
**COMPLAINTS, COMPLIMENTS AND COMMENTS
FREEDOM OF INFORMATION, ENVIRONMENTAL INFORMATION AND
SUBJECT ACCESS REQUEST
ANNUAL REPORTS 2011/12**

**Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To provide Members with the Corporate Complaints, Compliments and Comments Annual Report 2011/12 (**Appendix 1**).
2. To provide Members with the Adult Social Care Complaints, Compliments and Comments Annual Report 2011/12 (**Appendix 2**).
3. To provide Members with the Children's Social Care Complaints, Compliments and Comments Annual Report 2011/12 (**Appendix 3**).
4. To provide Cabinet with the Freedom of Information (FOI), Environmental Information (EI) and Subject Access (SA) Request Annual Report (Appendix 4).

Summary

5. The production of an annual report in respect of representations received under the Adult Social Care Complaints, Compliments and Comments Procedure is a requirement of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
6. The production of an annual report in respect of representations received under the Children's Social Care Complaints, Compliments and Comments Procedure is a requirement of the Children Act 1989 Representation Procedure (England) Regulations 2006.
7. The Council saw an increase in the overall number of representations made under its complaints procedures during 2011/12 compared to 2010/11. This was solely as a result of the increase in the number of complaints received during this period.

8. The Council also saw an increase in the number of requests for information during 2011/12 compared to 2010/11.
9. While there was an increase in the number of complaints received compared to 2010/11 the Council did not receive as many complaints as it did in 2009/10 (583). Although there is an increase in the number of complaints received this year, the Annual Report of the Ombudsman shows a reduction in the number of complaints which proceed to the Ombudsman which suggests that the handling of complaints is resolving more issues than previously. Given that the Council's complaints procedures are now easily accessible and there is a positive culture towards complaints within the Council, this suggests that the Council has been able to meet the challenges posed by the overall reduction in its budget whilst maintaining good quality services.

Recommendation

10. It is recommended that:
 - (a) Cabinet notes the content of the attached reports.
 - (b) Cabinet notes the work of the Complaints and Information Governance (CIG) Team in ensuring the Council handle both complaints and requests for information in an effective and efficient manner.

Reasons

11. The recommendations are supported by the following reasons:
 - (a) To make Cabinet aware of the number and nature of the complaints received by the Council and the organisational learning that has taken place as a result.
 - (b) To ensure Cabinet is aware of the progress made in respect of how the Council handles complaints since the introduction of the CIG Team (formerly the Corporate Complaints Unit).
 - (c) To make Cabinet aware of the progress made by the CIG Team in ensuring the Council understands the nature of the requests for information it receives and facilitating the publication of the most frequently requested information in order to increase the efficiency with which the Council is able to deal with such requests.

Paul Wildsmith
Director Resources Group

Background Papers

There are no background papers relating to this report.

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S17 Crime and Disorder	There are no specific implications for Crime and Disorder
Health and Well Being	The Adult Social Care Complaints procedure aims to ensure complaints about Adult Social Care Services are handled effectively and service improvements are implemented as a result of learning from complaints.
Carbon Impact	There is no specific impact on sustainability.
Diversity	The procedures make specific provisions to ensure the diverse needs of the people of Darlington are addressed.
Wards Affected	All wards will be affected equally.
Groups Affected	All residents and visitors to Darlington.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is not classed as a key decision and has not been included in the forward plan.
Urgent Decision	This does not represent an urgent matter.
One Darlington: Perfectly Placed	Learning as a result of complaints will contribute towards achieving the goals set out in One Darlington: Perfectly Placed.
Efficiency	As a result of the revised Corporate and Adult Social Care complaints procedures there will be a reduction in officer time spent investigating complaints. Future efficiencies as a result of learning from complaints.

MAIN REPORT

Information and Analysis

12. The Council received a total of 517 complaints during 2011/12 compared to 403 in 2010/11. This was anticipated in light of the increased pressure on Council services in the current financial climate. In addition to the increase in complaints the Council saw a decrease in the overall number of compliments it received, 320 compared to 368 in 2010/11. The number of comments received remained fairly static, with a total of 205 comments being made regarding Council services compared to 204 in 2010/11.
13. The Council received a total of 846 requests for information in 2011/12 compared to 674 in 2010/11.
14. In relation to representation made under the Council's Corporate Complaints, Compliments and Comments Procedure the Council saw an increase from 330 complaints in 2010/11 to 429 complaints in 2011/12. 60 complaints were investigated at Stage 2 of the procedure, an increase from 43 in 2010/11. The Council also received 267 compliments, a reduction from 306 in 2010/11 and 199 comments, a similar amount to the number received in 2010/11 (202).
15. Overall there was a decrease in the number of representations made under the Adult Social Care Complaints, Compliments and Comments Procedure, 84 compared to 87 in 2010/11. While that was the case the Council saw an increase in the number of complaints received under the Adult Social Care Complaints, Compliments and Comments Procedure, 39 compared to 29 in 2010/11. The Council received 39 compliments, a reduction from 56 in 2010/11 and six comments and increase from 2 in 2010/11.
16. Overall there was an increase in the number of representations made under the Children's Social Care Complaints, Compliments and Comments Procedure, 63 compared to 52 in 2010/11. The Council received 49 complaints, an increase from 44 in 2010/11. The Council also received 14 compliments, an increase from six in 2010/11. The Council did not receive any comments in 2011/12.
17. The Local Government Ombudsman determined 23 complaints previously considered under the Council's complaints procedures during 2011/12. The Council did not receive any maladministration decisions.
18. In relation to requests handled in accordance with the Freedom of Information Act 2000, the Council received 811 requests, an increase from 590 in 2010/11.
19. In relation to requests handled in accordance with the Environmental Information Regulations 2004, the Council received 13 requests, a decrease from 63 in 2010/11.
20. In relation to requests handled in accordance with the subject access provisions of the Data Protection Act 1998, the Council received 22 requests a similar amount to the number received in 2010/11 (21)

