

Annex A



**Adult Social Care**

**Annual Compliments and  
Complaints Report**

**2014 - 2015**

May 2015

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## **Executive Summary**

This is the Adult Social Care (ASC) Annual Complaints Report for 2014-15. ASC have a statutory obligation to produce an annual report about complaints received in the year which is made 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 1st April 2014 through to 31st March 2015.

There were 67 compliments received in 2014-15 compared to 138 compliments in the previous year. Further details appear on pages 6 and 7 of the report.

ASC also received a total of 21 complaints about services compared to 19 complaints received in the previous year.

Of the complaints received in 2014-15, 5 were upheld, 7 were partially upheld and 9 were not upheld. This compares to the previous year where 2 complaints were upheld, 6 complaints were partially upheld and 11 were not upheld. Further details appear on page 9 onwards of the report.

The next Complaints Report will be for the year 2015-16.

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

### ***Defining a complaint***

A complaint is defined as an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's ASC 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 Procedure***

A single approach to dealing with complaints for both ASC 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 ASC Statutory Procedure.

### ***The Local Authority Corporate Procedure***

Complaints not covered by the ASC 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, ASC aim to acknowledge within 3 working days.

ASC also:

- Make sure that the complaint is understood
- Get 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 will be 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 our services and help identify where they are working well.

There were 67 compliments received in 2014-15, compared to 138 compliments received in 2013-14.

