

ANNEX A

## Adult Social Care

### Compliments, Concerns and Complaints

Annual Report  
2013 - 2014

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## **1. INTRODUCTION**

This is the Adult Social Care (ASC) Annual Complaints Report for 2013-14. It is a statutory requirement to produce an annual report about the complaints activity within ASC that will be available to the public.

The purpose of the report is to provide an overview of this work and to summarise complaints activity within ASC from 1<sup>st</sup> April 2013 through to 31<sup>st</sup> March 2014.

## **2. CONTEXT**

### **2.1 Legislation**

The current legislation requires local authorities to appoint a 'responsible person' with the 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

### **2.2 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 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) has requested that another act on their behalf (proof will be requested in this instance).

## **2.3 Defining a complaint**

A complaint may generally be 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, often there is 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. If it is determined that an investigation is not warranted, then this will be logged as a 'concern' (see point 5.5 for data and definition of a concern).

## **2.4 The Statutory Complaints Procedure**

A single approach to dealing with complaints for both Adult Social Care and the National Health Service was introduced on 1<sup>st</sup> April 2009. The single approach has given organisations more flexibility to respond and encourage a culture that seeks and then uses people's experiences of care to improve quality. However, there are indications that the Department of Health may pursue a review of the 2009 Adult Complaint Regulations, aiming for a more structured process in the near future. Responsibility for statutory complaints rests with the Director of Adult Social Care, Health & Housing.

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

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/commentscomplimentsandcomplaints>

## **2.5 The Local Authority Procedure**

Complaints not covered by the statutory procedure will, if required, be dealt with under the Local Authority procedure. These are rare within the Adult Social Care department and are often complaints made by carers or members of the family who do not have the consent of the person in receipt of the service, but want to make a formal complaint which, they feel, justifies investigation. It is for the Chief Officer to determine, and is at their discretion, whether the complaint is progressed and is in the best interest of the person in receipt of the service.

## **2.6 The Complaints Procedure & Process in Bracknell Forest**

The complaints procedure aims to be as accessible as possible. Complaints can 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, we aim to acknowledge within 3 working days. We also seek to:

- Make sure that we understand their complaint and
- Get the right information to assess the seriousness of the complaint
- Keep in regular contact with the complainant
- Determine what they want to happen upon 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 / partially upheld. Occasionally, it is necessary for the Director of Adult Social Care, Health & Housing to respond.

Sometimes the final conclusion will not fully support the complainant's view. Under these circumstances, the response will be clear regarding 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 also be included.

If the complainant is not happy with the outcome of their complaint, they can refer the matter to the Local Government Ombudsman (see point 5.2) for their consideration.

## **2.7 Timescales**

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. This legislation allows a flexible approach, where it is negotiated 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 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.

## **2.8 Timescales negotiated with complainant**

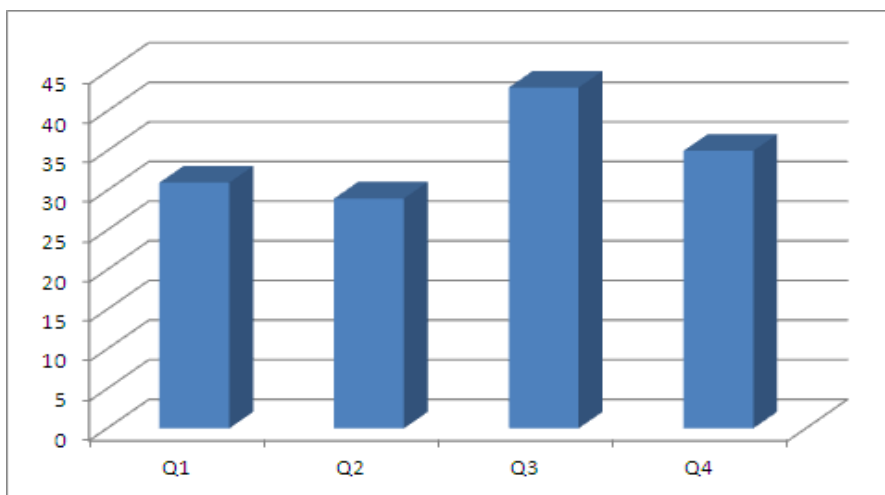
Our aim is always to resolve complaints within the standard timescale (3 months) and this has been achieved in 100% of complaints received during the period this report covers.

