

Derbyshire County Council

CABINET

26 September 2012

Report of the Chief Executive

**COMPLAINTS AND COMPLIMENTS OVERVIEW 2011/12
(Leadership and Culture)**

Purpose of the Report

To inform Cabinet of the complaints received and processed in accordance with the Council's Corporate Complaints Procedure and of the Local Government Ombudsman's Annual Review Letter. The report also includes information on compliments received by the Council during the financial year 2011/12.

Information and Analysis

Number of complaints

During 2011/12, the Council dealt with 830 complaints, showing an increase of 6% from 2010/11 when 781 complaints were handled. Adult Care handled the most complaints with 42% (349) of the total, followed by CAYA 34% (279), Environmental Services 10% (84), and Cultural and Community Services 10% (80). These departments together account for 95% (792) of complaints received. During the monitoring period 96% (795) complaints were completed, i.e. 96% of complainants had been informed of the outcome of their complaint.

In October 2011, corporate complaints officers agreed to reduce the frequency of the collection of departmental complaints data from every three months to every six months in order to improve the accuracy of the complaints data collected. During this reporting period, a review of the collection of corporate complaints and compliments has led to an overall increase in the number of divisions submitting complaints information, particularly in the Chief Executives and Corporate Resources Departments.

Outcomes of complaints

The percentage of complaints upheld was 20% in 2011/12, similar to the figure of 19% for 2010/11. The percentage of complaints partially upheld fell from 21% in 2010/11 to 17% (see Table 1). 51% of complaints were not upheld. This is higher than the combined percentage for those upheld and partially upheld (37%), and also higher than the previous monitoring period 2010/11 when 45% of complaints were not upheld. The remaining 12% of complaints for 2011/12 were classified as not completed/other.

Table 1. Complaints outcomes 2010/11 - 2011/12

			Chief Executives	Corporate Resources	Cultural & Community Services	Children & Younger Adults	Environmental Services	Adult Care	Total
2011-2012	Upheld	Number	0	7	9	27	27	93	163
		%	0%	50%	11%	10%	36%	28%	20%
	Partially Upheld	Number	1	2	33	39	16	50	141
		%	6%	14%	41%	14%	21%	15%	17%
	Not Upheld	Number	0	5	38	158	32	189	422
		%	0%	36%	48%	58%	43%	57%	51%
	Other	Number	17	0	0	50	0	2	69
		%	94%	0%	0%	18%	0%	1%	8%
	Not Completed	Number	0	6	0	5	9	15	35
		%	0%	30%	0%	2%	11%	4%	4%
	Total	Number	18	20	80	279	84	349	830
		%	100%	100%	100%	100%	100%	100%	100%
2010-2011	Upheld	Number	0	0	8	26	45	70	149
		%	0%	0%	10%	14%	26%	22%	19%
	Partially Upheld	Number	0	1	22	32	39	72	166
		%	0%	50%	27%	17%	23%	23%	21%
	Not Upheld	Number	0	1	53	114	77	110	355
		%	0%	50%	64%	61%	45%	35%	45%
	Other	Number	0	0	0	15	11	64	90
		%	0%	0%	0%	8%	6%	20%	12%
	Not Completed	Number	0	0	3	8	10	0	21
		%	0%	0%	4%	3%	12%	0%	3%
	Total	Number	0	2	86	195	182	316	781
		%	0%	100%	100%	100%	100%	100%	100%

Adherence to timescales for responding to complaints

99% of completed complaints were replied to within the timescales set out in the complaints procedure. This is higher than 2010/11 when 95% of complaints were replied to within specified timescales.

Demographics

The recording of demographic information is important in monitoring the profile of complainants. However, the level of complainant demographic information collected is generally low, and varies considerably across departments. The most comprehensive data gathered is on complainant gender, with 92% of complainants disclosing this information. Comparatively, only 26% of complainants disclosed their disability status. Data was collected most consistently by Adult Care (see Table 2).

Corporate Resources (64%), Cultural and Community Services (50%), Environmental Services (68%) and Chief Executive's (44%) have a higher percentage of male complainants. CAYA (52%) and Adult Care (53%) received more complaints from women. The majority of complaints against Adult Care were made by those stated as having a disability (60%), reflecting the department's high level of service provision for disabled clients.