*Chart showing compliments by service in 2013-14:*

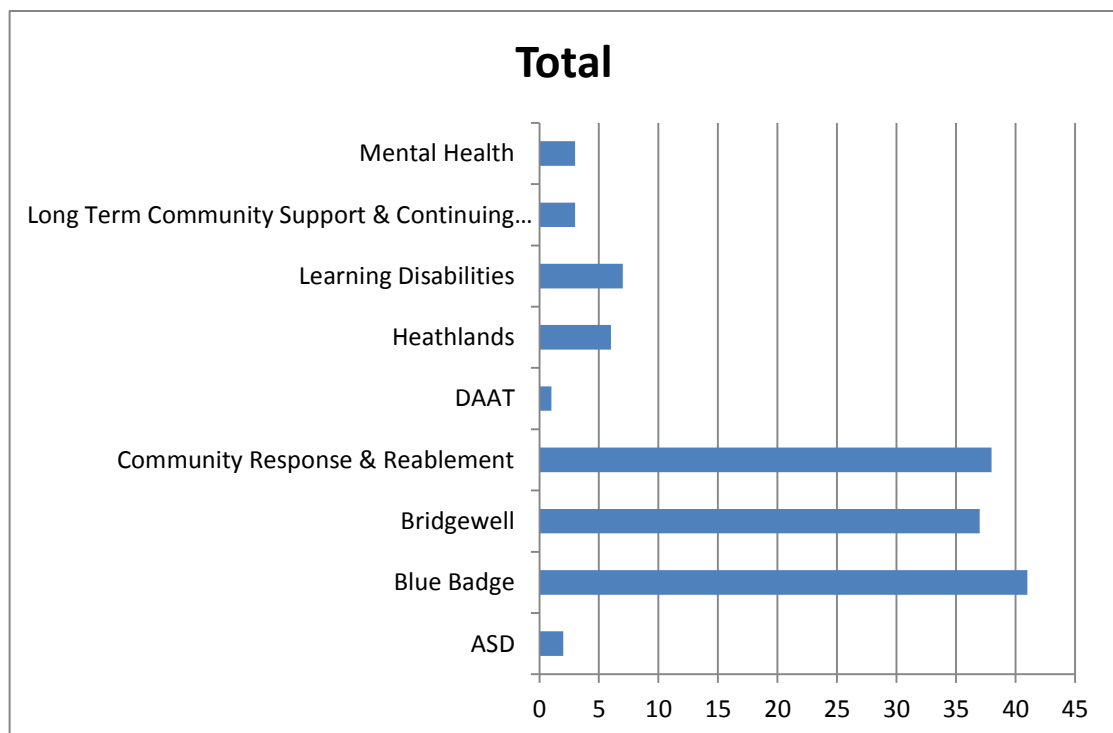
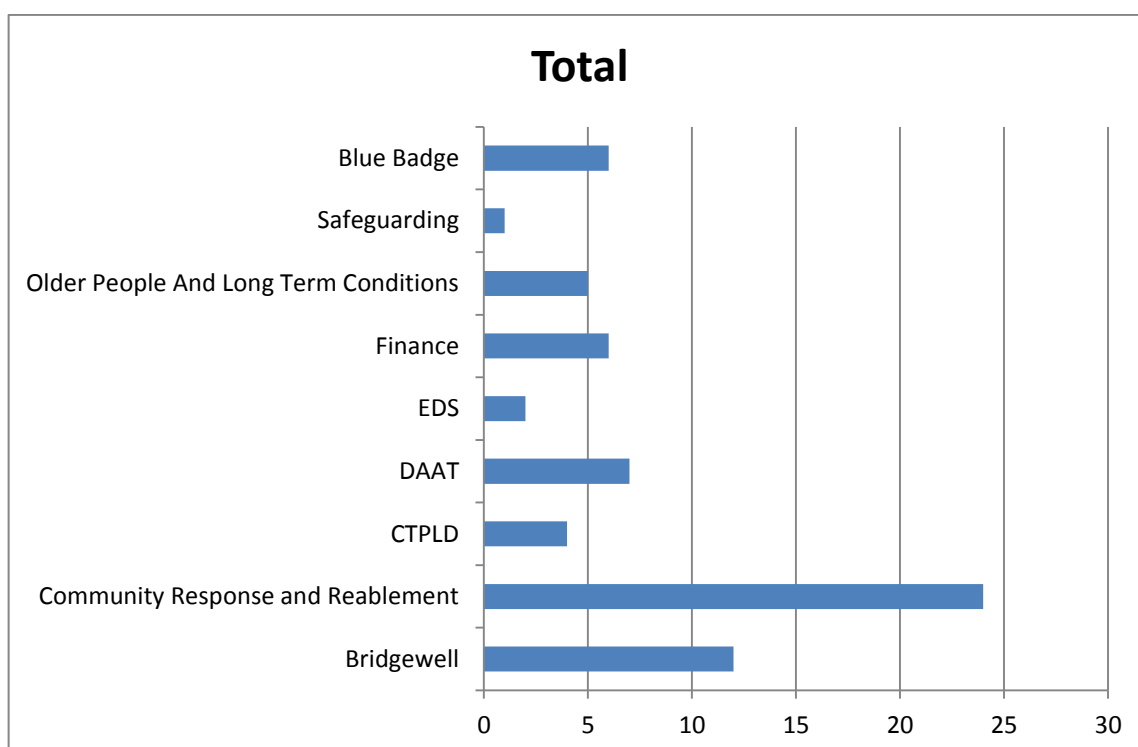


Chart showing compliments by service in 2014-15:



The reductions in compliments from the previous year is attributable to several main areas; compliments about Bridgewell have reduced from 37 compliments last year to 12 compliments in 2014-15 (a drop of 25 compliments), compliments about Community Response & Reablement (CR&R) have fallen from 38 compliments last year to 24 compliments in 2014-15 (a drop of 14 compliments) and compliments about Blue Badges have fallen from 41 compliments last year to 6 compliments in 2014-15. The reductions in Bridgewell and CR&R compliments are due to both Heathlands and Bridgewell running at reduced capacity in 2014-15. The reduction in Blue Badges compliments is due to the Government introduced a new Blue Badge scheme in 2014-15, which some applicants have found more challenging than the previous scheme.

Compliments currently outnumber complaints by a ratio of around 3 to 1.

