

Regulatory and Audit Committee

Title:	Adults Social Care Complaints Procedure, Making Experiences Count
Date:	18 th November 2015
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Electoral divisions affected:	All

Summary: This annual report of the Adults and Family Wellbeing Social Care Statutory Complaints Procedure, Making Experiences Count, covers the period between 1st April 2014 and 31st March 2015. The report provides information on complaints managed through the Statutory Adult Social Care complaints procedure.

Recommendation: Members should note the content of the report.

Adults and Family Wellbeing Social Care Making Experiences Count-Annual Report 2014/2015

1. Background

1.1 In April 2009 changes were made to the legislative framework regarding Health and Social Care Complaints. Guidance was issued at the time which focused on good customer care and the client experience, including a simple, consistent approach to complaints across services which were person centred. The Council is required to operate a separate statutory complaints and representations procedure, in accordance with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 and the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009 (hereby referred to as 'the Regulations'). Any complaint which does not fall under these requirements will be considered under the Council's corporate complaints process.

1.2 Buckinghamshire County Council is required under statutory regulations to report annually to the relevant Council Committee on Adult Social Care complaints.

2. Introduction

2.1 This annual report covers the period 1st April 2014 to 31st March 2015 and concerns the Adult Social Care statutory complaint procedure.

2.2 This report deals with complaints which fall within the scope of the Adult Social Care complaints legislation; it does not address complaints which are proper to the Corporate Complaints Procedure including complaints made by members of the public, who are not service users or their representatives, concerning Adult Social Care.

2.3 Enquiries from Members of Parliament are separately recorded and do not form part of the complaint process, but for transparency these have been included in the report.

2.4 The procedures are publicised in a leaflet about complaints, 'Listening, Responding, Improving', which is given to all service users. It is also available online.

3. Complaints Procedure

3.1 The Statutory Adult Social Care complaints procedure is a one stage process. There is an expectation under both the legislation and by the Local Government Ombudsman that complaints will be locally resolved within reasonable time limits. Under the legislation, it is recognised that a final response should be issued within a six month period unless there is an exceptional reason why this cannot be achieved.

3.2 The 2009 regulations introduced a 'Responsible Person' role, which oversees and is responsible for ensuring compliance with the arrangements made under the regulations; particularly in relation to ensuring remedial action is undertaken as a result of a complaint. The regulations assign responsibility for the oversight of complaints to the Chief Executive. During 2014/15 the functions of the role were delegated by the Cabinet Member for Health and Wellbeing to the Service Director, Service Provision for Adult Social Care. The day to day management of complaints is undertaken by the Statutory Complaints Officer and overseen by the Customer Complaints Team Manager.

3.3 In May 2013 a revised internal process for managing Adult Social Care complaints was put into practice. The new process encourages personal contact with the customer to clarify the complaint and to agree mutually agreeable plans for consideration of the complaint and to gain resolution of the complaint within locally agreed timescales. An internal timescale of 28 calendar days was put in place with recognition that there would be exceptional occasions where this timescale could not be met. Legislatively the timescale for responding to complaints regarding Adult Social Care is six months.

3.4 The Local Government Ombudsman (LGO) is an independent organisation authorised to investigate complaints where the Council's own investigation has not resolved the issues raised. The customer may approach the Local Government Ombudsman at any time. The Local Government Ombudsman's policy is to allow the local authority to consider the complaint first and they will refer the complaint back to us unless there are exceptional reasons for not doing so.

4. Compliments

4.1 All service areas continue to attract compliments and unless the Complaints and Information Team are alerted to compliments, they are unable to be centrally recorded. Overall there were 61 compliments recorded during 2014/15. This figure compares with 54 in 2013/14 and 24 in 2012/13.

4.2 The majority of compliments we received were feedback following a training course that the Strategic Commissioning & Improvements Team held. It is a shame that we did not receive more compliments from our service users.

4.3 This year we have received a higher amount of compliments than in previous years and also from a wider area of teams across Adult Social Care. This demonstrates that as a service they are becoming more aware of the importance of recording positive feedback; however we must ensure that all compliments are recognised by staff and

reported to the Complaints Team to allow us to record accurate data and give a balanced view.

