

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ADULT SOCIAL CARE & HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	11 DECEMBER 2018	AGENDA ITEM:	10
TITLE:	ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2017 - 2018 FOR ADULT SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR JONES	PORTFOLIO:	ADULT SERVICES
SERVICE:	ADULT SOCIAL CARE & HEALTH	WARDS:	BOROUGHWIDE
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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 2017/18 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 and compliments activity and performance for Adult Social Care for the period from 01 April 2017 to 31 March 2018.

1.2 A summary of Adult Social Care Complaints and Compliments 2017/18 - is at Appendix A. This will also be made publicly available through the Council's website from 12<sup>th</sup> December 2018.

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.

3.2. Compliments can be an indicator of when the Council has performed well and can highlight the positive outcomes of the public who are in contact with us or that we provide a service to.

#### 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 and complexity 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 or compliments 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 or make a compliment 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/compliments 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 is 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.

## APPENDIX A

# ADULT'S SOCIAL CARE COMPLAINTS & COMPLIMENTS 2017/18 SUMMARY REPORT

## Introduction

This is a summary report of the data for complaints/compliments received by Adult Social Care for the financial year 2017/18.

The Council welcomes feedback through the complaints/compliments 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 Complainant's or their representative's request, an external, independent investigator can be appointed to investigate if the Customer Relations Manager deems 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				
		Rare	Unlikely	Possible	Likely	Almost certain
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 resolved 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 - 2018

	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
2016/17	5	3	2	0
2017-18	7	3	4	0

### Outcomes for complaints investigated formally in 2017/18

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcomes	Withdrawn
0	2	2	0	0	0

### Timescales for those investigated in 2017/18

In Timescale	Over Timescale
2	2

### Spread of Complaints across Teams in 2017/18

Team	Number	% of Total
Income & Recovery Team	1	14.3%
Long-Term Support	4	57.1%
Preventative Services	1	14.3%
Safeguarding	1	14.3%

### Themes

Theme	Number	% of Total
Communication	1	14.3%
Policy Issue	2	28.6%
Service Provision	2	28.6%
Staff Conduct	2	28.6%

### Category of Complainant

Category	Number	% of Total
Carer	1	14.3%
Older (Over 65)	2	28.6%
Physical/Sensory Disability	4	57.1%

### How Was Complaint Received

Method	Number	% of Total
E-mail	1	14.3%
Letter	2	28.6%
Telephone	2	28.6%
Webform	2	28.6%

## Statutory Complaints

### Total Number of Statutory Complaints Received in 2013 - 2018

	Total No. Received	Stage 0	Stage 1
2013/14	80	37	43
2014/15	45	14	31
2015/16	86	33	53
2016/17	62	20	42
2017/18	77	22	57

### Outcomes of complaints investigated formally in 2017/18

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcome	Withdrawn
15	6	12	5	12	7

### Timescales in 2017/18

In Timescale	Over Timescale
19	31

**Note:** The statutory complaints above, we worked to an initial 15 working day response date extending to no more than 20 working days.

### Spread of Complaints across Teams

Team	Number Received	% of Total
Adult Disability	8	14%
Commissioning	2	3.5%
Community Mental Health	1	1.75%
Financial Assessments & Benefits	3	5.3%
Intermediate Care	20	35.1%
Long-Term Support	18	31.6%
Personal Budget Support	4	7%
The Willows	1	1.75%

### Themes

Theme	Number	% of Total
Carer	1	1.75%
Communication	11	19.29%
Financial Issue	15	26.3%
Lack of Response	1	1.75%
Lack of Support	2	3.5%
Level of Care	5	8.8%
Policy Issue	1	1.75%
Service Provision	18	31.6%
Staff Conduct	3	5.26%

## Category of complainant

Category	Number	% of Total
Carer	16	28.1%
Learning Disabled	7	12.3%
Mental Health	2	3.5%
Older (Over 65)	19	33.3%
Physical/Sensory Disability	13	22.8%

## How Was Complaint Received

Method	Number	% of Total
E-mail	21	36.8%
Feedback/Complaint Form	1	1.75%
Letter	15	26.3%
Telephone	17	29.8%
Webform	3	5.3%

## Learning & Service Improvements following Complaints received

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 along with key service improvements as a result of complaints received.