Table 2. Completed complaints demographics 2011/12

			Chief Executives	Corporate Resources	Cultural & Community Services	Children & Younger Adults	Environmental Services	Adult Care	Total
Gender	Male	Number	8	9	40	87	51	156	351
		%	44%	64%	50%	32%	68%	47%	44%
	Female	Number	7	5	23	142	24	178	379
		%	39%	36%	29%	52%	32%	53%	48%
	Not Stated	Number	3	0	17	45	0	0	65
		%	17%	0%	21%	16%	0%	0%	8%
Disability	Disabled	Number	0	1	2	0	0	200	203
		%	0%	7%	3%	0%	0%	60%	26%
	Not Disabled	Number	0	0	10	0	0	0	10
		%	0%	0%	13%	0%	0%	0%	1%
	Not Stated	Number	18	13	68	274	75	134	582
		%	100%	93%	85%	100%	100%	40%	73%
Ethnicity	White British	Number	0	2	23	94	0	334	453
		%	0%	14%	29%	34%	0%	100%	57%
	BME	Number	0	0	1	2	1	0	4
		%	0%	0%	1%	1%	1%	0%	1%
	Not Stated	Number	18	12	56	178	74	0	338
		%	100%	86%	70%	65%	99%	0%	43%
Age	Under 24	Number	0	1	0	2	0	0	3
		%	0%	7%	0%	1%	0%	0%	0%
	25-44	Number	0	0	7	12	0	9	28
		%	0%	0%	9%	4%	0%	3%	4%
	45-64	Number	0	0	8	6	0	110	124
		%	0%	0%	10%	2%	0%	33%	16%
	65+	Number	0	0	9	0	0	215	224
		%	0%	0%	11%	0%	0%	64%	28%
	Not Stated	Number	18	13	56	254	75	0	416
		%	100%	93%	70%	93%	100%	0%	52%

Note: Completed complaints in 2011/12 = 795

Changes to service delivery as a result of complaints received

Complaints received by the County Council relate to a combination of service and performance issues. Overall, the most complaints during 2011/12 relate to communication, with service users particularly complaining about lack of response, or responses being late or unclear. The levels of customer care and service provided, with specific reference to standards of care and the conduct and attitude of staff, are also a common complaint. In order to assist the process of addressing complaints all departments continue to reinforce the Council's Customer Service Charter protocols through staff meetings and corporate Putting People First training. In particular, training on the Corporate Complaints Procedure and Guidance has been given to complaints recording officers new to the scheme, including staff in the Registrars Service. Actions taken by individual departments in response to complaints received about service provision during 2011/12 are outlined below.

- **Adult Care**

Adult Care has addressed complaints on communication issues by reminding officers that information provided to members of the public must be clear and concise. For example, following a complaint about trips from Day Centres, a new agreement has been reached to ensure that details of planned trips are provided to the client and carer in writing and that confirmation is required to secure a place. As a result of complaints on the loss of clothing when transferring or discharging a client from residential care, Adult Care has introduced a revised policy to ensure a clothing audit is carried out when transfers take place.

- **Children and Younger Adults (CAYA)**

Following complaints around communication, and to aid clarity between service users, other agencies and the department, CAYA has included report writing as part of its staff development and training plans. Conference time frames have been introduced for individual cases in order to reduce the number of complaints around unannounced visits or missed case conferences.

- **Environmental Services**

Environmental Services received a number of complaints concerning poor performance, standards of workmanship and quality of materials used by external contractors. As a result, Environmental Services officers have issued warnings to contractors, including the possible removal from the approved list of contractors for a period of time. Following the case of a Council employee being fined for flytipping, and complaints received about Council drivers using mobile phones while driving, the illegality of these actions has been emphasised at the regular Environmental Service staff "Tool Box" talks.

- **Cultural and Community Services**

In response to complaints about the behaviour of service users in libraries, staff in the Libraries and Heritage Division have been trained on dealing with unacceptable behaviour in public areas.

- **Corporate Resources**

After receiving complaints about the lack of co-ordination on projects between Council departments, Property Services has held inter-departmental meetings to improve co-ordination on projects. A complaint about the development of land at the side of a canal has led to Property Services ensuring that any proposed disposal of public open space is properly advertised in accordance with Section 123 of the Local Government Act 1972.

- **Chief Executive's**

To enhance service provision as a result of complaints received on caller waiting times, Call Derbyshire duty managers now monitor real-time incoming call flows, message facility availability and online access to services promoting in-queue messages where applicable. Extra staff have been recruited to address the length of telephone queuing times experienced by callers, and existing staff are being trained on other services to give more flexibility and expertise to answer questions.

