

**REPORT FOR: PERFORMANCE AND
FINANCE SUB-
COMMITTEE**

Date of Meeting: 14th December 2020

Subject: Adults Services Complaints Annual Report (social care only) 2019/20

Responsible Officer: Paul Hewitt, Corporate Director People Services

Lead Member: Councillor Simon Brown

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

This report sets out the statutory Adults Services Complaints Annual report (social care only) 2019/20.

Recommendations: None. For Information purposes only.

Section 2 – Report

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

- Build a Better Harrow
- Be More Business-like and Business Friendly
- **Protect the Most Vulnerable and Support 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: Usman Zia, Complaints Manager, Adults & Children's Complaints, usman.zia@harrow.gov.uk

Background Papers: None

Annual Complaints Report for Adults Social Care Services 2019/20

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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 **200** “transactions¹” within the complaints process during the year, i.e. representations, formal complaints, member enquiries and referrals from the LGO. Given the nature of some of the work undertaken in ensuring care for very vulnerable individuals, it is positive that the numbers of complaints are so minimal. Thousands of service episodes are provided each year as is detailed below:

During 2019/20, the number of clients that received Long Term services was **3,992**; whilst **539** clients received Short Term Reablement service and **1,837** 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 2019/20 Adults Social Care Services:

- Received **7,704** requests for social care support from potential service users.
- Provided information and advice (including referrals to other organisations that could assist) to **1,014** clients.
- Ensured a total of **539** clients received home based short term Reablement services
- An additional **1,837** clients received other forms of short-term support in response to their request, this included support like mental health counselling.
- A total of **3,992** clients received some form of long-term support, which includes personal budgets, direct payments, residential and nursing care during the year. **2,992** of those clients were actively in receipt of such services on 31st March 2020.
- Assisted **640** carers during the year. This included **123** instances of information and advice, **385** direct payments to the carer and **144** temporary support packages delivered to the cared-for person (e.g. to give the carer a break from their caring responsibilities

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

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

- Of particular note is the high level of representations (99) which are received as potential complaints but are attempted to be resolved informally. 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 citizen's experience it also endorses that early resolution is more cost effective for the Council by avoiding escalation with associated costs of any investigations. It provides a result focus rather than process focus.
- The number of Stage 1 complaints continues to fall and the proportion of Stage 1 complaint responses sent within timescales remains very high at 90%. The increase in MP/Councillor contacts may also reflect the decrease in stage 1 complaints.
- The relative escalation rate of complaints between formal Stage 1 and Stage 2 has remained relatively low at 17%. It has to be noted that the amount of formal Stage 1 responses is initially very low (23) and only 4 cases went to formal Stage 2. 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 a Stage 1 complaint. There were far more representations (94 at initial contact plus 5 midway through process) than Stage 1 complaints (23) in 2019/20. This meant many cases were informally resolved ensuring a swift resolution for our citizens.
- All of the key actions that were set for 2019/20 have been met.

