

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ADULT SOCIAL CARE & HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	13 DECEMBER 2016	AGENDA ITEM:	21
TITLE:	ANNUAL COMPLAINTS REPORT 2015 - 2016 FOR ADULT SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR EDEN	PORTFOLIO:	ADULT SERVICES
SERVICE:	ADULT SOCIAL CARE & HEALTH	WARDS:	BOROUGHWIDE
LEAD OFFICER:	NAYANA GEORGE	TEL:	0118 937 3748
JOB TITLE:	Customer Relations Manager	E-MAIL:	<a href="mailto:Nayana.george@reading.gov.uk">Nayana.george@reading.gov.uk</a>

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Adult Social Care recognises that there will be occasions when things do go wrong and complaints are made. This short report tells you how many complaints were received in 2015/16 and were dealt with using either the Council's Corporate Complaints Procedure or the Statutory Complaints Procedure for Adult Social Care. It also summarises the main types of complaints we have received and gives some examples where we have improved as a result of learning from these complaints.
- 1.1 The purpose of this report is to provide an overview of complaints activity and performance for Adult Social Care for the period from 01 April 2015 to 31 March 2016.
- 1.2 A summary of Adult Social Care Complaints 2015/16 - is at Appendix A. This will also be made publicly available through the Council's website from 14 December 2016.

2. RECOMMENDED ACTION

- 2.1 That the Committee notes the contents of the report.

3. POLICY CONTEXT

- 3.1 Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Require that Local Authorities operate the procedure. In September 2009, the Department of Health introduced a new complaint procedure to cover both adult social care and health services. This meant a 3 stage complaints procedure became a 1 stage complaints procedure. Following investigation of the complaint by the Council, if the complainant is not satisfied with the outcome the complainant is advised to contact the Customer Relations Manager, to share their concerns

with a view to possibly reviewing them with a senior manager or proceed to the Local Government Ombudsman.

- 3.2 Complaints relating to Adult Social Care that fall outside of the scope of the statutory process are investigated in accordance with the Council's Corporate Complaints Procedure.

#### **4. ACTIVITY**

- 4.1 The Council operates a 1 stage complaints procedure in respect of statutory complaints about Adult Social Care made by 'qualifying individuals', as specified in the legislation. Qualifying individuals are defined in national guidance as the Service User or their appointed representative which can be a family member, friend or Advocate. The timescale for responding to complaints is between 15 working days and 3 months depending on the seriousness of the complaint. The guidance provides a risk matrix to assist the Customer Relations Manager, who is the designated Complaints Manager for the Council, to assess the complaint.

Reading Borough Council's Corporate Complaints Procedure gives an opportunity for those who are not 'qualifying individuals' under the social services legislation, to still be able to complain about Adult Social Care.

#### **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The Complaints Service provided by the Customer Relations Team contributes to the Service's aims to enhance emotional wellbeing and deliver outstanding services for service users who may be dissatisfied with the Adult Social Care service and those needing protection through Adult Safeguarding. It does this by providing impartial and supportive service to service users and their families who wish to complain or raise a concern and ensuring that there is learning from complaints.

#### **6. COMMUNITY ENGAGEMENT AND INFORMATION**

- 6.1 Information about the complaints process is provided verbally to service users via the Social Care Teams as well as the Customer Relations Team. Leaflets on the procedures are also widely distributed by the Social Care Teams and available in a variety of formats and languages on request.
- 6.2 Service users are reminded of their right to complain and a leaflet is given out when the social worker first meets with them. Service users and/or their representative can also register a complaint via the web, e-mail direct to the Customer Relations Team, in person, by phone, in writing or via an advocate.
- 6.3 Translation services are provided for complainants whose first language is not English and advocacy support is available for those people who wish to make a complaint.

#### **7. EQUALITY IMPACT ASSESSMENT**

- 7.1 The Customer Relations Manager will ensure that the statutory complaints process is accessible to all customers regardless of their race, gender, disabilities, sexual orientation, age or religious belief.

7.2 The statutory complaints process is designed to ensure that any concern or issue faced by the service user or their representative addressed in a timely and impartial manner.

