk assessment completed by Ryedale Out of Hours School Education which is misleading and inaccurate.	As a result of the issues raised we will reflect on our practice, making amendments when appropriate.
	Unhappy about audit report about financial support for Richmond Childminder's Group.	Advised that audit report will be amended and that officers will be appointed to work together with complainant to plan way forward.
FCS	Delay in salary payment resulting in underpayment of income tax on pension, and larger overpayment of tax on first salary. Delay due to HR not setting up employment record	HR must ensure employment records are set up promptly so that salaries can be made on time.
	Breakdown in communication between the Council staff in Harrogate and Credit Control section resulted in payment being taken from bank account despite complainant asking for this not to be done as she knew there were insufficient funds in the account. Bank charges were incurred.	Improve communications between Council departments.
	Incorrect information given from Exchequer Services	Exchequer Services were unaware of the correct number needed to ring due to a change in procedures in ACS. More communication needed when changes are made to procedures.
	Weeds growing into garden from adjacent school field. Promised 2m clearance but never happened	Keep correspondence timely and follow up when work is promised to ensure it has been carried out.

STAGE 2 COMPLAINTS

Directorate	Description	Learning Action/Outcome
ACS Social Care	Unhappy with case management	Explanation of actions. Apology for poor communication.
BES	Area 2 - Lack of agreed Business As Usual signs during a road closure in Scruton	Confirm that service improvements have been put in place by Mr Smith that will ensure that for all planned works a minimum of 10 days advance notification will be given to businesses and residents
	Delay in re-opening road.	Greater need to understand the customer's needs. Part of ongoing customer care training.
	Not happy with outcome of stage 1 complaint re delay in submitting diversion order to the Secretary of State.	Need to keep the public informed of issues that affect their understanding of our processes.

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CYPS Social Care	Unfairly treated as her opinions were not sought in respect of taking her children into care. Concerns on sons' welfare in foster placement and wants police action taken against foster carer's son.	Although every effort was made to support and provide clear information at appropriate points, apology given if there was still some information that complainant remained unclear about.	
	1) reports presented at meetings are inaccurate 2) Minutes of meetings not made available on a timely basis 3) Meeting time are inconvenient 4) IRO attitude 5) Reports received half an hour before meetings and as ex partner has difficulty reading this does not allow sufficient time. 6) Manager did not call him back regarding the bee incident. 7) Not sent to correct address	Apologies that CSC did not provide correct information during the initial weeks of contact..	
	Not being advised that involvement with Social Services was optional and voluntary.	To improve communication when issuing advice.	
	Communication difficulties and lack of information from CSC	Apologies offered for lack of communication and that faults in our recording and data systems that have since been rectified.	
	Lack of support from Adoption Services	Explanation of current and past policy/procedures. Apology for underdevelopment of adoption support procedures during earlier involvement.	
	Unhappy with actions of all concerned over involvement with daughter being fostered	To address the need for consistency within management teams.	
CYPS General	Chair of Governor sharing concerns about school	Apologies given for some aspects of concerns; compensation paid for incorrect information given by HR staff and hopefully working together improving school.	
	Unhappy about home to school transport issues	Advised that home to school transport issues will be resolved as quickly as possible.	
STAGE 3 COMPLAINTS			
Directorate	Description	Learning Action/Outcome	
ACS Social Care	Unhappy with standard of care	Review of staff guidance on advocacy. Discussion with staff re appropriate case recording	
CYPS Social Care	Lack of support from Adoption Services.	Explanation of current and past policy/procedures. Apology for underdevelopment of adoption support procedures during earlier involvement.	
OMBUDSMAN COMPLAINTS			
Directorate	Description	Decision	Learning Action/Outcome
CYPS General	No suitable post 16 education in North Yorkshire for son	Local Settlement	Statement of special educational needs following receipt of further medical information.

