

STANDARDS AND GOVERNANCE COMMITTEE

Thursday, 23rd September,
2010

at 3.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members of the Committee

Councillor Barnes-Andrews

Councillor Burke

Councillor Cunio (Mayor)

Councillor Osmond

Councillor Slade

Councillor Parnell

Councillor Sollitt

Independent Members

Mr B Hooper (Chair)

Mr D Blake

Mr G Wilkinson

Contacts

Democratic Support Officer

Karen Wardle

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Solicitor of the Council

Mark Heath

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PUBLIC INFORMATION

Role of the Standards and Governance Committee

The Committee has responsibility for:

- the promotion and maintenance of high standards of conduct by Councillors and Council representatives,
- the maintenance, monitoring and revision when necessary of the Member's Code of Conduct,
- the operation of and variations to the City Council's Constitution,
- the maintenance of a process to reprimand Councillors for breaches of conduct outside the local code, and in any other areas subject to the direction of the National Standards Board.

The Committee is chaired by an Independent Member. It includes at least one Councillor from each of the political groups represented on the Council, and at least one independent person, with voting rights, who is not a Councillor or an Officer of the Council.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2010/11

2010	2011
Thurs 24 June	Mon 18 April
Thurs 23 Sept	
Tues 14 Dec	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Standards and Governance Committee are contained in Article 9 and Part 3 (Schedule 2) of the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3 (including 1 Independent Member).

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

The agenda and papers are available online via the Council's Website

1 APOLOGIES

To receive any apologies.

2 DECLARATIONS OF INTEREST

In accordance with the Local Government Act, 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to declare any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are required, where applicable, to complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 24th June 2010 and to deal with any matters arising, attached.

5 AUDIT COMMISSION: ANNUAL GOVERNANCE REPORT 2009/10

Report of the Chief Internal Auditor requesting that the Committee considers the recommendations arising in relation to the Audit Commission's draft Annual Governance Report for 2009/10, attached.

6 ANNUAL REPORT ON LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS 2008-09

Report of the Solicitor to the Council summarising the performance and issues arising out of the Annual Letter for 2009-10 from the Commission for Local Administration in England (Ombudsman), attached.

7 CORPORATE COMPLAINTS 2009/10

Report of the Head of Corporate Policy and Performance summarising performance and issues arising out of the Council's performance under the Corporate Complaint's Procedure for 2009/10, attached.

8 **ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2009-10**

Report of the Customer Care and Complaints Manager updating the Committee on the issues arising out of complaints made by the public to Children's Services and Learning and the Health and Adult Social Care Directorate during 2009-10, attached.

WEDNESDAY, 15 SEPTEMBER 2010

SOLICITOR TO THE COUNCIL

STANDARDS AND GOVERNANCE COMMITTEE
MINUTES OF THE MEETING HELD ON 24 JUNE 2010

Present:

Members of the Council

Councillors Barnes-Andrews, Osmond, Slade and Parnell

Independent Members

Ms K Mesmer, Mr D Blake and Mr G Wilkinson

Apologies

Mr B Hooper, Councillors Burke, Cunio and Sollitt

1. **APPOINTMENT OF INDEPENDENT CHAIR**

RESOLVED

- (i) that Mr David Blake be elected as Independent Chair of the Committee for the purposes of the meeting;
- (ii) that the appointment of Independent Chair for the Municipal Year 2010/11 be deferred to the next meeting.

2. **STATEMENT FROM THE CHAIR**

The Chair stated that Carolyn Williamson, Executive Director for Resources would be leaving the Council in July 2010. He expressed his appreciation on behalf of the Committee for all her hard work and wished her well in her new position.

The Chair also gave thanks to Katerina Mesmer for her assistance to the Committee as an independent member over the last two years who would be leaving the Committee due to other commitments.

3. **MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting of the Standards and Governance Committee held on 19th April, 2010 be approved and signed as a correct record. (Copy of Minutes circulated with agenda and appended to the signed Minutes).

4. **CHAIR'S ANNUAL REPORT ON AUDIT COMMITTEE 2009/10**

The Committee considered the report of the Chair of the Audit Committee detailing the Chair's Annual Report for 2009/10. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED that the Chair of the Audit Committee be invited to the next meeting to present his report to the Committee.

5. **ANNUAL GOVERNANCE STATEMENT 2009/10**

The Committee considered the report of the Executive Director of Resources requesting that the Committee approve the draft Annual Governance Statement for the financial year 2009/10. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee noted that the Annual Governance Statement 2009/10 had been approved by Audit Committee on 23rd June, subject to the following changes on page 9 of the draft statement:

- that the Standards and Governance Committee formally review the Code of Corporate Governance every two years, rather than twice a year;
- that the Comprehensive Area Assessment was no longer required and reference to this could be removed from the Annual Governance Statement.

RESOLVED:

- (i) that a target completion date of April 2012 for the Council's Code of Corporate Governance be included in the Annual Governance Statement;
- (ii) that the Annual Governance Statement 2009/10 be approved subject to the amendments that had been identified.

6. **STATEMENT OF ACCOUNTS 2009/10**

The Committee considered the report of the Executive Director of Resources requesting that the Committee approve the Council's Statement of Accounts for 2009/10. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee was informed that the Statement of Accounts 2009/10 was not in a position to be signed at the meeting. The signing of the accounts would need to be signed by the Chair of the Committee by 30th June 2010.

The Committee discussed the table which detailed where the money came from in the Explanatory Forward. It was noted that it was difficult to compare to the Income and Expenditure table and recommended that a total be included.

RESOLVED:

- (i) that the Explanatory Forward be revised to show a figure for where the money came from;
- (ii) that the Chair would sign the accounts after the meeting on 30th June 2010.

Agenda Item 5

DECISION-MAKER:	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT:	AUDIT COMMISSION: ANNUAL GOVERNANCE REPORT 2009/10		
DATE OF DECISION:	23 SEPTEMBER 2010		
REPORT OF:	CHIEF INTERNAL AUDITOR		
AUTHOR:	Name:	Neil Pitman	Tel: 023 8083 4616
	E-mail:	Neil.pitman@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

NOT APPLICABLE

SUMMARY

The Audit Commission is required to report to the Standards and Governance Committee on matters of governance interest coming to their attention in performance of their 2009/10 audit of accounts.

The Audit Commission's Annual Governance Report 2009/10 is appended.

The Audit Commission (subject to peer review in respect of HRA Heating Charges) expects to issue an unqualified audit opinion on the 2009/10 financial statements.

RECOMMENDATIONS:

That the Standards and Governance Committee:

- (i) Considers the matters raised in the report before approving the financial statements;
- (ii) Take note of the adjustments to the financial statements which are set out in this report;
- (iii) Be aware of the audit work that has still to be completed prior to the audit opinion being given;
- (iv) Approve the letter of representation on behalf of the Council before the Audit Commission issues their opinion and conclusion; and
- (v) Agree responses to the proposed action plan.

REASONS FOR REPORT RECOMMENDATIONS

1. Under the statutory Code of Audit Practice, the Audit Commission is required to issue a report to those charged with governance, summarising the conclusions from their audit work.

CONSULTATION

2. The report has been discussed and agreed with the Interim Director of Resources, the Acting Head of Finance and the Solicitor to the Council.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. None

DETAIL

4. The Audit Commission's Annual Governance Report 2009/10 and supplementary Papers are attached for consideration in the appendix. The external auditor will be in attendance at the Committee meeting to answer any questions.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

5. None

Revenue

6. None

Property

7. None

Other

8. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

9. The statutory responsibilities and powers of appointed auditors are set out in the Audit Commission Act 1998 and Local Government Act 1999. In discharging these specific statutory responsibilities and powers, auditors are required to carry out their work in accordance with the Audit Commission's *Code of Audit Practice*.

Other Legal Implications:

10. None

POLICY FRAMEWORK IMPLICATIONS

11. None

SUPPORTING DOCUMENTATION

Appendices

1.	Annual Governance Report 2009/10
2.	Supplementary Papers

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
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Background documents available for inspection at: Internal Audit Office, North Block
Basement, Civic Centre

E-mail: Neil.pitman@southampton.gov.uk

FORWARD PLAN No: N/A

KEY DECISION?

No

WARDS/COMMUNITIES AFFECTED: N/A

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Annual Governance Report

Southampton City Council
September 2010



Audit 2009/10

Outline structure of this report

- What we do and why?
- Key messages
- What did we find at Southampton City Council?
 - Financial Statements
 - Value for Money
- Recommendations
- What does the Council need to do?

Supplements 1-6

What we do and why?

- **Financial statements' opinion**
 - The Authority's financial statements and annual governance statement are important means by which the Authority accounts for its stewardship of public funds. It is important that you consider my findings before you adopt the financial statements and the annual governance statement.
- **Value for money conclusion**
 - I am required to decide whether the Authority put in place satisfactory corporate arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the value for money conclusion. I have based my conclusion on my work on the scored use of resources judgement.

Key messages

Financial statements

- Unqualified audit opinion?

(*Subject to peer review in respect of HRA heating charges)

Yes*

- Free from material error?

Yes*

- Adequate internal control environment?

(** Except in respect of HRA heating charges)

Yes**

Value for money

- Adequate arrangements?

Yes

What does the Council need to do?

- Consider the matters raised in the report before approving the financial statements.
- Take note of the adjustments to the financial statements which are set out in this report (Supplement 2).
- Be aware of the audit work that has still to be completed prior to the audit opinion being given (Supplement 3)
- Approve the letter of representation on behalf of the Council before I issue my opinion and conclusion (Supplement 4).
- Agree your responses to the proposed action plan (Supplement 6).

What did we find at Southampton City Council?

Financial statements - summary

- We expect to issue an unqualified opinion on the financial statements on or before the 30 September 2010 (see Supplement 1).
 - We identified a number of amendments which have been made (see Supplement 2).
 - Supplement 3 summarises the work that we need to complete before the audit opinion can be given.
 - We identified some important weaknesses in internal control and will explain them later in this presentation.
-

What did we find at Southampton City Council?

Financial Statements – What key risks did we plan to review?

Risks in the opinion plan:

- Whether the Council has correctly applied IFRIC 12 (service concessions) to its PFI and similar contracts
- Whether the Council has correctly applied the new accounting requirements for local taxation
- Whether the Council has complied with the new disclosure requirements for senior employees pay and benefits
- Whether appropriate provisions and contingent liabilities have been disclosed for equal pay claims and redundancies
- Whether the Council has correctly dealt with the issues we raised last year

AND

- Other issues arising during the audit

IFRIC12 (Service concessions) PFIs and similar contracts

The Council has identified which of its contractual and other arrangements are affected by this new reporting standard and correctly applied the standard in its accounts.

But

- The analysis of Schools PFI unitary payments has been amended to more accurately reflect the composition of these payments and changes to the internal rate of return (see supplement 2 – item 2 in table 1 and item 2 in table 2)
- An additional disclosure of future obligations for the Street Lighting PFI that is in operation from 1 April 2010 has been added in order to comply with the requirements of the SoRP (see supplement 2 - item 3 in table 2)
- Analysis of BUPA Care Homes unitary payments in 2009/10 corrected to reflect the composition of the payments that were made (see supplement 2 – item 4 in table 2)

Accounting for local taxation

- The Council complied with the new accounting requirements and restated prior year comparatives.
- Officers have amended the previously approved statements to correct previous years; Council Tax summons and liability costs, and NNDR arrears (see supplement 2 – item 5 in table 1)

Senior employees pay and benefits

Senior employees pay and benefits have been disclosed in line with the requirements of the Statement of Recommended Practice (SoRP)

Provisions and contingent liabilities

Equal pay claims - (before the opinion is given)

- Provision will need to be made in respect of the ‘equal pay claims’;
- We have agreed the accounting entries to be made but not the amount.

Redundancies

- We are satisfied that the Council has correctly accounted for redundancies during 2009/10.

Review of 2008/09 audit issues

The Council has ensured that the five errors we reported last year have not been repeated.

Other issues arising during the audit

- There were no new risks that we became aware of during the audit;
- Supplement 2 summarises all of the non-trivial adjustments to the prime statements and the notes to the core financial statements, that have been agreed with officers;
- Supplement 3 summarises the work that we still need to complete before the opinion on the financial statements can be given; and
- There were a number of minor disclosure amendments that have been agreed with your officers.

Important weaknesses in internal control

Heating charges (Tenants and Leaseholders) 1

Electors have raised concerns over the accuracy of the Council's records of electricity meters which are used to recharge tenants for heating charges.

'Energy costs' and 'Tenant charges for services and facilities' are material entries in the Housing Revenue Account

Testing has shown:

- An error and a significant number of uncertainties in the Council's records of electricity meters which are used to recharge tenants;
- The maximum error/uncertainty is £765,500;
- Inadequate controls over changes to the record of electricity meters;
- Poor management of electricity meter surveys; and
- The same may apply to gas meters.

Important weaknesses in internal control

Heating charges (Tenants and Leaseholders) 2

Next steps:

- Members should agree to adjust the error and uncertainties in the financial statements that I have identified but that management has declined to amend, or set out the reasons for not doing so in the letter of representation;
 - Awaiting the outcome of a peer review before giving the opinion;
 - DA to respond to the elector before the audit can be closed;
 - DA to consider any other reporting requirements; and
 - Improvements must be made by the Council in 2010/11 and any errors corrected.
-

What did we find at Southampton City Council – value for money conclusion?



- Proper arrangements in place for each VFM criterion;
- The criterion are set out in Supplement 5;
- Reliance has been placed on our Use of Resources assessment and local risk work;
- I will give an **unqualified** VFM conclusion for the year ended 31 March 2010.

Recommendations

Record of electricity meters in dwellings:

- R1 Review the record of electricity meters and implement a more effective database and system of controls.
- R2 Confirm the designation of electricity meters; and
- R3 establish the extent of the errors in meter records and whether it is possible to assess the impact on past charges to tenants and leaseholders.

Record of gas meters in dwellings:

- R4 Review the record of gas meters to determine if there are similar weaknesses in these records and how improvements can be made.

