

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

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ADULT SOCIAL CARE ANNUAL COMPLAINTS AND COMPLIMENTS REPORT APRIL 2013 TO MARCH 2014

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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 2013 - March 2014. It also highlights some examples of the positive things people have said about the provision of Adult Social Care in Medway over the same period and the service improvements the Council has made as a result of this feedback.

1. Budget and Policy Framework

- 1.1 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.
- 1.2 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 Local Government Ombudsman (LGO).
- 1.3 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, adults with mental health problems and learning disabilities, homecare services and hospital social work.

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 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 compliments and thanks 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 also highlights some examples of the positive things people have said about the provision of Adult Social Care services.
- 2.3 The Council uses complaints and compliments as important learning opportunities. We use the information from complaints to make changes and improvements to our services.

3. Managing Complaints

- 3.1 The Local Authority Social Services and NHS Complaints Regulations 2009 introduced a single, more person-centred, approach to complaint handling across health and social care. This consists 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 Ombudsman.
- 3.2 Medway Council's complaint arrangements focus on achieving the best possible outcomes for those making a complaint. The aim is to give the service user's relative answers or an 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 the errors made will not be replicated either to them, or to anyone else, and that the Council will take action to ensure this.

4. Complaints Process

- 4.1 A complaint can be made verbally to any staff member, by telephone, by e-mail or in writing. The complaint is sent to the Social Care Complaints Manager (SCCM) who will assess the complaint and the seriousness of the issues raised to establish the actions needed. Complaints are acknowledged within three working days. The Social Care Complaints Manager will determine the most appropriate course of action for resolving the complaint which, in line with good practice, is usually that staff at the point of delivery

should discuss and address the complaint with the complainant as quickly as possible and respond in writing or by e-mail within 10 working days. In more complex cases the response should be within 20 working days.

- 4.2 If a complainant is not satisfied with the initial response to their complaint they can ask for an objective person to investigate their complaint. The Social Care Complaints Manager, who is a qualified social worker, will then investigate the complaint and provide the complainant with another response.
- 4.3 If the complainant remains dissatisfied with the outcome of the Medway complaints process and an acceptable resolution cannot be agreed, the complainant is informed about their right to complain to the Local Government Ombudsman (LGO). The link to the Local Government Ombudsman website is included in the response to their complaint. In addition 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 has dealt with the complaint including the reasonableness and appropriateness of the Council's decisions.
- 4.4 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. These services will then help service users to make a complaint, to understand the process or speak for them if they wish and support them throughout.

5. Role of the Local Government Ombudsman

- 5.1 The Local Government Ombudsman's role is to provide redress in cases of service failure, which has caused injustice to the public and seeks to resolve cases where it can, determining the reasonableness of decisions of bodies being complained about.
- 5.2 The Local Government Ombudsman's recommendations aim to put complainants back in the position they were in before any maladministration occurred.
- 5.3 The LGO will consider complaints from people whose social care is funded or partly funded by the Council and from people who 'self-fund' from their own resources. The LGO will ensure that everyone has access to the same independent Ombudsman Service, regardless of how the care service is funded.

6. Number of complaints received in 2013-14

6.1. The headline figures for complaints handled in 2013-2014 are as follows:

Brought forward from 2012-2013	10
New complaints received between 1 April 2013 and 31 March 2014	91
Complaints handled between 1 April 2013 and 31 March 2014	101
Complaints dealt with under safeguarding procedures	1
Complaints withdrawn	2
Complaints responded to between 1 April 2013 and 31 March 2014	85
Open complaints still waiting for a response at year-end	13

6.2. Of the 91 complaints received in 2013-2014, twenty -six (29%) were from service users themselves, compared with 30 (27%) in 2012-2013. The remaining 65 complaints were received from relatives.

6.3. In 2013-2014 Adult Social Care received 91 complaints compared with 110 in 2012-2013. This represents a decrease of 17%.

