



# **Adult Social Care Complaints, Compliments and Comments Annual Report**

1 April 2013 to 31 March 2014

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## Introduction

The purpose of this annual report is to inform service users, carers, the public, Council Members and Adult Social Care staff of the effectiveness of the Adult Social Care Complaints, Compliments and Comments Procedure (the procedure).

On the 1 April 2009 the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the regulations) came into force following the consultation 'Making Experiences Count' by the Department of Health. The consultation found that the complaints processes for people receiving both health and social care services were overly complex and inflexible.

As a result the legislation introduced radically altered the way in which complaints are handled introducing a single joint complaints process for both social care and health services, with one stage as opposed to the previous three stage process used in relation to adult social care services. The regulations also introduced a duty for health and social care services to cooperate.

The Council implemented a new procedure on the 1 April 2010 providing a local framework to ensure complaints are handled effectively and in line with the regulations.

The procedure aims to:

- (a) Make it as easy and accessible as possible for service users and their carers to raise complaints;
- (b) Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;
- (c) Ensure high levels of customer satisfaction with complaints handling;
- (d) Resolve individual issues when they arise and reduce the number of complaints referred to the Ombudsman; and
- (e) Enable the Council to identify topics and trends in relation to adult social care complaints and improve services as a result.

The Assistant Director of Adult Social Care is the responsible person for ensuring that the Council complies with the arrangements made under the regulations. They act as the 'Adjudicating Officer', which means they make any important decisions on complaints and ensure that action is taken if necessary in light of the outcome of a complaint.

The Complaints and Information Governance Manager (Complaints Manager) is the responsible person for managing the procedure for handling and considering complaints in accordance with the agreements made under the regulations.

## **Local Government Ombudsman (and Health Services Ombudsman)**

Although complainants can refer their complaints to the Local Government Ombudsman (LGO) from the outset, the LGO will not normally investigate until the Council has conducted its own investigation and provided a response. Where it has not been possible for the complaint to be resolved to the satisfaction of the complainant they may refer the matter to the LGO (or Health Services Ombudsman for some joint complaints).

## **Information and Accessibility**

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

## **Advocacy**

The Council has a contract for the provision of Advocacy, RPR (Responsible Person Representative) and IMCA (Independent Mental Capacity Advocate) with Darlington Association on Disability. This service has been provided since 1 April 2013.

Specialist Advocacy / Welfare Rights services for adults with a sensory impairment are provided by NRASS (North Regional Association for Sensory Support). This service has been provided for a number of years.