Audit Fee 2009/10 & Independence

- I can confirm that the audit has been delivered within my initial estimates.
- I will separately invoice the fee for dealing with correspondence with electors – totalling £18,250 at the end of August 2010.
- I can confirm that that I have carried out the audit in accordance with the Audit Commission’s policies on integrity, objectivity and independence

	Actual (£)	Plan (£)
Accounts	239,060	239,060
vfm	84,640	84,640
WGA	1,800	1,800
Audit Total	325,500	325,500

What does the Council need to do ?

- Consider the matters raised in the report before approving the financial statements.
- Take note of the adjustments to the financial statements which are set out in this report (Supplement 2).
- Note the additional audit work that will need to be completed prior to the audit opinion being given (Supplement 3).
- Approve the letter of representation on behalf of the Authority before I issue my opinion and conclusion (Supplement 4).
- Agree your responses to the proposed action plan (Supplement 6).

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Supplementary Papers

To accompany the presentation of the Annual
Governance Report

Southampton Council

Audit 2009/10

Date

Contents

Supplement 1 – Independent auditor’s report to the Members of Southampton Council	3
Supplement 2 – Adjusted amendments to the accounts	6
Supplement 3 – Outstanding work that has still to be completed	11
Supplement 4 – Draft letter of representation	12
Supplement 5 – Value for money criteria	16
Supplement 6 – Action plan	17

Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/ members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
 - any third party.
-

Supplement 1 – Independent auditor’s report to the Members of Southampton Council

Opinion on the accounting statements

I have audited the Authority accounting statements and related notes of Southampton City Council for the year ended 31 March 2010 under the Audit Commission Act 1998. The accounting statements comprise the Income and Expenditure Account, the Statement of Movement on the General Fund Balance, the Balance Sheet, the Statement of Total Recognised Gains and Losses, the Cash Flow Statement, the Housing Revenue Account, the Statement of Movement on the Housing Revenue Account, the Collection Fund and the related notes. These accounting statements have been prepared under the accounting policies set out in the Statement of Accounting Policies.

This report is made solely to the members of Southampton City Council in accordance with Part II of the Audit Commission Act 1998 and for no other purpose, as set out in paragraph 49 of the Statement of Responsibilities of Auditors and of Audited Bodies published by the Audit Commission in April 2008.

Respective responsibilities of the Interim Director of Resources and auditor

The Interim Director of Resources’ responsibilities for preparing the accounting statements in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended Practice is set out in the Statement of Responsibilities for the Statement of Accounts.

My responsibility is to audit the accounting statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the accounting statements give a true and fair view, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended Practice, of the financial position of the Authority and its income and expenditure for the year.

I review whether the governance statement reflects compliance with ‘Delivering Good Governance in Local Government: A Framework’ published by CIPFA/SOLACE in June 2007. I report if it does not comply with proper practices specified by CIPFA/SOLACE or if the statement is misleading or inconsistent with other information I am aware of from my audit of the accounting statements. I am not required to consider, nor have I considered, whether the governance statement covers all risks and controls. Neither am I required to form an opinion on the effectiveness of the Authority’s corporate governance procedures or its risk and control procedures.

Supplement 1 – Independent auditor’s report to the Members of Southampton Council

I read other information published with the accounting statements, and consider whether it is consistent with the audited accounting statements. This other information comprises the Explanatory Foreword. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the accounting statements. My responsibilities do not extend to any other information.

Basis of audit opinion

I conducted my audit in accordance with the Audit Commission Act 1998, the Code of Audit Practice issued by the Audit Commission and International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the accounting statements and related notes. It also includes an assessment of the significant estimates and judgments made by the Authority in the preparation of the accounting statements and related notes, and of whether the accounting policies are appropriate to the Authority’s circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the accounting statements and related notes are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the accounting statements and related notes.

Opinion

In my opinion the Authority’s accounting statements give a true and fair view, in accordance with relevant legal and regulatory requirements and the Code of Practice on Local Authority Accounting in the United Kingdom 2009: A Statement of Recommended Practice, of the financial position of the Authority as at 31 March 2010 and its income and expenditure for the year then ended.

Conclusion on arrangements for securing economy, efficiency and effectiveness in the use of resources

Authority’s Responsibilities

The Authority is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, to ensure proper stewardship and governance and regularly to review the adequacy and effectiveness of these arrangements.

Auditor’s Responsibilities

I am required by the Audit Commission Act 1998 to be satisfied that proper arrangements have been made by the Authority for securing economy, efficiency and effectiveness in its use of resources. The Code of Audit Practice issued by the Audit Commission requires me to report to you my conclusion in relation to proper arrangements, having regard to relevant criteria for principal local authorities specified by the Audit Commission and published in May 2008 and updated in October 2009. I report if significant matters have come to my attention which prevent me from concluding that the Authority has made such proper arrangements. I am not required to consider, nor have I considered, whether all aspects of the Authority’s arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.

Conclusion

I have undertaken my audit in accordance with the Code of Audit Practice and having regard to the criteria for principal local authorities specified by the Audit Commission and published in May 2008 and updated in October 2009, and the supporting guidance, I am satisfied that, in all significant respects, Southampton City Council made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2010.

Certificate

The audit cannot be formally concluded and an audit certificate issued until I have completed my consideration of matters that have been brought to my attention by local authority electors. I am satisfied that these matters do not have a material effect on the on the financial statements.

K. L. Handy
Officer of the Audit Commission

Collins House,
Bishopstoke Road,
Eastleigh,
Hampshire. SO50 6AD

Date September 2010

Supplement 2 – Adjusted amendments to the accounts

I identified the following misstatements during my audit and managers have made the necessary adjustments. I bring them to your attention to assist you in fulfilling your governance responsibilities.

Table 1 Adjusted amendments to prime statements

Adjusted misstatements	Nature of adjustment	I&E Account, SMGFB, HRA, SMHRAB or Collection fund		Balance sheet	
		Dr £000s	Cr £000s	Dr £000s	Cr £000s
1) Provisions	<p>Provision added for equal pay claims. The potential settlement figure was not available until after the draft accounts were prepared..</p> <p>Dr I&E Account Cr Provisions</p> <p>Dr Capital Adjustment Account Cr SMGFB</p>	TBA	TBA	TBA	TBA
2) I&E Account, SMGFB & Balance Sheet	<p>The analysis of unitary payment re PFI Schools has been amended to more accurately reflect the composition of the payments and changes to the internal rate of return used.</p> <ul style="list-style-type: none"> • Net charge to I&E • SMGFB net credit 	106	106		

Supplement 2 – Adjusted amendments to the accounts

		I&E Account, SMGFB, HRA, SMHRAB or Collection fund		Balance sheet	
	<ul style="list-style-type: none"> • Change to short term finance creditors • Change in long term finance creditors • Revaluation reserve • Capital Adjustment Account 			127	711
				838	254
3) I&E Account	<p>Removal of capital grants and contributions not specific to a service from LA Housing service income to comply with the SoRP: Dr LA Housing (HRA)</p> <p>Cr Capital grants not relating to specific services</p>	2,048	2,048		
4) Housing Revenue Account (HRA)	<p>Amended the proportion of FRS17 pension costs allocated to the HRA, because it had been overstated.</p> <p>Dr HRA supervision & maintenance</p> <p>Cr HRA I&E Account: - Pensions interest costs and expected return on assets</p>	257	912		
5) Collection fund	<p>The correction of previous years; Ctax summons and liability costs, and NNDR arrears.</p> <p>Dr Increase debtors</p> <p>Cr General fund balance</p> <p>Cr Collection fund balance</p>			1,649	61
					1,588

Table 2 Adjustments to the explanatory foreword, Accounting policies and the notes to the core statements

Adjusted misstatements	Nature of adjustment	Adjustment to note - £000s
1) Explanatory foreword - general fund capital summary (disclosure)	Amendment to the note to reflect that general fund capital spend in 2009/10 totalled £54.5m rather than the total capital spend of £98.8m	44,300
2) Note 3 - Future obligations re Schools PFI	<p>Correction of the analysis of future Schools PFI obligations between liabilities, interest and service charges in each future financial year. This is to more accurately reflect the composition of these future payments and changes to the internal rate of return.</p> <p>Note 3 has been restated and in total the changes amount to:</p> <ul style="list-style-type: none"> - Liability - Interest - Service charges 	<p>+584</p> <p>+18,717</p> <p>- 19,301</p>
3) Note 3 - Future obligations for Street Lighting PFI	<p>Additional disclosure of future obligations in respect of the Street lighting PFI that came into effect from 1 April 2010 in order to comply with the SoRP.</p> <p>These obligations are analysed by year over the headings of liabilities, interest and service charges. In total they amount to:</p> <ul style="list-style-type: none"> - Liability - Interest - Service charges 	<p>+25,819</p> <p>+42,452</p> <p>+34,513</p>
4) Note 3 - Payments made in 2009/10 re BUPA Care Homes	Correction of the analysis of payments made in 2009/10 to reflect the actual composition of the payments made:	

Supplement 2 – Adjusted amendments to the accounts

Adjusted misstatements	Nature of adjustment	Adjustment to note - £000s
	- Liability - Service charges	-2,278 +2,278
5) Investment properties - note 8	A note has been added to the core statements to provide an analysis of the investment properties impairment and income disclosed in the Income and Expenditure Account. - Income - Expenditure net of impairments	+6,694 +8,841
6) Members allowances - note 9	Corrected the allowances disclosed to reflect the level of payments made and SoRP disclosure requirements: 2009/10 2008/09	-96 -73
6) Note to the Statement of Movement in HRA Balance (SMHRAB)	Amended the proportion of FRS17 pension costs allocated to the HRA, because it had been overstated. Reduce net charges for retirement benefits in accordance with FRS17 Reduce employers contribution and pensions payable direct to pensioners NB: 2008/9 comparatives will also be changed	-1,566 -911
7) HRA pensions - note 12 to the HRA	Reduction in pension costs disclosed to reflect the correct proportion that is chargeable to the HRA. -Current service costs - Past service costs -Interest cost -Expected return on assets	-640 -13 -1624 +712

Supplement 2 – Adjusted amendments to the accounts

Adjusted misstatements	Nature of adjustment	Adjustment to note - £000s
	<p>-Movement on the pension reserve</p> <p>-Charge to the HRA</p> <p>NB:2008/09 comparatives will also be changed</p>	<p>+654</p> <p>-911</p>
<p>8) Post balance sheet events (PBSE) -note 34</p>	<p>Additional PBSEs have been entered in respect of :</p> <ul style="list-style-type: none"> - the change in the basis for estimation of future liabilities pension liabilities, to the 'Consumer Price Index' rather than the 'Retail Price Index' from 2010/11. The change results in a reduction in liabilities of between 8% - 10% of the liability - The awarding of the Highways PPP contract with an estimated total cost over 10 years of £100m - The awarding of the contract for Leisure Services with an estimated total over 15 years of £15m - Cancellation of the Building Schools for the Future programme <p>The capital cost disclosed in the PBSE in relation to Street Lighting PFI has been amended from £28.5m to £25.8m.</p>	<p>-66,000 to -83,000</p> <p>+100,000</p> <p>+15,000</p> <p>N/A</p> <p>-2,700</p>

Supplement 3 – Outstanding work that has still to be completed

Our work in relation to the Council's financial statements is complete except for the areas noted below in table 3. This work will be completed in advance of the Audit Committee meeting on 22 September 2010, and will be finished before the opinion is issued.

Table 3

Area to test
I&E Account
PFI, PPP & Long term contracts
Provisions
Contingent liabilities
Financial instruments
Group accounts
Peer review in respect of HRA heating charges

Supplement 4 – Draft letter of representation

Kate Handy
Audit Commission
Collins House
Bishopstoke Road
Eastleigh
SO50 6AD

September 2010

Southampton City Council - Audit for the year ended 31 March 2010

I confirm to the best of my knowledge and belief, having made appropriate enquiries of officers and members of Southampton City Council the following representations given to you in connection with your audit of the Council's financial statements for the year ended 31 March 2010.

Compliance with the statutory authorities

I acknowledge my responsibility under the relevant statutory authorities for preparing the financial statements in accordance with the Code of Practice for Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice which gives a true and fair view of the financial position and financial performance of the Council and for making accurate representations to you.

Uncorrected misstatements

I confirm that I believe that the effects of the uncorrected financial statements are not material to the financial statements. These misstatements have been discussed with those charged with governance within the Council and the reasons for not correcting these items are as follows.

I can confirm that following a sample check (61 records) of the data associated with the metering of electricity, the Council has identified one definite error and a number of cases (17) that require further investigation to confirm their designation out of the sample population.

It is my view based on the sample check that this does not represent a material error within the accounts; the actual error rate (1 meter out of the sample of 61) is 1.6%, there is an 'uncertainty' around the designation of 17 meters – 27.9% - with the information for the remaining meters included with the sample, which account for 70.5% of the sample, found to be correct.

The materiality level for the Housing Revenue Account is £1.1M. Through extrapolating the results of the sample data, I am content that the error and uncertainties found would not equate to a sum which would breach the £1.1M materiality level.

Supplement 4 – Draft letter of representation

I am also confident that it is statistically unlikely that the 17 meters around which there is an uncertainty would all be incorrectly designated.

At this stage it is not possible to make any amendments to the financial statements until significant further work is undertaken to verify the integrity of the data. It would also not be appropriate to amend the accounts based on extrapolating the sample results.

I can confirm that the results of this work and any subsequent impact on the charges to tenants and leaseholders will be reported fully to all appropriate stakeholders.

Supporting records

All the accounting records have been made available to you for the purpose of your audit and all the transactions undertaken by the Council have been properly reflected and recorded in the accounting records. All other records and related information, including minutes of all Council, Cabinet and other Committee meetings, have been made available to you.

Irregularities

I acknowledge my responsibility for the design and implementation of internal control systems to prevent and detect fraud or error.

There have been no:

- irregularities involving management or employees who have significant roles in the system of internal accounting control;
- irregularities involving other employees that could have a material effect on the financial statements; or
- communications from regulatory agencies concerning non-compliance with, or deficiencies on, financial reporting practices which could have a material effect on the financial statements.