4.4 Although we received more compliments during this year, it is difficult to be sure we have received notification of all compliments received. There is still a need to raise awareness to record compliments centrally. Due to the small number received, it is difficult to draw any meaningful analysis from the data.

Team	Amount
Care Assessment (ASC Service Provision, Adults Physical Disability)	1
Care Assessment (ASC Service Provision, Older People aged 65+)	7
Care Assessment (Hospital Team) (ASC Service Provision, Older People aged 65+)	5
Day Care (ASC Service Provision, Adults Physical Disability)	1
Direct Payments (Finance) (ASC Service Provision (Support), Finance)	2
Domiciliary Care (ASC Service Provision, Older People aged 65+)	1
Emergency Duty Team (ASC Service Provision (Support), Communications)	1
In-Touch (ASC Service Provision (Support), Communications)	15
Residential (ASC Service Provision, Older People aged 65+)	3
Respite (ASC Service Provision, Older People aged 65+)	1
Strategic Commissioning & Improvements (ASC Commissioning & Service Improvement)	24
TOTAL	61

4.5 The following is part of a compliment received by a Business Manager within Adult Social Care relating to a social worker (names have been redacted).

- *Hope you and your family had a happy Christmas, and I hope you have a very happy new year. I just wanted to thank you again for all you did for Mum. Social Services aren't always appreciated - but you did a fantastic job. She wouldn't have been able to go home without your help, and the rest of her life would have been very different. She was happy and content at home. In her last few days we were able to sit with her and talk to her, even though she was heavily sedated and sleeping, and we could stay there as long as we wanted, and whenever we wanted - we couldn't have done that at the Care Home! Thank you again best wishes for 2015*

5 Complaints Received

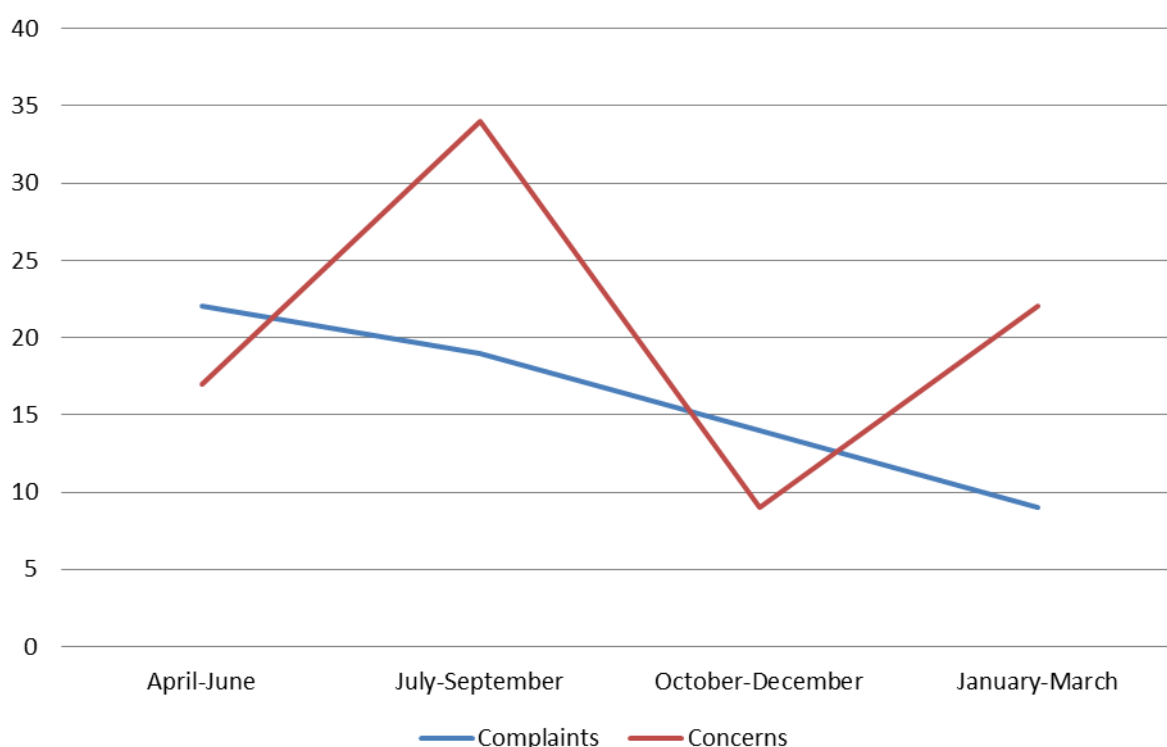
5.1 There were 68 formal complaints investigated in 2014/15; the corresponding figure for previous years is 101 in 2013/14 and 108 in 2012/13. We believe this reduction in

