

Annex 1



Adult Social Care

Compliments, Concerns and Complaints

Annual Report

2010 – 2011

1. Introduction

This is the Complaints Manager's annual report for Adult Social Care & Health (ASC&H). It is a statutory requirement to produce an annual report about the complaints activity within adult social care that will be available to the public.

The purpose of the report is to provide an overview of this work and to summarise the issues that have arisen from 1st April 2010 through to 31st March 2011.

This report will firstly go to the Executive Member for Adult Social Care & Health for approval and subsequently onto Bracknell Forest Adult Social Care Overview & Scrutiny Panel on 14th June 2011.

2. Context

2.1 Legislation

The current legislation requires local authorities to appoint a Complaints Manager with the responsibility for:

- 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
- Supporting and training existing and new members of staff
- Monitoring and reporting on complaints activity

2.2 New Procedure

From the 1st October 2010 the Local Government Ombudsman (LGO) were granted extended powers, enabling them to deal with complaints from people who self fund or arrange their own personal adult social care.

The Health Act 2009 has amended the LGA Act 1974 which provides the LGO its extended powers. The new service will give 'self funders' the same access to the service as those who have assistance from the Local Authority.

Similarly those who are under the Direct Payment Scheme are also able to approach the LGO if they encounter problems with the service received through an agency and remain dissatisfied with the outcome having used their own complaint procedure. However if they directly employ the carer, they are advised to refer to the employer's section in the guide provided by the Direct Payments Team. They are also able to contact the same team for advice and guidance.

More information regarding these changes can be found by visiting www.lgo.org.uk

2.3 Who May 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 representative, acting on behalf of a person who has died, or is unable to make the complaint themselves because of:
 - (i) physical incapacity, or
 - (ii) lack of capacity within the meaning of the Mental Capacity Act 2005, or
 - (iii) has requested that a representative act on their behalf (proof must be provided in this instance)

A complaint by a representative will not be considered if the authority is satisfied that the representative is not acting in the best interests of the person on whose behalf the complaint is being made. If this occurs, the authority will inform the representative of the reason for this decision in writing.

If it is considered that the complaint is outside of these regulations, the complainant will be notified in writing of this, outlining how this decision was reached.

2.4 The Statutory Complaints Procedure in Bracknell Forest

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

In order to provide independence from the line management of cases and the allocation of resources, this post is managed by the Performance Manager within the Performance & Resources Branch.

2.5 The Statutory Procedure

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

In managing the procedure the Complaints Manager is required to ensure that:

- The complaint investigation considers the matters raised comprehensively and objectively.
- The reply of the local authority addresses all matters arising in the complaint and the investigation is pro-active in resolving the complaint wherever possible.

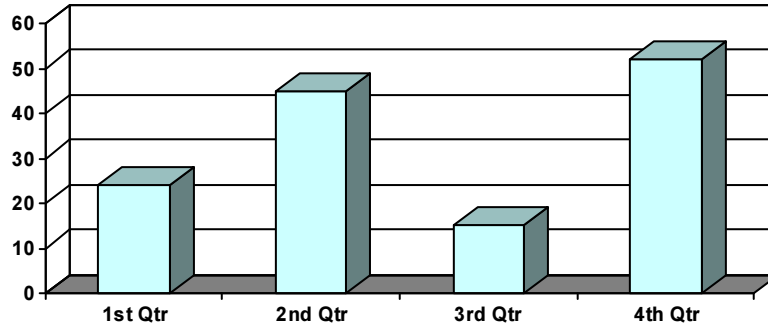
In complex matters, it is important to be able to demonstrate that a fair process has been followed. The use of external Investigators assists in the resolution of these complaints. However, complaints are not automatically referred to an external Investigator, as Bracknell Forest Council has experienced managers who are often able to undertake an investigation.

The complaints procedure aims to be as accessible as possible. All information regarding the current policy and procedure is available on the Bracknell Forest Council's public website.

