

Buckinghamshire County Council

Adult Social Care

Hearing the Customer's View

Annual Report – April 2004 to March 2005

1. Introduction

- 1.1. This annual report of the social care statutory complaints procedure, Hearing the Customer's View, covers the period between 1st April 2004 and 31st March 2005.
- 1.2. The Local Authority Social Services Act 1970, section 7, and amendments to this, requires local authorities to have in place an effective representations and complaints procedure. This is to ensure that service users and/or their representatives are able to make comments about the services they have received or feel that they ought to have received. This report takes into account the requirements of relevant subsequent legislation.
- 1.3. This report deals with complaints falling within the scope of this procedure. Some complaints received about social care, for example those made by members of the public who are not service users about an aspect of social care work, are not considered under this procedure, but are dealt with under the county council procedure. These complaints are not reported on here.
- 1.4. This report has been produced to meet the requirement that members should be provided, on an annual basis, with information about complaints received.
- 1.5. The procedures are publicised in a leaflet about complaints and representations, Hearing the Customer's View, which is given to all service users. It is also available on the internet, on tape, in large print and in other languages. There is an insert to the leaflet to make it more accessible for clients with Learning Disabilities. A poster explaining how to comment has also been prepared for clients with learning disabilities.

2. Complaints procedure

- 2.1 The Hearing the Customer's View complaints procedure has three stages:

Stage 1 – an 'informal' problem solving approach which is dealt with by staff providing the services. Complaints must be responded to within 28 days of receipt.

Stage 2 – a 'formal' registered stage in which an independent investigation is carried out (this may still be internal to Social Services, although in practice, external independent investigators are almost always used) and retains the problem solving approach. The service's response to the complainant should be made within 28 days of registration of the complaint.

Stage 3 – a Review Panel comprising an independent chair, an independent person and a councillor, considers the complaint. The Panel should meet within 28 days of the request being made, its recommendations should be recorded within 24 hours of the meeting and the Director must reply to complainants within 28 days of the date of the Review Panel's recommendations.

3. Compliments received

AREA	LD	PD	OLDER PEOPLE	OTHER	TOTAL
Aylesbury Vale	1	5	22	5	33
Chiltern & SB	3	2	88	1	95
Wycombe	7	0	141	9	158
County Wide	0	0	0	3	3
Total	11	7	251	18	289

The number of compliments recorded has increased significantly over the past year. All service areas continue to attract a welcome number of compliments and thanks for the quality of service received. The majority are received by the Older People's Service, which has the largest client group.

4. Complaints received

4.1. There were 116 complaints received by Adult Social Care Services this year compared to 137 in 2003/04. This represents 1.3% of clients in receipt of services or who have been assessed during the year. Chart 1, Appendix 1 gives a breakdown by service area and Chart 2, Appendix 1 a breakdown by service area and geographical area.

4.2.

Service Area	Complaints as a %age of clients 2004/2005	Complaints as a %age of clients 2003/2004
Learning Disability	2%	3.4%
Physical & Sensory Disabilities	0.5%	1.4%
Older People's Services	1.1%	1.1%
Overall	1.3%	1.8%

4.3. Complaints made against Mental Health Services are generally dealt with under the Buckinghamshire Mental Health Trust's NHS procedure. However, two complaints were dealt with under the LA procedure: one complaint was made exclusively against the Social Care part of the service and one was received in part about social care services.

4.4. **Stage 1** – a breakdown by service area of the reasons for making complaints is given in Appendix 2. The proportion of decisions reached is as follows:

Complaints	Outcome
Upheld	45%
Partly upheld	24.5%
Not upheld	30%
Withdrawn	0.5%

- 4.5. **Stage 2** – there were nine Stage 2 Adult Social Care complaints registered in 2004/05 compared to five the previous year. This represents 7% of complaints made at Stage 1. As clients have the right to have their complaint considered at Stage 2 if they remain dissatisfied, this represents a considerable degree of success in dealing with complaints in the initial stages. There is an analysis of these in Appendix 3.
- 4.6. **Stage 3** – there were two Adult Social Care Stage 3 review panel hearings held in this period compared to four in 2003/04. These were both in response to Fairer Charging appeals; Appendix 3 gives an overview of these.

