

Annex 1



Adult Social Care

**Annual Compliments and
Complaints Report**

2017 - 2018

April 2018

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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 2017-18.

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 2017 through to 31st March 2018.

The report also provides an overview of compliments received by Adult Social Care in the year. There were 36 compliments received in 2016-17 compared to 90 compliments in the previous year. Further details of these appear on pages 6 and 7 of the report.

In 2017-18, Adult Social Care received a total of 23 complaints under the statutory procedures about services which is slightly more than the number of complaints received in the previous year, where 19 complaints were received. 3 complaints were received in quarter 1, 10 in quarter 2, 5 in quarter 3 and 5 in quarter 4.

Of the 23 complaints received, 1 was upheld, 2 were partially upheld, 19 were not upheld and 1 was still being investigated at the time of writing the report.

By comparison, in the previous year, 1 complaint was upheld, 5 were partially upheld and 13 were not upheld. The next Complaints Report will be for the year 2018-19.

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 approach

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 complaints to Adult Social Care is available on the Bracknell Forest Council's public website, via the following link:

<https://www.bracknell-forest.gov.uk/council-and-democracy/get-touch/complaints/adult-social-care-complaints>

The Local Authority Corporate approach

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.

More information is available at the link below:

<https://www.bracknell-forest.gov.uk/council-and-democracy/get-touch/complaints/general-complaints>

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 36 compliments received in 2017-18, compared to 90 compliments received in 2016-17. The number of compliments received in 2017-18 outnumbered the number of complaints.

Examples of compliments in 2017-18:

A supported adult wanted to express how brilliant he thought WT (a member of staff) was, that she listened to him and that the council was lucky to have her.

E called to say how helpful and wonderful SP (a member of staff) has been. She has dealt with her in the past and she has always been very helpful.

'Thank you for all your help and for looking after me so well.'

S called to say that the staff in the Learning Disabilities team are all doing a great job to support him.

'Thank you - that is exactly the information I needed and is really helpful'

'Please be assured that your assistance is much appreciated'

'I would like to express my heartfelt gratitude to you and the team for providing excellent, well thought out, compassionate and benevolent services to vulnerable people who are in genuine need of help'

'I would like to convey my thanks to your staff for their sympathetic telephone manner'

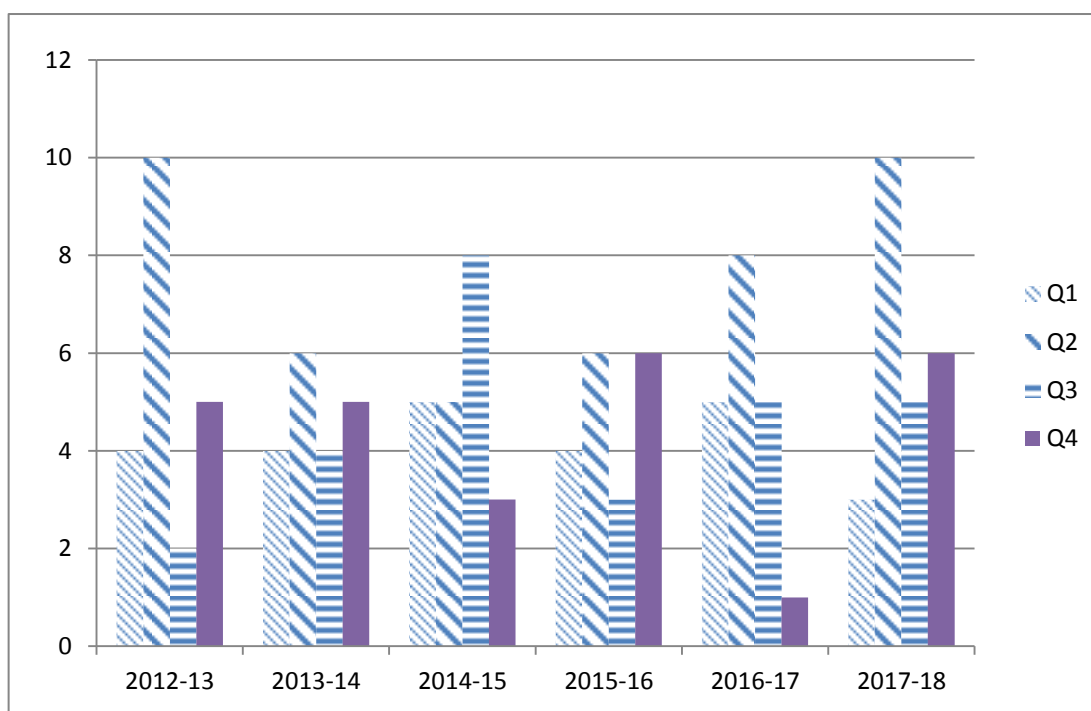
'This would not have been possible without the consistent hard work and support of Bracknell adult social care community team for people with learning disabilities'

