

Annex A



Adult Social Care

**Annual Compliments and
Complaints Report**

2015 - 2016

May 2016

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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 2015-16.

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 2015 through to 31st March 2016.

There were 82 compliments received in 2015-16 compared to 84 compliments in the previous year. Full details appear on pages 6 and 7 of the report.

In 2015-16, Adult Social Care received a total of 19 complaints about services compared to 21 complaints received in the previous year. Of these, 7 were upheld, 3 were partially upheld and 7 were not upheld. 2 complaints were being investigated within timescales at the time of writing this report. This compares to the previous year where 5 complaints were upheld, 7 were partially upheld and 9 were not upheld. More details appear on page 9 onwards of the report. The next Complaints Report will be for the year 2016-17.

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 Statutory Procedures

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 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 Adult Social Care Statutory Procedure.

The Local Authority Corporate Procedures

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.

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 will be contacted to inform them of this.

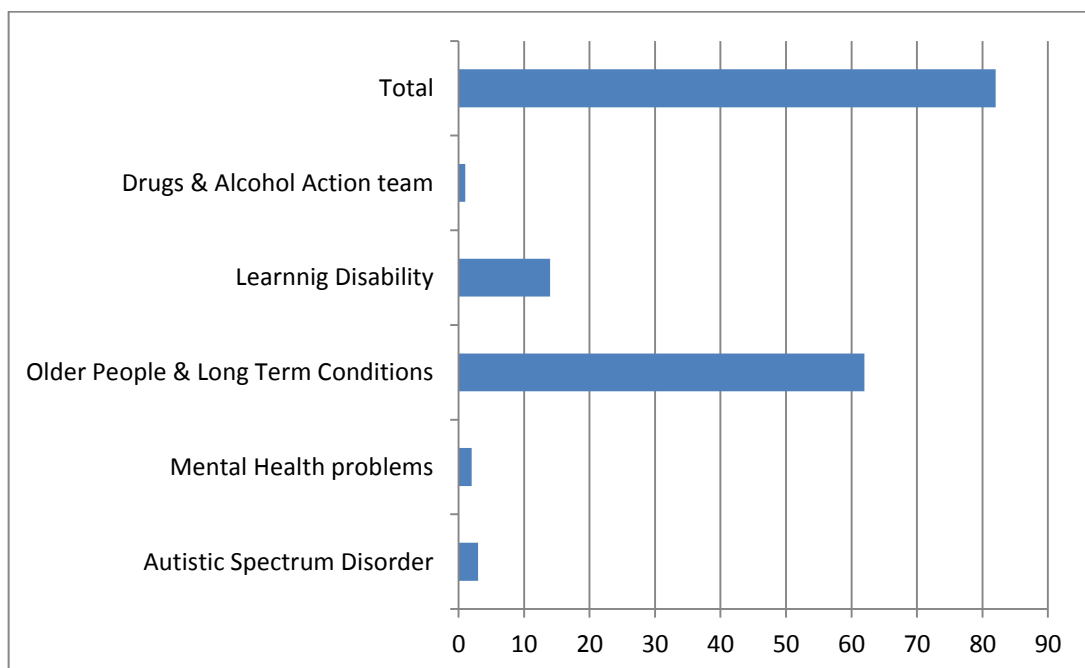
There is a time limit of 12 months from when the matter being complained about has occurred, to when a complaint may be made. After this time, a complaint will not normally be considered. However, the 12 month time limit does not apply where the local authority is satisfied that the complainant had good 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 82 compliments received in 2015-16, compared to 84 compliments received in 2014-15. The number of compliments received in 2015-16 outnumbered the number of complaints by over 4 to 1.

Chart showing the distribution of compliments by service in 2015-16:



Examples of compliments made in 2015-16:

'Thank you for your presentation – we have a greater understanding of the benefits available'

'We would like to thank you personally for supporting us – it's comforting to know that someone else cares.'

