

## **ANNUAL COMPLAINT REPORT 2011/12 FOR SOCIAL CARE HEALTH AND HOUSING**

**Contact Officer: Dan Kennedy,  
Service Manager – Performance and  
Intelligence**

**Telephone: 01895 250495**

### **Purpose of the report**

Using feedback from residents to improve services is a key element of putting our residents first in Hillingdon. This includes feedback in the form of complaints.

This report provides information and analysis of complaints and Members Enquiries received between 1 April 2011 and 31 March 2012 for the following procedures:

- **Housing Services (corporate complaints procedure);**
- **Adult Social Care (statutory complaints procedure);**
- **Children Social Services (statutory complaints procedure); and**
- **Member's enquiries.**

Within this report the data shown for each area is shown separately because the complaint procedure for each area is different. For Adult and Children Social Care complaints Local Authorities are required to follow the procedures set by the Department of Health / Department for Education through legislation whereas the corporate complaints procedure is agreed locally. Whatever procedure is used the Council aims to make it as easy as possible for people to provide feedback and aim to resolve all complaints at the earliest opportunity. Learning from complaints is used to drive up customer satisfaction and make service improvements. This report satisfies the requirement to publish annual information about complaints received for social services.

### **OPTIONS OPEN TO THE COMMITTEE**

**Members of the Committee discuss and comment on the annual report and use the report to inform their overview activities.**

1. Members of the Committee note the contents of the annual report.
2. Members of the Committee agree to raise any concerns with the relevant Cabinet member

## **SUMMARY OF ANALYSIS**

Overall, when comparing the number of complaints received at Stage 1 for 2011/12 (284) with the number received in 2010/11 (257) there has been a small increase of 27 (11%). Of the 284 complaints, 165 were either upheld or partially upheld and they were largely resolved by apologising for what happened, which in most cases involved putting right what had gone wrong or in communicating a decision more fully or in a more sensitive way.

### **a. Housing (see annex 1 for further information)**

- Fewer housing complaints were recorded for 2011/12 (159) in comparison with previous years - 2008/09 (384), 2009/10 (256) and 2010/11 (166). This is largely due to the integration of housing service enquiries into the council's contact centre which successfully resolved many concerns from residents at the first point of contact preventing the need to escalate to the complaints procedure.
- Of the 159 new housing complaints recorded for 2011/12 - 144 were resolved at Stage 1 with only 15 proceeding to Stage 2. Of the 15 Stage 2 complaints 11 were resolved at this stage. Of the 4 remaining Stage 3 complaints two were not upheld, one was partially upheld and one withdrawn.
- Of the 159 new complaints, 58 were not upheld, 35 were upheld, 58 were partially upheld, 6 were withdrawn and 2 were outside our jurisdiction to deal with.
- The Local Government Ombudsman (LGO) received 8 housing related enquiries for 2011/12, which compares favourably with previous years – 2009/10 and 2010/11 when 10 complaints were received. Of the 8 enquiries considered by the LGO, five were not upheld and three were upheld.

### **b. Adult Social Care (see annex 2 for further information)**

- Overall the number of adult social care complaints received during 2011/12 increased when compared to previous years - 2011/12 (69) with 2010/11 (51). This increase is due, in part, to a review of care packages that took place during 2011/12 which resulted in recommendations for clients to benefit from reablement or a reduction in the hours of care directly paid for by the Council. A number of clients or their relatives were dissatisfied with their offer and chose to complain.
- Of the 69 complaints received, almost half (32) were not upheld, 11 were upheld, 22 were partially upheld and 4 were withdrawn.
- For adult social care complaints when a client is dissatisfied with the decision of the Council at the local resolution stage of the process, they can escalate their complaint to the LGO.
- The Ombudsman reported a total of 11 complaints escalated beyond the Council's complaints process in 2011/12 an increase when compared to the five LGO

complaints for adult social care in 2010/11. Of the 11 complaints escalated to the LGO – most (seven) were discontinued, one was partially upheld and three were upheld.

### **c. Children and Family Services (see annex 3 for further information)**

- The number of complaints related to children's social care during 2011/12 has risen when comparing 2011/12 (56) with 2010/11 (40). This is accounted for by the increase in complaints recorded against the Children in Need team – 6 recorded complaints in 2010/11 but 22 in 2011/12.
- Of the 56 new children social care complaints received for 2011/12, 39 were upheld (either fully or partially), 12 were not upheld and 5 were withdrawn by the complainant.
- No complaints escalated to Stage 2 during 2011/12 but subsequently three complex complaints logged in 2011/12 have since been escalated to Stage 2 and the investigations are ongoing. However, the Committee should note that in comparison with other Local Authorities in London, who receive up to 12 Stage 2 complaints annually, we have far fewer Stage 2 complaints overall.
- There were no Stage 3 complaints during this period and for the previous two years.
- The Committee are asked to note that the focus of officers is to bring complaints to a resolution at an early stage. This approach is often what the complainant wishes and also saves the Council money by avoiding the need to commission an independent investigation of the complaint at stage 2 of the complaints procedure. The impact of this approach is that it can take longer to resolve stage 1 complaints through extended negotiation and discussion with complainants to resolve the complaint - of the 51 complaints, 47% were dealt with within the 10 working days target (from receipt to final resolution).