## Summary

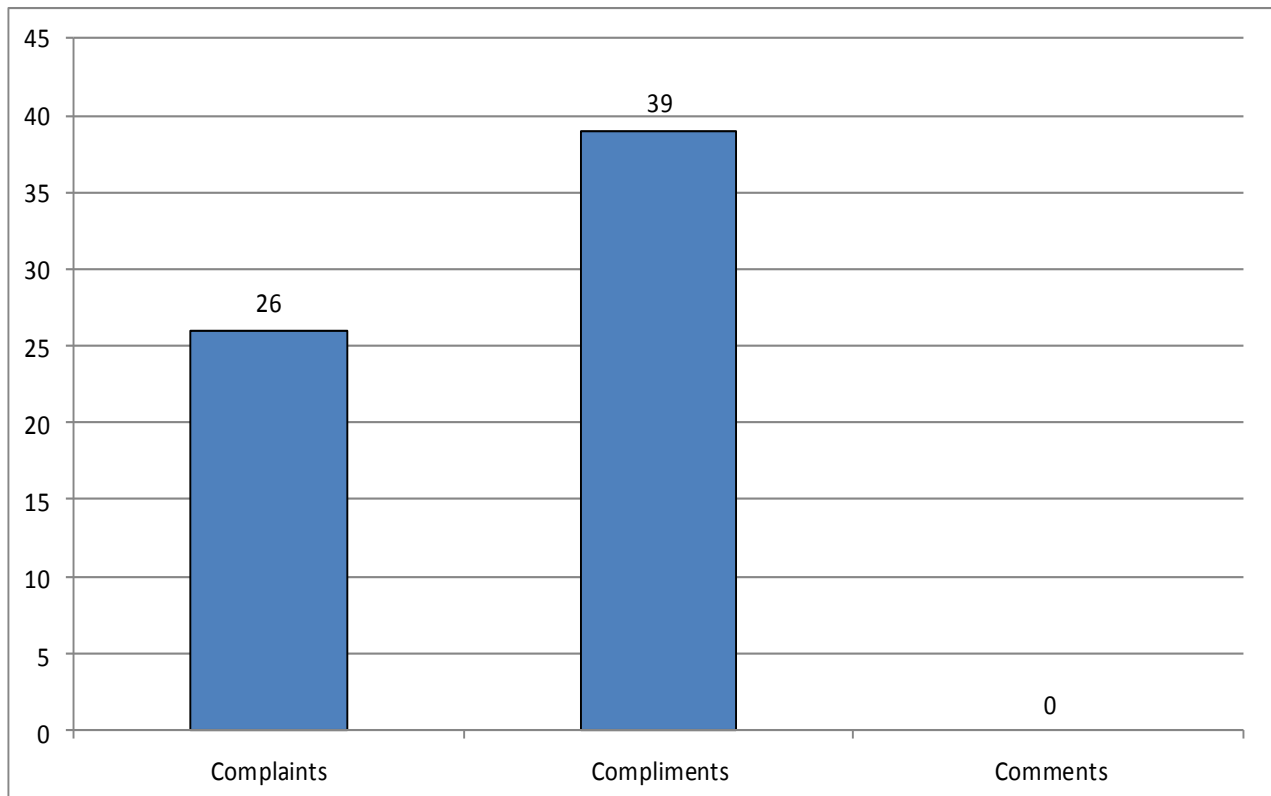
- There has been an increase in overall feedback, from 62 representations in 2012/13 to 65 representations in 2013/14.
- We received 26 complaints under the procedure during 2013/14, an increase from 20 in 2012/13.
- We received 39 compliments under the procedure during 2013/14, a decrease from 42 in 2012/13.
- We received no comments under the procedure during 2013/14, as was the case in 2012/13.
- A further complaint was received during 2013/14 which did not qualify to be dealt with under the procedure.
- Two adult social care complaints were progressed to the LGO during 2013/14, compared to four in 2012/13.
- The LGO reached a decision on two complaints during 2013/14; one of those referred to them in 2013/14 and one referred to them during 2012/13.

## Review of the Year

### Breakdown of all Representations

A total of 65 representations were handled under the procedure during 2013/14. This does not include non-qualifying complaints. Nor does it include those representations responded to directly by social care providers i.e care homes and home (domiciliary) care providers as these fall outside the regulations.