'Thank you so much for all your help and support'

'I'd like to say a huge thank you to you and your teams for the emergency support today – it has really helped us out.'

'You have given us the confidence to walk without fear of falling again.'

'A big thank you for being so kind to Mrs B throughout her mobility assessment.'

'I wanted to thank you for the support you provided to dad – the support you organised became invaluable'

'We would like to thank you very much for all the care you gave her – we couldn't have done it without you.'

'She said she was impressed with the level of service and efficiency she has received from you.'

'I am writing a letter of thanks to the members of staff in Adult Social Care – my husband felt he was treated with dignity.'

'Thanks once again for your ongoing support, it is really appreciated.'

'Thank you very much for the hard work you do for the local community'.

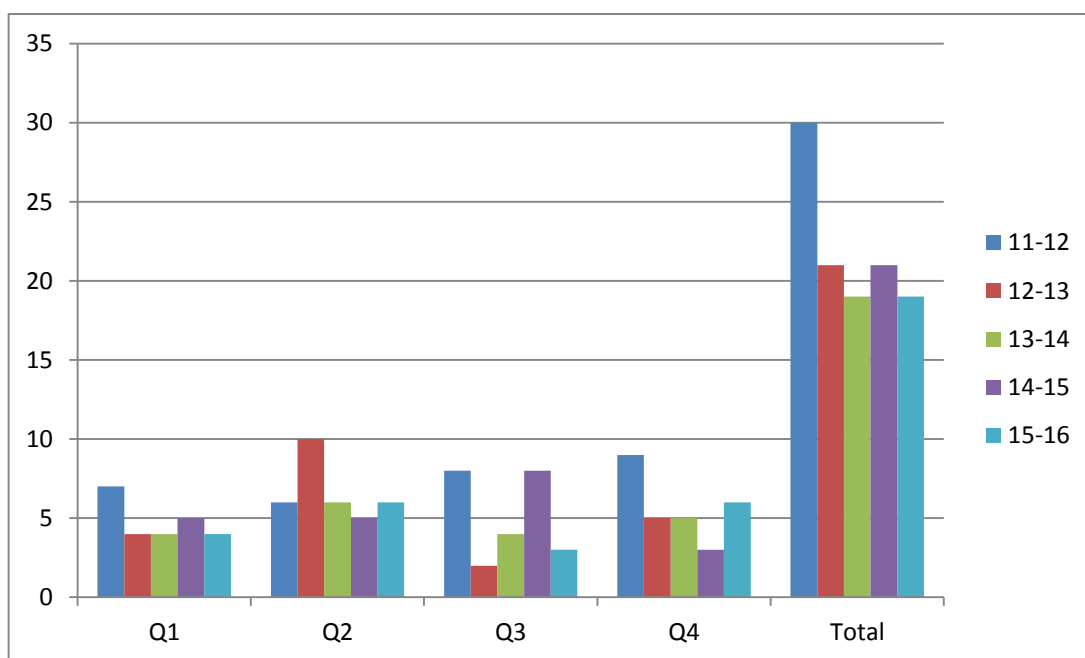
'I am amazed at the kindness of you all and wish to say a huge thank you to each and every one of you.'

'Being with you (at Bridgewell) has been one of the happiest times of my life.'

Complaints received

In 2015-16, there were 19 complaints about Adult Social Care services. By comparison, there were 21 complaints in the previous year. Complaints are shown in comparison with the previous 5 years in the chart below. Numbers of complaints within each year are measured across each quarter.