### **d. Members enquiries (see annex 4 for further information)**

- Social Care Health & Housing received 1,099 enquiries from Members for 2011/12. When comparing the figure for 2010/11 of 903 with 2011/12, this is a 21% increase.
- Of the 1,099 enquiries, Housing accounted for 885 (80%), Adult Social Care 141 (13%), Children and Families 41 (4%) and Commissioning, Contracts and Supply 31 (3%).

## **BACKGROUND INFORMATION**

### **1. The Council's Vision**

The Council's vision is about 'putting our residents first'. We do this by working closely with customers and listening to their views including customers' complaints, resolving these as soon as possible and using their feedback to prevent similar complaints for the future.

## **2. What is a Complaint?**

In general terms a complaint can be considered as:

*“an expression of dissatisfaction by telephone, personal visit or in writing, about the standard of service, actions or lack of action by the council or its staff affecting an individual or group of customers.”*

## **3. How can people complain?**

Complaints can be made in person, by telephone, in writing, by fax, via our website or email, either directly to the service area, Contact Centre or to the Complaints and Service and Improvement Team.

## **4. The Complaints Procedure**

There is not one single complaints procedure that applies to all three services across Social Care Health and Housing. This is because some complaints are dealt with differently for legal reasons (adult social care and children and family complaints) whereas Housing complaints are managed in accordance to the Council's locally agreed corporate complaints procedure.

## **5. Compensation payments**

If after an investigation by council staff or the Local Government Ombudsman (LGO), it is concluded that as a result of maladministration by council staff it has resulted in a complainant suffering a financial loss, the LGO may recommend that compensation should be offered to the complainant.

## **6. What has the Council done to improve complaint handling?**

The Council sees every complaint as an opportunity to learn from customers about what works and what does not. As a result of complaints received during 2010/11 the Council has:

- made efforts to improve written communications to ensure that it is in plain language i.e. explanation of housing benefit decisions and changes;
- one-to-one discussions with individual members of staff and review their written communication before letters are sent to customers;
- updated and published a written complaint procedure for Adult Social Care complainants to use;

- targeted action and visits to care providers to review and follow up on quality of care issues to ensure care standards are met; and
- identified that complaints involving contractors needed to identify at the outset who will respond to which aspect of a complaint. This has resulted in early resolution of complaints.

## **7. What is the Council doing to improve complaint handling?**

The Council will continue to seek feedback from those residents who have had cause to complain. During 2012/13 we will use feedback to improve our complaint handling processes and make service improvements by focusing on:

- all managers handling complaints will attend bespoke and targeted briefings concentrating on conducting thorough investigations, not to be defensive about complaints but deal with them fairly and providing high quality responses dealing with all issues raised;
- providing Adult Social Care and Children and Family Service staff with written advice and guidance on handling complaints. The written material includes guidance on how to conduct investigations, useful responses and a 'tried and tested' approach to use in written responses to complainants and information about their role in the complaint process;
- raising awareness of complaints as a positive tool for the organisation to use to make service improvements;
- providing a responsive complaints service that delivers early resolution and by doing so reduces the likelihood of complex complaints escalating to the LGO; and
- conducting surveys of complainants to obtain their feedback on how their complaint was handled and using feedback to see what we can do to improve our processes.

## Background Documents

### Annex 1 – Complaints about Housing Services

The figures shown in this section have been separated into Hillingdon Housing Service and LBH Housing services for the purposes of this report.

#### 1. The Complaint Procedure

Housing complaints are managed in line with the Corporate Complaints Procedure. This procedure operates as follows:

- Stage 1 – response from the Head of Service
- Stage 2 – response from the Corporate Director
- Stage 3 – response from the Chief Executive of the Council
- Local Government Ombudsman

A more detailed explanation of how the complaint procedure operates, the main complaint themes and statistical data for each stage of the process is provided below.

#### The Informal complaint

The process of complaints resolution involves talking to the customer/resident and talking through the issues they have raised, clarifying any points and understanding what outcome they are seeking to achieve. As a result, in addition to the formal complaints procedure, the Complaints and Service Improvement Team take customer enquiries or 'concerns' and deal with them promptly and informally. This is because feedback we have received from residents indicates that most want action to resolve the issue quickly and are happy that this is undertaken informally.