5. Evaluation of complaints

- 5.1. The main aims of the Hearing the Customer's View complaints process are to promote client satisfaction, to identify areas where services can be improved, to be accessible and uncomplicated and to reflect the desire of the County Council to provide a high quality service. As part of the process for improving services, any lessons learned from Stage 1 complaints are assimilated by the relevant local managers and any necessary changes to services identified and implemented. Where there are issues of general significance, these are identified by the complaints officer and presented in regular reports to management meetings.
- 5.2. The main issues identified from Stage 1 complaints include the following:

Home Care – the majority of complaints about home care services are concerned with the carer arriving late or the length of the visit. This can lead to problems for clients needing medication or meals at set times

Action taken – Where medication has been an issue, administrative systems have been reinforced to address this problem. Additionally, an electronic data capture system is being established which will accurately monitor the times of arrival and departure and time spent with clients.

Communication – with relatives on important events or incidents relating to clients has not always been satisfactory.

Action taken – The background to the individual complaints has been investigated and, where appropriate, training and procedures reinforced to promote good and timely channels of communication with relatives.

Learning Disability homes - the behaviour of other residents in homes has led to complaints on behalf of those disturbed by these clients.

Action taken – work is being undertaken to identify more suitable placements for some of these clients. In the meantime, additional measures have been put in place to reduce the likelihood of any untoward incidents.

- 5.3. All nine of the Stage 2 complaints registered during 2004/2005 are now complete. The key issues raised were:

Communication between staff and service users - complaints have arisen because service users have been confused by the processes, systems and working cultures of Social Care.

Action taken – there is a responsibility to explain and inform what is happening and why, not only by published material but also at an operational level. staff have been reminded of the need for clear and effective communication with service users. Additionally, the need for clear case recording was reinforced.

The level of information given to self funding clients when they first contact Social Care – processes and policies about accessing Social Care once self funding clients' capital has reached the minimum threshold have not always been made clear to future clients when they have contacted Social Care for advice.

Action taken - In future, at the initial point of contact, all clients will be informed clearly and unambiguously, in writing, of the Council's funding policy.

The process for the discharge of a Learning Disability client from a secure home to a community home There were recommendations for improving the discharge procedure where this involved supervised discharge under the Mental Health Act.

Action taken - Procedures for a panel to manage all new residential and supported living placements are being re-written. All placements will have to go through this process and there will be specific questions about supervised discharge and any other mental health act considerations. This will ensure approval by an appropriately authorised manager in the Community Learning Disability Team.

Carrying out regular reassessment of needs for clients on direct payments – a client in receipt of direct payments had no reassessment of needs for 4 years.

Action taken – Reassessments of those in receipt of direct payments will take place at least annually.

Consultation regarding changes to Home Care rotas - The relative of an Older People's Services client complained about the apparent imposition of changes to Home Care rotas and about difficulties in the timing of evening visits.

Action taken – Buckinghamshire County Council is reviewing its ability to provide extended hours for access to home care as part of the modernisation of services, which should allow increased flexibility in the future.

- 5.4. **Numbers of Stage 2 complaints** – there has been a considerable increase in the number of Adult Social Care Stage 2 investigations for this year: 8 compared to 4 for the whole of 2003/2004.

Action taken - The introduction of an Appeals process at Stage 2 for complaints about the outcome of assessments has reduced the need for external independent investigations. Stage 3 remains as a fully independent check to the actions of the County Council.

6. Timescales for replying to complaints

Timescale	Stage 1		Stage 2		Stage 3	
	04/05	03/04	04/05	03/04	04/05	03/04
28 days (S3 57 days)	82%	82%	22%	17%	50%	25%
29–35 days (S3 58–64 days)	5%	7%	33%	0%	0%	0%
36–42 days (S3 65–71 days)	6%	4%	12%	50%	0%	50%
42 days + (S3 71+ days)	7%	7%	33%	33%	50%	25%
Average time to reply	17 days	16 days	44 days	50 days	71 days	76 days

6.1. **Stage 2** - There is a nationally recognised difficulty in completing Stage 2 complaints within the 28 day timescale. In recognition of this, an increase in the timescale allowed for Stage 2 complaints to 3 months is expected following the current consultation on revised procedures.

7. Review of past year

7.1. An Appeals Procedure has been established to deal with those complaints that are solely concerned with appeals against a decision made regarding service provision. This process replaces Stage 1 of the complaints process; complainants can take their complaint to Stage 2 of the complaints process if they remain dissatisfied following the outcome.

7.2. Work has been undertaken to improve the accessibility of the Hearing the Customer's View leaflet for clients with learning disabilities. A video explaining the complaints process is under preparation for clients with hearing difficulties.

