

Annex 1

Complaints Manager for Adults Social Care

Annual Report April 2008- March 2009

DRAFT PENDING EXECUTIVE MEMBER'S DECISION – 27 MAY

April 2009

1. Introduction

This is the Complaints Manager's annual report for Adult Social Care. It is a statutory requirement to produce an annual report about the complaints activity within Adult Social Care and this is a public document.

The purpose of the report is to provide an overview of this work and to summarise the issues that have arisen from 1 April 2008 through to 31 March 2009.

The report will be presented to the Bracknell Forest Overview & Scrutiny Panel in June 2009.

2. Context

2.1 Legislation

The Regulations for the management of the statutory complaints procedures for social services complaints are set out in The Local Authority Social Services Complaints (England) Regulations 2006 (Statutory Instrument 2006 No 1681).

The legislation requires local authorities to appoint a Complaints Manager with the remit of:

- Managing, developing and administering the complaints procedure
- Providing assistance and advice to those who wish to complain
- Overseeing the investigation of complaints that cannot be managed at source and appointing Investigators, Panel members and Independent Persons as required
- Supporting and training of staff
- Monitoring and reporting on complaints activity

The legislation is supported by detailed guidance from the Department of Health in 'Learning from Complaints, Social Services Complaints Procedure for Adults'.

Complaints from self-funded users of independent services cannot be considered under the local authority complaints procedures. The Care Standards Act 2000 requires providers to have their own complaints procedures in place.

2.2 Who can complain?

A person is eligible to make a complaint where the local authority has a power or duty to provide, or to secure the provision of, a service for him or her and that this need has come to the attention of the authority.

A complaint may also be made by a representative acting on behalf of an eligible person. The Complaints Manager has a responsibility for establishing if the representative is acting in the person's best interests and has to decide what action should be taken.

2.3. The Statutory Complaints Procedure in Bracknell Forest

Responsibility for statutory complaints rests with the Director of Social Care and Learning.

In order to provide independence from operational management and services, the Complaints Manager reports to the Head of Performance and Information.

2.4. The Statutory Procedure

The regulations and guidance are intended to create greater consistency nationally and to contribute to a local culture of viewing complaints positively as they can provide a valuable contribution to learning and development.

There are 3 stages to the procedure:

Stage 1 - Local Resolution
Stage 2 - Formal Investigation
Stage 3 – Review Panel

The complaints procedure aims to be as accessible as possible. Adult Social Care publicises information about how to make a complaint in its booklet 'How to Make a Complaint or Give a Compliment'. The same information is also available on the Bracknell Forest public website.

The use of external Investigators assists in the resolution of complex complaints. However, complaints are not automatically referred to an external Investigator as Bracknell Forest has its own experienced managers who, providing they are from a different care group to the service being complained about, may be in a position to undertake an investigation.

The role of the Independent Person is to ensure that an investigation carried out at Stage 2 is comprehensive, transparent and fair to all parties. The Complaints Manager may exercise discretion to suggest an Independent Person where this is deemed appropriate. No Independent Persons were required during the past year.

When a complaint is raised by or on behalf of a vulnerable person, it is good practice to consider whether an advocate should be appointed. An Independent Person may also be appointed to support and provide comment on the fairness and transparency of the investigation process. In complex matters, it is important to be able to demonstrate that a fair process has been followed.

2.5 The Local Authority Procedure

Complaints not covered by The Local Authority Social Services Complaints (England) Regulations 2006, may be dealt with under the local authority procedures.

2.6 Timescales for resolution of complaints

Under Stage 1 of the procedures the full response should be provided to the complainant within 10 days.

At Stage 2, the local authority provides an investigation that should result in a report for the complainant within 25 working days but this may be extended to up to a maximum of 65 working days.

Complainants who are not satisfied with the response at Stage 2 may request a Stage 3 Review Panel. They need to make their request known to the Complaints Manager within 20 days from receipt of the Stage 2 report and the Panel must take place within 30 days of the request.

3. Overview of Work

3.1 Number of complaint investigations

There were approximately 3,700 people in receipt of support through Adult Social Care during the course of the past year.

19 complaints were dealt with at Stage 1. These were managed at service delivery level and/or with the assistance of the Complaints Manager.
No complaints were dealt with at Stage 2
No complaints were dealt with at Stage 3
3 complaints were referred to the Local Government Ombudsman.

3.2 Findings from complaints by stage

The following findings were made in respect of the 19 complaints raised:

At Stage 1 of the statutory procedures	16 complaints were resolved 2 complaints were unresolved 1 complaint was outstanding at year end
At Stage 2 of the statutory procedures	No complaints
At Stage 3 of the statutory procedures	No Panels held
At Ombudsman Stage	3 complaints were referred

3.3 Area of service provision

At Stage 1 of the 19 complaints:

5 were in respect of Older People and Long Term Conditions services
4 were in respect of Learning Disability services
7 were in respect of Community Response and Reablement services
1 was in respect of Mental Health services
2 were in respect of financial matters

At Stage 2 and 3 of the Local Authority Procedures

No complaints

At Local Government Ombudsman Stage:

1 complaint was in respect of care and support services
1 complaint was in respect of funeral arrangements and costs
1 complaint was in respect of the Council's choice of an independent provider

3.4 Nature of complaints received at Stage 1

Access to Services	3
Assessment decision	1
Service response time	1
Department procedures/policy	3
Communication with service user	3
Standard of Service	3
Staff behaviour	2
Support from staff	2
Other	1

3.5 Timescale for completion within complaint procedures

The Complaints Service has worked effectively throughout the year to provide complainants with a substantial and objective response to their complaint within the specified time frame.

