

5th September 2016

CORPORATE COMPLAINTS PROCEDURE – ANNUAL REPORT 2016/17

1. ISSUE

- 1.1. The purpose of this report is to provide an overview of the complaints and compliments that were received by the Council during the period 1 April 2015 to 31 March 2016.
- 1.2. It should be noted that Adult Health & Social Care and Children’s Social Care complaints and compliments are reported separately as these are managed through separate statutory complaints procedures.
- 1.3. The report also includes complaints that have been investigated by the Local Government Ombudsman.

2. NEED FOR A DECISION

- 2.1 The Local Government Ombudsman requires Councils to present an annual report to Members, detailing the complaints and compliments they have dealt with, together with any complaints investigated by the LGO.

3. RECOMMENDATION

- 3.1. The Governance and Business Committee are asked to note the report and suggest any improvements they think could be made.

4. COPORATE COMPLAINTS

4.1 In 2015/16 468 representations were received. Of these:

- 221 were classified as Complaints (inc hybrid complaints)
- 125 were classified as Comments
- 31 were classified as Concerns
- 68 were classified as Other (*included other, mgt investigations, claims & FOI*)
- 13 were classified as LGO

| Directorate | Concern | Complaint | Comment | Other/LG O | Total |
|------------------------------------|-----------|------------|------------|---------------|------------|
| Chief Executive’s Office | 0 | 8 | 5 | 4 | 17 |
| Children & Young People’s Services | 2 | 6 | 9 | 9 | 26 |
| Economy & Environment | 7 | 113 | 44 | 43 | 207 |
| Communities | 22 | 94 | 62 | 18 | 196 |
| Adult Health & Social Care | 0 | 0 | 1 | 6 | 7 |
| Non Council | 0 | 0 | 4 | 1 | 5 |
| Totals | 31 | 221 | 125 | 81 | 468 |

5. COMPLAINTS OUTCOMES

5.1 Of the 221 complaints that were received:

- 217 (98.1%) were investigated at Service Manager level.
- 1 (0.5%) was dealt with by an independent investigator.
- 3 (1.4%) were referred to insurance

| Directorate | Service Manager | Head of Service | Director | LGO |
|------------------------------------|-----------------|-----------------|----------|----------|
| Chief Executive's Office | 8 | 0 | 0 | 0 |
| Children & Young People's Services | 5 | 0 | 1 | 0 |
| Economy & Environment | 110 | 0 | 0 | 8 |
| Communities | 94 | 0 | 0 | 0 |
| Adult Health & Social Care | 0 | 0 | 0 | 0 |
| Totals | 217 | 0 | 1 | 8 |

5.2 Of the 221 complaints that were received:

- 118 (53.4%) were not upheld.
- 93 (42%) were upheld or partly upheld.
- 3 (1.4%) were ongoing investigations (no outcome)
- 7 (3.2%) were withdrawn

| Directorate | Upheld | Partly upheld | Not Upheld | Withdrawn | Ongoing |
|------------------------------------|-----------|---------------|------------|-----------|----------|
| Chief Executive's Office | 1 | 0 | 7 | 0 | 0 |
| Children & Young People's Services | 0 | 1 | 3 | 2 | 1 |
| Economy & Environment | 16 | 26 | 64 | 4 | 1 |
| Communities | 30 | 19 | 44 | 1 | 1 |
| Totals | 47 | 46 | 118 | 7 | 3 |

5.3 Of the 221 complaints that were received:

- 64 were about the level of service provided
- 62 were about the quality of services received
- 9 were about poor communication
- 19 were about the conduct or attitude of staff
- 11 were about financial matters
- 3 were about Policy Decisions
- 11 were about enforcement actions
- 18 were about service decisions
- 12 were about delays in providing services
- 3 were about breach of confidentiality
- 2 were about discrimination
- 1 were about changes to services provided
- 6 were classified as other

6. RESPONSE TIMES

6.1 The Council's complaints procedure acknowledges the need for complaints to be dealt with in a timely manner. The investigating manager will aim to respond within 10 working days with details of the outcome of their investigation. If a full response within 10 working days is not possible the manager is asked to agree with the complainant a timescale for when a response will be provided.

