

Annual Complaints Report 2015 – 2016
Appendix A – Adult Social Care Complaints

Cabinet – 24 October 2016

Summary

1. This report provides an overview of complaints made about Adult Social Care (ASC) during 2015 – 2016 as required under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, the Health and Social Care (Community Health & Standards Act 2003 and the Local Authority Social Services Complaints (England) Regulations 2006

Statutory Complaints Process

2. The Department of Health defines a complaint as, “an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a council’s adult social care provision which requires a response”
3. Anyone who has received a service; is currently receiving a service or is seeking a service from us can make a complaint. This includes anyone affected by decisions we make about social care, including a service provided by an external provider acting on behalf of the Council. In such a case they can complain directly to the provider or to us. External providers are required to have their own complaints procedures and must comply with them. They are also required to share this information on complaints and outcomes with the Council.
4. There is only one stage in this process. All complaints made to the Council are logged and acknowledged. The Council will try to resolve the complaint as soon as possible, and no later than within 20 working days. If delays are expected, the complainant is consulted and informed appropriately. All responses, whether or not the timescale has been agreed with the complainant, must be made within six months of receiving the complaint. In exceptional circumstances, an investigation may take longer and this will be discussed with the complainant.
5. All complaints are signed off by the Head of Service and complainants are given the opportunity to have their complaint reviewed by the Director of Adult Social Care. In some cases, some complaints may need to be passed on to the Safeguarding Leads as appropriate, where the complaints process may be suspended, in order to allow the safeguarding process to be completed. In cases where the complaint is across several organisations, one organisation will act as the lead and co-ordinate a joint response to the complainant. The final complaint response must set out the Council’s standard paragraph advising their right to approach the LGO should the complainant remain dissatisfied.

Headlines

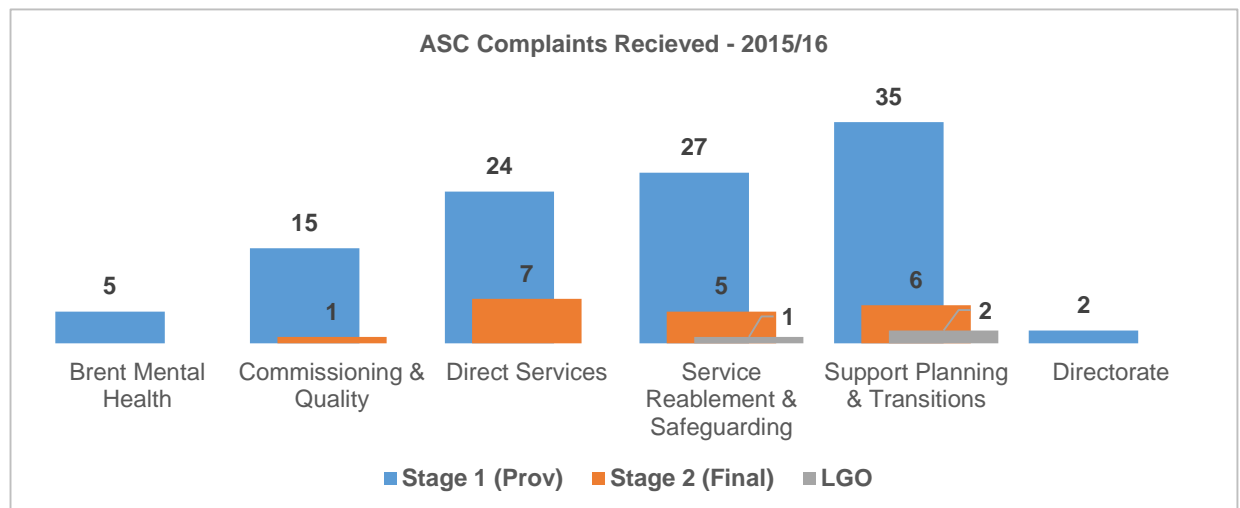
6. The main headlines from ASC complaints performance are:
 - 108 stage 1 complaints received in 2015/16 (8% reduction from the previous year).
 - Highest volume service areas for stage 1 complaints - Support Planning & Transitions (32%), Reablement & Safeguarding (25%) and Direct Services (22%)
 - 65% of stage 1 cases were upheld or partly upheld
 - 78% of stage 1 complaints were responded on time, significantly improved performance from previous years
 - £7,759 paid in compensation.