### 3. COMPLIMENTS RECEIVED IN ADULT SOCIAL CARE

There were 138 compliments received in 2013-14. Compliments provide valuable information about the quality of our services and help identify where they are working well.

Compliments currently outnumber complaints by a ratio of more 7 to 1. There are fewer compliments this year compared to 2012-13 when 169 compliments were received. The number of compliments received demonstrates the high value that people receiving support put on the services they receive. As chart 1 below shows, a greater number of compliments was received in quarter 3, compared to the other quarters, where a similar number of compliments was received.

*Chart 1 – Compliments received by quarter*



## Some examples of compliments received

2013 14  
138 in Total

"Thank you very much for all your kindness and help on my return from hospital"

"Thank you for my new home"

"Thanks for a great customer service and for doing things above and beyond your duties"

"Please accept our warm gratitude"

"I have nothing but praise for everyone, the whole team afforded my husband their expertise, kindness and respect at all times"

"...you have been a star all the way through..."

"May I take this opportunity of thanking you for all your kindness and financial help – it is very much appreciated"

"Thank you for all the care you gave me while I was at Bridgewell"

"Thank you for all the help you have given us – we are very, very grateful"

"Thank you so much for the kindness, patience and support you have shown me through this stressful time"

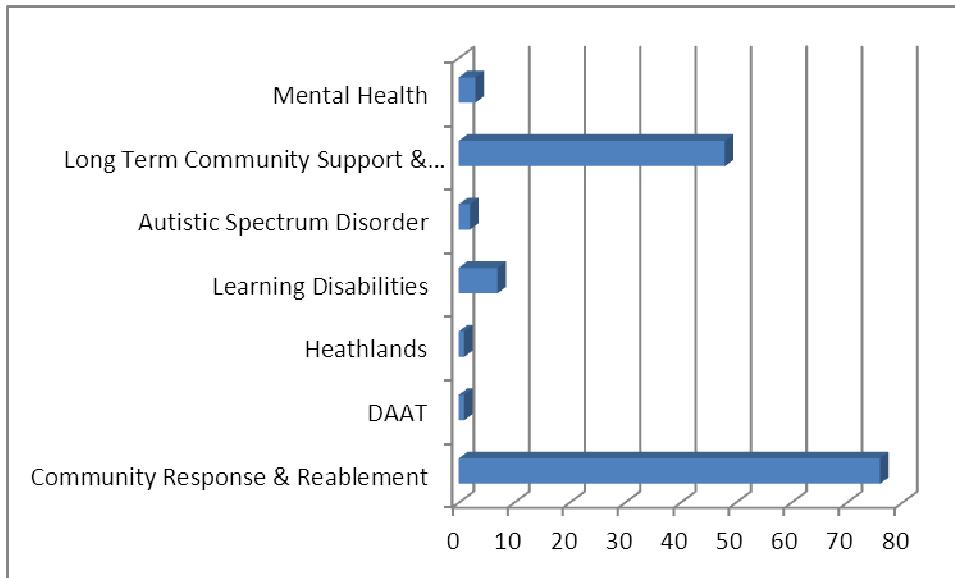
"It was a great comfort to know well our father was being looked after and cared for"

"Seeing my dear dad becoming more content and settled so quickly helped a lot"

"I cannot let this moment pass without saying how invaluable your service has been – the importance of your service has been beyond measure"

As chart 2 below shows, compliments received are most prevalent within the Long Term team, and Community Response and Re-ablement team. These two teams provide support to a larger number of people to the other teams.

