

Annex 1



**Adult Social Care**

**Annual Compliments and  
Complaints Report**

**2016 - 2017**

May 2017

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## **Executive Summary**

Adult Social Care has a statutory obligation to produce an annual report about complaints received during the year which is made available to the public. This is the Adult Social Care Annual Complaints Report for 2016-17.

The purpose of the report is to provide an overview of this work and to summarise complaints activity within Adult Social Care from 1st April 2016 through to 31st March 2017.

The report also provides an overview of compliments received by Adult Social Care in the year. There were 90 compliments received in 2016-17 compared to 82 compliments in the previous year. Further details of these appear on pages 6 and 7 of the report.

In 2016-17, Adult Social Care received a total of 19 complaints under the statutory procedures about services which is the same number of complaints received in the previous year. 5 complaints were received in quarter 1, 8 in quarter 2, 5 in quarter 3 and 1 in quarter 4.

Of the 19 complaints received, 1 was upheld, 5 were partially upheld, 12 were not upheld and 1 was still being investigated at the time of writing the report.

By comparison, in the previous year, 8 complaints were upheld, 3 were partially upheld and 8 were not upheld. The next Complaints Report will be for the year 2017-18.

## **Background**

The current legislation requires local authorities to appoint a 'responsible person' with responsibility for ensuring compliance with the following arrangements:

- Managing, developing and administering the complaints procedure
- Providing assistance and advice to those who wish to complain
- Liaising with services regarding the investigation of complaints where appropriate
- Supporting and training existing and new members of staff
- Monitoring and reporting on complaints activity

## ***Who can complain***

Section 5 of the Regulation (2009) requires local authorities to consider complaints made by someone who:

- Is receiving or had received services from the authority.
- Is affected, or likely to be affected by the action, omission or decision of the authority.
- A complaint may be made by a relative, carer or someone acting on behalf of a person who has died, or is unable to make the complaint themselves because of:
  - a) physical incapacity, or
  - b) lack of capacity within the meaning of the Mental Capacity Act 2005, or
  - c) the complainant requesting that another person act on their behalf (proof of consent is requested in this instance).

## ***How a complaint is defined***

A complaint is defined as an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's Adult Social Care provision which requires a response.

If it is possible to resolve the matter straight away, then there is usually no need to engage the formal complaints process. When a complaint is first received, it is assessed to identify whether an investigation is required using the Statutory Complaints Procedure.

## ***The Adult Social Care Statutory Procedures***

A single approach to dealing with complaints for both Adult Social Care and the National Health Service was first introduced on 1st April 2009. The single approach has given organisations more flexibility to respond and develop a culture that seeks and then applies people's experiences of care to improve quality.

Responsibility for statutory complaints rests with the Director of Adult Social Care, Health and Housing.

Information regarding the current procedure is available on the Bracknell Forest Council's public website, which can be found via the following link:

<http://www.bracknell-forest.gov.uk/complaintsprocedure>

This report only includes information on complaints reported through the Adult Social Care Statutory Procedure.

## ***The Local Authority Corporate Procedures***

Complaints that are not covered by the Adult Social Care Statutory procedure will, if appropriate, be dealt with under the Local Authority Corporate procedure. The Corporate Procedure is used in instances where the complainant feels that the Council has failed to provide a service, provided an unsatisfactory or inappropriate service, or where it has treated a person in a discriminatory, discourteous or otherwise unhelpful manner or where alleged harassment has taken place. It may also be used in cases of alleged harassment, where the Council has allegedly provided inaccurate or misleading information or where it has failed in its duties under the Data Protection Act or Freedom of Information Act.

## ***The Complaints Process in Bracknell Forest***

The complaints process aims to be as accessible as possible. Complaints may be made in person, by telephone, in writing or by email.

Complaints can be made directly to the relevant team or to the Complaints Manager, whichever is more convenient for the complainant. Ultimately, whatever the circumstances, the complainant should feel that their views are taken seriously and that they are being listened to.

When a complaint is received, Adult Social Care will acknowledge it within 3 working days.

Adult Social Care also:

- Make sure that the complaint is clearly understood
- Obtain the right information to assess the seriousness of the complaint
- Keep in regular contact with the complainant
- Determine what the complainant wants to happen on completion of the investigation
- Act quickly to resolve matters wherever possible

When the investigation of the complaint has been completed, it is usual for the Chief Officer to provide the written response to the complainant, informing them of the outcome reached and whether the complaint has been upheld, not upheld or partially upheld. Occasionally, it is necessary for the Director of Adult Social Care, Health and Housing to respond.

The final conclusion may not support the complainant's view. Under these circumstances, the response will be clear as to how the decisions were reached (which will be based upon the findings made by the investigator). Any changes required, recommendations or action plans that need to be put in place will be detailed.

If the complainant is not happy with the outcome of their complaint, they can refer the matter to the Local Government Ombudsman for consideration.

## ***Timescales for complaints***

Staff will always try to resolve problems or concerns before they escalate into complaints and this ensures that investigations are kept to a minimum.

Since the introduction of the Local Authority Services & National Health Service Complaints (England) Regulations 2009, the only mandatory timescale is that the complainant receives an acknowledgement within 3 working days. The legislation allows a flexible approach, and usually the investigation is normally completed within one to two months. More complex complaints may take longer than this in which case the complainant is contacted to inform them of this.

