

Adults and Family Wellbeing Social Care

Making Experiences Count-Annual Report 2015/2016

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 2015 to 31st March 2016 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 resolved locally 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 and 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 Corporate Complaints Manager.

3.3 The Adult Social Care complaints 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 Compliments and Complaints Team are alerted to compliments, they are unable to be centrally recorded. Overall 95 compliments were recorded during 2015/16. This figure compares with 61 in 2014/15 and 24 in 2013/14.

4.2 The majority of compliments we received were for the In Touch Service closely followed by the Community Response and Reablement Team.

4.3 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 and 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. The majority of the compliments related to the effectiveness of staff across all teams, which is something we should be proud of as an authority.

Compliments	
CR&R	16
OT	15
Hospital (Community)	10
Care Management (Aylesbury)	9
LD South	8
Care Management (Wycombe)	4
Care Management (Wycombe)	3

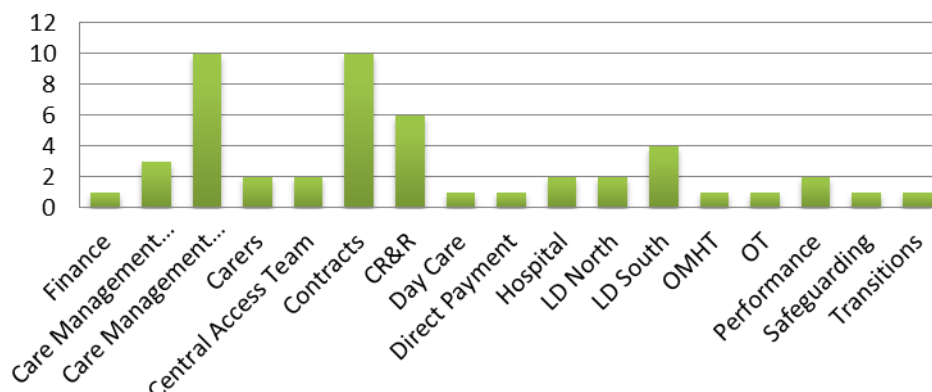
Commissioning	2
Hospital (Stoke M)	2
In Touch	23
LD North	2
Safeguarding	1
TOTAL	95

4.4 The following is a compliment received by a Care Worker.

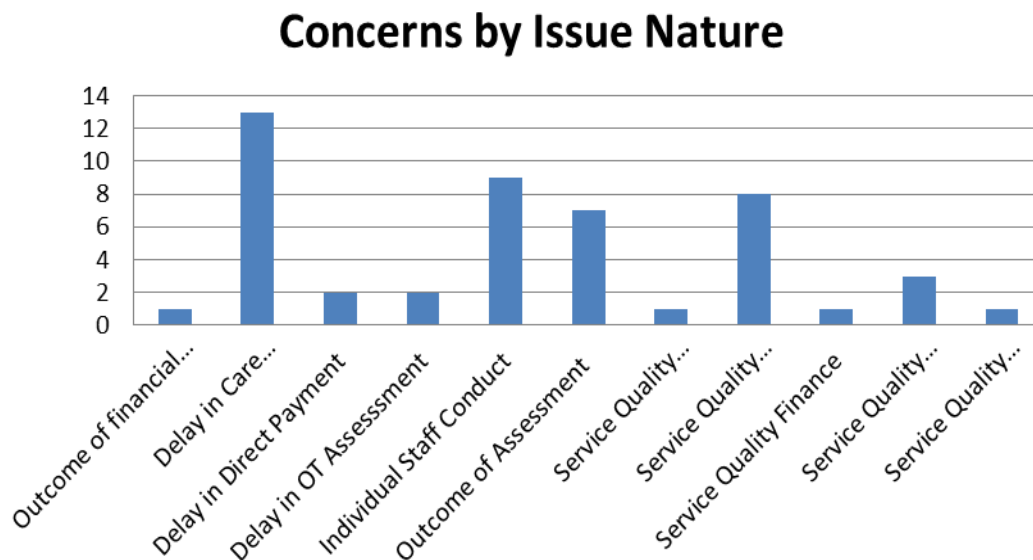
- *I would like to thank you so much for the help and support you have provided with regards to my parents. Having never been exposed to the requirements for social care before I can honestly say that it was daunting however, you have provided us with such peace. I really appreciate and value the way you have accommodated both my parents' needs so swiftly, professionally and seamlessly both with the respite care and for dad's return home.*
- *Your desire to understand and tailor the right resources for both mum and dad has been palpable, and I really value your compassion. You have been wonderful and I can't verbalise how appreciative I am, except to say please don't change anything about the way you work.*