3. Representations in Adult Social Care & Health 2010-11

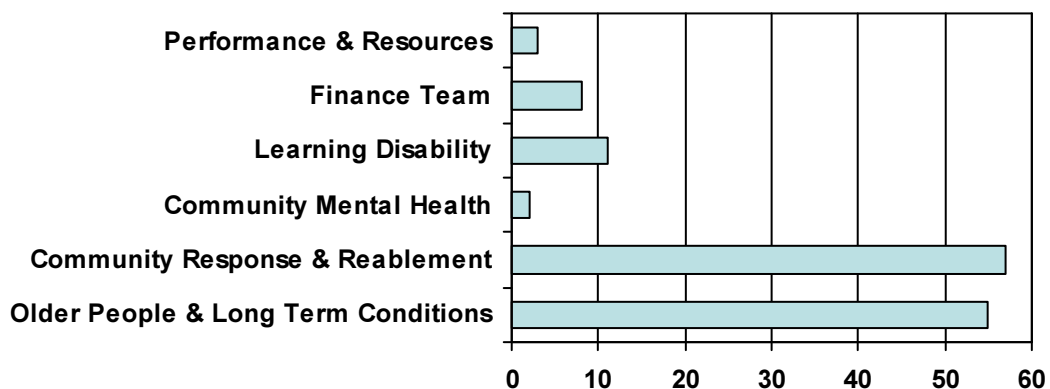
Compliments provide valuable information about the quality of our services and help identify where they are working well. There were 136 compliments received in 2010/11, which are analysed below.

Compliments



<p>Compliments given to the Complaints Manager Examples of comments were:</p> <p>‘Very pleased with the service provided and the staff who visited were courteous’</p> <p>‘Would like to thank staff for the provision of the equipment received. Delighted with outcomes all round’</p> <p>‘Would like to thank staff for their understanding in the past 4 years regarding the increased needs of their late Mother’</p> <p>‘(Name given) has changed my life since (name) started seeing me’</p>	<p>136 in total</p>
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Distribution of Compliments



4. Timescales for the Resolution of Complaints

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

Since the introduction of these regulations the only mandatory timescale is that the complainant receives an acknowledgement within 3 working days. This legislation allows a flexible approach, but we aim for a formal investigation to be completed in 3 months and the overall life of a complaint to be within 6 months. If these timescales are not met, a new plan of action must be agreed and negotiated with the complainant.

There is a time limit of 12 months from when the matter being complained about 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.

4.1 Timescale agreed with complainant for completion of complaints

Our aim is always to resolve complaints within the timescale that has been negotiated with the complainant upon receipt of the complaint. In some instances, particularly where unforeseen circumstances arise, it is necessary to re-negotiate this timescale.

Number of Cases	Was Deadline Met?
29	Were completed within negotiated timescale
8	Cases still within investigation stage (including communication with LGO)

4.2 Overview of the Work

The Complaints Manager maintains a list of on-going complaints that are currently under investigation. A report is sent to the appropriate Chief Officer on a weekly basis.

5. Number of Complaint Investigations

There were approximately 3,600 people in receipt of support through adult social care during this period.

Of the 37 complaints having been received using the Statutory Complaints procedure for the period of 2010-11 in comparison with:

A total of 18 complaints received for the period of 2008-09

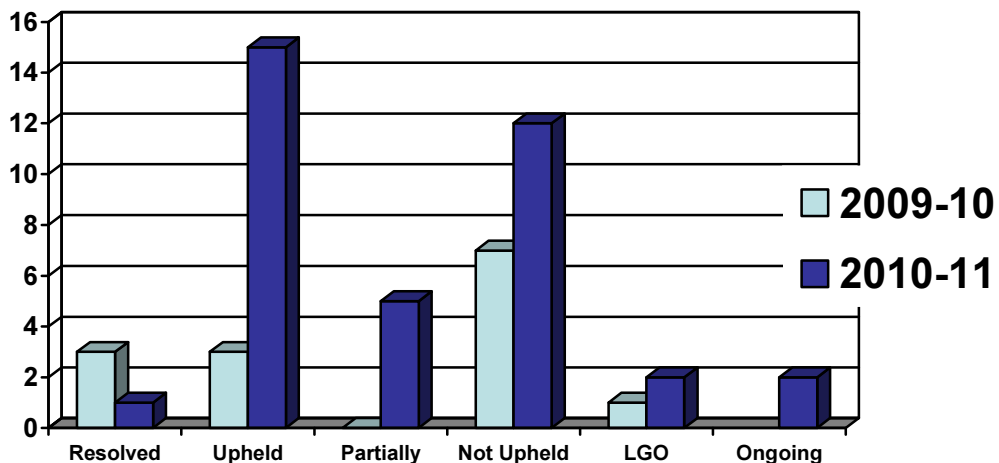
A total of 15 complaints received for the period of 2009-10

