

2 September 2014		ITEM	8
Health and Well-Being Overview and Scrutiny Committee			
Adult Social Care Complaints and Representations Annual Report 2013/14			
Report of: Roger Harris – Director of Adults, Health and Commissioning			
Wards and communities affected: All		Key Decision: No	
Accountable Head of Service: Les Billingham – Head of Adult Social Care			
Accountable Director: Roger Harris – Director Adults, Health and Commissioning			
This report is Public			

EXECUTIVE SUMMARY

The annual report for Thurrock Council on the operation of the Adult Social Care Complaints Procedure covering the period 1 April 2013 – 31 March 2014 is attached as appendix one. It is a statutory requirement to produce an annual complaints report on adult social care complaints.

The adult social care complaints procedure is operated in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The report sets out the number of representations received in the year including, the number of complaints, key issues arising from complaints and the learning and improvement activity for the department.

A total of 351 representations were received during 2013-14 as detailed below:

- 201 Compliments
- 56 Complaints received
- 37 Concerns and issues received
- 12 MP enquiries
- 39 Member enquiries
- 6 Ombudsman enquiries

1. RECOMMENDATIONS

1.1 That Scrutiny Committee consider and note the report

2. Introduction and Background

- 2.1 This is the annual report for Thurrock Council on the operation of the Adults Social Care Complaints Procedure covering the period 1 April 2013 – 31 March 2014. It is a statutory requirement to produce an annual complaints report on Adults Social Care complaints.
- 2.2 The Adults social care complaints procedure is operated in accordance with the Local Authority Social Services and National Health Service Complaints (England) regulations 2009. A single approach to dealing with complaints regarding adult social care and health was introduced on 1 April 2009. This has allowed services to have more flexibility in how complaints are investigated and responded to, but still within statutory timescales.
- 2.3 Thurrock adult social care arranges and supports provision of a wide range of commissioned and in house to support people to live independently in their homes and increasing levels of choice and control over the support they receive. It also supports residential or nursing care when this becomes necessary. The department also has lead responsibility for safeguarding adults and provides some services jointly with Health.
- 2.4 Since 1 April 2009, complaints have been assessed in terms of their seriousness and how likely the issue is to recur so that appropriate and proportionate action can be taken in response. This is in line with the Department of Health's guidance 'Listening, Responding, Improving' where complaints are considered low, moderate or high risk.
- 2.5 Complaints that are more straightforward are considered low to moderate risk and will be dealt with by the team or line manager as local resolution with the aim of responding within 20 working days. Where possible this should be 10 working days. For more serious and complex complaints which are deemed high risk, an independent investigation will be arranged which can take between 20 and 65 working days from the date the complaint is agreed.
- 2.6 Staff are encouraged to resolve issues at the first point of contact in line with good practice as outlined by the Local Government Ombudsman.
- 2.7 The complaints procedure provides adult social care with an additional means of monitoring performance and improving service quality and provides an important opportunity to learn from complaints.

3. Issues, Options and Analysis of Options

- 3.1 This is a monitoring report for noting, therefore there is no options analysis. The annual report attached as appendix one includes consideration of reasons for complaints, issues arising from complaints and service learning and improvement activity in response.
- 3.2 The headline messages for this report are:

3.3 Summary of representations received 2013/14

- 201 Compliments
- 56 Complaints received
- 37 Concerns and issues received
- 12 MP enquiries
- 39 Member enquiries
- 6 Ombudsman enquiries

3.4 Compliments

Compliments are expressions of good feedback. The team recorded 201 compliments this year compared to 160 recorded last year and 90 recorded for 2011/12. Examples include:

I would like to thank ST and CT for all their work and help they have given us. It was excellent. My father is very happy at Collins House and could not be any better. Social worker and Collins House

Your care and attention were second to none and for this I thank you very much indeed. It is not often that someone goes one step beyond what they need to do, but you did. Respite care

Just to say thank you to the rapid response team, you all turned up promptly and as a team you are a credit for who you work for. Rapid Response Team

3.5 Complaints

The department received a total of 56 complaints in 2013/14, which is a decrease of 24% on the number of complaints (74) received for 2012/13.

While there is a falling trend in terms of complaints numbers, it is noticeable that complexity of complaint issues is rising. The majority of complaints are resolved quickly and without the need to be investigated formally. In addition increasing numbers of issues / concerns are being successfully resolved without recourse to the formal complaints procedure.

A number of factors are being explored in respect of the falling trend in complaints. This includes consideration of the arrangements for provision of care and support, with services increasingly externally provided or provided jointly with health partners. Complaints publicity materials will be reviewed this year to ensure that the procedure is accessible to all service users to ensure that they know how to make a complaint and feel able to do so.

