

NORTH LINCOLNSHIRE COUNCIL

ADULT SERVICES CABINET MEMBER

ANNUAL COMPLAINTS REPORT 2008-2009

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The object of this report is to present the annual report for April 2008–March 2009 in respect of formal complaints received about Adult Social Services.
- 1.2 Out of a total of about 6000 service users, 52 formal complaints were made about the service. Forty eight of these were resolved at the first stage, four at the second stage and none went to the third stage
- 1.3 North Lincolnshire was a pilot for a new national complaints procedure covering both social and health care services. Initial views are that it has been welcomed by service users. The new procedure was adopted nationally in April this year.
- 1.4 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 The complaints procedure that applies to Adult Services is governed by the NHS Community Care Act 1990 and by guidance laid down by the Department of Health.
- 2.2 The Local Authority Social Services Complaints (England) Regulations 2006 further amending the procedure, and guidance to this procedure produced by The Department of Health, came into force on 1 September 2006.
- 2.3 Following a pilot (of which North Lincolnshire was a participant) the department of health introduced a new single complaints procedure covering health and social care services on 1 April 2009, known as 'Making Experiences Count'.

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. The Cabinet Member has the option of accepting or rejecting the annual report.

4. ANALYSIS OF OPTIONS

4.1 This year complaints have remained at a steady level with only a very small increase (four cases) on the previous year. Forty eight were resolved at the first stage, four at the second and none went to the third stage: this was decreased from the previous year when three cases went to stage 3. The number of complaints about independently provided homecare fell from 19 to 12 from the previous year.

4.2 Almost two thirds of complaints were upheld in full or in part. This reflects a number of issues that were readily resolved but related to issues where a service was not being delivered in the agreed way.

4.3 Services continue to work to resolve issues and concerns of our service users before they reach formal complaints and in the main are successful in doing so. Close contract monitoring and quality assurance systems have resulted in the continued decrease in complaints about independent sector providers. Complaints about service provision have been because service users would prefer an increase in service or the service being provided in a different way.

4.4 All but two complaints were resolved locally. Four complaints were more complex and potentially sensitive and so were addressed directly through formal independent investigation.

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

5.1 Any financial implications arising out of our complaints procedure would be subject to separate reporting

5.2 We use external investigating officers to conduct the stage 2 investigation of complaints. This ensures that we are able to complete these, often lengthy and complex pieces of work within timescales.

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

- 6.1 Our complaints procedure ensures that we meet our statutory obligations.
- 6.2 Our complaints procedure requires a consideration of the needs of complainants to ensure that the process is accessible and appropriate for all.
- 6.3 Effective complaints procedures ensure that the views of service users, carers and their representatives have an influence on the provision of services.
- 6.4 Any changes to policies or procedures as a result of a complaint received would be, where appropriate, subject to a separate report.

7. OUTCOMES OF CONSULTATION

- 7.1 We survey complainants when they have received the response to their complaint to ask their views about how effective they thought the procedure was for them.
- 7.2 Complainants indicate that they do not find making a complaint difficult but that they would prefer their concerns being resolved before they get to the complaint stage. Some complainants felt that, once made, their complaint could have been dealt with more promptly. Timescales are something that we continue to work on to ensure a timely response.

8. RECOMMENDATIONS

- 8.1 That the Adult Services Cabinet Member accepts the Annual Report on complaints for 2008-2009 and endorses the actions that have been taken, both to resolve the complaints and to learn from them.

SERVICE DIRECTOR ADULT SOCIAL CARE

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Date: 6 August 2009

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

**North Lincolnshire Council
Adults Social Service
Annual Complaints Report
2008-2009**

Introduction

- 1.1 This is the annual report on complaints about Adults' Social Services, made under the statutory complaints procedure, for the year 2008-2009. The report relates to services to older people, people with a learning disability and people with a physical disability. Complaints relating to mental health services are dealt with by arrangement under the NHS procedures and reported according to those procedures.
- 1.2 Our complaints procedure enables us to address the concerns and dissatisfaction of our service users, or their representatives. Complaints can be made about any aspect of the service we provide for example: the quality or amount of service; charges for a service; application of assessment & eligibility criteria or attitude or behaviour of staff.
- 1.3 We provide services to very vulnerable people and to people who depend on those services to maintain as independent and fulfilling a way of life as possible. We recognise that this is a critically important responsibility and one that requires a degree of skill in the careful evaluation of need and in the balancing of priorities in order to target services where they are needed most. This is not about delivering a standard service in a pre-determined way but about flexibility, responsiveness and appropriateness.
- 1.4 In providing services in this way we have to be sure that service users views are clearly understood. We seek views in a number of ways, one of which is through our complaints procedure. We want to make it as easy as possible for people to tell us if they have a concern. If something is not working as well as it should we want to know so that we can put it right wherever necessary to ensure that the safety and wellbeing of service users is maintained and promoted.
- 1.5 The principles of our procedure are that complaints will be dealt with in an open, objective way, that they will be subject to a robust scrutiny and that it is led by the complainant, who is fully involved throughout. We want people to have confidence in the process and this can only be achieved by ensuring that complaints are received positively, dealt with effectively and responded to clearly.

