

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

15 October 2013

Corporate Complaints and Compliments - Annual Report 2012/2013

1.0 PURPOSE OF REPORT

- 1.1 To present to Members, for their information, the Council's Annual Report 2012/2013 regarding Corporate Complaints and Compliments, covering the adult social care, children's social care and corporate procedures.

2.0 BACKGROUND

- 2.1 The Committee periodically considers statistical information relating to complaints and compliments received by the Council.

3.0 STATISTICAL INFORMATION

- 3.1 Attached at Appendix 1 is the Council's Annual Report 2012/2013 regarding Corporate Complaints and Compliments, covering the adult social care, children's social care and corporate procedures) for Members' information.

4.0 RECOMMENDATIONS

- 4.1 That Members note the contents of this report.

CAROLE DUNN

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

Background Documents:

None

County Hall
NORTHALLERTON

4 October 2013



Annual Report 2012/2013

Complaints and Compliments

**Covering the adult social care, children's social care
and corporate procedures**

**North Yorkshire County Council
May 2013**

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Executive Summary

This report describes the arrangements for complaints management for the Council. It provides analysis of the complaints recorded under the County Council's procedures and lessons learned. Also included are complaints referred to the Local Government Ombudsman and compliments.

It includes information for the period April 2012 to March 2013 (and analysis against previous years where available) and will be presented to Management Board, the Executive and the Standards Committee.

	2012/13	% change from 11/12	
Complaints received at stage 1, 2, or 3	674	+ 11%	
Complaints received at stage 1	636	+ 13%	
Complaints received at stage 2	30	+ 15%	
Complaints received at stage 3	8	- 53%	
Cases dealt with within timescale (stage 1-3 complaints)	78	- 8%	
Upheld or partly upheld (stage 1-3 complaints)	289	+ 20%	
Top reasons for complaint	Service and care	30.5%	-5.5%
	Communication	24.0%	+12%
	Disagrees with decision/action	17.0%	-14%
	Staffing	16.0%	+2%
Top reasons for upheld or partly upheld complaints	Communication	28%	
	Service and care	28%	
	Disagrees with decision/action	16%	
	Staffing	16%	
Local Government Ombudsman complaints received	42	- 29%	
Compliments received	1324	- 14.5%	
Top reasons for compliments	Staffing	56%	
	Service and Care	33%	
	Communication	7%	

26 Local Government Ombudsman cases were not investigated, 17 investigations were discontinued and investigations were completed (satisfied with authority's actions) for two cases. Corrective actions or remedies resulted from nine cases.

Complaints continue to be used as a means of learning lessons and as a driver for improving performance. Compliments can be used to identify exemplary performance and to share best practice.

The corporate case handling system iCasework was introduced in April 2012 providing consistent recording and handling of cases and offering greater opportunity to provide more detailed information which can then be used to make service improvements.

Introduction

When mistakes have been made it is important that we learn and make changes to limit the likelihood of these being repeated. We encourage all staff to respond quickly and clearly to any concerns that are raised by individuals or groups, however it may not always be possible to sort out problems in this way and sometimes a more detailed investigation may be required. The formal procedures ensure that the County Council responds to the concerns of service users and is open to challenge when there is dissatisfaction with any of its services.

Our definition of a complaint is 'any expression of dissatisfaction made by a person or organisation about a council service, or an action of a person providing a council service (provided by the Council or by a contractor or partner), whether justified or not.'

Complaints are managed through the statutory social care procedures (adults and children) and the corporate procedure.

Compliments show us where examples of good performance have been recognised. These positive messages are fed back to the staff involved and their managers and can also be used to improve services by sharing examples of good practice.

The Council has been collecting data for a number of years and introduced the corporate case handling system iCasework in April 2012. There have been some technical issues in implementing the system, though these have been solved quickly in most cases.

Audit

The corporate complaints procedure came under scrutiny during an audit carried out by Veritau during the winter of 2011. The overall opinion was one of 'substantial assurance'. Four issues were identified:

- Inconsistencies in the way cases are recorded (what is recorded as a complaint)
- Different approaches to how stage 2 investigators are selected (independency)
- Inconsistencies in acknowledgement letters
- Failure to formally monitor actions and lessons learned and communicate those lessons learned across the authority

The introduction of iCasework has provided the opportunity to standardise procedures across the Council and the Corporate Team continue to work to progress this.