3.6 Concerns and Issues

The complaints team recorded 37 concerns and issues for this reporting period which were successfully resolved within the teams without the need to record them as formal complaints. If the concern cannot be resolved, it will be

become a complaint and be processed in accordance with the complaints procedure.

3.7 MP and Councillor Enquiries

The complaints team also records MP and Member enquiries that are received on behalf of service users regarding adult social care. These are acknowledged and responded to in line with the Council's corporate timescales.

The trend for MP enquiries has remained the same over the last two years – 12 enquiries were received and recorded by adult social care in both 2012/13 and 2013/14. 39 councillor enquiries were received in 2013/14 – an increase of 44% from 27 in 2012/13.

3.8 Local Government Ombudsman (LGO)

There were six cases received by the Ombudsman's office for this reporting year. Of these, two cases were referred to the council for investigation through the complaints procedure, two were still in progress at the end of the reporting period and one case found that the council was not at fault.

One case found the council at 'fault causing in justice'. This was a joint case across adult and children's social care. The case resulted in the Ombudsman publishing her findings in a public report. This report was considered by Cabinet at its 12 March 2014 meeting. Cabinet referred the report to this committee for consideration. The report is therefore attached as appendix two.

Further detail on these cases as well as the process for LGO complaints is included in section 14 of the annual report (appendix one).

3.9 Learning from Complaints

Complaints and feedback provide the service with an opportunity to identify things that can be improved. The learning from complaints is an essential part of the process. Examples of the learning received this year are shown below. Further details are shown in section 18 of the annual report (appendix one).

Regarding a homecare provider – staff to be reminded of security issues and office staff reminded that they must liaise with the family on all occasions of late visits.

Staff reminded of the importance of calling service users and keeping them and their relevant family members updated. The consequences of delayed case action, using the investigation outcome as learning curb.

Reminder to officers involved with debt recovery that if it appears that a person could be deemed as vulnerable, the Council should consider if a

senior officer should undertake a review and obtain additional information where needed.

3.10 Looking Forward

Adult social care is undergoing a period of significant transformation across all services within Thurrock. The Care Act 2014 and associated funding reforms introduce further demand pressures alongside new requirements such as the duty on provision of information and advice. This will inevitably impact on the community and services received. These changes may create a higher volume and complexity of complaints and queries from service users and their families and carers. It is also expected to lead to an increased trend of complaints and service issues about services and support provided jointly across social care and health partners.

The Complaints Manager will work closely with community and user groups including Healthwatch (consumer champion for health and social care) and Thurrock Coalition (user led organisation) to ensure all feedback about adult social care is captured and to engage user participation regarding the changes to services and their experiences.

Working closely with external partners such as Health, advocacy groups and relevant stakeholders will remain a focus for 2014/15.

Complaints activity and learning will continue to be reported to the department throughout the year and disseminated to all staff.

A rolling program of visiting all social care teams will be commencing during the period 2014-15. This is to highlight the importance of learning from complaints and compliments, to ensure that all complaints and compliments are recorded and to promote the expertise available from the Complaints Manager in assisting complaints management.

4. Reason for Recommendation

- 4.1 It is a statutory requirement to produce an annual complaints report on adult social care complaints. It is best practice for this to be considered by Overview and Scrutiny. This report is for monitoring and noting.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report has been agreed with the Adult Social Care senior management team. Consideration of complaints issues and learning and improvement arising from them are identified as an ongoing priority in the report. This includes regular discussion with service user, carer and community and voluntary sector organisation representatives such as Thurrock Coalition.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Complaints and other forms of feedback from people who use services and carers are opportunities for service development and improvement. Complaints provide an opportunity to put things right when things go wrong. They are therefore a key part of the adult social care performance and quality framework.

7. Implications

7.1 Financial

Implications verified by: **Roger Harris**
Director of Adults, Health and Commissioning

There are no specific financial implications arising from this report

7.2 Legal

Implications verified by: **Roger Harris**
Director of Adults, Health and Commissioning

There are no specific legal issues arising from the report as this is just for members information and so no formal legal referral was felt necessary

7.3 Diversity and Equality

Implications verified by: **Roger Harris**
Director of Adults, Health and Commissioning

There are no specific diversity issues arising from this report as this is just for members information.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder

None.

8. Background papers used in preparing the report (including their location on the council's website or identification whether they are exempt or protected by copyright)

9. Appendices to the report

- Appendix 1 – Adult Social Care Complaints and Representations Annual Report 2013/14
- Appendix 2 - Local Government Ombudsman – Report on an investigation into complaint numbers 12 012 268 and 12 005 756 against Thurrock Council

Report Author:

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