

REPORT FOR: OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting: 20th September 2016

Subject: Adults Services Complaints Annual Report (social care only) 2015/16

Responsible Officer: Chris Spencer, Corporate Director
People Services

Scrutiny Lead Councillor Chris Mote, Policy Lead
Member area: Member
Councillor Chika Amadi, Performance
Lead Member

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

This report sets out the statutory Adults Services Complaints Annual report (social care only) 2015/16.

Recommendations: None. For Information purposes only.

Section 2 – Report

Annual Complaints Report for Adults Social Care Services 2015/16

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1. EXECUTIVE SUMMARY

The overall picture remains very positive and reflects a real commitment from managers and staff to resolve complaints as effectively, and as promptly, as possible. Low levels of escalation to secondary stages or the Local Government Ombudsman (LGO) further reinforces the fact that complainants are satisfied that their concerns are heard and dealt with appropriately and effectively.

There were some 106 “transactions¹” within the statutory complaints process during the year, i.e. representations, formal complaints and referrals to the LGO. Given the nature of some of the work undertaken, such as safeguarding adults and the transition of young people to adult services, it is positive that numbers of complaints are so minimal. Thousands of service episodes are provided each year. During 2015/16, the number of clients that received Long Term services was 3,850; whilst 943 clients received Short Term Reablement service and 1,863 clients received either Short Term (other) or On-going Low Level services. Please note that some service users may have been in receipt of two or more services during the year (i.e. a service user received Reablement which ended and then received Long Term services). During 2015/16 Adults Social Care Services:

- Received 9,774 requests for social care support from potential service users.
- Provided information and advice (including referrals to other organisations that could assist) to 3,247 clients.
- Ensured a total of 943 clients received home based short term Reablement services
- An additional 1,310 clients received other forms of short term support in response to their request, this included support like mental health counselling.
- A total of 3,850 clients received some form of long term support, which includes personal budgets, direct payments, residential and nursing care. 2,915 of those clients were actively in receipt of such services on 31st March 2016.
- Assisted 1,567 carers during the year. This included 780 instances of information and advice, 554 direct payments to the carer and 274 temporary support packages delivered to the cared-for person (e.g. to give the carer a break from their caring responsibilities).

Adult Social Care encompasses the majority of the Adults statutory social work and as expected, continues to attract the most complaints (83% of all transactions) which reflects the nature of the work undertaken by that service, including Safeguarding Adults enquiries where difficult decisions regarding adults and their families sometimes leads to actions which are unpopular with service users, but necessary.

This report contains both positive messages and indications of areas needing more work.

¹ The total of representations, Stage 1, Stage 2 and LG Ombudsman referrals.

- Of particular note is the high level of representations (61) which are received as potential complaints but resolved informally to the satisfaction of service users. This is significant in showing that the Council is able to listen to concerns expressed and act promptly to resolve them. Whilst this is positive in terms of the service user's experience it also endorses that early resolution is more cost effective for the Council by avoiding escalation with associated costs of any investigations.
- The number of Stage 1 complaints continues to fall and the proportion of Stage 1 complaint responses sent within timescales remains high at 90% and up 3% when compared to 2014/15 (87%).
- The relative escalation rate of complaints between Stage 1 and Stage 2 has remained at 2% (same rate as 2014/15). This reflects the successful efforts made by officers to understand and address concerns when they arise as complaints and representations.
- Better quality resolution work has meant that fewer representations moved on to Stage 1 complaint. Indeed there were more representations (61) than Stage 1 complaints (41) in 2015/16, compared to 2014/15 (52 representations and 45 complaints).
- All of the key actions that were set for 2015/16 in the previous year have been met.

