

By: Graham Gibbens, Cabinet Member for Social Care and Public Health.

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To: Social Care and Health Cabinet Committee 26 September 2014.

Subject: **ADULT SOCIAL CARE ANNUAL COMPLAINTS REPORT (2013-2014)**

Classification: Unrestricted

Summary: This report provides Members with information about the operation of the Adult Social Care complaints and representations procedure between 1 April 2013 and 31 March 2014.

Introduction

1 (1) Local Authorities have a statutory duty to have in place a complaints and representations procedure for Adult Social Care services. Furthermore, each local authority that has a responsibility to provide social services is required to publish an annual report relating to the operation of its complaints and representations procedure.

(2) This report provides an overview of the operation of the complaints procedure for Adult Social Care services. It includes summary data on complaints and enquiries received during the year. It also provides Members with examples of the lessons learned from complaints which are used to inform and improve future service delivery.

Policy Context and Procedures.

2 (1) The NHS and Community Care Act 1990 placed statutory requirements on local authority social service departments to have a complaints procedure in place. The legislation and associated statutory guidance was prescriptive about how the procedures should operate in practice

(2) For Adult Social Care there was a significant change to the complaints procedure in 2009 with the introduction of Regulations with the objective of delivering a consistent approach to complaints handling for both Health and Social Care.

(3) The key principles of the procedure are **Listening** – establishing the facts and the required outcome; **Responding** – investigate and make a reasoned decision based on the facts/information and **Improving** – using complaints data to improve services and influence/inform the commissioning and business planning process.

(4) Wherever possible complaints that involve health and social care are dealt with via a single co-ordinated response. To facilitate this, a joint protocol was developed by the Complaints Managers in Kent and Medway.

(5) For Adult Social Care the complaint response needs to be proportionate to the issues raised. The only timescale in the process relates to the acknowledgment of the complaint which is within three days from receipt. Thereafter the response time is agreed with the complainant and reflects the circumstances and complexity of the complaint. When appropriate an independent investigator will complete an investigation into the complaint.

(6) A consequence of the 2009 changes to the Adult Social Care procedure was that with the fewer stages within the Local Authority complaints procedure more complainants contact the Local Government Ombudsman if dissatisfied on receiving a response.

(7) All complaints received, along with enquiries and compliments, are recorded on a social care complaints database. The database provides a formal record, enables monitoring of workflow, and is used to produce data on the numbers and types of complaints received. The database is about to be updated to support Windows 7.

(8) The Care Act 2014 will introduce an appeals mechanism. The details of the appeal process and how it will operate with the complaints procedure is still to be determined. The Act gives the Secretary of State powers to make regulations for the appeals process. It is intended that these Regulations will be implemented from April 2016 (although elements of the Care Act will come into force from 1 April 2015).

Total Representations received by Adult Social Care.

3 (1) Appendix one contains information about the number and type of complaints received.

(2) The total volume of complaints and enquiries received are summarised in the Appendices. The figures show a slight reduction in complaints received in 2013-14 compared to the previous year (398 compared to 416 in 2012-13). However, there has been an increase in the number of enquiries received (these are generally enquiries received on behalf of service users or carers – such as letter from MPs). There were 339 enquiries received in 2013-14 compared to 297 in 2012-13. There has also been an increase in the number of issues dealt with through local resolution where the complaints team have resolved or responded to the issue, usually on the day of receipt, without it having to be logged in the formal complaint or enquiry process. It should also be noted that there has been an increase in the number of compliments (or merits) received.

(3) The number of statutory complaints received (398) is relatively small when put in the context that there were 31,592 open adult social care cases at the start of 2013-14 and a further 24,436 referrals were received during the course of the year.

Performance against timeframes

4 (1) The average response time for statutory complaints set within a complaint plan timeframe of 20 working days is 14 working days. Complex cases that require either an off-line/external investigation or a joint response with health colleagues are identified at the commencement of the complaint and a longer timeframe is negotiated. Within Adult Social Care there is no statutory response timeframe to be measured against as the legislation allows for the response timescales to be agreed with the complainant.

(2) 79% of complaints were responded to within the 20 day timescale agreed with the complainant and 97.73% of complaints were acknowledged within the statutory timescale of three working days.