- 1.6 These principles are applied to all complaints no matter how significant the issues may seem. Thus ensuring that services will listen and take the opportunity to learn from what service users are saying. This process will in turn lead to improvements in provision and practice, which is to the benefit of all service users.

2 The Procedure

In order to respond quickly and effectively to complaints we operate a three-stage procedure. This procedure is designed to meet the requirements of:

- The Local Authority Act 1970;
- The N.H.S Community Care Act 1990.
- The Children Act 1989, in respect of services to children.

The aim of the procedure is to allow complaints to be resolved promptly and locally in a way that is rigorous, transparent and fair to all who are involved. The purposes of the three stages are as follows:

Stage One provides an opportunity for the local manager to quickly resolve the service user's dissatisfaction by putting things right. For example, this might involve a manager taking up complaints about the quality of a service with a service provider. Alternatively, the manager might choose to reconsider a decision or provide a more detailed explanation of the reason why a decision was made in a particular way.

Stage Two provides the opportunity for a more detailed independent investigation of a complaint and will involve the Service Director in appointing someone to investigate the complaint on his behalf. If the complaint concerns a child or young person, or a vulnerable adult then someone independent of the Council may also be involved. This Independent Person provides an extra safeguard in ensuring that the complaint is investigated properly and fairly. This stage provides the complainant with a full report from the investigation, along with the adjudicating manager's decision.

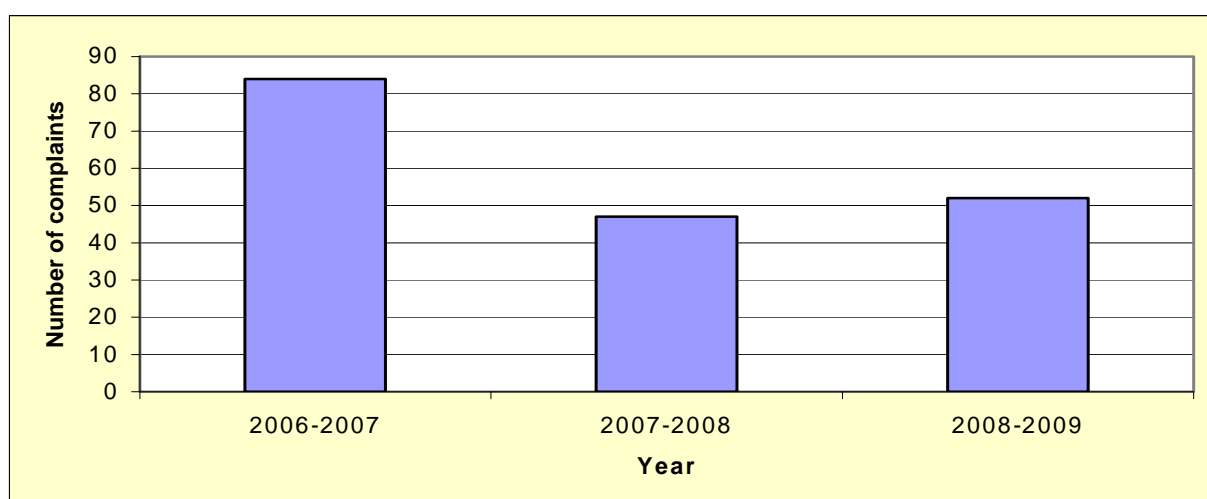
Stage Three is the final stage of the procedure. It provides the opportunity for an independent review of the complaint. A panel of three people who are independent of the Local Authority and have had no previous involvement with the complaint undertake this review. The role of panel is to review the information from the original investigation, and to speak with the complainant, the Investigating Officer and the responding manager. They then make recommendations to the Service Director, who must take them into account in reaching a final decision on the complaint.

