

NORTH LINCOLNSHIRE COUNCIL

**ADULT SERVICES
CABINET MEMBER**

ANNUAL COMPLAINTS REPORT 2009-2010

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The object of this report is to present the annual report for April 2009– March 2010 in respect of formal complaints received about Adult Social Services.
- 1.2 Out of a total of about 6000 service users, 41 formal complaints were made about the service.
- 1.3 We encourage service users to tell us if they are not happy with or have worries about a service they receive and support them when they do. We want to make sure that we use information from complaints to improve services.

2. BACKGROUND INFORMATION

- 2.1 It is a requirement of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. To present the annual report on complaints made about Adults Social Services.

3. OPTIONS FOR CONSIDERATION

- 3.1 The complaints report is compiled in accordance with the above legislation and guidance. It outlines the complaints made and key actions taken by the services in response to them. The report also contains information about the operation of the procedure over the year. Cabinet Member has the option of accepting or rejecting the annual report.

4. ANALYSIS OF OPTIONS

- 4.1 There has been a decrease in the number of formal complaints dealt with in the year.

- 4.2 The majority of complaints are about services to older people, reflecting the greater proportion of service users that they represent.
- 4.3 There has been a reduction in complaints made about services provided by contracted agencies on behalf of the Adult's Social Services.
- 4.4 A quarter of complaints were upheld in full, a half in part and a quarter found to be not upheld.
- 4.5 Three quarters of complaints were responded to in less than twenty working days.
- 4.6 None of the complaints received this year were referred to The Local Government Ombudsman.
- 4.7 Actions taken in response to complaints include:
- Amended training on personalisation
 - Changes to the policy on direct payments
 - Improving processes of recording information on admission to residential home.
 - Review processes in relation to blue parking badges.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 Financial Implications: Any financial implications arising out of our complaints procedure would be subject to separate reporting
- 5.2 Staffing Implications: We use external contracted investigating officers to conduct the more complex complaints. This ensures that we are able to complete these often lengthy and complex pieces of work within timescales.
- 5.3 Property Implications – n/a
- 5.4 IT implications – n/a

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory Implications - Our complaints procedure ensures that we meet our statutory obligations. It is a statutory requirement to produce a report annually on complaints.

6.2 Environmental Implications – n/a

6.3 Diversity Implications – n/a

6.4 Crime & disorder – n/a

6.5 Risk & other – n/a.

7. OUTCOMES OF CONSULTATION

7.1 This report has been circulated to the unions and no objections have been received.

8. RECOMMENDATIONS

8.1 That the Cabinet Member for Adult Services accepts the Annual Report on complaints for 2009-2010 and endorses the actions that have been taken, both to resolve the complaints and to learn from them.

SERVICE DIRECTOR ADULT SOCIAL SERVICE

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Background Papers used in the preparation of this report

The Children Act 1989

The NHS Community Care Act 1990

The Children Act Guidance and Regulations, Volume 4.

The Local Authority Social Services Complaints (England) Regulations 2006

Learning From Complaints – Social Services Complaints Procedure for Adults, Best Practice Guidance, Department of Health 2006

Adults Services Annual Report 2009-10

This is the first annual report on complaints addressed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 which came into operation at the beginning of April 2009.

The new procedures, 'Making Experiences Count', are designed to ensure that complaints are dealt with in a way that is appropriate, proportionate and clear. The procedures put the service user at the centre of the efforts to resolve their concerns, making sure that services listen to and learn from the issues drawn to their attention in this way.

The procedure is a single procedure that applies across all health and social care bodies; it also applies to agencies that are contracted by those bodies to provide services on their behalf. There is contained in the new legislation a duty to co-operate, so that anyone making a complaint about more than one agency or a jointly provided service will only have to make one complaint and will receive one response.

In Adults Services we are working to re-focus our services so that they become increasingly tailored to the requirements of the individual. We are moving towards the allocation of personal budgets so that people can choose to meet their needs in a way of their own choosing, rather than from the more limited offering of particular services. This personalisation agenda puts service users at the very centre of services and requires we listen to and learn from them about what works best. This approach is consistent with the new means by which complaints are addressed.

