

Cabinet (Performance Management) Panel

23 November 2015

Report title	People Directorate Annual Complaints and Representations Procedure Reports	
Decision designation	AMBER	
Cabinet member with lead responsibility	Cllr Andrew Johnson Resources	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Keith Ireland, Managing Director	
Originating service	Customer Services	
Accountable employee(s)	Alison Dowling	Customer Relations and Complaints Manager Tel 01902 553203 Email Alison.Dowling@wolverhampton.gov.uk
Report to be/has been considered by	People Leadership Team Strategic Executive Board	28 September 2015 20 October 2015

Recommendation(s) for action or decision:

The Cabinet (Performance Management) Panel is recommended to note:

- a) The content of both reports and provide comment and feedback as necessary.
- b) The revised design and change in distribution of the executive summary.

1.0 Purpose

- 1.0 The purpose of this report is to seek comment and feedback on the attached annual reports, and note the revised design and change in distribution of the executive summary.

2.0 Background

- 2.0 Complaints activity concerning Adult, Children and Young People's Social Care Services and Public Health are governed by legislative framework and have to be dealt with in accordance with statutory guidance.
- 2.1 The Customer Relations and Complaints Manager is responsible for the writing and preparing of annual reports in respect of the Adult Social Care and Communities, Public Health, and the Children, and Young People complaints procedures.
- 2.2 Public Health customer feedback is minimal, and, as the statutory procedures are very similar to adult social care, the reporting activity has been included on the Adult Social Care and Communities report following prior agreement with the Director of Public Health.
- 2.3 Both reports serve to provide information on the types of complaints, compliments and comments that have been received and managed within the People Directorate between 1 April 2014 and 31 March 2015.
- 2.4 In May 2015 the Adult, Children and Young People's Social Care Services and Public Health complaints function transferred from the Peoples Directorate into Customer Services, Corporate Directorate, as part of the Customer Service Transformation Programme.
- 2.5 The portfolio holder for Resources will now be the Cabinet Member with lead responsibility for all reports relating to this complaints function going forward.

Adult Social Care, Communities and Public Health Complaints

- 2.6 Wolverhampton's policy and procedure for responding to adult social care complaints follows the regulations which introduced a single complaints system for all health and Local Authority adult social care services in England on the 1 April 2009. The Local Authority currently has a joint protocol for the handling of cross boundary complaints.
- 2.7 The Annual report of Adult Social Care Complaints and Representations is prepared as a requirement of Regulation 18(1) of The Local Authority Social Services Complaints (England) Regulations 2009. Within this report also is detailed the complaints, compliments and comments relating to other complaints which fall under the People Directorate.

- 2.8 Public Health Complaints have to be dealt with in accordance with The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012. The annual report is a requirement under Regulation 33(1).
- 2.9 The report for Adult Social Care, Communities and Public Health is divided into three parts:
- Part A encompasses complaints that come under the Adult Social Care and Public Health regulated procedures
 - Part B covers complaints relating to those Community Services which are subject to the corporate complaints procedure and timescales.
 - Part C details the learning, achievements and looking ahead for all service area

Children and Young People

- 2.10 The Annual Report regarding Children's Social Care Complaints and Representation is prepared as a requirement of regulation 13(3) of the Children Act 1989, Representations Procedure (England) Regulations 2006.
- 2.11 In Early Help which is not governed by the legislation of the Children Act 1989, the authority has adopted the legislative guidelines for timescales for response and closure to complaints across all service areas in order to provide a consistency across the service.
- 2.12 Both reports provide information derived from an analysis of the number and type of complaints/representations and compliments received between 1 April 2014 and 31 March 2015 and the outcome of those complaints.
- 2.13 Non statutory People Directorate complaints are dealt with in accordance with the Corporate Complaints Procedure.
- 2.14 Details of the appropriate complaints procedures can be found on the Council Internet site.

3.0 Summary

- 3.1 Highlights to note from the Adult Social Care, Community Services and Public Health Report are:-
- The key message from the 2014/2015 monitoring of Adult Social Care, Community Services and Public Health complaints is that there has been an increase in the number of complaints received, from 99 in 2013/2014 to 107 in 2014/2015. Of these two related to Public Health and a further 11 had to be transferred to be investigated under the safeguarding vulnerable adults' procedure due to the nature of concerns raised.

- The increase in complaints during 2014/2015 can be attributed to a change in the reporting mechanisms for complaints during this year. Historically any complaints which could not be investigated as complaints because of overriding procedures would be excluded from annual reports. 11 of the reported complaints for 2014/15 fall into this category therefore and therefore in comparison with 2013/14 the number of complaints for 2014/15 has reduced to 96.
- As at 31 March 2015 there were 3728 service users receiving care services funded by the City Council (including Direct Payments) and based on this number, the total number of complaints received represents 2.84% of customers expressing dissatisfaction with the service they received. This is a slight increase in comparison with 2013/14 when 2.67% of users expressed dissatisfaction. The change in reporting mechanism during 2014/15 will have impacted on this outturn figure.
- The number of formal and informal compliments received during the year continues to outweigh the number of complaints made. In all, 202 compliments were received across adult social care services from service users or their families who wished to express their satisfaction with the service they had received, compared to 312 the previous year. This reduction can be attributed to the closure of a resource centre which has historically submitted a significant number of compliments.
- A further 187 positive comments were received from the Welfare Rights Team by means of a customer satisfaction card, compared to 262 the previous year.
- There has been an increase in the number of formal complaints received from customers whose care service is provided by a private provider and may have been commissioned by Social services. A total of 16 service users complained about services purchased by the Authority in 2013/14; as compared to 6 complaints received in the previous year.
- This represents an increase on the previous year of customers contacting the Council directly rather than approaching their service provider in the first instance. Many of these cases have been because the complainant was not happy with the response they received from the provider in the first instance.
- Services that come under the umbrella of Community Services (Sports and Leisure, Parks and Green Spaces and the Library Services received 23 formal complaints which were all responded to within the 21 day Corporate complaints procedure timescale.
- 78% of the adult social care and public health formal complaints received during the year were dealt with and responded to within 20 working days compared to 84% the previous year. However 54% of these were responded to within 10 working days compared to 36% the previous year.
- The average timescale to respond to complaints was 12 days.