ASC Service Users

7. There are approximately 3,000 service users in ASC and approximately 3.5% of these customers or someone acting on their behalf raised a complaint about a service that they received in 2015-16.

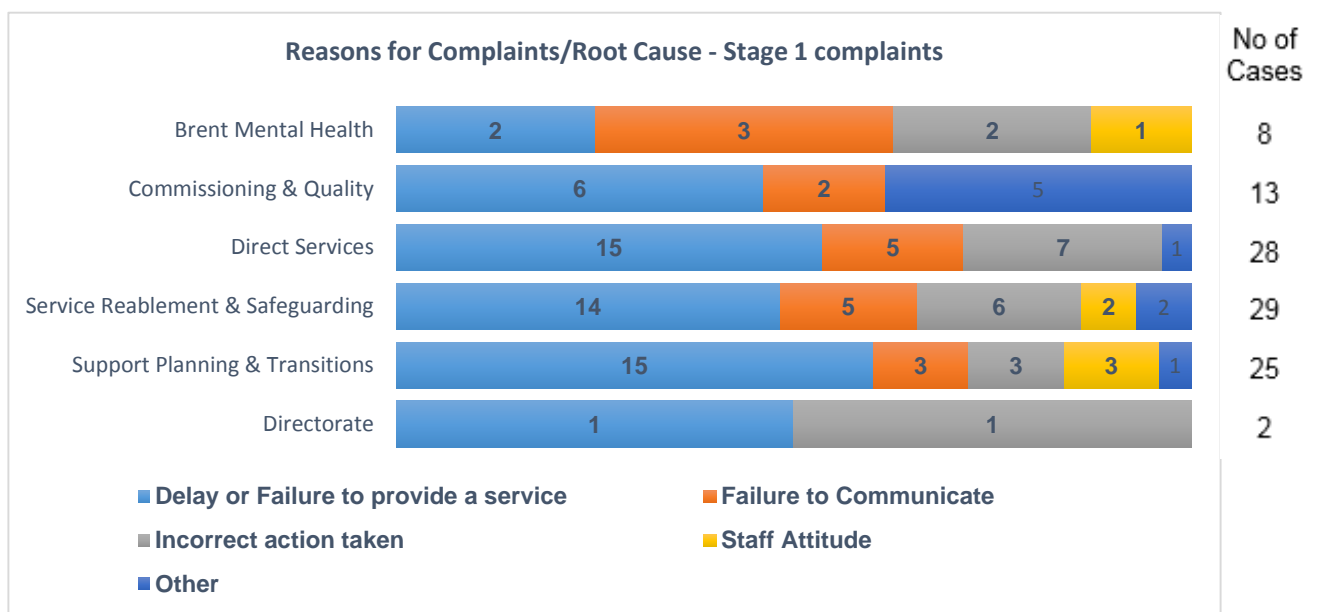
Complaints Received

8. ASC received 74 Statutory Complaints and 34 Corporate Complaints a total of 108 complaints in this year. This is a reduction of 8% (118) on complaints received in the preceding year 2014-15.
 - Support Planning and Transitions team: received 32% of the complaints made to ASC. This team deal with the more complex support cases and annual reviews and have to manage the realistic expectations of the families and service users. The complaints received by the team mainly consist of disagreements with the care package the service user has been assessed to receive. Also disagreement that the service user is able to reside at home rather than being placed in a care home at the request of families.
 - Home Care Providers: ASC have approximately 1,700 care packages with Home Care providers, complaints received about homecare packages account for 1%. The majority of concerns received are reported direct to the home care provider and resolved.
 - Client Affairs Team: accounted for 22% of complaints for ASC. The complaints centred on Appointee/Deputyship, Billing and Financial Assessments.
9. The chart below shows the number of complaints received at Stage 1/Provisional, Stage 2 /Final and Ombudsman for 2015/16.