complaints is due to the heightened awareness and knowledge across the service of the complaints process and also the importance of first time resolution.

5.2 Multiple contacts by the same client, for example, where follow up questions are asked by customers relating to a complaint response, have been classed as one contact.

5.3 Adult Social Care carried out 12,357 assessments (inclusive of assessments and reassessments) and they received 29,907 contacts in the year 2014/15. Of the recorded number of clients with whom contact was made during 2014/15, 0.005417% contacted the Complaints Team dissatisfied with the service they were receiving, however only 0.002274 pursued their complaint through the statutory complaints procedure.

Number of Complaints received Quarterly



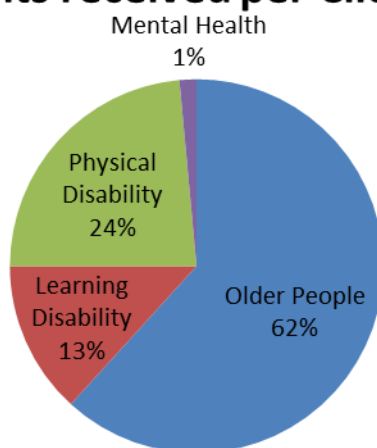
5.4 In addition to the number of complaints investigated through the complaints procedure this year, a further 94 contacts were received by the Complaints and Information Team. These issues were resolved to the satisfaction of our customers within a 48 hour period and have been classified as concerns in line with the regulations. Most of these concerns were regarding issues with communication or delays which were immediately rectified between the Complaints Team and the Adult Social Care service. This information highlights the importance of early intervention in the management of concerns and the importance of direct communication with our customers in the pursuit of local resolution. Without a focus on early intervention, any of these contacts may well have led to a formal complaint resulting in increased workload for both Adult Social Care and the Complaints Team.

5.5 Overall there were 162 contacts made by customers to the Complaints Team which is an increase on the amount from 2013/14, during which we received 56 contacts. The figures would suggest that during 2014/15 a greater emphasis has been put on

resolving complaints locally. There was however a notable decrease in the number of complaints received during the latter part of the year. An increase in the amount of complaints being resolved through early, timely resolution may have resulted in some complaint information not reaching the Statutory Complaints Officer. It is important that all complaints or concerns are recorded centrally to gain an accurate picture of what our customers are contacting us about.

5.6 It is also important to note that even though the complaint figures are considerably lower than last year, the number of overall contacts is similar to those received during 2013/14. Further proof that we are improving on early intervention is shown in the 58% of concerns resolved during this year compared with 33% last year.