This complaints report relates to services provided or commissioned by Adults Social Services to:

- Older people
- People with a learning disability
- People with a physical disability.

Complaints about services to people with a mental health problem are dealt with by rdash under the contractual arrangements for this service.

Under the individualised approach to the assessment for and delivery of services the relationship that Adults Social Services has with its service users is a critical one. Trust and confidence in Adults Services is crucial because service users need to be able to speak openly and honestly. We need to create an environment where people can let us know if they are dissatisfied or have a concern without fear of repercussion. The new procedures help in this in that service users no longer need to frame their concern as a complaint to have it addressed under this process. The very open way in which the new procedures work will further encourage service users to come forward with any issues they may have.

The procedure

Making Experiences Count is described as a two stage process, however only one stage rests with the Local Authority.

Stage One

When a complaint is received it is initially screened to assess the impact of the issues concerned. In all but the most readily resolved cases the complainants will be consulted about the way in which their complaints will be addressed. Their view of the issues will be taken into account in making the decision about the most appropriate means of dealing with the complaint.

We have a number of ways of dealing with complaints and the procedures allow us to be flexible in our approach. For more minor readily resolved issues the manager of the service concerned will offer resolution. For the more complex complaints that cannot be responded to directly by the service concerned we can arrange for in house or completely independent investigation or review. These complaints are subject to a resolution plan that clearly sets out for the complainant what the issues are and the manner by which they will be addressed. These investigations report to service manager, head of service, or the Director of Adults Social Services, to adjudicate and provide a response to the complainant on behalf of the Chief Executive of the Local Authority.

There is opportunity to revisit the complaint if it is judged by the complainant and the Local Authority that there is some value in doing so, if, for example, some significant information has been missed or an aspect of the complaint not considered properly. Other than this the complainant if they continue to be dissatisfied has recourse to the second stage of the procedure. The onus then in our complaint handling is to 'do it once & do it right'.

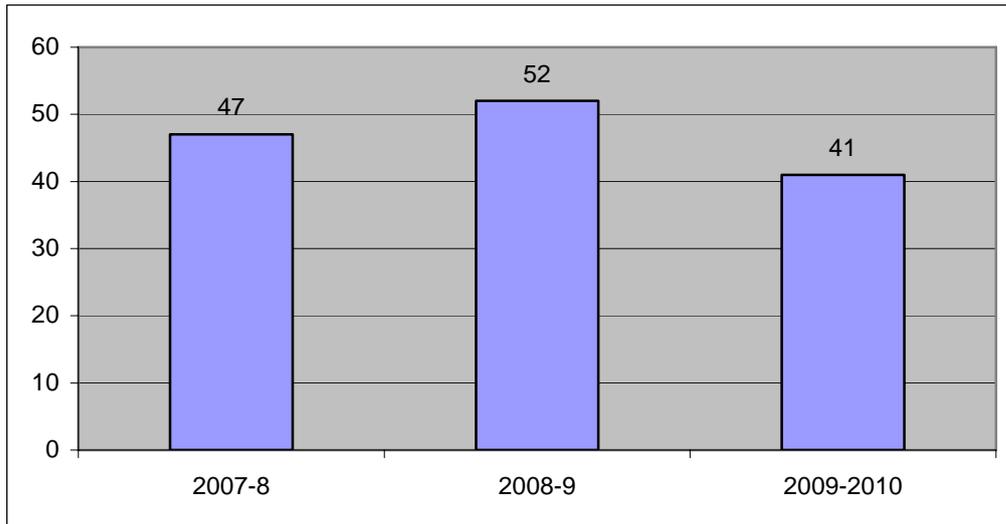
Stage Two

This stage is in the hands of the Local Government Ombudsman. Complainants who are not satisfied with the outcome to their complaints must now refer these concerns to the LGO. In considering the representations of complainants the LGO will look at the issues of concern within the complaint and the manner in which the Local Authority handled the complaint.

Analysis of Complaints received in the year.