I also confirm that I have disclosed:

- my knowledge of fraud, or suspected fraud, involving either management, employees who have significant roles in internal control or others where fraud could have a material effect on the financial statements; and
- my knowledge of any allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, analysts, regulators or others.

Law, regulations, contractual arrangements and codes of practice

There are no instances of non-compliance with laws, regulations and codes of practice, likely to have a significant effect on the finances or operations of the Council.

The Council has complied with all aspects of contractual arrangements that could have a material effect on the financial statements in the event of non-compliance. There has been no non-compliance with requirements of regulatory authorities that could have a material effect on the financial statements in the event of non-compliance.

Fair Values

I confirm the reasonableness of the significant assumptions within the financial statements. For these assumptions, I confirm:

- the appropriateness of the measurement method;

- the basis used by management is reasonable and is consistent with the financial reporting framework;
- the completeness and appropriateness under the financial reporting framework; and
- if subsequent events require adjustment to the fair value measurement they have been made.

Assets

The following have been properly recorded and, where appropriate, adequately disclosed in the financial statements:

- losses arising from sale & purchase commitments;
- agreements & options to buy back assets previously sold; and
- assets pledged as collateral.

Compensating arrangements

There are no formal or informal compensating balancing arrangements with any of our cash and investment accounts. Except as disclosed in notes 25 to 28 of the financial statements we have no lines of credit arrangements.

Contingent liabilities

There are no other contingent liabilities, other than those that have been properly recorded and disclosed in the financial statements. In particular:

- there is no significant pending or threatened litigation, other than those already disclosed in the financial statements;
- there are no material commitments or contractual issues, other than those already disclosed in the financial statements; and
- no financial guarantees have been given to third parties.

Related party transactions

I confirm the completeness of the information disclosed regarding the identification of related parties.

The identity of, and balances and transactions with, related parties have been properly recorded and where appropriate, adequately disclosed in the financial statements

Post balance sheet events

Since the date of approval of the financial statements by the Standards and Governance Committee, no additional significant post balance sheet events have occurred which would require additional adjustment or disclosure in the financial statements.

The Council has no plans or intentions that may materially alter the carrying value or classification of assets and liabilities reflected in the financial statements.

Signed on behalf of Southampton City Council

I confirm that this letter has been discussed and agreed by the Standards and Governance Committee on 23 September 2010.

Supplement 4 – Draft letter of representation

Signed:

Name: Mr. R Carr

Position: Interim Executive Director of Resources

Date: September 2010

Supplement 5 – Value for money criteria

KLOE	Met
Managing finances	
Planning for financial health	Yes
Understanding costs and achieving efficiencies	Yes
Financial reporting	Yes
Governing the business	
Commissioning and procurement	Yes
Use of information	Yes
Good governance	Yes
Risk management and internal control	Yes
Managing resources	
Natural resources	N/A
Strategic asset management	Yes
Workforce	Yes

Error! No text of specified style in document.

Supplement 6 – Action plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
	Annual Governance Report 2009/10 - Recommendations					
	Record of electricity meters in dwellings					
	R1 Review the record of electricity meters and implement a more effective database and system of controls.	3				
	R2 Confirm the designation of electricity meters	3				
	R3 Establish the extent of the errors in meter records and whether it is possible to assess the impact on past charges to tenants and leaseholders	3				
	Record of gas meters in dwellings					
	R4 Review the record of gas meters to determine if there are similar	3				

Supplement 6 – Action plan

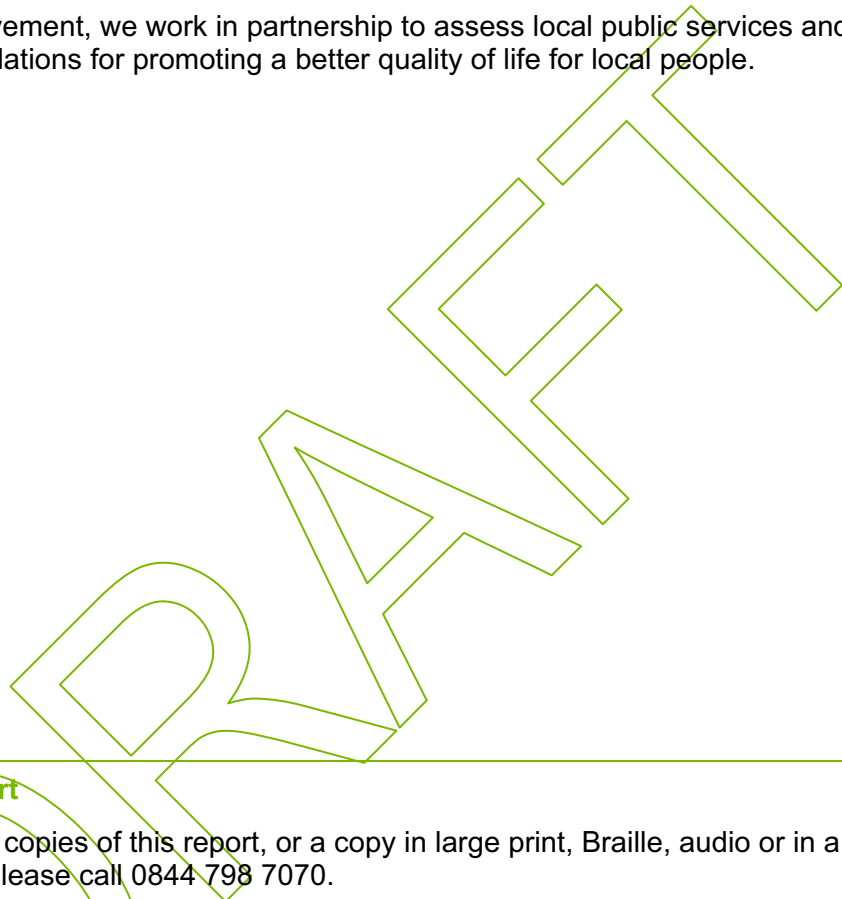
Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
	weaknesses in these records and how improvements can be made.					

The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

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Tel: 0844 798 1212 Fax: 0844 798 2945 Textphone (minicom): 0844 798 2946

www.audit-commission.gov.uk

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Agenda Item 6

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	ANNUAL REPORT ON LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS 2008-09		
REPORT OF:	SOLICITOR TO THE COUNCIL		
DATE OF DECISION	23 SEPTEMBER 2010		
AUTHOR	Name:	Sarita Riley	Tel: 023 8083 3218
	E-mail:	Sarita.riley@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report summarises performance and issues arising out of the Annual Letter for 2009-10 from the Commission for Local Administration in England (Ombudsman). Separate reports will also be provided to Standards and Governance Committee in relation to the Council's performance under its Corporate Complaints Procedure and the Statutory Children's and Adult's social care complaints procedures (both of which also now report compliments and service comments where appropriate) as both of these ultimately impact upon and form links with the Council's relationship with the Ombudsman.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To update Members on issues and performance arising out of complaints made by the public to the Ombudsman during 2009-10. Identifying these issues assists the Council in understanding where services delivered by the Council in the past year have fallen below public expectation in order to improve service delivery to its citizens.

CONSULTATION

2. This report is presented to Standards and Governance Committee for consultation purposes. The Annual letter has been shared with both the Chief Executive and the Solicitor to the Council. The Solicitor to the Council and the Corporate Legal Team administer all Local Government Ombudsman complaints within the Authority on behalf of the Chief Executive and act as a single point of contact for the Ombudsman in relation to areas of concern, advice and training.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

DETAIL

4. Attached to this report is the Local Government Ombudsman's Annual Letter for 2009-10 (Appendix 1).

5. In 2008/09 the Ombudsman introduced significant changes in the way the Ombudsman investigates complaints against Council's. The first years statistics under these arrangements were reported to Standards and Governance Committee on 24th September 2009. Changes included the coming into force of key elements of the Local Government & Public Involvement in Health Act 2007, which changed a number of areas of jurisdiction for the Ombudsman as well as changed the way they are able to receive and deal with complaints. We now have one previous year of operating under the revised arrangements against which this years performance may be judged. The method of delivery and reporting behind those statistics is however, still bedding in and it may be some time before a consistent level against which to benchmark performance is truly achieved. Initial assessments suggest the Council's remains a strong performer in this area, with no major or underlying trends causing concern.
6. The introduction of a first contact centre, the 'LGO Advice Team', appears to be working well in filtering out minor and repetitive complaints that do not merit investigation or can be dealt with locally by the Council's concerned once they know about them. The advice team also provides general advice and assistance to members of the public before their case is allocated for investigation and this has helped individuals to focus on what they want to achieve from a complaint rather than the 'process' of making a complaint in and of itself.
7. It should also be noted however that the introduction last year of complaints being made by email and orally over the telephone or in person (as opposed to formally in writing) has – as anticipated - resulted in an increase in the number of contacts received by the LGO advice team. This has not however led to a disproportionate increase in the number of matters found to be serious or referred for investigation, which demonstrates that filtering processes and advice services are working well in the main.
8. Adult Social care complaints procedures have changed from 1st April 2009, however as yet the anticipated increase in frequency of complaints around this area to reflect the faster track to the LGO has not materialised to any great extent.
9. Further changes are due to come into force in 2010 as the Ombudsman's jurisdiction to cover complaints about schools in trial areas is extended across the Country , with all schools anticipating being covered by 2011. Complaints about individuals who self-fund private social care needs also now fall within the jurisdiction of the Ombudsman but this area is still developing and complaint statistics for how this is bedding in are not yet available.
10. Southampton City Council continues to perform well, however, a couple of key points are to be noted from the Local Government Ombudsman's letter:

- a. The Ombudsman received a total of 53 complaints, a slightly lower number than in the previous year (59), against Southampton City Council. As indicated in his letter, there are fluctuations from year to year, but the consistency achieved by the Council is worth noting given the difficult decisions faced around use of resources, the national and local economic downturn and the increasing pressure on Council's to deliver efficiencies in services across the board and overall the number of complaints does remain low. 15 of these related to Housing matters (18 last year) and 6 of the complaints received concerned Planning / Building Control (down from 10 last year), with the remainder covering a range of services. This remains consistent with previous years, with Housing and Planning & Building control also the highest area in which complaints are received nationally and regionally. As front line services that significantly affect a large number of individuals this is not unusual or cause for undue concern and the small reduction in complaints received (and the complexity of these matters) is a positive outcome.
- b. 8 of the complaints were referred back as premature, compared to 20 last year. Signposting and dealing with premature complaints is an area in which the Ombudsman has criticised the Council in the past particularly in relation to availability of the complaints procedure on the website and in contact centres and the Council's improvement in this area is an extremely positive sign that the changes introduced to complaints reporting mechanisms in 2009 are now starting to reap benefits, with more issues being resolved locally in consultation with the complainants without their feeling the need to go direct to the Ombudsman to achieve satisfaction. A further 7 cases were dealt with by way of 'advice' from the LGO advice team, slightly down on the 15 cases reported last year when the service was first introduced. The introduction of the advice team continues to contribute to the number of complaints that would otherwise have been deemed 'outside jurisdiction' or for which alternative remedies are available being withdrawn or not proceeded with, which has enabled the Ombudsman and Council's to focus on issues of greater concern.
- c. 33 complaints were referred to the Ombudsman's investigation teams and have either be determined or carried over to this year due to the complexity of the issues involved. 28 complaints were determined during 2009/10. 7 were discontinued at the Ombudsman's discretion (resulting in no finding). 8 complaints were found to be without fault (no maladministration or injustice). 6 further complaints was deemed to be outside the Ombudsman's jurisdiction.

- d. The letter contains details of the 7 complaints that were settled locally (compared to 6 last year). The Solicitor to the Council settles complaints locally for a variety of reasons, not all of which are associated with the Council's "liability" in respect of a complaint – on occasions, clearly, the Council will get things wrong, and it is right when that happens to settle the complaint locally without having to put the complainant through further distress and anguish and, indeed, the Council to further cost. On occasion, it is appropriate to settle a complaint because of the complexity of the matter, the costs of a comprehensive investigation and/or the fact that sometimes the full facts will be unclear, and an appropriate and suitable (and cost effective) way forward has to be found. Local settlements cost the Council a total of £4906 in 2007/08, £1,425 in 2008/9 and £4525 in 2009/10 (£3500 of which related to a single complaint).
- e. The single highest payment was, as referred to above, for £3,500 which related to a failure to properly assess the needs of a young lady with learning disabilities on reaching the age of 16 together with significant delays in dealing with both the assessment and children's care complaints processes. The Council also agreed to prepare and fund a package of measures to support the young lady via a Pathways Plan for her future care and learning needs..
- f. Additional complaints of note were received in relation to Housing sales / Leaseholds repairs (£200 compensation + assessment of repairs needed) and Council Tax administration (3 cases with compensation totalling £775 and a review of procedures for processing payments over holiday periods and instruction of Bailiffs).
- g. It should be noted that it took the Council on average 21.4 days to respond to the Ombudsman's first enquiries, which is consistent with the figure of 21.1 achieved in 2008/9, well within the target period of 28 days set by the Ombudsman. On only one occasion was a response submitted outside the 28 days (31 days in relation to an education matter, with the response to the complaint being submitted on time but the CD of supporting information being misplaced and a duplicate required, which took the Council over the normal deadline for response). Of particular note is the very fast response to public finance / Council Tax matters which averaged 14.5 days for responses during the year. The Corporate Legal Team would particularly wish to commend their colleagues in the Resources Directorate for their excellent assistance in meeting these targets and the considered responses received / willingness to correct perceived errors in relation to complaints in this area. The Council is once again congratulated by the Ombudsman on its performance in this regard.
- h. The Solicitor to the Council and Corporate Legal Team continues to provide ad-hoc advice and training on dealing with complaints and responding to Ombudsman enquiries where required (mainly through internal resources) and will review the need to deliver training in partnership with the Ombudsman in Autumn 2010, resources permitting. Formal training on responding to Ombudsman complaints and investigating complaints generally was last held in 2007/8.