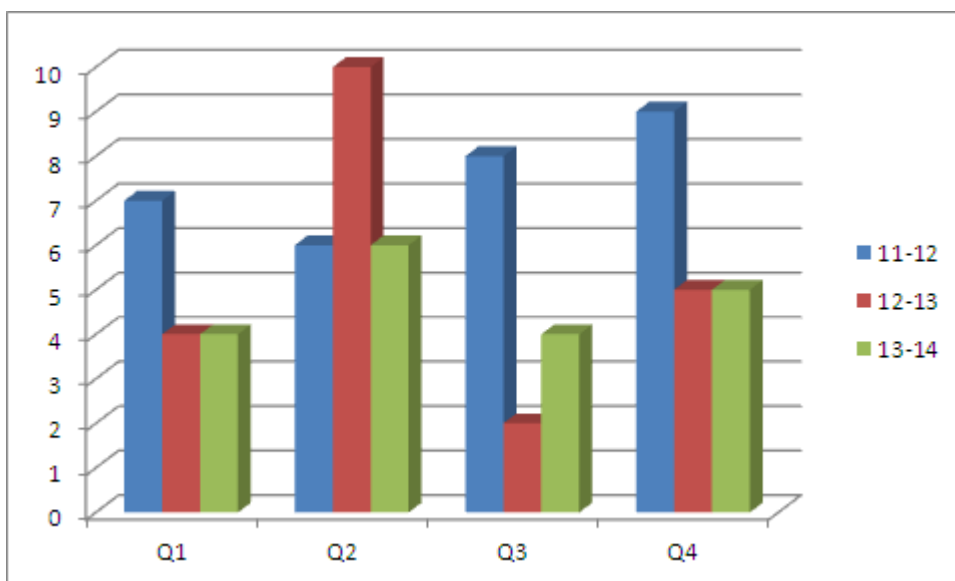
*Chart 2 – Compliments by team*



#### 4. NUMBER OF COMPLAINT INVESTIGATIONS

In 2013-14, Adult Social Care received 19 complaints. By comparison, in 2012-13, there were 21 complaints across the year. As chart 3 below demonstrates, no one quarter is more prevalent in terms of complaints received than the other quarters, across the least three years. There is therefore no common observed trend of how complaints are received across the year

*Chart 3 – Complaints comparison by quarter; last 3 years*

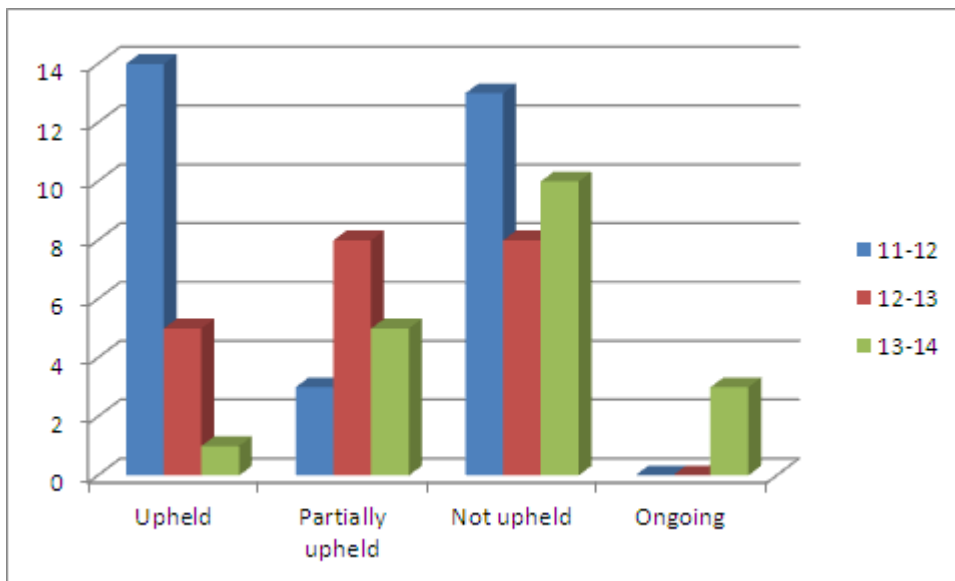




#### 4.1 Findings from complaints

Chart 4 below shows that in 2013-14, 1 complaint was upheld, 5 complaints were partially upheld and 10 complaints were not upheld. 3 complaints were ongoing at the time of writing this report. This compares to 2012-13 when 5 complaints were upheld, 8 were partially upheld and 8 were ongoing, and to 2011-12 when 14 complaints were upheld, 3 were partially upheld and 13 were not upheld. There is a trend across the 3 years towards fewer complaints being upheld. Numbers of complaints partially upheld or not upheld across the 3 years did not show a trend however.