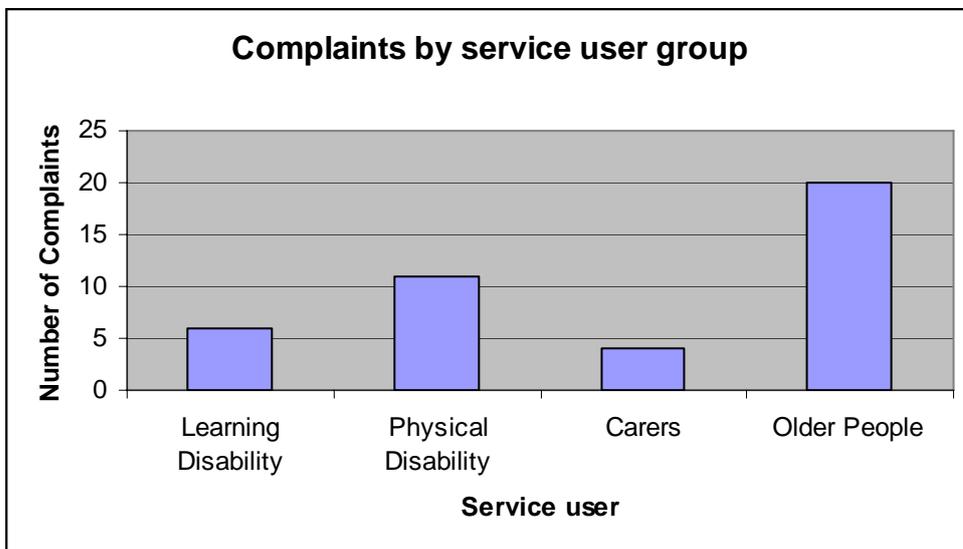
Fig 1

A total of forty one complaints have been recorded this year. The chart below illustrates how this compares with complaints in the previous years.



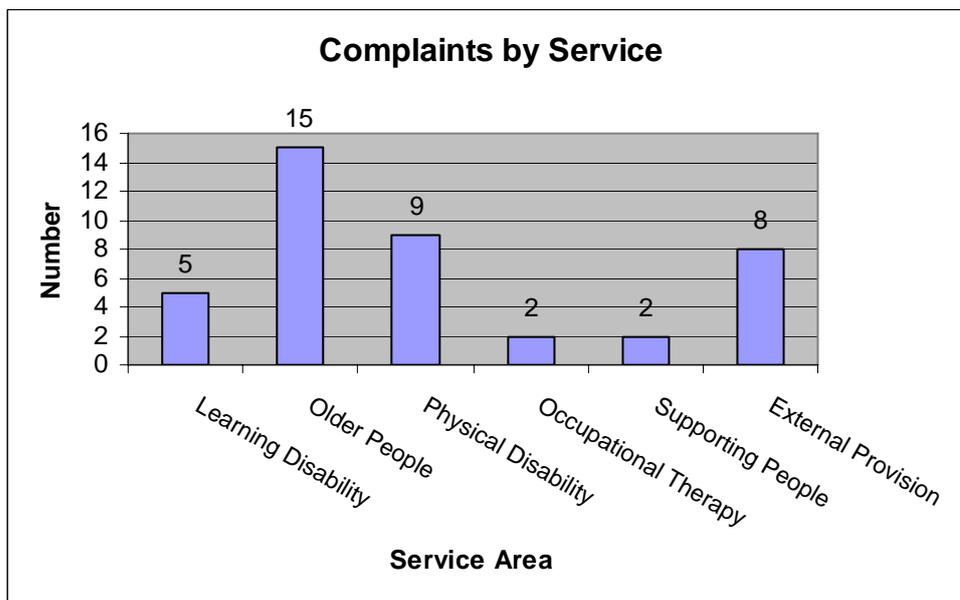
This represents a decline in the number of complaints on previous years. Some issues that would in the past have been recorded as complaints are now addressed within the service area and not recorded under this procedure. If an issue can be readily resolved by the service concerned and the complainant agrees to it then that is what will happen and such issues are regarded as 'frontline resolution' and no longer need to be recorded as formal complaints.

