

Scrutiny Board

9 September 2017

Report title	Quarter 4 Corporate, Social Care and Public Health Complaints Report	
Cabinet member with lead responsibility	Councillor Andrew Johnson Cabinet Member for Resources	
Wards affected	All wards	
Accountable director	Mark Taylor, Director	
Originating service	Customer Services	
Accountable employee(s)	Steve Rice Tel No: Email	Customer Engagement Manager 01902 553203 Steve.Rice@wolverhampton.gov.uk
Report to be/has been considered by	Corporate Leadership Team	17 July 2017
	People Leadership Team	11 July 2017
	Place Leadership Team	11 July 2017
	Strategic Executive Board	18 July 2017

Recommendation(s) for action or decision:

The Board is recommended to:

1. Review and comment on complaints management and performance for the period 1 January to 31 March 2017

1.0 Purpose

- 1.1 This report is to update the Board with information regarding the complaints management and performance for the period 1 January to 31 March 2017. The information in section 2.0 to 6.0 relates to the statutory complaints activity for Adult Social Care, Children and Young People Social Care, and Public Health Complaints Activity. The information from section 7.0 relates to all other complaints activity governed by the corporate complaints procedure.

2.0 Background

- 2.1 Complaints activity concerning Adult, Children and Young People's Services, and Public Health are governed by legislative framework and have to be dealt with in accordance with statutory guidance.
- 2.2 For Children's and Family Services, Regulation 14 (1) of The Children Act 1989 Representations Procedure (England) Regulations 2006 places a ten working day time limit for resolution; most stage one complaints should ideally be concluded within this time limit.
- 2.3 Where the service cannot provide a complete response, it can implement a extension of ten days' (regulation 14(5)). If necessary, the Complaints Manager may also suspend stage one until an advocate has been appointed (regulation 14 (3)). The maximum amount of time that stage one should take is 20 working days. After this deadline, the complainant can request consideration at stage two if they so wish.
- 2.4 Where the complainant feels that they have not received a satisfactory outcome, they will be informed that he/she has the right to move on to stage two if they wish.
- 2.5 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 to and closure of complaints across all service areas in order to provide a continuity of service.
- 2.6 Adult Social Care and Health complaints have to be dealt with in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. The Local Authority currently has a joint protocol for the handling of cross boundary complaints.
- 2.7 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.
- 2.8 Whilst the regulations do not stipulate timescales for resolution to complaints, the People Directorate operate a ten day organisational timescale. This can be extended to 20 working days for more complex cases.
- 2.9 Non statutory People Directorate complaints are dealt with in accordance with the Corporate Complaints Procedure.
- 2.10 Details of the appropriate complaints procedures can be found on the Council internet site.

3.0 Complaints Intervention

3.1 The following actions are in operation to monitor satisfactory resolution of complaints in a timely manner:

- Proactive chasing of managers responding to complaints, in accordance with escalation plan in operation
- Mediation between complainants and investigating officers
- Quality assurance checks undertaken of complaint response letters

3.2 Weekly reporting to Service Directors and Heads of Services on the status of complaints, detailing any areas for concern where managers will need to prioritise outstanding complaints and resolution in order to receive a satisfactory prompt outcome for the complainant.

4.0 Children and Young People – Complaint Activity

4.1 **Informal Complaints:** The complaint regulations provides an opportunity for children / young people to raise issues of concern without those matters being treated as formal complaints as long as they are speedily and effectively addressed. These are referred to as informal complaints; **nine** were received during Quarter 4 (1 January to 31 March 2017) compared to **six** in the previous quarter, an increase of **three**.

4.2 **Formal complaints:** During Quarter 4 (1 January to 31 March 2017) the Council received **28** formal children social care complaints, compared to **26** in the previous quarter, representing an increase of **two** complaints.

4.3 **No** particular service area received a disproportionate number of formal complaints during Quarter 4. The **28** complaints the Council received during this fourth quarter refers to **11** separate service areas.

4.4 Social Work Unit 2 received the highest number of complaints with **eight** followed by the Mash Team with **five**; Social Work Unit 3 with **three**; Social Work Unit 4 with **two**; Fostering with **two**; LAC Teams 2 and 3 with **two** each. **One** each for LAC/Transition Teams, Social Work Unit 8, DC & YP, and Safeguarding.

4.5 **Timescales:** **22** complaints were responded to and concluded during this fourth quarter. **Nine** complaints were responded to within ten working days, **eight** within 20 working days, and the remaining **five** in just over 21 working days. The average number of days to respond and close all complaints over the term has remained at **14** days this fourth quarter as it was in the previous quarter.