NORTH YORKSHIRE COUNTY COUNCIL**MANAGEMENT BOARD****10 AUGUST 2010****COMPLIMENTS AND COMPLAINTS QUARTERLY REPORT****QUARTER 1 – APRIL TO JUNE 2010****Introduction**

1. This is the first quarterly report on compliments and complaints this year and covers the period April to June 2010. It will not be going to Executive (which receives an annual report), but a report will also be presented to the Standards Committee.
2. Figures for the previous quarter and for the same quarter and total for last year have been included for comparison.
3. The percentage of upheld or partly upheld complaints and complaints dealt with over timescale shows us where problem areas may lie (Appendix 1 shows learning that has been identified to address issues arising). However, those complaints that are not upheld can still help us to improve services and should still be monitored.

Compliments Received

Compliments Received	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central	Total for year/quarter
Total 2009/10	852	792	62	60	72	1838
Quarter1 2009/10	166	237	24	12	12	451
Quarter 4 2009/10	247	187	2	21	8	465
Quarter1 2010/11	172	143	9	27	9	360

4. The figure for BES is lower than in the past, but no reason for this has been identified.

Complaints Received Stages 1 - 3

Complaints Received	Adult & Community	Business & Environment	Chief Executive	Children & Young People	Finance & Central	Total for year/quarter
Total 2009/10	278	179	21	106	9	593
Quarter 1 2009/10	78	31	7	18	1	135
Quarter 4 2009/10	63	73	5	49	3	193
Quarter 1 2010/11	69	38	5	30	4	146

5. Figures remain as expected with no cause for concern. (The higher figure for quarter 4 of last year for BES is most likely due to complaints regarding winter maintenance.)
6. The only issue identified as having a number of complaints related to it was the introduction of technology in relation to issuing and returning books at library and information centres, where 16 complaints were received in the quarter.

Timescales

7. A total of 130 (83%) complaints were completed within target timescale and 27 (17%) complaints took longer than the deadline set. Of these 25 were handled through the statutory procedure for Social Care complaints, which is noted for being generally of a more complex nature requiring specialist input and the involvement of other agencies and occasionally legal advice. The percentage completed within timescale has decreased from 89% in the last quarter.
8. It should be noted that under the new regulations for Adult Social Care complaints there is no fixed timescale, although internally target response times are in place. These vary dependent upon complexity and a deadline for full response is negotiated with the complainant in each case.
9. Other reasons for delay include staff/complainant availability and complexity of complaint.
10. When complaints do go over timescale complainants are kept fully informed in accordance with procedures.

Outcomes of Complaints by Directorate

Outcomes	ACS			BES			CEG			CYPS			FCS			TOTAL		
	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU
Total 2009/10	53	41	175	50	9	120	5	2	13	18	33	36	1	3	5	127	88	349
Quarter 1 2009/10	15	14	49	10	2	13	2	1	6	3	5	5	0	0	1	30	22	74
Quarter 4 2009/10	8	14	38	17	3	53	0	0	1	8	14	18	1	1	1	34	32	111
Quarter 1 2010/11	16	11	42	12	1	24	1	2	4	5	10	25	4	0	0	38	24	95

U = Upheld PU = Partly Upheld NU = Not Upheld

11. This quarter 24% of complaints were upheld, 15% were partly upheld and 61% were not upheld. Last quarter 19% were upheld, 18% were partly upheld and 63% were not upheld.
12. Some complaints will be upheld, but we seek to learn from these and improve our services as a result. An overview of changes that have been made as a result of upheld or partly upheld complaints during quarter 1 are detailed in Appendix 1 'Overview of Learning Outcomes for Upheld or Partly Upheld Complaints'.

Reason for Complaint

Category	Poor Service			No Service			Delay in Service			Disagree decision/ policy			Staff Attitude		
	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU
Total 2009/10	31	19	60	12	1	14	13	4	15	16	20	179	16	10	19
Quarter 1 2009/10	6	6	15	3	1	4	5	1	2	3	6	30	2	1	3
Quarter 4 2009/10	10	7	15	2	0	1	5	2	4	6	7	66	4	5	8
Quarter 1 2010/11	11	6	14	3	0	3	3	1	4	4	6	36	5	5	12