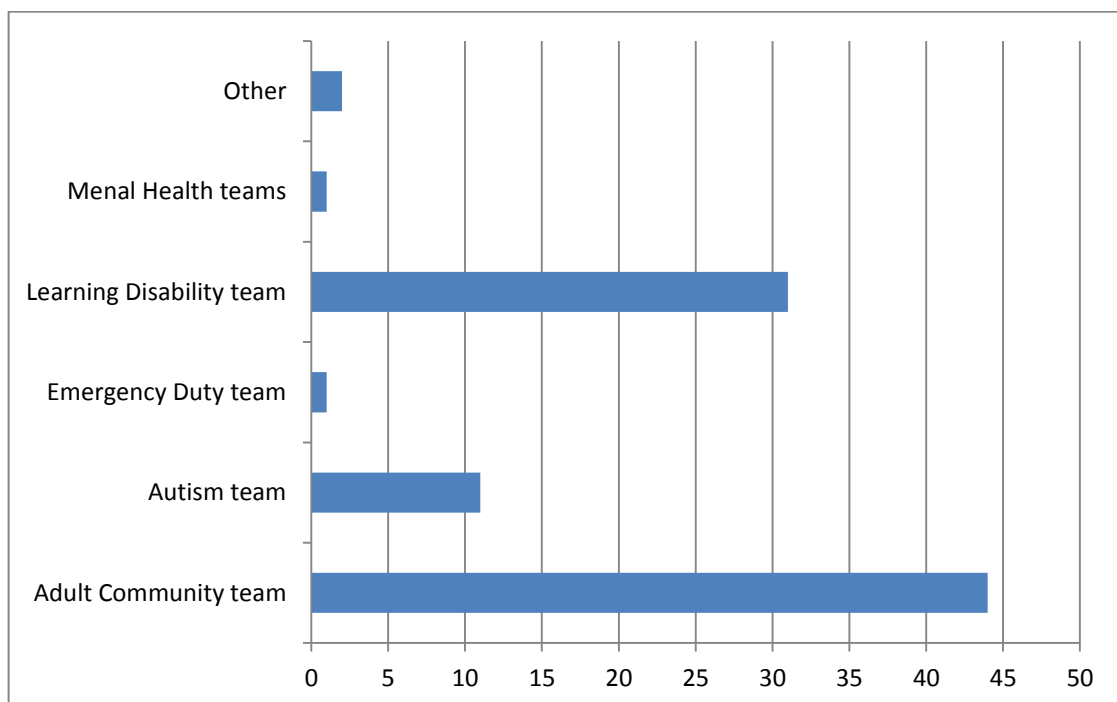
There is a time limit of 12 months from when the matter being complained about has occurred, to when a complaint may be made. After this time, a complaint will not normally be considered. However, the 12 month time limit does not apply where the local authority is satisfied that the complainant had good reasons for not making the complaint within that time and where it is still possible to investigate the complaint effectively and fairly.

## ***Compliments***

Compliments provide valuable information about the quality of services and help identify where they are working well.

There were 90 compliments received in 2016-17, compared to 82 compliments received in 2015-16. The number of compliments received in 2016-17 therefore outnumbered the number of complaints by over 4.5 to 1.

*Chart showing the distribution of compliments by service in 2016-17:*



*Examples of compliments made in 2016-17:*

'I wish to let S know that she is very kind and very helpful when she provided out of hours support.'

C was full of praises for VB's support for her mum, dad and her family. VB was so understanding and full of empathy and compassion.

BD said A has been a brilliant Care Manager. A is really good at her job and very good at getting BD support and has done a lot for her. She is also brilliant in helping her.

PC would like to thank JR for her courtesy and listening to her when she visited the office.

GL and SL would like to thank MR for her kindness and empathy shown regarding their father's care and for her thoughtful intervention.

DU's parents complimented CC to say that their son is very happy with the new home that he will be moving to and for all of the work he has done and said he has been fantastic and the only person to have 'sorted things out'.

'L, thanks for all your hard work, we at the National Probation Service really appreciate your efforts in doing more than your job description. In my view you are an inspiration to us all.'

KA left a message advising that AB was "Awesome and that she was the best social worker that she had ever had."

Letter from A&R – 'we wanted to put in writing our thanks to you, and the staff at Waymead, including J's keyworker, AB, for the invaluable respite care that you have given us and J, most recently during our holiday away.'

'Thanks so much for helping with the blue badge.'

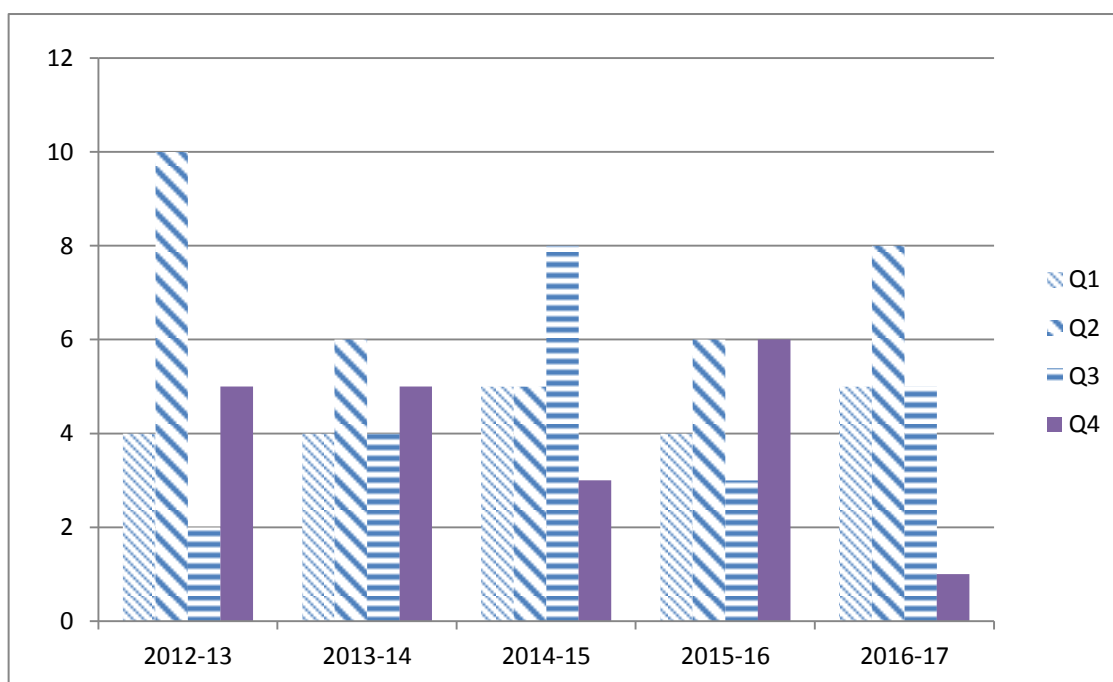
S received a compliment via email from SB. "S, this is the gold standard of support, I cannot thank you enough. I am also amazed at the efficiency of S and think she is great'.