**Examples of compliments made in 2014-15:**

*'I can't express enough my gratitude for this service over the years – I can't thank you enough'*

*'I don't know what I would have done without your help and support'*

*'Thank you so much for all your help and support over the last few years'*

*'Thank you so much for your excellent help last night with Mum'*

*'Thank you for your hard work making sure my Dad was safe'*

*'My mother was supported in her home by you wonderful team of carers'*

*'I cannot thank you enough for all your support and kindness while dealing with Dad'*

*'I have thoroughly enjoyed my stay at Bridgewell – thank you again'*

*'Thank you for your help the other night, you were very helpful and kind'*

*'Thank you for all your wonderful help this year – I wouldn't have made it through the year without you all'*

*'We are lucky to have your support and it is much appreciated'*

*'A big thank you to everyone at New Hope for your help and kindness in getting me straight again'*

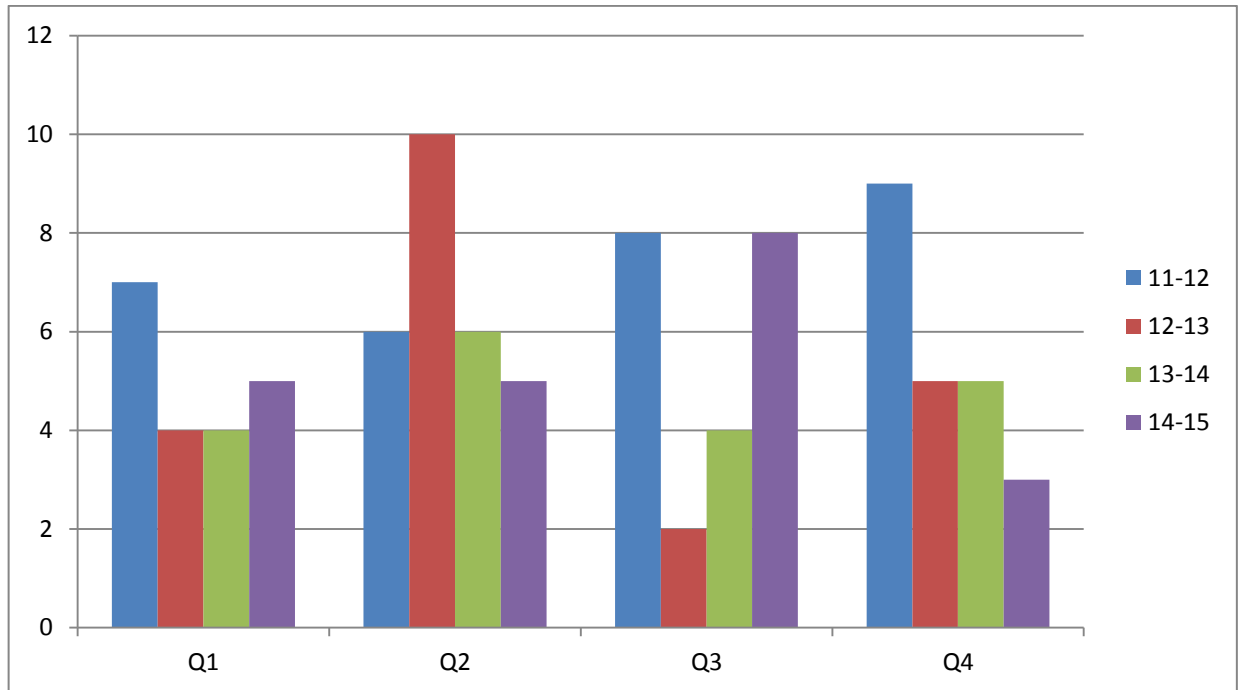
*'I really appreciate all that you have done for me'*



## Complaints received

In 2014-15, there were 21 complaints about ASC services. By comparison, there were 19 complaints in the previous year. Complaints are shown in comparison with previous years in the chart below.