6.4. Thirteen complaints (13%) were carried over to 2014/2015

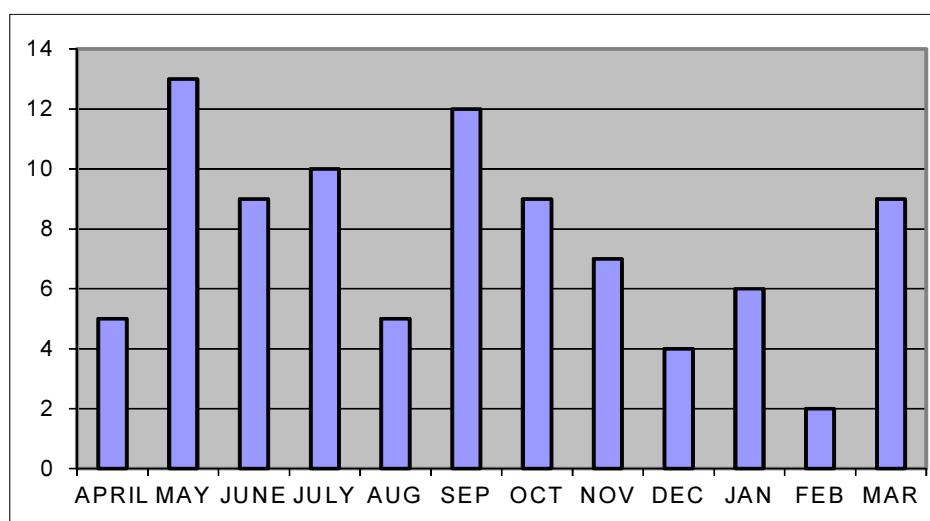
6.5. Six complainants complained more than once: four made two separate complaints, two made three separate complaints in 2013/2014.

6.6. Sixteen complainants (19%) were not satisfied with the initial response to their complaint and eight (9.4%) went to the Local Government Ombudsman. Eleven of these complaints were about financial issues.

6.7 Complaints were received in several different ways:

- forty-one complaints were received by e-mail
- twenty-five complainants posted letters to the Council
- twelve complainants telephoned the Council
- four sent their letters via e-mail,
- four came into Gun Wharf to see the Social Care Complaints Manager
- three complainants phoned in and then confirmed their telephone conversation in an e-mail and
- two complaints were referred from the Local Government Ombudsman as premature referrals to their service.

6.8 New complaints received in 2013–2014, by month



6.9 Monthly and quarterly breakdown of stage 1 complaints

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6.10 Stage 1 complaints by team compared to previous years.

Service	2013-2014	2012-2013	2011-2012
Physical Disability	12	18	9
Occupational Therapy	2	2	1
Learning Disability	19	13	18
Mental Health	5	4	0
Older People	14	57	32
Hospital	2		
Customer Contact	9	6	6
Commissioning & Partnership	6		
Financial complaints	33	2	1
Total	102 *	114	67

* This number is greater than the ninety-one complaints received between 1 April 2013 and 31 March 2014 as some complaints involved more than one team.

The number of complaints about the frontline teams has reduced from 94 in 2012-2013 to 54 in 2013-2014. There was also a reduction from 57 complaints regarding older people in 2012-2013 to 14 complaints in 2013-2014.

7. **Timeliness of Responses**

7.1 The Council aims to reply to all complaints within 10 working days, although this may vary depending on the complexity of the case and how many issues are raised. Some complaints involve several services, for example, customer services, Finance department, and Adult Social Care.

7.2 The following table sets out the time taken to answer the complaints resolved during 2013 - 2014.

Time (days)	Within 10	11-20	21-25	26-64	65+	Total Closed
No. of complaints answered	30	22	13	15	5	85
% of complaints answered	35%	26%	15%	18%	6%	100%

- In 2012-13 55% of complaints were answered within ten days, unfortunately this performance dropped to 35% in 2013-14. This was due in part to the higher numbers of complex complaints received during this period which involved several teams (e.g. finance) and other agencies.
- In 2013-2014 sixty-five complaints (76%) were answered within 25 days. This compares to ninety-three complaints (95%) in 2012-2013.
- 13 complaints (13%) were carried forward to 2014 –2015

8. Complaint Types and Outcomes

8.1 Types of issues raised and outcomes for complaints responded to between 1 April 2013 and 31 March 2014

Complaint type	Not Upheld	Partially Upheld	Upheld	TOTAL
Behaviour or attitude of staff	7		2	9
Lack of support	14	3		17
Financial	14	10	8	32
Delays in providing a service	3	1	2	6
Delays in making a decision	1		2	3
Disagreeing with a decision	10			10
Lack of communication		1	3	4
Lack of information	8	1	1	10
Standard of residential care	2	1	1	4
Standard of home care	3	2	1	6
Standard of respite care			1	1
Failure to protect a vulnerable adult	1			1
Requesting a change of care manager	1			1
Inaccuracies in reports			2	2
Total	64	19	23	106*

* The total number of issues complained about is greater than the total 91 complaints handled in 2013/2014 as one complaint can be about several issues.