This emphasis to resolve issues and concerns quickly and avert the need to escalate these to a formal complaint has resulted in a significant reduction of complaints at Stage 1 when comparing 2008/09 (384) with 2011/12 (159). See Table 1 below.

When comparing 2010/11 (92) with 2011/12 (104) there is a small increase in complaints received by Housing Services but when compared with 2008/09 (171) there has been a significant reduction.

**Table 1 - Comparison of Stage One Complaints**

Service Area	2008/09	2009/10	2010/11	2011/12
Housing Services	171	126	92	104
Hillingdon Housing services	213	130	74	55
<b>Total Housing</b>	<b>384</b>	<b>256</b>	<b>166</b>	<b>159</b>

Education & Children's Services Policy Overview Committee – 21 November 2012

### a. Stage 1 – Head of Service

Managers of the service complained of or external contractors providing services on behalf of the Council are expected to resolve as many problems and complaints as possible at this point. The complaints procedure requires complaints to be acknowledged within 3 working days and responded to within 10 working days.

During 2011/12 we recorded in total 159 new housing complaints. Statistics show that 144 (89.5%) out of 159 complaints were resolved at this stage of the complaint process by the intervention of a manager. Of the 159 complaints, 58 were not upheld, 35 were upheld, 58 were partially upheld, 6 were withdrawn and 2 were outside our jurisdiction to deal with.

Interrogation of complaint data has highlighted three main causes why residents complain about housing issues. This is set out below in Table 2 together with further information about the reasons why residents complained.

**Table 2 – Summary of complaints received by theme at stage 1 (2011/12):**

<b>Theme</b>	<b>Housing Services</b>	<b>Hillingdon Housing Services</b>	<b>Total</b>
Policy decisions	3	0	3
Staff attitude or slow service	10	4	14
Service Failure	91	51	142
<b>Total</b>	<b>104</b>	<b>55</b>	<b>159</b>

#### **Policy decisions** (3 complaints)

The reasons for complaining were as follows:

- two people were unhappy with the criteria used to assess their Locata banding; and
- dis-satisfaction with the Council's decision to assess a person as not homeless. They felt that they were homeless and should, therefore, have had access to social housing options. Wherever possible advice and information about alternative housing options is offered as well as well as how to access more suitable housing in the private sector.

#### **Staff attitude/slow service** (14 complaints)

The main reason for complaining was because residents felt that Council Officers communicated decisions in a non-empathetic way to people who approach the council for assistance. As a result of these complaints we have raised awareness with teams and

individual members of staff for the need to convey information/decisions in a sensitive way and to provide an explanation for the decision.

### **Service failure** (142 complaints)

The main reasons for complaining were as follows:

- about delays or a lack of understanding about the way in which benefits are calculated with customers/residents feeling that they should be entitled to more benefits. Improvements have and continue to be made to help people who apply for housing benefits to understand how their benefit is calculated;
- complaints from residents about disputes with their neighbours. Generally these are referred to our anti-social behaviour team to deal with.
- complaints about the decision not to replace kitchens, bathrooms and windows. In most cases the existing kitchen / bathroom / windows were found to meet the required minimum standard and will be considered for replacement during the next scheduled planned maintenance programme;
- complaints about mould and dampness in some properties. In response the Council has provided advice to tenants about ventilating and heating their property;
- complaints about water leaks from neighbouring properties (usually flats above) from tenants / residents;
- contractors not keeping to scheduled appointments. This has been followed up with the contractors throughout the year; and
- dis-satisfaction with the repairs undertaken. However, when comparing 2011/12 with previous years this has fallen significantly. This has been helped by Council staff trying to resolve any representations quickly and satisfactorily at the point of contact before they become complaints. Further information about these improvements is provided below.

### **Example of Service Improvements Made to Reduce Complaints**

#### **What has been done to improve Housing repairs performance?**

In order to be more customer focussed, to reduce the potential for complaints and to allow the service to better manage customer expectations, the following action has been taken when responding to requests for repairs:

- Explaining to tenants what they can expect and how long it will take to complete a repair;
- Giving ownership of the case to one individual in the repairs team to oversee the work;



- A case remains visible and is not lost amongst all the other work being dealt with;
- To have an open case file in which all actions and correspondence is recorded onto the housing IT system. This is helping to ensure that a complete record of actions is available for contact centre staff when a tenant or leaseholder calls to enquire on the progress of their repair;
- Regular discussion between staff and managers regarding open cases and to act on delays;
- The allocated person in the repairs team to keep the tenant or leaseholder regularly informed of progress in resolving the case;
- Before closing a case to review it and identify any lessons learned; and
- To share with staff the impacts that can result from delays – both for residents and for the Council – and to emphasise the need to manage these cases well.