Management and operation of the complaints process

The two social care procedures are governed by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Children's Act (1989) Regulations 2006. These are statutory frameworks which must be followed. The corporate procedure is decided by the Council and is arranged to be the most efficient procedure while retaining the formality and independence expected by our customers. Complaints are therefore managed by three separate teams providing specialist knowledge and experience.

The statutory adult social care complaints procedure is managed within the Performance and Change Management team in the Health and Adult Services Directorate. The

Council has only one opportunity to respond to the complainant (though correspondence may continue after this). In this report adult social care complaints have been recorded as stage one complaints.

The statutory children's social care complaints procedure is managed within the Performance and Outcomes team in the Children and Young People's Service Directorate. This procedure has three stages: local resolution (by the service manager); formal investigation undertaken by an external investigator and monitored by an external 'independent person'; and a stage three review panel, independent to the Council.

The corporate complaints procedure is managed within the Chief Executive's Office, where complaints activity as a whole is also overseen. The corporate procedure has three stages: local resolution (by the service involved); a formal investigation (carried out by a senior officer usually in the same directorate, but from a different service); and a review of the stage two investigation by the Chief Executive.

Once complainants have exhausted the Authority's procedure, they are notified of their right to refer their complaint to the Local Government Ombudsman.

It is important to note that where a complaint has been fully investigated at an early stage and it would be of no benefit to either party to escalate a case any further through our procedures the complainant will be informed and advised to contact the Local Government Ombudsman if they remain unhappy.

Any person receiving a service from us, or anyone acting on their behalf (with consent) is eligible to make a complaint. Complaints may be received via any employee or office at any level and in any format, though for more complex cases complainants are asked to put their case in writing.

The teams recognise the importance of developing a culture in which complaints are viewed as potential learning opportunities and where complainants are carefully listened to and receive a swift, positive and outcome focussed response. It is important to encourage customers to feel confident about raising concerns and for staff to respond proactively with the shared aim of striving towards an improvement in the quality of service provided.

As well as satisfying legal requirements, the procedures exist in order to provide managers with valuable feedback. This enables them to monitor and learn from complaints in order to shape, develop and improve future services. The introduction of the corporate system iCasework, with an unlimited licence and accessible to all, allows managers instant access to this valuable resource.

Publicity and Information

Information on the complaints procedures is available on our website. This section is currently being reviewed in order to provide a comprehensive and clear guide on how customers can provide feedback to the Council. Leaflets are also made available on the three procedures in relevant locations (reception areas, library and information centres, provided to service users etc.). Information can be made available in other formats on request e.g. different languages, audio, Braille.

The compliments, comments and complaints section on the intranet is also currently being reviewed in order to give staff the guidance and information necessary in order to handle complaints and use iCasework effectively.

Training on iCasework and complaints handling generally is available via the Corporate Complaints Team. Training will be provided according to requirements e.g. briefings at team meetings, system training, or formal courses. A mandatory elearning course outlining what to do with compliments and complaints is available on the Learning Zone.

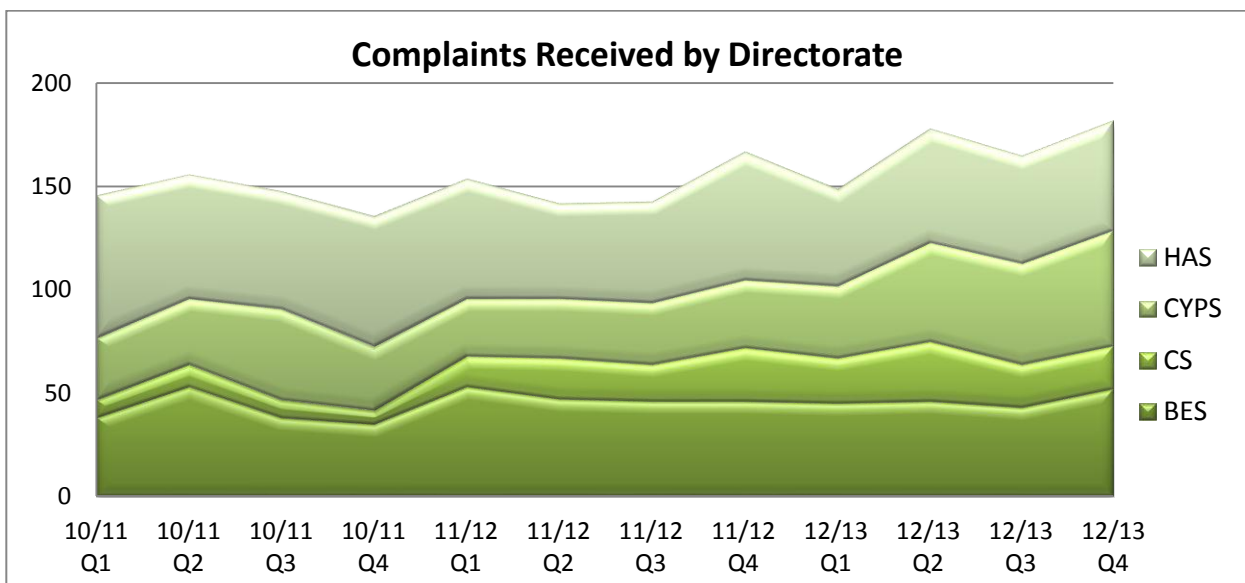
Advice and guidance is available from the Corporate Team and the Directorate Complaints Coordinators.