### Total Complaints, Compliments and Comments received 2013/14

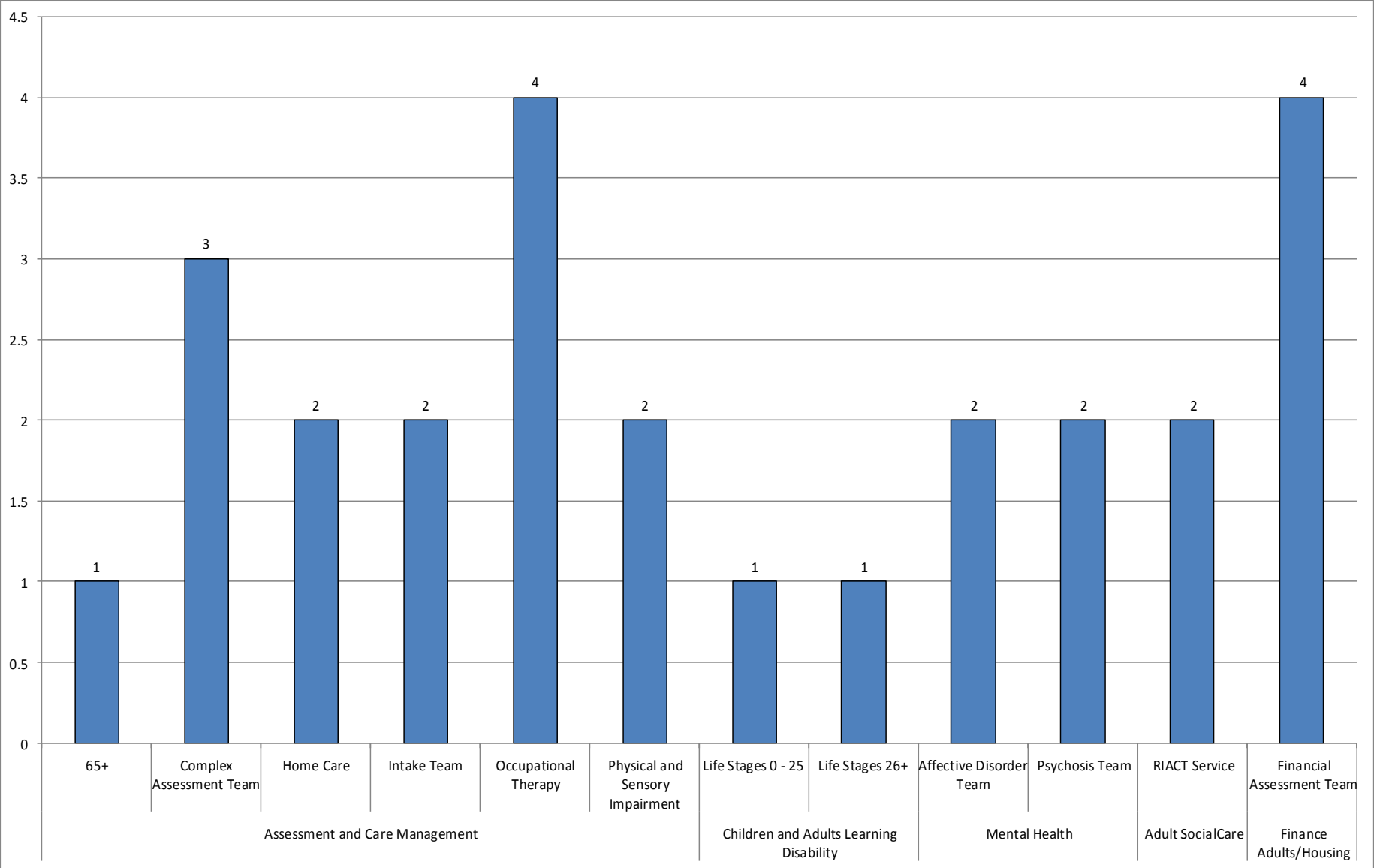


There was an increase in the number of complaints we received, compared to 20 in 2012/13.

There was a slight decrease in the number of compliments we received, from 42 in 2012/13.

We received no comments in 2013/14.