RC expressed her thanks to the Intermediate Care Team for looking after her and supporting her during the past weeks. It was much appreciated.

## Complaints received

In 2016-17, there were 19 complaints about Adult Social Care services. This was the same number of complaints as in the previous year. Complaints are shown in the chart below in comparison with the previous 4 years. Numbers of complaints within each year are measured across each quarter.

*Chart showing complaints to Adult Social Care by quarter for the past 5 years*



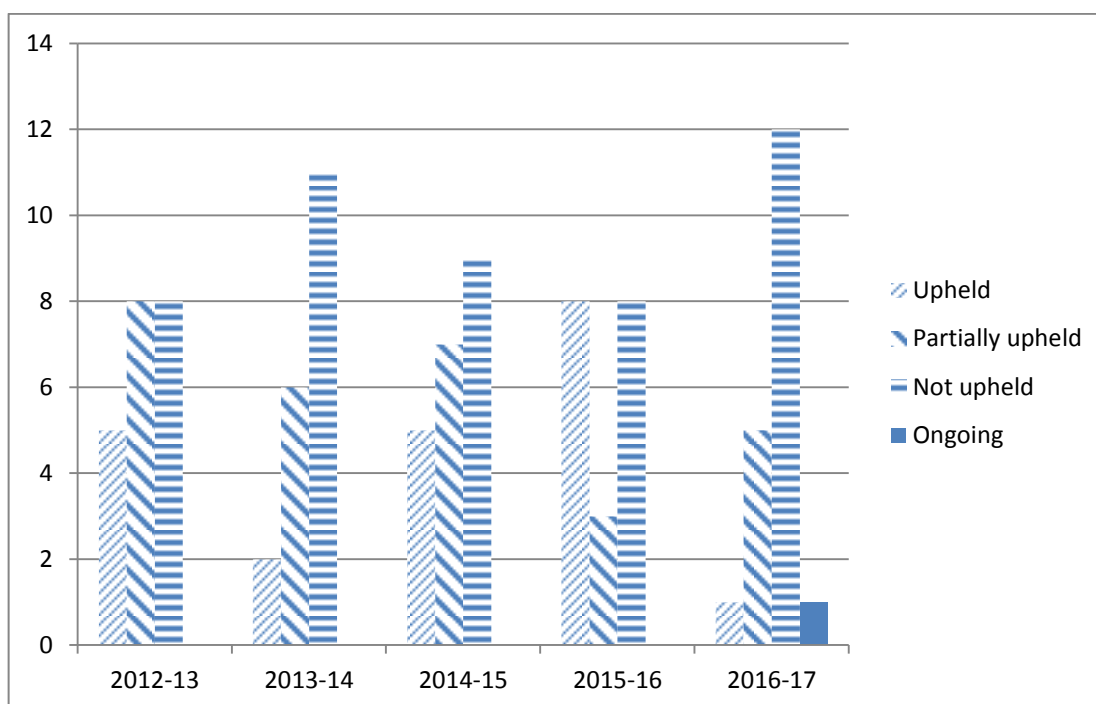
## Outcomes from complaints

Outcomes are the findings from investigating complaints. There are 3 different outcomes for complaints as follows: upheld, partially upheld, or not upheld. Until an investigation has been completed, the outcome of a complaint is recorded as ongoing.

The chart overleaf shows outcomes across the past 5 years. In 2016-17, of the 19 complaints received, 7 were not upheld, 7 were partially upheld and 3 were upheld. 2 were ongoing at the time of writing the report. The chart also shows how the outcomes are distributed across the previous 4 years.



Chart showing the outcomes of complaints over the past 5 years:



### **Local Government Ombudsman (LGO)**

The LGO investigates complaints of injustice caused by maladministration or service failure. This is often described as ‘fault’. The LGO cannot question whether a Council’s decision is right or wrong simply because the complainant disagrees with it. The LGO must consider whether there was ‘fault’ in the way the decision was reached (Local Government Act 1974).

LGO provides a free service, but must use public money carefully. They may decide not to start or continue with an investigation if they believe:

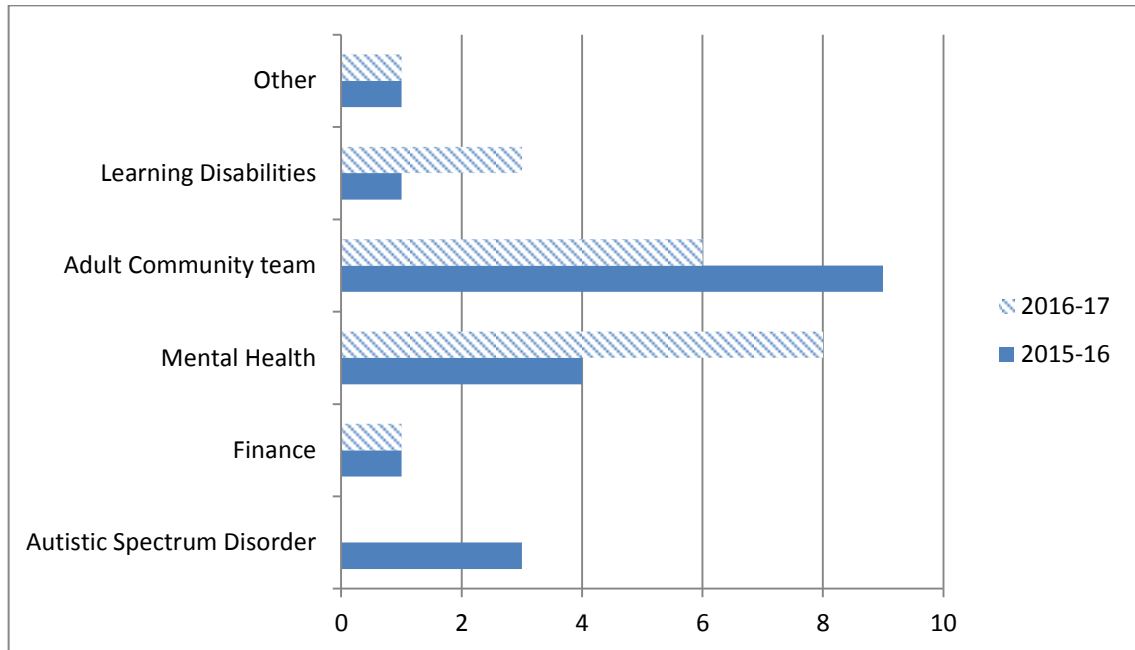
- It is unlikely they would find fault, or
- It is unlikely they could add to any previous investigation by the Council, or
- They cannot achieve the desired outcome (Local Government Act 1974)

There were no complaints received in 2016-17 that were taken by complainants to the Local Government Ombudsman. This compares to 2 in the previous year.

## Complaints received by services, nature of complaint and equality strand

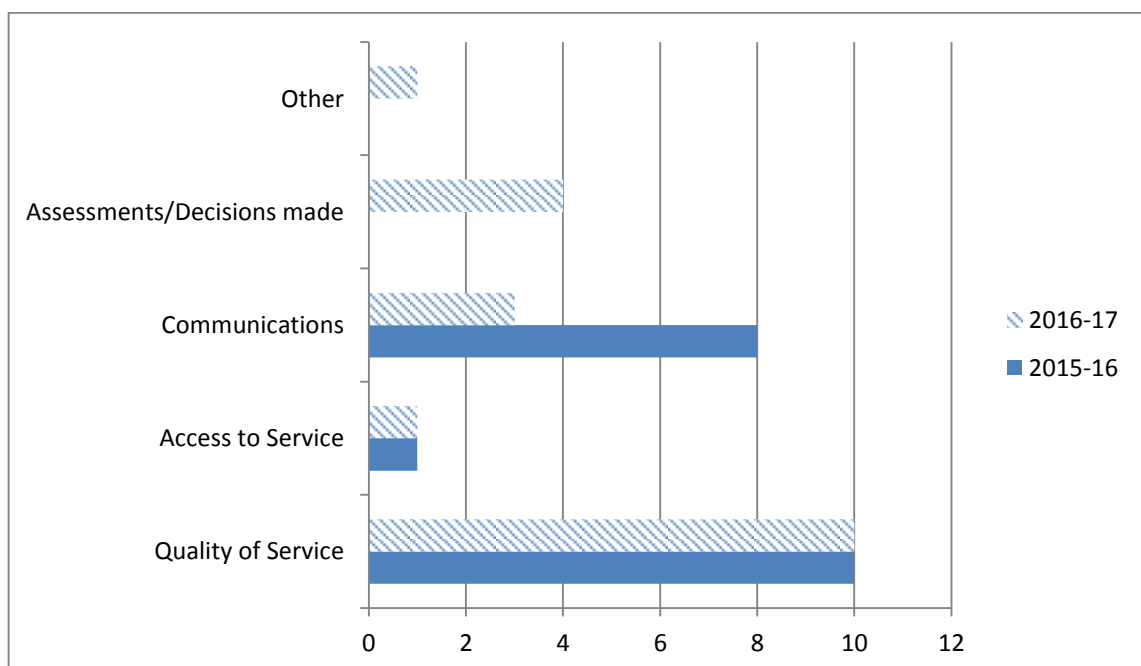
### Complaints received by services

The chart below shows the distribution of complaints across services in 2016-17 versus the previous year:



### Nature of complaints received

The chart below shows the distribution of complaints by nature of complaint in 2016-17 versus the previous year:



### **Complaints by equality strand**

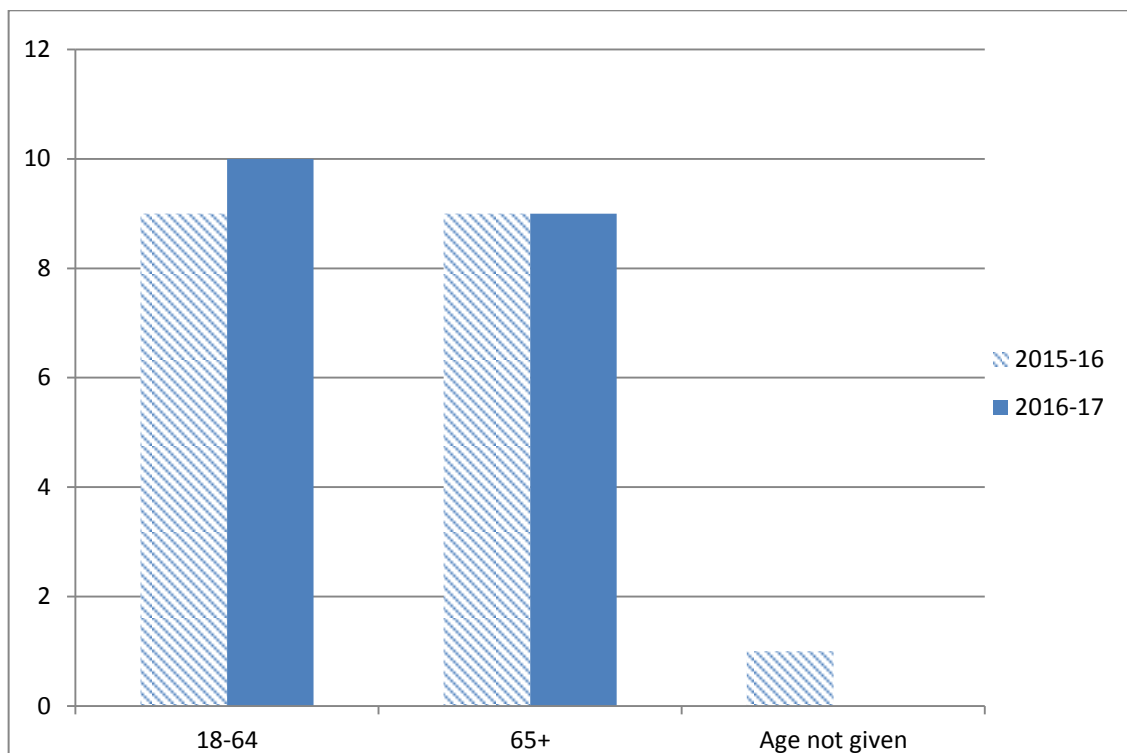
Distribution of complaints has been shown for 6 of the 9 equality strands as follows:

- Age
- Disability
- Gender
- Ethnicity

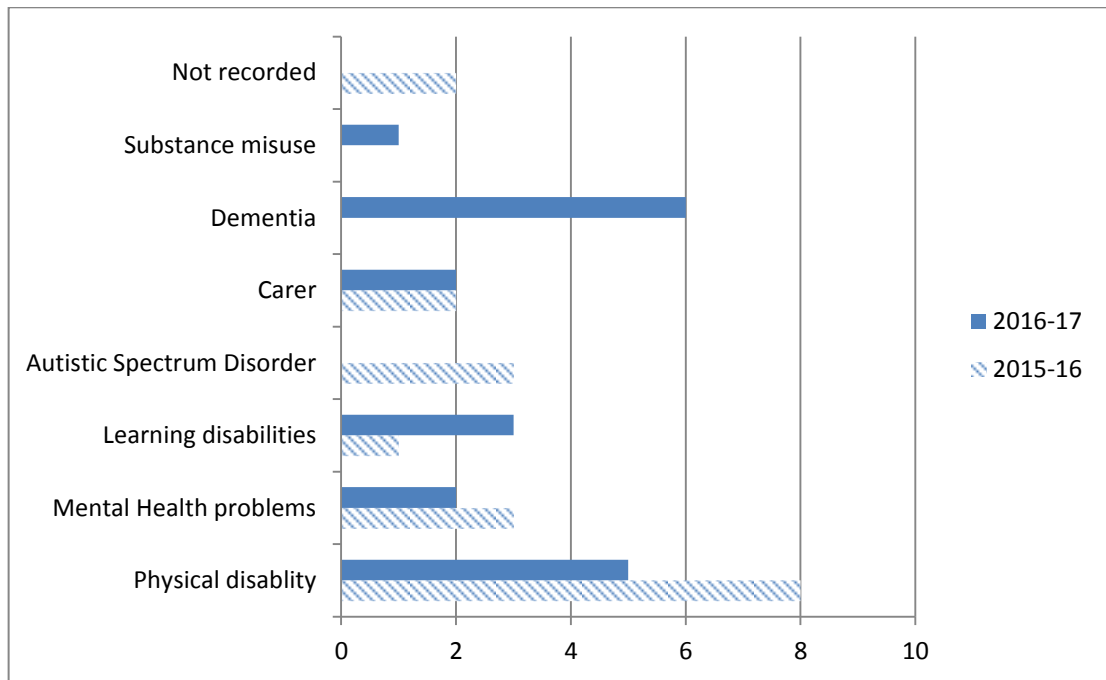
No information has been included on complaints by Marriage and Civil Partnership, Religion and Belief, Gender Re-assignment, Pregnancy and Maternity or Sexual Orientation since insufficient information is held on these strands.

The following charts show complaints in 2016-17 compared to the previous year.

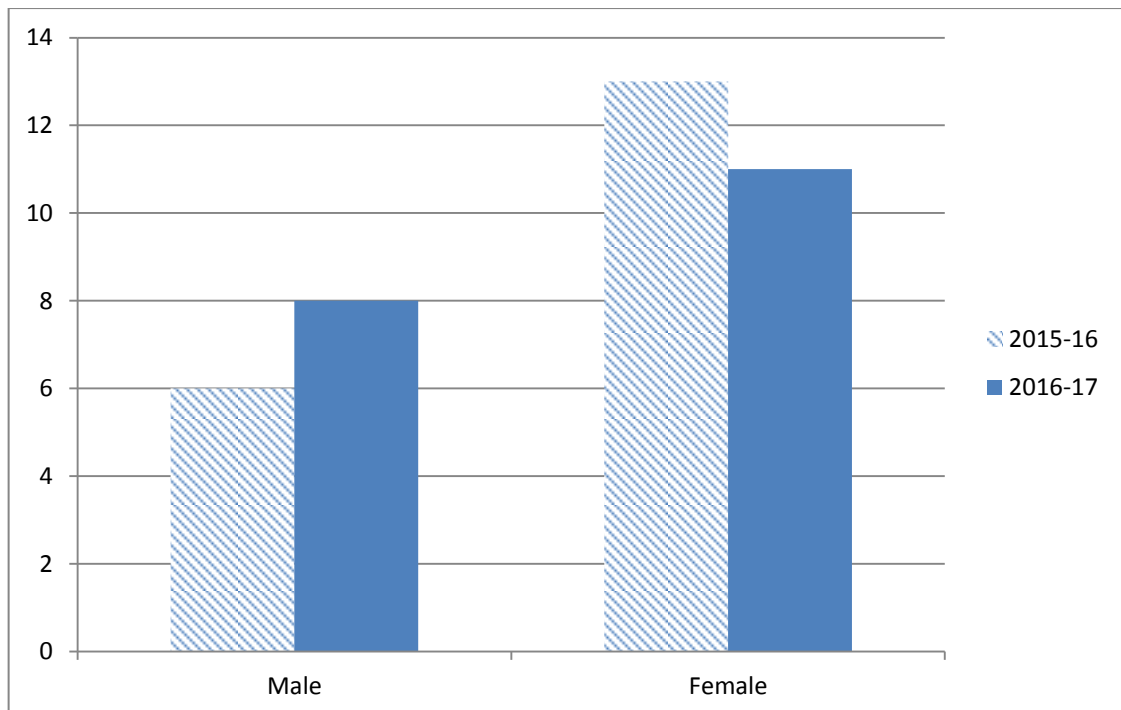
*The chart below shows the distribution of complaints by age:*