5 Concerns Received

Concerns Received by Team



- 5.1 In previous years we have not provided a detailed analysis on the concerns that we have received, however because these are also expressions of dissatisfaction it is important that we consider any learning that may be identified as a result of these contacts.
- 5.2 During 2015/16 50 concerns were received by the Compliments and Complaints 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. 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. .
- 5.3 Most of these concerns were regarding issues with communication or delays which were immediately rectified between the Complaints Team and Adult Social Care. 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.
- 5.4 It is disappointing that only 50 were resolved locally. Adult Social Care are given the opportunity to resolve additional complaints within a 48 hour timeframe, however in the majority of these cases contact was not made with the customer and therefore they wanted to pursue their complaint. It is important that next year we emphasise the importance of first time resolution and encourage staff and particularly managers to talk directly to our customers and aim to resolve complaints locally. This will be more constructive for the customer and also members of staff within the service.



6 Complaints Received

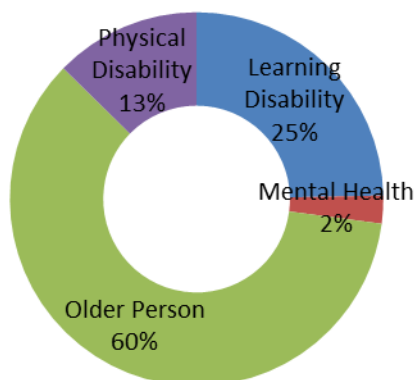
6.1 In 2015/16 we investigated 118 formal complaints; the corresponding figure for previous years is 68 in 2014/15 and 101 in 2013/14. We believe this increase is due to heightened awareness of the complaints process and also people's expectation since the Care Act was introduced in 2014. The Care Act outlines how local authorities should determine who is eligible for support; how local authorities should charge for both residential care and community care; and places new obligations on local authorities. With people being more aware of their rights they may expect additional help from local authorities hence why people have challenged the provision offered and service we have delivered.

6.2 Adult Social Care carried out 11,714 assessments (inclusive of assessments and reassessments) and they received 23,449 contacts in the year 2015/16. Of the recorded number of clients with whom contact was made during 2015/16, 0.71% contacted the Complaints Team dissatisfied with the service they were receiving, however only 0.50 % pursued their complaint through the statutory complaints procedure.

6.3 Overall there were a total of 168 contacts made by customers to the Complaints Team which is a slight increase on the amount from 2014/15, during which we received 162 contacts. Unlike previous years complaints have been continuously received throughout the year and there have not been any notable trends.

6.4 This year the complaint figures are considerably higher than last year. The number of overall contacts is similar to last year; however we have been less successful at resolving complaints locally as only 30% were resolved within the 48 hour time period compared with 58% during 2014/15.