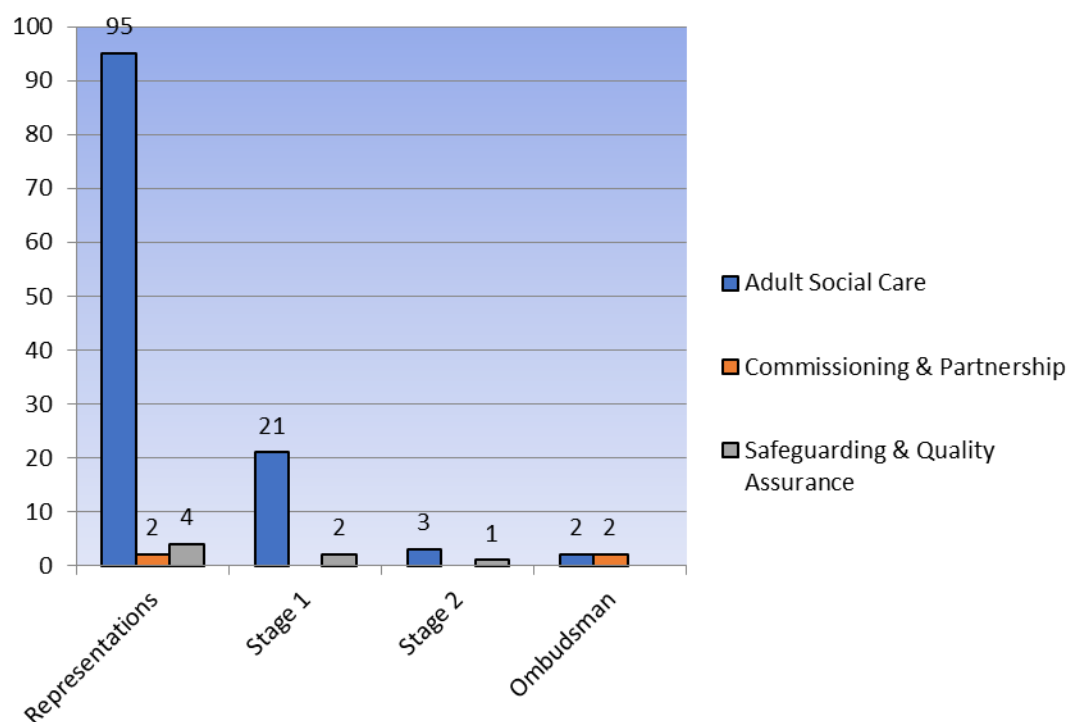
2. Summary of Activity

Between 1 April 2019 and 31 March 2020 there was the following activity:-

- The Complaints Service dealt with 99 representations i.e. potential complaints that did not lead to a formal complaint investigation.
- The Council received 23 Stage 1 complaints.
- Four complaints progressed to the second stage.
- The Ombudsman made decisions on four formal cases during this period

Additionally, there were 70 MP and Councillor enquiries managed by the Complaints Team (in comparison to 52 from the year before).

Chart 1: Number of Complaints by Service area: April 2019 to March 2020



Number of Complaint Transactions by Service area: April 2019 - March 2020

Service Area	Representations	Stage 1	Stage 2	Ombudsman	Total
Adult Social Care	95	21	3	2	121
Commissioning & Partnerships	2	0	0	2	4
Safeguarding & Quality Assurance	2	2	1	0	5
Total	99	23	4	4	130

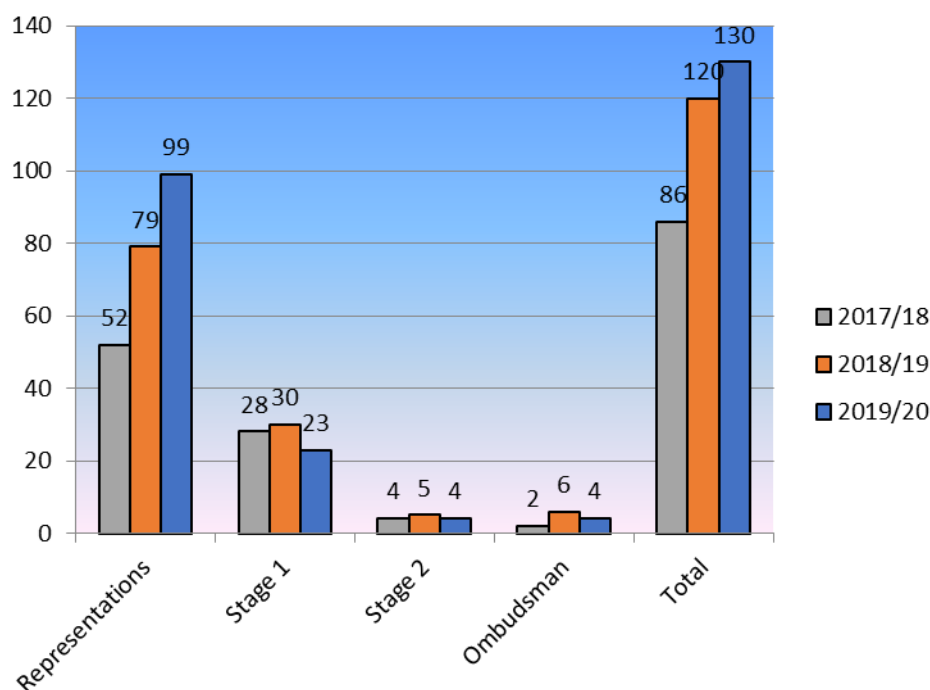
Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: This year there has been a decrease in the number of Stage 1 complaints, down by seven compared to 2018/19. This may be due to further efforts made to resolve issues informally. This is supported by the fact that representations and MP/Councillor enquiries have gone up while formal complaints have gone down.