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

9.1 The Local Government Ombudsman received 10 complaints about Adult Social Care between 1 April 2013 and 31 March 2014. The outcome of these complaints was as follows:

- Two were referred back to Medway Council as the complaints had not been through the Medway Social Care complaints procedures
- Two complaints were not investigated by the LGO as they were late and therefore outside her jurisdiction and there were insufficient grounds to accept the complaints now.
- One complaint is still being investigated by the LGO.
- Five complaints were investigated and three were upheld. In two of these complaints the LGO agreed with the actions already taken by Medway Council to remedy the situation and made no recommendations for any further action.

9.2 The outcomes of the five investigations are as follows:

- i. The complainant was unhappy with the way Medway Council had investigated her sister's death while she was in a residential care home. The Ombudsman did not uphold her complaint and stated that the safeguarding investigation had been thorough and that the care home was not negligent.
- ii. Mr D complained regarding a delay in receiving invoices for his father's home care. The Ombudsman found that Medway Council was at fault because they did not issue invoices promptly in this case. The Ombudsman was satisfied with the Council's actions to remedy the situation and therefore did not make any additional recommendations.
- iii. Mr X complained to the Ombudsman that Medway Council failed to tell him that it would charge interest on his mother's outstanding care home fees following her death. The Ombudsman findings were that the Council was not at fault in charging interest. However the Council was at fault for not reminding Mr X that they would be charging interest and for not informing him about the rate they would be charging. The Council should have told him how much interest had been accrued when it sent him an invoice each month. The LGO recommended that the amount owed for the payment of the interest should be reduced by 50%. Medway Council accepted the LGO recommendation and has taken action to ensure that invoices clearly state what rate of interest will be charged. All letters regarding deferred charges now have clear information about what interest rate will be charged and leaflets are being updated to provide information about interest rates.

- iv. Ms S, whose daughter has complex disabilities and needs, complained to the Ombudsman about the services provided to her daughter. The Ombudsman finding was that the Council had put in place appropriate funding, had apologised for previous faults and offered to discuss this matter. The Ombudsman said that these actions remedied the injustice and there was no need for the Ombudsman to make any further recommendations.
- v. Mr Z complained to the Ombudsman about the way Medway Council dealt with the charges for the residential accommodation for his mother. The Ombudsman found that Medway Council were at fault but that the Council had resolved the matter in a reasonable manner and required no further action.

10. Learning from Complaints

- 10.1 There were thirty-three complaints in 2013- 2014, which related to financial matters. The complaints were about the accuracy of the information on invoices, delays before invoices were sent out and the accuracy of backdated invoices as well as delays in clarifying the charges from the information in the invoices. Following the change from Care Director to Framework-I, invoices are now more accurate and the number of late invoices has reduced.
- 10.2 A relative who has power of attorney complained that she had not received invoices in large print despite asking for this. This has been resolved and is available to anyone requesting the same.
- 10.3 Three complainants complained about Disability Living Allowance (DLA) being included as income in their financial assessment. The Council will now seek to provide clearer information about financial assessments; this information will be included in the appropriate leaflets.
- 10.4 Two complaints highlighted that the transfer from the Children's Disability Team to the Adult Learning Disability Team resulted in difficulties. The transfer from Children's Services to Adult Services can be a difficult transition. The Council is currently reconfiguring the services it provides for disabled people from 0-25 years to improve support and to ease transition.
- 10.5 A service user complained that he did not want to go for respite. His views were taken seriously and he was listened to, this was a good example of listening to vulnerable adults and taking their views into account.

11. Compliments

- 11.1 Compliments provide valuable information about the quality of our services and identify where they are working well. Thirty compliments were received across Adult Social Care, which is five more than last year. Some quotes from compliments are listed below:

- “Thank you for all your support in this matter. You have been very understanding, and you dealt with everything very promptly due to the deadline that we were working against. You communicated very well with the family and confirmed every action by email. We are very grateful to you”
Strood Integrated Health and Social Care Team
- “Thank you for support when B was ill and staff were kind and thoughtful, and helped to get her back home.”
Shared Lives Team
- “We are indebted to you for your hard work in installing equipment, we are over the moon, thank you for an excellent service.”
Occupational Therapy
- “I would just like to take the time to thank you for all the help and advice you have given me so that Mum had the care and a place to live that she needed in order to be safe. Her move to residential care was a positive one but at 93, blind and in failing health, one that could not continue. However, your role in helping to provide her with quality of life for her last few months there, was crucial and I again thank you for your co-operation, kindness and reliability in your dealings with her and us. Many thanks and kind regards.”
Strood Integrated Health and Social Care Team
- “Thank you so much for visiting D and being so incredibly helpful and kind in your dealings with her. On a practical and personal level during this period of great change for D, your help is invaluable.”
Gillingham Integrated Health and Social Care Team
- “Praise for occupational therapist that gave good advice regarding alterations to the entrance of our house and provided equipment. Her approach was professional, friendly, respectful and sympathetic as well as approachable.”
Occupational Therapy
- A Consultant e-mailed thanks regarding a direct payment for a service user that worked well.
Mental Health
- Social Worker showed dedication and commitment to service user, helping with her finances, “very professional, listens and is understanding.”
Rochester Integrated Health and Social Care Team
- “Thanks for the installation of a toilet and shower, everything was first rate and the workmanship was good.”
Occupational Therapy

- “Thank you for supporting my father while he was in hospital, I would also like to compliment all the professionals on their excellent teamwork.”
Hospital Social Work Team
- The mental health and community outreach worker received the following compliment “ The team helped me through the last year, if this service did not exist I don’t know how I would have found a way to solve my problems. I am now going to therapy; and work as a volunteer. This has helped me to overcome my problems and my fear.”
Mental Health Team
- “Your role in helping to provide my mother with a good quality of life for the last few months was appreciated. I thank you again for all your co-operation, kindness and reliability in your dealings with my mother.”
The Strood Health and Integrated Social Care Team
- “Thank you for all the support and time you gave when B was so poorly. We feel so lucky to be working with such kind and thoughtful people. It was a tough time for us. It is so good to have B back with us again; you both helped in the process probably more than you are aware. B has been a big part of our family for so long and you understood this, stood back and allowed us to be family. We can’t thank you enough for that. Thank you both for that, it meant everything and more.”
Learning Disability Team
- “Thank you for all your help in getting me home from hospital so quickly and making Christmas a miracle. Thanks for everything.”
Occupational Therapy
- “She was very understanding, very likable, an all round GOOD AMBASSADOR for Medway Council and deserves to be told or recognised for not only doing her job but excelling in the way she does it. Once again well done to a lady I think will go far and a pleasure to have as a Medway Council Officer.”
Occupational Therapy.
- A compliment was sent to Medway Hospital Social Work Team thanking the team for their support while her father-in-law was in hospital and thanking the Social Worker for guiding them through the discharge process.
Hospital Social Work Team

12. Improved Complaints Management

12.1 In managing complaints we are guided by the following principles of good complaint handling:

- Getting it right first time
- Providing clear information about how to complain
- Providing support to the complainant

- Being person-centred
- Listening to people
- Being open and accountable
- Acting fairly and proportionately
- Recording complaints,
- Responding in a timely way,
- Putting things right if a mistake was made.
- Learning from complaints and seeking continuous improvement

- 12.2 A qualified Social Worker was appointed, in April 2013, as the Social Care Complaints Manager in the Customer Relations Team. She undertakes the initial assessment of the Adult Social Care complaints. Complaints assessed as low or moderate risk are sent to the relevant service manager for a response. The Social Care Complaints Manager investigated fourteen complaints assessed as medium to high risk. The Social Care Complaints Manager reviewed eighteen complaints where the complainants were not satisfied with their initial response. Ten complainants were then happy with the outcome of their complaint; the other eight complainants went to the LGO.
- 12.3 Quarterly reports were presented to the Children and Adults Directorate Management Team providing information on the number of complaints, types of complaints and learning from complaints as well recommendations to improve services if this was appropriate.

13. Risk management

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

Risk	Not handling complaints properly, and importantly not learning from complaints could put a vulnerable adult at risk.
Description	Good complaint handling, including the identification of improvement opportunities from complaints received, helps ensure that services are provided in a 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 vulnerable adults.

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 Our service users come from many different ethnic backgrounds and many have disabilities. We will refer vulnerable adults to an advocacy service if they need assistance in making a complaint. If a complainant is not able to send in a written complaint we will see the complainant at a venue that is convenient and accessible for them. We will organise a translator if required. We will continue to look at ways to make the complaints process more accessible to adults with disabilities by ensuring that information about how to complain is published in easy read.

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. 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.
- 15.2 There are no financial issues arising directly from this report. However, good practice is always more cost effective than poor performance.

16. Recommendation

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

Background reports:

None

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