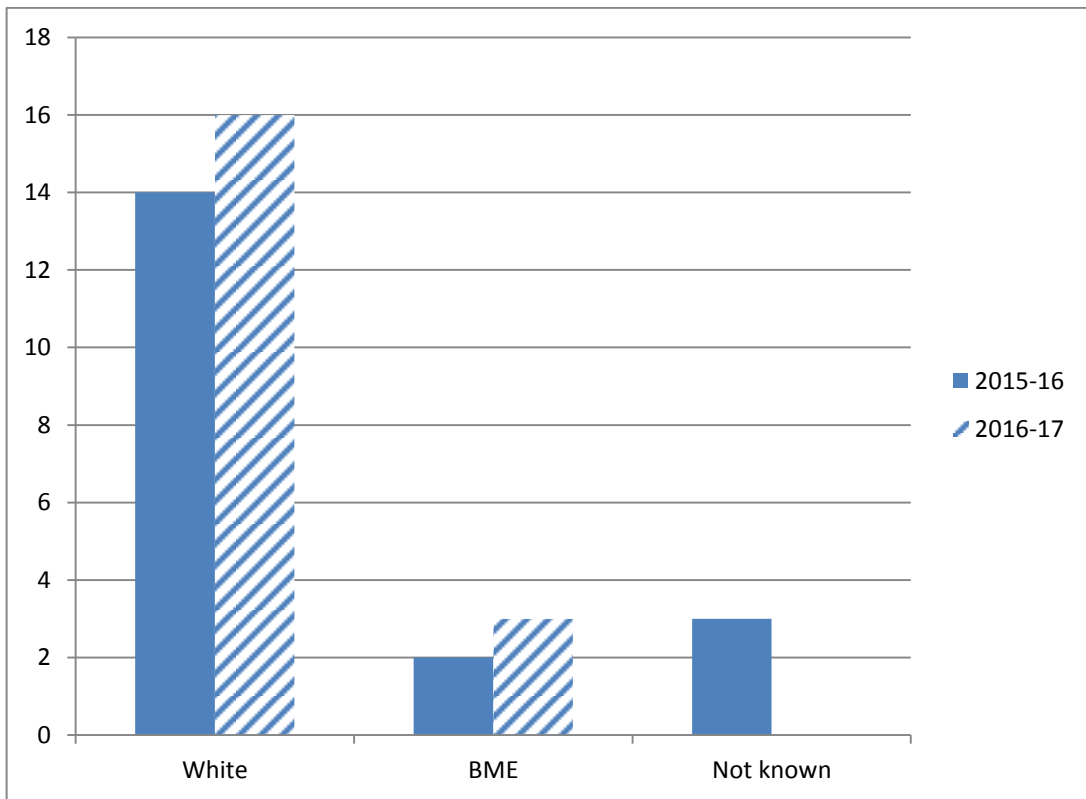
The next chart shows the distribution of complaints by disability. Complaints by carers are recorded as a separate group:



The chart below shows the distribution of complaints by sex:

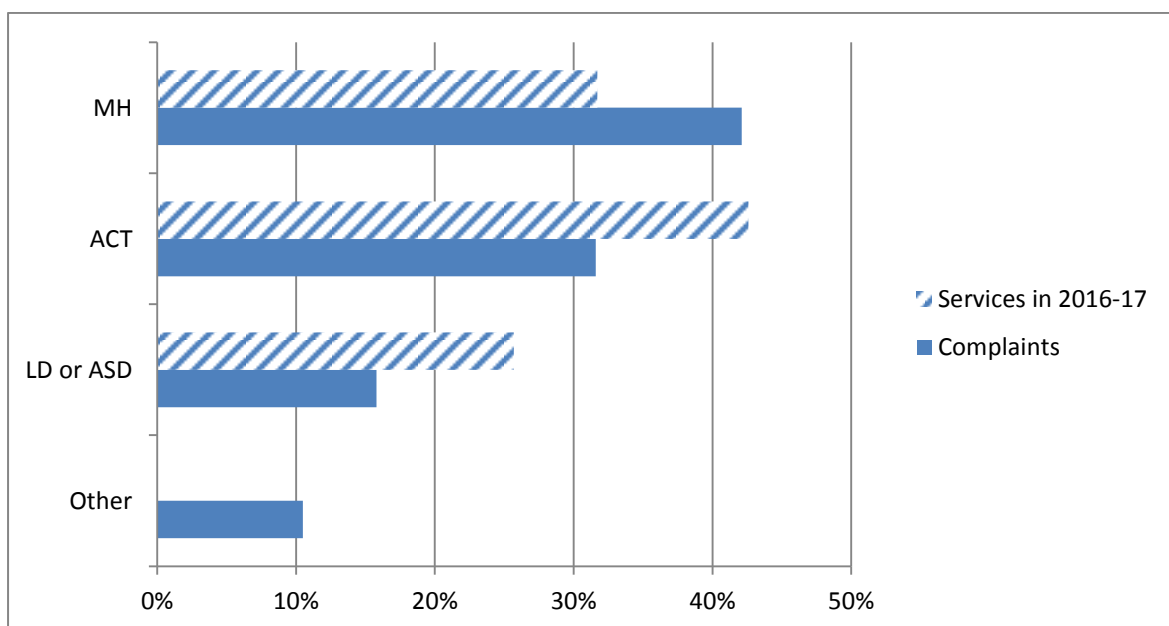


The chart below shows complaints received by ethnicity:



### Comparison of the distribution of complaints to the distribution of services

The table below shows how the distribution of complaints measures compares to the distribution of services. For this, all services provided by Adult Social Care across 2016-17 are shown.

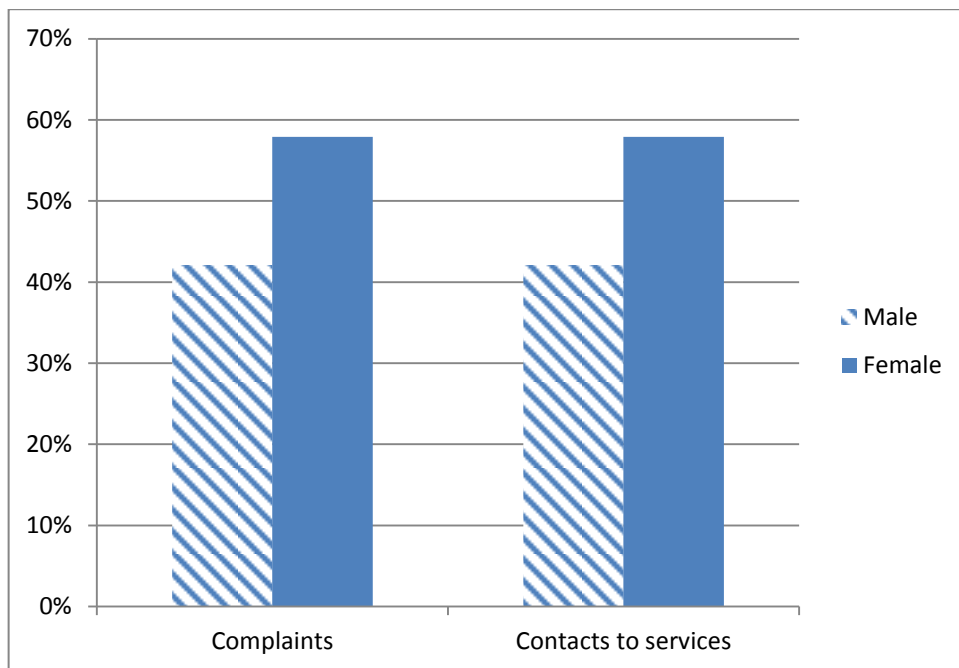


## ***Complaints received by equality group compared to the number of contacts***

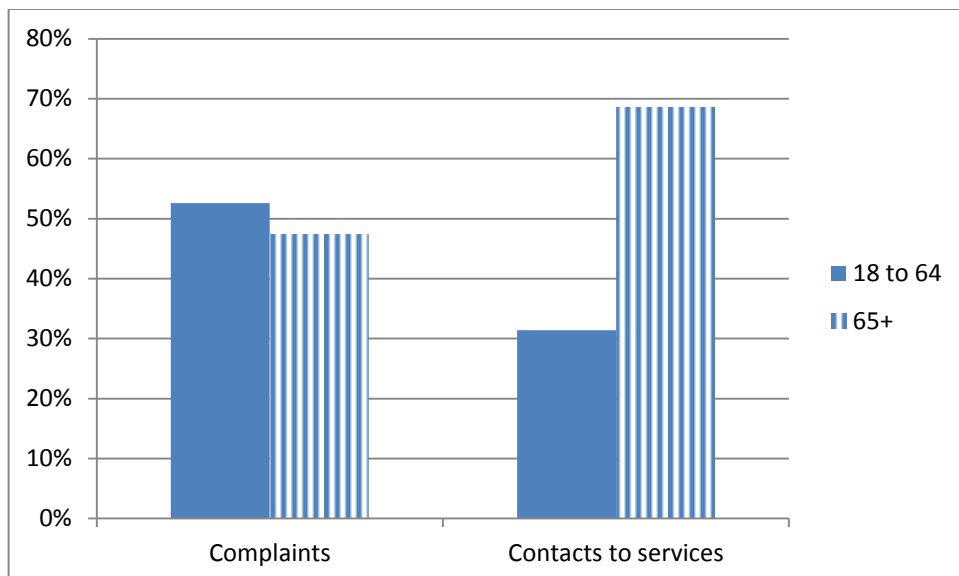
The charts below show how the percentage of complaints received in 2016-17 compare to the percentage of contacts the council receives, also shown by equality group.

No particular inferences are drawn from the charts below since the numbers of complaints received in 2016-17 are very small when distributed by equality group.

