

**CABINET
10 SEPTEMBER 2019**

**COMPLAINTS, COMPLIMENTS AND COMMENTS
ANNUAL REPORTS 2018/19**

Responsible Cabinet Members

**Councillor Charles Johnson – Efficiency and Resources Portfolio
Councillor Rachel Mills – Adult Social Care Portfolio
Councillor Paul Crudass - Children and Young People Portfolio
Councilor Lorraine Tostevin - Housing, Health and Partnerships Portfolio**

Responsible Directors

**Paul Wildsmith, Managing Director
Suzanne Joyner, Director of Children and Adults Services
Ian Williams, Director of Economic Growth and Neighbourhood Services**

SUMMARY REPORT

Purpose of the Report

1. To provide Cabinet with the 2018/19 Complaints, Compliments and Comments Annual Reports for:
 - (a) Adult Social Care (**Appendix 2**);
 - (b) Children’s Social Care (**Appendix 3**);
 - (c) Corporate (**Appendix 4**);
 - (d) Housing (**Appendix 5**); and
 - (e) Public Health (**Appendix 6**).

Summary

2. The Council received a total of 825 complaints during 2018/19, a decrease from 871 complaints during 2017/18.
3. The Council received a total of 280 compliments during 2018/19, an increase from 116 in 2017/18.
4. The Council received a total of 240 comments during 2018/19, an increase from 224 in 2017/18.
5. A summary table is provided at **Appendix 1**.
6. 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.

7. 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.
8. The production of an annual report in respect of representations received under the Public Health Complaints, Compliments and Comments Procedure is a requirement of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Recommendation

9. It is recommended that Cabinet :-
 - (a) notes the content of the attached reports; and
 - (b) endorses the further recommendations made in the Adult Social Care, Children Social Care, Corporate and Housing Complaints, Compliments and Comments Annual Reports.

Reasons

10. The recommendations are supported for the following reasons:-
 - (a) To make Cabinet aware of the number and nature of the complaints, compliments and comments received by the Council and the organisational learning that has taken place as a result.
 - (b) To enable the Council to further improve its services as a result of the complaints, compliments and comments received and improve satisfaction with complaints handling.

Background Papers

Note: No background papers were used in the production of this report.

Lee Downey,
Complaints and Information Governance Manager
Extension 5451

S17 Crime and Disorder	There is no specific impact on Crime and Disorder.
Health and Well Being	The purpose of the Adult Social Care Complaints, Compliments and Comments Annual Report is to improve the service we provide to service users and their carers.
Carbon Impact	There are no specific recommendations contained within the attached reports concerning Carbon Reduction.
Diversity	Complaint investigations have led to service improvements for people with protected characteristics.
Wards Affected	All.
Groups Affected	All.
Budget and Policy Framework	This report does not have a direct impact on the Budget and Policy Framework.
Key Decision	This report does not constitute a Key Decision.
Urgent Decision	This report does not require an Urgent Decision.
One Darlington: Perfectly Placed	Learning as a result of complaints contributes towards all of the delivery themes.
Efficiency	The revised procedures aim to improve the efficiency with which complaints are handled. The recommendations contained within the appended reports aim to reduce risk and improve efficiency in the way we interact with our customers.

MAIN REPORT

Information and Analysis

11. There was a decrease in the overall number of representations made under the Adult Social Care Complaints, Compliments and Comments Procedure during 2018/19. There was a significant decrease in the number of complaints received, a significant increase in the number of compliments received and a small increase in the number of comments received. Full details are attached at **Appendix 2**.
12. There was an increase in the overall number of representations made under the Children's Social Care Complaints, Compliments and Comments Procedure during 2018/19. There was an increase in the number of complaints received at Stage 1 of the procedure, the same number of complaints were received at Stage 2 and there was an increase in the number of complaints received at Stage 3. There was an increase in the number of compliments received, while the number of comments received remained the same as in 2017/18. Full details are attached at **Appendix 3**.
13. There was an increase in the overall number of representations made under the Corporate Complaints, Compliments and Comments Procedure during 2018/19. There was a slight decrease in the number of complaints received at Stage 1 and Stage 2 of the procedure. There was a significant increase in the number of compliments received and an increase in the number of comments received. The Council received a significant amount of positive feedback in relation to a number of services for a range of reasons. Full details are attached at **Appendix 4**.
14. There was a decrease in the number of representations made under the Housing Complaints, Compliments and Comments Procedure during 2018/19. There was a decrease in the number of complaints received at Stage 1 and Stage 2 of the procedure. The number of complaints received at Stage 3 remained the same as in 2017/18. There was an increase in the number of compliments received and an increase in the number of comments received. Full details are attached at **Appendix 5**.
15. There was a decrease in the number of representations made under the Public Health Complaints, Compliments and Comments Procedure during 2018/19. There was a reduction in complaints, an increase in compliments and the number of comments received remained the same. Full details are attached at **Appendix 6**.
16. Some examples of organisational learning resulting from complaints have been extracted from the appended reports and are provided below.
17. *Adult Social Care Complaints:*
 - (a) Following a complaint in regard to Financial Assessments the Council carried out a new public consultation on its proposed charging policies and presented a new report to Cabinet which included an accurate summary of the relevant law and statutory guidance. The report explained that Councillors have discretion about treatment of income from benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).