10. The Council reviewed 19 complaints following dissatisfaction with the Provisional Response. This is an escalation rate of 17%. The Complaint Service team is working with Adult Social Care to improve the quality of investigation and provisional responses.

11. Nature / Reasons for Complaints



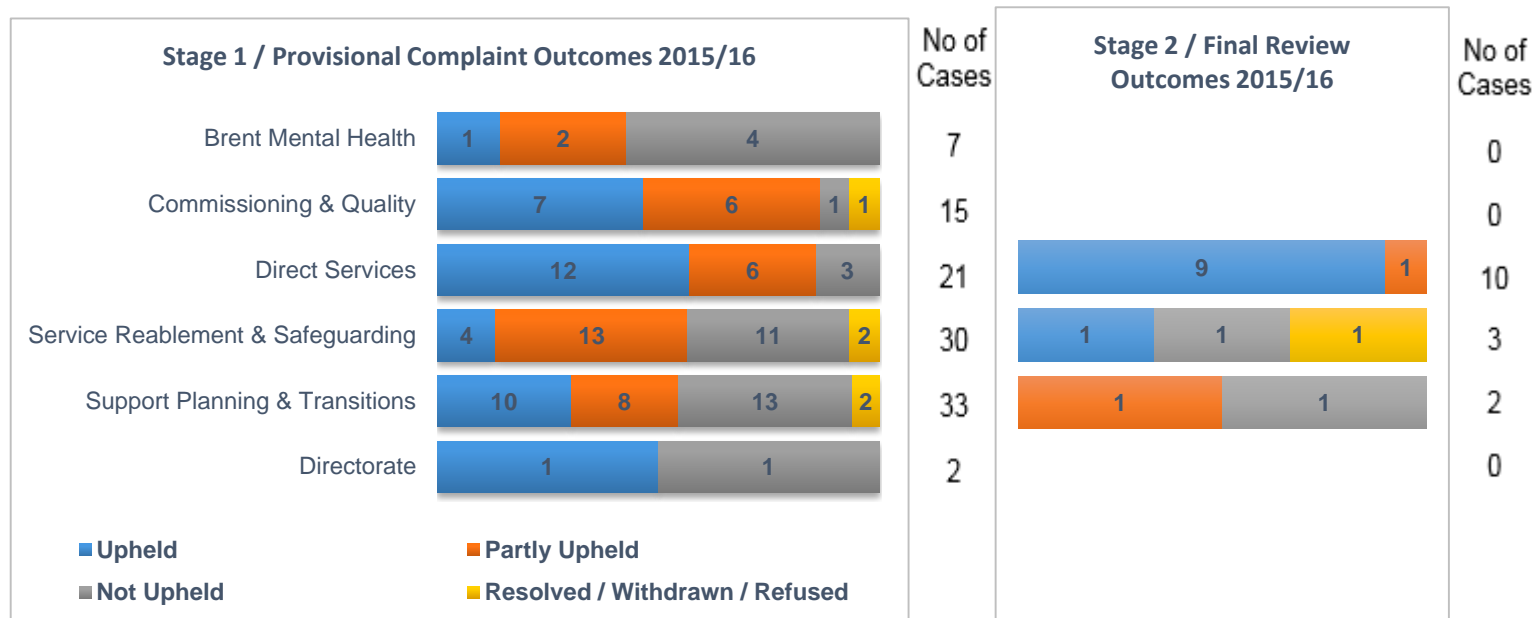
12. Complaints about delay or failure to provide a service accounted for half of the complaints received. Failure to communicate and incorrect action were 17% and 18% respectively. Staff attitude accounted for 6%
13. It should be noted that complaints about staff attitude usually arise when social workers and service users have not been in agreement about actions taken or a decision that has ben made complaints of this nature are not usually upheld and service users may then feel that the Council did not meet their expectations.