**Table 3 – Key Performance Indicator – Housing Repairs**

<b>Measure</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
Appointments kept	99.3%	99.1%	99.2%
Average number of days to complete a repair	14	13	11
Number of repeat calls/visits	901	603	223
Jobs completed	30,401	31,314	29,422
Voids completed	615	474	526

### **High level analysis**

- Over the past three years 99% of appointments made have been kept by the repairs service and its contractors;
- The average number of days to complete a housing repair has reduced from 14 in 2009/10 to 11 in 2011/12. This is a significant achievement; and
- The number of repeat visits to fix a repair has reduced from 901 in 2009/10 to 223 in 2011/12, which is a significant reduction.

### **b. Stage 2 – Corporate Director**

The Corporate Director or their representative will carry out an investigation and respond to complaints within 10 working days.

**Table 4 – Total Number of Housing Complaints Progressing to Stage 2**

<b>Service Area</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
Housing Services	12	5	7
Hillingdon Housing Service	14	8	8
<b>Total</b>	<b>26</b>	<b>13</b>	<b>15</b>

During 2011/12, 15 complaints progressed to Stage 2 of the complaints procedure. Of the 15 Stage 2 complaints, five (33%) were not upheld, seven (47%) were partially upheld, three were upheld (20%).

A breakdown is provided below of the seven Housing Service and eight Hillingdon Homes complaints that progressed to Stage 2 with an explanation provided of the action taken to resolve them.

### **Housing Services**

<b>Complaint details</b>	<b>Outcome</b>	<b>Action taken</b>
HC-000857 Alleged lack of support and advice given during a homeless application.	Partially Upheld	Upheld complaint that the decision could have been conveyed more sensitively. Did not uphold complaint about communication being unclear.
HC-000865 Complaint about the decision of being 'intentionally homeless' by LBH.	Not Upheld	No maladministration identified.
HC-000915 Complaint that all people bringing sensitive confidential data should be given an appointment.	Partially Upheld	Benefit Service is to introduce an appointments system, which is to be robust and customer focussed.
HC-000973 Complaint about the housing priority banding scheme and advice given regarding the bidding process.	Not Upheld	No evidence of maladministration – housing application dealt with properly.
HC-000980 Complaint about the management of housing needs.	Not Upheld	No evidence of maladministration – housing application dealt with properly.
HC-001049 Unhappy that the council did not follow procedures when dealing with a homelessness application.	Partially Upheld	Upheld complaint that the decision could have been conveyed more sensitively. However, did not uphold complaint that procedure (legislation) was not followed.
HC-001067	Partially Upheld	Upheld complaint that client was

<b>Complaint details</b>	<b>Outcome</b>	<b>Action taken</b>
Complaint about an alleged breach of confidentiality.		not told the implication of giving consent to share information for his housing application.. However, did not uphold complaint that his confidentiality had been breached as he had given written consent for this to be done.

### Hillingdon Housing Service

<b>Complaint details</b>	<b>Outcome</b>	<b>Action taken</b>
HC-000628 Complaint about the failure to identify dampness.	Upheld	We agreed to carry out works to address the damage caused by the leaks from the flat above.
HC-000764 Complaint that the manager was not providing entertainment for the residents living in sheltered accommodation.	Partially Upheld	Upheld complaint that communication to the residents should have been clearer about what will be provided. Did not uphold complaint that manager was contractually obliged to arrange provide entertainment.
HC-000890 Complaint about damp problems that had not been resolved for over 2 years.	Partially Upheld	Upheld complaint that there had been a delay in dealing with damp. Did not uphold cause of dampness that this was due to Local Authority.
HC-001015 Tenant complained about anti-social behaviour activities.	Upheld	Officers advised of steps to take when dealing with a management transfer i.e. what assistance the council will provide.
HC-001087 Utilities were not working for three weeks after the tenant moved in and as a result she incurred costs of temporary heating.	Upheld	We accepted that the complainant was entitled to the reimbursement of the temporary heating costs and have paid these to the tenant.
HC-001090 Complainant unhappy with water supply to the block of flats (lack of water pressure).	Not Upheld	This problem required a difficult technical investigation to find the cause of the fault.
HC-001090 Complaint that two further	Not Upheld	This problem required a difficult technical investigation to find the

Education & Children's Services Policy Overview Committee – 21 November 2012

<b>Complaint details</b>	<b>Outcome</b>	<b>Action taken</b>
breakdowns (water pressure) in water supply to the block of flats after it had been repaired.		cause of the fault.
HC-001179 Complaint that her telephone call was terminated by a Council Officer and that this was a breach of her Human Rights.	Partially Upheld	Upheld complaint that we should have told the resident why her telephone call was being terminated. Did not uphold complaint that her Human Rights had been breached.

### c. Stage 3 – Chief Executive of the Council

The Chief Executive commissions an investigation by an officer in Democratic Services and responds to the complainant in light of the findings of the investigation.

