

Annual Social Care Complaints and Representations Report for Period 2006 - 07

1. Context

This report provides information about complaints made during the twelve months between 1 April 2006 and 31 March 2007 under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations, 2006, the Representations Procedure (Children) Regulations, 2006.

This legislation was introduced part way through the reporting period on the 1st September 2006 and this changed the timescales for stage one, two and three of the procedure. Response times have therefore been given under the timescales relevant prior to September 2006 where complaints were received before this date and under the new timescales where the complaint was received after this date.

All timescales contained within this report are in working days except for those relating to the period prior to September 2006.

In addition to the information given in this report about the number of complaints received there were:

1 commendation received in this period within children's services.
thank you letters recorded were:

- | | |
|--------------------------------|----|
| • adult services | 12 |
| • learning disability services | 1 |
| • children's services | 3 |

The team is also aware that many more letters of thanks are received and is actively working to encourage staff to forward these to ensure they are recorded so that a true picture can be gained regarding our customers experience of the services they are receiving.

The new legislation makes it clear that people should be able to provide feedback and have this responded to without this being seen as a complaint therefore comments and requests are now also being logged and a request may for example be from a customer who is not happy with the service provided and requests a meeting or reassessment, but does not want to make a complaint in the first instance.

The number of requests and comments received in this period were:

- | | |
|--------------------------------|----|
| • adult services | 16 |
| • learning disability services | 5 |
| • children's services | 4 |

1.1 What is a Complaint?

A complaint is an expression of dissatisfaction or disquiet about the actions, decisions, or apparent failings of a local authority's social services provision which requires a response.

If it is possible to resolve the complaint immediately this does not need to be logged through the complaints procedure.

Representations may be a positive remark, idea or request about the availability, delivery or nature of a service which requires a response.

Where the representation is not resolved to the persons satisfaction they will be entitled to make a complaint at stage 1 of the procedure about the failure to resolve things.

1.2 Who can make a Complaint?

Adult Services

Someone who:

- The local authority has a power or duty to provide or secure the provision of a social service for him/her and
- His/her need for such a service has (by whatever means) come to the attention of the Authority.

This definition also applies to a person acting on behalf of someone who meets the above requirements.

A complaint can be made by a representative where the complaints manager receives permission from the eligible person, usually in writing, giving their permission for the representative to make the complaint on their behalf. A representative will also be able to make a complaint where the eligible person is not capable of making the complaint themselves, this includes where they have died.

The complaints manager will decide if a person is suitable to act as a representative, if it is decided they are not acting in the eligible person's best interests the complaints manager will inform them in writing of the reasons for this.

If a customer is not eligible under the terms of the Act, they will always be able to have their complaint looked at under the council's corporate complaints procedure.

Children's Services

- Any child or young person (or a parent, or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them, but is in need.
- Any local authority foster carer (including those caring for children placed through independent fostering agencies).
- Children leaving care
- Special Guardians
- A child or young person (or parent) to whom a Special Guardian order is in place.
- Any person who has applied for an assessment under section 14F(3) or (4).
- Any child or young person who may be adopted, their parents and guardians.
- Persons wishing to adopt a child.
- Any other person whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents natural parents and former guardians and such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is received from a representative on behalf of a child or young person, the local authority will, where possible, confirm that the child or young person is happy for this to happen and that the complaint received reflects their views.

The complaints manager in consultation with relevant operational managers will decide whether the person is suitable to act in this capacity and has sufficient interest in the child's welfare. If it is decided that a person is not suitable to act as a representative for a child, they will be informed of the decision in writing by the complaints manager and that no further action will be taken.

Complaints may also be made by adults relating to a child or young person, but are not being made on their behalf. The complaints manager in consultation with operational managers will decide whether the person has sufficient interest in the child's welfare for the complaint to be considered. The child may also be consulted as part of the decision making process.

2. Stages of the Complaints Procedure and statistics

The complaints procedure has 3 stages.