*Chart showing complaints by quarter for the last 4 years*

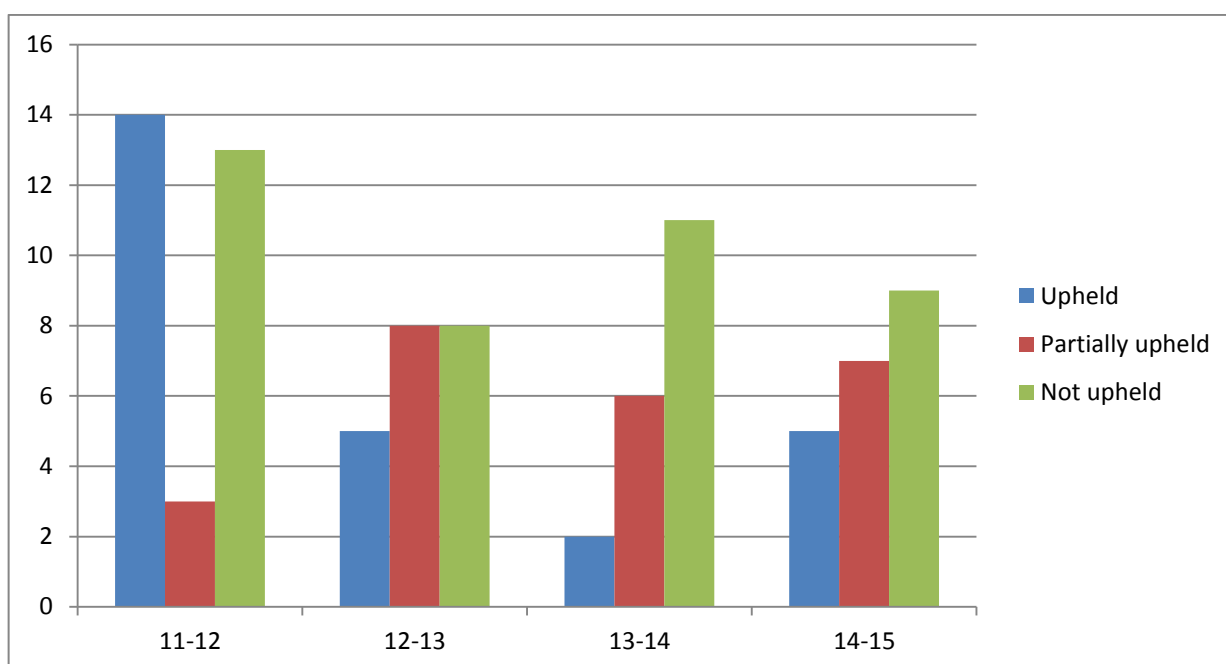


## Outcomes from complaints

An outcome is what happens after a complaint has been investigated and concluded. There are 4 potential outcomes for a complaint; upheld, partially upheld, or not upheld.

The chart below shows that in 2014-15, of the 21 complaints received, 9 complaints were not upheld, 7 complaints were partially upheld and 5 complaints were upheld. This compares with 2013-14 where 11 complaints were not upheld, 6 complaints were partially upheld and 2 complaints were upheld.

Chart showing the outcomes of complaints over the last 4 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)