Analysis

It must be acknowledged that the Council receives a low number of complaints and there should be a degree of caution in drawing definite conclusions. However, it is still a useful tool to highlight specific concerns and act as a guide to where action may be required.

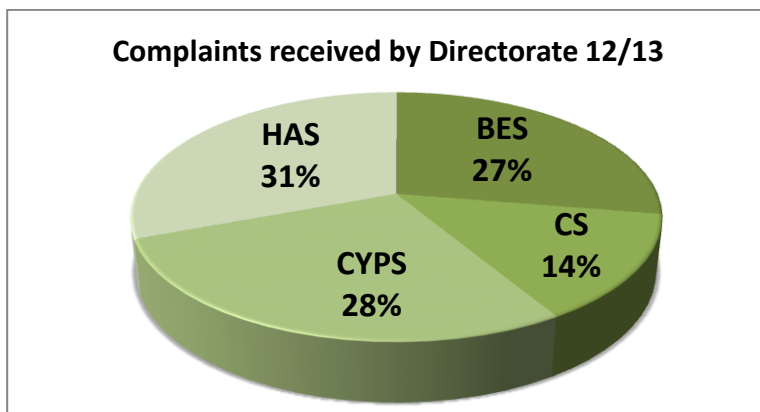
Complaints received

674 complaints were recorded at stage one, two or three of the internal complaints procedures. This was an 11% increase from 2011/12.



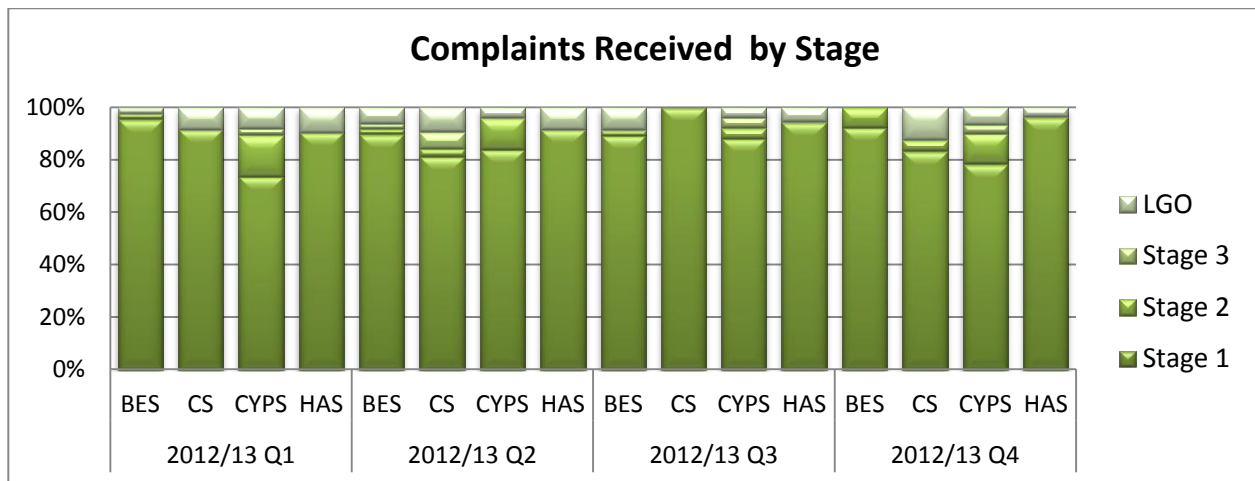
HAS: Health and Adult Services, CYPS: Children and Young People's Service, CS: Central Services, BES: Business and Environmental Services

The steady upwards trend has been anticipated given the current economic climate and resultant changes to service provision and efficiency measures taken by the Council, a situation described as a perfect storm – increased demand set against declining resources.