**8. LEGAL IMPLICATIONS**

8.1 The Statutory foundations for the Adult Social Care Services Complaints Procedures are The Local Authority Social Services Act (1970), The Human Rights Act (1998), Statutory Instruments 2009 No.309 National Health Service, England Social Care, England. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

**9. FINANCIAL IMPLICATIONS**

9.1 There are no Capital or Revenue implications arising from this report.

The Council's Customer Relations Team provides value for money in effectively discharging the complaints process for the Council by attempting informal resolution of complaints.

There are no specific financial risks arising from this report.

**10. BACKGROUND PAPERS**

10.1 Department of Health, Advice Sheet for Investigating Complaints - Listening, Responding, Learning.

## ADULT'S SOCIAL CARE COMPLAINTS 2015/16 SUMMARY REPORT

### Introduction

This is a summary report of the data for complaints received by Adult Social Care for the financial year 2015/16.

The Council welcomes feedback through the complaints process which, as well as providing the opportunity to identify where services have not been provided as they should be, also provides customer insight and helps identify any deficiency in practice, policies and procedures. It is from these that the Service and those who work in it can continue to learn and improve practice and service delivery.

### Statutory Complaints Procedure

General complains about Adult Social Care received from Service Users or their approved representatives (Family Member, Advocate or Power of Attorney) are dealt with through the statutory procedure. This will be one investigation by a senior officer in the relevant service area (Team Manager) and then signed off by either a Service Manager or Head of Service.

At the Complaint's or their representative's request, an external, independent investigator can be appointed to investigate if the Customer Relations Manager deem the complaints to be at medium or high risk. The Following Risk Matrix is used to assess the complaint.

### Risk Matrix

This matrix will be used by the Customer Relations Manager in confirming the level of Risk once an expression of concern is being considered within the formal complaints procedure.

		LIKELIHOOD OF RECURRENCE				
		RISK	Rare	Unlikely	Possible	Likely
SERIOUSNESS	Low	Low	Low	Low	Moderate	Moderate
		Low	Moderate	Moderate	High	High
	Moderate	Low	Moderate	High	High	Extreme
		Moderate	Moderate	High	High	Extreme
	High	Moderate	High	High	Extreme	Extreme
		Moderate	High	Extreme	Extreme	Extreme

## Time Limits

Level of Risk	Maximum Time Limit for Completion
Immediate resolution	1 working day - confirm outcome
All accepted as formal complaints	Acknowledge within 3 working days
Low	15 working days
Moderate	25 working days
High	65 working days
Extreme	Up to 6 months

If the complainant feels that the issues they have raised remain unresolved, they have the right to request a meeting with the Service Manager/Head of Service and the Customer Relations Manager or refer their complaint to the Local Government Ombudsman.

The Statutory Complaints process encourages the complainant and the Local Authority to consider resolving a complaint or concern informally through a face to face meeting or telephone discussion. It is the complainant's right to request the presence of the Customer Relations Manager at any face-to-face meeting.

Some complaints may require immediate action including whether the matter should be considered as a **Safeguarding** issue. If it is a safeguarding issue, the relevant procedures would take precedence over the complaints procedure.

## Corporate Complaints Procedure

The Corporate Complaints Procedure deals with complaints which do not meet the criteria for investigation through the Statutory Procedure (for example the complaint is made by a Provider or a family member who do not have consent from the Service User to make the complaint) and is a two stage process. The first stage provides an opportunity for a local resolution of any problems which may arise and it is expected that the majority of complaints will be sorted out at this level, usually within 20 working days or less. Where the problems cannot be resolved to the complainant's satisfaction at a local level, stage 2 of the process involves the investigation of the complaint by a more senior member of staff, usually within 30 working days or less and with a formal sign off by the Head of Service.

Where the complainant feels that the issues they have raised remain unresolved, they have the right to refer their complaint to the Local Government Ombudsman.

## Summary of Compliments and Complaints Activity, Quality Assurance & Learning

This report details information for the past year together with analysis of the data, quality assurance and information on service developments as a result of learning from complaints.

Under the current monitoring system, information about complaints received directly by teams is reported to the Customer Relations Manager upon receipt. This is to ensure that the Customer Relations Manager is aware of all current complaints in

order to monitor their progress and highlight cases that can be resolved through Alternate Dispute Resolution (ADR) to Team Managers and senior staff.