3. Complaints received in the year

fig 1

SERVICE	COMPLAINTS
Older People	31
Physical Disability	5
Learning Disability	4
External provision of Home Care	12
Total	52

fig 2

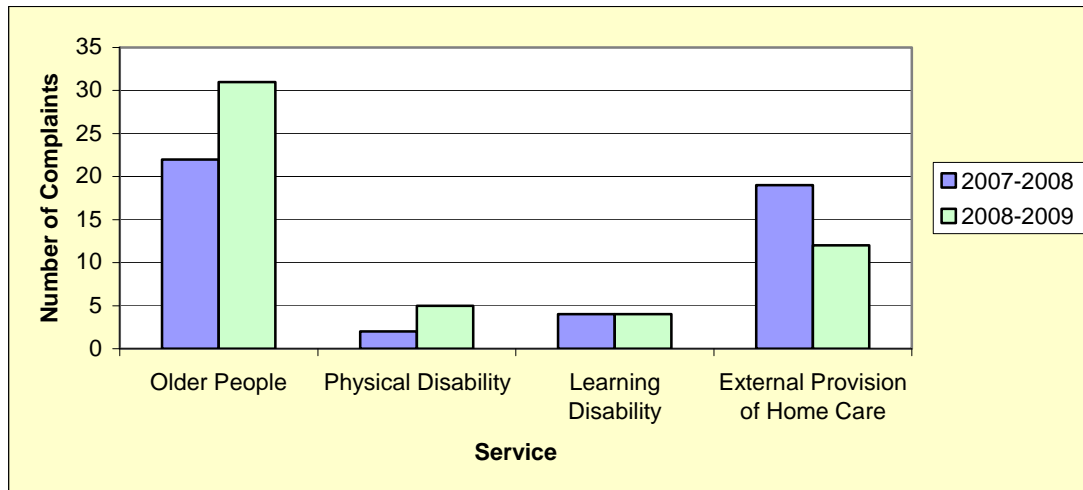


There has been a small increase in the number of complaints dealt with under the formal procedure this year but the overall level of complaint remains relatively low, at around one per cent of service users being involved in a complaint about their service.

We have a range of means to monitor and gather service user views and this enables us to identify and address problems at an early stage. Many issues are raised and dealt with through the review process. Quality assurance processes also help to resolve issues without service users having to make a complaint. Our staff are encouraged to resolve concerns promptly and locally as they arise so that service users do not have to go through the complaints process if they do not wish to. We take the view that no-one should have to make a complaint if their concerns can be resolved at the point of contact and they are happy for that to happen.

A significant number of concerns that once were dealt with as complaints are now addressed under the vulnerable adults process. This process addresses a wide range of issues related to the potential abuse of a vulnerable adult, which includes physical and emotional harm as well as neglect and financial exploitation.

Fig 3



The above diagram illustrates that complaints about the home support services that we contract from the independent sector continue to reduce. This is as a result of both the close contract monitoring arrangements that we have in place and the actions taken in response to complaints. The monitoring arrangements ensure the necessary standards of provision and compliance with contracting requirements.

The rate of complaint in the Learning Disability and Physical Disability Services remains low, the higher number of complaints in older peoples service reflects the greater number of service users within that area and so is proportionate.