'I thank you for your patience and caring and all your help'

Complaints received

In 2017-18, there were 23 complaints about Adult Social Care services. This is compared to 19 complaints in the previous year. Complaints are shown in the chart below in comparison with the previous 5 years. Numbers of complaints within each year are measured across each quarter.

Chart showing complaints to Adult Social Care by quarter for the past 6 years

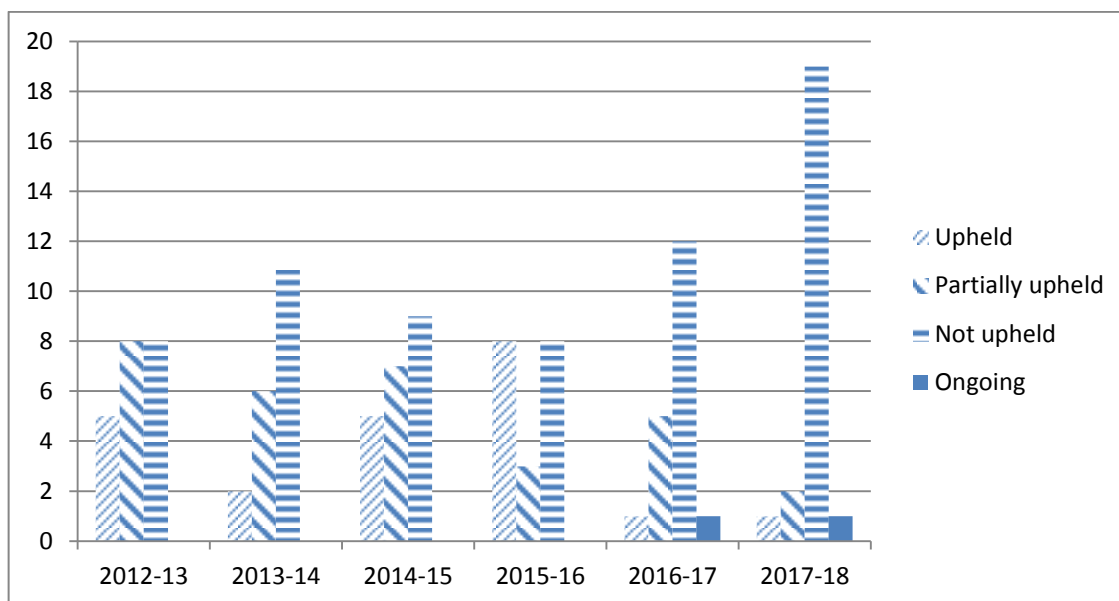


Outcomes from complaints

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

The chart below shows outcomes across the past 6 years. In 2017-18, of the 23 complaints received, 1 was upheld, 2 were partially upheld and 19 were not upheld. 1 complaint was ongoing at the time of writing the report. The chart also shows how the outcomes are distributed across the previous 5 years.