Learning the Lessons

5 (1) Receiving a complaint provides an opportunity to resolve an issue where the service might not have been to the standard required or expected. In addition complaints, along with other customer feedback provides valuable insights that can be used to improve service performance.

(2) The Complaints Team for Adult Social Care is within the Operational Support Unit. This enables the review of practice against service standards and the sharing of information to ensure wider lessons are learned.

(3) Reports on complaint management issues are produced for the Divisional Management Teams. Also, the Quality and Good Practice Group provides a forum to reflect on issues arising from complaints and an opportunity to identify lessons. Operational teams identify a representative for the group who are considered "Good Practice Champions" and take a lead role within their teams for good practice and sharing lessons.

(4) Some of the lessons/issues arising in 2013/14 and discussed at the Quality and Practice Group included:

- The production of a booklet entitled "Your Care Bill Explained". This was produced as a consequence of a number of complaints and enquiries received from the public about the difficulty in understanding the information contained in the invoices people received about their charges.
- Several complaints were received where people has a reduced level of support following a Promoting Independence Review. Staff were reminded that where a review/re-assessment is completed any changes in levels of need should be recorded on the case file.
- It was evident from some complaints that relatives/family members sometimes felt they were not communicated with regarding decisions or changes in circumstances. (Although the client's right to confidentiality also has to be recognised).

- The policy on applying a provisional charge was reviewed and withdrawn following the investigation into a complaint.
- Staff were reminded of the need to provide a letter about charges to individuals where arrangements are being made for them to go into residential care.
- There were nine complaints from people who said they had either not been informed about Continuing Health Care (CHC) or were unhappy at the time taken for the CHC assessment to be completed. This was raised at the Quality and Practice group for feedback to teams.
- A complaint was received about the assessment process for Blue Badges. As a result of the complaint the assessment process was reviewed and changed.

(5) Lessons are also learned from the investigation of complaints. Following independent or “off line” investigations, there are adjudication meetings where actions are agreed and the outcomes and any lessons from the complaints are shared more widely as appropriate.

(6) The outcomes from complaints can also lead to training both for individuals or teams.

Publicising the Complaints Process

6 (1) The regulations require the complaints procedures to be publicised and the leaflet, “Have your Say”, is made available in hard copy and information is provided on the KCC website. An easy-read version of the complaints booklet is also available.

Themes identified arising from complaints.

7 (1) Some complaints can raise more than one issue and so the total number of “subjects” raised can be more than the number of complaints recorded.

(2) Communication is a theme that crops up in many complaints. This can take many forms such as problems being able to make telephone contact with a member of staff or people not being kept informed or not happy with the way information was communicated. One example was where a person was being discharged from a unit but the case manager was on leave and other staff were not aware that the change in circumstances was taking place. Another example is where a safeguarding investigation was completed but the family felt they hadn’t been informed of the outcome.

(3) Complaints are also received as a result of disputed decisions. Examples include where people consider they require more support than has been agreed or where the support has been decreased following a review of needs or where someone is unhappy about the level of charging.

(4) Complaints about delay gave rise to 52 complaints. Examples include delays in adaptations being completed and delays in services being arranged.

The Outcome of Complaints

8 (1) The Local Authority is required to report on the number of complaints that are considered to be “well-founded”. This is not always clear as the nature and contents of complaints can vary considerably and many responses provide an explanation where there might be a misunderstanding or a lack of clarity. Nevertheless, 143 complaints were upheld; 127 were partially upheld and 117 were not upheld. Seven complaints were withdrawn.

Off-line and external investigations

9 (1) There were 10 off line investigations carried out during the year. Five were carried out by external Investigating Officers. An external investigator is usually appointed, when the complaint issues are particularly complex, where communication has broken down or confidence in the organisation has been lost. In these cases, the complainant has felt their complaints have been taken seriously and an independent view has been offered.

(2) The remaining five complaints were investigated by internal staff with no line management responsibility for the service being complained about.

Financial

10 (1) A total of £98,966 has been paid out to complainants; this figure includes financial adjustments and settlements. A financial adjustment is made when an error has occurred with the charging process and it is then resolved as part of the complaint remedy. A financial settlement is when an amount of money is offered as a gesture of goodwill to recognise the anxiety and time and trouble to pursue a complaint.

