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To: Adult Social Services Policy Overview Committee – 1 April 2009

Subject: **ADULT SOCIAL SERVICES – MAKING EXPERIENCES COUNT**

Classification: Unrestricted

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Summary: This report provides Members with information about the reform of the complaints process across health and social care which will be implemented with effect from 1 April 2009.

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## Introduction

### Making Experiences Count

1. (1) The introduction of a single complaints process across health and social care, reflects the review of the existing complaints processes during the past few years. The reforms were first muted in 'Our health, our care, our say'. The Statutory Instrument was issued on 27 February 2009. The aim of the new arrangements is to create a consistent approach to complaints handling across health and social care.

(2) The key change in responsibilities is that there will be a one stage independent review process, which for social care, will be conducted by the Local Government Ombudsman. The current three stage process consisting of, Local resolution; Investigation; Review Panel will be replaced by the new procedures with effect from 1 April 2009. Transitional arrangements are in place for any complaints currently in the existing procedures to proceed through to a Review Panel if applicable.

### The complaints procedure

2. (1) **Key Principles of the new system:**

- Organisations should take a more flexible approach towards handling individual complaints, which focuses on the needs and wishes of the people involved.
- Simplify things so that it is much easier for people to share their experiences and for the organisation involved to respond accordingly.
- Make sure that people's experiences help to improve services.

(2) Therefore the new arrangements have three main components:

- i) The new Regulations enable organisations to develop more flexible and responsive complaints handling systems at a local level that focus on the specific needs of the complainant, seek to reach speedy resolution and facilitate a co-ordinated approach to cross-boundary complaints.

- ii) The introduction of a single local resolution stage, replacing the three stage process dictated by the Local Authority social care regulations.
- iii) A new system for independent review by the relevant Ombudsmen.

(3) The law will require organisations, including Kent Adult Social Services (KASS) to:

- Publicise the complaints procedures
- Acknowledge receipt of a complaint and offer to discuss the matter within three working days
- Deal effectively with complaints and investigate them properly and appropriately
- Write to the complainant on completion of a complaint investigation, explaining how it has been resolved, where appropriate action has been taken and reminding them of their right to contact the Local Government Ombudsman, if they remain dissatisfied
- Assist the complainant in following the complaints procedure or provide advice on where they can obtain such assistance
- Ensure there is a designated manager for complaints
- Have someone senior who is responsible for both the complaints policy and learning from complaints
- Produce an annual report about complaints, detailing the numbers received, issues raised, action taken to improve services as a result of those complaints.

(4) KASS is already in a good position to comply with all of the above requirements. It is not anticipated that any significant changes will be required to the current customer care function, as being one of the Early Adopter sites for the new process has placed KASS at an advantage to those organisations who did not participate.

(5) It is likely that the new procedures will impact on customer care teams initially as they will have responsibility for developing the complaints action plan in conjunction with the complainant and the staff involved. In addition, customer care teams will have to facilitate the new process until staff are provided with training to enable them to adapt to the new process. Training is being planned at a team level across the County and will take place in the coming months.

(6) One significant change within the new procedures is that the response to the complaint should be proportionate to the nature of the complaint. For instance, KASS will not be obliged to conduct an offline investigation if the issues within the complaint do not merit it. At present, a complainant has the right to access all three stages of the process even if the desired outcome specified by the complainant has been achieved at stage one. The complainant will have recourse to the Local Government Ombudsman and the complaints file should reflect the reasons why the final response is deemed, 'proportionate'.

(7) The Parliamentary and Health Service Ombudsman has produced three documents which propose a clear framework for health and social care to work within. These are; 'Principles of Good Complaint Handling', 'Principles for Remedy' and 'Principles of Good Administration'. The latter helps clarify the expectations against which the Ombudsman will judge performance. These are:

- a) Getting it right
- b) Being customer focused

- c) Being open and accountable
- d) Acting fairly and proportionately
- e) Putting things right
- f) Seeking continuous improvement

(8) It is expected that the Local Government Ombudsman will endorse these documents.

## **Other mechanisms in place for receiving feedback on services**

### **Kent Health Watch**

3. (1) Kent Health Watch was established by Kent County Council in partnership with the NHS to help local residents express their views about health and social care in Kent. This service will enhance, not replace, existing feedback mechanisms within health and social care, with the aim of improving services.

### **Local Involvement Network (LINKs)**

(2) The Kent LINK was launched in December 2008. It is anticipated that the information received from the public will influence public services and should also provide a further opportunity for concerns and complaints to be heard and responded to.

## **Conclusion**

4. (1) The new procedures take effect from 1 April 2009. KASS is currently raising awareness amongst staff and is making the necessary changes to the literature available to the public, both in hard copy and online.

(2) The Directorate has a committed approach to continuous improvement and development of services. Complaints are one mechanism for providing valuable feedback from people who have actual day to day experience of our services and to ensure that lessons are learned. Over the next few months, the Directorate will focus on staff training and publicising the new procedures.

## **Recommendations**

5. (1) Members of the Policy Overview Committee are asked to NOTE and COMMENT on the contents of this report.

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*Background documents:* None