Stage One. This is the most important stage of the complaints procedure. The department's teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

The council's complaints procedure requires complaints at stage one to be responded to within 10 working days (this can be extended for a further 10 working days in some circumstances where further time is needed to arrange an advocate, or where staff may be away from work. This can only be extended with the agreement of the complainant).

Stage Two. This stage is usually implemented where the complainant is dissatisfied with the findings of stage one. Stage two is an investigation conducted by either an internal manager or an external investigating officer. The head of service adjudicates on the findings, although on occasions this can be delegated to a group manager.

The council must appoint an independent person to oversee the investigation process for all stage two complaints in children's services and in adult services where the complaint is considered to be serious or the customer considered to be vulnerable.

Stage two complaints falling within the social services statutory complaints procedures should be dealt with in 25 days, although in certain cases this can be extended to 65 days.

Stage Three. The third stage of the complaints process is the review panel.

Where complainants wish to proceed with complaints about statutory social service functions, the council is required to establish a complaints review panel. The panel makes recommendations to the director who then makes a decision on the complaint and any action to be taken. Complaints review panels are made up of 3 independent panellists for children's services, in adult services the panel will have a maximum of one elected councillor and must have an independent chair and at least one independent panellist, with the third person either being an elected councillor or another independent person. There are various timescales relating to stage three complaints. These include:

- setting up the panel within 30 days;
- producing the panel's report within a further 5 days; and
- producing the local authority's response within 15 days.

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

3. Activity

The complaints service recorded 111 complaints during the year, compared with 89 last year. This figure is the total number of complaints that the complaints services handled for social care services. Some of these complaints are still live (having entered our monitoring system before 31 March and are not yet concluded).

Total complaints made:

Between 1 April 2006 and 31 March 2007, we received 111 complaints and closed 107. At stage two 4 complaints are ongoing.

Of the 94 complaints at stage one, 6 progressed to stage two, however 1 was heard at stage one in the previous year and the rest of the complaints moved directly to a stage two either because of their complexity, or because managers who would have responded at stage one had already been involved in attempting to resolve the issues concerned with the complaint.

Of the 15 complaints heard at stage two, 2 proceeded to stage three.

There was also 1 LGO enquiry received and closed although this was heard at stage three in a previous reporting period.

3.1 Comparison with the preceding year

This indicates a 20% increase in complaints from last year within the department.

The reasons for an increase include greater promotion of the right to complain, budget reductions that affect all services and a significant change in the way home care services are delivered as well as the introduction of a waiting list for people who require new or additional home care services.

3.2 Outcomes of complaints:

2005 – 2006		2006 - 2007	
Upheld	18	Upheld	25
Partly Upheld	26	Partly Upheld	33
Not Upheld	20	Not Upheld	31
Withdrawn	18	Withdrawn	16
No response	7	No response	2
Ongoing	0	Ongoing	4
Total	89	Total	111

A key requirement of the reform of our complaints procedures has been the importance of informing our service users of the outcome of their complaints.

3.3 Response Times

It is essential that all teams delivering services (including the department's contractors) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong managers can ensure that matters are put right. Senior managers and the complaints team therefore regularly encourage teams to recognise and record complaints and report these to the complaints service.

Stage One Complaints 2006 – 07

Social Care Service	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Services Health & Dis	Children's Services QA	Total	
Number of complaints	no 35	no 32	no 5	no 6	no 7	no 8	no 1	no 0	no 94	% 100

Stage One Response Times 2006 – 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Services Health & Dis	Children's Services QA	Total	
	no	no	no	no	no	no	no	no	no	%
Within 28 days (prior to Sept 06)	10	3	0	N/A	1	1	1	0	16	17
Within 10 days	14	13	1	5	3	1	-	0	37	39
Within 20 days	3	8	1	0	-	1	-	0	13	14
Outside of timescale	2	7	1	1	1	1	0	0	13	14
Withdrawn	6	1	2	0	2	4	0	0	15	16