Complaints via the Local Government Ombudsman (LGO)

11 (1) There were a total of 32 new referrals about KCC Adult Social Care made to the LGO during the year. Additional cases were carried forward from the previous year and settled during the reporting year (these are not included in the figures). This is a slight increase from the previous year when 30 new referrals were made.

(2) Of those complaints, where a final decision was received the outcome was:-

- 15 cases where the LGO investigated the complaint and was satisfied with the Council’s course of action.
- 2 cases where the LGO discontinued their investigation (lack of evidence of any fault by the Council)

- 1 case where the LGO decision was not in relation to KCC
- 2 cases where the complaint was outside the jurisdiction of the LGO
- 1 case of maladministration and injustice.
- 9 premature complaints
- 2 still to receive the final decision.

(3) In most cases the investigation was discontinued. This can be for a number of reasons for example if the LGO investigator was satisfied by the actions taken to either put the error right or acknowledge fault and provide an appropriate remedy.

(4) A public report which found maladministration and injustice, was published by the LGO in May 2013 (this was in response to a specific complaint made in 2012/13). The report related to the application of a policy to make a provisional charge for care prior to a financial assessment being undertaken. The Council accepted the LGO's recommendations and the policy was withdrawn. A financial remedy was provided.

(5) In May 2014, the LGO produced a document entitled "Review of Adult Social Care Complaints 2013". This provides a national picture of the complaints and enquiries received by the LGO about adult social care services. In 2013 the LGO registered 2,456 complaints and enquires about adult social care services in England – an increase of 13.8%. According to the report, adult social care is "the fastest growing area of complaint across our jurisdiction". The report provides information about the number of referrals from different local authorities. The number of contacts from Kent was low (3.1 per 100,000 population). This indicates a relatively low level of dissatisfaction.

Complaints Review

12 (1) The complaints processes are being reviewed to ensure they continue to be efficient and effective within the context of the transformation of adult social care services. As part of the review, process mapping has taken place and feedback has been obtained from services users and carers. The complaints database is being optimised to reflect service changes. The review is also ensuring the processes and procedures remain consistent with legislative requirements and best practice.

Report Conclusion

13 (1) In 2013/14, the Directorate has continued to operate a robust and effective complaint's procedure to meet its obligations under the statutory regulations. The complaints team has logged, administered and responded to complaints, enquiries and compliments.

(2) The emphasis in complaints management is on bringing about a resolution and putting things right for the individual if the service has not been to the standard required. It is also about learning the lessons from complaints to prevent similar complaints from arising again. Complaints are taken seriously by the management team who receive regular reports as well as taking an active role in complaints resolution.

(3) Significant changes are taking place in adult social care including the transformation programme, greater integration with health, the realignment of services and the tendering for home care and residential services. There are also significant budget pressures on services. Nevertheless, managers continue to focus on delivering a high standard of service and dealing effectively with complaints is part of this.

(4) It is expected that there will be changes to the adult social care complaints process as a consequence of the Care Act (although the introduction of an appeal process may not occur until 2016). Planning will take place to ensure conformity and compliance with the regulations when these are issued.

Recommendations

14. (1) Members are asked to NOTE and COMMENT on the contents of this report.

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Background documents: None

Appendix One

Complaints and Enquiries Received in 2013.14

Total contacts received in 2013-14	
Statutory Complaint	398
Enquiry	339
Compliments	776
Local Resolution by complaints team	106
Safeguarding	25
Total	1,644

(The safeguarding cases relate to contacts received by the complaints team that were diverted to the safeguarding service for investigation).

Complaints - Comparison with previous years				
	2010-11	2011-12	2012-13	2013-14
Complaints	459	425	416	398

Enquiries - Comparison with previous years				
	2010-11	2011-12	2012-13	2013-14
Enquiries	266	295	297	339

Compliments - Comparison with previous years				
	2010-11	2011-12	2012-13	2013-14
Compliments	598	575	716	776

Time scales for responding to complaints and enquiries				
	Total done	Average Time	Done within Standard	Percentage done within standard.
3 Day Acknowledgement	398	0	389	97.73%
20 Day resolution	334	14	264	79.04%
30 Day resolution	46	27	33	71.73%
65 Day resolution	16	54	10	62.55%
3 Day Enquiry acknowledgement	339	0	321	94.71%
Enquiry Response	338	17	233	68.90%