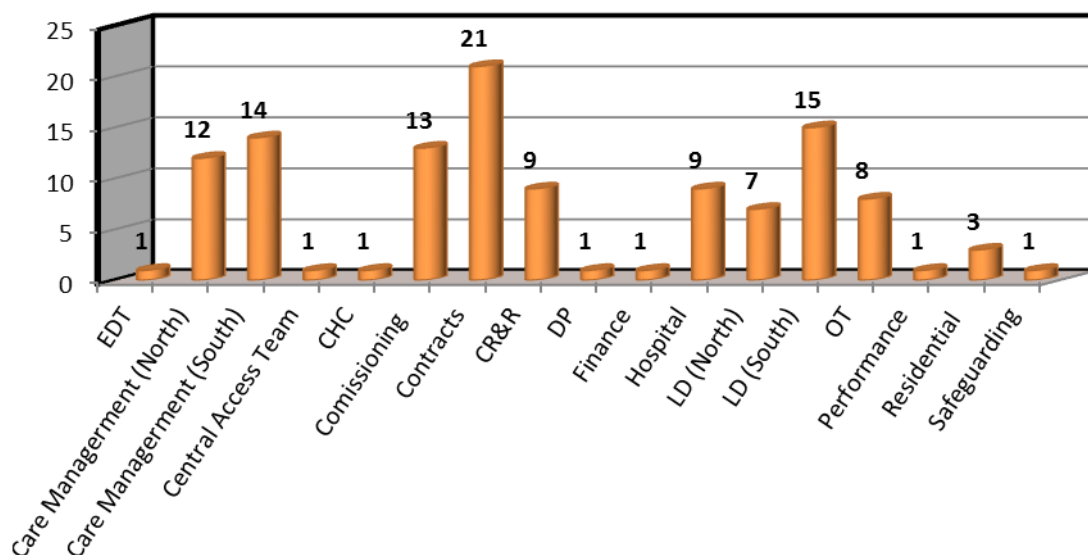
Complaints received per Client Group



6.5 The 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.

6.6 Next year the Complaints Team will be using a new database to record and manage complaints. We hope that with this new system, we will be able to provide a more constructive evaluation to evidence what complaints we receive from each client group and also include a breakdown to detail clients' sex and ethnicity. This information may help us to identify if there is a specific client group that we receive complaints from and also help to recognise if there is a group that we are potentially not hearing from.

Complaints Received by Team.