There were just four Stage 2 complaints; this represents an escalation rate of only 3% of all initial contacts (representations and complaints).

Of the six LGO referrals received, only two had partial elements that were upheld by the Ombudsman.

2.1 Comparison of complaints over the last 3 years



	Representations	Stage 1	Stage 2	Ombudsman	Total
2019/20	99 (76%)	23 (18%)	4 (3%)	4 (3%)	130
2018/19	79 (60%)	30 (33%)	5 (5%)	6 (2%)	120
2017/18	52 (60%)	28 (33%)	4 (5%)	2 (2%)	86

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 2019/20 (130), compared to 2018/19 (120). This was mainly due to the larger number of representations which is a result of continual encouragement from the Complaints Service for managers and front line staff to approach the Complaints Service at the outset of an issue that has potential to become a formal complaint.

This is beneficial for both citizens and staff as it allows additional guidance and potential for resolution by involving the Complaints Service at the first possible instance which is often more efficient than the formal process. Front line staff appear also to have greater awareness of the complaints service due to the collaborative work the complaints service encourages with all levels of staff.

3. Outcomes for key targets in 2019/20

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

- To ensure that on time Stage 1 complaint response rates continue to exceed the local target of 85%
- 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.

All of these outcomes have been met, for example, 90% of Stage 1 complaints were responded to on time. The Complaints team also offered more one to one training sessions for staff members in handling complaints and reflective discussions with care managers who were involved in complaints received to manage future situations where complaints may arise.

The Council website was updated in this financial year to allow a clearer way to get information about the complaints process and direct access to a webform which allows citizens to choose their service area of complaint.

4. Focus for 2020/21 :

- To ensure that on time Stage 1 complaint response rates continue to exceed the local target of 85%
- To continue the core offer of training for front line staff and managers as well as schools on complaint handling
- To review the impact of COVID-19 with respect to social care complaints
- To continue to review and update complaints literature and communications as necessary.

5. Stage 1 Complaints

5.1 Overall Activity

	Commissioning & Partnership	Adult Social Care	Safeguarding, & Quality Assurance	Total
2019/20	0	21	2	23
2018/19	1	28	1	30
2017/18	3	25	0	28

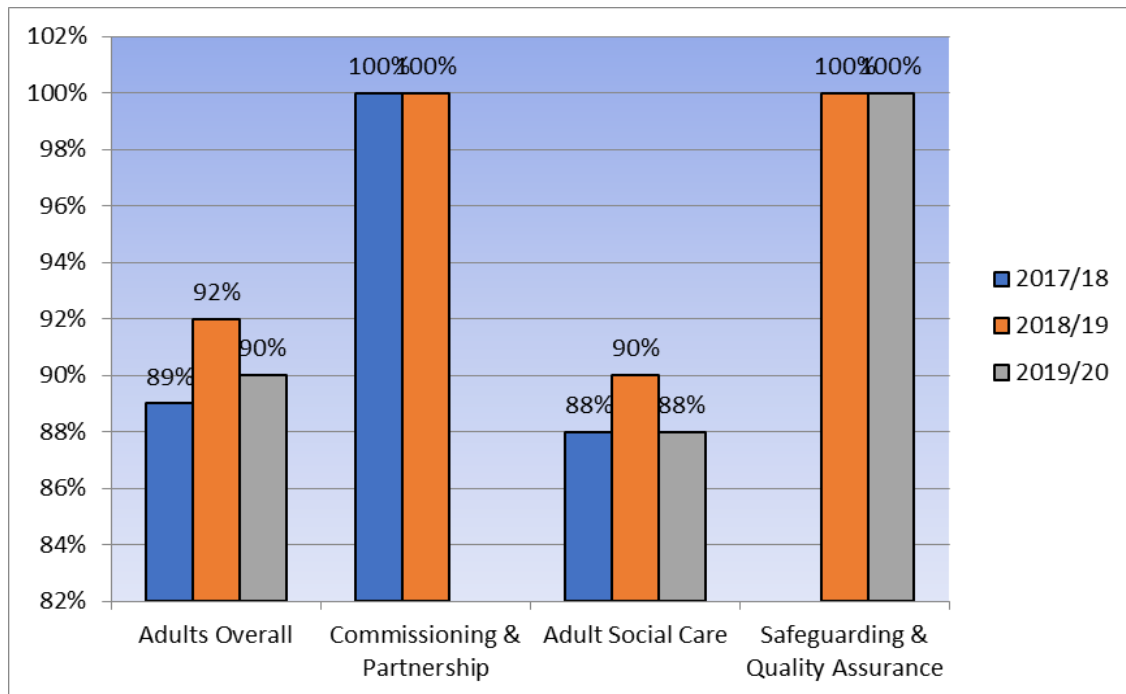
Analysis:

The number of Stage 1 complaints have continued to stay relatively low over the past three years. The reasons for this include:

- Better quality resolution work has meant that fewer representations moved on to Stage 1 complaints. There were more than three times the number of representations (99) than formal Stage 1 complaints (23) in 2018/19
- 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.

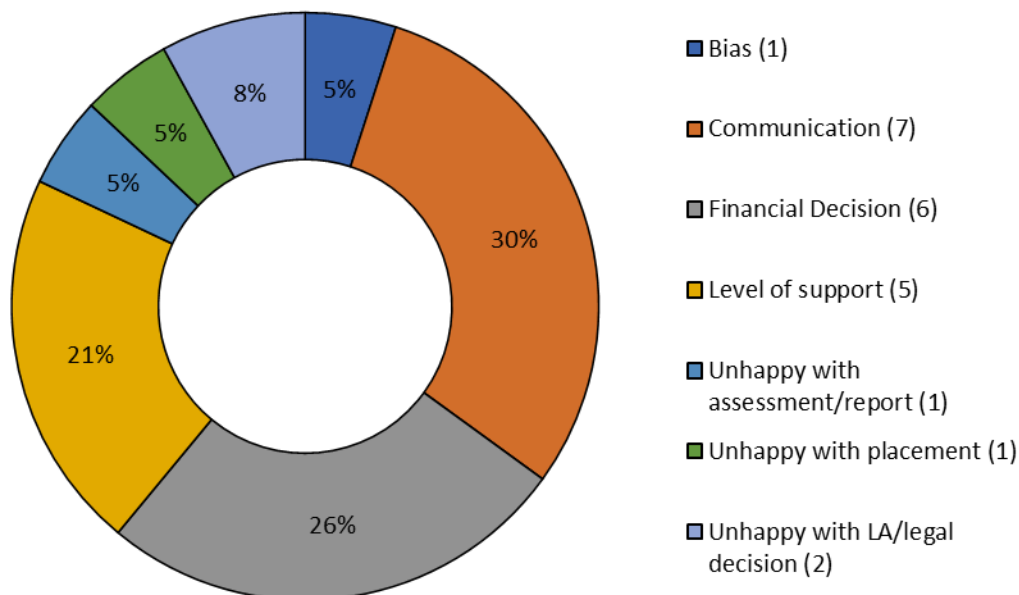
Adult Social Care, which manages all referrals for statutory services under the Care Act and contains the majority of the social work teams within Adults by the nature of the work will always receive the most complaints. Family members are very conscious and sensitive both to the level of care a loved one receives as well as the financial implications of Adult Social Care which is means tested.

5.2 Stage 1 response times



Analysis: All services areas exceeded the corporate target of 85%, with an overall level of 90% of Stage 1 complaints being dealt within timescale.