Chart showing the outcomes of complaints over the past 6 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:

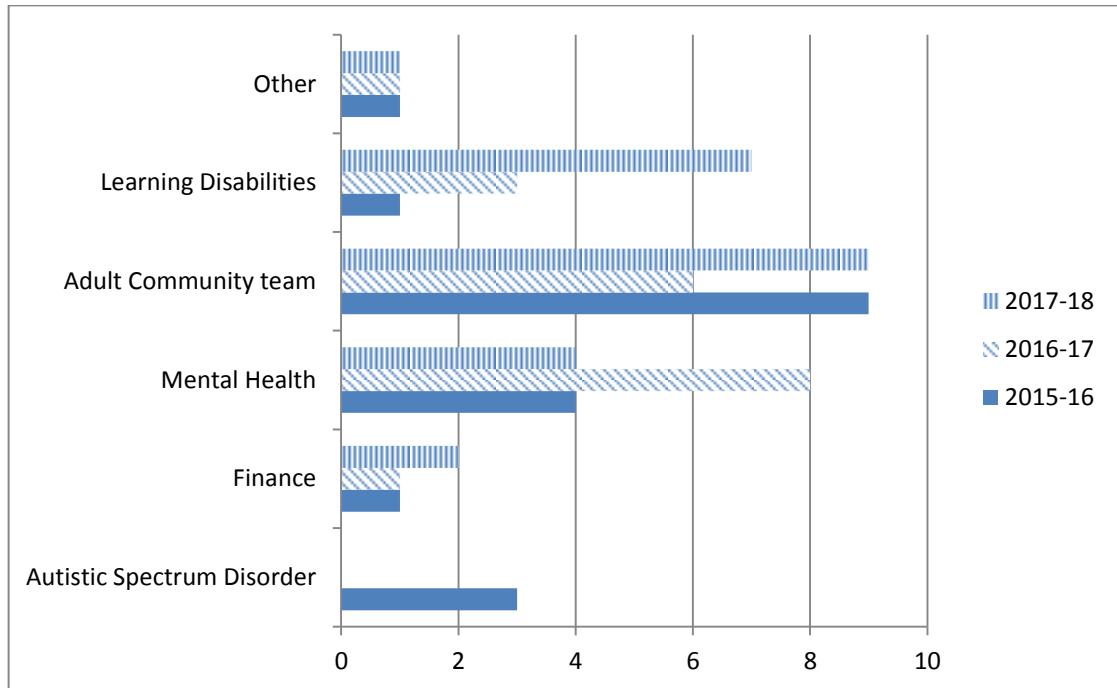
- It is unlikely they would find fault, or
- It is unlikely they could add to any previous investigation by the Council, or
- They cannot achieve the desired outcome (Local Government Act 1974)

There were no complaints received in 2017-18 that were taken by complainants to the Local Government Ombudsman. This compares to 1 in the previous year.