21. Some examples of organisational learning resulting from complaints have been extracted from the appended reports and are provided below.

22. *Corporate Complaints*

- (a) Following a complaint received by Housing Services it was agreed that the Council's Secure Tenancy Agreement would be revised to accurately reflect our practice on termination of a tenancy.
- (b) As a result of a complaint about Housing Services the Council formalised in its Anti-Social Behaviour Procedure the practice of producing interim action plans specifically when Police involvement prohibits a full action plan.
- (c) Following a complaint about Housing Services the Council worked with the bailiff to ensure that their letters were updated to advise debtors to contact Housing Services direct, if they wish to dispute a debt.
- (d) Following a complaint received for Development Control the validation procedure for planning applications was revisited.
- (e) Following a complaint received for Development Control queries regarding the extent of Tree Preservation Orders are now handled by Legal Services.
- (f) Following a complaint for Licensing and Car Parking the Council's Civil Parking Enforcement Procedures were revised to reflect the current practice of its officers.
- (g) Following a complaint received for Street Scene Enforcement the Council reviewed its out of hour procedures relating to the release of dogs.
- (h) Following a complaint received by Markets it was agreed that the Council would review its practice to ensure appropriate arrangements are in place prior to allocating a stall and that traders are notified in writing and informed of their right of appeal when a penalty is issued. The Darlington Markets Regulations and Bye Laws section on complaints was also updated to reflect the Corporate Complaints, Compliments and Comments Procedure.
- (i) Following a complaint from a gentleman who found out that his neighbour had confirmed his address for the purpose of the Electoral Roll the Council revised the training for canvassers to ensure that there is no repetition of personal information asked for or accepted by the Council from a third party.

23. *Adult Social Care Complaints:*

- (a) Following a complaint about one of the Council's Extra Care Schemes for Older People the Council put arrangements in place to ensure appropriate staffing levels were available. In addition the Extra Care Schemes Medication Policy was reviewed, additional training was provided to all staff around medication and improvements were made to recording practices in care plans.

- (b) Following a complaint about a delay in advising family members about the care package arranged for their relative following their discharge from a care home, an improved method of data entry was agreed to enable information to be sent out to service users and their families in a more timely manner.
- (c) Following a complaint about a social care provider, considered under the Council's procedure, the domiciliary care provider was required to implement a procedure to monitor visits to ensure care staff do not visit too early, too late or miss calls. The provider was also required to introduce a formal process to assess whether care workers are competent to administer medication and ensure that those staff responsible for handling medication are properly trained. This complaint also highlighted issues around the practice of Council staff. It was recommended when arranging a package of care, care managers should clearly document the level of support required by a service user with their medication to enable the provider to allocate the case to a worker who can offer the appropriate level of support.

24. *Children's Social Care Complaints:*

- (a) As a result of a complaint it was recommended that the Council should produce information about Disabled Children's Services, including a clear guide on how to make a referral.
- (b) Following a further complaint it was recommended that staff ensure that all relevant professionals are considered to attend Child Protection Conferences.
- (c) As a result of another complaint it was recommended that the process of applications for partner adoptions be reviewed in order to ensure that the system works more efficiently.

25. The further recommendations set out in the Corporate and Children's Social Care Complaints, Compliments and Comments Annual Reports 2011/12 are:

- (a) Officers should ensure they contact complainants within 5 working days to discuss their complaint and desired outcomes.
- (b) Children's Social Care Services should review the arrangements currently in place for the facilitation of family contact; as issues arising from the provision of and communication in relation to this service account for 28.6% of all the complaints received during 2011/12.

At the time of writing the Council has brought the service 'in house' rather than 'spot purchase' from an external provider while we explore longer term options. It is intended that this will improve communication around contact arrangements and the level of service provided.

26. It is envisaged that by making the information most frequently requested readily available to the public via the Council's website, the Council will not only be able to ensure a higher degree of transparency but will be able to improve the efficiency with which it complies

with the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

27. In addition to refreshing the information published following the recommendations in the 2010/11 annual report and giving consideration to the publication of the comprehensive list of recommendations set out in the 2011/12 annual report, Chief Officers Board has endorsed the publication of information set out below where appropriate.

- (a) Details of commercial properties showing a business rates credit balance;
- (b) Details of empty commercial properties;
- (c) Information about contract funerals where the deceased has no next of kin;
- (d) Statistical information relating to planning applications;
- (e) Statistical information about Parking Charge Notices (PCNs); and
- (f) Information about service budgets in Children, Families & Learning.

Outcome of Consultation

28. No consultation was required in preparing this report.