As expected the front facing main service directorates record the majority of complaints.

HAS	207
CYPS	188
BES	186
CS	93

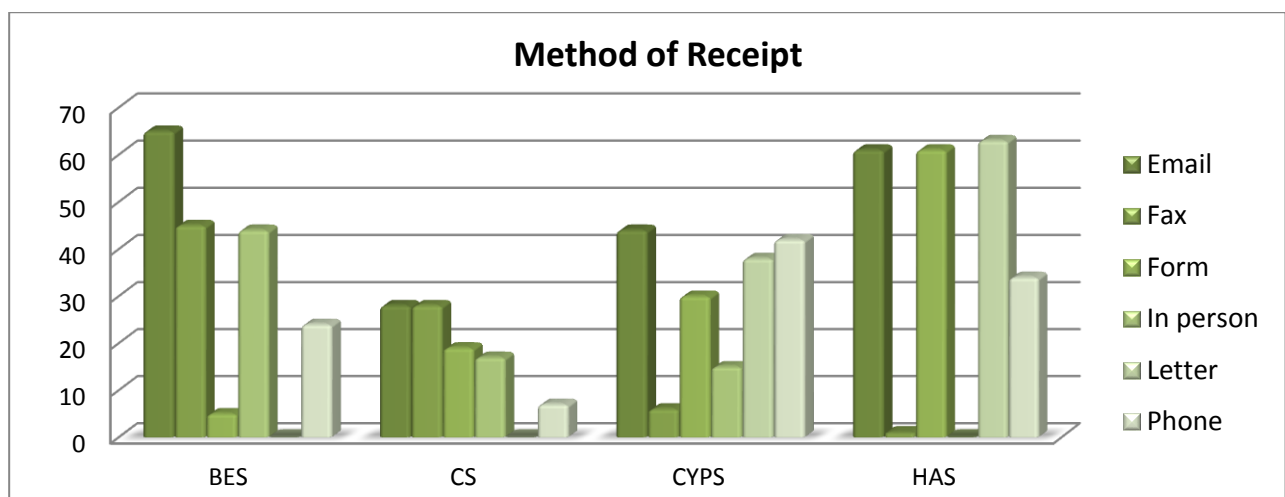


The vast majority of cases are dealt with at stage one of the Council's procedures (including all adult social care complaints, which do not have any further stages), so avoiding time consuming and costly formal procedures.

It is important to recognise that, although the number of complaints received can be viewed as an indicator of service performance, other factors should be considered, such as the economic climate, significant weather events and policy decisions affecting service provision. It should also be noted that numbers of complaints do not necessarily reflect workload as some cases are much more resource intensive than others (particularly those involving social care)

Method received

29% of complaints were received via email, the most popular method of communication, though the profile of channels used differs by directorate.



Overall: Email 29%, Form 17%, Phone 16%, Letter 15%, Fax 12% and In person 11%.

Client Group

Customers are categorised in different ways in the three procedures.

Adults	No. (%)	Children	No. (%)	Corporate	No. (%)
Service user	197 (90)	Parent/guardian	82 (59)	Resident	254 (80)
Relative	12 (5)	Child/young person	16 (11)	Not known	16 (5)
Carer	6 (3)	Relative	15 (11)	Business	15 (5)
Other customer	3 (1)	Adopters	7 (5)	Visitor	13 (4)
Other agency	2 (1)	Resident	7 (5)	Other customer	10 (3)
		Foster carer	6 (4)	Town/Parish Council	6 (2)
		Other	4 (3)	Councillor	1 (0)
		Parent's partner/spouse	2 (1)	Parent/guardian	1 (0)
				Service user	1 (0)

As expected the majority of contacts are categorised as service users in adult social care, parent or guardian in children's social care and residents in the corporate procedure.

Nature of complaint

In the past each complaint was categorised to identify its nature. iCasework offers us greater analysis opportunities by recording a classification and root cause for each aspect of the complaint, logging specific service area, category and root cause.

Categories have changed slightly since the introduction of iCasework and the Corporate Team will continue to monitor this area to ensure the best fit. As we can now record each aspect of a case rather than the main one, we get a better picture of the reason complaints are made to the Council.

Root cause category 2012/13	%	Root cause category 2011/12	%
Service and care	30.5%	Service	36%
Communications	24%	Disagree with decision or action	31%
Disagree with decision or action	17%	Staffing	14%
Staffing	16%	Communications	12%
Pricing and charges	7%	Premises	1%
Environment	3.5%	Other	6%
Safety	1.5%		
Discrimination	0.5%		

The main causes identified for the 'Service and care' category were quality of service, delay in provision and availability of the service. In the 'Communications' category the main causes were quality of communication and lack of communication.