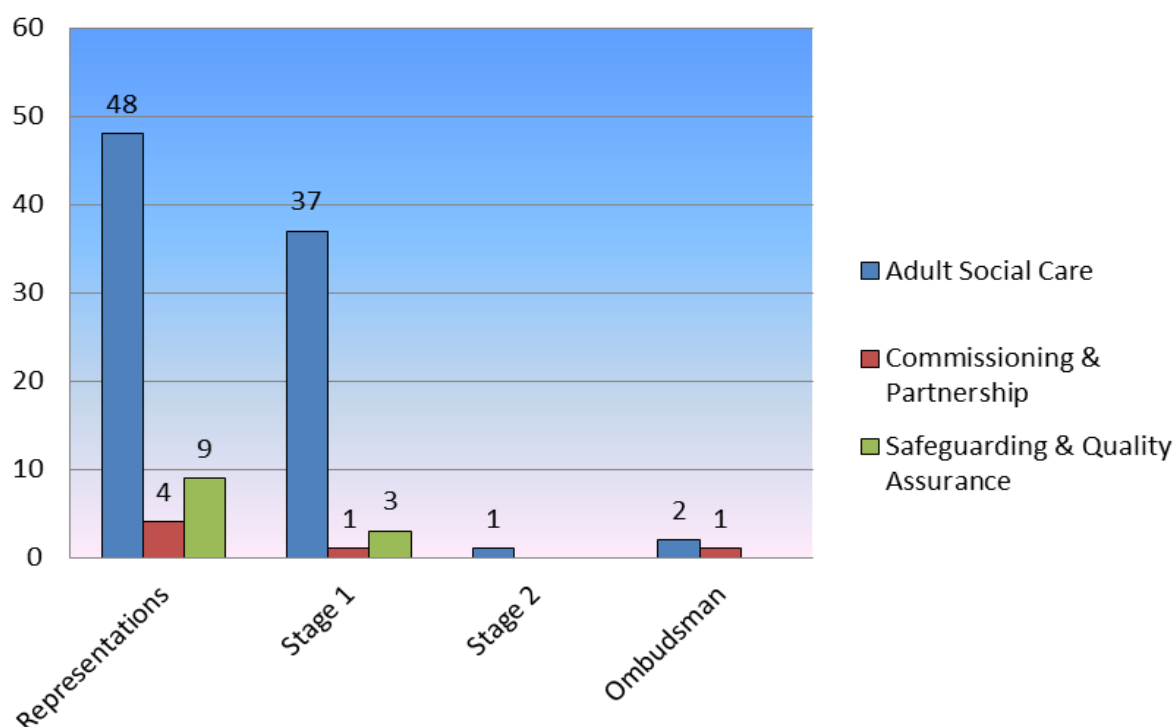
2. Summary of Activity

Between 1 April 2015 and 31 March 2016 there was the following activity:-

- The Complaints Service dealt with 61 representations i.e. potential complaints that did not lead to a formal complaint investigation.
- The Council received 41 Stage 1 complaints.
- 1 complaint progressed to the second stage.
- The Ombudsman reviewed 3 complaints during this period

Additionally there were 61 MP and Councillor enquiries managed by the Complaints Team.

Chart 1: Number of Complaints by Service area: April 2015 to March 2016



Number of Complaint Transactions by Service area: April 2015 - March 2016

Service Area	Representations	Stage 1	Stage 2	Ombudsman	Total
Adult Social Care	48	37	1	2	88
Commissioning & Partnerships	4	1	0	1	6
Safeguarding & Quality Assurance	9	3	0	0	12
Total	61	41	1	3	106