Complaint: An application to renew a Blue Badge on grounds of social rather than physical disability was declined.

### Learning:

The Council's policy on eligibility for Blue Badges was found to be unclear in such cases.

A review of the Blue Badge policy was carried out and the policy amended.

### Complaint:

The process of receiving confirmation that an individual had received funding for a package of support, to enable them to attend University, specific to the Eligibility Risk and Review Group.

### Learning:

Lack of staff knowledge and application of legislation - training from legal services arranged for staff via briefings sessions, completed around statutory

guidance and application. Improved recording of outcomes and feedback from the Eligibility, Risk and Review Group to staff.

#### Complaint:

Lack of communication and support from Adult Social Care with identifying and commissioning alternative accommodation for an individual with identified care and support needs.

#### Learning:

Individuals and their families require regular contact and feedback about progress made by social care practitioners regarding their involvement. This differs with each individual, preferred route for communication to be established at the start of the relationship.

#### **Service improvements:**

Locality Team - the Adult Disability Team and the Long Term Team amalgamated to form one team which supports individuals with a variety of different needs, which include older adults, adults with a learning disability and or with a physical disability. This has enabled the workers to develop a variety of skills and identify areas of expertise and provide an improved service for our customers.

The teams are all now based in the Avenue Centre along with the Short Term Team. This has improved internal communication which has supported the transfer of work across the teams.

Focus House - The outcome of the consultation was for the service to remain and transfer from Residential and Supported Living to Supported Living.

A user group was set up which included Service Users as members which ensured that the transfer was progressed and communicated with minimal disruption. This has been a positive step within the service and ensures that the service is outcome based, continuing to support individuals to independence.

Delayed Transfer of Care - After the implementation of the changes to the hospital discharge pathway there have been significant improvements in the delayed transfers of care which has resulted in an improved customer journey through timely hospital discharges. This has ensured that individuals are in the right place at the right time and receiving the right support.

#### **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 translate 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 the 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 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**

The Local Ombudsman's role is to investigate complaints about maladministration or administrative fault that lead to injustice for the complainant. In some complaints the Local Ombudsman may find evidence of administrative fault but no resultant injustice. The Local Ombudsman should not investigate complaints about policy changes where the decision has been properly made.

Between 1 April 2017 and 31 March 2018 the Local Government Ombudsman (LGO) received 11 representations from dissatisfied service users for issues relating to Adult Care & Health Services, this is 7 more than the previous year. Of these 11 cases, 6 had not been through the Council's Complaints Procedure, so were rejected by the LGO as premature referrals. 2 were investigated and upheld and the other 3 were closed with no further investigation required.

### **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 2017/18 compliments were received by the following Teams:

Adult Disability	-	7
Community Reablement Team		16
Intermediate Care	-	20
Maples Centre	-	1
Safeguarding	-	1
Single Point of Access	-	3

The following are some examples of compliments received:

### **Adult Disability Team**

Well Done, This is to make you aware on how impress we are about the changes in TS care

Just wanted to say, thanks for all the care and support you have given

I would also like to complement you on having MF in your team, you really should clone her, she's professional, caring, empathetic, intelligent, has integrity and worth her weight in gold and it has been an absolute pleasure to work with her.

### **Intermediate Care Team**

JS did brilliantly on this one - persevered and kept going.

Used negotiating skills to achieve what we haven't been able to before

### **The Maples - Day Centre**

Thank you to everyone at Maples Daycare for looking after Mum during her weekly visits. You made a difference to her quality of life, and especially huge thanks to R.

### **Single Point Of Access**

RS has excellent decision making and communication skills. He is so good at giving patients and carers confidence and support.

### **Community Reablement Team**

Mrs S wanted to thank everyone and said the carers had been absolutely wonderful especially B.

The daughters of Mrs B would like to thank the Carers for the brilliant care they have given their Mother.

### **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.