Fig 4

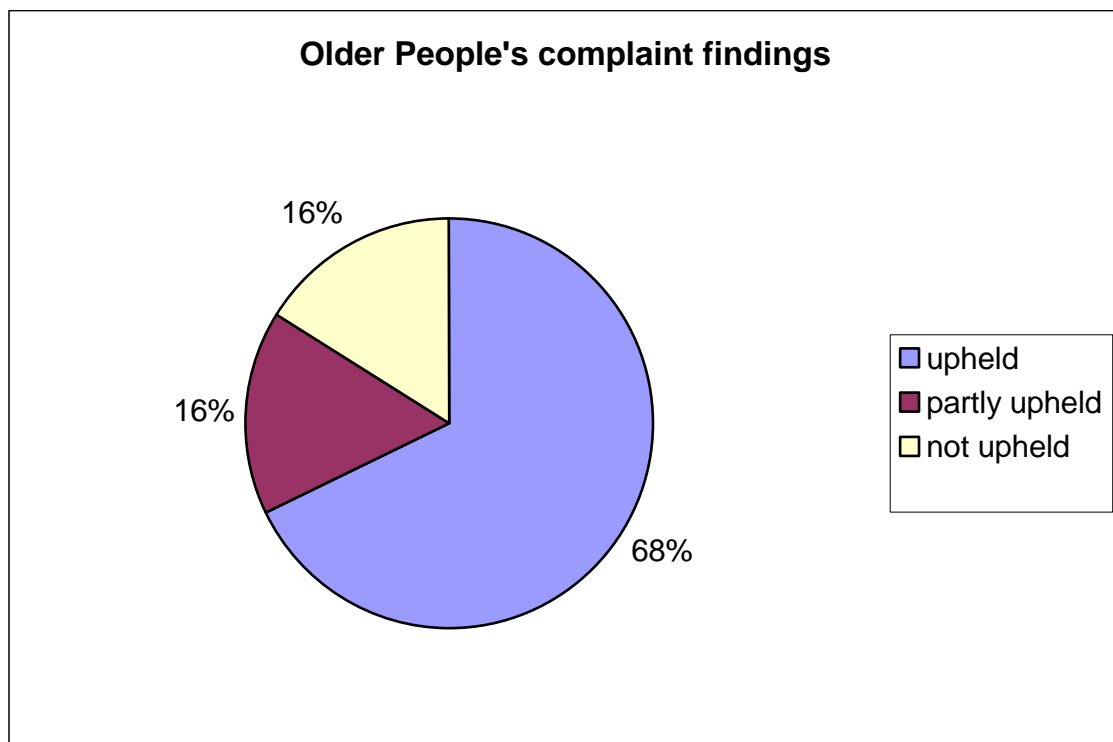
Year	Stage one	Stage two	Stage three
2007-2008	41	4	3
2008-2009	48	4	

This year we have had two complaints that were dealt with at stage two of the procedure through independent investigation. One of these went straight to stage two, a re-occurrence of an issue that had been a previous complaint and the second was an issue about which there was a significant degree of concern on the part of the complainants, coupled with a degree of dissatisfaction with the service, that meant a more formal investigation of the issues was required.

Ten complaints were addressed under the Department of Health pilot project, explained later in the report. Of these complaints eight were resolved through local resolution and so are counted here against stage one resolution, two were addressed by more formal investigation and are accounted for against stage two figures.

One panel review was held in the year that related to a complaint recorded against the year 2007-8 and so is not recorded against this years figures.

Older People's Service



Just over two thirds of complaints about services to older people were upheld in full. This figure reflects a number of complaints that were received in relation to a single incident of a service failure. The complaints were justified but were relatively straightforward and promptly dealt with and resolved by the service responsible to the service users satisfaction.

OUTCOME	COMPLAINTS
Improved health & wellbeing	21
Improved quality of life	6
Making a positive contribution	
Increased choice & control	1
Freedom from discrimination & harassment	1
Maintain personal dignity & respect	2
Confident in the future	

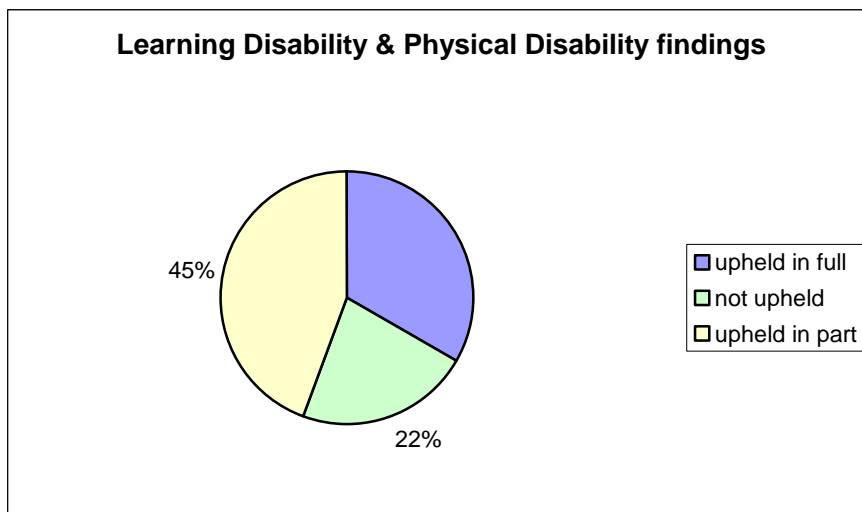
Issues Raised	Number
Inappropriate service	1
Service not provided	10
Charges for service	1
Service quality	12
Attitude & approach	2
Information & consultation	5

In response to these complaints we were able to:

- Hold another review to enable relative to attend and ensure all relevant issues were addressed
- Re-align service provision to meet service users needs more effectively
- Review systems and processes in relation to appointeeship
- Re-assess to ensure that appropriate service is in place
- Revise procedures in relation to specific issues

- Staff information & training in relation to instances where there were some failings in practice.
- Review of processes to ensure that accurate and timely information is given to service users/their carers.
- Address issues of quality with suppliers and ensure improvements.
- Ensure improvements in communication

Learning and Physical disability service



Just over half of these complaints were found to be justified either in full or in part.