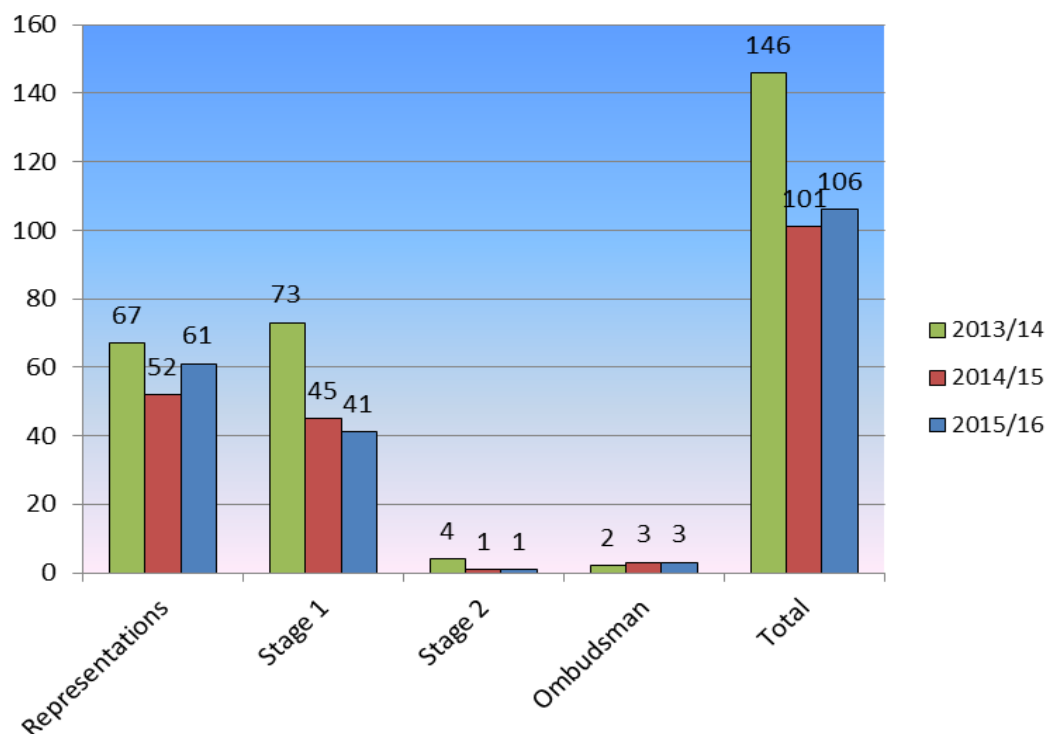
Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: This year, there has been a small reduction in the number of Stage 1 complaints, down by 4 on 2014/15. Reasons for this are considered in detail in section 5.1.

There was just one Stage 2 complaint, this represents an escalation rate of 2% of all Stage 1 complaints and as such is a relatively low level of escalation.

Of the three LGO referrals, two were not upheld by the Ombudsman. The remaining upheld complaint occurred as a result of the LGO finding the Council was at fault for not fully considering whether to offer a full carer's assessment (rather than a condensed one) and not communicating the outcome of two assessments.

2.1 Comparison of complaints over the last 3 years



	Representations	Stage 1	Stage 2	Ombudsman	Total
2015/16	61 (57%)	41 (39%)	1 (1%)	3 (3%)	106
2014/15	52 (51%)	45 (45%)	1 (1%)	3 (3%)	101
2013/14	67 (46%)	73 (50%)	4 (3%)	2 (1%)	146

Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: There was an increase in the number of total complaints or 'transactions' in 2015/16 (106), compared to 2014/15 (101). This was mainly due to the larger number of representations (increase of 9 from the previous year), there was a fall in the number of Stage 1 complaints (4) from the previous year. There was no change in the number of Stage 2 complaints and cases complaints referred to the Ombudsman.

3. Outcomes for key targets in 2014/15

In the previous annual report the following were identified as key focus areas.

Key action: To make further improvements to ensure that Stage 1 complaints response rates consistently exceed the local target timescales of 75% for each quarter.

- **Outcome achieved:** The proportion of Stage 1 complaint responses sent within timescales increased to 90% in 2015/16, up from 87% in 2014/15. Divisional Directors are aware of timescales performance through quarterly improvements board reports. Improvements have been made by working more closely with Team Managers who have helped to drive improvements in performance. Trends in cases and escalations have been consistently monitored in weekly catch up meetings by the Complaints Team and as part of quarterly improvement board reports.

Key action: To continue the core offer of training for front line staff and Managers on complaint handling.

- **Outcome achieved:** Training was offered to all relevant front line staff and managers and delivered during November and December 2015.

Throughout November and December 2015 the Complaints Team ran a series of three workshops on the complaints procedure. The target audience were staff who were new to Harrow or staff who had not previously received complaints training or felt that they would benefit from refresher training. The aim of the workshops was to enable staff to gain knowledge of the social services complaints procedure and regulations and how that impacts upon the work that they do.

4. Focus for 2015/16:

- To ensure that on time Stage 1 complaint response rates continue to exceed the local target of 75%
- To continue the core offer of training for front line staff and managers on complaint handling
- To update the complaints database to reflect the new teams within the People Directorate
- To review and update complaints literature and communications.