4.6 **Complaint Issues:** During Quarter 4 (1 January to 31 March 2017); the main issue of complaint involved Communication/Information **ten** and Quality of Service **ten**. Conduct and Attitude **two**; Disagree with Policy/Criteria **two**; Request for Service **two**; Disagree with Assessment **one**; Breach of Confidentiality **one**. Complaints in relation to communication generally relates to advising people/relatives of decisions and plans. Complaints in relation to quality of service tends to refer to a view that there has been a lack of help or support.

- 4.7 **Complaint Outcomes:** Of the **22** complaints closed this quarter; **8** complaints were upheld; **6** complaints were partially upheld and **8** complaints were not upheld.
- 4.8 **Stage Two Complaints:** Where the complainant is dissatisfied with the written response at stage one they have the right to request that matters should proceed to stage two (a formal independent complaint investigation).
- 4.9 **one** complaint registered during this quarter has needed to progress to stage two, formal complaint investigation. This is in relation to how a child protection investigation was carried out.
- 4.10 **one** complaint investigated at stage two has been completed in this fourth quarter. The complainants have since attended a stage three Complaint Review Panel which is the final stage of the complaints procedures. This complaint refers to the way in which a child protection investigation was carried out. The complainants now have the right to proceed to the Local Government Ombudsman should they decide to do so.
- 4.11 **one** further stage two complaint investigation is ongoing; it refers to an assessment of a grandparent to care for their grandchild.
- 4.12 **Root and Branch Review:** A further complaint investigation carried out as a “Root and Branch” review has now been concluded by an Independent Complaint investigator. This refers to a Fostering/Adoption matter.
- 4.13 **Compliments:** During this fourth quarter, **47** compliments were received for Children and Young People, compared to **25** in the previous quarter.

5.0 Adult Social Care and Public Health

- 5.1 During Quarter 4 (1 January to 31 March 2017) the Council received **21** formal complaints compared with **26** in the previous quarter, representing a decrease of **five** complaints this quarter. This is reflected in Appendix 2, attached.
- 5.2 In relation to Public Health services there was **one** complaint received in this quarter, which is the same as the previous quarter. This is in relation to the lack of availability of sexual health clinics in Wolverhampton. As a consequence, this complaint was transferred to the Health Service to look into and respond directly to the complainant.
- 5.3 **No** particular service area received a disproportionate number of complaints in this fourth quarter, the **21** complaints received are spread across **15** separate service areas. The service receiving the highest number of complaints with **five** is the Adult Community Team North.
- 5.4 During this fourth quarter **20** complaints were resolved, **four** of these complaints were upheld, **six** were partially upheld and **ten** were not upheld.
- 5.5 **Timescales:** **14 (70%)** complaints were responded to within the initial ten-day timescale and a further **five** complaints were responded to within 20 days. **One** further complaint was concluded in just over 21 days. The average number of days to respond and conclude all complaints in this fourth quarter was **eight** days, this is a positive position, indicating the importance placed by services in responding to complaints.

- 5.6 **Compliments:** **34** compliments were received for Adult Social Care in quarter 4, compared to **48** received for the previous Quarter 3. All service areas are reminded to forward compliments they receive to the Customer Feedback Team to log and to report.

6.0 Learning from Complaints

- 6.1 Children and Young People, Adult Social Care and Public Health services are committed to learning from customer feedback and require the completion of a Learning Log / Implementation Plan from each complaint investigated. Where complaints highlight that things have gone wrong, managers are required to identify any remedial and improvement action. This is reflected in Appendix 3.
- 6.2 Feedback from compliments is also considered as it provides a valuable source of information affirming when services make a difference and personal attributes of the worker has added value to the outcome for users and carers (see Appendix 7).
- 6.3 Feedback is provided to all Heads of Service and Senior Management Teams on a regular basis through learning logs, in order to promote positive learning and to influence service improvement.
- 6.4 Through this report Service Directors are provided with a summary of learning from complaints and on a quarterly basis.

7.0 Complaints Activity Governed by the Corporate Complaints Procedure

- 7.1 This section provides a summary of the corporate complaints, compliments, Local Government Ombudsman and Housing Ombudsman enquiries received by the Council during Quarter 4 (1 January to 31 March 2017) Please refer to Appendix 5 to 8.
- 7.2 The Customer Feedback team monitors and completes a written record of all enquiries. The team analyses and monitors customer feedback which provides details about the types of complaints that are received by the authority, and highlights suggested customer driven improvements to service provision or delivery to directorates. All corporate complaints, compliments, Housing Ombudsman and Local Government Ombudsman enquiries are considered a form of customer feedback.

8.0 Stage One Complaints

- 8.1 During this fourth quarter (1 January to 31 March 2017) the Council received **65** stage one complaints compared with **75** in the previous quarter (1 October to 31 December 2016) a decrease of **ten**
- 8.2 During Quarter 4 (1 January to 31 March 2017) no one service received a disproportionate amount of complaints. The **65** complaints involving **17** separate service areas.
- 8.3 **Complaint Outcomes:** All complaints are assessed as to whether they are upheld (Council at fault) or not upheld (Council not at fault). Of the **65** stage one complaints received during this fourth quarter, **50** (77%) complaints were not upheld (Council not at fault) and **15** (23%) were upheld (Council at fault).