- There is a decrease in the number of cases which were upheld. For this year there have been 15 cases upheld and this equates to 17% of the overall complaints received compared to 24% for the previous year.
- There has been an increase in the volume of complaints received in relation to Quality of Service, where complaints in relation to this category represents 31% of the total complaints received, compared to 22% the previous year. However nine of these complaints were in respect of independent external providers. One of the complaints was referred to the health authority as the nature of the complaint came under their jurisdiction.
- There has been a significant decrease in the number of complaints concerning conduct and attitude. This represented 3.78% of the total number of complaints received compared to 25% in the previous year.
- Over the period April 2014 to March 2015 there were 5 complainants who remained dissatisfied at the end of the Stage 1 local resolution process and were advised of their right to have their complaint considered by the Local Government Ombudsman. This compares to one case for the previous financial year. From the five cases considered by the LGO, no fault was found for three, fault was found in one and we are awaiting a decision on the fifth case.

3.2 Highlights to note from the Children and Young People report are: -

- In 2014/2015 a decrease was experienced in the volume of complaints received from 160 in 2014/15 to 152 in the period covered by this report. Service directors encourage early resolution of complaints without recourse to the formal complaints procedure.
- In 2014/15 20 (13%) complaints received were from children and young people themselves and a further 3 (2%) children and young people complained using the services of an advocate.
- Regulations allow for extension to the initial statutory timescales to 20 days. The total of complaints resolved within the statutory 20 day timescale was 80%. This is a slight increase when compared to 78% in the previous year. This is positive to see as there are financial implications should a complaint not be concluded within the 20 working days statutory timescale.
- Of this amount 51% were closed within the initial 10 day statutory timescale. This compares to 43% for the previous year.
- The average time taken to respond to a complaint was 15 days. Escalation policy is in place for the non-compliance with statutory timescales and service directors are pro-active in enforcing compliance.

- There were no complaints which could not be resolved at stage 1 and required progression to the second stage of the formal complaints procedure. This is the third year where there have been no stage 2 complaints for Children's Act complaints.
- There has been a decrease in the number of complaints upheld reducing from 40% in 2013/14 to 28% in this reporting period. Of the 152 stage 1 complaints responded to:
 - 42 were upheld compared to 64 in 2013/14
 - 52 were partially upheld compared to 22 in 2013/14
- The most frequently complained about issue was quality of service which represented 42% of complaints made.
- There has been a decrease complaints received that relate to Conduct/Attitude of staff, with complaints 8 having been received compared to 21 in 2013/14. This equates to 5% of the total number of complaints received, as compared to 13% in the previous year.

4.0 Financial implications

- 4.1 The distribution of both reports will be sent electronically to all recipients however if an executive summary is required, the cost will depend on the design and distribution requirements but is expected to be minimal.
- 4.2 It is intended, in all cases, to send copies of the full report electronically to all those internal contacts within Wolverhampton City Council.
- 4.3 In order to minimise the volume of printing full reports for public accessibility, it is suggested that 100 copies of the single page executive summary be printed and distributed at the various resource centres, libraries etc.
- 4.4 Both reports will be placed on the Council's website and it suggested that it is mentioned on Wolverhampton Today media page.
- 4.5 In addition to this, to ensure that all staff have access to both reports, it is suggested that they are mentioned in a City People bulletin, and the Children and Young People report can be mentioned in the newsletter for that service area.
[JF/11112015/Q]

5.0 Legal implications

- 5.1 The three complaints procedures must comply with the various statutes. These include:
 - Children and Family Services - The Children Act 1989, Representations Procedure (England) Regulations 2006. The Local Authority functions covered include services provided under Parts III, IV and V of the Children Act 1989

- Adult Social Care - The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009; which came into force on 1st April 2009.
- Public Health - The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.
[RB/11112015]

6.0 Equalities Implications

6.1 Complaints are monitored by all equalities protected characteristics and analysis of these complaints by these protected characteristics indicates that no group protected by the Equality Act is significantly more or less likely to complain.

7.0 Environmental implications

7.1 None for consideration.

8.0 Human resources implications

8.1 There are no direct human resources implications arising from this report.

9.0 Corporate landlord implications

9.1 None for consideration.

10.0 Schedule of background papers

10.1 None for consideration.

11.0 Appendices

- 11.1 Adult Social Care, Community Services and Public Health Annual Report
- 11.2 Children and Young People Annual Report
- 11.3 Executive Summary