



HOUSING & COMMUNITY CARE

COMMUNITY CARE COMPLAINTS ANNUAL REPORT 2005/2006

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1. CONTEXT / OVERVIEW

This report provides information about the Community Care complaints made during the period 1.4.05-31.3.06 under the complaints and representations procedures established under the Local Authority Social Services Act 1970 (as amended by the NHS & Community Care Act 1990) and the Council's corporate complaints procedure.

We aim to ensure that we provide appropriate, accessible and high quality services. However we are aware that we do not always get things right and it is important that we acknowledge this and learn from complaints, identifying the action we need to take to improve services in the future. We accept a person's right to complain and when complaints are received we encourage staff to be open and honest, calm and polite; to consider what the complainant says; to acknowledge the complainant's point of view and to have an 'open mind'. Complaints from the people who use our services, their carers and others in the local community should be regarded as an indicator of areas where we may need to examine how services are delivered. Complaints provide the Council with valuable information that can be used to improve services, enhance service user's experiences, reduce the anxieties of individuals, their families and carers and prevent further problems and complaints. When we fail to correct a service failure or mistake and do not provide an adequate remedy for the complainant we run the risk of the same thing happening again and an escalation of the person's dissatisfaction. Constructive responses to complaints will help to provide high quality services and more responsive service to our diverse community.

We aim to resolve issues and concerns before they become complaints and resolve as many complaints as possible at the first stage of the complaints process within the service area concerned. Stage 1 of the complaints procedure is primarily a problem solving and local resolution stage and an opportunity for local managers to remedy any service failures that have occurred, to inform and to maintain and develop goodwill between the Council and the complainant. When responding to complaints, managers are required to provide an

explanation of what has happened and why; an explanation of how a justified complaint will be remedied; their view and decision on the outcome being sought; and an explanation if they cannot provide the response, answer or outcome that the complainant is seeking. It is the Council's policy to give an apology if the Council is found to be at fault. Where maladministration and injustice has occurred, compensation payments can be made.

The Council's aim is to get complaints right at the earliest stage possible. Complaints escalating to the subsequent stages of the complaints procedure can indicate that this is not always the case, and that complaint responses at the early stages may be either inadequate or not sufficiently open when things have gone wrong. Investigating and reviewing complaints at Stages 2 and 3 is expensive in terms of officer time and costs involved in commissioning external investigators and panel members. Also increasing amounts of compensation are likely to be paid at subsequent stages of the procedure when service failures have occurred and injustice has been suffered. Responding in a positive way at the outset saves money in the long run, significantly enhances the Council's reputation with its customers and reduces anxiety for those involved. This is an area that we will continue to focus on as part of future improvement in complaints handling.

The number of complaints detailed in this report should be seen in the context of the range and level of services that are provided; the number of referrals for services; the number of assessments and the total number of users across the service units. When looking at complaints in this context the number received is relatively small. The number of complaints made and the type of issues that are raised should not be seen as a reflection of a poor service as many complaints are not upheld following investigation. A high number of complaints being made and recorded can demonstrate that our users are aware of the existence of the complaints procedure and that their concerns are being noted and considered.

Where complaints are seen as being justified, putting things right sometimes relates to an individual case and on some occasions indicates a need for a general improvement or development in respect of the service. It is important that we learn the lessons from complaints, using the information to review practice, put things right if they have gone wrong and to stop mistakes happening again.

External Service Providers regulated under the Care Standards Act by the Commission for Social Care Inspection are required by law to have their own complaints procedure. Therefore complaints about care standards provided by such providers will often be received directly by them and these are not detailed in this report. However, our Service Units maintain care management and contract management responsibilities in respect of the services that they arrange through such external providers and services are monitored through such processes and through meetings with contractors and reviews that are held. Service users and their representatives can pursue their complaint through the Council's procedure if they wish.

The information in this report demonstrates that there is evidence of some good practice and professional complaint handling. However, we cannot afford to be complacent. We need to continue to ensure that our customers know about and have confidence in our complaints procedure; that complaints are not overlooked; that time targets are met; escalation rates reduced; and that good quality responses are provided.

What is a Complaint?

- An expression of dissatisfaction, not resolved immediately, about the level, quality or nature of a council service.