A full list of root causes can be found at Appendix G. Further analysis for service areas is available upon request.

Timescale compliance

Overall 78% of complaints responses were answered within timescales, which was a decrease of 8% from 2011/12.

	Stage 1	Stage 2	Stage 3
BES	84% (127/152)	60% (3/5)	100% (1/1)
CS	99% (83/84)	100% (2/2)	100% (2/2)
CYPS	68% (95/139)	54% (7/13)	67% (2/3)
HAS	73% (122/168)		

It should be noted that small numbers of cases at higher stages mean that percentages can be easily skewed.

CYPS completed 111 stage one and eight stage two social care cases. All the HAS complaints were regarding social care. These are recognised as generally being more complex in nature, often requiring more detailed and/or joint investigations.

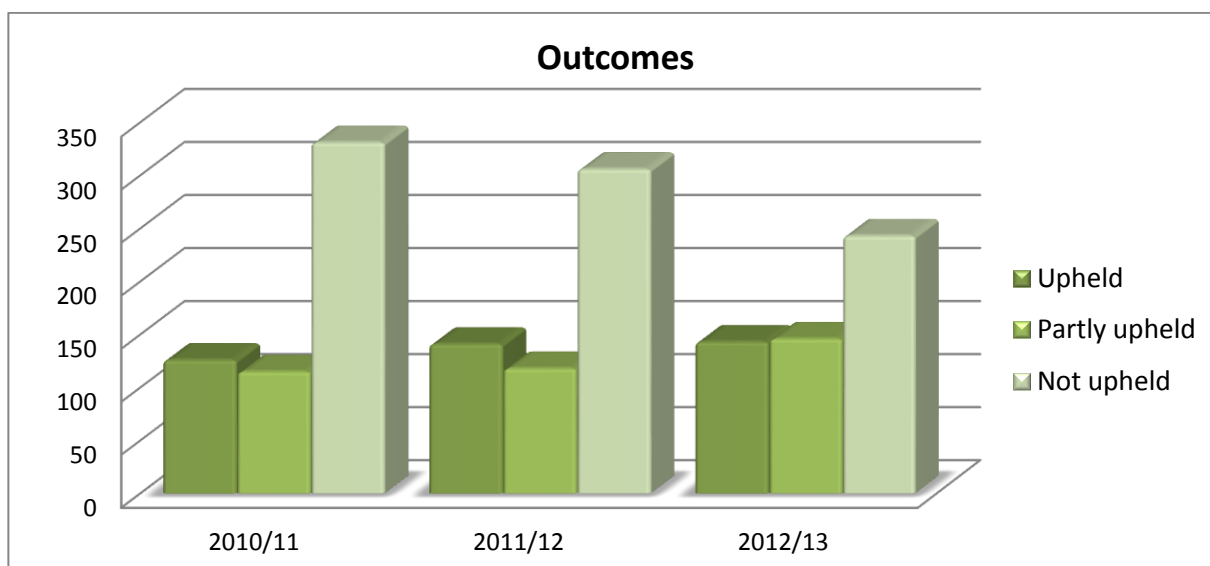
A local target for the Children and Young People's Service Complaints Team is to work with colleagues to increase the number of cases dealt with within timescales.

Outcomes

569 stage one to three complaints were decided during the year. They were:

	BES	CS	CYPS	HAS	Total	%
Upheld	45	44	26	28	143	25
Partly upheld	22	4	49	71	146	26
Not upheld	87	37	57	62	243	43
Undecided	2	1	7	0	10	2
Policy issue	0	0	0	1	1	0
Not pursued/investigated	3	2	16	5	26	5
Total Stages 1-3	159	88	155	167	569	

Only the outcomes upheld, partly upheld and not upheld were recorded in previous years. The number of upheld and partly upheld complaints is rising, while the number not upheld is decreasing. Where a complaint is upheld or partly upheld it is expected that there be some corrective action (see Lessons learned below).



Outcomes are difficult to analyse: a high ratio of not upheld to upheld cases could mean that performance is good, so few complaints are upheld; however, it could mean that customers are dissatisfied even when the Council has not done anything wrong. This is an area the Corporate Complaints Team will be looking into as part of their quality assurance work this year.