Fig 2



This chart illustrates complaints received by user group. This illustrates that most complaints are made about services to older people. This would be proportionate as they represent the largest group of service users.

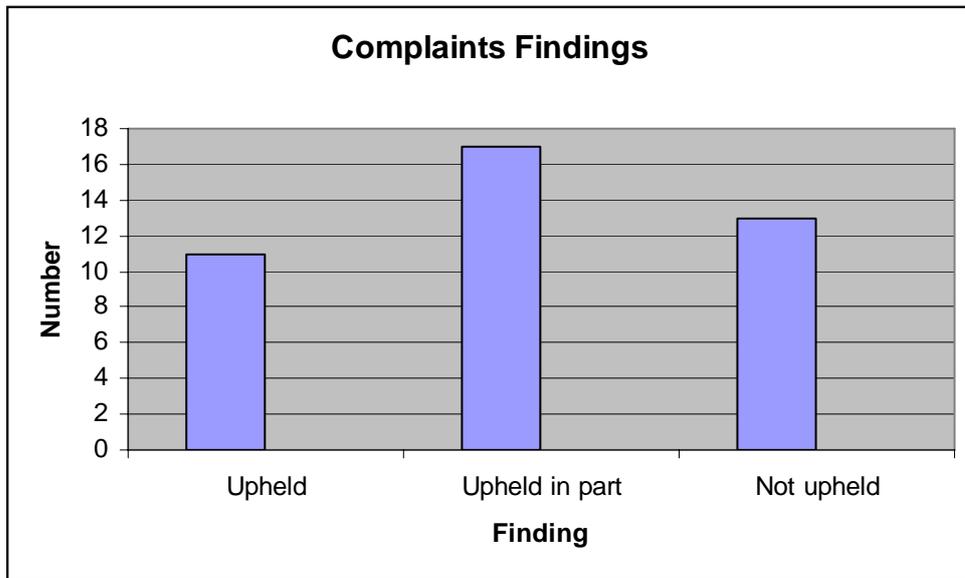
Fig 3



Again services to older people have had the largest number of complaints made against them with fifteen complaints recorded in the year. This represents only a very small proportion of service users. Complaints about external provision concern home care and services that cut across service user groups. We continue to closely monitor our contracts with agencies in the private sector that deliver services on our behalf and to work closely with them to ensure high quality care.

Over the year covered by this report Adults Services has reconfigured its structure and new teams have been established that will better reflect the new way of working and ensure the service is able to meet demands of the future in the most effective way. The new arrangements mean that the old service areas are not as clearly delineated and there are teams that for example work across service user groups and that have different roles to play in relation to externally commissioned services. For consistency and the purposes of this report complaints will be analysed in the following section according to service user, complaints made by carers are included within the user group to which they related.

Fig 4



The above diagram shows that a quarter of complaints were upheld entirely. Just under half were upheld in part and a quarter not upheld at all. Even though a complaint is not upheld it does not mean that the complaint has nothing to tell us about our services, it can still indicate where improvements can be made. Similarly they can point out areas of good practice.