### Breakdown of Complaints by Service Area/Team

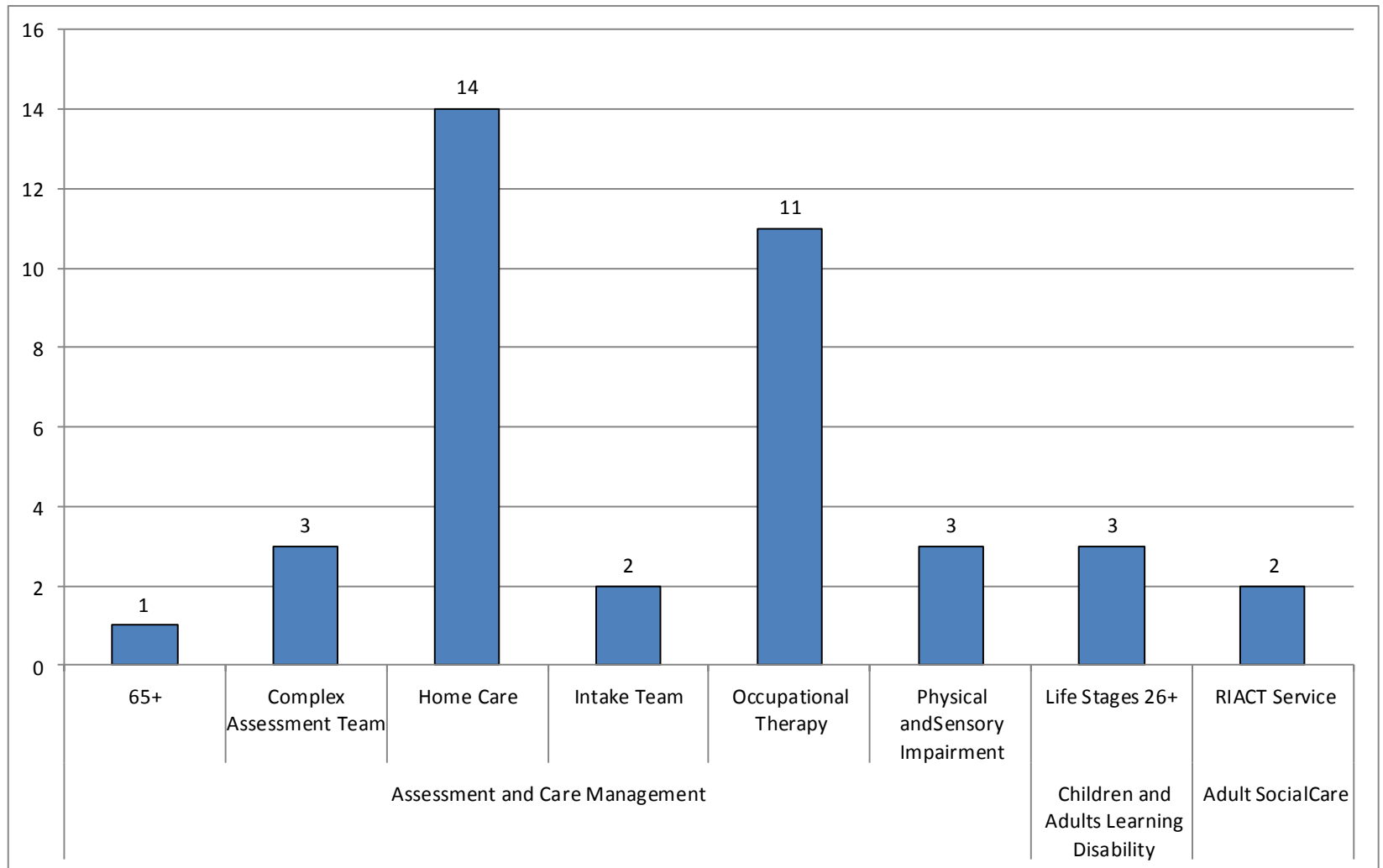


*N.B. Those teams that are not listed did not receive any complaints*

- The 65 + team received the same number of complaints as it did in 2012/13.
- There was an increase in complaints for the Complex Assessment Team, compared to none in 2012/13.
- There was an increase in complaints for Home Care, compared to none in 2012/13.
- There was an increase in complaints for the Intake Team, compared to none in 2012/13.
- There was an increase in complaints for Occupational Therapy, compared to one in 2012/13.
- Physical and Sensor Impairment received the same number of complaints as they did in 2012/13.
- Life Stages 0 – 25 received the same number of complaints as it did in 2012/13.
- Life Stages 26+ received the same number of complaints as it did in 2012/13.
- There was an increase in complaints for the Affective Disorder Team, compared to none in 2012/13.
- There was an increase in complaints for the Psychosis Team, compared to one in 2012/13.
- There was an increase in complaints for the RIACT Service, compared to none in 2012/13.
- There was an increase in complaints for the Financial Assessment Team, compared to three in 2012/13.