14. Other examples of the types of issues that lead to complaints are listed below:-

- Delay/failure to provide a service – concerns raised about delays with care needs assessment.
- Poor communication - a number of complaints were received regarding telephone calls not being answered and failure to respond to messages.
- Incorrect action taken – when advising a client of their financial assessment the team had backdated the assessment to the incorrect date.

Complaint Outcomes

15. The chart below shows the outcome of complaints at stage 1 and final review.



16. Complaints at the provisional/stage 1 shows that some fault by the Council (upheld or partly held) was found in 65% of cases. This shows an openness and transparency within ASC to acknowledge faults and resolve the concerns of the service user.

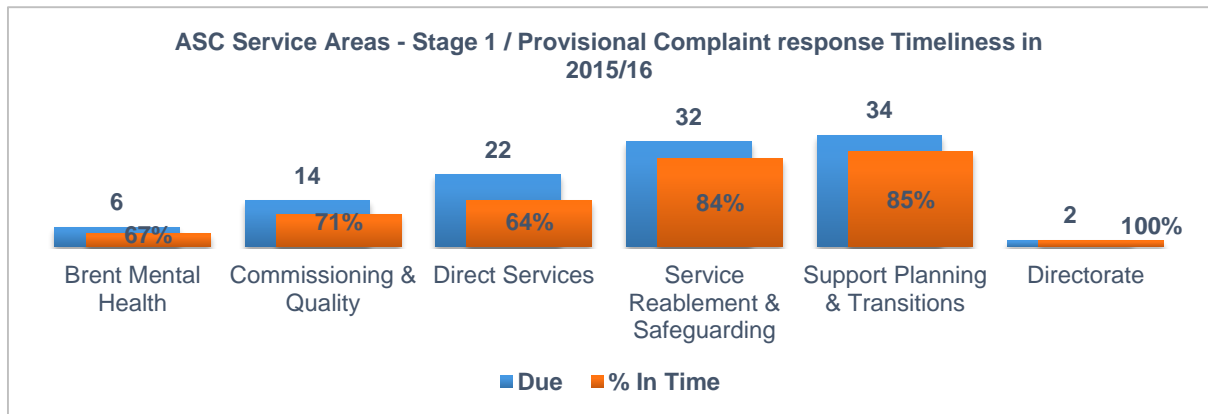
17. Apart from the Client Affairs Team, the remainder of ASC services only had 2 complaints in the year overturned at Final Review, which compares well with the rest of the Council.

18. Client Affairs Team had 21 complaints closed during the year of which fault was found in 86% of cases. Just under 50% of the complaints were reviewed at the final stage, as the complainants were dissatisfied with the responses they received in the Provisional Response. In every case considered at the final response/stage 2 level, the Council was found to be at fault and the complaint was upheld. Clearly there had been some problems with the quality of the complaints investigation of the first stage and the Complaint Service team has been working with ASC management team to

improve this situation. Improvement began to show in the final quarter of 2015/16 as a result of this intervention.

Timeliness of Responses

19. The chart below shows stage 1 complaint response times across the various ASC service areas in 2015/16:



20. ASC responded to 78% of all complaints within timescales, this was an improvement of 21% on the preceding year and there is continued focus within the department to strive for the 100% Council target.

Compensation

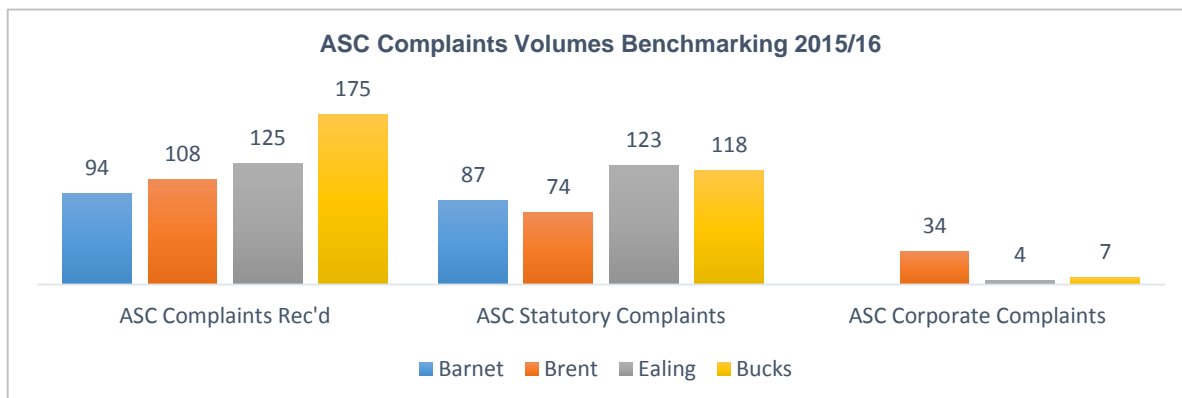
21. ASC paid out £7,759 in compensation in 2015/16 of which one case received compensation at stage 1. Four cases were paid compensation at final review, three cases were from the Client Affairs Team and one case from Support Planning. The LGO also awarded compensation in two cases. This suggests that consideration of remedies including compensation need to be considered at the earliest stage.