- 8.4 Waste Management received the highest number of stage one complaints with **16**, with **seven** of those complaints being upheld. Revenues and Benefits received 15 complaints with **six** being upheld. Environmental Services received ten complaints with **No** complaints being upheld. Customer Services with **three** complaints, **none** upheld. Public Protection with **three** complaints, **none** of which were upheld. Licensing received **three** complaints with **none** upheld. Leisure Centres received **three** complaints, with **one** being upheld. Planning with **two** complaints, **none** upheld. Registrars received **one** complaint which was upheld. Libraries, City Development, Housing, Senstart, Visitor Economy, Transportation, Private Sector Housing, each received **one** complaint with **No** findings of upheld.
- 8.5 As a result of continuous monitoring with service managers, the issues identified from the upheld (Council at fault) complaints have been addressed. As a remedy to the complaint, an apology is issued to the customer informing them of the improvements that have been made to service delivery as a consequence of their complaint. Appendix 6 shows a summary of stage one complaints received.
- 8.6 **Timescales:** The target response time for responding to stage one complaints is 95% within a timescale of 21 calendar days. Managers who are formally responding to complaints are contacted on a weekly basis through phone or email to confirm deadlines; where delays are unavoidable, the Customer Feedback team ensures that complainants are kept updated. The Customer Feedback Team also provides proactive support to investigating officers to ensure that they meet these target response deadlines.
- 8.7 During Quarter 4 (1 January to 31 March 2017) **all** 100% of stage one complaints were responded to within this target timescale; this repeats this highly creditable response time for the previous quarter. This is clearly a positive indicator of the emphasis placed by Senior Managers/ Managers to respond to complaints in a timely fashion.
- 8.8 The average response time for responding to each complaint is again a highly creditable **ten** days for Quarter 4.
- 9.0 Stage 2 complaints in Quarter 4 (1 January to 31 March 2017)**
- 9.1 During Quarter 4 (January to March 2017) the Council received seven stage two corporate complaints. All seven complaints are for the Place Directorate. Out of the seven complaints received five were not upheld, one partially upheld and one is currently under investigation.
- 9.2 **Two** of the complaints are for City Environment; one in relation to debris from trees, the complaint was not upheld. **One** complaint in relation to double yellow kerb markings / double yellow lines, complaint not upheld. Both of these complaints were pursued by the Complainants to the Ombudsman office, in both cases the Ombudsman found no fault with the Council and concluded their investigations.
- 9.3 Three complaints are for City Economy, one in relation to libraries - booking of room hire at a community association, the complaint was not upheld; one complaint in relation to officer conduct of planning officers, complaint not upheld; one complaint in relation to City Development Regeneration Team, this complaint is partially upheld.

- 9.4 **Two** complaints for City Housing; one complaint in relation to officer conduct and issues surrounding a rental property for Private Sector Housing, complaint not upheld; one complaint in relation to no resolution to complaint by Pendeford Tenant Management Organisation (TMO), this complaint is under investigation and we are currently awaiting the outcome.

10.0 Local Government Ombudsman Enquiries to the Council.

- 10.1 During Quarter 4 (January to March 2017) the Council received **three** LGO enquiries.
- 10.2 Place Directorate received two complaints and People Directorate received one complaint
- 10.3 The Place Directorate received **two** complaints;
- **one** complaint in relation to Planning Department regarding a fault with a planning application, the outcome was not upheld no maladministration.
 - **one** other Place complaint was in relation to Parking Services PCN, outcome closed after initial enquiries, out of jurisdiction.
- 10.4 The People Directorate received **one** complaint in relation to an adult social care third party top up fee; this complaint is under investigation and we are currently awaiting the outcome.

11.0 Housing Ombudsman enquiries

- 11.1 During Quarter 4 (January to March 2017) the Council received **one** Housing Ombudsman enquiry in relation to Wolverhampton Homes regarding conditions of a property; this complaint is still under investigation and we are currently awaiting the outcome.

12.0 LGO assessment enquiries

- 12.1 During Quarter 4 (January to March 2017) the Council received seven LGO assessment enquiries.
- 12.2 Corporate Directorate received two enquiries, Place Directorate received two enquiries, People Directorate received two and Education Directorate received one enquiry.
- 12.3 The Corporate Directorate received two enquiries:
- **one** enquiry in relation to charges for council tax, the outcome was a premature complaint and the Council were instructed to proceed to stage two of the complaints procedure.
 - **one** enquiry in relation to council tax liability, outcome was not a complaint decision, but the Council were instructed to proceed to stage two of the complaints procedure.
- 12.4 The Place Directorate received **two** enquiries:
- **one** was in relation to Environmental Services regarding a lamp post located in the middle of a driveway, outcome closed after initial enquiries, no further action.