11. In previous years, Standards & Governance Committee requested a breakdown of how this performance measured against the Council's statistical neighbours. While the Ombudsman does not publish direct comparison's (as the nature of Authorities and the services they deliver varies considerably within a geographic area), it has been possible to look at the statistics for the individual unitary authorities within our statistical neighbours (Audit Commission Comparator Authorities list) and provide a summary of performance against them. These Authorities comprise Bristol, Brighton & Hove, Plymouth and Portsmouth. Key statistics are set out in the table below:

12.

Authority	Total Complaints (Excluding Premature)	Mal rep	LS	N M	OD	OJ	Total Compensation	Days to Respond (target 28 days)
Brighton & Hove	67	1	17	32	10	7	Not Reported	32.3
Bristol	96	0	19	42	17	18	£17,680	25.1
Plymouth	48	0	11	25	5	7	£1,375	25.1
P'mouth	28	0	6	15	4	3	£150	25.1
So'ton	28	0	7	8	7	6	£4,525	21.4

Mal Rep = Maladministration Reports

LS = Local Settlements

NM = No Maladministration / No fault

OD = Ombudsman's Discretion to discontinue

OJ = Outside Jurisdiction

13. The total number of new complaints *received* (rather than determined) by each Authority in 2009/10 broken down by subject area is as follows:

14.

	Soc Serv	Educ	Hsg	Bens	Finance & Tax	Plng & BC	Transp & Highw	Other (incl Waste)	Total
Brighton	5	10	10	2	5	3	7	9	51
Bristol	13	4	18	4	4	15	3	20	81
Plymouth	3	1	3	4	3	7	3	16	40
P'mouth	6	3	3	0	0	4	5	3	24
So'ton	2	6	7	0	6	4	2	6	33

15. It should be noted that in the majority of the above Authorities, the top two areas in which complaints were received (excluding 'Other' which covers a number of misc complaint areas) were Planning & Building Control and Housing. This demonstrates that, as stated in paragraph 10a, Southampton's performance in these areas remains broadly comparable with other Authorities and complaints tend to arise in these areas consistently regardless of the type of authority or geographical area. Third place is generally shared with Education / Admission Appeals or Public Finance and Council Tax. Again, this remains consistent with the position in Southampton and numbers also remain comparable.
16. Of the 5 Authorities, only Brighton & Hove received a maladministration report during the previous year. All of the Authorities (except Brighton & Hove) improved on their response time or attained similar response time to last year. Southampton remains the fastest responder. Of all of the Authorities, Portsmouth has demonstrated the greatest improvement this year, with an overall reduction in the number of complaints received and remarkably only paying out £150 in compensation to complainants referred to the LGO during 2009/10.
17. Notable cases reported against the other Authorities include a marked increase in waste collection and waste management complaints in two Authorities (Brighton and Plymouth - one outsourced, one provided by an in-house provider) with complaints relating to a lack of enforcement policy for bins on pavements and taking over 10 weeks to respond to LGO enquiries in one case. In addition both Brighton and Bristol had a number of complaints relating to adult care assessments and co-ordination of partnership working between the Council's and local NHS Trusts. Bristol also reported a high number of planning complaints (20 – 15 new and 5 carried over from a previous year) for which substantial compensation was payable. As planning complaints tend to be compensation on loss of value of a property, payments included £5,000, £2,200 and 2 payments of £1,900 for loss of residential values caused by mistakes in determining third party planning applications that unjustly intruded on neighbouring properties. Bristol also reported a significant increase in complaints relating to the way the Council responded to complaints about anti-social behaviour, particularly in relation to delays in addressing the causes of ASB and keeping residents informed of progress on matters.

18. Full details of all of these cases (and the annual letters relating to these authorities) can be reviewed on the Ombudsman's website at www.lgo.org.uk along with a digest of cases, fact sheets on service specific areas, special interest reports and a summary of statistics by area and authority type should the Committee require any further information in this regard.
19. In conclusion, in relation to the Local Government Ombudsman's Annual Letter, there have been continuous improvements in the areas where issues and concerns were raised in either previous year's Annual Letters or during the course of the year. The number of complaints continues to remain low and that is pleasing. Southampton performs well in comparison to its Audit Commission comparator group in the south and has the joint lowest number of complaints and the fastest response time in relation to those authorities. Excluding the single large payment made this year for a social care complaint, the sums paid by the Council in resolving complaints is broadly comparable with last years, but clearly improvements can still be made in resolving complaints earlier before reference to the LGO to reduce this further. Most settlements entered into by the Council this year related to minor procedural faults or time and trouble in pursuing a complaint that could have been more proactively considered / offered at stage 2 or 3 of the complaints procedure. The concerns relating to delay identified as a recurrent theme in previous years reports (usually in relation to delay in offering the service requested or in dealing with the complaint at stages 2 or 3 of the complaints process) have been significantly improved upon. Changes to the recording and monitoring of complaints within the Council has helped to address some of these issues, however, this is an area where the Council's historic performance has been below standard and progress to improvement will continue to be monitored accordingly.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

20. N/A

Revenue

21. There are no additional revenue implications arising from this report. The small level of compensation paid was met from within existing budgets.

Property

22. N/A

Other

23. N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

24. The Ombudsman's jurisdiction is laid out in the Local Government Act 1974 as amended. Local authority complaints mechanisms are operated under Section 11 Local Government Act 1972 and complaints in relation to Children's and Adult Services in accordance with corresponding primary legislation, regulations and evidence.

Other Legal Implications:

25. N/A

POLICY FRAMEWORK IMPLICATIONS

26. The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

1	LGO Annual Letter 2009-10
---	---------------------------

Documents In Members' Rooms

1.	None
----	------

Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
----	------	--

Background documents available for inspection at:

E-mail:

FORWARD PLAN No N/A

KEY DECISION No

WARDS/COMMUNITIES AFFECTED

N/A

**The Local Government Ombudsman's
Annual Review
Southampton City Council
for the year ended
31 March 2010**

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Contents of Annual Review

Section 1: Complaints about Southampton City Council 2009/10	3
Introduction.....	3
Enquiries and complaints received	3
Complaint outcomes	3
Liaison with the Local Government Ombudsman	4
Training in complaint handling	4
Conclusions	5
Section 2: LGO developments	6
Introduction.....	6
New schools complaints service launched	6
Adult social care: new powers from October	6
Council first.....	6
Training in complaint handling	7
Statements of reasons	7
Delivering public value	7
Appendix 1: Notes to assist interpretation of the statistics 2009/10	8
Appendix 2: Local authority report 2009/10	

Section 1: Complaints about Southampton City Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Southampton City Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

In 2009/10 we received 53 enquiries and contacts relating to the council. A total of 15 of these were about housing, eight about public finance, seven about education, and six about planning and building control. The remainder covered a range of other services including highways and transport, adult care services and services for children and families.

A total of 38 were passed to the investigative team (33 new complaints and five resubmitted premature complaints). We treated eight complaints as premature and either referred them to the council or advised the complainant to make a complaint direct. In a further seven cases we gave the complainant advice.

This compares with 59 complaints and enquiries in 2008/09, 24 of which were forwarded to the investigative team. We expect to see slight fluctuations of this kind over time.

Complaint outcomes

We decided 28 complaints against the council during the year. In eight cases we found no evidence of maladministration, and six complaints were outside our jurisdiction. In a further seven cases we exercised discretion not to investigate further. Typically these are cases where even though there may have been some fault by the council there is no significant injustice to the complainant. The council agreed to remedy the other seven complaints by local settlement.

Reports

When we complete an investigation, we generally issue a report. This year we issued no reports against your council.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority seven were local settlements, representing 31.8% of complaints decided. We recommended that the council should pay a total of £4525 in compensation in 2009/10. In this letter I shall deal with some of the more noteworthy examples.

Children and family services

We found that the council had failed to properly access the needs of a young lady with learning disabilities on reaching the age of 16 including significant delays in the process.

My predecessor welcomed the council's agreement to treat the young lady as a 'former relevant child', but considered that the council could reasonably have made that decision sooner as it had all the relevant information before it during the statutory complaints process. The council agreed to pay £3,000 to the young lady and to finalise a pathway plan promptly.

The council also agreed to pay £500 to the complainant for his considerable time and trouble in pursuing the complaint.

Housing sales/leaseholds

The complainant's flat was in a block of flats owned by the council. When the roof was replaced her flat was damaged by rainwater penetrating into the property. There was a four month delay in the council arranging for an inspection of the flat to assess any repairs needed which resulted in distress and inconvenience to the complainant. Following our enquiry the council agreed to pay £200 compensation.

Local taxation

Three local taxation cases were settled. All concerned maladministration in enforcement action taken by the council for council tax arrears. The council paid the three complainants a total of £775.

In one complaint, the council issued a summons for non-payment when council tax had been received but not processed by the council. Seasonal postal delays at Christmas and New Year delayed receipt of the payment by the council and this was followed by delay in processing the payment. The council promptly agreed to apologise and pay compensation.

In the other two cases, the account was up to date but the summons issued, and bailiff letters threatening removal of goods caused considerable distress to the complainants. We recommended £350 compensation in each case.

Liaison with the Local Government Ombudsman

We made formal enquiries on 19 complaints this year. In the annual review for 2009, my predecessor congratulated the council on its consistently good response times to our enquiries in recent years. In 2009/10 the council took an average of 21.4 days to reply to our enquiries, which continues the council's excellent record. Our time target of 28 days was only exceeded once – an education complaint which was three days overdue. I commend the average 14.5 days response time achieved in public finance cases.

Training in complaint handling

My predecessor mentioned in last year's Annual Review that in previous years we have provided training in Effective Complaint Handling to staff from your authority. We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

**Dr Jane Martin
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB**

June 2010

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Dr Jane Martin
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

June 2010

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

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LGO Advice Team

Enquiries and complaints received	Adult care services	Children and family services	Education	Housing	Benefits	Public Finance inc. Local Taxation	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	0	1	0	3	1	1	0	1	1	8
Advice given	0	1	1	3	0	0	1	1	0	7
Forwarded to investigative team (resubmitted premature)	0	0	0	2	0	1	1	0	1	5
Forwarded to investigative team (new)	2	0	6	7	0	6	4	2	6	33
Total	2	2	7	15	1	8	6	4	8	53

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	7	0	0	8	7	6	28

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	19	21.4
2008 / 2009	17	21.1
2007 / 2008	19	24.8

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20

Agenda Item 7

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	CORPORATE COMPLAINTS 2009-10		
DATE OF DECISION	23 SEPTEMBER 2010		
REPORT OF:	HEAD OF CORPORATE POLICY AND PERFORMANCE		
AUTHOR	Name:	Tracey Arrowsmith	Tel: 023 8083 3050
	E-mail:	tracey.arrowsmith@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report summarises performance and issues arising out of the Council's performance under its Corporate Complaints Procedure from the 1st April 2009 until 31st March 2010. Reports are also prepared for COMT at the end of each quarter.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To update Members on performance and any issues arising out of complaints made by the public via to the Corporate Complaints Procedure during 2009-10. Identifying these issues assists the Council in understanding where things have "gone wrong" in the past year in order to improve service delivery.

CONSULTATION

2. This report is presented to Standards and Governance Committee for consultation purposes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

DETAIL

4. The effective and responsive management of complaints is a vital part of the council's overall approach to customer care. In addition the customer feedback that valid complaints provide can be used to improve service provision, facilitate corporate learning, and demonstrate continuous improvement.

5. The Council operates a three part complaints system:
- Stage 1 complaints are responded to by the relevant service manager
 - Stage 2 complaints are investigated and responded to by with the appropriate Head of Service
 - Stage 3 complaints are investigated by the Corporate Complaints Officer or by a Senior Officer independent from the service area that is being complained about.

A separate process is followed within the Children’s Services and Learning Directorate and the Health and Adult Social Directorate, largely as a result of the statutory complaints procedure which applies in these areas.

6. At the end of a Stage 3 investigation, the customer is advised that if they are still not satisfied with the outcome, they may address their complaint to the Local Government Ombudsman. This in effect represents the fourth and final stage from the customer’s perspective.

Statistical Information for 2009/10

7. During 2009/10 1,112 complaints were recorded through the Corporate Complaints procedure this representing a 3.8% increase on the 1,072 complaints received in 2008/09.
8. A detailed breakdown of the complaints received is set out in Appendix 1 to this report.
9. The distribution of complaints is not spread evenly across all divisions. Complaints are concentrated towards a number of customer facing Services. In 2009/10 five divisions accounted for over half of the complaints received. The table below lists the 5 areas with the highest proportion of complaints for 2009/10, and compares this with figures for 2008/09.

2009/10		2008/09	
Local Taxation	19.3%	Leisure & Culture	22.3%
Decent Homes	13.2%	Housing Management	13.1%
Waste & Fleet Transport	9.4%	Decent Homes	10.7%
Leisure & Culture	8.8%	Local Taxation	9.4%
Customer Services	8.3%	Waste & Fleet Transport	9.0%

Prior to 2009/10 complaints statistics were recorded manually, making it difficult to draw direct comparisons between years. The introduction of the new Lagan IT system in 2009 will enable further and more accurate analysis of complaints within divisions, making it possible to identify reasons for changes in the number of complaints received.

10. Complaints received at Stage 1 of the complaints procedure are recorded into one of a number of categories. The table below indicates the percentage of complaints falling into each category and compares this with figures for 2007/08.

Category	2009/10	2008/09
Discrimination	1%	0.8%
Misinformation	4%	3.0%
Charges	4%	8.2%
Speed	5%	4.8%
Behaviour	19%	12.3%
Performance	31%	29.8%
Other	36%	41.1%

The highest proportion of complaints are still showing in the 'other' category. During 2009/10 work was undertaken to tackle this issue. Two new categories have been introduced from April 2010; 'disagree with decision' and 'avoidable contact'.

11. The Standards and Governance Committee has requested a breakdown of this Council's performance in relation to complaints compared to the Council's statistical neighbours. The Corporate Complaints procedure is not a statutory requirement. However failure to have a Corporate Complaints procedure in place would lead to an adverse report from the Local Government Ombudsman (LGO). Therefore the systems and processes that individual councils have in place are based on LGO guidance and are tailored to individual council structures and services. Comparison between authorities is therefore difficult. However, comparator information was requested from four authorities within Southampton's Audit Commission statistical neighbours. The responses confirmed that there are *some* similarities in the recording of complaints in these authorities. The following table sets out the overall figures for the number of complaints received.