Complaints received per Client Group

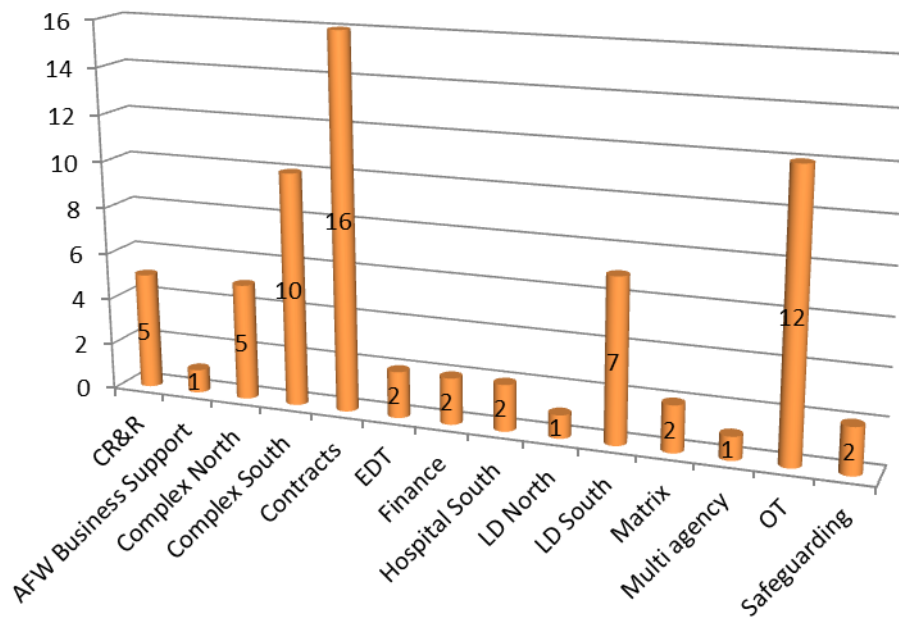


5.7 The pie chart above shows the amount of complaints received by client group during this period. The majority of complaints concerned our 'older person' client group and were, for the most part, raised by representatives on behalf of the client.

5.8 It is important to note that the figures shown above are the number of our customers whom felt the need to complain. Below details how many clients are in each group and gives us a true comparison of how many clients made formal complaints about their service.

Client Group	Amount of clients	Complaints
Learning Disability	879	9
Mental Health	439	1
Physical Disability	732	16
Older People	5276	42

Complaints received by team



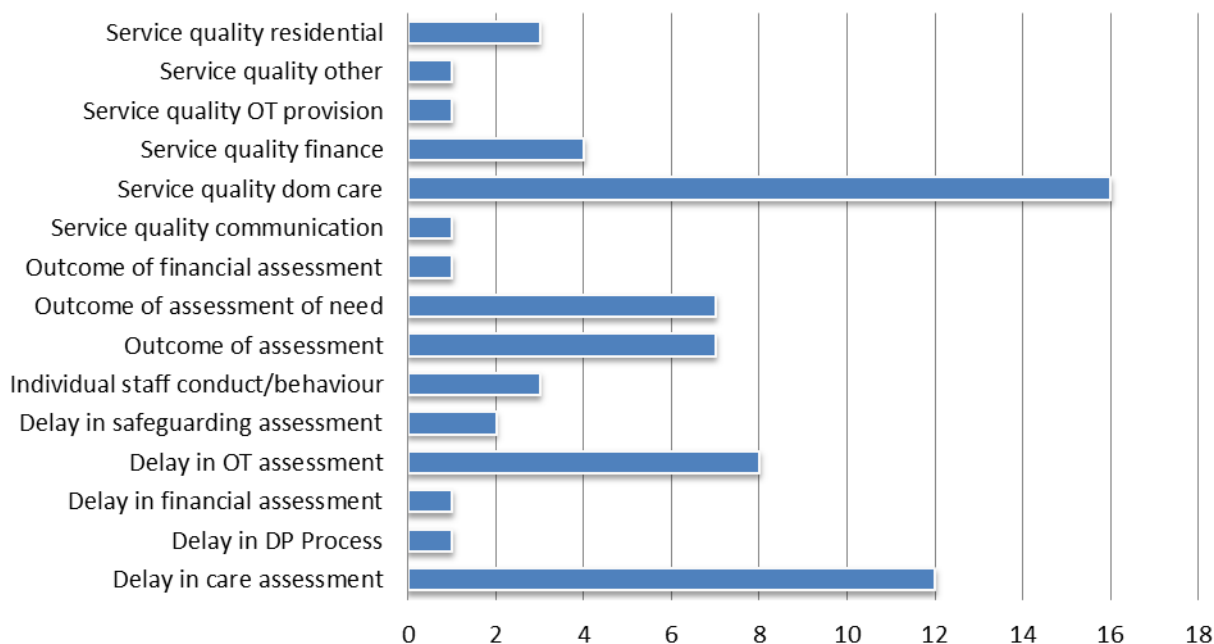
5.9 The graph above shows that the Contracts Team received the highest number of complaints over the past year. 88% of these complaints were either upheld in full or in part following investigation. These complaints were usually related to the timeliness of carers and the service they provided when attending to service users. The Occupational Therapy Team (OT) also received a substantial amount of complaints, mostly relating to the length of time service users were waiting for an assessment or because they were challenging the outcome of an assessment. 66% of this team's complaints were upheld. The Complex South Team also received a high number of complaints over the year and as a result of these investigations, 60% were upheld or partially upheld.