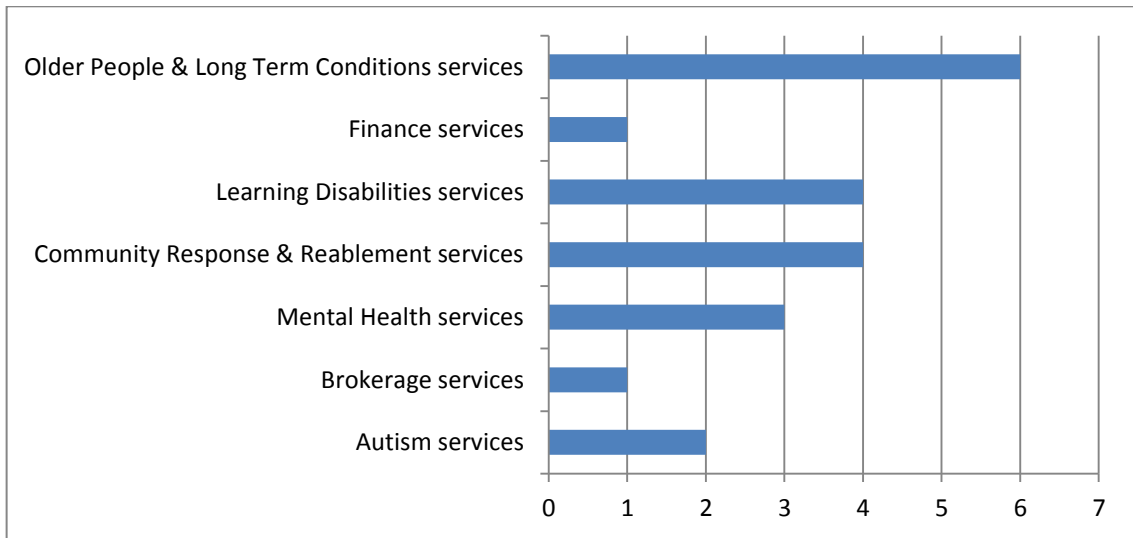
There were no complaints referred to the LGO during 2014–2015 through the ASC Statutory Complaints procedures. One complaint was referred to the LGO through Corporate procedures, which is ongoing at the time of writing this report.

## **Complaints received by services, nature and equality strand**

### **Complaints received by services**

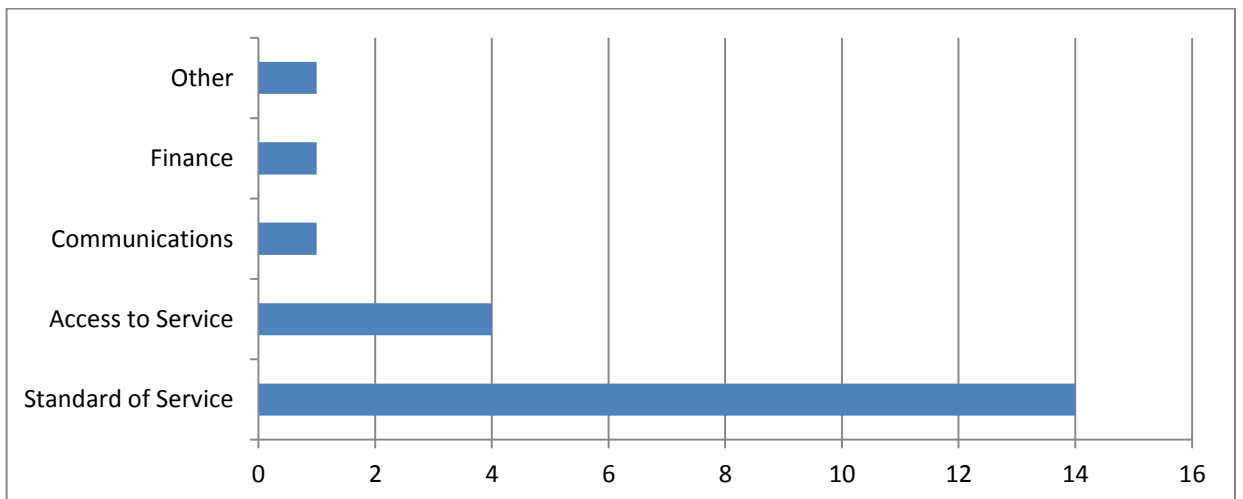
The chart below shows how complaints received by ASC services are distributed across each service.

*The chart below shows the distribution of complaints across services*



### **Nature of complaints received**

The chart below shows the distribution of complaints by nature of complaint.