8. Planned work 2004/2005

8.1. Following national consultation on changes to the complaints process for Adult Social Care services, a revised complaints process will be drawn up. The outcome of the consultation is still awaited, but it is expected that the Stage 3 Independent Review Panel part of the process will become the remit of the Commission for Social Care Inspection from 1st January 2006 and changes to process and timescales at Stages 1 and 2 will come into effect on 1st April 2006.

8.2. Staff training on the complaints process and effective handling of complaints will take place through a programme of team visits during the year. In addition, a series of training days for all Social Care managers will take place across all service areas in November 2005.

8.3. Very few complaints are received from members of the Asian community when measuring this against the size of the client group. Work will be undertaken to ensure that the complaints process is accessible to this client group.

Danièle Manktelow
Complaints Manager
20th June 2005

APPENDIX 1

Chart 1

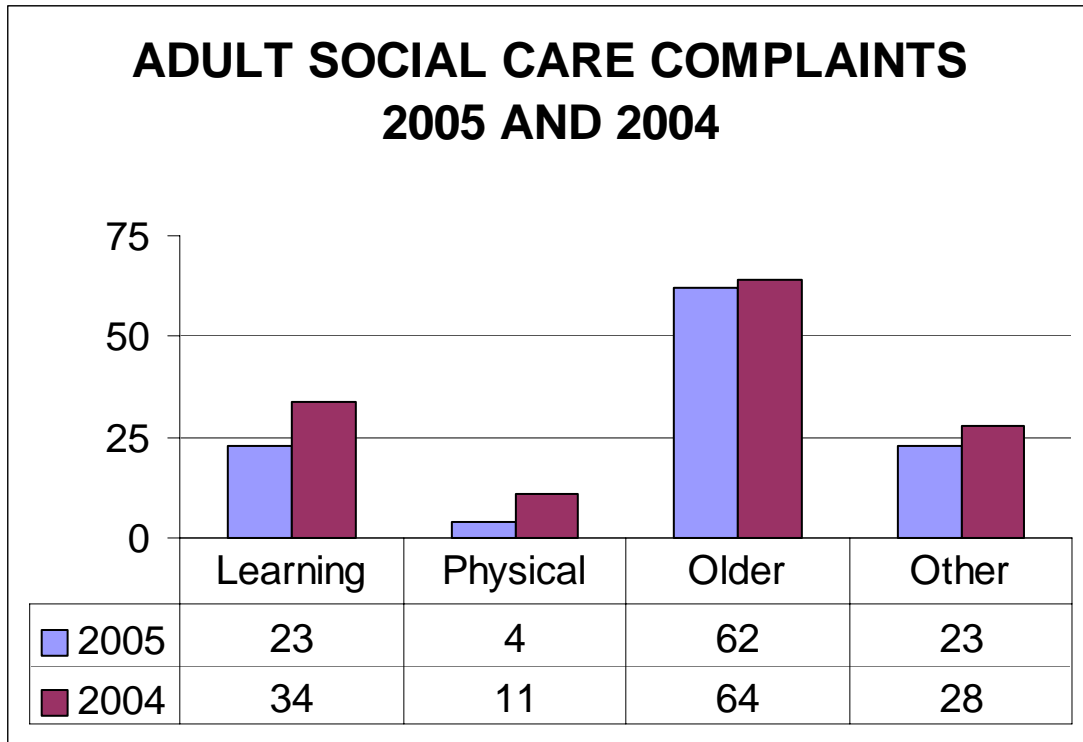
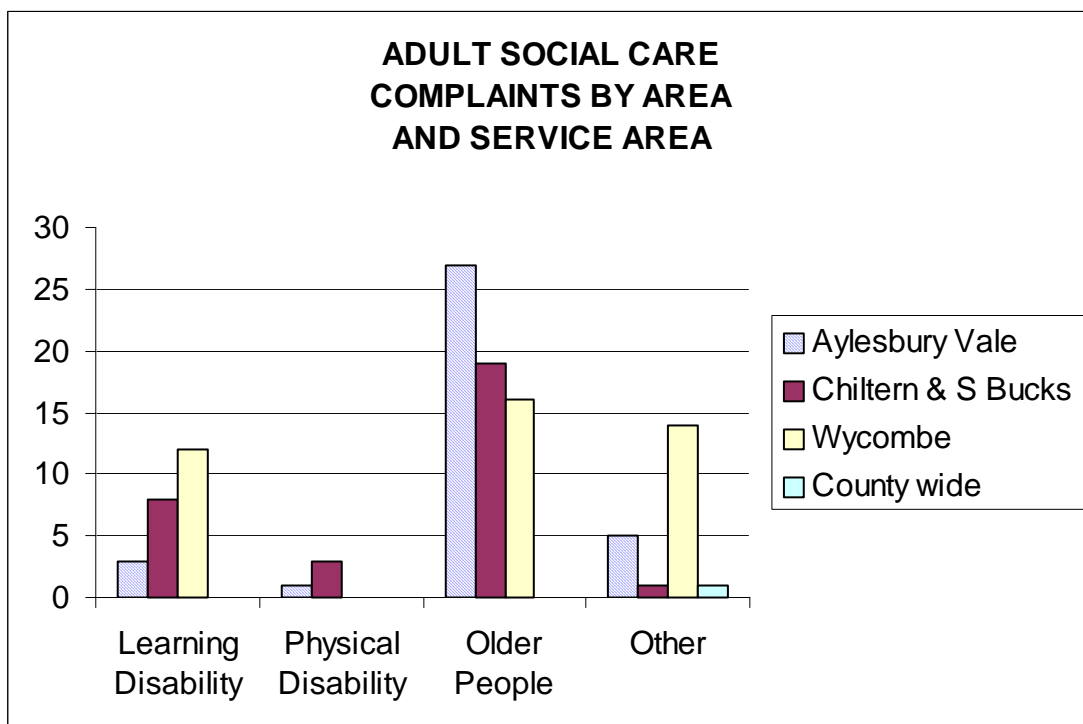
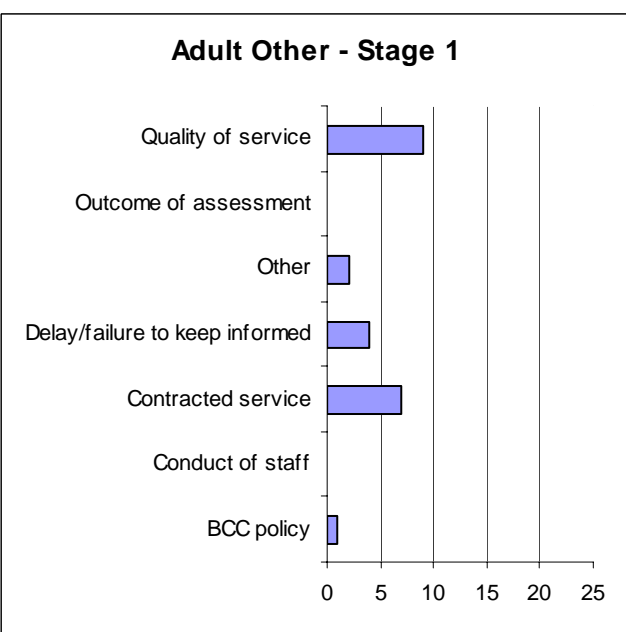
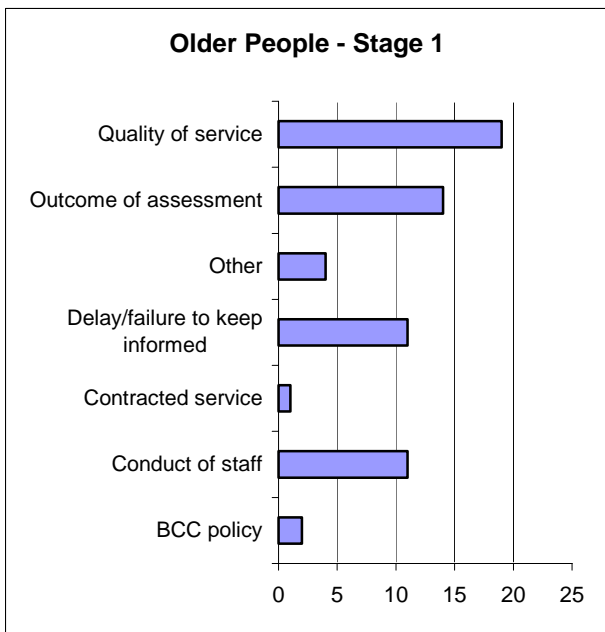
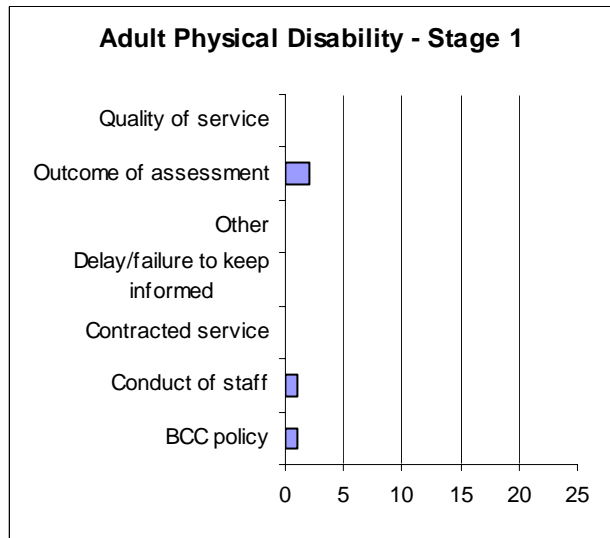
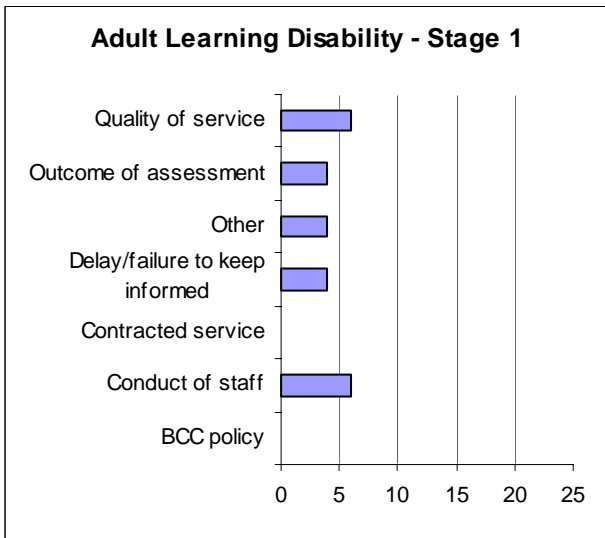