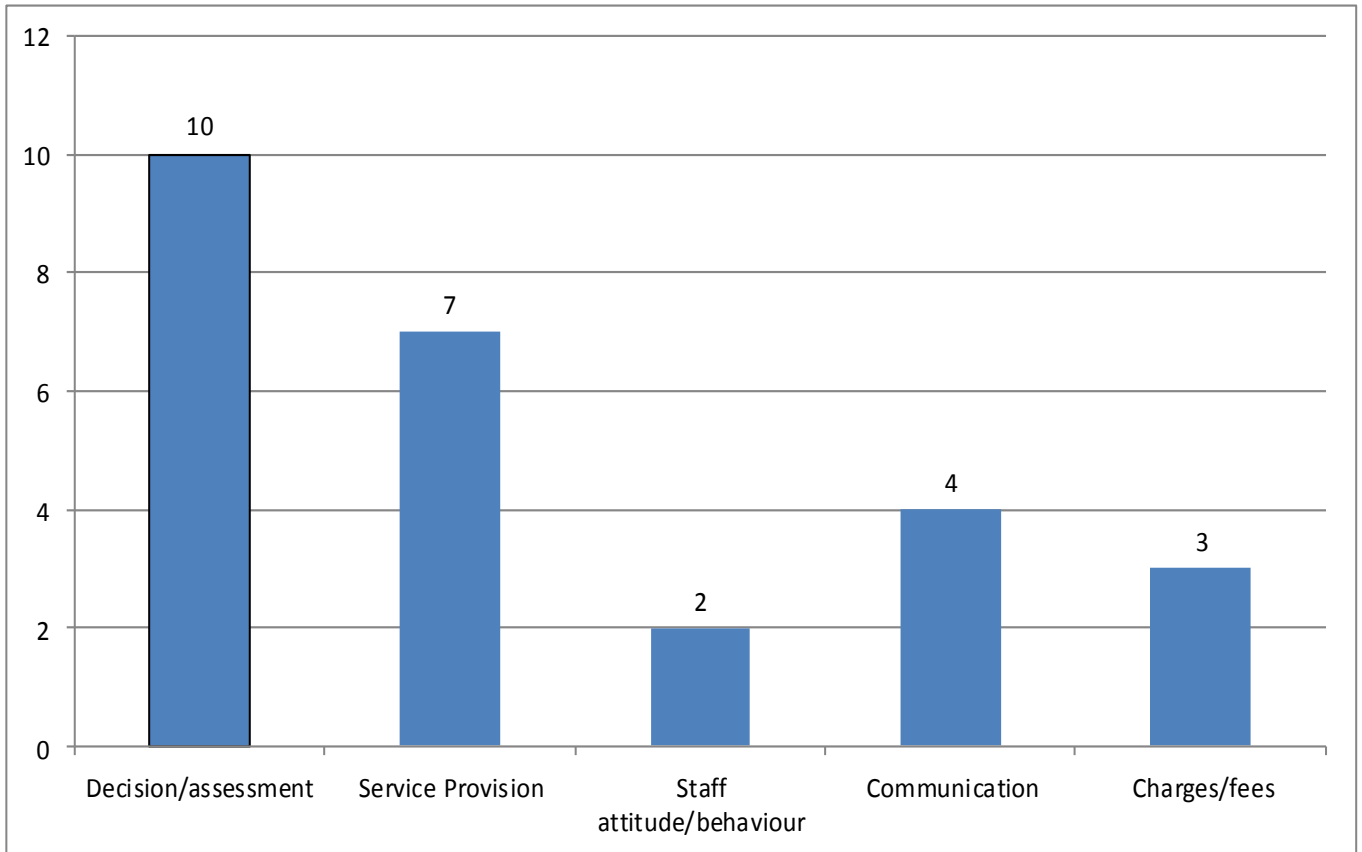
### Breakdown of Compliments by Service Area/Team



There was a significant increase in the number of compliments received for Occupational Therapy compared to five in 2012/13.

- Home Care received a similar number of compliments to 2012/13.

## Breakdown of Complaints by Issue



- The most common complaint was people's dissatisfaction with either a decision or the outcome of their assessment. In total we received 10 complaints about this issue compared to three in 2012/13.
- Service provision remained a common cause of complaint with a total of seven complaints received, compared to nine in 2012/13.

## Complaint Outcomes

23 complaint investigations were concluded during 2013/14. The outcomes of these complaints are detailed in the chart below.