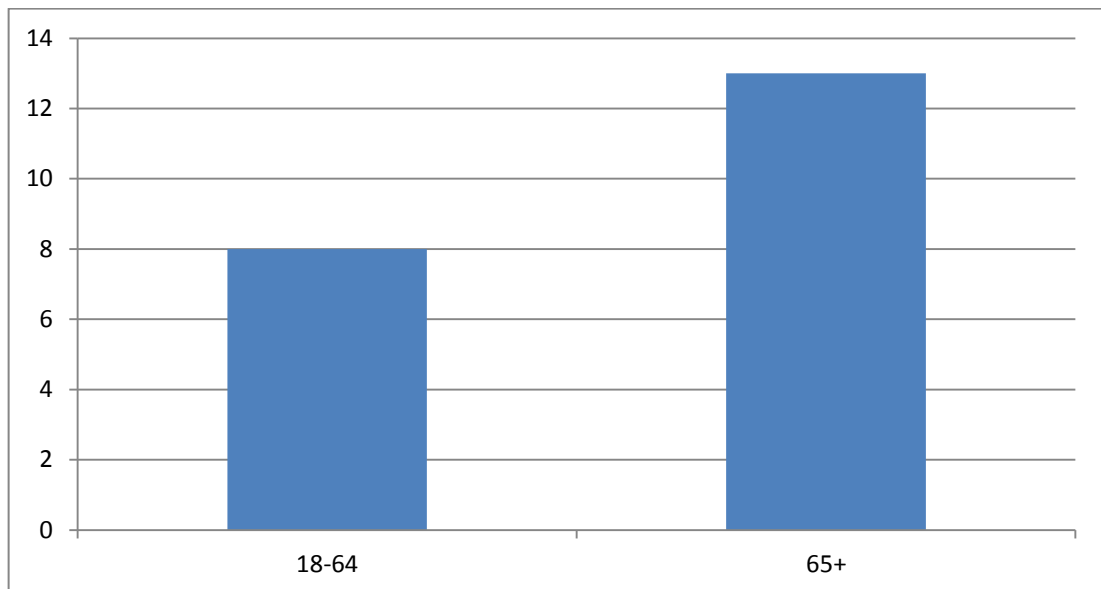
### ***Complaints by equality strand***

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

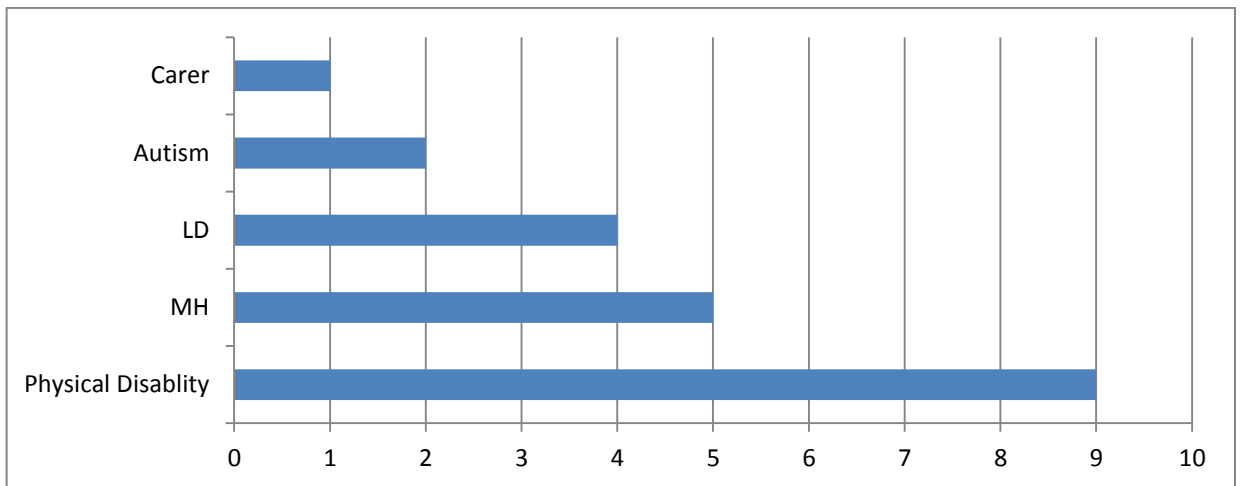
- Age
- Disability
- Gender
- Ethnicity

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.