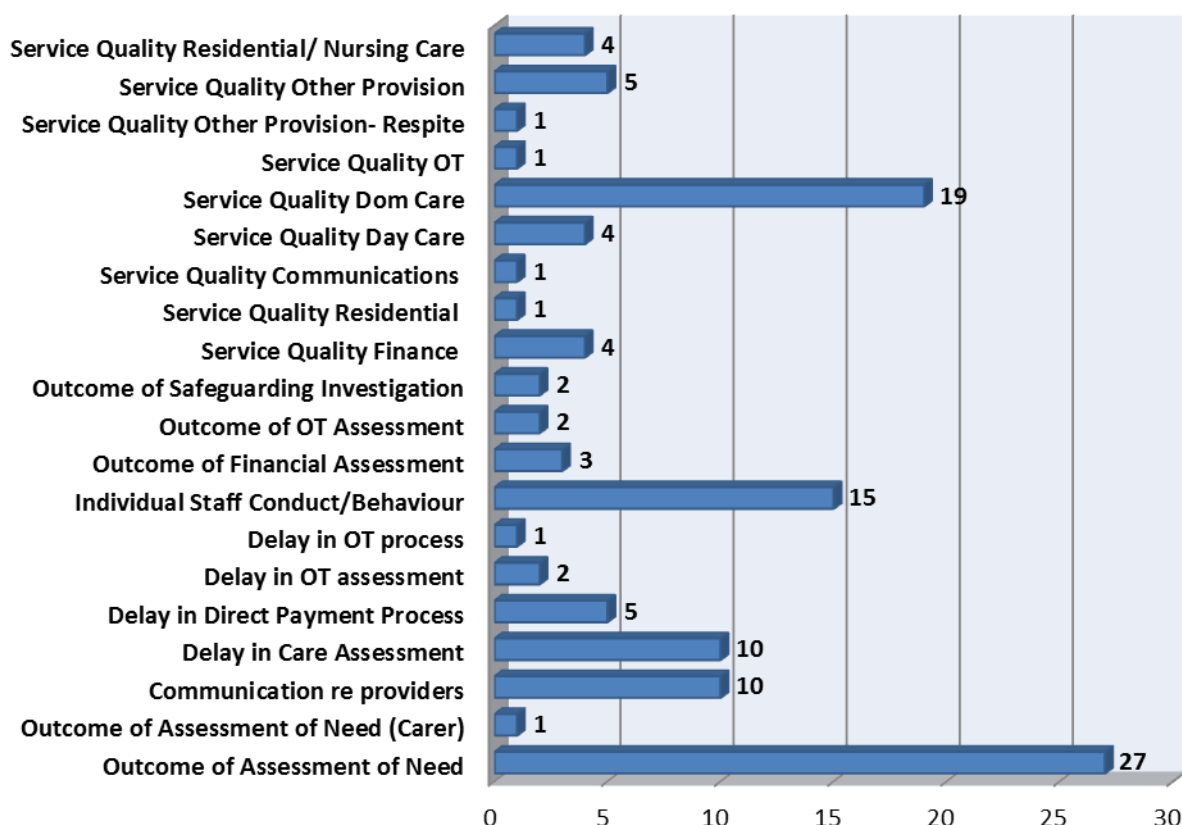


6.7 The graph above shows that the Contracts Team received the highest number of complaints over the past year. These complaints generally related to the timeliness of carers and the service they provided when attending to service users. The Learning Disability Team also received a substantial amount of complaints, mostly relating to the length of time service users were waiting for an assessment or challenging the

outcome of an assessment. Care Management in the North and South also received a high volume of complaints during 2015/16 because they were challenging assessments or had concerns about an individual's behaviour or conduct.

7 Complaints Analysis

Complaints by Issue Nature



7.1 There were a number of notable complaint issues that arose regarding Adult Social Care services in 2015/16, which are highlighted in the table above.

7.2 The highest proportions of our complaints were in relation to care assessments and these have been closely linked to placements offered by Care Management Teams. We have had a high number of complaints from relatives and service users unhappy with the care/nursing homes offered because they had another preference or they believe that their loved one is not receiving the appropriate care they need. It is important to set realistic expectations to both our clients and family members. This includes giving clear precise information regarding finances and making customers aware that they may be required to pay a client contribution or provide financial assistance in some way to receive care from the authority. Over the year clients or their representatives have challenged the contribution they are required to pay because they were not fully informed when agreeing to a placement or support offered by Adult Social Care. We must ensure as a service that we provide a clear explanation on the service and procedures that we follow and presume that service users are unfamiliar with our processes.

- *I had to wait three months to get the requested report, by which time, my condition had deteriorated to such an extent that I was forced to take action on my care regime without the benefit of the advice that I had hoped would be contained in my report. When I finally got the report I found that there were judgemental statements scattered throughout the document and no indication was given to how 'Mrs X had some substantial needs' might be met. The Assessors Summary stated that 'further information and advice given'- I have no recollection of having been given any advice at all. The section entitled 'analysis of information gathered' has been left blank and hence has been of no help to me, 'needs' has been left blank, including the sub-section entitled 'Actions Required'. Had these been filled in they would have had the potential to provide the help I needed but, alas, this was not the case.*
- *My sister has been a resident at this home for years, it is her home, and it is where her friends are. She is about to be moved away, where she knows no one at all. I understand Councils have to save money, but she is very vulnerable and I feel she will deteriorate very quickly. I am concerned she will not have necessary help and interaction because this care home will be on the cheap.*

7.3 The delivery of care to clients within their homes led to a number of complaints this year. In some circumstances, customers had already pursued a complaint with the provider through their own complaints procedures, however remained unhappy with their response, therefore contacted our team to request their concerns be 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.

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 responsible. 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 responsible. During the second half of 2016 the corporate Contract Management Application will be upgraded to include the recording of complaints received by contracted services. This will provide a broader picture than ever before of complaints received

Over the last year we have received a high volume of complaints relating to the service clients have received from our domiciliary agencies. The majority of the complaints related to missed calls or late visits and therefore customers were requesting to be refunded for a service they had paid for and not received. On occasions, money has been returned to clients to acknowledge the poor service they have received. As a result of these complaints we encourage the Contracts Team to monitor their providers more closely.

An example of a Contracts complaint is detailed below.