The top four root causes for upheld or partly upheld complaints were:

Communication	28%
Service and care	28%
Disagrees with decision/action	16%
Staffing	16%

Financial remedies

Seven financial remedies were made during the year, totalling £17,644.73 – all within the adult social care procedure. They were:

- £10,043.09 reimbursement of fees
New request for financial assessment should have been instigated by the Council
- £4000 fees waived
No evidence of housing application being sent
- £701.64 fees waived
Delay in invoicing and contradictory information regarding charges due
- £200 fees waived
Goodwill gesture – claimed not informed of charging procedure
- £1200 distress and impact of lack of services, £500 time and trouble and ensure correct policy applied to next review (Ombudsman)
Policy change to funding with a delayed reassessment
- £500 for delay in responding to complaint (Ombudsman)
Complaint regarding delay arranging Deferred Payment agreement
- £500 in recognition of confusion caused (Ombudsman)
Confusion caused by letters advising of a maximum charge for care and a transitional period which did not apply to the service user. Also wrote directly to service user despite previous instruction not to do so.

Live information available

iCasework allows in depth performance information to be available to anyone connected to the NYCC network. Live data can be easily accessed via team and corporate 'dashboards' which provide an instant overview of current activity e.g. open cases/tasks, who they are assigned to and overdue work. There is also a considerable library of standard reports available, giving information such as cases received, outcomes, root causes and timescales. There is also an ad hoc option and reports can be built on request by contacting the Corporate Complaints Team. All reports can be subscribed to and will be automatically sent by email dependant on the periodicity of the report.

Any member of staff can be set up as a user with appropriate permissions by contacting the Corporate Complaints Team. An enterprise licence means there is no cost associated with this.

Lessons learned

Whenever a complaint is upheld or partly upheld we would expect some corrective action to be identified. However, even when a case is not upheld we can still learn from it and implement changes to improve and prevent others from making a similar complaint.

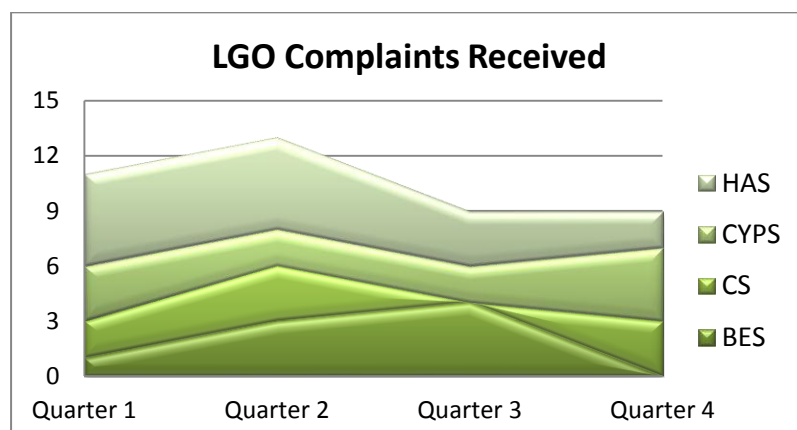
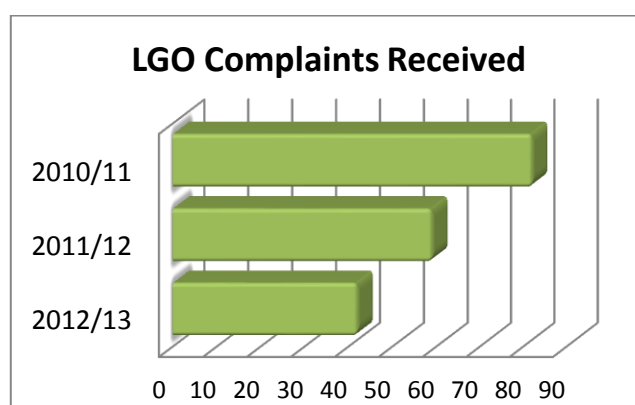
Actions taken as a result of complaints are: staff training or guidance; change or review operational procedure, policy, equipment or service; team discussions; performance management of staff; providing an additional service; ensuring a service is completed; arranging an inspection; providing additional information; and reassessment.

More detailed information will be provided on the internet to demonstrate the value of complaints to our customers.

Referrals to the Local Government Ombudsman

The Council received 42 complaints from the Local Government Ombudsman during 2012/13. This is a 29% decrease on 2011/12.

2010/11	82 cases received
2011/12	59 cases received
2012/13	42 cases received



HAS (36%) and CYPS (26%) received the most complaints from the LGO. This is expected given the type of services they provide.