Chart 4 – complaint outcomes over the last 3 years



#### 4.2 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, section 34.3)

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, section 24A .6)

During 2013–2014, one complaint was referred to the LGO, which was not upheld.

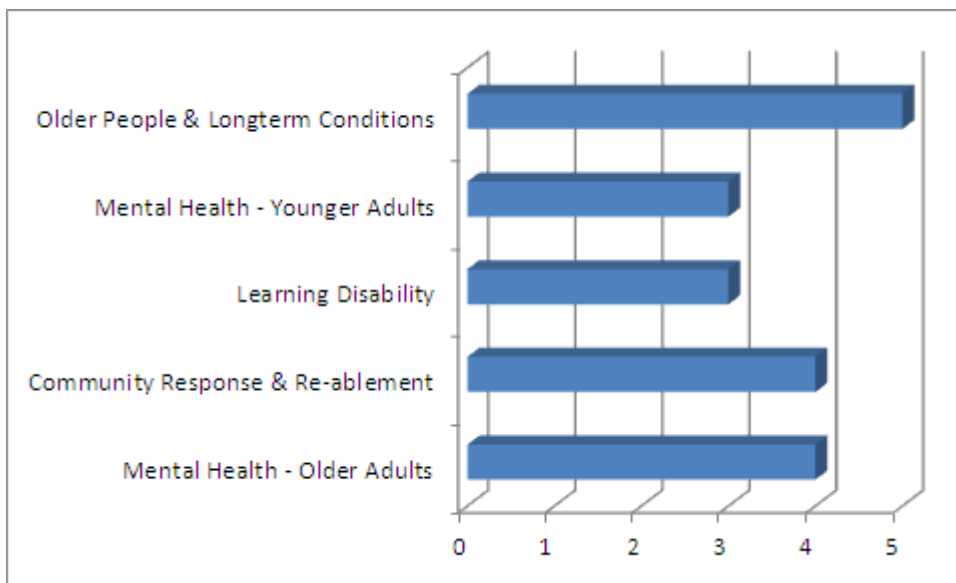
### 4.3 Complaints received by each Adult Social Care team

Chart 5 below shows how complaints received by Bracknell Forest Council were distributed by care group in 2013-14. The complaints are distributed consistently across each team, with 3 complaints received by the Mental Health and Learning Disability teams, 4 complaints received by the Community Response & Re-ablement and Mental Health for Older Adult teams, and 5 complaints received by the Older People and Long Term Conditions team. No complaints were received by the Finance team.

By comparison, in 2012-13, the Mental Health team received 2 complaints, the Learning Disability team received 1 complaint, the Community Response & Re-ablement received 3 complaints, the Older People and Long Term Conditions team received 14 and no complaints were received by the Mental Health team for Older Adults. In addition, the Finance team received 3 complaints.

Overall in 2013-14, there has been a reduction in complaints within Older People and Long Term Conditions, with other teams receiving a similar or slightly increased number of complaints compared to 2012-13.

*Chart 5 – Complaints by team across Adult Social Care*



#### 4.4 Nature of complaints received

Complaints received and investigated under the statutory procedure are often complex and can cover a variety of issues. However for the purpose of this report the primary issue has been identified in relation to each complaint, these are shown in the following in table 1 below.

Table 1 – Nature of Complaints

Nature of Complaints Received	Total for 2013-14	Compared to 2012-13
Access to Services	0	1
Communications	3	2
Standard of Service	11	11
Assessment / Decisions Made	5	7

In comparison with 2012-13, the nature of the complaints received was similar this year. There were no complaints about Access to Services compared with 1 complaint last year, 3 complaints about Communications compared with 2 last year, 11 complaints about Standard of Service (the same number as last year) and 5 complaints about Assessment / Decisions Made, compared with 7 last year.

#### 4.5 Concerns

Sometimes people may report that they have concerns regarding a social care service, but do not want to make a formal complaint. By listening to people voicing their concerns, managers may be able to address these issues faster, learn new ways to improve and prevent the same problems from happening in the future.