## Corporate Complaints

### Total Number of Corporate Complaints Received 2013 - 2016

	Total No. Received	Stage 0	Stage 1	Stage 2
2013/14	2	2	0	0
2014/15	12	3	9	0
2015/16	29	8	20	1

**Note:** We received 4 requests for a Stage 2 investigation in 2015/16. However, 3 of these are not included for the purposes of these statistics, as they are duplicates of the Stage 1 requests. 1 complaint was dealt with directly at Stage 2, without a Stage 1 investigation being carried out, so this has been included.

### Outcomes for complaints investigated formally in 2015/16

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcomes	Withdrawn
5	3	6	2	3	2

### Timescales for those investigated in 2015/16

In Timescale	Over Timescale
16	3

### Spread of Complaints across Teams in 2015/16

Adult Disability = 3  
 Contracts & Commissioning = 2  
 Financial Assessments & Benefits = 3  
 Income & Assessment = 1  
 Intermediate Care = 7  
 Long-Term Support = 5  
 Personal Budget Support = 4  
 Private Sector Housing = 2  
 Safeguarding = 2

### Themes

Carer = 1  
 Communication = 4  
 Financial Issue = 10  
 Process = 1  
 Repairs = 2  
 Service Provision = 11

### Category of Complainant

Carer = 1  
 Learning Disabled = 4  
 Older (Over 65) = 19  
 Physical/Sensory Disability = 5

### How Was Complaint Received

E-mail = 5  
 Letter = 4

Telephone = 16  
Webform = 4

## Statutory Complaints

### Total Number of Statutory Complaints Received in 2013 - 2016

	Total No. Received	Stage 0	Stage 1
2013/14	80	37	43
2014/15	45	14	31
2015/16	86	33	53

### Outcomes of complaints investigated formally in 2015/16

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcome	Withdrawn
10	12	9	11	8	3

### Timescales in 2015/16

In Timescale	Over Timescale
23	27

**Note:** The statutory complaints above, we worked to an initial 15 working day response date extending to no more than 20 working days. Over 50% of the complaints went over the 15 days due to a number of reasons, including staff who had to be interviewed being out of the office and an outcome could not be reached until they were spoken to or because the complainant was unable to meet with the Investigating Officer's in time to complete the investigation. In any event the Customer Relations Team ensures the complainant is kept up to date with changes to timescales and the reasons for this.

### Spread of Complaints across Teams

Adult Disability = 8  
Charles Clore Court = 1  
Community Mental Health = 11  
Community Reablement = 1  
Contracts & Commissioning = 6  
Entitlement & Assessment = 1  
Financial Assessments & Benefits = 4  
Intermediate Care = 10  
Learning Disability = 8  
Long-Term Support = 17  
Personal Budget Support = 16  
Shared Lives = 1  
The Willows = 2

### Themes

Carer = 4  
Communication = 13  
Delays in Processing = 2  
Financial Issue = 19  
Level of Care = 7  
Placement = 1  
Safeguarding = 1  
Service Provision = 30  
Staff Conduct = 9

### Category of complainant

Carer = 10

Learning Disabled = 12

Mental Health = 6

Older (Over 65) = 39

Physical/Sensory Disability = 19

### How Was Complaint Received

E-mail = 14

Feedback Form = 1

In Person = 2

Letter = 39

Telephone = 26

Webform = 4

## Learning from Complaints

Complaints and concerns provide essential and valuable feedback from our clients and customers. Listening to customers and reflecting on examples of where we have not got it right can reveal or highlight opportunities for improvement (for example, a deficiency in practice, communication or service delivery). Even if a complaint is not upheld, lessons can be learnt from that complaint with service developments and improvements as a result. The complaints process and the feedback gained is an integral part of the quality assurance process, which feeds into the development and monitoring of services. Learning from complaints should be reviewed by Social Care teams regularly at their team meetings. Below are some examples of learning from complaints in the past year.

Complaint regarding the inaccurate reconciliation of invoice for deceased relative, this invoice was also addressed to the deceased and was submitted with the inaccurate date of death.

- Personal Budget Support Team (PBST) to ensure to check for accuracy the invoices being sent out to the families of deceased service users also that these are addressed correctly. It is the PBST's responsibility to ensure accuracy of information sent out.

Several other complaints received about inaccurate reconciliation of invoices coupled with lack of customer service to clients and family members when they called the PBST.

- To prevent invoice errors and ensure an accurate reconciliation, the teams must follow the process that PBST have implemented. It was specifically designed as PBST identified this as an area of work that needed improvement.
- Addressed with staff at team meetings and supervision sessions: The conduct of all staff must be professional at all times when dealing with customers and colleagues.
- Correspondence to all service users and families must be presented in a succinct and factual manner.