During 2011/12, four complaints progressed to Stage 3 of the complaints procedure, this compares favourably with 2010/11 (4) and 2009/10 (3). Please see table 5 below

**Table 5 – Total Number of Complaints Progressing to Stage 3**

<b>Service Area</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>
Housing Services	2	2	4
Hillingdon Housing Service	1	2	0
<b>Total Housing</b>	<b>3</b>	<b>4</b>	<b>4</b>

A breakdown is provided below of the four Housing service complaints which progressed to Stage 3 with an explanation provided of the action taken to resolve them. Only one of the four complaints was partially upheld. Hillingdon Housing Service received no Stage 3 Complaints.

<b>Complaint details</b>	<b>Outcome</b>	<b>Action taken</b>
HC-000642 Complaint about inability to resolve vermin problem in a private sector property.	Partially Upheld	Upheld the part of the complaint that council staff did not keep the tenant informed of what action was being taken to resolve the vermin problem. Did not uphold the complaint that the tenant's questions had not been answered.
HC-000711 Complaint about vermin.	Withdrawn	Complaint withdrawn as action taken by the Council to deal with rodents.
HC-000980	Not Upheld	No maladministration

Complaint about a 'rushed' homeless application and incorrect banding on housing waiting list.		identified.
HC-001114 Complaint about perceived failures in processing a homeless application	Not Upheld	Council acted in accordance with legislation and guidance.

#### d. Taking it further - Local Government Ombudsman (LGO)

The LGO is empowered to investigate complaints where it appears that our own complaints procedure has not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the LGO normally refers the complaint back to us if a complaint has not been through all three stages of the local complaints procedure.

We work with the Ombudsman to ensure that they are informed of the rationale of our decision-making and we openly apologise when we need to. As a result of our approach and the lack of evidence from complainants to support their complaint, the LGO have decided to investigate fewer complaints made against this council during 2011/12. Please see table 6. We will continue to adopt this approach and co operate with the Ombudsman in their investigations.

**Table 6 Hillingdon complaints/enquiries received by the LGO**

Service Area	2009/10	2010/11	2011/12
Housing Services	7	8	6
Hillingdon Housing Service	3	2	2
<b>Total Housing</b>	<b>10</b>	<b>10</b>	<b>8</b>

When comparing 2011/12 (8) with the previous two years (10), there has been a small reduction in the number of complaints escalating to the LGO. See table 6 above. The table below provides a breakdown of the eight complaints that were dealt with by the LGO – none of these complaints were upheld.

Complaint Details	LGO Decision	Recommendations
HC – 000628 Complaint about damage caused by the leak by the tenant above her flat.	Not upheld	Discontinued on the basis that we carried out works to address the damage caused by the leaks.
HC – 000658 Complaint by a neighbour that she was not consulted by the Council of a rear extension to her neighbours property.	Not Upheld	LGO discontinued their investigation on the basis that we apologised to the complainant and pay £250 in compensation.
HC – 000865 Complaint that a tenant should not	Not upheld	Discontinued on the basis that the complaint had

<b>Complaint Details</b>	<b>LGO Decision</b>	<b>Recommendations</b>
have been evicted because her arrears had been paid three days before she was evicted.		been submitted prematurely to the LGO
HC – 000894 Complaint that the Council had awarded a tenant a Band D priority for re housing.	Not upheld	Discontinued on the basis that we reassessed need and upgraded the complainants Banding to B.
HC – 000980 Complaint that the Council treated the complainant unfairly by failing to allocate him a council property despite his mental health problems.	Not upheld	Complaint submitted too late i.e. outside 12 month.
HC – 001148 Complaint that the council has not re-housed a tenant because she has asthma.	Not upheld	LGO decided that there was no evidence of fault by the Council.
HC – 001149 Complaint that the Council was wrong to decide that she was intentionally homeless and that the Council failed to provide emergency accommodation pending review.	Not upheld	Discontinued on the basis that there were alternative remedies open to the complainant i.e. appeal the decision to the courts.
HC – 001176 Complaint that the Council refused to accept a homeless application from her or provide her with temporary accommodation.	Not upheld	Discontinued on the basis that there were alternative remedies open to the complainant i.e. appeal the decision to the courts.



## Annex 2 – Complaints about Adult Social Care Services

The procedure for dealing with Adult Social Care complaints is regulated by the 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009'. This sets out the two stage complaint procedure that Local Authorities are required to follow and it applies to older people, people with a physical disability, people with a learning disability and other vulnerable people. This is the same procedure used by health care services.

### The Complaint Procedure

The complaint procedure is as follows:

- Stage 1 – Local Resolution.
- Local Government Ombudsman.

This procedure is far less prescriptive, and operates a one stage procedure, with escalation directly to the LGO should the complainant be dissatisfied with the response from the Local Authority. The intention of this procedure is to allow the Local Authority the opportunity to:

- seek effective and complete resolution at the first attempt;
- to remove bureaucracy; and
- designed to empower complainants in shaping from the outset the approach to the complaint.