5. Stage 1 Complaints

5.1 Overall Activity

	Commissioning & Partnership	Adult Social Care	Safeguarding, & Quality Assurance	Total
2015/16	1	37	3	41
2014/15	7	27	11	45
2013/14	26	41	6	73

Analysis:

Overall Stage 1 complaints have decreased over the past three years. The reasons for this include:

- The introduction of the Fairer Charging Policy led to an increase in the number of complaints during 2012/13 and as the policy was embedded, numbers have decreased over the resulting period
- Training for front line staff to offer choice and control has resulted in a positive culture change throughout Adult Services, leading to higher levels of satisfaction
- Better quality resolution work has meant that fewer representations moved on to Stage 1 complaints. Indeed there were more representations (61) than Stage 1 complaints (41) in 2015/16. In comparison 2014/15 had 52 representations and 45 Stage 1 complaints.

There were ten more Stage 1 complaints in 2015/16 for Adult Social Care compared to the previous year. This was due primarily to IT issues in ensuring client contribution invoices were sent out in a timely manner. The Implementation Team within Personalisation formally assumed management of this function and rectified the issues, but this did lead to a short term increase in complaints which have now been resolved.

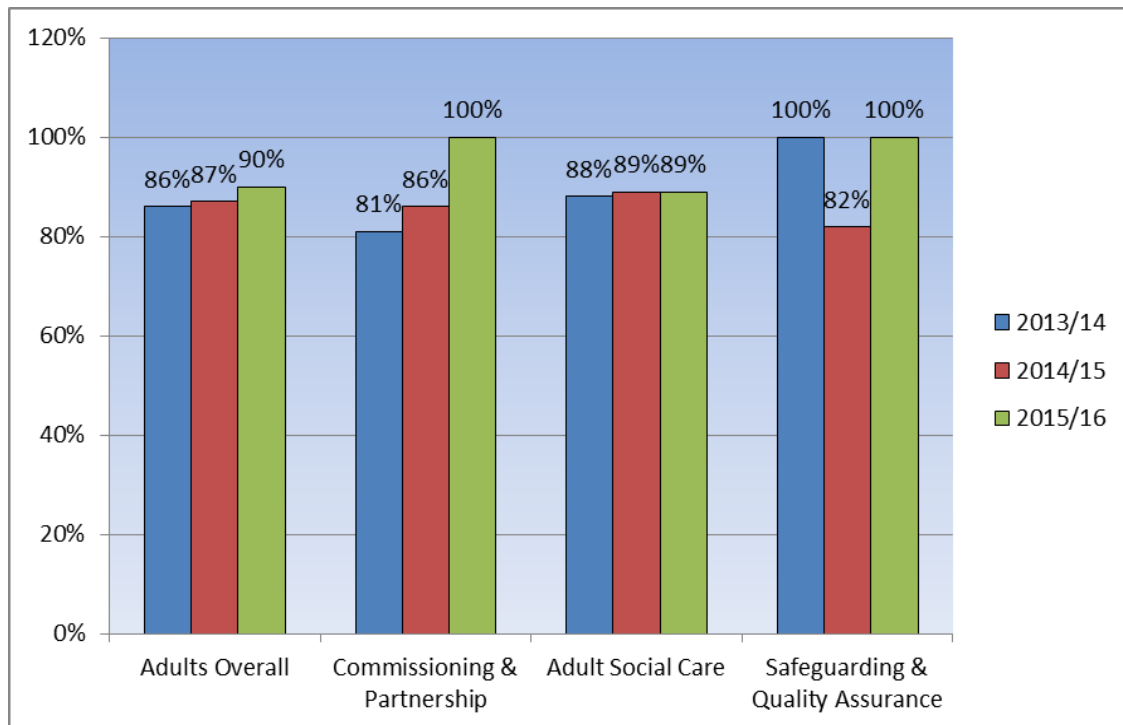
There were 14 fewer Stage 1 complaints in 2014/15 for Adult Social Care compared to the previous year. Within this service area the number of complaints under Reablement fell, perhaps due to an increase in the number

of providers used from two to seven. This in turn meant that the needs of service users were more closely matched to service providers. There were also fewer complaints around Personalisation intake reflecting further customer satisfaction with the service.

Adult Social Care, which manages all referrals for statutory services and contains the majority of the social work teams within Adults, including Safeguarding Adults enquiries by the nature of the work will always receive the largest share of complaints.