6.2 Of the 221 complaints received 218 were concluded in 2015/16. Of these 218:

- 128 (58.4%) were resolved within 10 working days
- 40 (18.2%) were resolved within 20 working days
- 51 (23.2%) were resolved over 20 working days

The average overall response time was 18 working days

6.3 Recently the Customer Insight Team, which is responsible for managing Customer Feedback has introduced more robust measures to support investigating officers in responding within the agreed timescales. Early indications are that this is having a significant impact on reducing timescales, which should make next years report more positive in this regard.

7. COMPLIMENTS

7.1 The Council values feedback from its customers and whilst it obviously focuses on resolving problems and issues raised as complaints, it is also important to recognise the positive feedback that is received from customers.

7.2 569 compliments were received last year.

| Directorate | 2014/15 | 2015/16 |
|----------------------------------|------------|------------|
| Chief Executive's Office | 4 | 4 |
| Children & Young Peoples Service | 11 | 4 |
| Economy & Environment | 159 | 144 |
| Communities | 463 | 415 |
| Other | 2 | 2 |
| Total | 639 | 569 |

Examples of some of the compliments received last year are:

1. *Thanks very much for your help with my drainage problem. You've renewed my faith in person kind, after 11 years. All the best in your career.*
2. *I have been so impressed with the service that I have received from you all within Building control. When the conveyancing lawyer said that i would need retrospective building regs my heart dropped as i envisaged a long drawn out and bureaucratic process. This was not the case at all! I have found everyone to be so customer focused, proactive and helpful it has been a delight. Thank you for all your prompt attention and actions.*

3. *First class, not the service, people lead me to believe it would be i.e. long queue's etc. Dealt with at reception and Lee was brilliant!*

4. *I had such a beautiful time visiting the Bankfield Museum last week and discovering all the wonderful exhibits and military war memorabilia. It was fascinating and I would like to thank you for all your help you made it such a happy day for me. Next time I will visit the area I will certainly stop by to say hello and rediscover rooms I ran out of time to see. Thank you again.*

5. *I have really enjoyed being a member and cannot thank Calderdale enough for the lovely facilities and investment in the pool and gym down in Brighouse. The staff are a credit to the council and the facility is very well run.*

8. LOCAL GOVERNMENT OMBUDSMAN

- 8.1 If a customer is not satisfied with the response that they have received to their complaint from the Council, they can refer the complaint to the Local Government Ombudsman.

Last year 80 complaints were received by LGO, of which 23 were investigated, with 12 being upheld.

In 2014/15 69 complaints were received by LGO, of which 17 were investigated, with 8 being upheld.

| Incomplete or Invalid | Advice Given | Referred back for Local Resolution | Closed After Initial Enquiries | Detailed Investigations | | | Total |
|-----------------------|--------------|------------------------------------|--------------------------------|-------------------------|--------|-------------|-------|
| | | | | Not Upheld | Upheld | Uphold Rate | |
| 3 | 0 | 28 | 23 | 11 | 12 | 52% | 77 |