Chart 2



APPENDIX 2

Breakdown of reasons for complaints by service area



Appendix 3

Analysis of formal complaints

Table 1 - Adult Social Care

STAGE	TYPE OF COMPLAINT	NATURE OF COMPLAINT	DECISION
1. 2	Community Care Act	The process for the discharge of a Learning Disability client from a secure home to a community home. Keeping relatives informed of progress.	Partly upheld – recommendations for amending procedures relating to supervised discharge.
2. 2	Community Care Act	Meeting the needs of a client at a time of short-term crisis. Financial considerations being given priority in deciding whether or not she should have residential care.	Partly upheld – recommendations made to improve recording and communication between staff and clients.
3. 2	Community Care Act	The interpretation of the Fairer Charging policy and Department of Health Guidelines: belief that LA had ignored the need to retain savings.	Not upheld – taken to Review Panel (see 10. below)
4. 2	Community Care Act	The interpretation of the Fairer Charging policy and Department of Health Guidelines: belief that LA had ignored the need to retain savings.	Not upheld – taken to Review Panel (see 11. below)
5. 2	Community Care Act	Responsibility for the cost of a self-funding older person's care home placement while in hospital. The information given to self-funding clients.	Upheld - recommendations for improving levels of information provided to those who are self-funding.
6. 2	Community Care Act	The decision to reduce care to a client receiving Direct Payments, following a move to another service area and re-assessment. Quality of assessment of needs.	Partly upheld – recommendations for regular re-assessment of needs.
7. 2	Community Care Act	The relatives of an elderly client, who has since died, complained about the quality of the home care service provided.	Partly upheld – recommendations to improve communication between staff and clients and monitoring arrangements.

STAGE	TYPE OF COMPLAINT	NATURE OF COMPLAINT	DECISION
8. 2	Community Care Act	Funding for a previously self-funding client whose funds had fallen to £20,000. The home charged more than the maximum the LA was willing to pay. Lack of financial information for those approaching LA for advice on residential homes.	Partly upheld - recommendation that the LA should fund the additional contribution for the client until a new nursing home, was open. Taken to Stage 3 in April 2005 - recommendation that the current shortfall in fees should be divided between the family and the LA and the client not moved to a different home.
9. 2	Community Care Act	The way in which changes to Home Care rotas were implemented and difficulties in the timing of visits.	Partly upheld – LA reviewing
10 3	Community Care Act Fairer charging appeal	See 3. above	Not upheld
11. 3	Community Care Act Fairer charging appeal	See 4. above	Partly upheld – Panel recommended a reassessment of disability related expenditure