The number of Stage 1 complaints within Commissioning and Partnership fell from 26 in 2013/14 to seven in 2014/15 and then down to one in 2015/16. Personalisation has focused the work of Adult's Services around the individual needs of each client who are now at the centre of all arranged care. Personal budgets and the move away from block contracts also resulted in much broader and personalised choice. These developments have helped to reduce the number of complaints in this service area.

5.2 Stage 1 response times



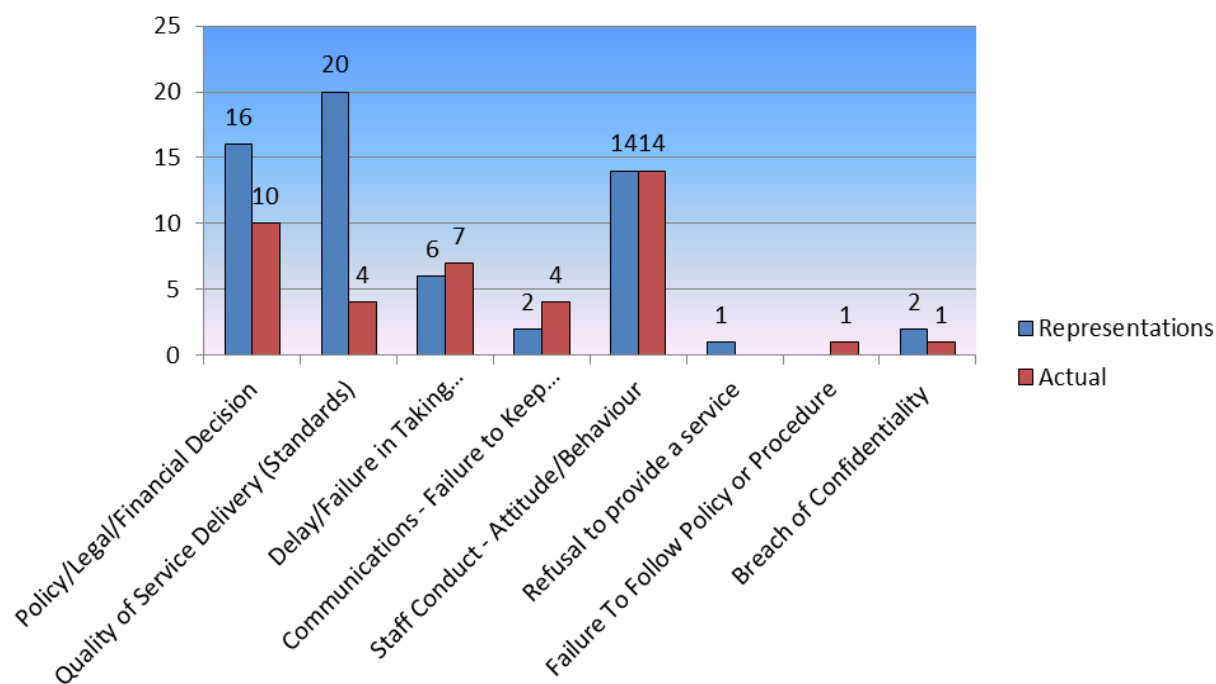
Analysis: All services areas exceeded the corporate target of 75%, with an overall level of 90% of complaints being dealt within timescale, this is a slight improvement from 87% for 2014/15.

5.3 Nature of complaints

Type of Complaint	Commissioning & Partnership	Adult Social Care	Safeguarding & Quality Assurance	Total
Breach of confidentiality		1		1
Delay / failure in taking action or replying		7		7
Loss or damage to property				
Policy / legal / financial decision		10		10
Quality of Service delivery (standards)		3	1	4
Level of Service (e.g. opening times)				
Refusal to provide a service				
Staff conduct * attitude / behaviour	1	11	2	14
Failure to follow policy or procedures		1		1
Change to an individual's service - withdrawal/ reduction				
Communication - Failure to keep informed / consult		4		4
Discrimination by a Service				
Total	1	37	3	41

Examples of complaints by category:	2015/16 examples
Delay/failure in taking action or replying	Delay in receiving day care invoice
Policy/Legal/Financial decision	Disagreed with financial assessment outcome
Quality of service delivery (standards)	Unhappy with duty service
Staff conduct – attitude/behaviour	Found care manager intrusive in carer assessment questioning
Communications – Failure to keep informed/consult	Did not receive requested information about on-going care

The table below shows the pattern of distribution across complaint categories is relatively similar in both representations and all formal complaints. There were twenty representations around the quality and service delivery. The complaints and social work teams worked with clients to quickly resolve concerns and issues without the need for a formal Stage 1 complaint.