However, it should be remembered that this is balanced by the need to ensure in all cases that a comprehensive and thorough response can be provided to the complainant.

The vast majority of cases were either fully resolved or partially resolved within 10 working days, with the complaints process being fully engaged in reaching a full resolution.

In two cases however, it was not possible to reach a resolution due to the complainants objecting to policies that could not be changed:

- In one case, the complainant objected to having two carers visit her for her shower call as she found the presence of two carers overpowering. This was assessed as being necessary from a health and safety and environmental safety perspective and the complaint was not upheld.
- In the second case, the Council was unable to change nationally agreed financial assessment criteria.

In the case of the one outstanding complaint, a face to face meeting is being arranged with the complainant in order to reach a resolution.

3.6 Cost of complaint investigations

No external investigations were undertaken.

3.7 Reporting to managers in adult social care

The Complaints Manager meets with the Head of Service for Older People and Long term Conditions and the Head of Adults and Commissioning on a monthly basis. In the meeting, attendees review the progress on active cases, share any relevant information and discuss any issues relevant to the management of the procedures.

4. Representations in adults social care

Compliments

Adult Social Care receives significantly more compliments than complaints. During the past year, the Branch received a total of 115 thank you cards and letters in respect of services and teams within the following areas:

- Car Park badges
- Bridgewell
- Appreciation of the Caribbean Day at Heathlands attended by the Mayor
- The Learning Disability Team for their support and the activities at the Sports Centre
- The Care & Support received across all care groups
- Installation of equipment

Concerns

The complaints manager is sometimes contacted about matters that are problems and worries rather than complaints. In these situations, the individual is given advice and re-directed to the appropriate team or officer. A judgment then needs to be made as to how best to deal with the issue. This type of contact is recorded as a 'concern'. In the past year, 12 such contacts were filed as 'concerns'.

5. Development of Policies and Procedures

5.1 Development of complaint management expertise

As part of their induction, 27 new staff received training in relation to the complaint procedure. In addition, the Complaints Manager attended regular team meetings to provide an update on complaints management for existing staff.

The Berkshire Complaints Manager's Group meets quarterly. It is well attended and provides a network for support and information sharing. This helps to promote high standards and consistent practice.

For the period 2008-9 a key issue has been anticipating the new complaints regulations for adult social care.

6. Commentary on complaints received

6.1 Comments on the Local Government Ombudsman complaints

Following a Review Panel, complainants have up to 12 months to take their complaints to the Ombudsman.

The outcomes of the 3 complaints referred to the Ombudsman in the past year were as follows:

- i) The department was advised to pay the complainant a 'time and trouble' payment of £500.
- ii) The department was advised to share the costs of a funeral with the complainant on an equal basis.
- iii) The complainant was advised that the council was not under any obligation to use a provider's services.

6.2 Learning from Complaints

The following areas of learning from complaints were identified in respect of complaints across 2008/9:

- 1:1 meetings with the Ombudsman have proved to be both helpful and successful in resolving complaints.
- Improvement of database cross-checks across different departments will be undertaken to ensure robust data quality.
- Relevant managers to be made aware of appropriate funeral arrangements where a person dies out of the area in the absence of involvement from a next of kin.

7. Issues about the Complaint Procedure from the Complaints received

7.1 The parameters of the complaints process

No issues have been raised in adult social care

7.2 Good practice in complaints handling

The Local Government Ombudsman has produced 3 helpful publications:

- Principles of Good Complaint Handling
- Principles of Good Administration
- Principles for Remedy

The Ombudsman's principles for good complaint handling are:

- Getting it right
- Being customer focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement

Bracknell Forest seeks continuously to apply these principles.

8. Areas for future development

Adult Social Care is in the process of implementing the new complaints Regulations that came into force on from 1st April 2009. The Regulations were laid before Parliament on 27 February and there will be updating of guidance, procedures and provision of staff training.

The most significant change is that adult social care will no longer have a 3 stage procedure. The guidance is less prescriptive than before and Bracknell Forest will ensure that its processes remain transparent and robust.

We anticipate completing this work during the course of Q2 2009/10.

The other areas identified for potential development are:

- Revising the categories for recording complaints in accordance with the recommendations of the Southern region Complaints Managers Group
- Developing new working relationships with the NHS complaints managers to facilitate effective joint investigations as required in the new Regulations
- If agreed, assisting with the implementation of the recommendations in the equality impact assessment i.e. consider the collection of data on religion and sexual orientation, review the availability of advocacy and mediation, produce easy read leaflets for the public

9. Conclusion

Over the period of this review, the complaints function for Adult Social Care has met the requirements of the relevant guidance and regulations.

Good working relationships have been fostered with front line staff and their managers and this contributes to a culture in which complaints can be seen positively and constructively.

There will need to be ongoing work to ensure that the Council learns from complaints it receives and that there is evidence to demonstrate that improvements are made when necessary.

The next annual report will cover the period from 1 April 2009 to 31 March 2010.