### Stage 1 – Local Resolution

**Table 7 - Comparison of Stage One Complaints**

Service Area	2008/09	2009/10	2010/11	2011/12
Learning Disability	18	15	4	6
Mental Health	5	1	0	3
Older People	74	37	30	42
Physical/sensory Disability	13	6	17	18
<b>Total Social Care</b>	<b>110</b>	<b>59</b>	<b>51</b>	<b>69</b>

Table 7 sets out the number of complaints received at Stage 1 of this procedure. When comparing 2011/12 (69) with 2010/11 (51) this is an increase of 18. Of the 69 complaints 32 were not upheld, 11 were upheld, 22 were partially upheld and 4 were withdrawn

**Table 8 – Summary of complaints received by theme at stage 1**

Theme	Adult Social Care
Policy decisions	1



Staff attitude/slow service	5
Service Failure	63
<b>Total</b>	<b>69</b>

**Policy decisions** (1 complaint)

One family complained that they should not have to pay for their mother's care.

**Staff attitude/slow service** (5 complaints)

The reasons why people complained were as follows:

- Three people did not agree with the outcome of occupational assessments because they felt that the assessment did not take into account the full needs of the person being assessed. It was their view that the assessment was not conducted in line with the Council's eligibility criteria/policy for social care; and
- Two people complained because they felt that decisions were communicated to them in a non-empathetic way.

**Service failure** (63 Complaints)

The reasons why people complained were as follows:

- Four complaints about home carers not attending a client's home in line with the care plan;
- Five people complained about the quality of residential and nursing care provided;
- Five complained about the lack of communication or that regular updates were not provided;
- 10 people were unhappy at the length of time they had to wait for assessments to be carried out;
- 12 people were unhappy that a review of peoples needs was carried which led to changes to existing care packages. They were unhappy with the recommendations made (Reablement) and care packages (changes to Direct Payments);
- 12 people complained about Direct Payments (DP) – disputed monies requested, reductions in the care package, not informed that they were entitled to DP and unhappy that DP were discontinued following reviews/re-assessments; and
- 15 complaints related to a range of different issues such as the perceived lack of help from social services, dissatisfied with the advice provided by a member of staff, unhappy with the conduct of an advocate, delay in responding to their concerns, unhappy that therapy was withdrawn without any consultation.

As a result of these complaints we have:

- asked private/voluntary sector home care providers and residential/nursing home providers to look into complaints and address the concerns;
- undertaken regular visits to care providers by the Council's Care Inspection Team and this has contributed to improvements in the quality of care provided;
- staff have been reminded of the need to ensure that information is provided at regular and timely intervals;
- care packages cannot continue year on year without being reviewed but there is a requirement to carry out a re assessment at regular intervals. Staff from the Reablement Team are asked to provide intensive support to people for up to six weeks, which may enable that person to lead a more independent life; and
- the Direct Payments Agreement provides people with information on how Direct Payments will operate and what they can use it for. Where people are unclear they are advised to contact the Direct Payments team.

### Local Government Ombudsman

**Table 9 – Comparison of Stage 2 complaints escalated to the LGO**

Service Area	2009/10	2010/11	2011/12
Learning Disability		1	3
Mental Health		0	0
Older People	4	3	6
Physical/sensory Disability	1	1	2
<b>Total Social Care</b>	<b>5</b>	<b>5</b>	<b>11</b>

During 2011/12 there has been an increase in the number of complaints progressing to the LGO compared to the previous year. However, only three of these complaints was upheld. A breakdown is provided below of the 11 Adult Social Care complaints that progressed to Stage 2 with an explanation provided of the action taken to resolve them.

### Adult Social Care LGO Referrals

Complaint Details	LGO Decision	Recommendations
HC-000704 Complaint about the assessment process and the conduct of the Care Manager.	Outside their Jurisdiction	N/A
HC-000722 Complaint about the appropriateness of the placement of client and the time it took to carry out the assessment.	Upheld	Discontinued on the basis that the Local Authority apologised for the delay in carrying out the