5.4 Complaints outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
Safeguarding & Quality Assurance	1	2		3
Commissioning & Partnership		1		1
Adult Social Care	16	12	9	37
2015/16	17 (41%)	15 (37%)	9 (22%)	41
2014/15	13 (29%)	17 (38%)	15 (33%)	45
2013/14	29 (40%)	22 (30%)	21 (29%)	73

Key message: For the past few years managers and staff within service areas and the complaints team have worked towards a more balanced and open approach to complaints, where concerns from service users are recognised and receive appropriate responses. This includes the need to listen to complainants and adopt a less defensive approach when reflecting on practices and making decisions on the outcomes of each complaint.

In 2015/16 a larger proportion of complaints were not upheld (41%) compared to 2014/15 (29%). However, service user satisfaction has remained high, as borne out by the small number of Stage 2 complaints which remained at just one for the year.

6. Stage 2 complaints

6.1 Stage 2 complaint numbers and escalation rates

Service	Stage 1	Stage 2	% escalating to formal complaints
2015/16	41	1	2.4%
2014/15	45	1	2.2%
2013/14	73	4	5.4%

Analysis: There was one Stage 1 complaint in 2015-16, the same as 2014-15 with a near identical low escalation rate. Factors for this low escalation include:

- The efforts made by the Complaints Teams, Service Managers and Social Work Team leads in meeting with complainants and families after Stage 1 complaints have been sent out. These resolution meetings have been helpful to resolve issues and also provides a platform to discuss and consider any service changes required to meet service user and carer needs.
- The increase in the proportion of partially upheld and upheld complaints at Stage 1.

6.2 Stage 2 Complaints and outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
2015/16		1		1
2014/15		1		1
2013/14	2	2		4

Analysis:

There was only one Stage 2 complaint, it is therefore, not possible to reflect on major changes in outcomes.

6.3 Stage 2 Response Times

Year	Within time	Over timescale	Total
2015/16	1		1
2014/15	1		1
2013/14	1	3	4

Analysis:

There was only one Stage 2 complaint which was completed in time.

6.4 Nature of complaint

Year	2013/14	2014/15	2015/16
Breach of confidentiality			
Delay/ failure in taking action or replying			
Policy / legal / financial decision	2	1	
Quality of Service delivery (standards)	2		1
Quality of Facilities / Health and Safety			
Refusal to provide a service			
Level of Service (e.g. opening times)			
Change to Service - withdrawal/reduction			
Loss or Damage to property			
Failure to follow Policy or Procedure			
Total	4	1	1

Analysis: There was only one Stage 2 complaint, it is therefore, not possible to reflect on major changes in the nature complaints.

7. Stage 3 Complaints

There is no statutory Stage 3 complaint stage. The 2009 regulations do not expect them.

Context: The removal of review panels makes it more likely complaints will escalate to the Ombudsman, meaning it becomes even more imperative that errors are identified at an early stage and robust remedial action is taken.

8. Ombudsman complaints and enquiries

Analysis: There were three complaints concluded with the Local Government Ombudsman (LGO) during 2015/16.

The LGO concluded that in two cases that there were no reasons to suggest the Council had acted inappropriately and therefore did not uphold each complaint. In the remaining case the Ombudsman found that the council should have further considered to offer a full carers assessment as opposed to a short assessment and that the council did not adequately notify the carer of the outcome of the assessment.

Service	No finding against Council	Finding against Council	Total
Adult Social Care	2	1	3

9. Escalation comparisons over time

Year	Average % escalation rate Stage 1- Stage 2	Number of LGO complaints
2015-16	2%	3
2014-15	2%	3
2013-14	5%	2

Analysis: The rate of escalation between Stage 1 and Stage 2 has fallen over the past 3 years to a very low rate of 2% in 2014/15. This reflects the commitment to finding resolutions and listening to service users and their families, when concerns are raised during representations.