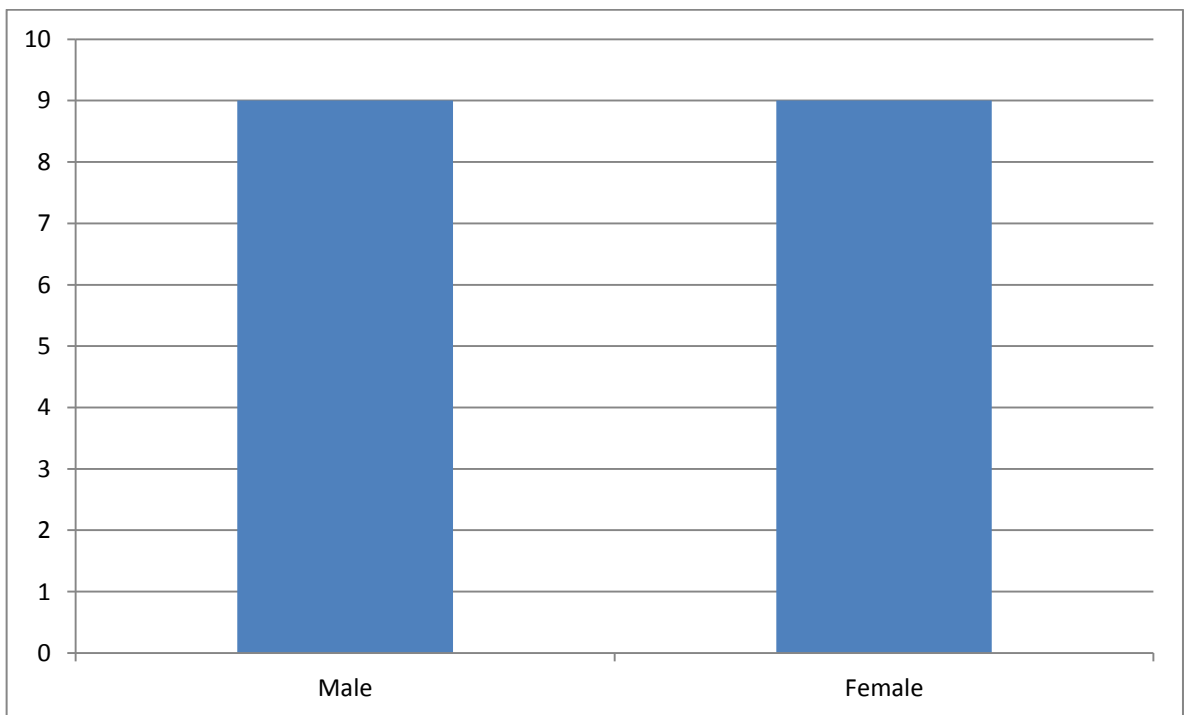
*The chart below shows the distribution of complaints by age*