CS and BES both received 19% of LGO cases.

The decisions made this year were:

	BES	CS	CYPS	HAS	Total	%
To discontinue investigation	1	3	4	6	14	31
To discontinue investigation - injustice remedied	0	0	0	3	3	7
Investigation complete - satisfied with authority's actions and not appropriate to issue report	0	0	0	2	2	4
Not in jurisdiction & no discretion	1	2	1	1	5	11
Not to initiate an investigation	5	3	7	5	20	44
Withdrawn	0	0	0	1	1	2
Total Cases Completed	7	8	12	18	45	

The cases resulting in any action or remedy are:

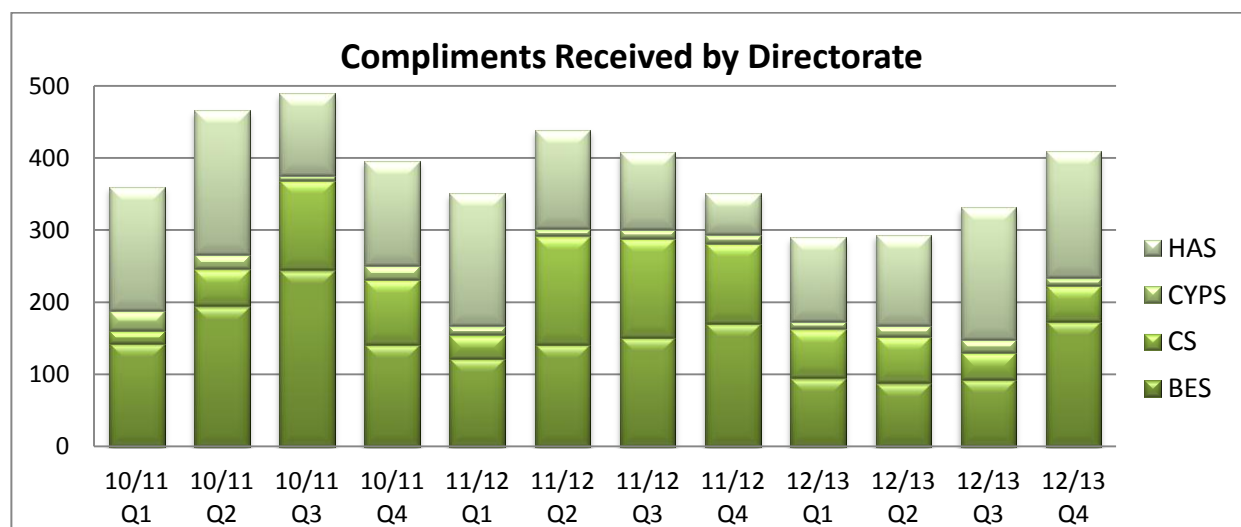
Central Services	
Admissions appeal not fairly held	Fresh appeal offered
Children and Young People's Service	
Child protection procedures	Apology
Services provided by children's social care have been inadequate	Complaint to be taken to stage 2 of Council's procedure
Failure to pay fostering allowance	Payment in lieu of fostering allowance
Home to school transport – information not clear – understood would get free transport	Free pass until transfers to local college
Health and Adult Services	
Removed care without a review of needs	£1700 for time and trouble Ensure correct policy applied to next review
Took too long to arrange Deferred Payment and too long to respond to complaint	£500 for delay in responding to complaint
Confusion re information about home care and communication issues causing distress	£500 for distress caused
Charges for home care services – missed calls and lateness of financial assessment	Apology

For those cases not in jurisdiction, investigation not initiated, or withdrawn, it should be noted that although a full investigation was not carried out, this does not mean there was no effort made by the Council as for some cases enquiries were still made.

Neither the annual review letter nor the provisional statistics have yet been published by the LGO. Last year's letter said there were no concerns about response times or about the complaints themselves and there is no reason to suspect a different outcome this year. When the annual letter is received it will be published on the NYCC and LGO internet sites.

Compliments

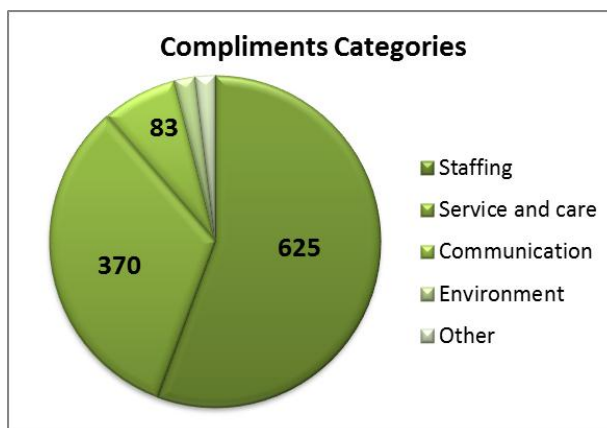
We must be careful not to record a mere thank you for a service delivered as it should be, but where exceptional effort has been recognised.