The 37 complaints include; 1 complaint which was referred to the Local Government Ombudsman, 2 used the Protocol of 'Joint Working on Complaints', 1 was received anonymously, which was investigated and not upheld.

Although Bracknell Forest's numbers of complaints per year are not high, the total number of complaints this year is higher than the previous two years. This is due to several reasons:

- i. Over the last 2 years, Bracknell Forest has responded to the regulations and guidance on the joint social care and health complaints procedure which came into force on 1st April 2009. This has given more people access to the complaints processes.
- ii. We have more closely defined what a complaint is (section 6 on page 8). Having a more clearly delineated process has led to more communications being defined as complaints than was previously the case.
- iii. From 3 complaints directed to the Finance Department in 2009-10 to 6 during this period (2010-11), it has been noted that this has been subsequent to the changes to, and introduction of, the 'Fairer Contribution Policy' (see point 5.2 on page 7)

5.1 Findings from Complaints



These investigations provide an insight into services and indicate to us where there are opportunities for us to improve and to use these experiences to make appropriate changes where required.

5.2 Complaints Received by Service Area

Complaints dealt with under the complaints procedure do not always include complaints about the care provided by independent agencies. This is due to those agencies having their own complaints procedure. However, the Complaints Manager will monitor their handling of the complaints process and may log these under a 'concern' (further information under Section 6 on page 8 - 'Defining a Complaint').

Complaints broken down into service area are shown as follows:

6 - were received by the Finance Team
11 – were received by the Community Response & Reablement Team
4 - were received by the Learning Disability Team
4 – were received by the Community Mental Health Team
11 – were received by the Older People & Long Term Conditions Team
1 – was received via the Brokerage Team regarding a Private Provider which required our intervention/further investigation

5.3 The Local Government Ombudsman

<ul style="list-style-type: none"> ▪ A complainant went directly to the LGO (See point 'i' in sub-section 5.5 below) ▪ Another is still within their process (see 'ii' below)

5.4 Comments on the Local Government Ombudsman Complaint

Two complaints have been brought to the attention of the LGO for this period:

- i. Complainant went directly to the LGO regarding a complaint. LGO wrote to the complainant advising that they must be satisfied that Bracknell Forest Council knows about the complaint and has been given an opportunity to investigate and reply, using the statutory complaints procedure. We were requested to begin the process. Following on from our investigation and response to the complainant, the LGO had no further involvement.
- ii. The second is still within the correspondence stage between the Council and the LGO.

MP enquiries	9 in total
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Enquiries from Members of Parliament were separated from complaints, as they were requests for information, as opposed to complaints.

5.5 Nature of Complaints Received

Access to Services	4
Communications	11
Standard of Service	22

5.6 Distribution of Complaints by:

Age Band:

18 - 29	3
30 - 39	3
40 - 49	4
50 - 59	2
60 - 69	3
70 - 79	6
80 - 89	6
90 - 99	9
Anonymous	1

Gender:

Male	18
Female	18
Anonymous	1

5.7 Cost of Complaint Investigations for 2010-11

There have been no costs incurred for independent investigations.

The total cost of the Complaints function was £24,834 during this period.

5.8 Reporting to Senior Managers in Adult Social Care

The Complaints Manager meets with the Chief Officers on a monthly basis. The purpose of these meetings is to learn from the outcomes of complaints and to use that to improve on service delivery. It also provides an opportunity for the Complaints Manager to discuss any concerns regarding the ongoing development of managing complaints and any difficulties there may be regarding the liaison with Operational Service Managers.

6. Defining a Complaint

In last year's report, the following areas were highlighted for further development:

- 'How can we more closely define the difference between a complaint and a concern?'
- 'When does a concern become a complaint?'