5.10 With the implementation of the Future Shape Programme and the likelihood of more commissioned services and wider commissioning powers under The Care Act 2014, it is important to note that Buckinghamshire County Council is accountable for any service provider delivering statutory social care functions on their behalf. In addition, the customer has a right to our consideration of their complaint through the statutory complaints procedures and legal regulations should they choose not to engage directly with the provider. During the coming year we are planning to introduce new processes to provide a more holistic view of complaints - including those received directly by providers - through the implementation of a new complaints recording system and reporting.

5.11 Our internal process encourages teams to make immediate contact with the customer once we are in receipt of their complaint. Dealing with concerns in this way can lead to early resolution and the avoidance of putting a customer through a lengthy complaints process. This is proven by the 94 contacts that did not progress to a complaint. Even though the OT Team received 12 complaints across the year, our figures show that 60% of their concerns were rectified through this opportunity to speak with the customer early on.

6 Complaints Analysis

Complaints by Issue Nature



6.1 There were a number of notable complaint issues that arose regarding our Adult Social Care services in 2014/15, as highlighted in the table above.

The delivery of care to clients within the home led to a number of complaints this year. The complaints concerned a variety of issues from missed or late calls, to staff attitude and failings to provide the necessary support. Representations were also brought to our team which were to dispute paying for a service which they did not receive or if they did receive the service, the customer did not feel it was delivered to an acceptable standard. In some circumstances, customers had already pursued a complaint with the provider through their own complaints procedures, however remained unhappy with their response and therefore contacted our team to request that their concerns were addressed through the Statutory Adult Social Care complaints process. Other complaints were made to our team because the customer did not wish to engage directly with the provider. Depending on the outcome of their complaint, a time and trouble payment has at times been offered to clients as a goodwill gesture. As a result of these complaints we encourage the Contracts Team to monitor their providers more closely.

6.2 Our domiciliary care services are provided by external companies commissioned to deliver care on our behalf. It is important to note that our responsibilities as a social care provider are not discharged by the commissioning of our services and the local authority remains the responsible body. However, with closer monitoring of our contracts and a new focus on collecting data on contracted complaints within the Contract Management Application we hope this additional knowledge and insight will highlight areas for improvement and lead to a reduction in complaints for 2015/16 for the Contracts Team.

An example of a Contracts complaint is detailed below.

- *One relative of a client reported that the care plan was not being met as she had to repeatedly chase the provider because the Carer had not been turning up for scheduled calls. This then meant that when the Carers did arrive they would be considerably late and affect the client's daily routine. When challenged, the agency confirmed they were short on resource; however they were recruiting additional staff to prevent incidents like this recurring*

6.3 Another high proportion of our complaints were in relation to care assessments. It is particularly difficult to identify any single factor which contributed to complaints in this area, because the care assessment process is case specific to each client's needs. There were however, a notable amount of complaints challenging the decision and outcome of care assessments. Examples include where the care identified for the client was challenged because they did not feel it would not meet the client's needs. On occasions family members contacted us because they were unhappy that they had not been involved in the assessment process. They were concerned that without their input the outcome of the assessment would not be accurate and would not fully reflect the needs of the client.

6.4 The demand for Occupational Therapy assessments has significantly grown in the last year; and this demand, when combined with reduced staffing levels has resulted in an increase in the waiting time for assessment. At its peak the waiting list had in excess of 900 people on it; an unprecedented number. As a result of the increased waiting list and waiting time we received complaints and concerns from referred clients and also their families.