Authority	Corporate Complaints received 2009/10
Southampton	1,112
Portsmouth	864
Brighton & Hove	1,649
Plymouth	2,152
Bristol	3,607

Complaints Closed & Resolved During 2009/10

12. The Corporate Complaints Procedure requires that complaints at stage 1 of the process are responded to within 10 working days and complaints at stage 2 and 3, within 20 working days.
13. The following table shows the number of complaints responded to at each stage of the procedure. Those complaints that cannot be responded to within the target period are frequently those that are more complex, and can involve investigating actions across more than one service area or division. Where this situation occurs the complainant will be contacted and a revised completion date agreed.

Stage	Working days taken to close		Total
	≤ 10 days	> 10 days	
Stage 1 2009/10	811 (89%)	104 (11%)	915
	≤ 20 days	>20 days	
Stage 2 2009/10	95 (95%)	5 (5%)	100
Stage 3 2009/10	25 (56%)	20 (44%)	45
Total	931(88%)	129 (12%)	1060

N.B. This table shows the number of complaints *completed* in 2009/10 as opposed to the number of complaints *received*.

Accessing the complaints process

14. The following table shows the number of complaints made by customers using the online complaint form over the last two years.

	Received online	Percentage of total received	Total received (all mediums)
1 st quarter 2007-08	110	38%	288
2 nd quarter 2007-08	118	50%	236
3 rd quarter 2007-08	104	48%	215
4 th quarter 2007-08	154	57%	268
1 st quarter 2009-10	155	56%	260
2 nd quarter 2009-10	110	37%	297
3 rd quarter 2009-10	69	26%	270
4 th quarter 2009-10	62	22%	285

It appears that the percentage of complaints received via this method has steadily decreased during 2009/10, the reasons for this are currently unclear. The Lagan IT system, introduced in 2009, now records how each complaint is received. Work is currently underway to capture this information within a report to enable further work to be done on the accessibility of the complaints process.

Learning from Complaints

15. In addition to using the complaints processes to redress customer dissatisfaction, the feedback generated through complaints is an important tool for improving performance and service delivery. In the quarterly complaint monitoring reports submitted to the Chief Officers' Management Team a summary is provided of the lessons learnt from investigations into complaints and changes planned or introduced in response to complaints. This enables problems encountered and learning experiences to be shared across the council, and provides an opportunity for initiatives developed to enhance customer satisfaction in one part of the organisation to be assessed for suitability in other directorates.
16. Appendix 2 includes a number of the initiatives for improvements arising from the consideration of complaints that have been reported to the Chief Officers' Management Team during 2009/10.

Developing the Corporate Complaints Process

17. During 2008/09 the Lagan Customer Relationship Management IT system was developed to record all Compliments, Comments and Corporate Complaints received by the Council. The new system was introduced on the 1st April 2009 and helps staff to manage and report on comments, compliments and complaints and automatically collate the monitoring information required by each Division, Directorate and Chief Officers Management Team as well as inform annual reports to this Committee.
18. The Lagan Complaints system has also facilitated the introduction of a rolling programme of customer surveys to complainants which will enable the quality and access to the council's corporate complaints service to be measured. Questionnaires are sent to each complainant, at stage 1 of the process, once the complaint has been closed. The feedback from these surveys will be used to identify areas where improvements are required in the handling of complaints and areas of good practice. In 2009/10 of the 709 questionnaires sent out, 19% (136) were returned. 51% of complainants who feedback described the procedure for making complaints as easy and 24% as difficult. Currently the survey questionnaire does not give the opportunity for complainants to explain which elements of the process they found difficult. Work will be undertaken during 2010/11 to develop the questionnaire to enable identification of specific problem areas so that improvements can be made. Details of the survey results for 2009/10 can be found in Appendix 3.
19. During 2009/10 a half day training programme was developed to be rolled out to Complaints Contact Officers across the authority during 2010/11. The training sessions cover general complaint handling, complaint classification and the importance of recording lessons learnt, as well as looking at effective use of the Lagan system.

20. From the 1st April 2010 all non-statutory complaints regarding Children Services and Learning and, Health and Adult Social Care have been recorded on Lagan. This has ensured that all complaints which should be dealt with through the Corporate Complaints procedure are recorded and reported in a consistent way. It also provides the Customer Care and Complaints Team in Children's Services and Learning with access to Lagan and therefore improved information about the overall experience of the individual customer.

Freedom of Information Complaints

21. Complaints made about responses to requests for information made under the Freedom of Information (FOI) Act are processed outside the corporate complaints procedure. They do not follow the 3 stage process of other complaints, but are reviewed by the Corporate Complaints Officer. Customers are advised that if they still feel aggrieved they may escalate their complaint to the Information Commissioner's Office should they be unhappy with the response provided by the council. In 2009/10, nine FOI complaints were received, compared to eight received in 2008/09. The FOI complaints related to Highways & Parking (2), Planning & Sustainability (1), Childrens Services (2), legal Services (1) Leisure & Culture (1), Adult Services (1) HR (1). The original decision was upheld in 5 cases, further partial disclosure was made in 2 cases and full disclosure was made in 2 cases.

Conclusion

22. The council has continued to promote the opportunity for complaints as a means of addressing customer dissatisfaction and trying to put things right wherever possible. The Corporate Complaints Officer has continued to work with IT to develop the Lagan system to record and report complaints and has been working with Complaints Contact Officers across the authority to ensure a comprehensive and consistent approach to complaints handling.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

23. N/A

Revenue

24. N/A

Property

25. N/A

Other

26. N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

27. Local authority complaints mechanisms are operated under Section 11 Local Government Act 1972

Other Legal Implications:

28. N/A

POLICY FRAMEWORK IMPLICATIONS

29. The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

1	Complaints received by Service 2009-10
2	Learning from Complaints
3	Results of Complaints Questionnaire 2009-10

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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KEY DECISION No

WARDS/COMMUNITIES AFFECTED: N/A

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APPENDIX 1

Summary of Comments, Compliments & Complaints by received by Service area 2009-10

	Stage 1								Stage 2	Stage 3	Total
	Behaviour	Charges	Discrimination	Misinform.	Other	Perform	Speed	Total	Total	Total	
Chief Executive's Office											
Communications	0	0	0	3	9	6	3	21	0	0	21
Legal & Democratic	3	0	0	1	0	1	1	6	1	0	7
Corporate Policy & Performance	0	0	0	0	0	1	0	1	0	1	2
City Development & Economy	1	0	0	0	4	0	0	5	1	1	7
Communities Health & Care											
C&R	2	0	0	0	0	0	0	2	0	0	2
Resources											
Performance and Plan	0	0	0	0	0	0	0	0	0	1	1
Customer Services	57	0	0	7	6	6	3	79	9	4	92
Property & Procurement	2	0	0	0	3	1	0	6	0	1	7
Exchequer Services	1	1	0	0	0	0	0	2	0	0	2
Risk and Insurance	0	0	0	0	0	0	0	0	1	0	1
Local Taxation	5	20	1	10	112	11	5	164	39	12	215
Housing Benefits	19	2	1	0	4	36	0	62	10	2	74
HR	1	0	0	0	0	1	0	2	0	0	2
Cash Office	1	0	0	0	0		0	1		0	1
Environment											
Waste & Fleet Transport	22	2	0	0	19	55	0	98	5	2	105
Planning & Sustainability	6	1	0	5	19	6	3	40	13	9	62
Highways & Parking	7	6	2	1	35	17	9	77	2	0	79
Environmental Health & Consumer Protection	1	2	0	0	8	2	4	17	3	3	23

Appendix 1

Summary of Comments, Compliments & Complaints by received by Service area 2009-10

	Stage 1								Stage 2	Stage 3	
	Behaviour	Charges	Discrimination	Misinform.	Other	Perform	Speed	Total	Total	Total	Total
Smart Cities	0	0	0	0	1	0	0	1	0	0	1
Transport	1	0	0	0	0	2	0	2	0	0	2
Neighbourhoods											
Housing Management	13	0	1	0	25	32	4	75	9	3	87
Housing Solutions	4	1	4	5	7	7	3	31	6	4	41
Decent Homes	20	2	0	1	10	98	9	140	7	0	147
Neighbourhood Services	6	0	0	0	9	12	2	29	2	2	33
Leisure & Culture	7	2	1	4	73	6	1	94	4	0	98
Grand Total	179	38	10	38	344	299	47	955	112	45	1112

Appendix B - Learning from Complaints

Decent Homes

- A tenant complained that their boiler had broken down and they had no heating or hot water for 4 weeks:- the procedure for ordering spare parts has been changed, progress is now monitored and the customer kept informed of development.
- Customer complained as they were unhappy with delay in boiler being repaired by contractor: - Decision taken to deal with these issues in house & become an agent. SCC will keep own stock of spare parts so our engineers can undertake repairs.
- Customer unhappy with standard of tiling:- Guidance issued to staff of the method of tiling around sockets

Customer Excellence

- Comments received regarding information on the 'golden numbers' page of website:- More information has been added to make it clearer which services customers can access when they ring the numbers

Housing Benefit

- A landlord was unhappy that Housing benefit had been paid to the tenant even though he had proven that the tenant was in arrears: - the procedure has now been changed so that payments are stopped as soon as the Landlord indicates that there is a problem even if this is less than the 8 week statutory period. A letter is also sent to the tenant to notify them that this has happened.
- Landlord complained that the Council would not pay him HB direct as he lived abroad. Policy reviewed and amended, so that Landlords who live abroad can be paid direct.
- Claimant informed Gateway that he no longer wished to claim, the claim was not cancelled for several months and an overpayment occurred. Gateway staff are now able to suspend claims whilst the claimant is with them.
- The parents of a deceased customer complained they received a bill for overpaid benefit: - Letters will now be sent to executors along with the bill, explaining how the overpayment occurred

Local Taxation Services

- Customer complained that money was taken out of account in error: - All staff advised to be more vigilant when entering direct debit details.
- Complaint that court action was taken whilst customer providing information: - All staff advised to make notes regarding information given to customer regarding further recovery action.
- Customer thought a student certificate did not need to be provided because the student would be on a list provided by Solent University. Customer expected the council to contact the University. Solent University have been asked to include Erasmus students on the list provided for the council

Parking Services

- Complainant incorrectly received a letter advising he had contravened a local bylaw by not paying the Itchen Bridge toll: - A full review of procedures is to be carried out, along with staff re-training where necessary
- Complaint that City View article stated 'pay as you park' cards available for as little as £5, but applications on line starts at £50: - Nil value card application added to website

Appendix C**Results of complaints questionnaire 2009/10****Q1 Before making a complaint were you aware of the Council's complaints process?**

Yes	33%	45
No	65%	88

Q2 How did you find out about the Council's Complaints Process?

A friend or relative	4%	6
Council staff (e.g. switchboard, Gateway, local housing office or another council officer)	31%	42
Council publications such as the Council's A-Z guide booklet, How to make a Complaint leaflet, City View	6%	8
The Council's website – Southampton Online	27%	37
Another organisation e.g. Citizens Advice Bureau or a Community Group	0%	0
A Councillor or Member of Parliament	2%	3
Other please state	24%	33

Q3 Which of the following do you feel best describes the procedure for making a complaint?

Very easy	26%	36
Fairly easy	24%	33
Neither easy nor difficult	21%	29
Fairly difficult	11%	15
Very difficult	13%	17

Q4 At what stage was your complaint resolved?

Stage 1	32%	43
Stage 2	9%	12
Stage 3	4%	5
Local Government Ombudsman	1%	2
Don't Know	32%	44

Q5 To what extent do you agree or disagree with the following statements regarding the outcome of your complaint

	Agree Strongly	Agree Slightly	Neither Agree or Disagree	Disagree slightly	Disagree strongly	Not applicable
I agree with the conclusion reached by the person who investigated my complaint	18% 24	13% 17	12% 16	7% 10	32% 44	7% 9
I am satisfied that the conclusion reached by the investigator of my complaint was fair	21% 28	13% 18	11% 15	7% 9	30% 41	6% 8
The investigation addressed all the concerns raised in my original complaint	22% 30	15% 21	7% 9	7% 10	32% 44	4% 6
There was a clear explanation of what would be done/will happen next from the council service	21% 29	2% 29	11% 15	4% 6	24% 33	5% 7
The apology I received was adequate	16% 22	18% 24	10% 14	5% 7	28% 38	11% 15
I was advised how to take my complaint further if I had wanted to	15% 20	19% 26	16% 24	4% 6	19% 26	13% 18

Q6 Overall, how satisfied were you with the result (outcome) of the investigation of your complaint?

Very satisfied	18%	24
Fairly satisfied	17%	23
Neither satisfied nor dissatisfied	12%	16
Fairly dissatisfied	16%	22
Very dissatisfied	33%	45

Q7 If you were not completely satisfied with the result (outcome) of the investigation of your complaint, please say why

Q8 To what extent do you agree or disagree with the following statements regarding the handling of your complaint

	Agree Strongly	Agree Slightly	Neither Agree or Disagree	Disagree slightly	Disagree strongly	Not applicable
My complaint was dealt with within a reasonable time	37% 50	11% 15	10% 13	4% 5	28% 38	2% 3
The attitude of the person/people dealing with my complaint was appropriate	36% 49	12% 16	10% 14	7% 9	21% 29	3% 4
I was kept informed of the progress of the investigation	24% 33	10% 18	13% 18	7% 10	26% 35	10% 14

Q9 Overall, how satisfied were you with the manner in which we handled your complaint?

Appendix 3

Very satisfied	23%	31
Fairly satisfied	15%	21
Neither satisfied nor dissatisfied	9%	12
Fairly dissatisfied	11%	15
Very dissatisfied	30%	41

Q10 **If you were not completely satisfied with the manner in which we handled the investigation of your complaint, please say why**

Q11 **If you wish to make any other comment that could be used to improve the complaints service, please make it here.**

Are you

Male	43%	59
Female	44%	60

Which of these age groups do you fall into?