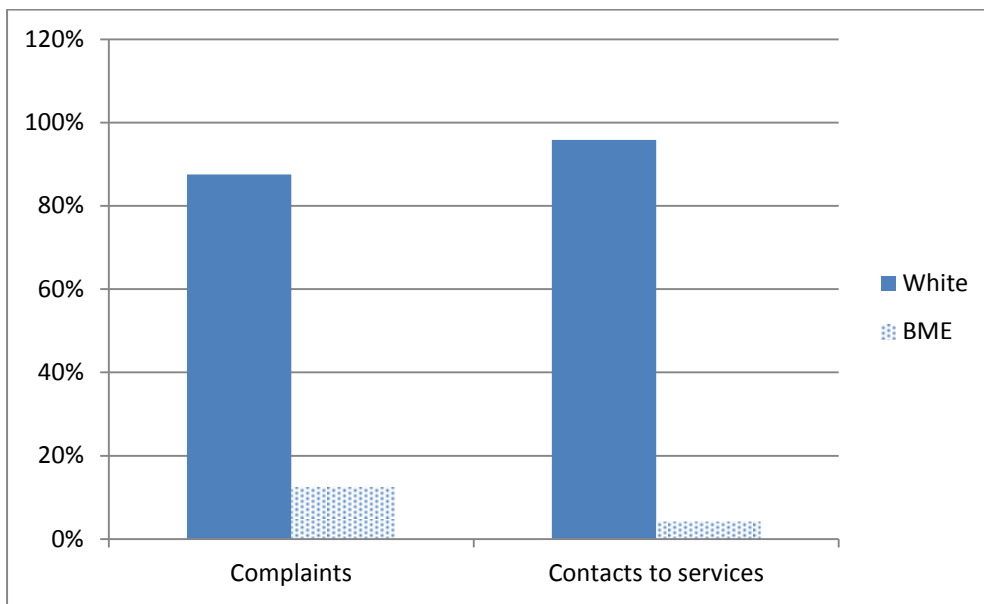
The chart below shows how complaints and contacts were distributed by gender.



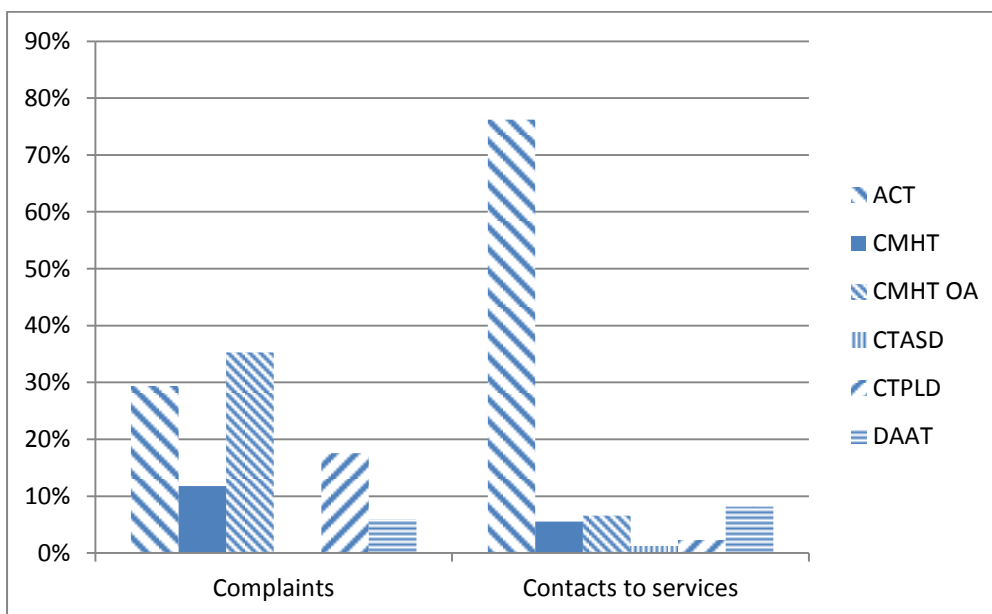
The next chart shows how complaints and contacts were distributed by age group.



The chart below shows how complaints and contacts were distributed by ethnicity.



The final chart below shows how complaints and contacts compare by disability group.



## ***Cost of complaint investigations***

The total cost of the Complaints function for 2016-17 was £6,962. There were no independent investigations carried out.

In addition to this, there are costs in management time where complaints are investigated by managers. These costs are not included as it is not possible to calculate the cost.

## ***MP enquiries***

MPs cannot make a complaint using the statutory complaints procedure on behalf of their constituent. However, they are able to raise concerns or make a representations acting as a form of advocate; the Council will reply on this basis. In view of this, enquiries from Members of Parliament are recorded separately from statutory complaints and are dealt with at Director level.

There was 1 MP enquiry received in 2016-17 compared to 7 enquiries received in 2015-16.

## ***Good Practice in Complaints Management***

An important part of the complaints function is to ensure that the processes remain transparent and robust.

- Timely responses help to prevent escalation of issues which may have resulted in a complaint. As stated in the legislation; if a matter is dealt with within 24 hours to the satisfaction of the complainant, then it is not required to be logged as a complaint. All Bracknell Forest complaints were dealt with in a timely manner in 2016-17.
- Good communications between the complaints function and the operational side of Adult Social Care ensure that the Complaints Manager is kept abreast of current investigations, enabling the Complaints Manager to ensure that the relevant policies and procedures are being adhered to.

## ***Learning from complaints***

Learning from complaints is an important aspect of the complaints process.

The following are examples of where practice or process recommendations have been made following complaint investigations and findings in 2016-17:

- In one instance, a Care Manager has acknowledged that she could have taken a more sensitive approach to the situation. She has used this experience to reflect on her practice especially in relation to risk assessment and risk management.



- Care workers have been reminded to ensure that all previous evidence is considered prior to making recommendations.
- On another occasion, a Care Manager accepts she should have obtained more information about care and treatment prior to visiting. The Head of Service has reviewed the Care Manager's training to identify any further training required to develop her knowledge and skills.
- The Mental Health team for Older Adults has been reminded of the importance of timely communications to family members