In view of this, Bracknell Forest Council has reviewed the way it defines a complaint.

When a complaint is first received, the Complaints Manager will review the details provided and assess whether an investigation is required using the Statutory Complaints Procedure. If it is found that an investigation is not warranted, then this will be logged as a 'concern'.

Here are some examples:

- i. The Complaints Manager was contacted regarding a situation in which the Safeguarding Procedure took precedence and was resolved within that process – this was logged as a ‘concern’. However, if the original complaint was to remain unresolved, then this would have been logged as a complaint and investigated as such.
- ii. The Manager at one of our residential establishments was contacted by a relative of a resident regarding lack of communication between herself and staff at the residential unit. This was not accepted under the statutory complaints procedure, as the lack of communication had affected the relative and not the person in receipt of the service. However, the concern raised was not ignored and therefore dealt with and resolved by the registered Manager of the unit.
- iii. A complaint is made directly to a private provider who uses their own complaints procedure. In some instances the Complaints Manager will be informed of this and will monitor the situation. If the complaint is resolved to the satisfaction of the complainant, and does not require the Complaints Manager’s participation, then this will be logged as a ‘concern’.

For clarification purposes - the vast majority of ‘concerns’ are dealt with at service delivery level. If an investigation is required, it will be logged as a complaint and dealt with using the statutory complaints procedure.

Concerns logged via Complaints Manager	23 in total
Concerns logged by Brokerage Team, dealt with by Private Providers using their own Complaints Procedure	137 in total

7. Development of Policies and Procedures

7.1 Development of Complaint Management Expertise

The Complaints Manager has attended several operational team meetings to provide an update on complaints management and the procedures in place.

The South Regional Complaints Managers Group also aims to meet 4 times a year.

It is well attended and provides a network for support and information sharing. The network aims to raise standards for complaints management across the region to promote consistency of practice and to provide a source of mutual support.

Adult Social Care & Health are in the process of implementing a new e- learning training scheme for complaints. This will enable new members of staff to access this facility (as part of their induction) to learn about the complaints procedure. It will also provide a useful tool to update and refresh the current processes under which members of staff may be operating under. It is anticipated that this will be rolled out in Quarter 1 of 2011 – 2012.

7.2 Learning from Complaints

Areas of learning and improvement were highlighted during this period as a result of complaints received and investigated:

- ✓ The importance of clear communication between departments and individuals.
- ✓ Aspects of the invoice process/production to be reviewed.
- ✓ An information booklet explaining all aspects of the financial process is currently in development.

8. The Parameters of the Complaints Process

In accordance with the guidance, the Complaints Manager has a responsibility to put in place a process which is transparent and separate from operational management of the care service.

It is also their responsibility to work with the Chief Officers to decide whether any carer who may be raising a complaint is doing so in the interests of the person receiving a service. Where there are no mental capacity issues, we must have the person's permission to proceed with the investigation. We have consent forms for this purpose.

8.1 Good Practice in Complaints Management

Speedy responses have helped to prevent escalation of issues which may have resulted in a complaint. As the legislation states 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.

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

9. Areas for Future Development

Work is ongoing to ensure that the Complaints Manager is kept abreast of current investigations and will therefore continue to work with the relevant teams to achieve this.

A major part of the Complaint Managers role is to be sure that relevant policies and procedures are being adhered to and that the processes remain transparent and robust.

Work is ongoing to ensure that operational teams have a good understanding of the Bracknell Forest Council's statutory complaints policy and procedures.

The Learning and Development Team are currently in the process of putting together an 'e-learning' package which can be used as a training tool and a refresher course.

10. Conclusion

Over the period of this review, the complaints function for adult social care has met the requirements of the relevant guidance and regulations. Management of complaints is robust, managed well and undertaken with sensitivity. Bracknell Forest Council does not receive a high number of complaints, but those that it does receive are becoming increasingly complex.

The Council learns from complaints made and there is evidence that changes to processes have been made where appropriate.

The next report will cover the period from April 1st 2011 to March 31st 2012.

Susan Horton
Complaints Manager for Adult Social Care