Local Government Ombudsman Decisions in 2015/16

22. The Local Government Ombudsman received 21 referrals for ASC throughout the year. Five referrals were closed after initial enquiries, 13 were referred back to the Council's own complaint procedure and 3 cases were upheld as follows:
- Case 1: the Council had failed to assess the family's needs appropriately and in a timely manner. The Council agreed to carry out new assessment and pay compensation
 - Case 2: the Council had failed to assess a client's needs properly or adequately or address the carer's needs. The Council agreed to apologise, pay compensation and investigate ways to engage with the service user
 - Case 3: the Council failed to arrange sufficient provision in the care plan. The Council agreed to implement a 15 minute increase in the care package and pay compensation

Benchmarking

23. Brent belongs to the North West London Social Care Complaint managers group. The Council has benchmarked complaints received against our central and west London neighbours and our performance compares favourably.



Customer Feedback and Engagement

24. The majority of customer contact with the Complaint Service team is reactive in that we respond to direct contact from customers and their representatives when they have a problem with a service. We have attended some providers and community organisations meeting to introduce ourselves and provide advice on the complaint processes. Through our initial contact we have managed to resolve a number of complaints at the point of contact e.g. finding early resolutions to invoicing/billing queries that could have turned into more formal complaints.

Compliments

25. Customers and their representatives are encouraged to tell the Council if they are happy with their care or to highlight good service. People can send feedback to the Complaint Service team or ASC directly. In 2015/16 the Complaint Service Team received 11 compliments about Adult Social Care an increase on the previous year. Two examples follow:-

- ***From a family of a service user who passed away*** “we would all as a family like to thank you & the department for all the help & support that we received from yourselves. Words cannot express how grateful we are.”
- ***From a relative*** “I can only repeat what I have said before. I shall be grateful to you for your very professional and dedicated attention and the enormous amount of help and assistance that you have given to him to attempt to ensure that he receives the support he needs”

Learning From Complaints

26. Learning from complaints provides opportunities for services to be improved and shaped by customer experience. ASC managers are encouraged not only to respond to complaints fully but to identify learning points that can help improve services. Here are some examples of how customer feedback changed and improved service delivery:

Customer Feedback - 'You Said'	Service Area Changes - 'We Did'
You told us that the invoice charges were wrong and had not agreed to the increased charges. You have not received a reply to your telephone calls	We found that we had backdated the increase in charges without sufficient notification. We agreed to remove these charges. We have reviewed the way we have dealt with telephone calls and issued reminders to staff on answering the telephone
You have told us that our invoices concerning homecare charges do not reflect your periods in hospital	We agreed that our information concerning absences and cancellations of homecare packages do not automatically update the invoices. We agreed to review how we capture this information and update the invoices we provide for Homecare services
That the exclusion of a service user with challenging behaviour from the Day Centre had not been handled correctly and that there was no appeal process in place	Following consultation with the family's involved we have put in place a Challenging Behaviour Protocol and Termination of Placement Protocol. All staff have been trained on communicating recording and implementation of plans. We have also implemented a Procedure for an appeals panel to hear such exclusion appeals