Complaints can be made in writing, by telephone, on-line, in person, by e-mail or by fax. We try to make it easy for people to raise their concerns.

Who can make a Complaint?

'Social Services' legislation details those persons who can make a complaint under the statutory complaints procedures. The service user or someone acting on behalf of the service user can make complaints about statutory services. We generally accept complaints that are made by carers and family members.

2. THE STAGES OF THE COMPLAINTS PROCESS AND SUMMARY OF FIGURES.

The complaints process has three stages in line with the requirements of legislation, central government guidance and Council procedure.

Stage 1 complaints – Service units and external contractors providing services on behalf of the Council are expected to resolve as many complaints as possible at this initial point. The Council's complaints procedure requires complaints at stage 1 to be responded to within 15 working days. Section 3 provides details of the 144 stage 1 complaints that were recorded. (This compares with 115 complaints last year and 148 in 2003/4)

Stage 2 complaints - These are usually considered by the Assistant Director, often following a full investigation by either a Senior Officer or an external investigator. Some complaints have been resolved without the need for a full investigation, following enquiries and consideration by a relevant senior manager.

Stage 2 complaints falling within the social services statutory complaints procedure should be dealt with in 28 days, although in certain cases this can be extended to 3 months. Complaints considered under the corporate procedure should be responded to within 20 working days. Section 4 provides details of the 19 stage 2 complaints that were received. This compares with 10 stage 2 complaints last year and 18 in 2003/4.

Stage 3 complaints - The third stage of the complaints process is a review. Section 5 of this report provides details of the four stage 3 complaints that were made. In the previous year there were also four stage 3 complaints.

Complaints about statutory social services functions require a Complaints Review Panel to be established. The panel makes recommendations to the Chief Executive who then makes a decision on the complaint and the action to be taken. Complaint Review Panels are chaired by an independent person, and involve a second independent person and an officer from the Corporate Complaints Team. There are various timescales relating to stage 3 complaints. These relate to the setting up of the Panel (within 28 days), the production of the Panel's report (within 24 hours) and the local authority's response (within 28 days). There were three Panel hearings held during the year, with one other complaint being considered under the corporate procedure.

Percentage escalation

	Community Care Services
Stage 1 to Stage 2	13%
Stage 2 to Stage 3	21%

The escalation rate for complaints going from stage 1 to stage 2 is outside of the Council's target of no more than 10%. The escalation rate for complaints going from stage 2 to stage 3 is also slightly outside of the Council's target of no more than 20%. Escalation rates last year were 9% and 40% respectively.

In other Council service areas (excluding those departments with a relatively small number of complaints where figures were too small to be meaningful) the escalation rates in 2005/6 ranged from 15% to 28% at stage 1 and from 23% to 53% at stage 2.

3. STAGE 1 COMPLAINTS.

There were 144 recorded complaints during the year. This indicates a 25% increase in complaints from last year. Across the Council there was a 6% decrease in the number of stage 1 complaints recorded. The increased level of complaints within Community Care services could be due to improved recognition and recording of complaints. It also needs to be recognised that this years figure includes a relatively large number of complaints that were made during the year by three regular complainants, the majority of their complaints not being upheld.

Of the complaints where an outcome was determined (excluding withdrawn and pending complaints and those going straight to stage 2) 49% were upheld to some degree (either fully or partially). This compares with 63% last year.

Of the complaints that were determined, 60% were responded to within 15 working days. This compares with only 49% last year. The performance falls well short of the Council's aim of 85% of responses being sent within target time but the improvement from the previous year's figure is seen as encouraging. In other Council service areas the percentage of stage 1 complaints responded to within 15 working days ranged from 61% to 81%. Work towards achieving better compliance with time targets is a priority for the future.

Of the 144 complaints that were made about Community Care Services, 36% were made by the service user and 52% were made by relatives.

Complaints that are logged formally can be tracked and monitored, and if things have gone wrong managers can ensure that matters are put right. Service Units have been encouraged to recognise and record complaints and report these to the Complaints Team. However, the figures show a relatively low percentage of complaints being received and recorded at the local level, at least in some Service Units, with only 31% of recorded Community Care Services complaints being received directly by Service Units. However, this is an increase from the previous year. 43% of the complaints were received directly by the Complaints Team. Service Units attempt to resolve issues and concerns before they become formal complaints and it may be that following such communications individuals who remain dissatisfied then prefer to raise formal complaints with someone else.