Under 18	0%	0
18 to 24	3%	4
25 to 34	12%	16
35 to 44	15%	20
45 to 54	21%	28
55 to 64	23%	31
65 to 74	12%	16
75+	7%	10

Do you have any long term illness, health problem or disability which limits your daily activities or the work you can do?

Yes, limits severely	11%	15
Yes, limits but not severely	18%	24
No	58%	79

To which of these groups do you consider you belong?

a) White

British	81%	111
Irish	1%	1
Any other White background	4%	5

b) Mixed

White and Black Caribbean	1%	1
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Appendix 3

White and Black African

0%	0
0%	0
1%	1

White and Asian

Any other Mixed background

c) Asian or Asian British

Indian

Pakistani

Bangladeshi

Any other Asian background

1%	1
0%	0
1%	1
1%	1

d) Black or Black British

Caribbean

African

Any other African background

0%	0
0%	0
0%	0

e) Chinese

Chinese

0%	0
----	---

f) Other ethnic group

0%	0
----	---

N.B. Percentages do not total 100% as not all respondents answered all questions

Agenda Item 8

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2009-10		
REPORT OF:	CUSTOMER CARE AND COMPLAINTS MANAGER		
DATE OF DECISION	23 SEPTEMBER 2010		
AUTHOR	Name:	Christine Williams	Tel: 023 8083 3258
	E-mail:	Christine.williams@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report provides an analysis of the comments, concerns, compliments, enquiries from Councillors and MPs, informal complaints (representations), formal complaints – including requests for access to personal social care files (Data Protection Act requests) and Freedom of Information Requests, across Children's Services and Learning and Health and Adult Social Care Directorates.

The NHS and Community Care Act 1990, the Children Act 2004 and Department of Health Guidance and Regulations require social care services to set up and maintain a complaints procedure. Southampton City Council operates one complaints and comments system – covering Adult Social Care Services and Children's Services and Learning. The guidance requires the production of an annual report, see Appendix 1.

Note: The statutory complaints and comments system is separate from the corporate complaints process.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To update Members on the issues arising out of complaints made by the public to Children's Services and Learning and the Health and Adult Social Care Directorate during 2009-10. And provide information on actions taken in response to complaints to improve performance.

CONSULTATION

2. This report is presented to the Standards and Governance Committee for consultation purposes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

DETAIL

Rationale and background

4. The new Ofsted inspection framework stipulates that account must be taken of the extent to which service providers have sought and acted upon the views of children, young people and carers. Children's Services and Learning Directorate encourage users to make comment, complaint and compliments about the service. The Ofsted framework describes:

- An outstanding service, as one in which: *'there is a well-established complaints and representations service, which is valued by children and young people. The outcome of complaints and concerns raised about services are systematically used to inform service development.'*
- An inadequate service, as one in which: *'too few children and young people are aware of how to complain or make representations. Children and young people are not informed about their access to advocacy services to support them in making complaints and representations or express a lack of confidence in the complaints system.'*

5. The NHS and Community Care Act 1990 and Department of Health Guidance and Regulations require Social Services to set up and maintain a complaints procedure and to operate that procedure according to specified timescales and methods of investigation and review.

The Adult Health and Social Care Directorate encourages service users to comment on the service.

6. The Complaints Manager uses information from the National complaints Managers Group and the Local Ombudsman to inform best practice.

Contacts - during the period 1 April 2009 – 31 March 2010

- 7.
- Children's Services and Learning: 441 contacts were received of which 181 were formal complaints.
 - Health & Adult Social Care Directorate: 384 contacts were received by the Directorate, of which 222 were formal complaints. This is a slight decrease on last year.

Compliments - during the period 1 April 2009 – 31 March 2010

- 8.
- Children's Services and Learning Directorate: 35 compliments were recorded in total for 23 were for Social Care, 10 for Capital Assets & Infrastructure, 1 for Safeguarding Inclusion services and 1 for School Standards
 - Health & Adult Social Care: 43 compliments were received for and these were mainly regarding the hard work and caring attitude of staff

Complaints - during the period 1 April 2009 – 31 March 2010:

9. Children's Services & Learning: A total of 181 complaints were received, complaining about 258 issues. The distribution of complaints was:

• Safeguarding: social care	201
• Safeguarding: inclusion	14
• School Standards	19
• Young People and community Support	3
• Commissioning Policy and Performance	0
• Schools	16
• Local Government Ombudsman	4
• Assets and Infrastructure	1

Health & Adult Social Care: A total of 222 formal complaints were received complaining about 276 issues. The distribution of complaints was:

• Adult Safeguarding	6
• Contact Centre	3
• Disabled Parking Badge	31
• Hospitals (social care)	5
• Learning Disability	8
• Locality Support Teams + Rehab Teams	59
• Mental Health	10
• Provider Services (including dom.care changes)	47
• Sensory Services	4
• Supporting People	1
• 1Finance	102

10. The number of complaints received for children's social care increased by 42.72% against 2008/2009. In Health and Adult Social Care the number of complaints remained largely the same for the previous period.

11. There is no evidence that the increase in complaints is related to the specific service changes or developments within Children's Services and Learning. Officers will be working with the complaints team to further explore any patterns in the increased number of complaints relating to changes in service performance, or whether the increase may relate to having improved users' accessibility to and awareness of the complaints process.

12. Whilst complaints in Health and Adult Service have largely remain the same there have been a larger number of complaints directed at financial services. These are specifically related to problems experienced in the billing computer systems.

Stage 1 complaints

13. Of the 181 complaints in Children's Services and Learning: :

- 43 were upheld, 39 were partially upheld and 70 were not upheld, 14 outcomes were recorded as ongoing and 2 were withdrawn.

Note: *No complaints were received from a child or young person in 2009/10.*

Of the 222 complaints in Health and Adult Social Care:

- 82 were upheld, 33 were partially upheld and 69 were not upheld, 27 were ongoing and 6 were withdrawn by complainant. Many of the complaints were about information regarding residential care, the Charging Policy and direct payments. We do not have outcomes for three complaints.

Note: *Adult Social care complaints procedures changed from 1 April 2009. This has resulted in a faster single stage complaints procedure for these areas. The change removes the three stage process and instead gives the opportunity to use a variety of different methods to resolve complaints. If complainants remain dissatisfied with the response to their complaint they can then ask the Local Government Ombudsman to investigate their complaint.*

Note relevant to Children's Services and Learning and Health and Adult Social Care: *Changes are due to come into force in 2011 which will extend the Ombudsman's jurisdiction to cover complaints about schools and the management of schools and complaints about individuals who self-fund private social care needs. This could have an impact on the number and type of complaints we receive.*

14. There has been an overall decrease in response rates to complaints in Children's Services and Learning. One reason for this is the recent changes in service management which has resulted in complaints not initially being directed at the correct team.

15. The response rate within Health and Adult Social Care shows an improvement. This is as a result of the changes in the Adult statutory complaints procedure which means complaints are now categorised as low, medium and high risk and the timescales for responses is different. In the low category 63.7% of complaints were responded to within timescale (10 days), Medium 70.8% within timescale (20 days) and High 87.5% (30 days).

16. **Complaints not resolved at Stage 1**

Of the 181 complaints received for Children's Services and Learning, 7 progressed to Stage 2 and 0 progressed to Stage 3. The Local Government Ombudsman investigated four complaints for School Standards and Inclusion. These were regarding unsuccessful admissions. A further two premature complaints were received from the Local Government Ombudsman which had not previously gone through the Children's Services and Learning Complaints process. Of the 222 complaints for Health & Adult Social Care, no complaints were received via the Local Government Ombudsman.

17. **Learning from complaints.** The feedback from divisions on learning points has been patchy and is identified as an area for further development next year. Performance in this area has now improved and this is demonstrated in the attached reports.

- 18 The following issues have been identified for action following complaints:
- Issue: lack of, and insufficient, communication between social workers and service users about children's safeguarding procedures. Action: communication issues will now be raised as a standing agenda item at Supervision and Team Meetings.
 - Issue: lack of information or incorrect information being provided to families involved in Child Protection Conferences. Action: information for those involved in the child protection process has been reviewed by the CP Team.
 - Issue: change of procedure so that recorded delivery is now no longer used for personal information. Action: information should be hand delivered or sent via Special Delivery.
 - Issue: Direct payments. Action: information regarding Direct Payments has been reviewed.
 - Issue: Concerns of inappropriate charging. Action: system checks for incorrect accounts resulted in many service users being credited amounts of money on their accounts.
 - Issue: lack of partnership working. Action: better working practice between agencies is crucial to the co-ordination of care for adults and older persons and processes continue to be developed to achieve this.

19 The Standards and Governance Committee requested a breakdown of how performance in number and response to complaints measured against the Council's statistical neighbours. The Ombudsman does not publish direct comparisons as the nature of Authorities and the services they deliver varies considerably... This comparison compares performance across our statistical neighbours (Audit Commission Comparator Authorities list - Bristol, Brighton & Hove, Plymouth and Portsmouth. Key statistics are set out in the table below.

Authority	Total Stage 1 Complaints	Responded to within 10 days
Brighton & Hove	Childrens 81 Adults Not available	51%
Bristol	Childrens 37 Adults 122	76% (within 15 days) 60%
Plymouth	Not available	
P'mouth	Childrens 48 Adults 52	39% Low 82% Medium to High 18%
So'ton	Childrens 181 Adults 222	Safeguarding Social Care 63% Safeguarding Inclusion 78.3% Low 63.7% Medium 70.8% High 87.5%

Note: Some authorities eg Bristol do not have a target of 10 days.

20

Whilst there is not sufficient data to carry out a comprehensive analysis of Southampton's performance against others, the data does indicate two conclusions:

- a) The total number of complaints received in Southampton are higher than those for the comparator authorities used. It is not clear whether this relates to service performance issues, or the accessibility of the complaints process. The consistency of the high level of complaints, with the relatively high proportion successfully resolved at Stage 1 might suggest that there are higher levels of awareness in Southampton about how to complain.
- b) Despite higher levels of complaints, Southampton performs in responding to complaints promptly.

21 **Areas for development:** There is a need, in the coming year to use our established processes to demonstrate the impact of complaints and representations in improving the way services are provided. Equally, we need to ensure that adults, vulnerable adults, children, young people, as well as their parents and carers, are aware of the complaints process and have confidence in it. Heads of service have agreed the following actions in order to improve our responsiveness to complaints:

- Regular meetings between the Head of Service and Complaints Manager and Divisional Management Teams to review timeliness, quality of responses.
- Learning from complaints will be built into business plans

The Complaints Manager will liaise with the Children's participation team to try to raise the profile of the complaints service for children and young people.

22 **Access to records:** There were significant increases in requests by current and former service users in relation to access to care records across both Children's Services and Learning and Health and Adult Social Care. This again is indicative of more service users being aware of the right of access to information about their care.

- Children's Services & Learning: there was a 67% increase in requests received for access to records, from 39 to 65.
- Health & Adult Social Care: there was a 18.18% increase in requests received for access to records from 11 to 13

23 **Freedom of Information requests:** There were significant increases in freedom of information requests across both Children's Services and Learning and Health and Adult Social Care. This is indicative of more service users being aware of the right of access to information about council services.

- Children's Services & Learning_ - there was an increase of 39% in FOI requests from 99 to 137
- Adult Social Care - there was an increase of 154% in FOI requests from 22 to 56

FINANCIAL/RESOURCE IMPLICATIONS

Capital

24 N/A

Revenue

25 N/A

Property

26 N/A

Other

27 N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

28 Local authority complaints mechanisms are operated under Section 11 Local

Government Act 1972 and complaints in relation to Children's and Adult Services in accordance with corresponding primary legislation, regulations and evidence.

Other Legal Implications:

29 N/A

POLICY FRAMEWORK IMPLICATIONS

30 The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

1	Children's Services and Learning Annual Report 2009 – 2010
2	Health and Adult Social Care (formerly Communities, Health and Care) Annual Report 2009 - 2010

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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FORWARD PLAN No N/A

KEY DECISION No

WARDS/COMMUNITIES AFFECTED: N/A

Learning from our Customers

**The Annual Report reviewing comments and complaints made
in**

April 2009 – March 2010



Southampton City Council
Children's Services and Learning Directorate

Christine Williams
Customer Care and Complaints Manager

1. Introduction

- 1.1. This annual report provides analysis of comments/concerns, compliments, enquiries from Councillors and MPs, informal complaints (representations), formal complaints as well as Access to Personal Social Care files (Data Protection Act requests) and Freedom of Information Requests for the Children's Services and Learning Directorate.
- 1.2. The Children's Services and Learning Directorate's Customer Care and Complaints Team, is managed within the Commissioning Division. It manages the overview of Complaints, Access to Records and Freedom of Information Processes across both Children's Services and Learning and the Health and Adult Social Care Directorate.
- 1.3. The management of complaints forms part of a broader approach to the way the Directorate delivers customer care. The complaints function is a vital source of information, which assists in the development and delivery of future services.
- 1.4. This report encompasses statistics for all divisions within the Children's Services and Learning Directorate between 1 April 2009 and 31 March 2010.

2. Background

- 2.1. The Children Act 1989 Representations Procedure (England) Regulations 2006 require local authorities with social care services to set up and maintain a complaints procedure. This procedure must operate according to specified timescales and methods of investigation and review. The guidance requires that a report be published annually. The published report should provide an overview to staff, the general public as well as the Council's Standards and Governance's committee.
- 2.2. It is important that users feel able to voice their opinions and feel confident that their feedback will be considered. The Children's Services and Learning Directorate encourages service users to comment about the service they receive.
- 2.3. This report helps to ensure that this feedback reaches senior and other managers within the Directorate to inform the way we deliver services to our customers.
- 2.4. Complaints are a valuable resource and the feedback and learning gained from them forms both an integral part of the quality assurance process. It also contributes to the overall development and monitoring of services. This feedback mechanism is continually evaluated to

ensure that we are developing services in line with our customers' needs and requirements. This is illustrated in Appendix 1.