Category	Poor Communication			Premises			Service Users			Other			Total		
	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU	U	PU	NU
Total 2009/10	30	28	20	2	1	11	3	1	3	4	4	28	127	88	349
Quarter 1 2009/10	11	6	4	0	0	8	0	0	0	0	1	8	31	21	74
Quarter 4 2009/10	5	9	7	0	0	0	0	0	0	2	2	10	34	32	111
Quarter 1 2010/11	4	5	10	4	1	1	1	0	3	3	0	12	38	24	95

U = Upheld PU = Partly Upheld NU = Not Upheld

13. This quarter 157 stage 1 - 3 complaints were completed. 46 (29%) of these fell in the Disagree with Decision/Policy category, 31 (20%) in Poor Service and 22 (14%) in Staff Attitude. Again Disagree with Decision/Policy and Poor Service are the top two categories.
14. 78% of those complaints in the Disagree with Decision/Policy category were not upheld. Again this category received the most complaints, but the majority were not upheld.
15. 36% of 'Poor Service' complaints were upheld, 19% were partly upheld and 45% were not upheld. 23% of 'Staff Attitude' complaints were upheld, 23% were partly upheld and 54% were not upheld. These complaints were spread across several service areas and no particular cause for concern has been identified.

Complaints Process

16. During the quarter 110 complaints (corporate or children's social care) were received at stage one, one at stage two and none at stage three. It can be seen that only a small percentage of complaints move on to stages 2 (formal Investigation) and 3 (review of investigation by Chief Executive). This is a reflection of the aims of the procedure.
17. In addition 35 adult social care complaints were received. The statutory procedure has no fixed stages (for these statistics all new complaints have been included as stage 1), but each complaint is evaluated on an individual basis and a complaint resolution plan is agreed with each complainant outlining how the complaint will be addressed.

Ombudsman's Complaints

18. At 1st April 2010 nine Ombudsman complaints were already in progress and a further four were received during the quarter. Eight complaints were still in train at the end of the quarter.
19. Five complaints were decided upon: One Outside Jurisdiction, three No Maladministration and one local settlement.
20. The local settlement related to a complaint about the way in which the Council issued invoices for community care charges. This related to timeliness and reference to 'provisional bills'. £37.50 had already been waived as a goodwill gesture and a further £50 compensation was awarded for time and trouble to pursue the complaint following the Ombudsman's recommendation.
21. The four responses required (the case decided to be outside jurisdiction did not require a response) were all made within the timescales set by the Ombudsman. The average response rate was 14.5 days under the timescale given.

Learning from Complaints

22. Appendix 1 shows an overview of learning actions and outcomes from complaints that were upheld or partly upheld and for any complaints where the Ombudsman's decision was of Local Settlement.

Conclusion

23. Complaints dealt with within our target of 20 working days have decreased to 83% from 89% last quarter.
24. During the quarter 24% of complaints were fully upheld (19% last quarter), 15% were partly upheld (18% last quarter) and 61% were not upheld (63% last quarter).
25. The team of Directorate Complaints Coordinators continue to meet to share best practice.
26. Notification letters were sent to those suppliers who had submitted an ITT for the corporate case handling system to deal with compliments, comments and complaints. The successful tenderer is Tagish Limited. The standstill period ends on Friday 13th August 2010. If no objections are received the contracts should be signed the following week and it is hoped that rollout will be completed by the end of February 2011.
27. It remains pressing that the new system be implemented to maintain and improve the procedure as issues such as changes to Local Government Ombudsman powers and the current financial position take effect.