Complaints received by services, nature of complaint and equality strand

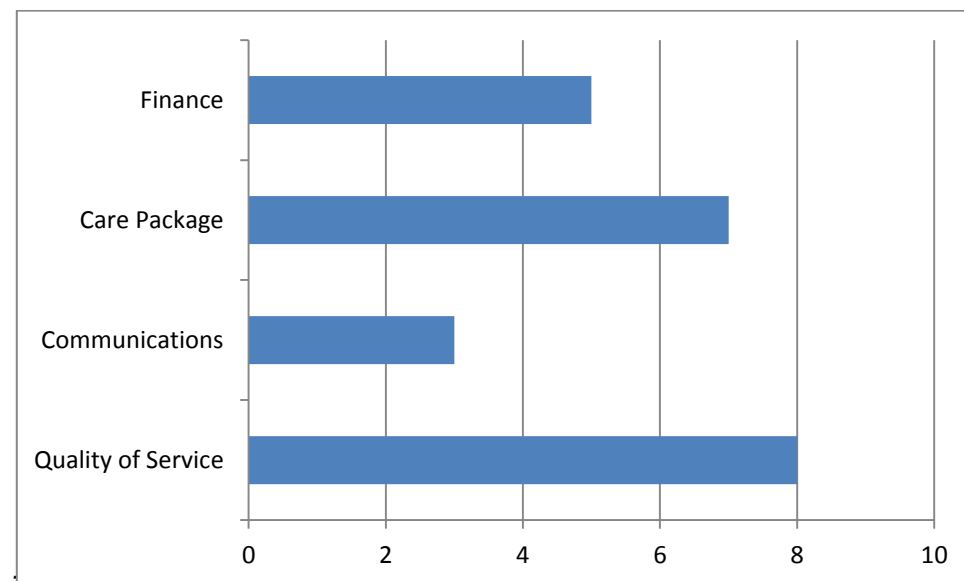
Complaints received by services

The chart below shows the distribution of complaints across services in 2017-18 versus the previous 2 years:



Nature of complaints received

The chart below shows the distribution of complaints by nature of complaint in 2017-18. These categories have been amended slightly so it was not possible to compare against previous years.



Complaints by equality strand

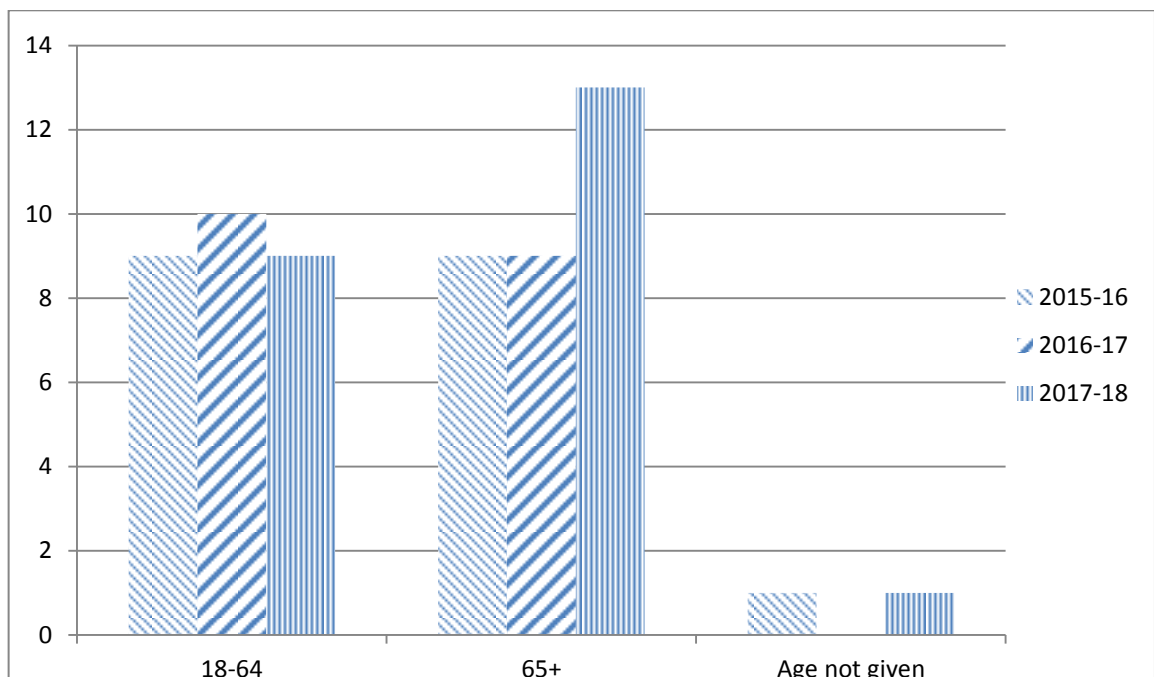
Distribution of complaints has been shown for 4 of the 9 equality strands as follows:

- Age
- Disability
- Sex
- Ethnicity

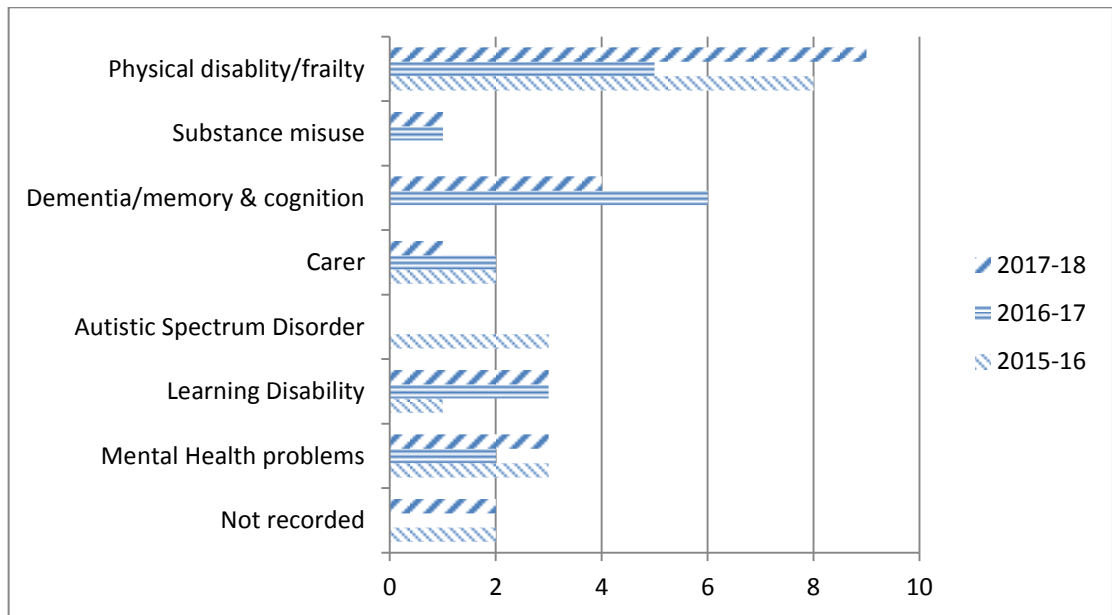
No information has been included on complaints by Marriage and Civil Partnership, Religion and Belief, Gender Re-assignment, Pregnancy and Maternity or Sexual Orientation since there is incomplete information held on these equality strands.

The following charts show complaints in 2017-18 compared to the previous 2 years.

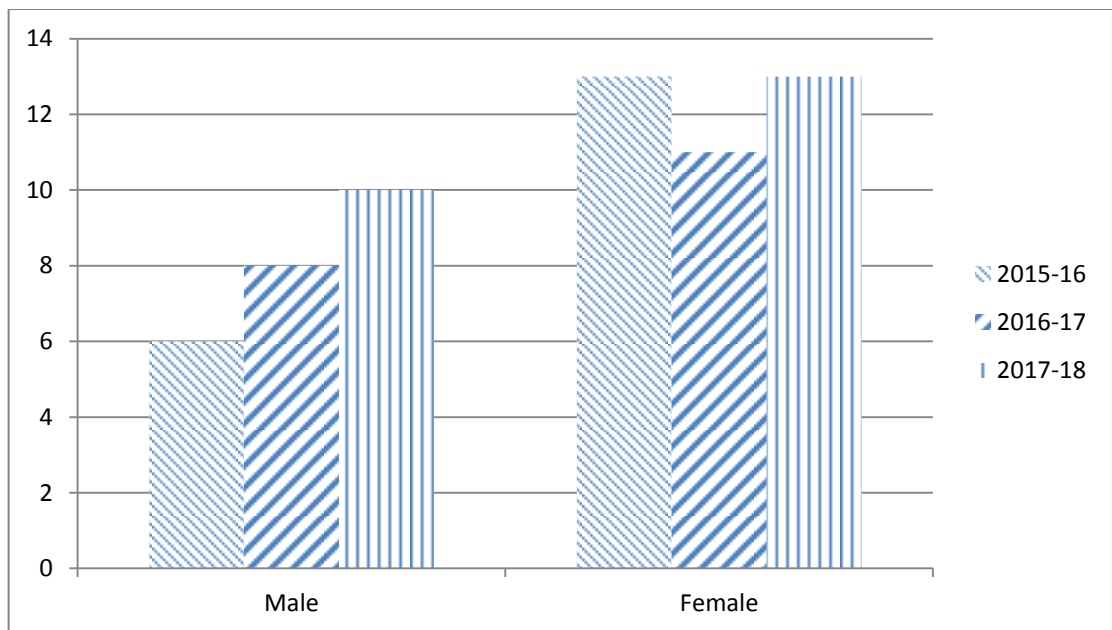
The chart below shows the distribution of complaints by age band:



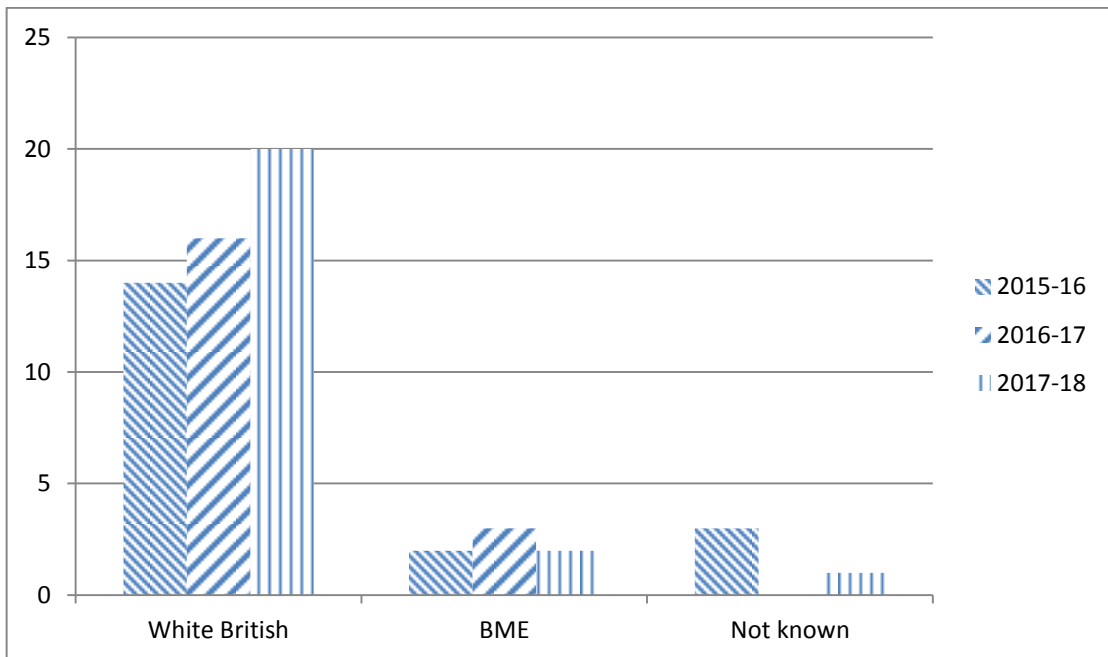
The next chart shows the distribution of complaints by disability. Complaints by carers are recorded as a separate group:



The chart below shows the distribution of complaints by sex:



The chart below shows complaints received by ethnicity:



Cost of complaint investigations

The total cost of the Complaints function for 2017-18 was £6,696. 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 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 were 10 MP enquiries received in 2017-18 compared to 1 MP enquiry received in 2016-17.

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 2017-18.
- 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:

- The process around discharge from hospice has been reviewed and it has been agreed that hospice discharges will be reviewed by the appropriate manager to ensure that timely allocations are made to named workers
- New guidance on dealing with these requests will be given to our Intake team to ensure that discharges from hospices are given the same level of priority as hospital discharges
- Guidance and reminders will be given to the team to ensure that there is a stronger practice focus on checking case information
- Named workers will be allocated as a clear point of contact for any difficulties and problems
- Frontline staff have been reminded not to keep callers on hold for a prolonged length of time whilst practitioners seek advice from colleagues without being clear that they may be some time in clarifying a situation or to offer to call them back.