<b>Complaint Details</b>	<b>LGO Decision</b>	<b>Recommendations</b>
		assessment.
HC-000757 Complaint about the move to a nursing home and poor communication	Outside their Jurisdiction	N/A
HC-000761 Complaint about the decision to request monies as a result of a 'misuse' of funds (Direct Payments).	Upheld	Discontinued claim on the basis that the Local Authority waives the recovery of misused funds because it had not been clearly explained to the client what they could use Direct Payments for nor was it clearly set out in the Care Plan.
HC-000877 Complaint about the assessment process for Occupational Therapy team.	Not upheld	No maladministration identified.
HC-000893 Complaint about the conduct of external carers who have attended homes without wearing appropriate ID badges.	Not upheld	Discontinued on the basis that we agreed that carer's would wear ID badges at all times and give their names if asked.
HC-001041 Unhappy with the quality of care provided to Aunt.	Upheld	Apologise for the conflicting statements and differing views expressed.
HC-001005 Complaint relating to the conduct of staff carrying out a Direct Payments review.	Not upheld	Discontinued on the basis that the Council agreed to carry out an assessment of the complainants need for outreach services.
HC-001080 Complaint about Social Cares team's involvement with a case relating largely to a claim for monies owed.	Not upheld	LGO did not find any maladministration.
HC-001085 Five issues raised within this complaint about the care provided by a care home.	Not upheld	Discontinued because no evidence of injustice suffered by the complainant.
HC-001108 Complaint about therapy being withdrawn without any consultation.	Not upheld	No fault was found by the LGO in the way the Council reached its decision.

## **Mediation**

For some complaints it will not be appropriate, or possible, to resolve them through the complaint process. Particularly where there has been a breakdown in the relationship between the service provider and the service user or where emotions are running high. In these the Complaints and Service Improvement Manager will consider whether mediation is an option that should be considered.

The Complaints Manager will contact both parties to see if they will agree to mediation. (Mediation is not possible without the agreement of those concerned). If both parties are agreeable, mediation by an independent mediator will allow both sides to:

- express their own views;
- think about how to put things right;
- come together to reach a solution.

During 2011/12, there were no complaints that were referred for mediation.

## **Annex 3 – Complaints about Children and Family services**

Complaints made by children or on their behalf are governed by the Children Act 1989, Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No. 1738). This sets out the three stage complaint procedure that Local Authorities are required to follow when dealing with complaints made by for example any child or young person, any local authority foster carer, children leaving care, Special Guardians, persons wishing to adopt a child, etc.

### **The Complaint Procedure**

#### **Informal Complaints**

We will try to resolve enquiries/concerns on the spot by discussing the problem with a complainant and trying to resolve it. If we can solve the problem we will do so, immediately.

#### **Stage 1 – Local Resolution**

We will listen to the complainant to find out what is wrong and if necessary arrange for an advocate to speak for the complainant. An advocate is often a children's rights officer who does not work for the local authority.

Upon receipt of a complaint, a manager will look into the issues raised and see what needs to happen to sort it out. The manager will investigate the complaint then write to the complainant or their advocate within 10 working days and it will explain what they have done to resolve the complaint.

Between 1 April 2011 and 31 March 2012, the Local Authority received 56 complaints (compared with 40 complaints in the corresponding period 2010/11). The increase in complaints is largely due to the Children in Need Team who recorded 6 complaints for 2010/11 but 22 in 2011/12. See Table 10 below.

Of the 56 complaints recorded 39 (70%) were upheld (either fully or partially), 12 (21%) were not upheld and 5 (9%) were withdrawn by the complainant.

Whilst we are striving to improve the speed of our response times, it should be noted that a lot of our effort is employed at Stage 1 to resolve complaints and stop it escalating to Stage 2. This approach can lengthen the stage to resolve the complaint and that is why not more than 24 complaints were fully resolved within the 10 working day target. However, early resolution is preferred by complainants and in turn this does save the Council money by avoiding the need to commission an independent investigation of the complaint at stage 2.

**Table 10 – Stage 1 Complaints recorded by Teams**

<b>Service User Group</b>	<b>Complaints Received 2010/11</b>	<b>Complaints Received 2011/12</b>
Asylum Service	5	4
Resources	0	0
Adoption and Permanency	1	1
Fostering	0	0
Looked After Children	3	4
Children in Care 1	2	0
Children In Care 2	3	3
16+	4	3
Family Support	0	0
Referral and Assessment Team (Assessment and Intervention Team)	4	5
Children in Need	6	22
Intensive Family Support	0	0
Children with Disabilities	11	13
Child Protection	0	1
Other	1	0
<b>Total</b>	<b>40</b>	<b>56</b>

An analysis of the 56 complaints has identified three main reasons why people complained. These were as follows:

- **Policy decisions** - 1 complainant was unhappy with the outcome of their occupational therapy assessment and the resulting decision.
- **Service Failure** – 38 complainants were unhappy with the way staff communicated unwelcome decisions such as the outcome of assessments and decisions that directly affect clients and their families. They also felt that staff did not keep them informed of developments and the decisions being made that affected their family members.
- **Staff Attitude/Slow Service** – 17 complainants were unhappy with the length of time it took to provide information or services or assessments.

## **Stage 2 – Independent Investigation**

If a complainant is not happy with the letter from the manager, the Complaints and Service Improvement Manager will arrange for two people who do not work for the local authority to look into the issues raised. The Investigating Officer and Independent Person will look into everything and talk to everyone involved and then write a report on what they have found. This will normally take up to 65 working days from the date the written statement of complaint was agreed to complete. Upon receipt of the report, the Deputy Director for Children Services will then write to the complainant and tell them what will happen next.