1324 compliments were received during the year, a 14.5% drop on the figure for last year.

Categories recorded were:

Staffing	625
Service and care	370
Communication	83
Environment	23
Other	22



The service areas receiving the most compliments were:

Service Area	Number received	% of total received
Social Care Operations West	192	18
Resources (HAS)	182	17
Social Care Operations East	131	12
Social Care Operations Central	88	8
Highways 4 Kirby Misperton	80	7
Highways 6 Boroughbridge	67	6
Waste and Countryside	63	6

Activity/achievements over the last year and planned developments for 2013/14

The main activity for 2012/13 was the rollout of iCasework across the Authority, training staff and ensuring a consistent and good quality approach. There have been some technical issues, exacerbated by the Microsoft migration, but the Corporate Complaints Team has worked closely with the developers to achieve quick solutions in most cases.

There are two main service areas still to roll out to, although cases have been recorded onto iCasework by other means for the year to ensure consistent reporting. It is anticipated that the system will be fully implemented across all services by summer 2013.

The Corporate Complaints Coordinator is working with the customer insight project, providing data to help inform this work.

Planned developments during the next year include:

Working with and improving links with the performance agenda, providing up to date and accurate information, using data to inform service improvement.

Changing negative culture around complaints, improve recording to show the true picture, enabling the Council to demonstrate good case handling and that lessons are implemented and shared where appropriate.

Launch of customer portal on website – allowing customers to register details, record feedback and track progress of their cases. Ability to share information across the portal.

Customer feedback forms reviewed and reintroduced – to capture information about the complaints procedure – accessibility, interaction, performance etc. – to inform improvements

Reintroduction of brief, quarterly reports to Management Board and Standards Committee

Complaints sections on intranet and internet reviewed and restructured to provide public and staff with valuable resource. Will include 'you said, we did' feedback.

All policies and procedures to be reviewed to ensure appropriate, accurate and up to date.

Training provided on any aspect of complaints handling and using iCasework. Content and format to be matched to individual requirements.

Extensive quality assurance of complaints procedures, including compliance with procedures, quality of handling and proper use of iCasework.

Gathering and analysis of equalities data to ascertain if any group is disadvantaged or if there are any accessibility issues.

Conclusion

The County Council receives a relatively low number of complaints when set against the number of transactions it undertakes. However this is not a reason for complacency and, linked to the increased customer focus of the Authority, opportunities are being taken using the new iCasework system to:

- a) introduce a consistent approach to recording and investigating complaints, which will likely bring an initial increase in the number of cases previously recorded as the system becomes more extensively used across the Authority; and
- b) maximise the learning opportunities from the data now provided to bring about any necessary change in practice and service improvement.

Over the coming year, progress will be made to:

- a) complete the iCasework roll out across the Authority; and
- b) increasingly link to the work currently underway across the Authority in relation to the customer focus and performance improvement agendas.

Amanda Fry
Staff Officer to the Chief Executive
County Hall
NORTHALLERTON

24 May 2013

Author: Dani Reeves
Corporate Complaints Coordinator

Appendix G – root causes for complaints

Category	Root Cause	No.
Communication (228)	delay	18
	lack of	81
	poor quality	83
	other	46
Disagrees with decision/action (159)	disagrees with decision/action	121
	assessment/care plan	38
Discrimination (2)	disability	1
	other	1
Environment (35)	accessibility	6
	cleanliness	4
	disrepair	1
	noise	7
	other	17
Pricing and charges (67)	delay in funding	7
	delay in invoicing	7
	overcharging	3
	price increase	6
	value for money	3
	other	41
Safety (14)	actual illness	1
	potential illness	2
	actual injury	4
	potential injury	4
	other	3
Service and care (291)	availability	38
	condition	2
	delay	48
	inappropriate	20
	insufficient quantity	14
	over supply	2
	presentation	2
	quality	57
	removal of choice	4
	withdrawal	9
other	95	
Staffing (155)	attitude - dignity and respect	23
	competency	14
	customer care	54
	missed appointment	3
	rudeness	17
	turnover	4
	other	40