To clarify, the majority of concerns are dealt with at service delivery level. If the matter cannot be rectified and it becomes apparent that an investigation is necessary, then this will be logged as a complaint and will be dealt with under the statutory complaints procedure.

The subsequent table provides the information on how many concerns were received and dealt with by both the Complaints Manager and the Brokerage Team on behalf of all care groups.

The Brokerage Team arrange / set up domiciliary care packages with both in-house and external providers; making any variations to care packages, whilst monitoring standards and contract compliance.

A typical concern might be from someone receiving domiciliary care phoning the Brokerage team to say that the carer from the agency arrived very late, or did not stay for the allotted time. Brokerage will liaise with the agency and ensure that this is rectified. Very often, individuals will not want contacting again, or to formally raise a complaint, and in such instances will be invited to phone back the following week if things have not improved. However, the intervention from Brokerage will normally ensure that this does not arise.

Table 2 below shows the numbers of concerns raised in 2013-14 versus the previous year.

Table 2 – Concerns received in 2013-14

Concerns Received	Total for 2013-14	Total for 2012-13
Concerns logged via Complaints Manager	21	13
Concerns logged by Brokerage Team (dealt with by Private Providers using their own Complaints Procedure)	67	68

#### 4.6 External contracted providers

Personal budgets are now used to pay for support from a range of different organisations, such as home care agencies, or for employing a personal assistant (PA). We have approved providers for home care and have developed sources of information to help people find out what is available and arrange their support directly.

People need to feel confident about when and how to access the complaints process if external contracted services fall below expectations. In most cases we encourage people in receipt of the service and carers to make their initial complaint directly to the providers who they pay for their care. Then, if they are unhappy about how the provider handled matters, they can approach Adult Social Care for guidance as to the next steps and options available to them.

The LGO also provide a service where you can complain to them directly under certain circumstances. Their leaflet entitled “How to complain about a care home or care in your home – self funded or council funded” provides more information (which can be obtained via their website [www.lgo.org.uk](http://www.lgo.org.uk))

#### 4.7 Distribution of complaints by equality strand

The complaints report provides a breakdown against 6 of the 9 equality strands, these are:

- Age
- Gender
- Marriage and Civil Partnership
- Race
- Disability
- Religion or Belief

Complaints against the equality strands of Sexual Orientation, Gender Reassignment, or Pregnancy & Maternity have not been reported as this data has not been disclosed in sufficient numbers to allow a meaningful analysis to be undertaken.

As with all data provided in this report, the following analysis is based on the person receiving the service, and not the person reporting the complaint on that person’s behalf.

### Equality Strand Tables

Complaints broken down by age show that in 2013-14, a similar number of complaints was received by people aged 18 to 64, as from people aged 65+, whereas in 2012-13, 3 complaints were received by people aged 18 to 64 and 18 complaints were received by people aged 65+.

Complainants broken down by gender for 2013-14 shows that almost the same number of complaints were received from males as from females, as in 2012-13.

There are no trends observed in the tables representing the other equality strands.

Complaints for each Equality Strand are shown in the tables below:

Age Band	Total for 2013-14	Total for 2012-13
18 - 64	9	3
65+	10	18

Gender	Total for 2013-14	Total for 2012-13
Female	10	11
Male	9	10

Marriage & Civil Partnership	Total for 2013-14	Total for 2012-13
Married	3	8
Single	6	0
Divorced	3	2
Widow	4	6
Not recorded	3	5

Racial Equality	Total for 2013-14	Total for 2012-13
White British	18	17
White Other	0	0
Asian Pakistani	1	1
Indian	0	0
Not recorded	0	3

Religion or Belief	Total for 2013-14	Total for 2012-13
Church of England	6	5
Roman Catholic	1	3
Christian	1	1
Jehovah's Witness	0	2
Sikh	0	0
Baptist	0	0
Anglican	1	0
Not recorded	10	10

Disability Equality	Total for 2013-14	Total for 2012-13
Physical Disability 18-64 (PD)	4	1
Physical Disability 65 + (PD)	5	15
Mental Health (MH)	3	2
Learning Disability (LD)	3	1
Dementia	4	2

#### 4.8 Cost of complaint investigations for 2013–14

The total cost of the Complaints function was £23,122.24. In addition to this, there are costs in management time where complaints are investigated by Managers.