The complainant was about initial delay by the Single Point of Access Team (SPoA) in contacting a customer to discuss her concerns. The complaint was partially upheld as most calls were responded to within 24 hours. But there was an unacceptable delay initially with this particular case. However this was poor customer care and falls short of the high standard we expect

- SPoA to ensure all new contacts are called back within 24 working hours by managing their contact inbox. Vacancy for Advisory Officer filled to assist with this.

Complaint received about the process of moving client without discussion with and, involvement of the family and, about incomplete information provided to the family.

- Develop a shared written agreement about best practice in working with service users and their families to achieve a good transition from one service to another. This agreement is then to be used as a 'checklist' to support practice around this important matter.

## **Benchmarking**

Attempts to collate information from our neighbouring authorities have proven to be difficult over the years. This has been attempted through the Southern Regional Complaints Managers group which the Customer Relations Manager is a member of, as such this information cannot be provided within this report.

## **Quality Assurance**

The Customer Relations Team carries out checks of all complaint responses to ensure the quality of the response and that the language and terminology used is made easy for the complainant to understand, particularly if the complainant has a disability. We have on occasion asked the investigating officer to translated reports and responses into Easyread.

Statistics indicate 100% of responses were checked by the Customer Relations Team before being sent out. The Customer Relations Manager and her Team are also available to the complainant and the investigator for advice on best practice during the complaint investigation, but remain impartial.

The Customer Relations Manager will deliver training on investigating and responding to complaints on request. The Corporate Complaints Procedure is available on-line. The Adult Social Care statutory procedure is in the process of being made available on-line also. The Customer Relations Manager also attends Team Meetings to provide training and advice to Team and Service Managers.

The Customer Relations Team has also improved processes to ensure upcoming responses are discussed and monitored at weekly meetings. The Social Care staff are in more regular contact with the Customer Relations Manager and her team and are aware of their processes which has led to improved joint working for the benefit of the complainant.

## Support Network

The Customer Relations Manager is the Vice Chair and participates in the Southern Region Complaints Managers' Group, which continues to support Customer Relations and Complaints Managers in sharing good practice, both nationally and locally. Where cases are complex the Customer Relations Manager often seeks advice and guidance from Legal Services and the Local Government Ombudsman's advice line.

## Local Government Ombudsman

Between 1 April 2015 and 31 March 2016 the Local Government Ombudsman (LGO) received 3 representations from dissatisfied service users for issues relating to Adult Care & Health Services. Of these 3 cases, 1 had not been through the Council's Complaints Procedure, so was rejected by the LGO as a premature referral. The other 2 were both rejected by the LGO as the Council having no case to answer and so were not investigated.

## Compliments

The Customer Relations Team owns the logging of compliments for the Council as a whole. Staff are reminded and encouraged to pass on all compliments to the Customer Relations Team's generic mailbox.

In the year 2013/14 Adult Social Care received 104 compliments, in 2014/15 this reduced considerably to 38 and rose again to 124 compliments between 1 April 2015 and 31 March 2016. These were received by the following Teams in 2015/16:

ASC in general	-	10
Commissioning	-	3
Community Reablement	-	80
Disabled Adults	-	7
Intermediate Care	-	10
Long-Term Support	-	9
The Avenue Centre	-	1
The Maples Centre	-	2
The Willows	-	2

## Contact Information: How to make a complaint

Some complaints can be sorted out by discussing your problem with your Social Worker or a manager. If you want to make a complaint, you can contact the Council by phone, letter, in person or by email. Telephone the Customer Relations Manager (Complaints & Representations) on 0118 937 2905 or e-mail:

[Socialcare.Complaints@reading.gov.uk](mailto:Socialcare.Complaints@reading.gov.uk). If you wish to make your complaint to us in writing, our address is: The Customer Relations Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU. Your complaint will be recorded and if we cannot sort out the problem immediately it will be passed for further investigation and action. The Customer Relations Team can take your complaint over the telephone and explain the complaints procedure in more detail or send you a leaflet explaining how to complain. The leaflet is also available in Council buildings or via the Council's website. You can also use these contact details to tell us if you have a concern (but do not want to make a complaint) or if you want to make a compliment about a service.