Stage One Outcomes 2006 - 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Health & Dis	Children's QA	Total	
	no	no	no	no	no	no	no	no	no	%
Upheld	6	12	0	1	2	1	1	0	23	24
Partially Upheld	9	10	0	2	2	1	0	0	24	26
Not Upheld	14	7	3	3	1	2	0	0	30	32
Not Pursued	6	1	2	0	2	4	0	0	15	16
No response	0	2	0	0	0	0	0	0	2	2

Stage One Nature of complaint 2006 - 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Health & Dis	Children's QA	Total	
	no	no	no	no	no	no	no	no	no	%
Attitude of staff	0	1	0	0	0	1	0	0	2	2
Disagree with Policy	4	7	3	4	0	3	0	0	21	22
Disagree with Assessment	6	2	1	0	1	0	0	0	10	11
Discrimination	0	0	0	0	0	0	0	0	0	-
Inappropriate Action	10	9	1	2	5	1	0	0	28	30
Lack of Action	2	1	0	0	1	1	1	0	6	6
Quality of Advice/Communication	3	1	0	0	0	2	0	0	6	6
Home care change	10	11	0	0	0	0	0	0	21	22

Complaint made by:

Following the guidance produced by the Department of Health and the Department for Education and Skills, we are identifying who is making the complaint to get a greater understanding of our complainants. However as the team only began looking into this in more detail after the new legislation had been implemented, further information including ethnic origin is not available for this report, but will be included in future.

4.2 Equalities Information – Service Users

Gender of Service User at Stage One

	Adults Purchasing		Adults Providers		Mental Health		Learning Disability		Children's Services 0-10		Children's Services 11+		Children's Health & Dis		Children's QA		Total	
	no	%	no	%	no	%	no	%	no	%	no	%	no	%	no	%	no	%
Male	8	9	12	13	1	1	3	3	1	1	1	1	1	1	0	-	27	29
Female	27	29	20	21	4	4	3	3	6	6	7	7	0	-	0	-	67	71

4.3 Stage Two Complaints

There were 15 Stage two complaints during the year, compared to 12 last year.

10 stage two complaints required investigations undertaken by external independent investigating officers.

4 complaints are still ongoing. Reasons for delay include arranging advocates and difficulties arranging appointments with both staff and complainants.

Stage Two Complaints 2006 – 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Health & Dis	Children's QA	Total	
	no	no	no	no	no	no	no	no	no	%
Number	7	8	0	0	0	0	0	0	15	100

Stage Two Response Times 2006 – 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Health & Dis	Children's QA	Total	
	no	no	no	no	no	no	no	no	no	%
Within 28 days (prior to Sept 06)	0	2	0	0	0	0	0	0	2	13
Within 25 days	0	1	0	0	0	0	0	0	1	7
Within 65 days	0	2	0	0	0	0	0	0	2	13
Over timescale	4	1	0	0	0	0	0	0	5	33
Withdrawn	1	0	0	0	0	0	0	0	1	7
ongoing	2	2	0	0	0	0	0	0	4	27

Stage Two Outcomes 2006 – 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Health & Dis	Children's QA	Total	
	no	no	no	no	no	no	no	no	no	%
Upheld	0	2	0	0	0	0	0	0	2	13
Partially Upheld	3	4	0	0	0	0	0	0	7	47
Not Upheld	1	0	0	0	0	0	0	0	1	7
Not Pursued	1	0	0	0	0	0	0	0	1	7
No response	0	0	0	0	0	0	0	0	0	-
ongoing	2	2	0	0	0	0	0	0	4	27