Complaint issues

Older People

Fig 5

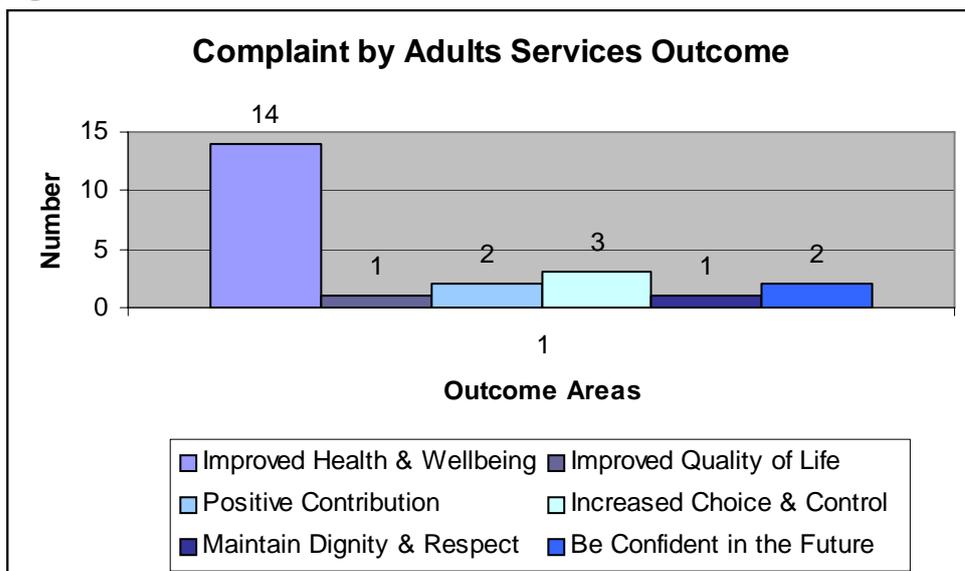
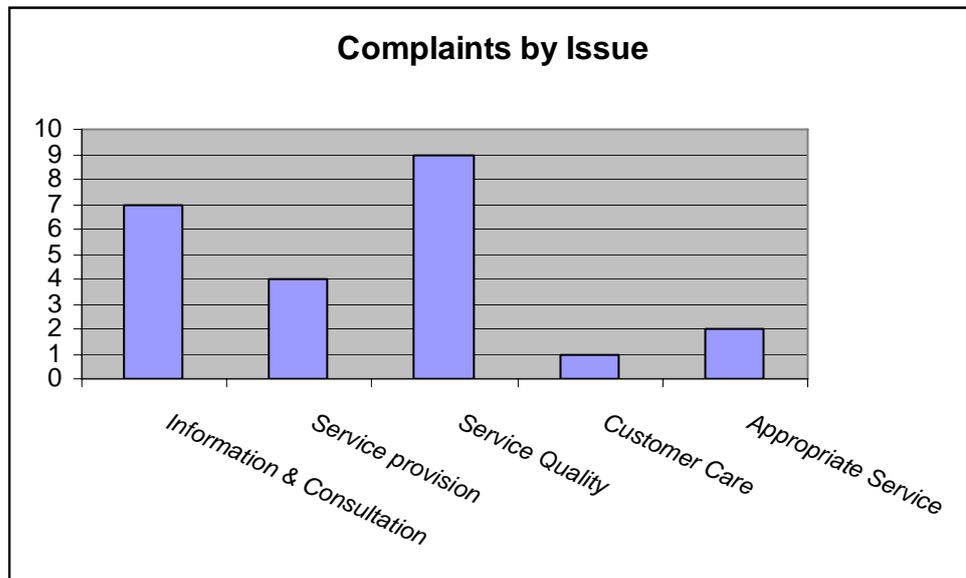


Fig 6



Complaints about services to older people include:

- A service user who was unhappy with the care workers from an agency who were newly appointed to provide her care.
- That there was a lack of information and action to set up services.
- That a service user had been admitted to a residential home inappropriately.
- That the service had not supported a service user in moving to a more suitable placement.
- A service was offered and then not available.
- A service that was valued & relied on was removed.
- A lack of information and consultation about important changes to the way in which a service was provided.
- An assessment was not as thorough as it should have been.

In response to complaints about services to older people we were able to:

- Work with the home care agency and service user and resolve the difficulties that had been experienced so that the service user felt confident in the service now being offered.
- Review processes of transfer between teams to ensure they are robust enough.
- Improved systems of recording information on admission to residential home.
- Clarify with other agencies responsibilities around transport provision.
- Inform the training programme being delivered on personalisation
- Revise induction training to ensure there is sufficient clarity around standards of recording.

- Ensure that decisions about withdrawal of a particular service or changes to a service were appropriate and managed in a planned and fully supported way.
- Review systems & processes to make sure that assessments are carried out in a timely way.