Fig

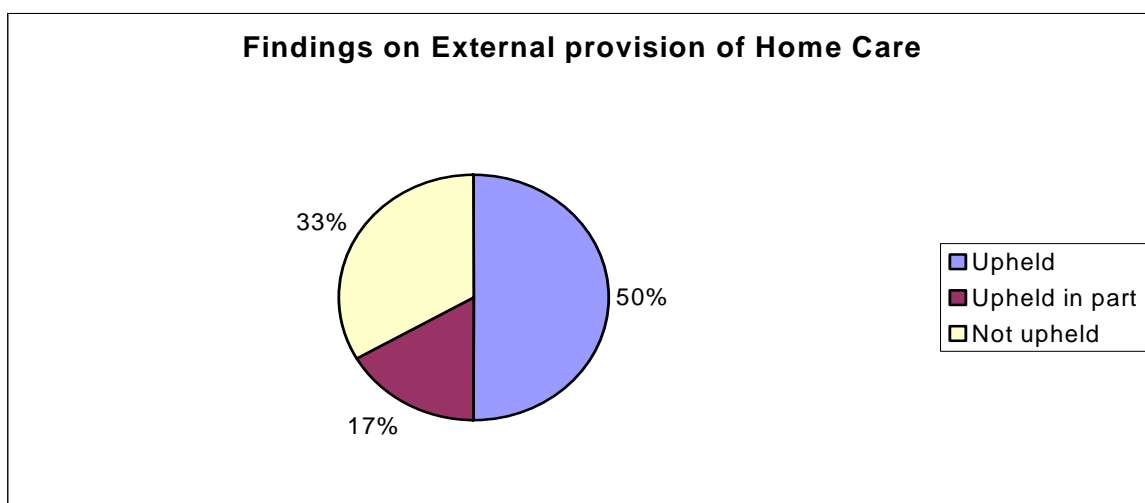
OUTCOME	COMPLAINTS
Improved Health & Wellbeing	2
Improved Quality of Life	6
Making a Positive Contribution	
Increased choice & control	1
Freedom from discrimination & harassment	
Maintain personal dignity and respect	
Confident in the future	

ISSUE	COMPLAINTS
Service delivered/not delivered	6
Service quality	3
Attitude & approach	
Information & consultation	
Charges	

In response to these complaints we were able to:

- Undertake a review of service provided to ensure that acceptable standards of provision and record keeping were in place
- Introduce a requirement for improved standards in file recording/care recording
- Train & advise staff in relation to dealing with service users or carers who offer challenge.
- Train staff in relation to complaints and dealing with service user/carers concerns.
- Put in place agreed support
- Arrange reassessment of need