5.3 Nature of complaints



Examples of complaints by category:	2019/20 examples
Bias	In a safeguarding investigation where family members have made allegations against one another, feeling that the safeguarding service were biased towards a side of the family
Communication	<p>Unhappy that social worker asked to verify their medical information</p> <p>Family member upset that social worker spoke to their mother (with capacity) about her wish to move</p>
Financial Decision	<p>Unhappy with property being taken into account in financial assessment</p> <p>Relative being charged more by home than initially understood</p>

Level of support	Wants repairs to be completed within shower/bathroom installation at home following OT visit
	Wants a good level of support in place for when family member moves to new placement
Unhappy with assessment/report	Unhappy with the risk assessment within report following a fall
Unhappy with placement	Does not feel placement is suitable for family member
Unhappy with LA decision	Does not agree with change to care package

Analysis: The complaint categories that held the greatest numbers tended to be a reflection of :

- *the information and procedural complexities of the assessing and charging of social care and how this may require significant management of expectations and journey signposting*
- *facing the financial implications of means tested care*
- *disagreement with the level of support that social care determines meets Care Act needs.*

These are understandable points to raise through the formal complaints procedure. Every citizen goes through life with at least some exposure to the National Health Service and this experience can catch many families off guard when they first interact with social care when care needs arise in addition to health needs.

Family preferences are important but this a balance every family may come across when the financial implications of preference and top up/contributions etc. are realised.

The Complaints Service continually feedback trends and lessons learned from complaints to Heads of Service and managers to ensure the impact of the above can be lessened. Given how many families interact with Adult Social Care services it is positive that so few of these interactions result in formal complaints despite the above.

5.4 Complaints outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
Adult Social Care	14	5	2	21
Commissioning & Partnership	0	0	0	0
Safeguarding & Quality Assurance	2	0	0	2
2019/20	16 (70%)	5 (21%)	2 (9%)	23
2018/19	18 (60%)	7 (23%)	5 (17%)	30
2017/18	16 (57%)	7 (25%)	5 (18%)	28

Key message: 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.

Approximately 30% of Stage 1 complaints had some element upheld showing a willingness to improve services and provide suitable remedies and solutions for people who have rightfully raised a concern and had it suitably addressed. As upheld cases usually would have an action or learning point to follow the complaint, an update or meeting would take place with the relevant Head of Service or Director to ensure these were progressed.

For the complaints where the overall outcome is non-upheld, the Complaints Service ensures these responses are helpful in explaining the rationale and reasoning behind the key issues so that citizens can find these responses of value and help regardless of the outcome.

6. Stage 2 complaints

6.1 Stage 2 complaint numbers and escalation rates

Service	Stage 1	Stage 2	% escalating to formal complaints
2019/20	23	4	17%
2018/19	30	5	17%
2017/18	28	4	14%

Analysis: There were four Stage 2 complaints in 2019-20, compared to four for last year. The escalation rate remains very low and also at 17% in line with the previous year.

Factors for this low escalation include the efforts made by the Complaints Service, Managers and Social Work Team leads in meeting with complainants and families. These resolution meetings have been helpful to resolve issues and also provides a platform to discuss and consider any service changes required to meet citizen and carer needs.

6.2 Stage 2 Complaints and outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
2019/20	3	1		4
2018/19	4	1		5
2017/18	4			4

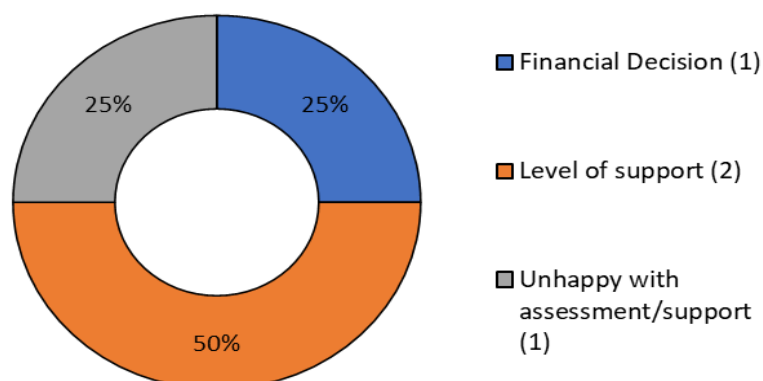
The complaint outcomes are discussed in 6.4 Nature of Complaints

6.3 Stage 2 Response Times

Year	Within time	Over timescale	Total
2019/20	3	1	4
2018/19	5		5
2017/18	4		4

One Stage 2 complaints response was delayed due to not being addressed to the Complaints Service. This caused an oversight and apologies were provided.

6.4 Nature of complaints



Analysis: Three of these four complaints at Stage 2 were not upheld. In these cases:

- the family felt the Care Act requirements were not being met in the placement
- they should have received free reablement care upon discharge from hospital
- and being dissatisfied with a safeguarding investigation outcome.