- (b) Following a further complaint for Financial Assessments the Council revisited its guidance and policy on intermediate care and amended the guidance to explain what constitutes a short-break and what is intermediate care and in what circumstances the Council will pay for care.
- (c) Following a complaint for Safeguarding Adults it was agreed the Council would ensure all adult social care staff have up to date training in relation to Safeguarding Adults and the Mental Capacity Act. It was also agreed that the Mental Capacity Act training would be updated to include the issue of control and coercion and how this can impact on an individual's capacity to make decisions.
- (d) Following another complaint for the Ongoing Assessment and Intervention Team (OAIT) it was agreed assessments and support plans would address communication needs and finances adequately when there is any indication the person may need support in this area. It was also agreed that the Council would ensure all staff are aware to check whether the situation fits within the description of abuse set out in its own framework and ensure the principles of safeguarding are considered when a safeguarding concern is received. Furthermore, the Council agreed to ensure decisions about safeguarding are properly recorded and detailed and review its safeguarding training to ensure these matters are made clear.
- (e) Following a complaint for Short Term Assessment and Review (STAR) it was agreed the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy would be amended to make it clear that if a person moves from their own home into extra care or supported living their property will be taken into account for financial assessments. It was also agreed that Social Workers would make it clear to families and service users at the outset of their involvement what potential discharge arrangements would be.

18. *Children's Social Care Complaints:*

- (a) Following a complaint for Fostering it was agreed the Council would review the need for a policy regarding respite provision for connected carers, which would underpin the new legislation surrounding Special Guardianship Orders. It was recommended that akin to recommendation 8 within the Ofsted report 2015: The Council should ensure that Independent Reviewing Officers (IRO) demonstrate rigour when overseeing both the quality and progress of plans. It was also recommended that akin to recommendation 10 within the Ofsted report 2015: The Council should ensure when children are looked after that decisions about their need for permanence are timely with robust oversight, including by IROs.
- (b) Following a complaint for Adoption it was agreed the Council would ensure that where any aspect of Special Guardianship Support Plans requires it to delegate the provision of support services to another Local Authority or Agent then such a support plan will be fully compliant with Regulations 3, 4 and 5 of the Special Guardianship Regulations 2005 (Amended) when submitted to the Court prior to disposal.

- (c) Following a complaint about a Special Guardianship Order (SGO) payment it was recommended the Council update its guidance and a financial system be put in place to calculate the money owed. It was also agreed the Council would ensure clear guidance and written confirmation is given to Special Guardians prior to approving the plan.
- (d) Following a complaint for LATC it was agreed the Council would ensure Social Workers within the team are keeping parents up to date regarding their children's welfare with basic details should the children not wish for their parents to attend their Looked After Review or have detailed information shared with them. It was also agreed the Council would ensure Social Workers within the team keep the best interests of the children and young people a priority, so they feel supported and empowered.
- (e) Following a complaint for Safeguarding, Team D it was agreed the Council would ensure requests to take a looked after child out of school in term time would be referred to the Director of Children's Services, as the decision maker, and the decision appropriately communicated to the family and properly recorded. It was also agreed the Council would review the authorisation budget levels in respect of Team Managers, to determine whether they are set at a realistic authorisation level.