Chart showing complaints to Adult Social Care by quarter for the past 5 years



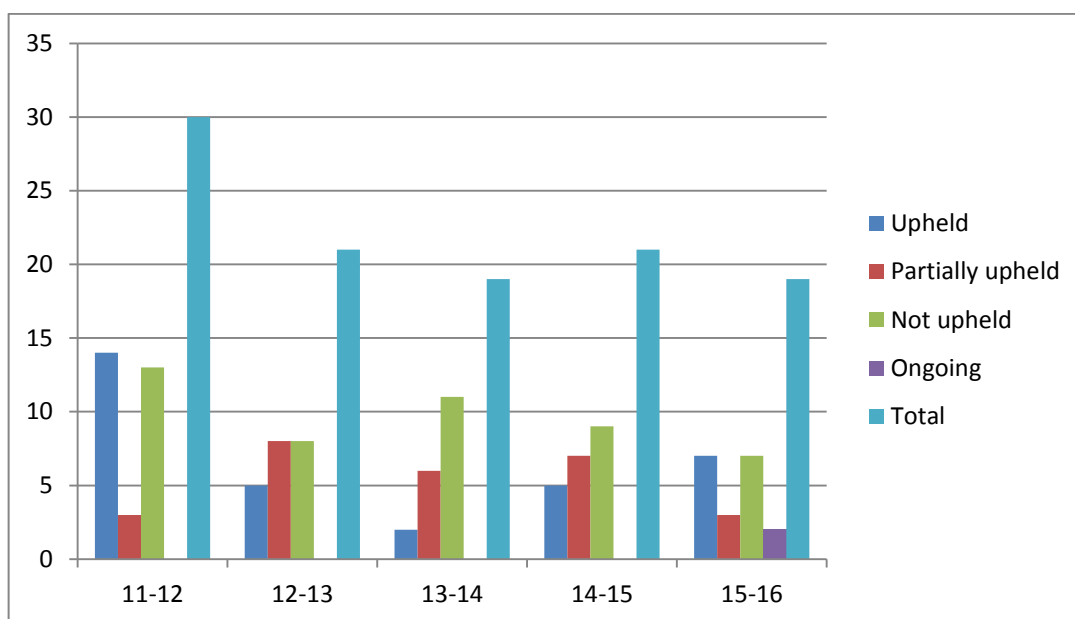
Complaints were reasonably evenly distributed across each quarter across the 5 years, and 2015-16 is in line with this trend.

Outcomes from complaints

An outcome represents the findings of a complaint once the investigation has been concluded. There are 4 possible outcomes for a complaint which are upheld, partially upheld, or not upheld. Until an investigation has been completed, the outcome of a complaint is recorded as ongoing.

The chart overleaf shows outcomes across the past 5 years. In 2015-16, of the 19 complaints received, 7 were not upheld, 7 were partially upheld and 3 were upheld. 2 were ongoing at the time of writing the report. This compares with 2014-15 where 9 complaints were not upheld, 7 complaints were partially upheld and 5 complaints were upheld. In 2015-16, the number of complaints upheld (7) was equal to the number of complaints not upheld. There were fewer complaints partially upheld (3). In 2014-15, more complaints were not upheld (8) than partially upheld (7) or upheld (5).

Chart showing the outcomes of complaints over the past 5 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:

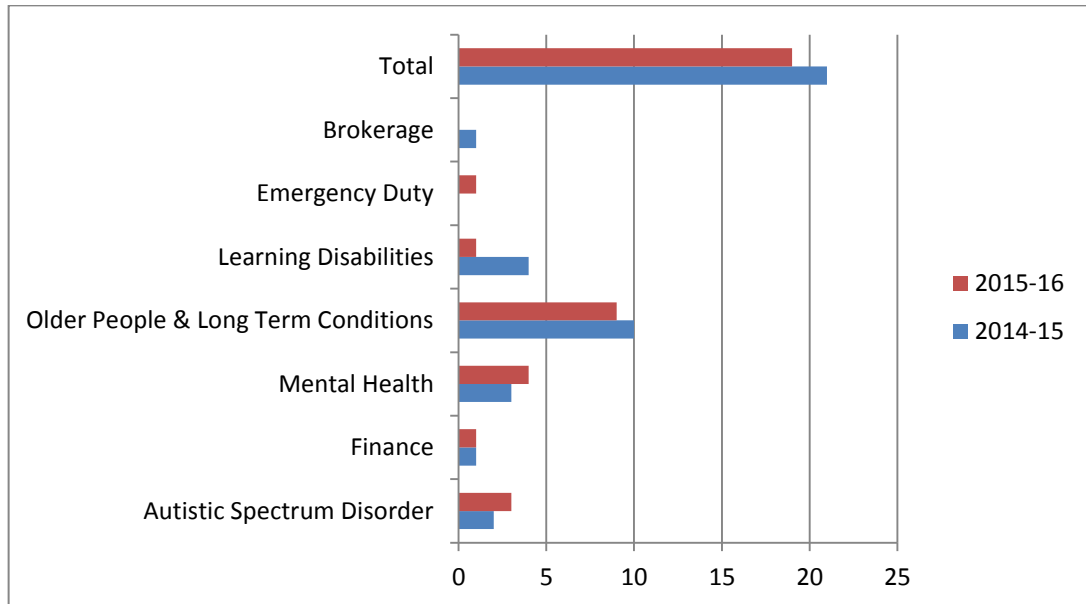
- It is unlikely they would find fault, or
- It is unlikely they could add to any previous investigation by the Council, or
- They cannot achieve the desired outcome (Local Government Act 1974)