10. Compensation Payments

There was one relatively small compensation payment of £500.00. This indicates that 2015/16 has been a low year for significant errors being identified.

11. Mediation

During 2015/16, there were four potential complaints that were resolved by the Complaints Team facilitating a meeting or mediation between complainants and Adult Social Care.

One meeting that led to a resolution was where the Complaints Team arranged a meeting between the complainant, a manager from Adult Social

Care, a manager from an involved care home and a representative from HAD who were managing the relevant service user's finances.

The complaint centred on the billing and financial management for the involved service user, which due to the number of involved parties, there was some initial confusion and misunderstanding about what had occurred and which parties held responsibility for the issues raised.

By holding the meeting and allowing an open discussion with all parties involved, it helped clarify the series of events and helped all parties identify where there were gaps in communication and service. It allowed the Complaints Team to clearly direct HAD and the involved care home on what actions were necessary on their part to help resolve the issues and the complainant left the meeting satisfied with the answers that had been provided by way of the meeting and the proposed actions by the involved parties.

12. Joint NHS and Social Care Complaints

There was one joint NHS and Social Care complaint that did not find any fault against the council.

13. Learning Lessons/Practice Improvements

Examples of lessons learnt/practice improvements include the following

- A temporary IT issue led to service user not being sent monthly invoices for commissioned care for several months. Service users were offered a payment plan to ensure they could afford payments spread over a few months.
- Following from the above, it was identified that when a service user is financially assessed as full cost, they are informed of this via letter. However, this letter did not confirm the cost of any council commissioned care as normally only contribution amounts would be communicated. What particularly highlighted these issues was that as explained above, invoices were not being generated for several months in some cases. It was found that for better clarity and for service users and their families to be better informed, that additional information regarding the cost of any care package in place as well as providing families with further information of their options.
- A service user's required contribution was significantly increased due to a substantial change in their benefits. This was communicated to the Council by the DWP. The service user informed our service that they could not afford the contribution and a meeting was arranged to discuss further along with Mencap who was advocating for the service user. It was discovered in the meeting that the individual was not yet in

receipt of the benefits despite previous correspondence from the DWP. It was agreed with the relevant service that more stringent checks should be carried out with the DWP to ensure actual receipt of benefits before contributions are amended at the Council to prevent higher charging in a period of transition where the user is not yet in receipt of higher income.

- Due to high demand at certain points in the year, the Occupational Therapy service had higher than usual allocation times which left service users concerned about when they may be receiving an assessment. Feedback was passed on to the service regarding these multiple cases to ensure better communication around any delays in service.

14. Compliments

The majority of service users that compliment staff and the council provide their feedback through verbal communication in care meetings or by phone. Examples of some of the written compliments forwarded to the complaints team by staff include

- *“I wish to thank the team for all the support you have given me and my family over the years, during difficult times. Couldn’t find any fault despite the heavy work. Well done team, good service to the community despite the rubbish the papers say.”*
- *“I attended the meeting at the Civic Centre as part of the local account group which has been a big part of turning my life around and I am truly indebted to team have also gone above and beyond the call of duty in empowering me with choices that would have been unattainable. Where there is not yet parity within mental health and physical health with help and guidance it is possible to recover a degree of quality of life, I am totally abstinent from alcohol since April, regularly attend the YMCA gym, recently quit smoking after the support....Thank you for having such empowering individuals and teams within the borough.”*
- *“Hello, just a short courtesy e-mail to thank you for the invitation to the civic centre the other evening, it was very informative it was great to be a part of and especially to be given the opportunity to participate throughout the process has opened my eyes to the difficulties others face.”*
- *“I wanted to thank you personally for your commitment to get to the bottom of this saga - without your personal decision to initiate a Harrow-resourced inquiry, I am certain the previous 'inconclusive' would have stood as the final outcome.”*