- *We have had assistance for my father in the morning at the time he requires just 3 times in the last two weeks. Each time the carer has arrived between 8.40 and 11.30 am. They are supposed to come here between 6.30 and 7.00- am. They have now removed the previous sheets from the booklet that would confirm these records presumably to remove the proof of lack of service. For almost a year we have had only a few occasions when someone has not come at the agreed time. As we are no longer receiving the desired service could you please arrange a refund of the moneys we are paying for the services we are not receiving*

7.4 We received a high amount of complaints as a result of the retender of our domiciliary providers. As a result of this change some clients requested to receive a Direct Payment to allow them to continue receive care from their current agency, however due to the increase there was a 6-8 week delay- which inevitably caused further complaints.

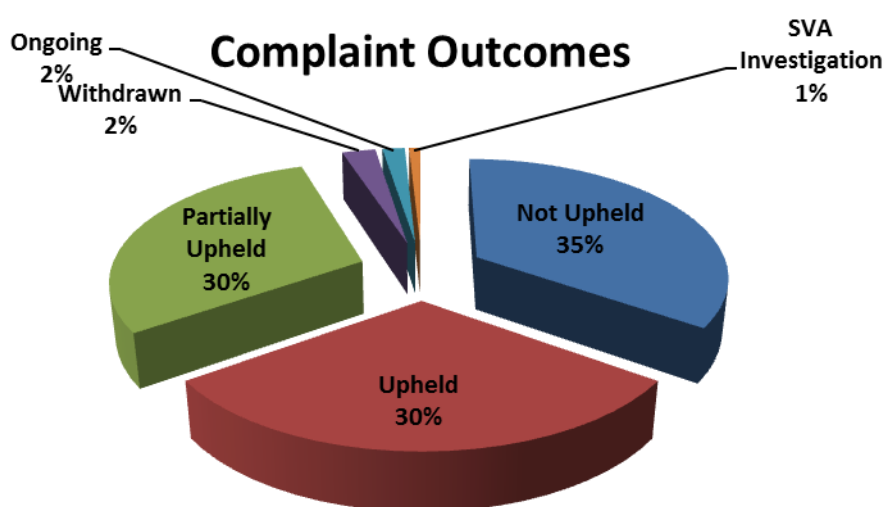
We also received a number of complaints because correspondence regarding the retender was sent out to clients who the change did not apply to. This caused considerable concern to those who received the letters because these were sent directly to the client. Family members contacted the Complaints Team to ascertain what the authorities intentions were and to contest this decision.

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

- ✓ Customers would contact our team if calls or emails were not being returned by a worker or if they were not being provided with clear information or direction about a loved one's care. This is a particular area where managers should take ownership of the situation and contact the customer within the 48 hour time period to try to resolve any immediate concerns and appease the situation.
- ✓ There were occasions when during the assessment process we should have included the client's support network to assist us in making decisions about the client. Inviting family members into the process would have improved communication and also improved their customer journey. It is essential that we also liaise with the care homes/placements where service users are residing to ensure all parties are aware of upcoming meetings. This will allow us to seek the opinions of those who are familiar with the service user and can provide an overall insight in the client's welfare.
- ✓ We have teams across the service working below capacity and we must ensure that appropriate measures are in place to cover staff absence and that work is reallocated where necessary. When staff are absent or out of the office workers should have an alternative number for the customer to contact and inform them of any absence e.g. annual leave.
- ✓ It is essential that if further correspondence is received 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.

- ✓ We must ensure carers are receiving the support they are entitled to. For example, carers assessments must be considered where applicable and also make sure that there are no complications when arranging respite for service users. Over the year carers have been unhappy with the arrangements for a loved ones respite and have then been hesitant or unhappy to welcome further assistance in the form of respite.
- ✓ 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 a domiciliary provider.