Services to people with a Learning and Physical Disability

Fig 7

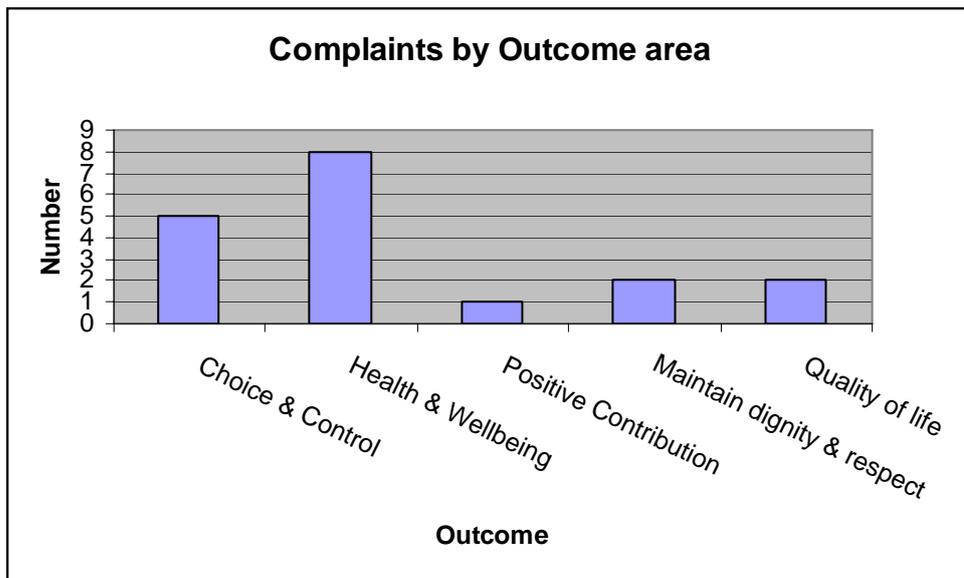
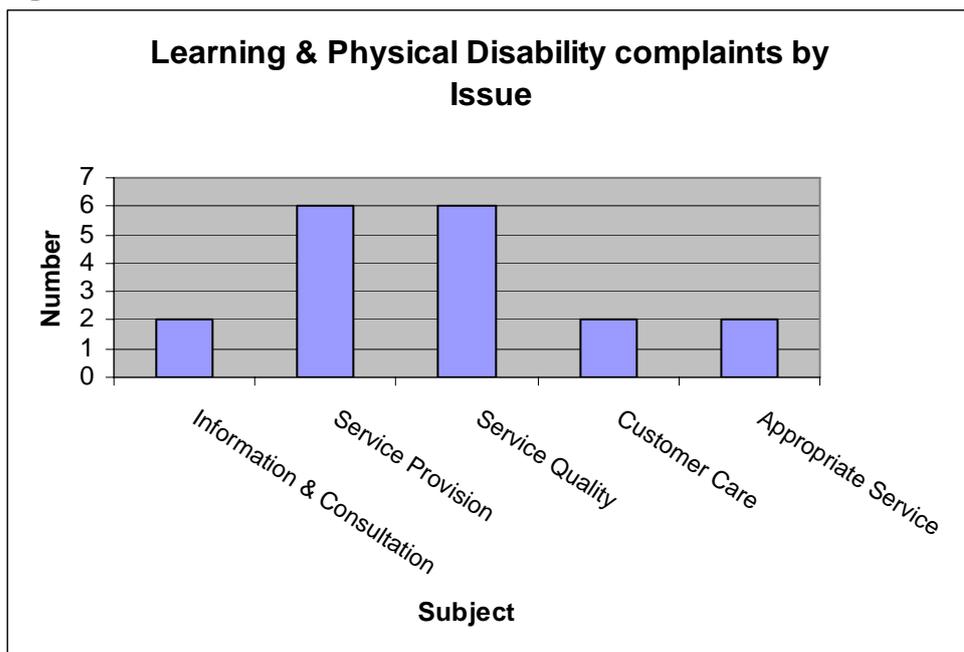