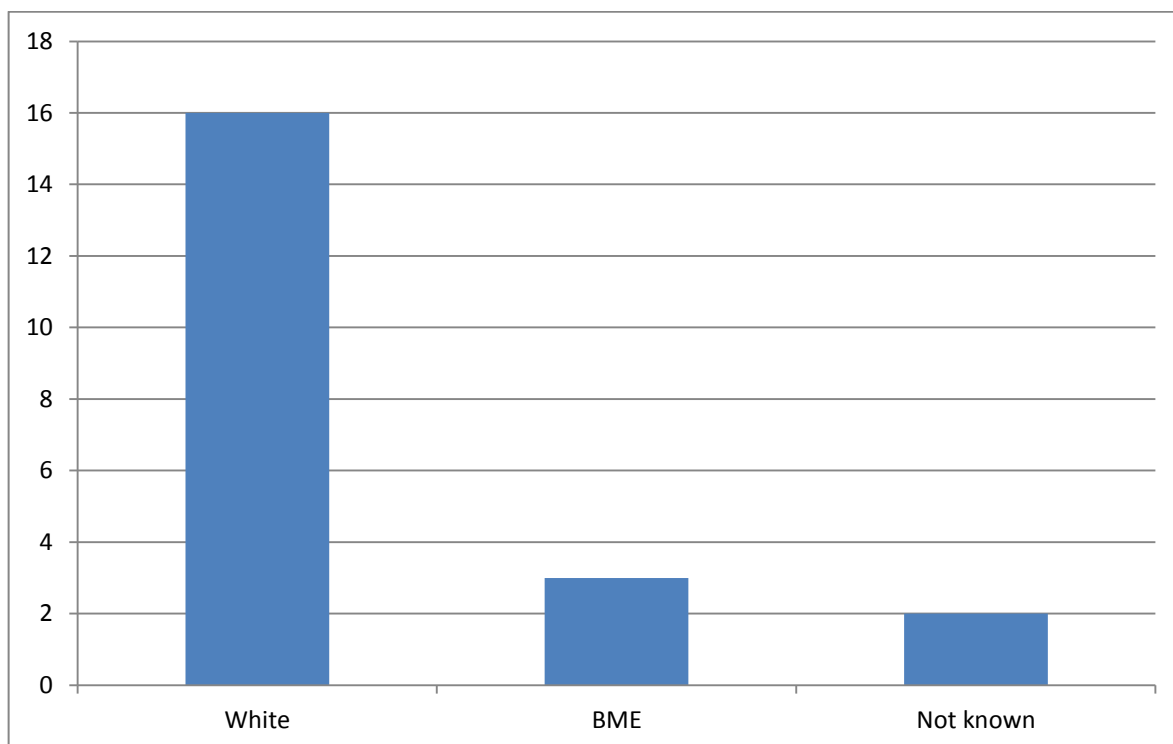
*The next chart shows the distribution of complaints by disability*



*The chart below shows the distribution of complaints by gender*



*The next chart shows complaints received by ethnicity*



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

The total cost of the Complaints function for 2014-15 was £13,380. The cost of independent investigations for this period is £4,008.

In addition to this, there are costs in management time where complaints are investigated by Managers.

### ***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.

There were 9 MP enquiries received in 2014-15 compared to 24 received in 2013-14.

## ***Staff Training***

All new staff in ASC receive initial training on the ASC complaints procedures, and how to respond to and record a complaint when it is first received. Refresher training is provided to staff as and when required.

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

An important part of the complaints 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.

## ***Learning from complaints***

Learning from complaints is an important aspect of the complaints process. The following are some examples of where practice or process recommendations have been made following complaint investigations and findings in 2014-15:

- There has been a review of procedures to ensure that there is a lead named worker co-ordinating a persons care and support
- A more robust supervision structure has been implemented for locum Social Workers working within our teams to be developed to monitor and support their work and understanding of services that we provide
- Improved communication has taken place between all ASC teams, including the Hospital In-reach Team and the Community Mental Health Team for Older Adults to be implemented
- A pathway has been developed for people that use services which does not require hand-offs between different teams. This feeds in to work that is already underway to address this
- ASC have ensured that everybody who funds their own care and support, but chooses to have the Council arrange it for them, are clear on all the implications, and the responsibilities of all parties so that an informed choice can be made
- That staff are clear on expectations regarding communications, and recording communication clearly so there can be no doubt about what information people have been given

- A review of the Recording Policy has taken place to incorporate timescales for individuals to receive written copies of reviews and other documentation
- There has been a review of the role of staff undertaking reviews and how to ensure that any outstanding actions are taken forward and that individuals and their families are clear about who is taking responsibility for co-ordinating and communicating the outcomes to all significant people
- When staff in ASC have been contacted regarding outstanding queries, there is explicit agreement about who will be contacting the person and a timescale for this to happen