The highest area of complaint related to communication failures (25%) with complaints about service delays (16%) and the level of service (14%) being the next highest.

Tables 3.1 and 3.2 below provide detailed figures relating to each service unit.

3.1 COMMUNITY CARE SERVICES STAGE 1 COMPLAINTS BY SERVICE UNIT

Service Unit	Older Peoples Services		Physical Disability Services		Learning Disability Partnership		Mental Health Services		Contracted Services		Emergency Duty Team		Finance		Quality & Support		TOTAL	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No.	%		%
NUMBER OF COMPLAINTS	47	(33)	51	(35)	6	(4)	16	(11)	16	(11)	2	(1)	4	(3)	2	(1)	144	(100)

Response Times

Within 15 working days	19	(40)	32	(63)	4	(66)	11	(69)	11	(69)			2	(50)	1	(50)	80	(55)
Outside 15 working days	19	(40)	18	(35)	2	(33)	5	(31)	5	(31)	2	(100)	2	(50)			52	(37)
Withdrawn	1	(2)															1	(1)
Straight to Stage 2	8	(17)													1	(50)	9	(6)
Pending			1	(2)													1	(1)

Outcome:

Upheld	10	(21)	16	(32)	3	(50)	3	(19)	3	(19)			1	(25)			36	(25)
Partially Upheld	9	(19)	10	(20)	1	(17)	2	(13)	5	(31)			1	(25)	1	(50)	29	(20)
Not Upheld	19	(40)	24	(47)	2	(33)	11	(69)	8	(50)	2	(100)	2	(50)			68	(47)
Withdrawn	1	(2)															1	(1)
Straight to Stage 2	8	(17)													1	(50)	9	(6)
Pending			1	(2)													1	(1)

Where Complaint received:

The Service Unit	11	(23)	20	(39)	3	(50)	3	(19)	5	(31)			1	(25)	1	(50)	44	(31)
Dept Complaints Team	25	(53)	19	(37)	3	(50)	9	(56)	4	(25)			2	(50)			62	(43)
One Stop Shop	3	(6)	5	(10)			1	(6)	1	(6)	1	(50)					11	(8)
Director or Asst. Dir.	1	(2)							1	(6)	1	(50)					3	(2)
Corp. Complaints Team	2	(4)					1	(6)							1	(50)	4	(3)
Chief Executive	5	(11)					1	(6)					1	(25)			7	(5)
Other Department			3	(6)													3	(2)
Mental Health NHS Trust							1	(6)									1	(1)
Other Community Care Unit			3	(6)					2	(13)							5	(3)
Ombudsman referral			1	(2)													1	(1)
Contractor									3	(19)							3	(2)

3.2 COMMUNITY CARE SERVICES STAGE 1 COMPLAINTS BY SERVICE UNIT

Service Unit	Older Peoples Services		Physical Disability Services		Learning Disability Partnership		Mental Health Services		Contracted Services		Emergency Duty Team		Finance		Quality & Support		TOTAL	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%	No.	%		%
NUMBER OF COMPLAINTS	47	(33)	51	(35)	6	(4)	16	(11)	16	(11)	2	(1)	4	(3)	2	(1)	144	(100)

Nature of complaint:

Failure to communicate effectively	18	(29)	17	(28)	2	(25)	1	(6)	3	(14)	1	(33)	2	(40)			44	(25)
Service Delay	8	(13)	16	(27)	1	(13)	1	(6)	1	(5)	1	(33)			1	(50)	29	(16)
Level of service	9	(15)	6	(10)	2	(25)	2	(11)	5	(24)					1	(50)	25	(14)
Inappropriate conduct or attitude of staff	6	(10)	2	(3)			3	(17)	7	(33)	1	(33)					19	(11)
Quality of service	6	(10)	4	(7)	1	(13)			5	(24)							16	(9)
Decision not to Provide service requested	2	(3)	5	(8)													7	(4)
Withdrawal, reduction or change in service	3	(5)	2	(3)													5	(3)
Discrimination//Inequality			1	(2)													1	(1)
Failure to carry out other action	8	(13)	6	(10)	2	(25)	4	(22)					1	(20)			21	(12)
Other Reason	2	(3)	1	(2)			7	(39)					2	(40)			12	(7)
Total	62		60		8		18		21		3		5		2		179	