Fig 8



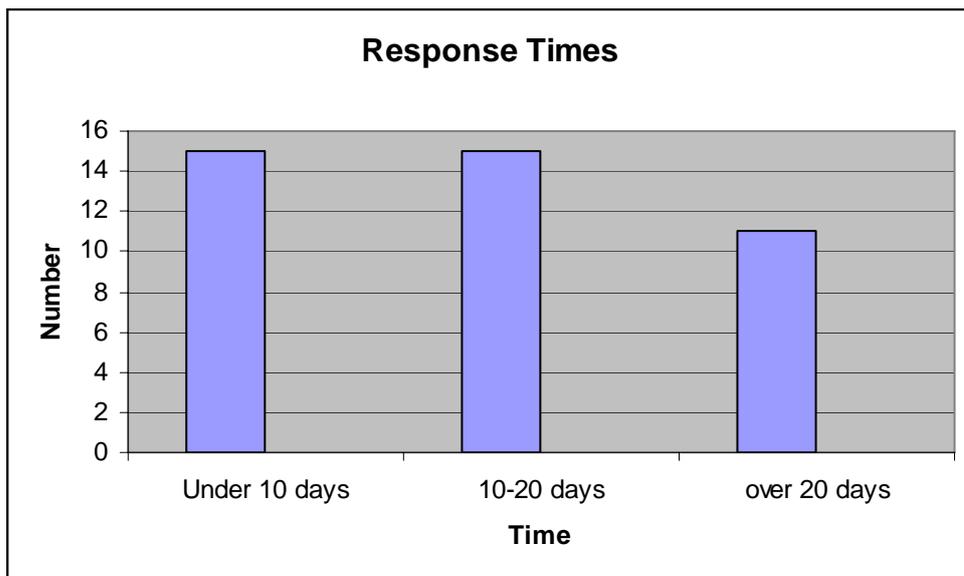
Complaints about services to people with a learning & physical disability include:

- Delay in provision of and lack of information about a service
- Service user not being given enough support
- A unhelpful response to a request for a service
- The application of a policy led to charges that should not have been made.
- Services offered were not appropriate and did not offer the support needed
- There was a delay in information being given about charges for a service.
- That a service user was treated inconsiderately
- A service being withdrawn

In response we were able to:

- Remind staff about the policy in relation to mobile phone use.
- Review and revise direct payments policy
- Reassess for services
- Ensure that appropriate services were offered
- Amend procedures for the monitoring of group activities
- Train staff in processes relating to blue parking badges.
- Review processes to ensure that financial assessments are not unduly delayed and revisit the policy that no charges are made during the assessment.
- Prompt a review of DFG policy
- Ensure that changes to service provision were managed appropriately

Timescales



Almost three quarters of complaints were responded to in under twenty working days, those that took over twenty days are in the main the more complex complaints that required an investigation. In the period seven complaints required investigation by someone outside of the service concerned.

Overview of the year

We have this year commissioned three investigations from people external to the Local Authority, these complaints concerned very complex issues or reflected a high degree of concern on the part of the complainants. Independent investigators were able to bring an objective perspective to the issues under consideration and so help in reaching a satisfactory resolution.

Uptake of training has been encouraging with both managers and frontline staff attending sessions on the new procedure. Well informed and confident staff is an important factor in both helping and supporting service users and their representatives to have their concerns heard and in contributing towards robust and positive complaint enquiries and investigations.

We continue to promote the complaints procedure and make sure that all service users receive information about how to make a complaint. We encourage all forms of feedback and under the new procedures people do not have to make a complaint to have issues addressed. The thinkers group at The Hollies have done some work and developed an easy read leaflet that is now available to service users.

Learning from complaints one of the most important aspects of the process. Complaints provide us with valuable insight into how our services work and how effective they are. They can point out where improvements can be made and it is vital that we take the opportunity they offer to effect those improvements. Information from complaints is reported bi-monthly to the learning from experience group and from there as required to the appropriate forum to ensure learning across the service. Service specific issues can be reported back through action plans on conclusion of complaints. Information is also presented through corporate monitoring processes and to corporate QPR.