In these cases, the evidence did not support these positions hence the non-uphold outcomes.

In such circumstances where care costs can be high and their care can impact every aspect of everyday life (such as in a placement), it is understandable that family members may wish to explore every available avenue to lessen the impact of these – hence why Stage 2 can be requested in cases where there was no fault found in the original Stage 1 determination.

The partial uphold was in respect to recognising that an individual did not have a clear, quick and well signposted journey of support but that the local authority did correctly lead the case down the correct pathway.

Please note that there is no Stage 3 complaint stage under Adults.

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.

7. Ombudsman complaints and enquiries

Service	No finding against Council	Finding against Council	Total
Adult Social Care	0	2	2
Commissioning and Partnership	0	2	2
Safeguarding and Quality Assurance	0	0	0

Analysis: There were four complaints concluded with the Local Government Ombudsman (LGO) during 2019/20.

The LGO had partial findings against the Council and/or partner agencies, these were:

- CNWL NHS Trust not fully meeting assessed Care Act needs of an individual from a previous assessment
- With respect to the local authority, CCG and the involved care home there were findings with respect to delays in providing equipment as well as confusion over funding.
- Not correctly determining ordinary residency (i.e. which local authority is responsible for providing services)
- Journey through social care and relevant pathway not being clear and well explained.

It should be noted that only two of the above investigations were solely for the local authority. However, the Complaints Services works closely with partner agencies such as CNWL in providing responses to the LGO and in ensuring LGO recommendations for partner agencies are actioned accordingly.

8. Escalation Comparisons over time

Service	No finding against Council	Finding against Council	Total
2019-20	0	4	4
2018-19	3	2	5
2017-18	1	0	1
2016-17	3	0	3

Analysis: The rate of escalation between Stage 1 and Stage 2 has remained in single figures over the past three years and the number of LGO complaints concluded within the year has remained low also. For context, 2018-19 figures from the LGO show that they made 1,785 Adult Social Care case decisions.

This relatively low figure reflects the commitment to finding resolutions and listening to service users and their families, when concerns are raised during representations.

9. Remedy Payments

A payment would usually be termed as a “remedy payment” when it is made in line with the LGO guidance on Remedy Payments.

In line with this, of the four complaints considered by the Ombudsmen, the local authority was asked to arrange two remedy payments in line with LGO guidance in 2019/20. One remedy payment was £1400 made by CNWL NHS Trust and the other was £400 remedy payment made by the local authority.

10. Mediation

At times, the Complaints Service will facilitate mediation meetings between parties to resolve more complex situations where a direct remedy is best found by the Complaints Service actively mediating and facilitating mediation and resolution.

Here are some 2019/20 examples of this:

- *Chairing a meeting between Head of Service and family to explain their options with respect to housing as they faced challenges with their landlord and adaptations*
- *Chairing a meeting between various Team Managers and a family to explore their concerns around financial charging and the allowable expenditure under financial assessments*
- *Chairing a meeting between social care, our billing service and a family to clarify the charging events upon discharge from hospital where an error caused an ongoing billing discrepancy.*
- *Chairing a meeting between Adults Social Care, Community Safety, and a provider to resolve issues of concern raised by a family*
- *Arranging a teleconference with the LGO about how to best resolve and remedy an ongoing case and to fully understand all parties' perspectives*
- *Chairing a meeting between a Head of Service and a family to explain the discharge assessment process*

11. Joint NHS and Social Care Complaints

There were two joint NHS and Social Care complaint responses to the LGO. One was with Harrow CCG and the other was with CNWL NHS Trust. The purpose of these joint responses was to ensure the LGO/PHSO had holistic responses about these cases.

12. Learning Lessons/Practice Improvements

- A complaint and several representations relayed the importance of not just ensuring good communications between social care and citizens, but also good communications between care providers/homes to ensure all parties are aware of elements such as increase in care charges. The Complaints Services works closely with the Head of Service for Market Management to ensure these matters are escalated where necessary.
- A need to better clarify referral pathways to citizens became apparent for certain needs and resources. This was raised to senior management and the local authority website now has clearer information about support around this area.
- Feeding back that billing information for care services commissioned by the local authority should be clear and able to families to understand and anticipate.
- Remembering to take holistic considerations into account - particularly in working with other services within the council such as Environmental Health. This is to ensure there isn't sole focus on purely the individual's Care Act needs as there may be wider circumstances such as issues with their property or access to the community which could indirectly impact their needs and this may need to consideration for support which would not necessarily be considered in a more narrow scope.