Local Government Ombudsman (LGO)

The LGO issues an Annual Review Letter for each local authority setting out key reflections on the complaints dealt with over the year. The LGO Annual Review Letter 2011/12 and the LGO Local Authority Report for Derbyshire for the year ended 31st March 2012 are attached as Appendix A. All of the Ombudsman's annual review letters are published on their website (www.lgo.org.uk) and copied to the Audit Commission. Derbyshire's Annual Review Letter has also been published on the Council's website:

http://www.derbyshire.gov.uk/council/contact_us/complaints/ombudsman/default.asp

The aim of the Annual Review Letter is to provide councils with information which will help them improve complaint handling and their services more generally, for the benefit of the public. A summary of statistics relating to the complaints against the Council received by the Ombudsman is included in the letter.

For the period ending 31 March 2012, the LGO received 89 enquiries and complaints relating to Derbyshire County Council. This compares to 83 enquiries and complaints in the previous year. The numbers of complaints relating to Highways and Transport fell from 16 in 2011 to 11 in 2012 and 4 complaints relating to Planning and Development were received by the LGO in 2012 compared to 8 in the 2011. The enquiries and complaints received about Education and Children's Services increased slightly from 29 in 2011 to 32 in 2012.

Whilst the number of complaints received increased slightly the number of decisions made by the investigative team decreased from 44 in 2010/11 to 41 in 2011/12. The average response time for first enquiries increased slightly to 28.5 days compared to 27.5 days in the previous year.

The LGO letter refers to a complaint which was investigated during the year in relation to schools admissions affecting a small number of children in a Reception

Class in one of the Authority's schools. The Authority's school admission policy allowed all children living in a primary school's normal area who were going into Reception class in September to have places at the school. On occasion this could lead to a school exceeding its published admission number. The Ombudsman did not find that there had been an injustice in this case but the Authority has changed its admissions criteria to include a distance tie-breaker for children living in the normal area, to comply with the Ombudsman's recommendation.

Compliments

The recording of compliments allows the County Council to understand the areas that the Authority is doing well in, and identify practices and procedures that can be preserved or applied to other departments. As such they are an important source of feedback from the general public and service users. This report does not make direct comparison between the numbers of complaints and numbers of compliments received. Whereas corporate complaints follow national guidance, agreed corporate procedure and recording protocols, there is no corporate policy on the recording of compliments. The inclusion of compliments provides a balance to complaints received.

During 2011/12, the Council received 1419 compliments. This is an increase of 13% from 2010/11 (1251). Cultural and Community Services received the most compliments with 610 (43%), followed by Environmental Services who received 338 (24%), and Adult Care 315 (22%). The significantly higher number of compliments for Cultural and Community Services can be accounted for by the inclusion of those for the new South Normanton Library, and for the first time, those received by Buxton Museum.

Table 3. Compliments received by Department 2010/11 – 2011/12

		Chief Executives	Corporate Resources	Cultural & Community Services	Children & Younger Adults	Environmental Services	Adult Care	Total
2011-2012	Compliments	54	28	610	74	338	315	1419
	% of All	4%	2%	43%	5%	24%	22%	100%
2010-2011	Compliments	9	9	344	89	397	403	1251
	% of All	1%	1%	27%	7%	32%	32%	100%

Across all departments, a significant number of compliments related to customer service, with the enthusiasm, helpfulness and professionalism of staff being common themes. In particular, customer service accounted for all the compliments in Call Derbyshire (18), 69% of the compliments in CAYA, and 59% in Corporate Resources. Analysis of compliments received by each department is outlined below.

- **Adult Care**

Within Adult Care, the highest number of compliments related to residential care and home care services, known as Direct Care services (202), and 104 within Fieldwork services, which include Care Management, Social Work and Community Care Work Assessment service areas. Across these service areas compliments referred to staff as being friendly, thorough, respectful and professional. In Direct Care services staff were particularly praised for being highly professional and sincere while giving wonderful support. The Home care Re-ablement service, that supports people to live in their own home, was complimented for encouraging and supporting clients to build up confidence again.

- **Children and Younger Adults**

A number of compliments highlighted the high standard of professionalism by social workers in CAYA, particularly in the areas of fostering and adoption (40).

- **Environmental Services**

The highest number of compliments for Environmental Services covered highway maintenance (157), with some comments noting the quick response to, and level of workmanship of pothole repairs. Compliments received on waste management (43), included comments on the ease of use of the new Northwood Household Recycling Centre. A similar number of compliments received by Countryside Services (42) included those from visitors to the Woodland Festival at Elvaston, who had found the day inspiring and enjoyable.