Stage Two Nature of Complaint 2006 – 07

	Adults Purchasing	Adults Providers	Mental Health	Learning Disability	Children's Services 0-10	Children's Services 11+	Children's Health & Dis	Children's QA	Total	
	no	no	no	no	no	no	no	no	no	%
Attitude of staff	0	1	0	0	0	0	0	0	1	7
Disagree with Policy	0	1	0	0	0	0	0	0	1	7
Disagree with Assessment	4	1	0	0	0	0	0	0	5	33
Discrimination	0	0	0	0	0	0	0	0	0	-
Inappropriate Action	2	2	0	0	0	0	0	0	4	27
Lack of Action	0	0	0	0	0	0	0	0	0	-
Quality of Advice/Communication	0	1	0	0	0	0	0	0	1	7
Home care change	1	2	0	0	0	0	0	0	3	20

A number of complaints were generated as a result of a significant change in the way home care services are delivered as well as the introduction of a waiting list for people who require new or additional home care services. The level and quality of service was effected for a number of customers during and after the changes took place, partly due to unavoidable staff shortages when one agency was unable to provide the services previously agreed. However it is also considered that there were some areas where the organisation of these changes could be improved should this be necessary in future. Many of the complaints were about the disagreement with policy, or the outcome of an assessment where services may have been reduced. However it is considered that some of these complaints may have been avoided with improved communication, as many of these complaints were resolved at stage one with further explanation from a line manager therefore managers have reminded staff of the importance of good regular communication with customers.

5. Stage Three Complaints

There were 2 Stage Three complaints this year. This compares with 3 complaints at this stage last year. Timescales relating to statutory social services Stage three complaints include:

Prior to 1 September 2006

- A panel to be held within 28 days.
- The council's response and panel's recommendations to be sent to the complainant within 28 days of the panel meeting.

After 1 September 2006

- A panel should be held within 30 working days.
- The panel is required to produce a report within 5 working days of the panel meeting detailing its recommendations.
- The local authority should send a response within 15 days of the panel's report.

5.1 Stage Three complaints by Service Area, Timescales and Outcome.

	Number received	Setting up Panel (28 day timescale)	Setting up Panel (30 day timescale)	response & panel report (28 day timescale)	Panel report produced (5 day timescale)	Council Response (15 day timescale)	Outcome
Adult Purchasing	1	1	0	1	-	-	Partly Upheld
Adult Providers	1	1	-	1	1	1	Partly Upheld
Mental Health	0	0	-	-	-	-	-
Learning Disability	0	0	-	-	-	-	-
Children Services	0	-	-	-	-	-	-

The panel meeting which was not held within the timescale, was delayed partly as a result of accommodating the complainants needs.

6. Ombudsman complaints and enquiries.

During the year, 2 complaint was considered by the LGO. The conclusions reached by the Ombudsman are detailed below.

Service Area	Total	Outcome of Ombudsman Consideration	
		Ombudsman Discretion – no or insufficient injustice	Premature Complaint
Adults Purchasing	2	No evidence of maladministration.	-

7. Percentage escalation (last year's figures are in brackets)

The following table indicates how many complaints have escalated from stage one to stage two and how many have progressed from stage two to stage three. By measuring these figures as a percentage we are to gauge customer satisfaction with our responses to their complaints.

Stage 1 to Stage 2	6 (6%)
Stage 2 to Stage 3	2 (100%)

8 Expenditure

There are ongoing costs attached to delivering an effective complaints service for the department. These costs should be seen against the inherent costs of not providing this service. These may include customers dissatisfaction escalating and compensation awards being recommended by the LGO, increased judicial reviews and non compliance with legislation.

8.1 Cost of delivering the complaints procedure:

	£
Investigating Officers	7003.46
Independent Persons	740.64
Review Panel	906.49
Training	305.00
IP contract	4776.40
Children's free phone & team mobile	222.23
Freepost & recorded post	293.18
Leaflets & posters	2427.00
Transport for home visits	74.00
Compensation (service budget)	£1000
Service Budget	£1000
Total	£16748.40

8.2 Compensation Payments

The council provides a compensation and if, after a complaint has been investigated or as part of an LGO's investigation, it is concluded that:

- the LGO would find that there has been maladministration by the council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

During the year no compensation was paid following consideration of complaints, at Stage 1, 2, 3 or following an LGO enquiry.