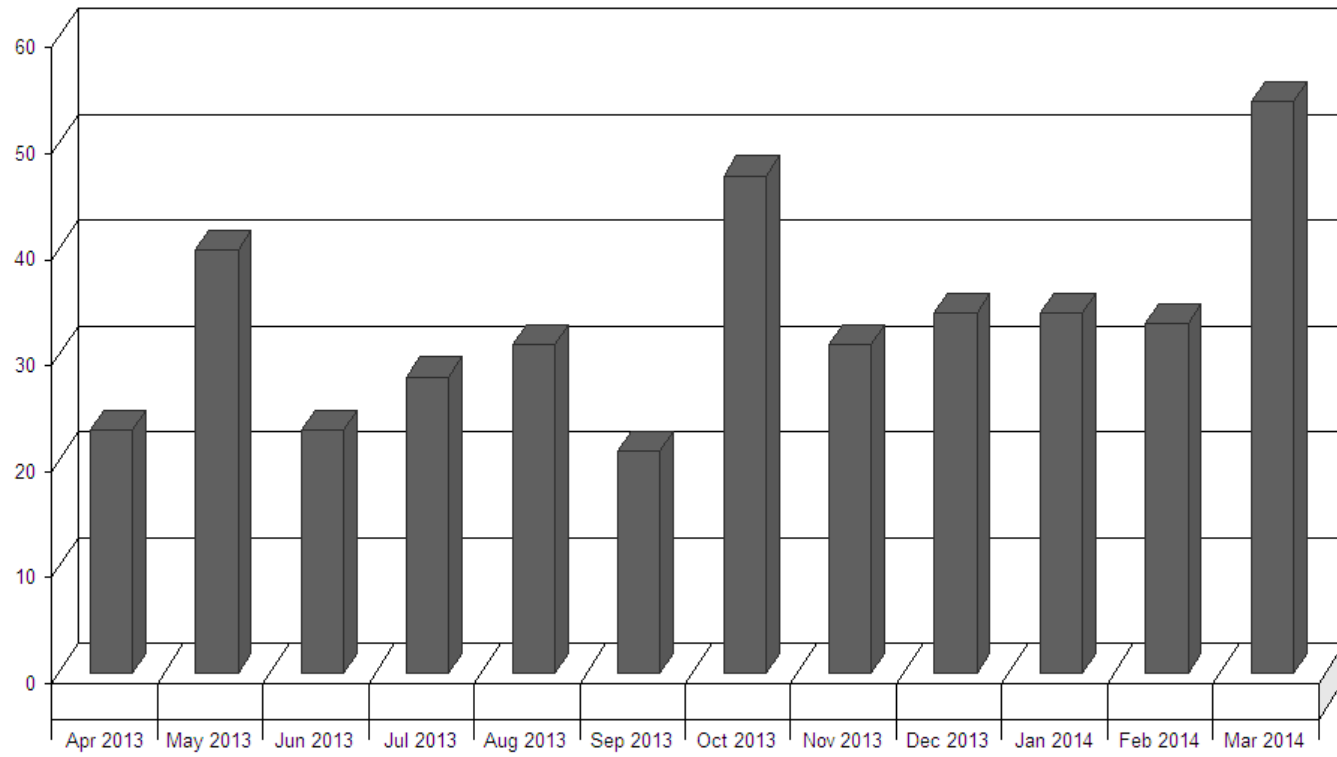
Complaints Outcomes		
Not resolved	2	0.50%
Not upheld	117	29.50%
Partially upheld	127	32.10%
Upheld	143	36.10%
Withdrawn	7	1.80%
Total	396	100%

Subject of Complaint.		
Subject	Complaints	Enquiry
Communication	251	39
Disputed Decision	124	70
External Service	65	13
Delay	52	16
Financial Assessment/Incorrect Billing	28	10
Assessment/Review/PiR	19	14
Request for a Service	14	45
In house service	10	2
Continuing Health Care	9	13
Information required	5	111
Other	40	45
Total	617	378