Amanda Fry
Staff Officer to the Chief Executive
County Hall
NORTHALLERTON

5 August 2009

Overview of Learning Outcomes for Upheld Complaints
Quarter 1: April – June 2010

STAGE 1 COMPLAINTS		
Directorate	Description	Learning Outcome
ACS Community	People using mobile phones loudly at computers	Staff reminded about mobile phone usage, checks made that posters about consideration for other customers still displayed.
	Delay in unblocking an internet site for customer	Explanation and apology given
	Unable to use telephone renewal service as system down	Technical problem now resolved by IT
	Poor service registering a birth at Harrogate	Staff now reviewing handling of calls and where sensitive calls are taken these are being transferred to a nominated officer to be dealt with in privacy
	Complaint about unsatisfactory printer at the library	Situation was already in hand - a new printer installed
ACS Social Care	Staff attitude/behaviour	Apology for shortfall in communication
	Unhappy with case management and support	Review of support needs and communication
	Quality of information	Further detail provided. Apology
	Quality of care	New placement agreed
	Communication	Apology
	Quality of service	Explanation and apology
	Communication with staff	Apology and explanation
	Lack of information	Apology and staff reminder on procedures
	Missed call	Meeting with manager and change of worker
	Lack of assessment	Assessment arranged
	Quality of care	Apology. Staff reminder on procedures
	Quality of service	Review of procedures
	Quality of care	New care manager allocated
	Disagrees with decision	Review and service agreed
	Transport arrangements	Apology and review of arrangements
	Care planning and charging	Explanation and charges waived
	Communication	Apology, explanation and new worker allocated
	Transport arrangements	Apology and journey times changed
	Delay in service and contact with worker	New worker allocated and training given
	Quality of information	Further explanation
Staff attitude	Apology and review	
Quality of care and communication	Apology and review of arrangements	
BES	Delay in effecting a suitable repair to a manhole cover	Section 81 notices were sent to Yorkshire Water and a "greater share" of the responsibility must lie with them, however, given the location of the manhole cover and proximity to the property, a higher priority should have been given to pursuing the utility company.
	Rudely awoken at 5:15 am by noise and dust coming from road sweeper cleaning up chippings just been laid	More careful supervision of sub contractor needed. Residents need to be informed that works may start early in the morning
	Standard of work on footpath patching in North Cowton	Ensure public know when work is of a temporary nature. BBIS instructed to do remedial works
	Delay in effecting a suitable repair to a street light	Utilities to inform residents as to the reason for the delay. In this case faulty components
	Unexpected invoice with warning: failure to pay may result in details being passed to Debt Collection Agency for recovery	Discussions with staff at the Partnership will take place in order to avoid any potential similar problems occurring in the future.

BES continued	Cardboard crusher replaced with skip – full – therefore turned away. Asked where could dispose of cardboard told to go to next closest HWRC	Compactor now back on site. Staff to receive customer care training
	Staff rude at Settle recycling centre	All staff to receive customer care training. Will monitor for any similar incidents.
	Showfield Lane recycling centre – garden rubbish skip replaced with compactor style skip – difficult to get rubbish into	Small set of gantries are to be commissioned.
	Fewer facilities since start of new Contractor	Site staff to actively provide assistance. Small set of gantries are to be commissioned.
	Found operative being harassed/bullied, by another member of staff. Although when contacted for more information said did not hear what was said or what member of staff it was.	Logged and passed to our contractors. Closer supervision by Site Contractor
	Queuing at Stokesley HWRC blocking access to garage	Access road is due to be yellow lined by highways dept and waste management supervisors are to continually monitor the situation.
	Lack of information as to why large wagon was blocking entrance to HWRC	Memo being sent to all staff reminding them to inform waiting customers when uplifts are taking place. NYCC & contractors to monitor.
CEG	Legal proceedings to recover care fees. Point regarding disclosure of address to others upheld.	Staff now aware of court procedures regarding requests for withholding of personal details
	Social Care call to CSC poorly dealt with by generic advisor	Apology. Issues discussed with individual. Processes amended.
	No response to contacts (various services, coordinated by Chief Executive's Office). Most not upheld or not enough information provided to investigate. Email to Public Rights of Way not responded to.	Apology. Procedures changed.
CYPS Social Care	Poor communication with SW Delay in self referral to disabilities team	Apologies for alleged poor communication. Self referral can now be made to disabilities team- apparent problem with closure and database overcome.
	Disagrees son placed in foster after recommended needed a 52 week residential school placement. Alleges recommendation overturned by another manager. Decision changed without proper consultation/consideration for son.	Advised that discussion took place about a 52 week residential school placement, however this was not agreed and permission not obtained as required. Apologies given. Son now changed to LAC team and has new SW working with him.
	1. Request for son to attend reparation in location away from home requiring transport 2. Issues in relation to confidentiality at referral order panel meeting 3. Issues of contact when case worker went off sick 4. Contact by service – Message left on answer machine rather than personal discussion	All issues upheld and resolved to complainant's satisfaction.
	Lack of communications and discrepancies with SW's version of events.	Apologies given for lack of communications and that the case is to be fully reviewed.
	Complainant isn't happy about being at School 'X' and that cannot do anything. Wishes to go home.	Advised long term care plan to continue at School 'X' and more contact with aunt, cousins and maternal g/parents will progress. Advised independence will grow when complainant improves behaviour.
	Concerns over poor planning for future and no proper coordination between adult services and complainant.	Acknowledgement there have been delays but also a lot of work has happened to try to find correct placement, some of which the complainant chose not to take up.
	Complaint about SW's conduct – isn't helping complainant's mental health. Requests a change of SW.	Acknowledges letter and to say that a new SW has been appointed to work with complainant.