Complaint made by:

Service User	9	(19)	25	(49)	1	(17)	8	(50)	8	(50)			1	(25)			52	(36)
Relative (current carer)	16	(34)	12	(24)	2	(33)	3	(19)	4	(25)							37	(26)
Relative (not current carer)	17	(36)	10	(20)	2	(33)	1	(6)	3	(19)	2	(100)	2	(50)	1	(50)	38	(26)
Advocate/Solicitor	1	(2)	3	(6)	1	(17)							1	(25)			6	(4)
Neighbour/Friend	3	(6)					2	(13)	1	(6)							6	(4)
Community Group															1	(50)	1	(1)
Other Agency/G.P			1	(2)			2	(13)									3	(2)
Tenant	1	(2)															1	(1)

4 STAGE 2 COMPLAINTS.

There were 19 stage 2 complaints during the year, compared to 10 in the previous year and 18 in 2003/4. One complaint was subsequently withdrawn following further action and communication at the local level.

11 complaints required detailed thorough investigation due to the nature and/or complexity of the concerns being raised. Such investigations are time-consuming and involve interviews with a number of people and consideration of a significant amount of documentation. External independent investigators undertook eight of the investigations.

13 stage 2 complaints related to the statutory social services complaints procedure and the other six were dealt with under the corporate complaints procedure. There were many and varied issues referred to in the complaints that were made. Of the 18 complaints that were considered only two statutory complaints and three corporate complaints were dealt with in the required time period.

Of the 19 complaints, four were fully upheld; six were partially upheld; eight were not upheld and one was withdrawn.

4.1 The people making Stage 2 complaints:

The service user made 37% of the stage 2 complaints and 42% were made by relatives.

Community Care Services – person making the complaint	
Service User	7
Relative (carer)	5
Relative (non carer)	3
Friend/Tenant	2
Solicitor/Advocate	2

4.2 Stage 2 Complaints - Equalities Information – Service Users

Service Unit	Older Peoples Services & Finance (joint complaint)	Older Peoples Services	Physical Disability Services	Learning Disability Partnership	Mental Health Services	Quality & Support	Finance	EDT	TOTAL
NUMBER	1	4	7	3	1	1	1	1	19

Racial Origin of Service User

White British	1	1	3				1		6
White Irish								1	1
White Other		1	1	1	1				4
Black Caribbean			1						1
Black British				1					1
Asian British			2						2
Asian Other		2							2
Asian Pakistani				1					1
Organisation						1			1

Gender of Service User

Male		1	6	3					10
Female	1	3	1		1		1	1	8
Organisation						1			1

Disability (including mental health problems)

Service user has a disability	1	4	7	3	1		1		17
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4.3 Stage 2 complaints by Service Unit, Outcome, Response Times and Nature of Complaint

Service Unit	OPS & Finance (joint complaint)	Older Peoples Services	Physical Disability Services	Learning Disability Partnership	Mental Health Services	Quality & Support	Finance	EDT	TOTAL
NUMBER	1	4	7	3	1	1	1	1	19

Response Times:

Less than 28 days		1				1	1		3
Between 28 days and 3 months		2	2	1					5
Between 3 – 6 months	1		3	1	1				6
Over 6 months		1	1	1				1	4
Withdrawn			1						1

Outcome:

Upheld		1	2				1		4
Partially Upheld	1		1	2		1		1	6
Not Upheld		3	3	1	1				8
Withdrawn			1						1

Nature of Complaint: (n.b. multi-coding)

Staff Conduct or Attitude		1	1	1				1	4
Non-provision of Service		1	2						3
Level of service	1		4			1			6
Quality of service		1	3	2	1			1	8
Delays	1		1					1	3
Failure to communicate effectively		2	3	2		1		1	9
Withdrawal, reduction or change in service				1					1
Failure to carry out other action	1	2	3	3	1				10
Other Reason		1	1	1			1		4
Total	3	8	18	10	2	2	1	4	48