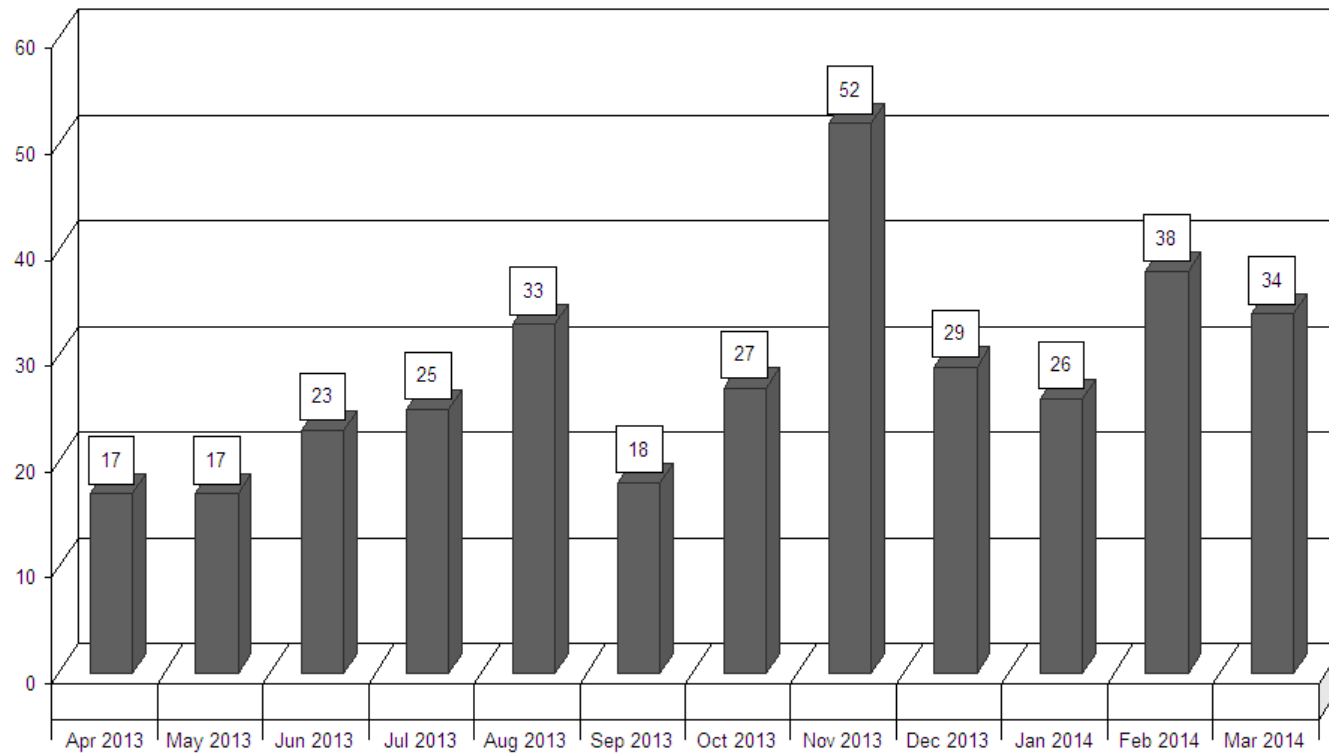
(Complaints and enquiries can include one or more subjects).

LGO outcomes for KCC adult social care complaints 2013.14	
Decision not in relation to KCC	1
Not enough fault to justify investigating	2
Maladministration and injustice	1
Outside jurisdiction	2
Premature	9
Satisfied with councils course of action	15
Awaiting outcome from LGO	2
Total	32