Contracted Home Support Services

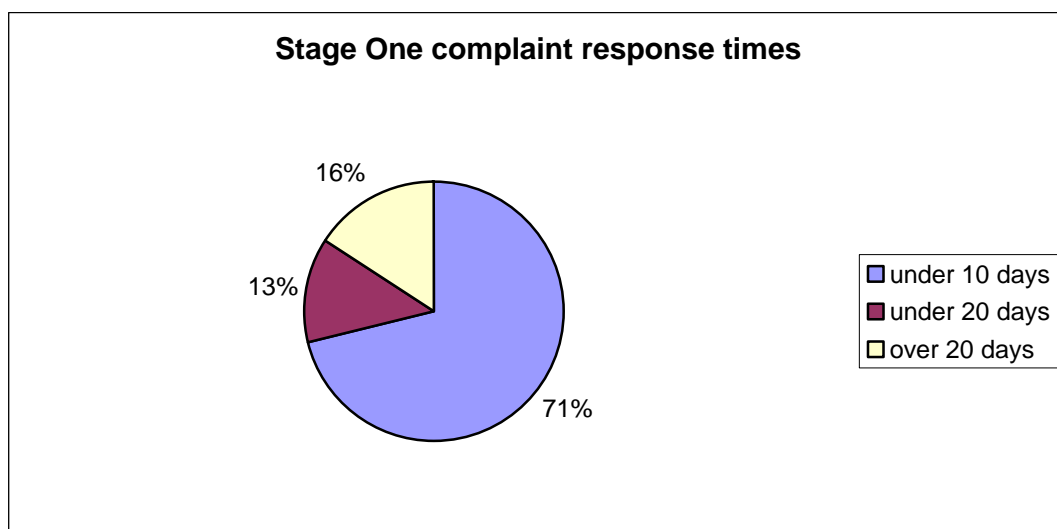


ISSUE	NUMBER
Missed calls	2
Timeliness of calls	3
Quality of service	5
Number of/changes to care worker	5
Information/communication	2
Attitude/approach	

In response to these complaints providers were able to:

- Improve recording and communication systems
- Reimburse charges for a service not delivered
- Ensured that times of calls were regularised
- Ensure that rota's were properly complied with.
- Ensure service users had information about care workers attending them.

Response times stage one



The procedure

Throughout this year the Department of Health has been working on developing a new single complaints procedure for Health and Social Care organisations, known as 'Making Experiences Count'. Nationally a number of

regions were asked to be part of an 'early adopter' pilot. Their role was to implement the procedures and trial them prior to the national implementation on 1st April 2009. We were invited to join the Humberside 'early adopter' group in June 2008. We worked with the Department of Health and partner organisations locally in testing out the developing process on a selection of our complaints. The pilot ran from the end of July until October but the pilot organisations were expected to continue with the new process.

The new procedures have departed from the established three stage process and introduced two stages, only one of which remains with the Local Authority, the second stage resting with The Ombudsman. There are limited statutory requirements to the new process but instead a number of key expectations, which are :

- person centred not process driven approach,
- procedure to address all forms of service user feedback – not just complaints
- means of addressing the complaint to be proportionate and appropriate to the complaint,
- that complaints are dealt with in a timely manner,
- that organisations learn from complaints
- organisations co-ordinate their complaint handling for issues that involve more than one organisation, giving a single response.

This should result in complaints handling that is quicker, clearer, less bureaucratic and so more effective.

Ten of this years complaints were addressed under the pilot process. Complainant were involved in determining the way in which their concerns were dealt with, enabling them to be much more involved in the process. Their feedback about this was generally positive

Training

Training of our staff is important in ensuring a positive informed approach to dealing with complaints, which is why we ensure that training is regularly offered to all staff. This year training has been focussed on managers who deal with and respond to complaints to ensure that they are prepared for the requirements of 'Making Experiences Count'. Almost all of our team leaders, service managers and principal practitioners have attended training this year as have some managers in the independent sector who will be expected to comply with our procedures.

- In the coming year frontline staff will be expected to attend training in the new procedures.

Helping service users to complain

We want to know what people think of our services and recognise the importance of being open and accessible. Information about our procedure is readily available at all our offices and is handed out at the start of service. Under our new procedures we are taking the emphasis away from complaints

and encouraging service users and their representatives to share their concerns, comments compliments as well as complaints. We have introduced new leaflets and information this year, including an easy read version to ensure that the process is as accessible as possible.

- Public information available on line will be reviewed to ensure that it is accurate and readily accessible.

Learning from complaints

It is a significant aspect of our procedures that we not only deal with complaints in a way that is robust and effective but also that we take what we learn from the issues raised and act on these lessons. Complaints, although coming from an individual, about their own experience, can tell us things about the wider service, a service that affects a number of people. It is therefore essential that actions are taken to improve services for all users and not only the complainant. We do this by feedback to services from individual complaints and action planning on the basis of the findings. Information has also been presented to the 'learning from experiences' group, which then reports in turn to appropriate forums in Adults Social Services.

- These complaint reporting arrangements will be reviewed in the coming year along with the role of the 'learning from experience' group to make sure that it is sufficiently robust.

Investigations

We have had three formal investigations undertaken by an Investigating Officer who is independent of the Local Authority. These have either been complex issues of significant concern to the complainant or issues that have proved problematic to resolve to the complainants satisfaction and so have required an element of independence and objectivity to assist in resolution.

- We shall continue to use independent investigators under the new procedures to help us to address the more complex and sensitive issues that require a degree of independence.

Future Developments

We will work in the coming year to refine and embed the new procedures to ensure that our complaints handling is responsive, accessible and robust and that the principles and practice of that procedure are well understood across the service area.