Measures have been put in place now that have resulted in the waiting list dramatically reducing in size over the last four months and which now provide clients with an assessment within a more acceptable timeframe. There has been a focus on recruiting Occupational Therapists and Assistance Occupational Therapists to ensure the team have sufficient resource to keep in line with the demand. In addition, the team have also reviewed their processes and made changes to increase their efficiency

6.5 There were two complaints regarding our Safeguarding Vulnerable Adults Service throughout the year. Both complaints concerned safeguarding investigations exceeding the 28 day guidelines as well as the lack of communication with the client.

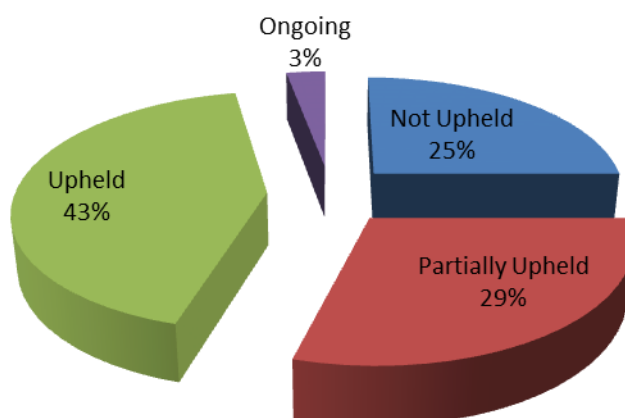
Changes made within the Safeguarding Adults Team such as the Multi-Agency Safeguarding Hub and a new safeguarding procedure have led to vast improvements in the service delivery and a marked reduction in complaints.

- *In March 2013 one of our service users sustained an injury following an incident whilst on an overnight respite stay. A safeguarding investigation was initiated but the case was not progressed for a significant period of time. No outcome had been reached by March 2014 and the service user's parents, understandably frustrated, contacted the Complaints Team for more information. As a result of this complaint, a new worker was allocated to undertake the safeguarding investigation and the customers were issued with the findings of the report. The parents received a time and trouble payment for their experience and were also invited to attend a focus group whose brief was to suggest improvements to our safeguarding experience.*

Below is a list of important factors that need to be considered for the year ahead.

- ✓ There were occasions where during the assessment process we should have found appropriate ways to include a client's support network before decisions were taken regarding care provision. Inviting family members into the process would have improved communication and improved their customer journey. We have a duty to ensure we share data appropriately and to act in accordance with client's wishes but from time to time the lack of inclusion of a client's support network appears to have been as a result of pressure within the service as opposed to the client directly refusing the presence of their carers/family. With the introduction of the Care Act, assessments should also focus on carers in their own right which should lead to a more holistic care process.
- ✓ During 2014/15 a number of complaints we received were due to a lack of misunderstanding of how the Adult Social Care packages are implemented. It is imperative that expectations are managed and clients are given a clear explanation of how the process works.
- ✓ In addition, customers have contacted our team because there has been no understanding that Domiciliary Care providers are contracted on behalf of Buckinghamshire County Council. This means that when a service is cancelled directly with the provider we (BCC) have still invoiced them for care they did not receive.
- ✓ It is important to ensure that appropriate measures are in place to cover staff absence and to ensure that work is reallocated where necessary.
- ✓ On receipt of further correspondence after a complaint response has been sent it is important that Adult Social Care contact the Statutory Complaints Officer for advice on how to proceed. This will ensure we are presented with the best opportunity to resolve their complaint within the six month legislative timescale and that we have a full audit trail should the complaint be referred to the Local Government Ombudsman.