There have been no costs incurred for independent investigations for this period.

#### 4.9 MP Enquiries

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

<b>Total of MP Enquiries</b>	24 (compared to 19 last year)
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### 5. DEVELOPMENT OF POLICIES AND PROCEDURES

#### 5.1 Development of complaint management expertise

The South Regional Complaints Managers Group (SRCMG) aims to meet 3 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 to promote consistency of practice and to provide a source of mutual support.

#### 5.2 Learning from complaints

Learning from complaints is an important aspect of the complaints process. This is disseminated by Managers who highlight appropriate areas of learning through supervision, manager forums and other channels of communication.

The Complaints Manager meets with relevant Chief Officers to discuss individual complaints whenever required to do so.

Key Learning points and services improvements implemented during 2013–2014 included:

##### Processes when working with people at the end of their life:

- Revised guidance has been circulated to all practitioners with an emphasis on providing written information on the 12 week property disregard and deferred payments so that individuals thinking of funding future care arrangements have clear guidance at their disposal to inform their decision making.

- For people who require end of life care, consideration will be given to information already held on the system so as not to create any unnecessary delay where social care funding is required.
- Protocols regarding financial assessment for people requiring palliative care are being revisited to ensure there is not any duplication of information that causes unnecessary delays.
- A review is being undertaken with the Contracts Team and look at ways that relevant information needed quickly can be gathered so that a decision can be made without delaying the transfer of care for people who urgently need residential provision.

#### Regarding Services provided in Residential Care Homes

- A temporary Care Plan must be in place before anyone is accepted in to the home, including for a short or respite stay.
- All relevant staff to receive further training on completing an initial care-plan.
- All support staff to complete contact sheets throughout their shift.
- All Duty Officers in Charge are to ensure that they pay particular attention to the personal appearance of respite guests.
- All incidents, including refusal of support with personal care, are to be reported to Duty Officer in Charge and recorded in the Management Notifications Diary in the Duty Office. Family must then be notified as soon as possible.

#### To ensure that people who use our services and their carers sometimes struggle to understand the differing areas of responsibility between Adult Social Care, Housing and provider organisations.

- Timely and regular communication directly between Housing and Adult Social Care over issues such as Supporting People will improve the communication between the two services.

#### Following up changes or cancellations to homecare visits

- Where appointments are changed or cancelled, either by staff or by people receiving support, when time and circumstances permit, staff will confirm these changes in writing.

### **5.3 Staff training in managing complaints**

A training package on 'Handling compliments and complaints' can be accessed in the personal development category on the intranet at Bracknell Forest - Boris. This is an interactive guide, which enables staff to become familiar with the complaints process in Bracknell Forest Council or can be used as a 'refresher' (Please also see point 8 below).

## **6. THE PARAMETERS OF THE COMPLAINTS PROCESS**

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

It is also the Council's responsibility to work with 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, the person's permission must be obtained to proceed with the investigation. There are consent forms for this purpose.

### **6.1 Good practice in complaints management**

A major part of the complaint management function is to ensure that the processes remain transparent and robust.

- Speedy 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.
- Good communication channels between the complaints function and the business 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.

## **7. AREAS FOR FUTURE DEVELOPMENT**

Complaints provide an opportunity to consider practices and to identify methods of continuous improvement with Adult Social Care.

Throughout next year, improved ways of recording information will ensure that the complaints data that is reported is both accurate and insightful. Work will continue in order to refine and improve upon data recording. Developing and managing a central repository of annual complaints data, linking demographical data, with complainants and outcomes, will facilitate in-year and end-of-year complaints reporting more accurately and efficiently.

Work continues with the different teams in Adult Social Care to ensure that new starters and existing staff receive appropriate complaints training. The complaints manager will liaise with corporate training to ensure that appropriate complaints training is provided to new starters within Adult Social Care.

## **8. CONCLUSION**

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



Management of complaints in Bracknell Forest 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 increasingly complex.

The council learns from complaints made and there is evidence to show that that appropriate changes have been made (as identified in item 6.2 on page 12).

The next annual report will cover the period from 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015.

**Mark Gittins**  
**Performance Manager, Adult Social Care**