In 2015-16, there were 2 complaints that were taken by complainants to the Local Government Ombudsman since they were not satisfied with the outcome to their complaint from Adult Social Care. 1 was not upheld and 1 was ongoing at the time of writing this report.

Complaints received by services, nature of complaint and equality strand

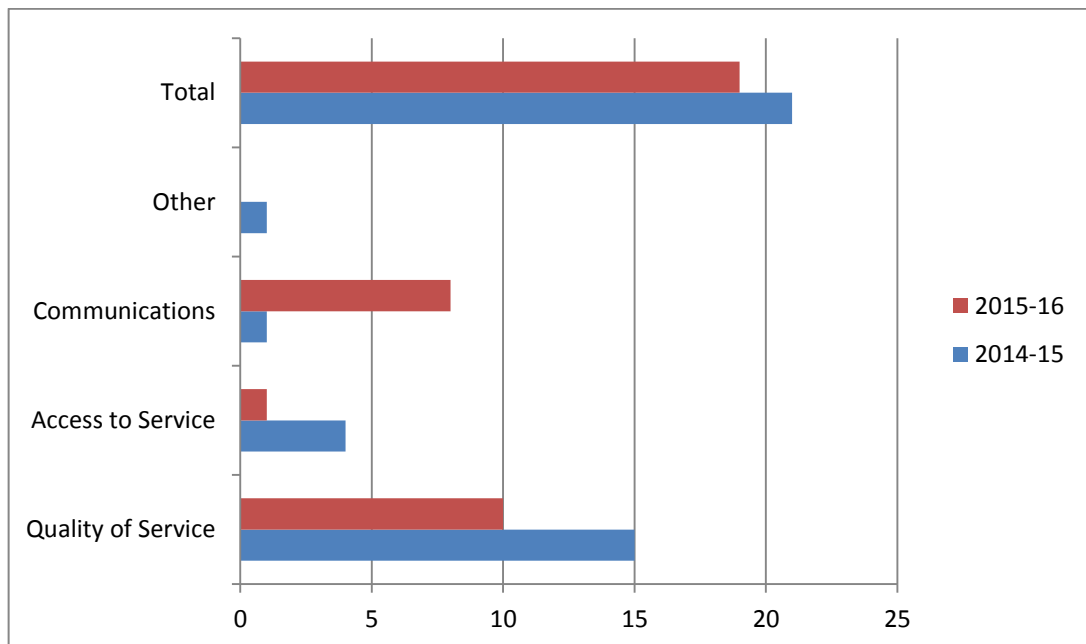
Complaints received by services

The chart below shows the distribution of complaints across services in 2015-16 versus the previous year:



Nature of complaints received

The chart below shows the distribution of complaints by nature of complaint in 2015-16 versus the previous year:



Complaints by equality strand

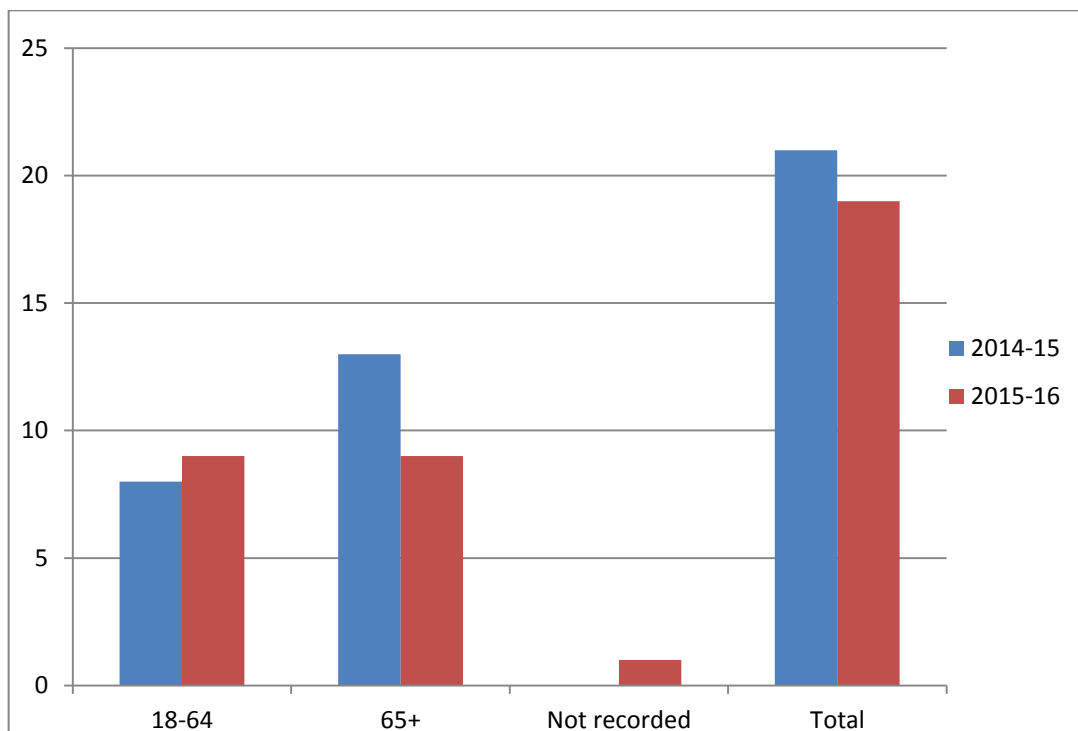
Distribution of complaints has been shown for 6 of the 9 equality strands as follows:

- Age
- Disability
- Gender
- Ethnicity

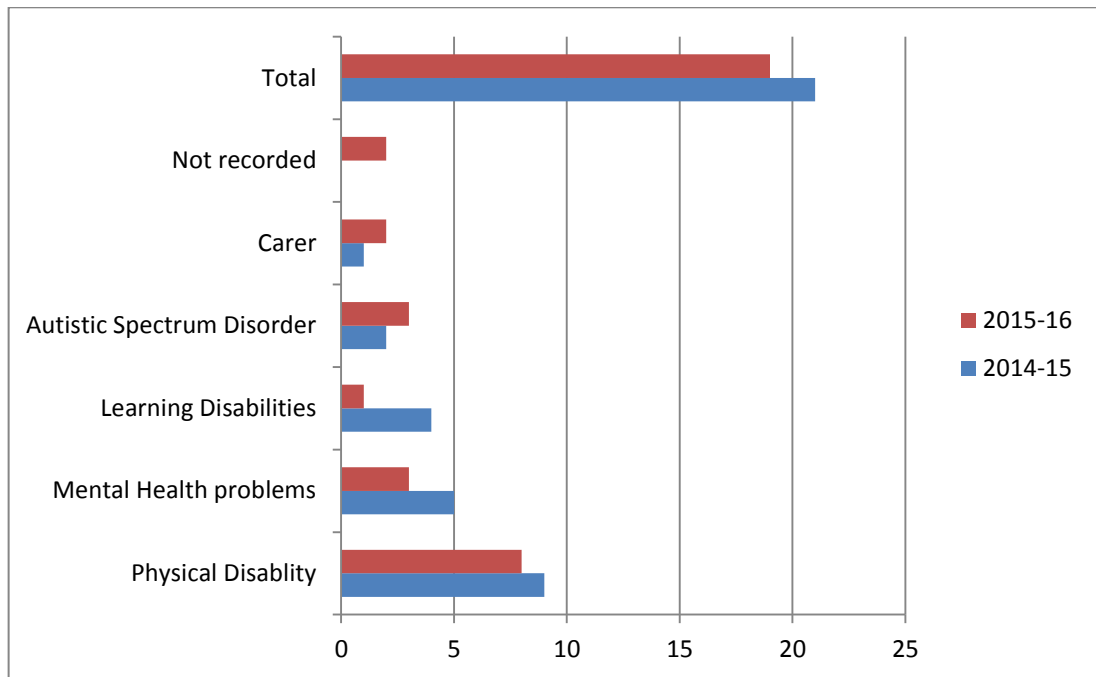
No information has been included on complaints by Marriage and Civil Partnership, Religion and Belief, Gender Re-assignment, Pregnancy and Maternity or Sexual Orientation since insufficient information is held on these strands.

The following charts show complaints in 2015-16 compared to the previous year.

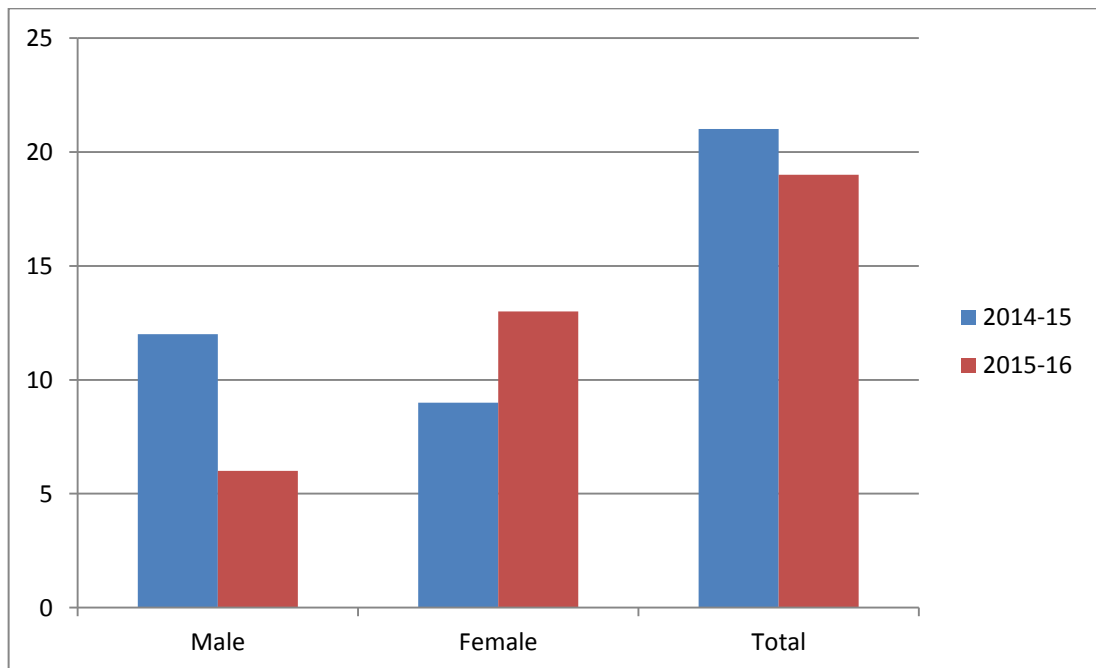
The chart below shows the distribution of complaints by age:



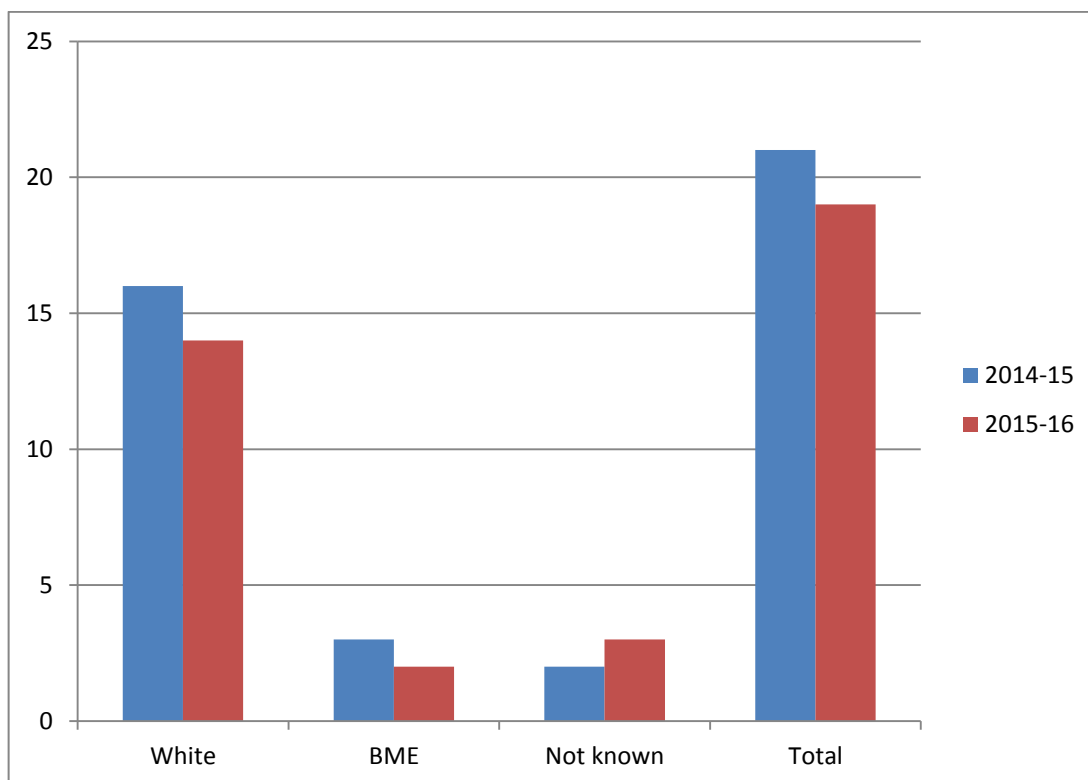
The next chart shows the distribution of complaints by disability. Complaints by carers are recorded separately.



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 2015-16 was £6,909. There were no independent investigations.

In addition to this, there are costs in management time where complaints are investigated by managers. It is not possible to calculate the cost of this.

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 a 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 7 MP enquiries received in 2015-16 compared to 9 received in 2014-15.

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.
- 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 some examples of where practice or process recommendations have been made following complaint investigations and findings in 2014-15:

- An action plan has been put in place to ensure that the processes and expectations around Ordinary Residence, including the role of the Care & Support Panel.
- To ensure that when carers contact Adult Services they will be properly advised regarding the role and status of Berkshire Carers Services before being referred on for assessment, management advice and guidelines have been given to the front desk team who deal with incoming enquires. They have been instructed to give more detailed information about the service and its charitable status.
- So that the Department ensures that it provides people with timely information and guidance, practitioners have been reminded of the Council's documentation procedures and standards.
- Finance processes will be reviewed to see how the area of invoicing where charges are being made in arrears can be improved to make things clearer to people receiving support and their carers and family.