Complaint Outcomes

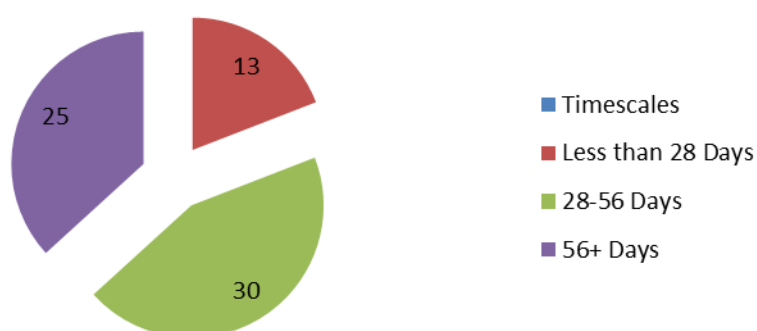


6.6 As demonstrated by the pie chart above, the majority of all complaints received were upheld or partially upheld in some regard by the Adult Social Care service. As an authority there has been a historic tendency to reflect on this with a degree of negativity. When a complaint is upheld it is recognition that the customer

experience was not as it should have been, in full or in part, and could have been improved in some way. Learning as a result of complaints should be a more valuable way to measure the effectiveness of the services provided to our customers than looking at statistics alone. As an authority we should expect and welcome complaints as it is a valuable way for our customers to speak to us but we should never become complacent and ensure the same complaint is not repeated.

7. Timescales for responding to complaints

Timescales for responding to complaints



7.1 During 2014/15, the average response time for managing Adult Social Care complaints was 54.25 days. This is an increase on the time taken in 2013/14 which was 49.43, and is still in excess of our internal 28 day timescale. It is however important to note that the Statutory Adult Social Care Complaints procedure is a one stage process and this is still within the legislative timeframe for us to respond to customers.

7.2 In November 2014 a decision was made for Adult Social Care to invoke their business continuity plan due to a lack of resources. There were vacancies and a number of long term absences which lead to the service operating at approx. 63% capacity. These arrangements remained until March 2015 when they were stood down. Taking this into consideration this would have had an affect on the timeliness in which complaints were responded to.

8. Equalities Information

8.1 Local Authorities are asked to provide summary information in the annual report on statistical data about the age, gender, disability, sexual orientation and ethnicity of service users. Please see Appendix 1 for the statistical table referring to this.

9. Enquiries from Member of Parliament

9.1 Enquiries from Members of Parliament are not recorded as complaints. A number of clients and their families choose to write to Members of Parliament rather than pursue a formal complaint. During 2014/15 there were 61 enquiries from Members of Parliament recorded by the Complaints and Information Team.

10. Local Government Ombudsman

In 2014/15 the Local Government Ombudsman carried out 3 detailed investigations which related to Adult Social Care. For an additional 2 complaints, she made an early decision not to investigate the matter further. Of the complaints that were considered; 2 were not upheld and 1 was upheld.

It was identified that several contacts were premature complaints and therefore the customers were advised to bring their concerns to us directly, to allow us to consider the complaint through our own complaints procedure.

Of the cases considered, the following were notable issues;

- One case found no fault on the part of the local authority and this complaint related to delays in us completing a re-assessment of a client's needs. The Local Government Ombudsman thought it unfortunate that we had not been able to complete an assessment in a suitable timeframe; however it was evident that even though we may have been responsible for a small part of the time taken, the most significant delays occurred due to matters outside of our control.

- One complaint was upheld and this involved one of our care agency's failing to provide a service user with the appropriate care she required. As a result of the Local Government Ombudsman's findings, we agreed to apologise for our failings for not addressing the question of whether carers were leaving the mother with drinks each day and also to consider the lessons to be learned from this complaint.

11. Review of past year and future plans

11.1 Over the last 12 months, the Complaints Team have worked hard to implement a governance strategy with Adult Social Care which was introduced on 1st June 2015. This new strategy will provide additional formal reporting on learning outcomes. It has been agreed that those responsible for investigating the complaints will provide regular feedback to the Complaints team on actions taken following complaints. In next year's report we aim to provide a detailed commentary on what learning has been identified and richer examples of how Adult Social Care have learned from complaints to prevent recurrences.

11.2 Enquiries received by Members of Parliament and Councillors are now managed within the Complaints Team. This allows us to minimise the risks involved in the provision of responses which fall out of the same considerations that would be made when dealing with complaints.

11.3 During 2015/16 we hope to look at ways of strengthening the existing internal process for the management of Adult Social Care complaints and will consider the implementation of a framework for triaging complaints based on risk. This will lead to greater personalisation in complaint handling and a 'horses for courses approach' to customer service.