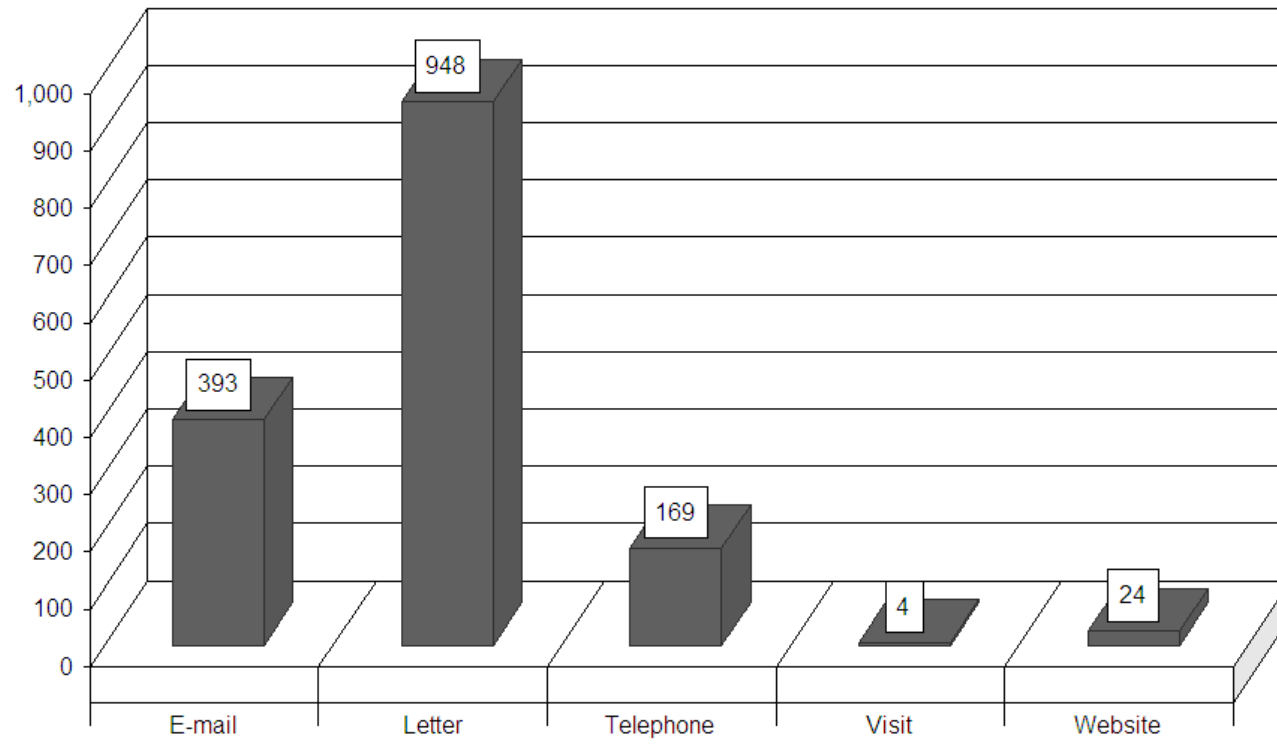
Complaint Trends 2013-14



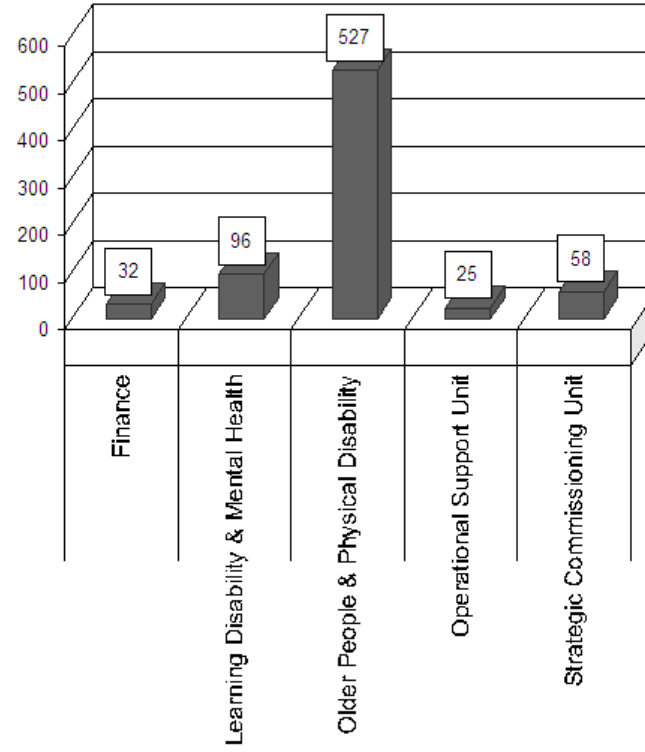
Enquiry Trends 2013-14



Contact Method



Complaints and Enquiries by Division



Complaints Final outcome