5. STAGE 3 COMPLAINTS

There were four stage 3 complaints this year. This is the same number as last year. There were three Complaints Review Panels held and one complaint was investigated under the corporate procedure. There are various timescales relating to stage 3 complaints:

- A Panel should be established within 28 days – this did not happen in any of the three cases, this mainly being due to difficulties in establishing an earlier date suitable to all relevant parties.
- Following the hearing the Panel is required to produce a report within 24 hours detailing their recommendations – this did not happen in any of the three cases. This being due to various reasons: complexity and extent of the complaints; a Panel hearing taking place on a Friday; and in one case to provide the complainant with an opportunity to comment on a draft report.
- The local authority should send a response within 28 days of the Panel's report – this happened in one case, the others taking 29 days and 31 days.
- In respect of the complaint that was dealt with under the corporate complaints procedure, this was not concluded within the 30 working day target timescale.

5.1 Stage 3 complaints by Status, Service Area, Timescales and Outcome.

STATUS	SERVICE UNIT	TO SET UP PANEL (required within 28 days)	PANEL REPORT PRODUCED (required within 24 hours)	COUNCIL RESPONSE (required within 28 days) (30 working days for corporate procedure))	OUTCOME
LASS Act 1970	Older People's Services	83	3	22	Not Upheld
LASS Act 1970	Mental Health Services	50	4	29	Partially Upheld
LASS Act 1970	Services	154 <i>see note</i>	18 <i>see note</i>	31	Partially Upheld
Corporate	Older People's Services			145	Not Upheld

Note: The initial panel hearing was cancelled by the complainant. As the complainant did not attend the panel hearing he was given an opportunity to comment on the draft report before it was finalised.

6. OMBUDSMAN COMPLAINTS AND ENQUIRIES.

Complainants can refer their complaint to the Local Government Ombudsman at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure. During the year, eight complaints about Community Care Services were considered by the Local Government Ombudsman. The conclusions reached by the Ombudsman are detailed below.

Service Area	Total	Outcome of Ombudsman Consideration	
		Ombudsman Discretion – no or insufficient injustice	Premature Complaint
Older People's Services	3	1	2
Brent Mental Health Services	2		2
Brent Learning Disability Partnership	1	1	
Quality & Support	1		1
Finance	1		1

7. LEARNING THE 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 review and changes to procedures; guidance and training for staff and improvements being identified and made in relation to service delivery and practice. Some specific examples of service improvement issues arising from stage 2 and stage 3 complaints are detailed below.

- Better communication, liaison, joint working and sharing of information between care management and finance sections of the department;
- Review of the layout of the assessment form to reflect the need for the care assessor to make a positive entry about the service user's involvement in the assessment;
- Improved systems of communication within the O.T. Service to ensure that key elements of information have been communicated to service users, including information about the process for dealing with adaptation requests and specifications and their progress; and also information about the different roles of the OT's involved;
- Meetings between the Principal OT and DFG Grants Manager re-established with the aim of providing a unified management approach.
- Brent Learning Disabilities Partnership review of its practice to ensure that proper investigations take place especially in relation to the protection of vulnerable adults.
- Clear guidance on the principles governing determination of mental capacity and how these are to be applied in practice. Development of a multi-agency death and bereavement policy that includes issues of capacity;
- Improvements made to the means of communication between the EDT social workers and the daytime social work teams, including a feedback procedure to ensure that referrals are received and action is being taken;
- Review of practice and information to staff within Mental Health Services in respect of consideration and decisions regarding transporting people to hospital;
- Practice improvements concerning the handling of joint local authority and NHS complaints about integrated services.

8 COMPENSATION PAYMENTS

The Council has a compensation policy and payments are considered if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman 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 compensation totalling £34265.90 was paid following consideration of complaints.

Payments related to the following service areas.

Service Unit	Stage 1	Stage 2	Stage 3
Physical Disability Services	£255	£250	
Mental Health Services			£150
Quality & Support		£50	
Historic Complaint (see note)		£33560.90	
TOTAL	£255	£33860.90	£150

Note: Complaint related to Section 117, Mental Health Act placement and repayment of residential care home fees.

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