3. Review of Children's Services and Learning contacts received in 2009/2010

- 3.1. A contact is defined as any communication received by the directorate's customer care and complaints team from a service user/member of the public regarding the services we provide.
- 3.2. Between 01 April 2009 and 31 March 2010, 441 contacts were received by the Directorate (see 3.3 Table 1)
- 314 Safeguarding Social Care
 - 76 School standards
 - 43 Safeguarding Inclusion Team
 - 8 Schools (the complainants were advised and helped to follow the complaints procedure of the school they were complaining about).

3.3. Table 1: Shows Contacts received by Record Type

Number of contacts received by Record Type					
2008 - 2009			2009 - 2010		
Record Type	Number	%	Record Type	Number	%
Stage 1 Complaints (Social Care)	90		Stage 1 Complaints (Social Care)	131	
(All other)	24		(Inclusion + other)	40	
(Schools)	4	45.22	(Schools)	8	
Referrals	10	3.83	(Schools/LA)	2	41.04%
Representations	77	29.50	Referrals	8	1.82
MP/Cllr enquiries	56	21.45	Representations/comments	127	29.22
Compliments	48		MP/Cllr enquiries	89	20.32
			Compliments	35	7.80
Total	309	100.0%	Total	441	100.0%

The table shows a 42.72% increase in the number of contacts received in 2009/10 (441) compared to 2008/9. Whilst the number of referrals and compliments fell, contacts in other areas rose sharply

3.4.

Table 2: Contacts - how received

Contacts - How received		
01/04/2009 to 31/03/2010		
How Received	Number	%
Complaint Form	8	1.8%
Email	114	25.9%
In Person	7	1.6%
Letter	165	37.6%
From Ombudsman's Office	4	0.9%
Tel	136	31.1%
Web Application	7	1.6%

Total	441	100.0%
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3.5. The number of formal statutory complaints received each month varied considerably. The greatest number of complaints (22) were received in October 2009 and the lowest (6) in April and December 2009. A comparison of the 2009/10 pattern against 2008/09 shows no discernable seasonal pattern relating to complaint. Therefore we cannot predict our busiest periods (see 3.6 Table 3).

3.6.

Table 3: Monthly analysis

SCC - Customer Care & Complaints Service													
Contacts received month by month													
01/04/2009 to 31/03/2010													
Type of Record	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Jan 2010	Feb 2010	Mar 2010	Total
Comment	0	0	0	0	0	0	1	17	0	4	1	1	24
Compliment	0	1	1	3	1	4	12	6	1	2	2	2	35
Corporate complaint	0	0	0	0	0	0	0	0	0	0	1	1	2
Correspondence/Enquiry	0	0	0	0	0	0	0	0	0	0	0	0	0
LGO Complaints	0	0	0	1	0	0	0	0	0	0	1	2	4
MP/Cllr Enquiry	14	6	4	8	2	8	7	11	8	4	7	10	89
Referral	0	0	0	1	0	0	1	2	1	0	3	0	8
Representation	7	11	9	9	3	10	10	7	10	8	13	7	104
School complaint	0	0	0	0	1	1	0	1	0	0	3	2	8
Statutory Complaint	6	14	12	19	13	17	22	15	6	8	21	14	167
Total	27	32	26	41	20	40	53	59	26	26	52	39	441

3.7. 35 compliments were recorded in total for the Children's Services and Learning Directorate.

- 23 Safeguarding Social Care
- 10 for Capital Assets & Infrastructure
- 1 for Safeguarding Inclusion services
- 1 for School Standards.

3.8. This is unlikely to be a true reflection of the number of compliments received by staff. All staff should be encouraged to send copies of compliments and letters they receive to the Customer Care and Complaints Team in order that they can be recorded and passed to the Executive Director. Alternatively, compliments could be measured as a local business metric.

3.9. **Definitions:**

- Social Care complaints are those investigated under the statutory regulations.
- All other complaints are investigated using the Southampton City Council Corporate complaint procedure.

- Referrals are requests for help which are passed to the relevant council directorates and partner services.
- Representations are enquiries, concerns or comments which can be dealt with and resolved within 24 hours. Any social care comments that cannot be resolved within this time automatically become statutory complaints.
- MP/Cllr Enquiries are enquiries / complaints on behalf of a constituent or request for information which need to be investigated.

3.10. Table 4 provides a breakdown of complaints by service area. Many complainants have complained about more than one service area, as part of their complaint.

3.11.

Table 4: Stage 1 Complaints by Specific Service Area

Stage 1 Complaints for Specific Service Area	
Received between 01/04/2009 and 31/03/2010	
Specific Service Area	Number
Safeguarding: Social Care	131
Safeguarding: Inclusion	11
School Standards	20
Young People and Community Support Services	4
Commissioning, Policy and Performance	0
Assets and Infrastructure	1
Schools (under Corporate Procedure)	2
Schools (advised to follow schools procedures)	8
LGO Complaints (not premature)	4
Total number of formal complaints	181
Total number of issues subject to complaint	258

3.12

Table 5: Breakdown of complaints by complaint issue - this highlights some of the major issues contained within the contacts and complaints we receive (excluding schools and academies)

Issue / Reason for Contact or Complaint	Number
Breach of Confidentiality	10
Communication	123
Eligibility Criteria	2
Environment	8
Finance	5
Staffing issues	114
Lack of Service Provision	96
Safeguarding Provision / Process	28
School related services	47
Policy	8

Issue / Reason for Contact or Complaint	Number
Total	441

4. Key Findings – Complaints

4.1. The number of formal Stage 1 statutory complaints received for Children’s social care services for this year shows an increase of 69.41% on those received in 2008/2009. This increase is in line with National figures, and may be linked to the high profile cases such as Baby P.

4.2.

Table 6: Social Care Activity

Children & Families			
Referrals	3204	Formal complaints	181
Initial Assessments	2580	Representations	104
No. of Looked After Children	368	Complaints by Children	0

5. Managing Complaints

5.1. All complaints received directly by the Customer Care and Complaints Team are acknowledged within the statutory three days. Complaints were not always received promptly from service areas, and in some cases, we are not informed of the complaint until the response is sent to the complainant. This is not in keeping with the Directorate’s agreed policy for managing complaints, however, this is being addressed through staff training.

5.2. Table 7 shows an overall decrease in response rates to complaints in Children’s Services & Learning in 2009/10. This may reflect, in part, the combining of response rates across the whole directorate, with complaints not always received promptly from service areas (which as previously stated is being addressed through staff training)

5.3.

Table 7: Responses made within timescales

Overall Performance Report				
01 April 2009 to 31 March 2010				
Complaint Type	Acknowledgement		Full Response	
	2008/2009	2009/2010	2008/2009	2009/2010
Safeguarding: Social Care				
Cllr / MP Enquiry	100.00%	*95.00%	93.30%	47.6%
Formal Stage 1	97.70%	96.00%	89.90%	63%
Safeguarding: Inclusion Services and School Standards				
Cllr / MP Enquiry	97.40%	*97.00%	51.40%	55.4%
Formal Stage 1	100%	95.7%	100%	78.3%

* *This figure reflects a delay in enquiries being sent to the Customer Care and Complaints Team.*

- 5.4 The complaints regarding schools are recorded by the Customer Care and Complaints Team, but complainants are advised that they should complain directly to the school concerned using the complaints process for the school in question.

6. Progression of Statutory Complaints

- 6.1. 181 complaints reached stage 1 of the statutory complaints process in 2009/2010. This is generally the stage at which the Customer Care and Complaints team gets involved in complaints about Services.
- 6.2. Of the 181 Stage 1 outcomes recorded
- 70 (41.18%) were not upheld
 - 43 (23.75%) were upheld
 - 39 (22.94%) were partially upheld
 - 14 (7.7%) outcomes were recorded as ongoing
 - 2 (1.1%) were withdrawn.
- 6.3. There were seven complaints progressed to Stage 2 at the statutory process. One of these was subject to further investigation and mediation through a management review. The others were resolved at Stage 2.
- 6.4. No complaints reached Stage 3 of the process in 2009/10.
- 6.5. The Local Government Ombudsman investigated four complaints for School Standards and Inclusion. These were regarding unsuccessful admissions and special needs' statements. Two premature complaints regarding social care issues were received from the Local Government Ombudsman (complaints which had not previously been investigated by Children's Services & Learning).

7. Further Actions

- 7.1. Whilst there are systems in place to capture and record details of customer feedback and complaints, they are not consistently applied. This is being addressed through staff training and Managers are asked to complete the Manager's check list, which is now included with the complaint notification. Responses to complaints should contain the following information:
- An acknowledgement of the issues raised by the complaint.
 - An apology if appropriate or an acknowledgement of complainant's feelings
 - An explanation of actions to be taken
 - What we should have done differently
 - What we will do now (actions)
 - What we have learned

- What the complainant should do if they remain dissatisfied.
- 7.2. The Customer Care and Complaints Team will continue to remind staff of the importance of reporting all compliments received so that a true representation of the views of our customers can be evidenced for service improvement.

8. Achievements 2009/2010

- 8.1. During 2009/10 the Customer Care and Complaints team has support the CSL Directorate in the management of 42% more customer contacts (excluding FOI and access to record requests). In addition to the above the service area has achieved a more integrated complaints service across the whole of the Children's Services and Learning Directorate.
- 8.2. Increased managers' awareness of the need to inform Customer Care and Complaints of any learning arising from complaint.

9. Customer Feedback

- 9.1. Out of the 181 Statutory Complaints made – 109 were sent customer feedback forms. These were not sent to people who had complained via the Local Government Ombudsman, Corporate complaints process, or School Complaints processes.
- 9.2. Out of the 109 sent out – 35 were returned completed, a 32% response rate. Comments made include:
- The need to make sure complaints are dealt with and not just a letter saying someone is unavailable it will be dealt with in the future
 - A further full written reply responding to my secondary complaint rather than an answerphone message being left.
 - Meeting in person with parents
 - Remove staff who are biased, corrupt and who have relevant information. No wonder so many children are failed by the system.
 - Some form of concrete way of making up for lost time etc.
 - Not going via a third person all of the time, it makes this laborious and confusing not going
 - That social services give family more support on family side, such as less people in the meetings.
 - Get the child/children back quicker to their parents.
 - Parents have more time with the child
 - Investigate complaints fully with a non-bias opinion. Advise social services to record all care + letters not just those that paint a rosy picture of them. Discipline staff appropriately and accordingly work with families and not against them
 - Actually send out replies would help a lot. Don't leave it for weeks. Don't make people chase their own complaint.

9.3. This feedback is used by the service to make further improvements to the complaints process.

10. Access to Records (social care only)

10.1. This is an important function that is provided to anyone who requests access to their Social Care records from a time in Care either currently or from an earlier period in their life. The access to records facilitation is now under the management of the Customer Care and Complaints Team for any service user who is NOT receiving a service, including historical abuse requests.

10.2.

Table 8: Number of Access to Records requests received

2008/2009	2009/2010
39	65

10.3. Table 8 shows a 67% increase in the requests received from 39 in 2008/09 to 65 in 2009/10. This includes 14 requests that were received from Hampshire Constabulary for information to assist in criminal investigations.

10.4. In 2009/10 62 (96%) access requests were completed within the statutory timescale of 40 days.

10.5. This service has continuously improved, resulting in a 96% completion rate for 2009/2010 despite the rapid increase in demand for such requests.

11. Freedom of Information

11.1. This service is provided under the Freedom of Information Act.

11.2. **Table 9: Number of Freedom of Information requests received**

2008/2009	2009/2010
99	137

11.3. Table 9 shows a 39% increase in Freedom of Information requests.

11.4. Eighteen of these requested information from both Adult Services and Children's Services and Learning Directorate.

11.5. 98.90% of these requests were responded to within the statutory timescale of 20 days this year.

11.6. There were no discernable trends to the information requested. An example of the requests received were:

- Numbers of children and young people looked-after and the ratio of children to social workers
- Several requests asking for the numbers of children on Child Protection Register and how many were abuse cases
- The number of incidents where files/information have been lost

- The number of children (aged under 16) who have been referred to the council amid concerns they are involved in the sex trade
 - How many children with Special Needs received assessments for a 'statement' for Special Needs in the past year and how many were successful
 - How many teachers and teaching assistants have been assaulted in each of the last five years? Also how many pupil-on-pupil assaults in primary and secondary years have there been for the same date period
 - How many children aged between 14 – 18 are educated at home
 - How many children in the Local Authority take up school meals
 - How many children have Child Protection Plans for neglect etc?
- 11.7. Both the Access to Records and Freedom of Information databases will continue to be reviewed and updated to ensure that we continue to improve the service we provide.
- 11.8. The total percentage of increase in workload across Complaints, FOI and Access to Records for Children's Services and Learning is 44%.

12. Development work for 2011

- 12.1. Following the restructure of Children's Services and Learning in 2010/11, the Directorate complaints' database will need to be updated. This is due for completion by October 2010.
- 12.2. The Customer Care and Complaints Team have been asked to be responsible for creating a central database for the recording of 'lost' information. This is currently in the early stages of development but will be used for all instances of lost information held in various formats. 'Lost' information is defined as personal information held on transferable formats such as paper, CDs, USB sticks or laptops lost outside of the office.
- 12.3. The number of complaints and customer feedback received directly from children and young people is zero. The Complaints Manager will liaise with the Children's participation team to try to raise the profile of the complaints service for children and young people.
- 12.4. The current breakdown of complaints' issues is overly complex. Work has been initiated in 2010/11 to simplify the classification of complaints. This will be reflected in the 2011 report.

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ISSUE IDENTIFIED TO INFORM IMPROVEMENT	ACTION NEEDED	BY WHOM	FURTHER ACTION NEEDED
Several complaints concerned alleged breach of confidentiality (9)	Review of procedure/policy and further training for staff	Service Managers	Ongoing
Communication which included Unwanted (3) Inaccurate (5) Lack of (40)	Supervision and review of procedures	Service Managers	Completed
Code of conduct or attitude of staff (41)	In some of these cases it was agreed that the procedures should be reviewed. In 2 cases it was agreed to change the social worker. Managers are to raise issues with individual staff members where necessary	Service Managers	Completed
Generic issues	Many complaints did not proceed to Stage 2 as the Service Manager and Customer Care & Complaints Manager met with complainants to resolve the issues.	Service Manager and Customer Care & Complaints Manager	Ongoing
Respite for Children with disabilities	Review of Service undertaken	Service Manager	Completed

Appendix 1 – Learning from complaints.