CYPS Social Care continued	1. Christmas contact cancelled due to bad weather - should have been offered alternative date. 2. Easter contact - reduced from 3 hours to 2 hours due to FSW's family commitments. Should have started earlier and kept to 3 hours.	Apology letter written and offering better communication and preparation by CYPS prior to contact.
	Issues around getting help with phone calls with son. Alleges SW has refused.	DSM met with complainant and had discussion about the issues with phone calls, communication and correspondence.
CYPS Other	Concerns regarding dogs allowed access/tied up between Children's Centre and infant school	Advised appropriate steps were taken to ensure policy put in place to let centre users know that dogs could no longer to be taken onto the site of the children's centre and the school. Has been subsequently checked that this policy is being adhered to, and found that it is.
	Complaint regarding son, current Autism Spectrum Condition Outreach Support Service and NY's Education Policy around Early Years Children with ASC.	Advised that processes were correctly followed during the assessment of son, however apologies given in respect of lack of communications between complainant and staff.
FCS	Damaged fence caused by NYCC contractor cutting hedge between school playing field and field. 4 months later and promise to repair has not happened.	Repairs now complete Need to ensure promised repairs undertaken more swiftly
	Landscaping Company block entire pavement with their vehicles so has to cross busy road with young children to get to primary school.	Spoke to contractor, who acknowledged problem and undertook to ensure driver leaves sufficient space in future. Apology explanation to complainant.
	Address shown on form P60. System picking up old address rather than current.	Error on system – now rectified to avoid future reoccurrence
	Condition of old Highways Office premises – asking for something to be done about it.	Work to be undertaken within 7-10 days then regularly thereafter. Ensure maintenance work at old premises carried out.

STAGE 2 COMPLAINTS

Directorate	Description	Learning Outcome
CYPS Social Care	Various concerns over attitude of Children's Social Care staff	1. Communication issue - upheld 2. Unsatisfactory Children's Social Care involvement – partially upheld
	Service provided by social work team working with circumstances in respect of daughter	Arrangements for appointment to gain complainant's views and share any relevant information – will allow opportunity to re-consider whether any further action should be taken.
	Communication issue surrounding timescale of core assessment and help towards residential placement.	Apologies for lengthy timescale for core assessment. Agreement reached to provide some financial support by Children's Social Care for private clinical therapeutic centre and for family continue to be supported by Children's Social Care.
CYPS Other	Concerned about referral procedures enabling schools to access support from Enhanced Mainstream Schools	Advised lessons to be learned for all schools, EPS, EMS, Q&I - re usefulness of protocols, the need to check things out, not rush to conclusions and above all how useful it is to talk to each other.

STAGE 3 COMPLAINTS

Directorate	Description	Learning Outcome
None		

OMBUDSMAN COMPLAINTS

Directorate	Description	Decision	Learning Outcome
ACS Social Care	The way invoices for community care charges were issued – not regular and no reference to 'provisional bill'	Local Settlement	£37.50 already waived as goodwill gesture. £50 compensation was awarded for time and trouble.