- **one** enquiry in relation to Environmental Services for not carrying out arbor and grounds maintenance works, this enquiry has been passed to the Ombudsman investigation team.

12.5 The People Directorate received two enquiries:

- **one** enquiry in relation to Adult Social Care regarding the Council's failure to deal with a commercial matter, outcome was a premature complaint and the Council was instructed to liaise with the complainant and the complaint was resolved.
- **one** other enquiry was in relation to Children and Young People regarding processes and procedures, this enquiry has been passed to the Ombudsman investigation team. Work is taking place to seek a resolution to this matter.

12.6 The Education Directorate received **one** enquiry in relation to SEN, allegedly failing to meet a young person's education needs, not assisting in finding a new school place and social care support, outcome was a premature complaint; this complaint is currently under investigation by SEN and Children Social Care.

13.0 Housing Ombudsman assessment enquiries

13.1 During Quarter 4 (January to March 2017) the Council received **five** Housing Ombudsman assessment enquiries. Out of the **five** enquiries Wolverhampton Homes received **four** and Pendeford TMO received **one**.

13.2 Wolverhampton Homes received **four** enquiries as follows

- **one** enquiry in relation to handling of requests for information regarding building work and service charge for works, we are awaiting a final decision on this case.
- **one** enquiry in relation to cracks in a wall and ceiling, this enquiry has progressed to a full Ombudsman investigation.
- **one** enquiry in relation to the service received from several officers, awaiting a final decision on this case.
- **one** enquiry in relation to repair work to boiler, we are still awaiting a final decision on this case.

13.3 Pendeford TMO received **one** enquiry in relation to Anti-Social-Behaviour and employee conduct; this is a premature complaint and the Housing Ombudsman has instructed the Council to respond at stage two of the complaints procedure. This complaint is currently under investigation.

14.0 Quarter Four Update

14.1 LGO / Housing Ombudsman enquiries

14.2 During Quarter 4 (January to March 2017) the Council received **one** LGO enquiry final decision for the People Directorate; this enquiry was in relation to Older People, reducing a personal budget and taking away direct payments, the outcome was **not upheld**, no maladministration.

15.0 Compliments

- 15.1 All compliments are recorded by the Customer Feedback Team and reported as part of the team's quarterly monitoring process. This is reflected in Appendix 8. During Quarter 4 (1 January to 31 March 2017) the Council received **103** compliments from customers, an increase from the previous quarter.

16.0 Action Plans

- 16.1 When a complaint is upheld (Council at fault) and the findings of a subsequent investigation is for a change to policy or service delivery, the Customer Feedback Team produce a service improvement report. Recommendations within these reports are agreed with appropriate Heads of Service and shared with the relevant Service Director, Strategic Director and the Managing Director. Service improvements reports are currently being compiled for all upheld complaints.

17.0 Ward Data

- 17.1 During Quarter 4 (1 January to 31 March 2017) ward complaint data has been collated; monitoring ward data provides an insight into trends, equalities data and numbers in complaints for each ward. This information is detailed in Appendix 7.

18.0 Monitoring Information

- 18.1 All complainants are requested to supply equalities monitoring information but response rates are uneven. In terms of the returns that have been received and analysed, there are no concerns with the data analysis; there is no evidence of any groups being disproportionately affected. This is reflected in Appendices 4 and 7.
- 18.2 The Council, being under the Public Sector Equality Duty must, on an ongoing basis, consider how its policies are working for the diverse communities a Council serves.

19.0 Financial Implications

- 19.1 There are no financial implications associated with the recommendation in this report.
- 19.2 [GE/29062017/A]

20.0 Legal Implications

- 20.1 The statutory complaints procedure must comply with 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 1 April 2009.
 - Public Health - The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

20.2 [TS/23062017/R]

21.0 Equalities Implications

21.1 There are no equalities implications associated with this report.

22.0 Environmental Implications

22.1 There are no environmental implications associated with this report.

23.0 Human Resources Implications

23.1 There are no human resource implications associated with this report.

24.0 Corporate Landlord Implications

24.1 There are no corporate landlord implications associated with this report.

25.0 Schedule of Background Papers

25.1 None for consideration

26.0 Appendices

1. Children and Young People Customer Feedback Dashboard
2. Adult Social Care and Public Health Services Customer Feedback Dashboard
3. People Directorate Organisational Learning
4. Corporate Complaints Equalities Data Stage 1
5. Corporate Customer Feedback Stage 2, LGO Enquiries and Ward Data
6. Corporate Customer Feedback Stage 1 Dashboard
7. Corporate Ward Data
8. Compliments Data