Where injustice or maladministration is found then the LGO can recommend remedies. Last year the following remedies were made:

| Service Area | Detail | Remedy |
|-----------------------|--|--|
| Childrens Social Care | Mr X complained that the Council's actions put his child at risk during a child protection investigation and that it has inaccurate information about him on file. | The Council agreed to LGO recommendation to: <ul style="list-style-type: none"> • apologise to Mr X for the delay in seeking the police check; and • place a note on file in a prominent position reflecting the IO's findings on the accuracy of statements on the record about domestic violence and Mr X's brother's death. |
| School Admissions | Miss B complains that there was fault in the hearing of her school admission appeal. In particular she | LGO found the Council should have made sure it passed the papers for the appeal hearing to all the panel members before the date of the |

| | | |
|------------------------------|--|---|
| | <p>complains:</p> <p>a) The Council did not pass her evidence to the panel prior to the hearing.</p> <p>b) The Panel did not properly consider whether the school had enough resources to admit another pupil, or her son's personal circumstances and the reasons why it was unreasonable to refuse him a place at the school.</p> | <p>hearing. But the impact of this is limited and so there is no basis for the Council to conduct a fresh appeal.</p> |
| Adult Health and Social Care | <p>Miss C complains the Council did not contact her to explain the funding for her aunt's care, despite her having a power of attorney. It also did not respond when she contacted it to ask for a reassessment of her aunt's needs.</p> | <p>LGO upheld part of the complaint and recommended the Council pay £300 for the lost opportunity and the uncertainty about whether this might have made a difference to Mrs C's care.</p> |
| Waste Management | <p>Miss X says the Council is at fault for failing to address the reasons for it repeatedly missing her refuse collections.</p> | <p>The LGO found evidence of fault by the Council causing Miss X an injustice and recommended the Council apologise to Miss X and pay her £100 in recognition of the unnecessary time and trouble she has been put to. LGO also recommended the Council monitors Miss X's refuse collections for six months and provides her with details of an officer she can contact in the event of further problems.</p> |
| School Admissions | <p>Miss B complains that there was fault in the hearing of her school admission appeal. In particular she complains:</p> <p>a) The Council did not pass her evidence to the panel prior to the hearing.</p> <p>b) The Panel did not properly consider whether the school had enough resources to admit another pupil, or her son's personal circumstances and the reasons why it was unreasonable to refuse him a place at the school.</p> | <p>LGO upheld Miss B's complaint. The Council has agreed to arrange for a fresh appeal to be heard by a different panel.</p> |
| Revenues and Benefits | <p>Mr A complained the Council has not properly considered a council tax reduction overpayment. He says he asked for a discretionary reduction but the Council has not replied. He believes the Council's online claim system for council tax</p> | <p>LGO recommended the Council considers Mr A's request for a discretionary reduction in his council tax. The Council should give Mr A an opportunity to put forward his grounds and any evidence he wishes to submit. The Council should then notify</p> |

| | | |
|------------------------------|---|--|
| | reductions is faulty. | him of its decision and give him details of his right of appeal. The Council has agreed and LGO closed the complaint. |
| Revenues and Benefits | Mrs X complained the Council delayed in making housing benefit payments directly to her when her tenant was in more than 8 weeks rent arrears. Mrs X said she was caused financial loss as a result of the Council's fault. | LGO found fault and the Council agreed, within four weeks, it would: <ul style="list-style-type: none"> • apologise to Mrs X for the inconvenience she was caused; • pay her an amount equivalent to the housing benefit payments she would have received in September and October 2015; • review its complaint handling procedures to ensure that injustice caused by the Council's fault is adequately remedied. |
| Adult Health and Social Care | Mr X complains that: <ol style="list-style-type: none"> a) The Council is still, after a previous Ombudsman's recommendation, failing to provide him with appropriate support to meet his needs b) The Council charges him for his care and has given conflicting information about the charge c) He is stuck in the gap between health and social care and there is no effective co-ordination. | LGO partly upheld the complaint as the Council was at fault in not ensuring Mr X had a named social worker or care coordinator for several months in 2015. The Council assessed Mr X's needs, helped him devise a support plan and provided a direct payment. So LGO do not uphold the complaint about failing to provide appropriate support to meet his needs. Information about charging was clear and there is no fault. There has not been an annual review of Mr X's assessment and care plan. This is fault. To put matters right, the Council will carry out a review. |
| Adult Health and Social Care | Mrs U complains on behalf of her deceased mother, Mrs W. Mrs U complains about the decision of a Social Worker (Officer Z) to move Mrs W between care homes, against Mrs U's instructions that this should not happen. | LGO partly upheld the complaint as she found some faults in the Council's actions. The Council agreed to update staff in relation to lessons learned from this complaint; and to: <ul style="list-style-type: none"> • write to Mrs U apologising for the faults identified; • make Mrs U a payment of £300 for the distress, including lost opportunity, its faults caused her. |
| Planning | Mr X made a second complaint that after deciding to take action for a breach of planning control on land near his home, the Council failed to issue an enforcement notice or explain its delay. Mr X also says the unauthorised use of the land is increasing and | LGO recommended the Council pay £1,000 to Mr X in recognition of the continuing injustice its further delays caused him and his family. The Council also agreed to write direct to Mr X with an apology. |

