

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

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ADULT SOCIAL CARE ANNUAL COMPLAINTS AND COMPLIMENTS REPORT APRIL 2011 TO MARCH 2012

Report from: Director of Children and Adults Services

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Summary

The report provides information on the number, the type and other information on adult social care complaints received during the period April 2011 to March 2012. It also highlights some examples of the many positive things people have said about the provision of adult social care in Medway over the same period.

1. Budget and Policy Framework

- 1.1 In accordance with the council's constitution, paragraph 22.2 (c)(iii) of the Overview and Scrutiny rules, this committee is responsible for the review and scrutiny of all the functions and duties of the council under relevant legislation in force from time to time and relating to residential and day care, domiciliary care, respite care and social work for older people, adults with physical disabilities, people with mental health problems and learning disabilities, homecare service, staffing and emergency response for older people in sheltered housing and hospital social workers.

2. Background

- 2.1 The aim of adult social care is to make sure that local people get the best possible care during the times in their lives when they need help. There may be occasions when things go wrong or when people are unhappy with the service they receive. When this happens people should, and have a right to, complain. The Council's complaints arrangements aim to focus on dealing with problems quickly and effectively, putting things right and learning from complaints received to further improve services. This report explains how the Council is doing in this respect, providing information on the number; type and other information on adult social care complaints.

2.2 It is also important to reflect on the praise and thanks often received, frequently remarking on the professionalism and commitment of staff, which can provide an equally valuable insight into the provision of adult social care services. This report therefore further highlights examples of the many positive things people have said about the provision of adult social care services.

3. Risk Management

3.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Not handling complaints properly, and more importantly not learning from complaints could put an adult at risk.
Description	Good complaint handling, including the identification of improvement opportunities from complaints received, helps ensure that services are provided in a complete and timely way, minimising the possibility of a vulnerable adult being put at risk.
Action to avoid or mitigate risk	Improved management and control of complaint procedures, learning from complaint analysis, helps to identify and minimise potential risk or impact of risk to adults.

4. Managing Complaints

4.1 Prior to 2009, the national framework for handling adult social care complaints was often described as bureaucratic and process driven. The Local Authority Social Services and NHS Complaints Regulations 2009 introduced a single, more customer focused, approach to complaint handling across health and social care. This embodied a new simplified two-tier system consisting of a single local resolution stage, intended to help resolve cases quickly, in a manner that best meets the needs of the complainant and then, if the complainant is unhappy with the outcome, referral to either the Local Government Ombudsman or the Health Service.

4.2 Medway Council's complaint arrangements focus on achieving the best possible outcomes for those making the complaint. The aim is to give service users answers or explanation to help them to understand what happened and, where appropriate, an apology and a commitment to change the way things are done. The objective is to provide reassurance that when a complaint is upheld errors made will not be replicated either to them, or to anyone else, and that the Council will take action to ensure this.

5. Local Resolution

- 5.1 Where a verbal complaint is made directly to a service, that service will endeavour to resolve the issue to the complainant's satisfaction. If the complaint cannot be resolved it is then referred to the Social Care Complaints Manager (SCCM). Complaints received in this way, or directly by the SCCM, are acknowledged within 3 working days, the most appropriate course of action for resolving the complaint is determined and the complainant given an indicative timescale for a response, usually 10 working days, or in more complex cases, 20 working days.
- 5.2 During the course of making a complaint a service user may require assistance from an advocate or an interpreter. Advocacy and interpreting services can be arranged by the SCCM. Both the advocacy and interpreting service will then help service users to make a complaint, to understand the process or speak for them if they wish and support them throughout.

6. Local Government Ombudsman

- 6.1 If the complainants dissatisfied with the outcome of this process and an acceptable resolution cannot be offered, the complainant is then at liberty to contact the Local Government Ombudsman (LGO). Leaflets about the LGO, providing information on how to complain, are available for complainants from the SCCM. In dealing with any complaint, the LGO will consider how the Council have dealt with the complaint including the reasonableness and appropriateness of the Council's decisions.
- 6.2 The LGO also considers complaints from people who arrange and fund their own adult social care and those from people who 'self-fund' from their own resources or have a personalised budget. The LGO will ensure that everyone has access to the same independent Ombudsman service, regardless of how the care service is funded.

7. Complaints Analysis

7.1 Number of complaints received

- 7.2 6 outstanding complaints were brought forward from 2010/2011 and a further 68 complaints were received by the SCCM during the period 1 April 2011 to 31 March 2012. 7 outstanding complaints were carried forward to 2012/2013. Of the 68 complaints received, 17 were from the service users themselves, 48 were from family members and the remaining 3 were from a service user's doctor, an advocate and a carer.

8. Timeliness of Response

- 8.1 The Council aims to reply to all complaints within 10 working days, although this may vary depending on the complexity of the case, e.g., the safeguarding of vulnerable adults (SVA) often presents particular

complications that means it is not possible to consider a complaint until the safeguarding issue is resolved. 6 of the complaints received during 2011/2012 involved SVA investigations.

- 8.2. The following table sets out the time taken to answer the complaints resolved over 2011/2012. Figures in brackets represent resolutions for 2010/2011.