15. Equalities Information

15.1 Stage 1 - equalities information of the service user

Gender of Service User	2014/15	2015/16
Male	16	11
Female	29	30

Ethnic Origin of Service User:	2014/15	2015/16
ASIAN OR ASIAN BRITISH		
Afghani		
Bangladeshi		1
Indian	13	11
Pakistani		2
Sinhalese		
Sri Lankan Tamil	1	
Other Asian	2	1
BLACK/BLACK BRITISH		
African	1	2
Caribbean	3	3
Somali		
Other Black		
OTHER ETHNIC GROUP		
Arab		
Chinese		
Iranian		
Iraqi		
Kurdish		
Lebanese		
Other Ethnic Group	2	
MIXED		
White & African		
White & Caribbean		
White & Asian		
Other Mixed		1
WHITE		
Albanian	1	
British	19	17
Irish	2	
Gypsy/Roma Traveller		
Irish Traveller		
Polish		
Romanian		
Serbian		
Other White	1	
PREFER NOT TO SAY/NOT KNOWN		3

Disability	2014/15	2015/16
Yes	36	40
No	9	1
Unknown	0	0

Complaint made by:	2014/5	2015/16
Service User	7	5
Relative/Partner (often informal carer)	33	35
Advocate – (instigated by either carer or service user)	5	0
Solicitors	0	1

15.2 Stage 2 - equalities information of the service user

Gender	2014/5	2015/16
Male	0	1
Female	1	0
Unknown	0	0

Ethnic Origin	2014/5	2015/16
British White	0	1
Indian	1	0
Other Ethnic	0	0
Unknown	0	0

Disability	2014/5	2015/16
Yes	1	1
No	0	0
Unknown	0	0

Complaints made by	2014/5	2015/16
Service User	0	0
Relative/Partner (often informal carer)	1	1
Advocate – (instigated by either carer or service user)	0	0
Solicitors	0	0

16. The Complaints Process explained

This report provides information about complaints made during the twelve months between 1 April 2014 and 31 March 2015 under the complaints and representations procedures established under the Health and Social Care (Community Health and Standards) Act 2003 and through the Local Authority Social Services and National Health Service Complaints (England) Regulations, 2009 and the Council's corporate complaints procedure relating to Adults Community Care Services.

All timescales contained within this report are in working days.

16.1 What is a Complaint?

An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult's social services provision which requires a response.

16.2 Who can make a Complaint?

(a) a person who receives or has received services from the Council; or
(b) a person who is affected, or likely to be affected, by the action, omission or decision of the Council.

16.3 Stages of the Complaints Procedure

From April 2009, regulations removed the traditional 3 Stage complaints procedure for statutory complaints, replacing it with a duty to provide a senior manager organisational sign-off to every complaint response. The Council is expected to negotiate with the complainant how their complaint should be managed, including agreeing a timescale. If a verbal issue can be resolved by the end of the next working day, the regulations state this does not need to be recorded as a complaint.

Many complainants prefer a defined process and prefer to rely on the Council to identify a process to manage their complaint. To assist such complainants the Council produced a model procedure which complainants can use if they prefer. It is also used where complainants cannot be contacted to discuss how they want their complaint managed. Complainants are always advised in writing of their right to agree a different process if they prefer.

The stages of the Model procedure:

1) Local resolution

Timescale: 10 working days. 20 working days for complex

Organisational sign-off: Director of Adult Social Services

2) Mediation

Organisational sign-off: Director of Adult Social Services

3) Formal investigation

Timescale: 25 working days. 65 working days if complex e.g. requiring independent investigation.

Organisational sign-off: Corporate Director

For ease of understanding, the report uses a traditional stages reporting format. Local resolution being a Stage 1 and formal investigation a Stage 2. It is important to emphasise that these stages are very fluid so it is not uncommon to go immediately now to mediation or independent investigation.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.

16.4 What the complaints team do

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Surgeries/raising awareness
- Learning identification and agreed actions monitoring
- Advocacy identification
- Chasing complaint responses

The introduction of letter-vetting in September 2006 by the Complaints Service has ensured that all complainants are informed in their written response of the right to go to the next stage if they are unhappy.

Thank you for your application. There were over 40 applications, on this occasion we were looking for candidates with a greater level of DPA experience. We wish you all the best in your job hunting.

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

There are no specific particular performance issues associated with this report.

Environmental Impact

N/A

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

N/A

Corporate Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

- **Making a difference for the vulnerable**
- **Making a difference for communities**
- **Making a difference for local businesses**
- **Making a difference for families**

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require Financial or Legal clearance.

Section 4 - Contact Details and Background Papers

Contact: Report author: Peter Singh, Service Manager, Adults & Children's Complaints, 020 8424 1161

Background Papers: None