No complaints escalated to Stage 2 during 2011/12 but three complaints logged in 2011/12 have since been escalated to Stage 2. However, the committee should note that in comparison with other Local Authorities in London, who process up to 12 Stage 2 complaints annually, we have far fewer Stage 2 complaints.

### **Stage 3 – Review Panels**

If the complainant remains unhappy with the findings, the Complaints and Service Improvement Manager will arrange for a panel to meet and look at all the issues raised in the complaint and read the report that was written for stage 2. The panel will be made up of three new people who do not work for the local authority and their role is to speak to all the people involved and ask them questions about what has gone wrong and why the complainant is not happy. The three people on the panel will talk about the whole situation and together they will come up with some ideas of how things can be improved. From beginning to end this stage takes up to 72 working days to complete.

There were no Stage 3 complaints in 2011/12 and for the previous two years. This compares favourably with other Local Authorities who recorded up to 7 Stage 3 complaints.

### **Local Government Ombudsman**

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

During 2011/12, three complainants chose to escalate their complaint from Stage 1 direct to the LGO, rather than follow the complaint procedure. The LGO decided not to investigate these complaints and informed the complainants that they needed to follow the Council's complaints procedure.

### **Mediation**

For some complaints it will not be appropriate, or possible, to resolve them through the complaint process. Particularly where there has been a breakdown in the relationship between the service provider and the service user or where emotions are running high. In such situations the Complaints and Service Improvement Manager will consider whether mediation is an option that should be considered.

The Complaints and Service Improvement Manager will contact both parties to see if they will agree to mediation. (Mediation is not possible without the agreement of those concerned). If both parties are agreeable, mediation by an independent mediator will allow both sides to:

- express their own views;



- think about how to put things right; and
- come together to reach a solution.

During 2011/12, there were no complaints that were referred for mediation.

## Annex D – Members Enquiries

Enquiries can be submitted to officers on behalf of residents to Elected Members for further information. This can include questions about an assessment, decisions or quality of service experienced by our resident.

**Table 11 – Members Enquiries received for 2011/12**

Service Type	Total number received	%
Housing Service	632	57%
Hillingdon Housing Service	253	23%
Adult Social Care	141	13%
Children and Family Service	41	4%
Commissioning, Contracts and Supply	32	3%
<b>Total</b>	<b>1,099</b>	<b>100%</b>

During 2011/12, we received 1,099 enquiries from Elected Members on behalf of residents. When comparing the figure for 2010/11 of 903 with 2011/12, this is an increase of 196 (21%). See table 15 above.

Of the 1,099 enquiries, Housing accounted for 885 (80%), Adults Social Care 141 (13%), Children’s and Families Service 41 (4%) and Commissioning, Contracts and Supply 32 (3%).

**Table 12 – Members Enquiries by Service Type**

### a. Children and Family

Service Type	Total number
Children and Family Service	41
<b>Total</b>	<b>41</b>

### b. Adults Social Care

Service Type	Total number
Specialist Services	56
Access and Assessments	40
Adults Personalised Services	13
Mental Health, Drug and Alcohol	12
OPS Personalised Services	9
Directorate ASC	7

Safeguarding ASC	4
<b>Total</b>	<b>141</b>

### c. Commissioning, Contracts and Supply

<b>Service Type</b>	<b>Total number</b>
Joint Commissioning	19
Housing Supply	13
<b>Total</b>	<b>32</b>

### d. Housing

<b>Service Type</b>	<b>Total number</b>
Housing Advice	442
Private Sector Housing	102
Community Housing Office – Uxbridge	64
Benefits	63
Hillingdon Housing – Repairs	48
Community Housing Office – Hayes	33
Community Housing Office – Ruislip	28
Hillingdon Housing – Directorate	20
Directorate (Housing)	19
Hillingdon Housing – Caretaking	16
Hillingdon Housing – Surveyors	12
Hillingdon Housing – Leasehold	7
Sheltered Housing	6
Hillingdon Housing – Match Team	4
Hillingdon Housing - Allocations	4
Hillingdon Housing – Heating	4
Hillingdon Housing – Tenancy Service	3
Hillingdon Housing – Careline	3
Hillingdon Housing – Arrears	2
Hillingdon Housing – Estate Services	2
Hillingdon Housing – Programmed Repairs	1
Hillingdon Housing – Community Involvement	1
Hillingdon Housing – Planned Works	1
<b>Total</b>	<b>885</b>

**Table 13 – Top Five enquiries by Service Type 2011/12**

<b>Service Type</b>	<b>Total number</b>
Housing Advice	442
Private Sector Housing	102
Community Housing Office Uxbridge	64
Benefits	63
Specialist Services	56