Reply sent	Within 10 days	11 to 25 days	26 to 65 days	More than 65 days	C/ Fwd to 2012/2013
Stage one	40 (35)	15 (12)	9 (8)	3 (4)	7 (6)

9. Complaint Types and Outcomes

- 9.1. The table below presents the types of complaint received and the outcome following consideration. The totals shown in the table differ from the number of people complaining because complainants often present more than one complaint issue at a time. 15% of the complaints resolved were upheld and a further 24% were partially upheld.

Complaint type	Upheld	Partially Upheld	Not Upheld
Behaviour or attitude of staff	2	3	9
Lack of support	6	7	23
Finance	3	4	11
Delays in providing a service		2	3
Work practices or procedures	3	1	2
Delays when making decisions	1	2	3
Disagreeing with a decision	2	5	17
Lack of communication	1	5	15
Lack of information	1	1	8
Standard of service	3	4	6
Day Centre Facilities			4

This table presents the complaints received by each service:

Service	2011/2012	2010/2011
Older Peoples Service	32	29
Occupational Therapy	1	3
Physical Disability	9	4
Learning Disability	18	11
Social Care Commissioning	6	18

10. Decisions made by the Local Government Ombudsman (LGO)

- 10.1 The LGO raised 8 cases with Medway during 2011 / 2012 of which 4 were carried forward to 2012/2013.
- 10.2 Of the 4 cases remaining, 2 were considered to be “premature” by the LGO, because the complainant had not followed the Council’s complaint procedures at first instance. 1 was outside the LGO’s jurisdiction and was therefore not investigated, and the remaining complaint, could not be pursued by the LGO as there was an ongoing SVA.

11. Improved Complaints Management

- 11.1 The Council needs to ensure that whenever a service user or their family or carer is unhappy with any part of our Adult Social Care services, they are aware of how to complain. In 2011/2012 the Council introduced initiatives to make the complaints system easier for clients to access and use.

12. Learning from Complaints

- 12.1. The majority of complaints received for the period 2011/2012 highlighted individual rather than systemic failure, with some examples being presented below:
- Complainant A complained on behalf of her husband, that he was not receiving the correct level of care and support, following his discharge from hospital. As a result the issues raised by this complaint were further discussed with Medway NHS and the staff involved resulting in agreement being reached on how to improve communication with the family in future.
 - Complainant B complained that additional facilities in the home to enable better access to the house had not been installed correctly. This occurred as a consequence of the contractor mis-reading the hand written instruction. As a result an electronic request form has been created.
 - Complainant C received telephone and written advice relating to third party contributions, which he found confusing. The service user was subsequently visited and the charges and other information fully explained. The service has now introduced checks to ensure that information given over the telephone is fully understood.

13. Compliments

- 13.1. The Council continually receives compliments and thanks from people who are pleased with the Council’s services. The majority of these compliments are personally given to the relevant teams and staff, However the Council’s service users have also registered 55 compliments or positive comments with the SCCM, during the year 2011/2012 a selection of which are set out below The Council will continue to collect compliments to ensure that a balanced

view of the Council's services is provided, so that it may learn from what is going well, as well as the areas, which can be improved.

- "In appreciation for sending the item so promptly, thank you. It is certainly more comfortable now". Comment as Fast-track OT service.
- A lady who was helped by the OT team said she was very grateful and how very kind and professional the team is.
- "Thanks for all you have done this year. I really appreciate the care received at the Napier". (Learning Disability Unit).
- "A very big thank you for all the support and understanding. You have given R a much better quality of life. We are all very grateful, you are a wonderful OT".
- A student at Christchurch University was placed with the Learning Disability team and had this to say: "This placement was a great opportunity to understand and learn from a team whose staff supported each other to meet the needs of the service users. The learning outcome was worth while"
- "You do pretty well". Comment on Older People's Services.

14. Equalities Data

- 14.1. The Council is committed to achieving equality of opportunity, access and outcomes for all, through the delivery and commissioning of high-quality services that are accessible and fair, and mainstreaming equality and diversity across all service delivery activities. All new services commissioned are subject to a diversity impact assessment that compels service providers to think carefully about its target audience and demonstrate how it intends to serve their needs. This gives the Council a better measure of the impact the services are having on the community.
- 14.2 The Council's service users come from many different ethnic groups and backgrounds; unfortunately most of the equalities questionnaires provided or made available to complainants are not completed. It is therefore not possible to provide equalities profile of complainants but the Council are actively looking at ways of improving equality and diversity monitoring

15. Financial and Legal Issues

- 15.1. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, requires local authorities to have in place procedures for dealing with complaints relating to Adult Social Care. There is a further statutory requirement to produce and publish an annual report specifying the number of complaints received, the number of complaints which the Council decided were well-founded, and the number of complaints that the Council has been informed have been referred to the LGO.
- 15.2. The Council must also summarise the subject matter of complaints received, any matters of general importance arising out of those complaints, or the way in which the complaints were handled and any matters where action has been or is to be taken to improve services as a consequence of those complaints.

16. Recommendations

16.1 This report is presented for Members' information and comment.

Background papers:

None

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