9 Alternative Dispute Resolution

The council is always happy to consider appropriate ways of resolving a customer's complaint. Some of the types of action the council has undertaken to resolve complaints have been: issuing apologies, meeting with customers to hear their concerns and suggestions for improvements and putting these improvements into place. This has been particularly relevant in the case of communicating effectively with customers and putting strategies into place to ensure that people are kept up to date. The council also offers a re-assessment of needs where possible, to ensure that nothing has been missed or that circumstances have not changed. In addition to this Direct Payments have been offered as a means of enabling a customer to have more flexibility around how their needs are provided for.

10 Complaints dealt with by the local authority and NHS Bodies

The complaints team works with contracted agencies and statutory agencies to identify the main themes concerned in a complaint. Informal agreements are in place to provide the customer with a co-ordinated response with the agency responsible for the provision of the main areas of complaint taking the lead with co-operation from the other agencies as required.

11 Learning Lessons/Practice Improvements

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has resulted in agreement to undertake the following actions:

- Review practice around the care planning process to ensure that carers have the opportunity to be fully briefed and prepared before and during planning and decision making meetings and processes.
- Review the policy about the approach to disability related expenditure. Recommending to Councillors the need to be clear on the position of this authority in respect to items referred to as discretionary and those that are mandatory and consider whether we have right balance between the automatic disregard at a higher level and ability to take into account individual circumstances within the current policy.

- Consider how we can make public information about the Fairer Charging Policy more clear and have greater transparency on financial assessments.
- For staff to ascertain preferred contact methods from service users and their representatives.
- Have clear and written procedural guidance on the timely provision of information about care homes and homes lists should form a part of this.
- Have guidance and remind staff of the need to explain third party top up arrangements.
- Risk factors be made explicit in assessment documentation.
- When significant changes are made to the outcomes of assessments, such assessments should be reconsidered and documented.
- Have written to Care Managers to reinforce the requirement for care plans to be agreed and signed by customers and carers and for these to be received by care homes prior to a person's admission. In addition to this have asked the Quality and Performance Officer to review the systems in place for checking that these standards are being adhered to.
- Have written to all staff to reinforce customer files be kept up to date and recorded clearly and systematically. In addition managers have been asked to identify where staff may benefit from additional training in this area and make the referrals for this and have also asked the Quality and Performance Officer to review the systems in place for monitoring standards.
- To review the terminology used in the list of accredited homes to ensure that it accurately represents the registration of homes.
- To review how we can provide more useful information to customers about the services and standards of care within individual homes, without bias or prejudice and ensure that work to review these issues takes place in partnership with our key providers of care.
- Design a letter with a section for customers to complete and return indicating whether they agree with the outcome of their assessment and care plan, or whether they would like a meeting to be able to ask questions and discuss concerns and for this to be sent to customers with the copy of the assessment and care plan.
- Check how people want to be contacted as next of kin if an emergency occurs during the night
- Ensure that people can access emergency call systems in care homes.
- Send written confirmation to private agency when services to individual customers are discontinued.
- have written to Service Managers asking them to ensure that when they become aware that someone with specialist needs is about to have an assessment, then someone who has experience of that specialism is identified to carry out the assessment, or if that is not possible then the person who completes the assessment should seek guidance from a person with the relevant specialism.
- Design a leaflet for customers to explain the eligibility criteria and assessment process.
- Review the procedure for allocating properties with warden call.
- Review the way information is recorded by home carers about times and length of visits.
- Ensure that staff are reminded of the importance of good communication and keeping customers updated and implement a system to ensure this happens when the provision of care is delayed.

Cath Murray
Complaints Manager

Date: 27 April 2007