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Learning from our Customers
A review of comments and complaints made in
1st April 2009 – 31st March 2010



Southampton City Council
Health and Adult Social Care Directorate

Christine Williams
Customer Care and Complaints Manager

Learning from our Customers

“A review of comments and complaints made in the period April 2009 – March 2010”

1. Introduction

- 1.1 The annual report provides an analysis of compliments, enquiries from Councillors and MPs, Adult Statutory concerns and Adult Statutory complaints received during the period 1st April 2009 to 31st March 2010. Additionally we have also reported on the number of Subject Access Requests and Freedom of Information Requests received during this period for Adult services.
- 1.2 The Health and Adult Social Care Directorate’s Customer Care and Complaints Service, is managed within the Commissioning, Planning and Performance Division of Children’s Services and Learning and is responsible for the complaints function within both Children’s Services and Learning and the Health and Adult Social Care Division.
- 1.3 The management of complaints forms part of a broader approach to the way the Directorate delivers customer care. The complaints function is a vital source of information which assists in the development and delivery of future services. The Customer Care and Complaints Team are also responsible for Access to Personal Records under the Data Protection Act, Freedom of Information Requests and the Duty to Act (Whistleblowing) Procedure.

2. Background

- 2.1 The NHS & Community Care Act 1990 and The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require Social Services to set up and maintain a complaints procedure and to operate that procedure according to specified timescales and methods of investigation and review. The guidance requires that the Annual Report be presented to the Senior Management Team and Members and that this should include a summary of statistical information along with a review of the procedure.
- 2.2 The Health and Adult Social Care Directorate encourage service users to comment on the service we provide. The absence of complaints does not necessarily mean that service users are happy with the service they receive, so it is important that user’s feel able to voice their opinions and feel confident that their views will be considered.
- 2.3 This report helps to ensure that this feedback reaches senior and other managers within the Directorate so it can inform the way we deliver services to our customers.

- 2.4 Complaints are a valuable resource and the feedback gained from them forms both an integral part of the quality assurance process and also contributes to the overall development and monitoring of services. This feedback mechanism is continually evaluated to make sure that we are developing services in line with our customer's needs and requirements.

3. Developments

- 3.1 The Customer Care and Complaints Team are continuing to develop our service to ensure we are responding to the needs of our customers and that customers feel confident that they receive a quality service.
- 3.2 During 2009 - 2010 we made further improvements to the recording systems to ensure we are capturing meaningful information to inform services of customers' views.
- 3.3 Further improvements to the collation of data on outcomes and lessons learned have been made to ensure we are capturing relevant and meaningful data.

4. Review of Contacts Received in 2009/2010

- 4.1 Between 1 April 2009 to 31 March 2010, 384 contacts were received by the Health and Adult Social Care Directorate's Customer Care and Complaints Team this is a decrease of 4. However this does not represent a true figure as many contacts have been made direct to Senior Managers, Capita and Accounts Receivable regarding the changes in the Charging Policy, Domiciliary Care Service and Disabled Parking Badges. Therefore, capturing accurate data for comparison has not been possible.
- 4.2 The number of compliments received (42) for Health & Community Care has also decreased. Many of the compliments relate to the appreciation of the hard work and caring attitude of members of the Health and Community Care staff.
- 4.3 All staff members should be encouraged to forward any comments / compliments received in order that we can report on how we are improving our services.

The following tables set out the range of contacts and how they have been made.

Table 1: Contacts received by Record Type

2008 - 2009			2009 - 2010		
Record Type	Number	%	Record Type	Number	%
Stage 1 complaints	225	58%	Adult Statutory Concern	30	7.83%
Representations	94	24.2%	Adult Statutory Complaint	219	57.04%
MP/Cllr Enquiries	56	14.4%	MP/Cllr Enquiries	67	17.45%
Referrals	12	3.1%	Referrals	12	3.1%
			Comments	11	2.86%
			Corporate Complaints	3	0.78%
			Compliments	42	10.94%
TOTAL	388	100.00%	TOTAL	384	100.0%

Table 2: Monthly analysis

SCC - Customer Care & Complaints Service													
Contacts received month by month													
Record Receipt Date between 01/04/2009 and 31/03/2010													
Type of Record	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Jan 2010	Feb 2010	Mar 2010	Total
Statutory Complaint	16	12	13	16	14	20	23	24	10	17	29	25	219
Statutory Concern	5	3	3	6	0	2	2	2	2	1	1	3	30
Comment	0	1	0	1	1	1	0	1	1	2	3	0	11
Compliment	2	4	10	3	2	4	7	1	6	0	1	2	42
MP/Cllr Enquiry	5	6	10	9	5	8	3	5	6	2	4	4	67
Referral	1	0	1	0	1	1	0	3	0	0	2	3	12
Corporate Complaint	0	0	0	0	0	0	0	0	1	0	0	2	3
Total	29	26	37	35	23	36	35	36	26	22	40	39	384

4.4 Definitions:

4.4.1 Social Care complaints are those investigated under the statutory regulations.

4.4.2 All other complaints are investigated using the Southampton City Council Corporate complaint procedure.

- 4.4.3 Referrals are requests for help which are passed to the relevant council directorates and partner services.
- 4.4.4 Representations are enquiries, concerns or comments which can be dealt with and resolved within 24 hours. Any social care comments that cannot be resolved within this time automatically become statutory complaints.
- 4.4.5 MP/Cllr Enquiries are enquiries / complaints on behalf of a constituent or request for information which need to be investigated.

Table 3: Contacts – How received

Contacts - How received		
01/04/2009 to 30/03/2010		
How received	Number	%
Complaint form	45	11.7%
Email	84	21.9%
Fax	2	0.5%
forwarded by LGO	0	0.0%
Letter	118	30.7%
Personal Visit	3	0.8%
SMS Text	0	0.0%
Telephone	124	32.3%
Web Application	8	2.1%
Total	384	100.0%

Table 4: Contact for Specific Service Area

The following table indicates contacts received by service area

Contacts for Service Area	
01/04/2009 to 30/03/2010	
• Adult Safeguarding	6
• Contact Centre	3
• Disabled Parking Badge	31
• Hospitals (social care)	5
• Learning Disability	8
• Locality Support Teams + Rehab Teams	59
• Mental Health	10
• Provider Services (including dom.care changes)	47
• Sensory Services	4
• Supporting People	1
• 1Finance	102

These figures do not include the many requests for help that the Customer Care and Complaints Team received throughout the year but does record all the statutory complaints received.

Table 5: Issues complained about

Reasons for statutory complaint	
01 April 2009 to 31 March 2010	
Reason	Number
Adaptations	6
assessment required	6
care concerns	11
Care Planning	7
Changes in care package	5
Charges – general queries	76
Continuing Health Care Funding	3
Day Care	7
Direct Payments	6
Disabled Parking Badges	
Declined	27
Decision / eligibility	3
Forms need improvement	1
Handling issues / lost paperwork	8
Domiciliary	34
Failure to Act	4
Financial Assessment	8
incorrect invoices received	8
Increase in charges	28
Invoices not received	7
No care being received – why invoice	2
Communication issues	41
Lack of Support	23
Payment of Invoice / Expenses	10
Residential Care Costs	3
Referral	12
Respite care costs	2
Refused	5
Response Times	12
Staff Rudeness / conduct	17
Transport issues general	5
Waiting list times	17
Withdrawal of services	8

5. Key Findings

- 5.1 The Customer Care and Complaints Team are aware that not all complaints are sent to the team.
- 5.2 However, for those recorded, the outcomes of complaints are set out in the following table

Table 6: Outcomes for Adult Statutory Complaints

Outcome	Number	%
Not Known	4	1.8
Not Upheld	69	31.5
Ongoing	24	11.0
Partially Upheld	33	15.1
Stopped by complainant	1	0.5
Upheld	82	37.4
Withdrawn	6	2.7
Total	219	100.0

6. Managing Complaints

Table 7: Responses made within timescales

Overall Performance Report				
01 April 2009 to 31 March 2010				
Complaint Type	Acknowledgement		Full Response	
	2008/09	2009/10	2008/09	2009/10
Cllr/MP Enquiry	92.86%	89.4%	96.43%	74.6%
Adult Statutory Complaint	100.0%	96.7%	57.26%	
New categorisation of complaints came into effect on 01 April 2009			LOW	63.7%
			MEDIUM	70.8%
			HIGH	87.5%

- 6.1 The new Adult Complaint Process that came into effect in April 2009 does not have timescales attached to it but is assessed by Risk Level. Low Risk is usually equivalent to 10 working days, Medium is 20 working days and High is up to 60 working days (as a guide only).

Table 8: Divisional Activity

Adult Services			
Referrals	11, 251	Formal complaints	219
New Assessments	2,475	Concerns/Comments	41
Reviews	4,892*	Referrals	12
No. of People in receipt of services	9, 839		

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*This figure excludes 585 people who received no services but were reviewed during the year

7.0 Complaint Information

- 7.1 Since the introduction of the new Adult Complaint Procedure in April 2009, there is now **NO** Stage 2 and Stage 3 option for social care complaints.
- 7.2 However, this is NOT the case for complaints registered under the Corporate Complaint Procedure, i.e. Accounts Receivable, Disabled Parking Badges and Adaptations.
- 7.3 One Complaint was received from the Local Government Ombudsman regarding a service user who disagreed with assessments undertaken, this was investigated by an Independent Investigator.
- 7..4 The number of formal complaints received each month varied considerably. The greatest number of complaints, (29) were received in February and the lowest (10) in December. Analysis of the previous year's figures shows no discernable pattern and therefore we cannot predict our busiest periods.

These figures do not include the many complaints that were received and responded to without going through the complaints procedure regarding to Charging Policy issues.

9. Lessons Learned

ISSUE IDENTIFIED	ACTION NEEDED	BY WHOM	FURTHER ACTION NEEDED
Unhappy with the domiciliary care provider for several different reasons	Meetings held with Care Providers and Service Users, service monitored and improvements made Change of Provider Agency	Care Managers	Ongoing as required
Several concerns relating to Invoices for care charges, increase in charges, incorrect charges, invoices not received and Direct Payments	Financial System Review Improved invoicing layout Some charges waived or amended Financial Assessment undertaken / Review of care package Visit made to service user by care manager	Care Managers / Team Managers / Senior Management	Ongoing as required
Communication issues in general	Improve communication with all service users Review of sharing information with other agencies Review of working practice / recording		
Disabled Parking Badges complaints regarding refused, process, forms used, staff attitude, lost paperwork etc.	Meeting with Capita to review process used Many service user's received their badges following further intervention following complaint	Senior Management and Capita	Ongoing
Withdrawal of Service, lack of service provision etc	Development of Service Review of service	Service Manager	Completed

10. Achievements 2009 / 2010

During the year we have implemented the new statutory complaints regulations. These regulations have required us to handle complaints in a more flexible way. This involved changes to the database and production of new leaflets and forms

Feedback from our customers has shown that in the majority of cases people feel that they understand the complaints procedure and that it is fair.

11. Actions

Managers will be reminded that it is essential that complaint responses contain the following information:

- Acknowledgement of issues
- An apology if appropriate or an acknowledgement of complainants feelings
- An explanation of actions
- What we should have done differently
- What we will do now (actions)
- What we have learned
- What the complainant should do if they remain dissatisfied.

The Customer Care and Complaints Manager will review the training programme in line with the new regulations and will deliver this training in the autumn.

The Directorate reorganisation will involve further changes to all databases and way of working.

The Customer Care and Complaints Team will continue to remind staff of the importance of reporting all compliments received so that a true representation of the views of our customers can be obtained.

The Customer Care and Complaints Team will continue to support operational staff and managers in handling and responding to complaints and will be providing some training for them over the coming year. We aim to increase our learning from complaints, to disseminate good practice and to achieve more service improvements as a result.

12 Customer Feedback

Out of the 219 Adult Statutory Complaints made – 138 were sent survey feedback forms. We did not send them to people who had complained under the corporate complaints procedure

Out of the 138 sent out only 49 were returned completed.

Analysis of feedback forms is attached at Appendix 1

Comments made:

- Most of the people returning the survey forms stated that they did not have a problem with the complaint process, but some did mention that they were NOT told how they could proceed if they remained dissatisfied. However, they thought it to be fair.
- Communication was a very large factor for people i.e. they were not kept informed of what was happening etc.
- Some had suggested that they would like face to face meetings to discuss their concerns rather than make a complaint.
- Staff are not always honest and do not recognise the real issues of the complaint being made.

13. Access to Records Requests

This important function is provided to anyone who requests access to their Social Care records.

2008 / 2009	2009 / 2010
11	13

Last year we received 13 requests for access to records which is an increase on the previous year. 6 of these requests were received from the Police, 4 from solicitors on behalf of clients or their families and the other 3 were from service users or their relatives. All requests were completed within the statutory timescale of 40 days.

14. Freedom of Information Requests

This service is provided under the Freedom of Information Act and is facilitated by the Customer Care and Complaints Team.

2008 / 2009	2009 / 2010
22	56

This represent an 154% increase in requests under Freedom of Information Act.

We received 15 requests from the media, 3 from solicitors for deceased person's records, 5 from Members of Parliament, 10 from Independent Agencies, 6 from Researchers and 17 from members of the public.

Of these 56, 18 requests actually covered both Children's and Adults Directorates and the response rate was 98.8% responded to within the statutory timescale of 20 days. .

There were no discernable trends to the information requested. Information requests were under the following categories:

- Figures for people under the age of 65 years with both Learning Disabilities and Physical Disabilities who currently receive Direct Payments;
- Three requests have been received asking for deceased service user's records;
- Information requested on the tendering processes used by the Local Authority for various services
- Several requests regarding cost and reason for foreign travel by City Council Officers and staff members
- Information required relating to Direct Payments and what process is used
- Audit tool for Dignity in Care
- Supporting People savings / reserves (budgets for current year)
- Staff vacancies and leavers i.e. retired, left due to ill health etc.

Christine Williams
Customer Care and Complaints Manager