| | | |
|-----------------------|--|---|
| | continues to cause disruption, nuisance and damage to him, his family, home and living conditions. Mr X wants the Council to issue the enforcement notice and explain the delay. | |
| Revenues and Benefits | Mr X complains the Council failed to pay his tenant's housing benefit directly to him as landlord as had been agreed | LGO recommended the Council pays Mr X £250 in recognition of its failure to properly advise Mr X or deal with his request for direct payments. |
| Childrens Social care | Miss E complained there was fault in the way Calderdale Metropolitan Council acted when she raised safeguarding concerns about her daughter | The Council had previously upheld Miss E's complaint and apologised to her. The Council also dealt with the social worker through their human resources procedures. The Council wrote an addendum to the report to correct the inaccuracies. The Council also wrote a letter to the court explaining that the assessment should not be included as an accurate document to inform any decision making in respect of Miss E's other children. The Council agreed to pay Miss E £250 in recognition of the distress caused by the actions of the social worker. |

8.2 Below is a comparison with similar sized authorities in the Yorkshire and Humber region:

| Council | AH&SC | Benefits & Council tax | Corporate | CYPS | Environment | Highways & transport | Housing | Planning & development | Total |
|------------|-----------|------------------------|-----------|------|-------------|----------------------|---------|------------------------|-------|
| Calderdale | 13 | 7 | 4 | 19 | 11 | 11 | 2 | 13 | 80 |
| Doncaster | 13 | 6 | 3 | 12 | 11 | 5 | 9 | 11 | 70 |
| Kirklees | 19 | 13 | 13 | 18 | 8 | 6 | 3 | 13 | 92 |
| Wakefield | 19 | 7 | 2 | 8 | 15 | 8 | 3 | 18 | 80 |
| Barnsley | 9 | 9 | 5 | 10 | 7 | 4 | 3 | 11 | 58 |

The LGO acknowledges in their report that the figures they provide nationally may show a variation from the Councils own figures, as these may include:

- contacts / enquiries logged directly by the LGO but not passed on to the Council
- Complaints initially recorded and reported by the Council in the previous year
- School complaints which fall outside the Councils procedure
- Complaints about privately funded care services

9. LEARNING FROM COMPLAINTS

- 9.1 The Customer Insight Team has implemented a more focussed approach to learning from complaints. Quarterly reports detailing complaints and actions that services have identified to improve customer service, will be presented to Directors. The reports will also highlight any outstanding actions and Directors will be asked to support our drive for continuous improvement across all Directorates.
- 9.2 For the purpose of this report learning from complaints has been grouped into a number of broad themes in order to highlight potential trends across the Council (see table A6) The most common theme was in relation to the need to review or update policies and or procedures in response to feedback from customers. The second most common theme is in relation to the need to improve written communication with customers.

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Sarah Richardson, Customer Access Manager, Calderdale Customer First, 1st Floor, 19 Horton Street, Halifax HX1 1QE. Tel: 01422 398094 Email sarah.richardson@calderdale.gov.uk