13. Compliments

The majority of service users, external agencies and organisations that compliment staff and the Council provide their feedback through verbal communication in care meetings or by phone.

However, both professionals as well as families who use our services do write in to let us know their positive feedback and experiences. The below is correspondence received in 2019/20 and in total the below equates to around the same amount received as formal Stage 1 complaints, showing an excellent ratio of positive feedback to accompany received complaint numbers.

- *I would personally like to thank you for all your help.*

I visited Mr D at the ML yesterday and haven't seen him this happy in two years.

Through all the challenges it has the best outcome. Initially when he was admitted I was hurt and emotional but through your persistence and support (I knew it was the best place for him) made me feel better. Seeing this makes me feel at peace.

Since being at the ML his hygiene level has gone up too.

Thanks again

- *My actual asking price was nothing for these Emergencies as others would have asked for much higher, I do this to help A and K in Harrow Brokerage as for year on year formed good relations with them both and they are excellent, it is therefore our obligation. And glad to have spoken to you too C.*

Please always keep us in mind in any crisis as we will help for sure anytime of the day or weekends.

- *My grandmother's funeral was held for 3 days and she was buried on the XX of April. The family was overwhelmed by the kindness you and everyone there showed. I, myself was so moved by the compassion you have shown to me despite of knowing me only through phone calls and emails. Honestly, I was on the verge of giving up. I lifted everything to the Lord through my prayers and He answered them.*
- *Just a quick note to let you know that we met S and U last week and finally received a totally professional service from Harrow Council! Although the situation has not been resolved, we feel that finally we are*

being treated by knowledgeable, helpful, courteous members of your team.

- Dear M, we are all very grateful for your help, I am sure your assistance, interventions and advice will improve the quality of life for my Father and Step Mother in their senior years. I would also like to thank you for the way you have listened and responded to our calls for help. My Dad, his Wife and A all said it was a pleasure to meet you, A also said your visit and proposed adaptations and advice will make a real difference for our parents going forward. I am pleased to say I personally have been impressed by your approach to our problem and hope Harrow Council realise what a credit you are to their team – all the best and thanks again*
- Many thanks for M's home visit today. I so much wish if all social workers were like M who is good listener and perfect advisor. Bless her. Thanks once again.*
- As this case has been shelved due to the decision to wait for a vacancy in x care home I would like to take this opportunity to thank you for your efficient and sensitive handling of the matter. You acted very professionally and did all you could to help which we appreciate very much.*
- I'd like to extend my compliments on your outstanding residential debt. The numbers provided indicate you operate a very well run process & your numbers are much better than the average for local authorities in England. Very well done!*
- Within minutes Y was able to resolve the problem with the phone line that I have been waiting 6 weeks for the department to sort out. I cannot thank her enough; her kindness and assistance have unlocked the flood gate to the pent up emotions of frustrations.*
- Once again, it has been a pleasure having you visiting our services and mentoring us. Without your input we would not have been where we are today. We now look forward to your future visits.*
- Thank you for arranging this equipment. The resident is very grateful.*