19. *Corporate* Complaints:

- (a) Following a complaint for the Children's Access Point (CAP) it was recommended social workers be reminded that while it is good practice to encourage referrers to report any potential crimes directly to the Police, they also have a duty to pass on any information regarding potential crimes they receive to the Police. As a result of the complaint, in accordance with paragraph 19 of Working Together, the Council and Darlington Children's Safeguarding Board also provided some clearly signposted contact details so that children, parents, other family members and members of the public are aware of who they can contact if they wish to make a referral, require advice and/or support.
- (b) Following a complaint for Special Educational Needs (SEN) it was recommended that where information is shared in the interest of the child the Local Authority complies with paragraph 9.213 of the Code of Practice.
- (c) Following a complaint for Development Management it was agreed the Development Manager would review the Statement of Community Involvement. It was also recommended that officers be reminded that objectors are able to make an appointment to meet with planning officers and agreed Development Management would appoint an Equalities Advisor under the Council's revised Equalities Scheme.
- (d) Following a further complaint for Development Management it was agreed the Council should explicitly reference the section 149 duty of the Equalities Act 2010 when considering equalities issues in reports and undertake EIAs where appropriate in accordance with the Council's Equality Policy 2018 – 2022, in order to ensure a more robust analysis of the potential impacts on individuals with protected characteristics, any adverse impacts and their possible mitigation.

- (e) Following a complaint for Environmental Health it was recommended the Council review the wording included on Community Protection Notice (CPN) warnings to ensure it is clear what behaviour is unacceptable and update the advisory letters on garden bonfires to make reference to possible action under Anti-Social Behaviour (ASB) legislation.

20. *Housing Complaints:*

- (a) Following a complaint for Gas Fitters further training was undertaken to enable them to carry out a fumes investigations effectively.
- (b) Following a complaint for Housing Management Services it was recommended Housing Services consider obtaining signed confirmation that a tenant has removed all personal belongings before ordering sanitisation of the property and that their practice is line with Section 41 of the Local Government (Miscellaneous) Act 1984.
- (c) Following a Housing Ombudsman complaint for Housing Management the Council agreed that in some limited circumstances it would disclose the reasons another resident qualified for a repair when the complainant did not.
- (d) Following a complaint for Service and Repairs a section was included in the tender documentation regarding communication with residents, and how this will be effectively managed.

21. The further recommendations set out in the Adult Social Care, Children Social Care, Corporate and Housing Complaints, Compliments and Comments Annual Reports are:

- (a) The Council should ensure Adult Services complaints are responded to in a timely manner and that where an extension is required this is communicated to the complainant and properly recorded.
- (b) The Council should continue to work to improve performance against the Stage 1 and 2 timescales for Children's Social Care complaints.
- (c) The Council should work to improve performance against the Stage 2 response timescale for Corporate complaints.
- (d) The Council should work to improve performance against the Stage 1 and 2 response timescales for Housing complaints.

Outcome of Consultation

22. No consultation was required in preparing this report.

APPENDIX 1

Total Representations by Year

Type of representation	2018/19	2017/18	2016/17	2015/16	2014/15
Complaints					
Corporate					
Stage 1 complaints	623	628	402	403	744
Direct to Stage 2 complaints	1	8	10	11	13
<i>Total complaints</i>	<i>624</i>	<i>636</i>	<i>412</i>	<i>414</i>	<i>757</i>
Stage 1 escalated to Stage 2	70	80	51	47	86
<i>Total Stage 2 complaints</i>	<i>71</i>	<i>88</i>	<i>61</i>	<i>58</i>	<i>99</i>
Adult Social Care	64	92	44	49	24
Children's Social Care					
Stage 1 complaints	67	54	58	54	60
Stage 2 complaints	16	16	16	14	15
Stage 3 complaints	4	2	5	3	1
Housing					
Stage 1 complaints	69	86	86	94	105
Direct to Stage 2 complaints	1	0	0	0	1
<i>Total complaints</i>	<i>70</i>	<i>86</i>	<i>86</i>	<i>94</i>	<i>106</i>
Stage 1 escalated to Stage 2	9	18	14	15	12
<i>Total Stage 2 complaints</i>	<i>10</i>	<i>18</i>	<i>14</i>	<i>15</i>	<i>13</i>
Stage 3 complaints	0	0	0	0	2
Public Health	0	3	3	0	0
Compliments					
Corporate	199	79	106	173	185
Adult Social Care	33	6	13	33	40
Children's Social Care	19	12	4	6	12
Housing	28	19	34	31	47
Public Health	1	0	0	0	0
Comments					
Corporate	236	224	195	143	263
Adult Social Care	2	0	0	0	0
Children's Social Care	0	0	0	1	1
Housing	2	0	3	5	9
Public Health	0	0	1	0	0

Note – The Adult Social Care and Public Health Complaints procedures only have one stage.