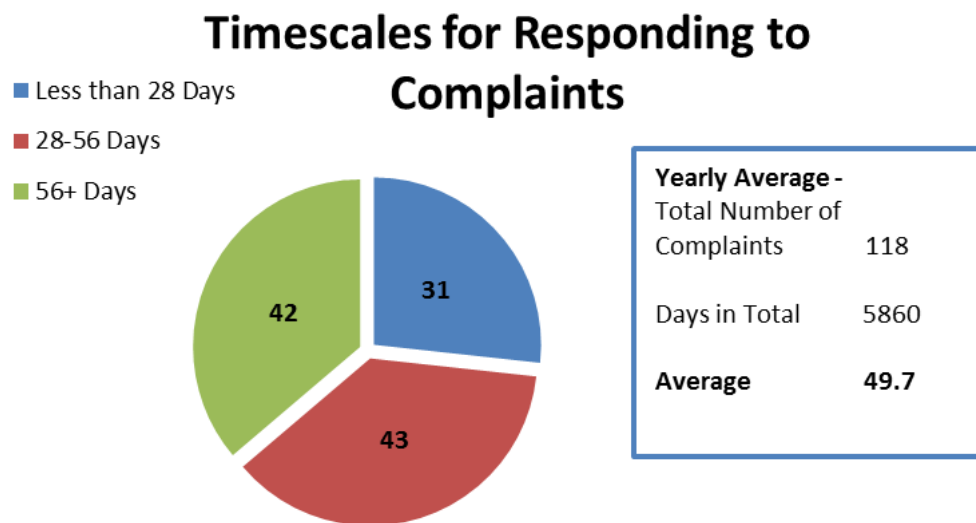
8. Complaints Outcomes



8.1 As demonstrated by the pie chart above, a third of the complaints were unfounded, however learning should be considered for all complaints that we receive whether upheld or not.

8.2 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. Complaints should be a valuable way to measure the effectiveness of the services provided to our customers. 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

9. Timescales for responding to complaints



9.1 During 2015/16, the average response time for managing Adult Social Care complaints was 49.7 days. This is a decrease on the time taken in 2014/15 which was 54.25; we have however had a larger number of complaints to consider this year and this will affect the overall average response time.

9.2 Even though the response time has reduced, this is still in excess of our internal 28 day timescale which we should be aiming towards. 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, however we should still aim to respond to customers within 28 days, which is the timeframe we have agreed internally for non-exceptional circumstances.

10. Enquiries from Member of Parliament

10.1 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 2015/16 there were 39 enquiries from Members of Parliament recorded by the Compliments and Complaints Team.

11. Local Government Ombudsman

11.1 In 2015/16 the Local Government Ombudsman carried out 4 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 2 were upheld.

11.2 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 complaint was upheld due to the Council's failure to respond to the customer about the decision to hold back some of the direct payment to fund the day centre that complainant's Mother attends twice a week. As a result of the Local Government Ombudsman's findings, we agreed to apologise for our failings and offer a time and trouble payment.
- The second complaint that was upheld was a multi-agency complaint between the Local Authority and Health. The Local Government Ombudsman found fault in the communication between the Council and NHS commissioners which related to a client's funding. As a result of this complaint we apologised to the family and reviewed our dispute resolution process.

12. Review of past year and future plans

- 12.1 The Compliments and Complaints Team launched a governance strategy with Adult Social Care on 1st June 2015; however we did not receive any forms back from the service. We relaunched this method of reporting on 1st April 2016. It has been agreed that those responsible for investigating the complaints will provide regular feedback to the Compliments and Complaints team on actions taken following complaints. In next year's report we would like 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. We can only achieve this with the support of Adult Social Care reporting identified learning to the Compliments and Complaints Team.
- 12.2 During 2016/17 we will be looking 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 and setting individual timescales for resolution.
- 12.3 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.
- 12.4 In addition, we are looking at providing training on complaint investigation and responses and hope to come up with a delivery plan shortly.
- 12.5 The Compliments and 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.
- 12.6 The government is delaying its flagship policy to cap social care costs under the Care Act and the appeals process until April 2020. We are currently waiting on further information from Department of Health on this matter.

13. Recommendations and Management Actions

- 13.1 To provide quality responses that meet the corporate requirements and carry out thorough investigations.
- 13.2 To ensure officers in your team attend the complaints training courses on an annual basis.
- 13.3 To focus on resolving complaints locally within the 48 hour period.
- 13.4 We will continue to train staff on how to recognise complaints, how to conduct complaint investigations and how to provide appropriate responses. This should lead to a consistent standard of customer service across Adult Social Care.