- *E has visited today, is arranging the Core Offer for us and also the payment to Harrow Carers for membership for me for this year. She's been very efficient and helpful in resolving these issues.*
- *I've just spoken to Mrs P again about another issue unrelated to you but while speaking to her, she mentioned how efficient, professional and happy she was with your service*
- *You have been really helpful to me during the past two years, often the sane voice offering some clarity in what, at times, became a muddled process for me which I didn't fully understand. And I really appreciated your support when social workers, for whatever reason, weren't fulfilling their roles as they should. You returned calls and were patient with my many questions. You have been more than just the 'finance officer' which made everything much easier.*
- *Working with A has meant we are better placed to delivering outstanding care around the clock to our service users in the borough which we greatly appreciate. It has also meant regularly updating our policies and documentations, carrying out regularly reviews, looking at carer performance, conducting appraisals and provide ongoing support to all our staff. We value all the support and guidance you and your team give us and just want to say thank you*
- *J understood my issues from the first moment I met her. She advised which equipment I should get. She got us the following equipment which we are so grateful for: - hospital bed - bed leaver. Overall, she's been very helpful and supportive in getting the house ready for my needs. She's fantastic at what she does.*
- *Just wanted to let you know that mum is now in the Nursing Home. Everything went well, very difficult for dad, but he knows it is absolutely the right thing to do. All of us really wanted to thank you from the bottom of our hearts for your care and attention in sorting everything out for mum. You made the whole process so much more straightforward than we could ever have hoped for*
- *I know it is your job but you guys go a mile and more to make things happen at such pressure and yet be able to find suitable places to meet individual's needs! Truly. I totally mean it.*

- *Dear S, just wanted to take a moment to thank you for all your help with our Mum. It's wonderful to meet someone so dedicated, friendly, knowledgeable and willing to listen. You are an exceptional lady and we were so lucky to meet you.*
- *I don't know if you remember me but you referred me to a service for a volunteering opportunity. I thought I would just contact to thank you for what you did for me. I have been here since Aug 2018 and love it. I really enjoy the work and my parents are incredibly happy with my progress. I am now applying for part time work to supplement my work experience. I don't think I would have ever made such headway if it hadn't been for our chat – I cannot thank you enough for your help in getting me back to work and active again.*
- *Thank you M for all your help getting me housed and the grant for my bed. Could you also please thank the team at Harrow housing R and D for their help too. Without your help during my medical issues and being homeless I feel that I need to send this email to thank all the team at Harrow.*
- *I just wanted to contact you say a sincere thank you for your kindness and help at what was for us an extremely difficult and stressful time. We totally understand that you had no control in the rapid discharge from hospital. T was a lovely home but D felt it was just too big for his mum and he preferred the smaller home. We have heard that a room is now available, and she will move there on Thursday. You are a very lovely lady who showed us great empathy. We will be forever grateful for your care and understanding.*
- *The hospital contacted your department and you sent the delightful M to see G to tell her that her husband would be some little time as he needed some tests. Thank you again for the service you and your team provide for the residents of Harrow, especially those who could be classed as more vulnerable.*

14. Equalities Information

14.1 Stage 1 - equalities information of the service user

Gender of Service User	2018/19	2019/20
Male	10	7
Female	18	16

Ethnic Origin of Service User:	2018/19	2019/20
ASIAN OR ASIAN BRITISH		
Afghanistani		
Bangladeshi		
Indian	4	3
Pakistani		
Sinhalese		
Sri Lankan Tamil		
Other Asian	2	1
BLACK/BLACK BRITISH		
African		1
Caribbean	2	3
Somali		
Other Black	2	
OTHER ETHNIC GROUP		
Arab		
Chinese		
Iranian		
Iraqi		
Kurdish		
Lebanese		
Other Ethnic Group		1
MIXED		
White & African		
White & Caribbean		
White & Asian		
Other Mixed		
WHITE		
Albanian		
British	19	9
Irish		1
Roma Traveller		
Irish Traveller		
Polish		
Romanian		
Serbian		
Other White	2	4
PREFER NOT TO SAY/NOT KNOWN		

Complaint made by:	2018/19	2019/20
Self	5	2
Relative/Partner (often informal carer)	24	19
Advocate – (instigated by either carer or service user)	1	2
Solicitors	0	0

14.2 Stage 2 - equalities information of the service user

Gender	2018/19	2019/20
Male	2	1
Female	3	3
Unknown	0	0

Ethnic Origin	2018/19	2019/20
British White	4	2
Indian	1	1
African	0	1

Complaints made by	2018/19	2019/20
Service User	0	0
Relative/Partner (often informal carer)	5	4
Advocate – (instigated by either carer or service user)	0	0
Solicitors	0	0

15. The Complaints Process explained

All timescales contained within this report are in working days.

15.1 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.

15.2 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.

15.3 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: 15 working days. 20 working days for complex

2) Mediation (optional)

3) Formal investigation

Timescale: 20 working days. 65 working days if complex e.g. requiring independent investigation.

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.

15.4 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