- **Cultural and Community Services**

Large numbers of compliments in the Trading Standards Division referred to the “excellent service” provided by the Trusted Trader Scheme (40 out of 87), including the development of the new website. A number of compliments received by Libraries and Heritage Division praised the role of libraries. The number of compliments received during 2011/12 by Buxton Museum (141) has been included, with visitors praising both the museum and the art gallery.

- **Corporate Resources**

All the compliments reported by the Corporate Resources Department were for Property Services. The majority of compliments referred to the high level of workmanship, professionalism of staff and good communication (16). One compliment praised the Estates Division for support to external businesses.

- **Chief Executive's**

Within the Chief Executive's Department, compliments about service provision included the organisation of the Food Awards by Economic Regeneration (7), the support and actions of Emergency Planning during the adverse weather conditions (3), and the organisation and running of events and conferences by Derbyshire Sport (10). During this monitoring period Sport England complimented Derbyshire Sport on successfully raising the levels of volunteering for youngsters aged 16-19 from 9% in 2003/04, to 22% in 2008/09.

A compliment for the Youth Offending Team particularly praised a member of staff in their understanding of young people in order to achieve positive results.

Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

Key Decision

No

Call-in

Is it required that call-in be waived in respect of the decisions proposed in the report? – **No**

Officer Recommendations

It is recommended that Cabinet:

1. Note the key issues relating to the complaints procedure, the monitoring of complaints, and changes to service which have resulted from complaints received.
2. Receive a report on the progress and developments on complaints and compliments following the end of the 2012/13 monitoring period.

Nick Hodgson
Chief Executive

Appendix A

22 June 2012

Local Government OMBUDSMAN

Mr N Hodgson
Chief Executive
Derbyshire County Council
County Offices
MATLOCK
DE4 3AG

Dear Mr Hodgson

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation ([see our website](#)).

The statistics also show the time taken by your authority to respond to written enquiries.

One of the complaints investigated during the year illustrated how a matter that appears small can have very serious consequences. The Council did not include a 'tie-breaker' in one of its criteria for giving children places at a primary school - 'children living in the catchment area'. The Schools Adjudicator told the Council it was not complying with the statutory Code on School Admissions. The Council disagreed and decided to take no action. It says that in rural areas not giving a school place to all the children in a catchment area could leave some without a place at all.

The primary School had a planned admission number of 45 but 49 children in the catchment area applied. The Council directed the School to take all 49 children.

An independent Appeals Panel heard appeals for places for 11 children from outside the catchment area. The School explained that it had no room for more than 45 children and could not create extra classrooms because it was in a conservation area. If more than 45 places were given children would have to be taught outdoors - that is without a building.

The Appeal Panel gave places to four more children. 52 children started in the reception class in January 2011. They had to be taught outdoors for part of their school day. As outdoor learning is part of the curriculum for their age I could not say that this was an injustice. At very short notice, the Council funded building work and changes to the site that were finished in November 2011. This meant that there was space for all the children by the time they were in year 1.

I hope the Council will reconsider its response to the Schools Adjudicator and look at the experience of other rural education authorities.

During the year our liaison officer changed. I want to take this opportunity to record our appreciation of Mr McElvaney's personal contribution to the long standing, professional, constructive relationship between this office and the Council. We are confident this will continue under the new arrangements.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available [on their website](#).

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.

Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on [our website](#).

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anne Seex'.

Anne Seex
Local Government Ombudsman

Local Authority Report - Derbyshire CC For the period ending - 31/03/2012

Local authority report - Derbyshire CC

for the period - 01/04/2011 to 31/03/2012

LGO advice team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
Advice given	1	1	1	10	1	1	0	0	15
Premature complaints	5	0	0	6	1	2	1	1	16
Forwarded to Investigative team (resubmitted)	7	0	0	2	0	2	0	0	11
Forwarded to Investigative team (new)	13	0	2	14	3	6	0	3	41
Total	26	1	3	32	5	11	1	4	83

Investigative team - Decisions

Not investigated			Investigated			Report	Total
No power to investigate	No reason to use exceptional power to investigate	Investigation not justified & Other	Not enough evidence of fault	No or minor injustice & Other	Injustice remedied during enquiries		
3	2	14	11	8	6	0	44

	No of first enquiries	Avg no of days to respond
Response times to first enquiries	13	28.5