11.4 Training sessions have continued with the frontline staff within Adult Social Care across the year and we will be holding monthly training sessions over the next year

which we hope that all staff members will attend. Our intention is to improve complaint recognition and we would also like to improve communication between customers and staff which should help resolve concerns before they become formal complaints.

- 11.5 In addition, we are looking at providing training on complaint investigation and responses and hope to come up with a delivery plan shortly.
- 11.6 We will be looking at alternative arrangements for conducting independent complaint investigations as well as alternative dispute resolution options.
- 11.7 Buckinghamshire County Council is part of the North West London Complaints Managers (NWLCM) Group which uses a pool of Independent Officers. In practice, the team commission these officers in respect of Adult Social Care Complaints when it is felt the risk of the complaint is significant. Over the coming year, the Centralised Complaints Team will be looking at ways to improve the quality and costs of independent investigations in conjunction with our colleagues in the NWLCM. We will also be looking at alternative options for independent investigations outside of the pool as there is no legal duty for Adult Social Care to conduct independent investigations. There will be considerations made in respect of sourcing alternative companies, arrangements with other local authorities or in-house investigations by another Business Unit.
- 11.8 The Care Act represents the most significant reform of care and support in more than 60 years, putting people and their carers in control of their care and support. During previous periods of restructure and change, Adult Social Care has seen increased activity in complaints, notably in 2011/12. It is likely that the Care Act reforms will impact on the number of complaints received throughout the next few years as the impact of the changes are recognised by the Council and as residents begin to test their entitlement to services through arenas outside of costly legal redress. Not only is an increase in numbers likely, but the nature of the complaints may change as both service users and social care teams begin to understand the impact of the reforms. The Complaints Team will continue to work with the CHASC Business Unit and the wider organisation to support effective local resolution and to drive forward learning as a result of those issues presenting in concerns and complaints. The increased entitlement to advocacy will impact complaint management significantly and it is imperative that we continue our work towards ensuring there are no barriers in hearing our most vulnerable residents. There is also the possibility that Part 2 of the Care Act will introduce an appeals system by which service users can appeal an array of decisions made in respect of their care with an element of independent review. We believe this will have significant cost implications if it is introduced next year in the form proposed and we are currently awaiting the Department of Health's response to the consultation on this matter.

12. Recommendations and Management Actions

- 12.1 To provide thorough responses and quality investigations.
- 12.2 To ensure staff members within your team attend the complaints training courses on an annual basis.

12.3 We will continue to train staff on how to recognise complaints, how to conduct complaint investigations and how to provide appropriate responses. This will lead to a consistent standard of customer service across Adult Social Care.

12.4 We will be considering the impact of The Care Act and how the implementation of an appeals process may affect complaint numbers and the Adult Social Care service.

Appendix 1

	No of Complaints				
	Older People	Physical & Sensory Disabilities	Learning Disabilities	Other ¹	Total
No. of complaints	42	15	10	1	68
Male	19	6	9	1	35
Female	23	9	1		33
White British	34	11	9	1	53
Any other White background	3	1			2
Indian (Asian or Asian British)	1				2
Pakistani (Asian or Asian British)		1			1
Other (Asian or Asian British)	2				2
Caribbean (Black or Black British)					
African (Black or Black British)					
Other (Black or Black British)					
Chinese					
Mixed White and Asian					
Mixed White and Black Caribbean					
Mixed White and Black African					
Gypsy/Roma	1				
Other ethnic group					
Not Stated	1	2	1		4

Commissioning and Service Improvement, Mental Health, Communications and finance. The figures may not correspond to complaints received figures as this data may not have been available in every case.

For context, approximately 62% of all known adult social care service users in 2013/2014 were female and 38% were male. This compares to 49% and 51% respectively for complaints received.

Approximately 84% of known service users considered themselves to be White British which is comparative to 78% of our customers during the same period. 3% of customers were white other compared to approximately 5% of known service users.

Approximately 7% of our customers classified themselves as being of Asian ethnicity whereas approximately 4% of known service users described themselves as being of Asian ethnicity. 7% of service users were of other known ethnicities compared to 1% of our customers.