Service Area/Team	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<b>Adult Social Care</b>					
RIACT	0	2	0	0	2
Assessment and Care Management					
65+	1	0	0	0	1
Complex Assessment Team	0	2	1	0	3
Home Care	0	2	0	0	2
Intake Team	1	0	1	0	2
Occupational Therapy	0	1	1	1	3
Physical and Sensory Impairment	0	1	1	0	2
Children and Adults Learning Disability					
Life Stages 0 - 25	0	0	0	1	1
Life Stages 26+	0	0	0	2	2
Mental Health					
Affective Disorder Team	1	0	0	0	1
<b>Total for Adult Social Care</b>	<b>3</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>19</b>
<b>Resources</b>					
Finance					
Financial Assessment Team	1	1	1	0	3
Financial Protection	0	1	0	0	1
<b>Total for Resources</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>4</b>
<b>Total</b>	<b>4</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>23</b>

## **Local Government Ombudsman Complaints Received 2013/14**

Two adult social care complaints were progressed to the LGO during 2013/14; this was a decrease from four in 2012/13. One of these complaints concerned a financial assessment and was initially investigated under the Council's complaints procedure. The other we determined as a non-qualifying complaint, on the basis the issues raised would be most appropriately dealt with as an insurance claim.

## **Local Government Ombudsman Complaint Outcomes 2012/13**

Two adult social care complaints were determined by the LGO during 2013/14. One relating to Occupational Therapy, which was referred to them in 2012/13 and the one referred to above, relating to a financial assessment.

### ***Occupational Therapy***

This complaint concerned works to a level-access shower room not being completed properly, after poor workmanship and design flaws led to a flooding incident. The LGO did not investigate the original works as the Council completed these over ten years ago and the gentleman did not make a complaint about the works at the time. The LGO concluded that having apologised for the inconvenience and distress caused, having agreed to pay £50 towards the complainants insurance excess and having provided adequate facilities to meet the complainants assessed needs there was no reason she should investigate further.

### ***Financial Assessment Team***

This complaint concerned an individual's dissatisfaction with our decision to take their carers allowance into account when financially assessing them for adult social care services they were assessed as needing in their own right. The complainant contended that this was contrary to the Department of Health's Guidance on Fairer Charging for Home Care. The LGO concluded that there was no legal basis for the Council's decision in this case. The Council agreed to re-assess the individual and review our processes to ensure they are consistent with the Department of Health's Guidance and our policy.

## **Organisational Learning**

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, several service improvements were made following complaint investigations during 2013/14. Some examples of these are detailed below.

A complaint for Occupational Therapy highlighted that the team must ensure that they provide up to date information with the service user's consent, and that any medical information should be clarified with the individual's GP. This was actioned by the team manager and the learning from this complaint was used to inform practice around supporting individuals to move house.

Following another complaint for Occupational Therapy all staff, including duty workers, were advised that when people are admitted to hospital steps must be taken establish if their next of kin have been informed.

Following a complaint for the RIACT Service staff were given training on Autism/Asperger Syndrome. Whenever possible the manager of the service now matches staff with specific skills to service users. Following this complaint a system was introduced to ensure staff are aware of a service user's needs in advance, so they can prioritise cases as necessary. It was also agreed that the manager of the service should, wherever possible, assign a small team of workers to an individual to ensure consistency.

## **Performance against the Procedure**

The target for acknowledging receipt of complaints under the procedure is 3 working days.

76.9% of complaints received by the Council were acknowledged within the 3 working day timescale, an improvement from 70 % in 2012/13.

There are no longer any statutory timescales for complaint responses, except that complainants should receive a response within six months. Within the procedure there are three different types of investigation with varying timescales to ensure investigations are completed in a timely manner and within the maximum time allowed. In all cases a response was provided within the six month time limit.

The average length of time a complaint investigation took was 31 days. The longest investigation took 88 working days, with the second longest taking 57 working days. The shortest investigation took one working day, with the second shortest taking seven working days.

## **Performance Targets for 2013/14**

In relation to Adult Social Care Complaints our key performance indicator is the number of maladministration decisions we receive from the Local Government Ombudsman. Our target for 2013/14 was zero. We achieved this target.