

Adult's Social Care Complaints and Representations

Annual Report 2013-14

Thurrock Council

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1. Introduction

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. 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.

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

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. The Complaints Process

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.

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.

Staff are encouraged to resolve issues at the first point of contact in line with good practice as outlined by the Local Government Ombudsman.

The complaints procedure provides the Council with an additional means of monitoring performance and improving service quality and provides an important opportunity to learn from complaints.

3. *Roles and Responsibilities*

The Department of Health Guidance requires local authorities to have a Complaints Manager responsible for the management of the complaints procedure.

In order to contribute effectively to service development, the complaints management function is based within the Adults, Health and Commissioning Performance and Business Support service area.

The Complaints and Engagement Manager also has responsibility for Children's Social Care complaints and representations and produces a separate Annual Report for these.

4. *Leaflets and Information*

The complaints leaflet is distributed electronically to all service teams and front line services. Information on making a complaint or providing feedback is available on the Thurrock Council website.

Together with the complaints procedure, the complaints publicity materials will be reviewed during 2014/14 in order to ensure that information on making a complaint and providing feedback about adult social care services is both widely accessible and helpful to all sections of the community.

5. *Advocacy for vulnerable people*

The department funds advocacy agencies such as BATIAS, Thurrock Mind and the Thurrock Centre for Independent Living to provide advocacy support to vulnerable service users and when making complaints, to ensure that they have a strong and equal voice. The Council must also consult an advocate when making decisions for a person who lacks mental capacity and for vulnerable adults.

In addition, advocacy can be provided by friends, relatives and any other group or representative.

6. Summary of Representations received

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

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

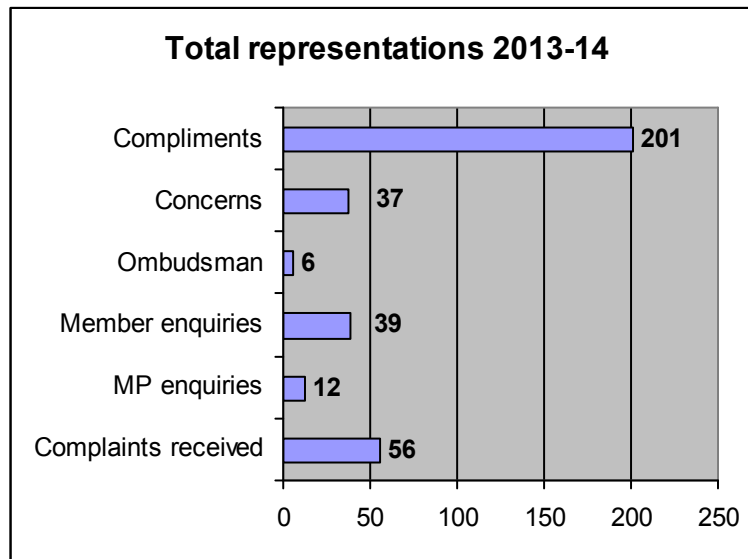


Figure 1

It is essential that all teams delivering services formally capture and record complaints. This includes commissioned services.

Feedback is recorded as received from service users by telephone, email and in writing as well as in person.

Other complaints and representations are referred directly to Ascfeedback as received by the Corporate Complaints team and service teams directly. All complaints are acknowledged within 3 working days as set out in the statutory guidance.

7. 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. During this reporting period, the department has dealt with 1900 service users and carried out 958 new assessments.

Trends in complaints received from 2010-2014 are detailed as follows:

Year	Complaints
2013/14	56
2012/13	74
2011/12	91
2010/11	111

Table 1

In respect of the falling trends in complaints, factors such as the continued new arrangements for the provision of care and support which includes externally commissioned services and more jointly provided services. However the complaints publicity materials will be reviewed 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. The majority of complaints are resolved quickly and without the need to be investigated formally.

8. Complaints breakdown by Service* for 2013-14

* the breakdown below includes provider complaints for domiciliary care and residential care

Service	Number
Contracts & Commissioning	5
Blue Badge	1
ECDP	1
Customer Finance	6
Occupational Therapy	1
Safeguarding	1
Collins House	3
Reablement Team	3
Locality 1&2	2
Locality 3&4	1
Basildon Hospital	1
Grays Court Care	1
Hollywood Rest Home	1
Bennett Lodge	2
Ladyville Lodge	1
Bluebell Court	3
Merrie Loots Rest Home	1
John Stanley	4
Grapecroft	2
Fieldwork Mental Health	2
Intervention & Transition	3
Performance Quality	1
General social care	10
Total	56

Table 2

9. **Complaint issues**

Complaint Issue	Number
Assessment/Decision Making	2
Communication	6
Service Quality	10
Finance/Charging	10
Incorrect Medication	1
Missed appointments	2
Legal Issue	1
Multiple Issues	2
Health linked	5
Quality of care	8
Safeguarding	1
Staff conduct	8
Total	56

Table 3

Table 3 highlights that Charges for services and the quality of service received where the two main reasons for complaints received.

10. **Externally Commissioned Services**

The Care Quality Commission requires all care providers to have in place clear and robust complaint procedures. Anyone who receives a service from an externally provided service will usually complain directly to the provider and these will be responded to in accordance with the provider's own complaints process. Feedback received by the Council about externally provided services is closely monitored by the Contract Compliance & Brokerage team in line with the statutory Contracts Monitoring Framework. This helps to identify any areas of poor performance which require additional monitoring and support.

Direct Payment Scheme

Personal budgets are used to pay for support for services such as homecare or to employ a personal assistant (PA). The Council has a contract with ECDP with the delivery of the Direct Payment service for Thurrock residents to manage the scheme and raise awareness of how social care users can have greater choice and control in relation to their care.

Residential Care

The Council has commissioned independent care home providers for service users requiring residential care as based on their individual needs. Any complaints received regarding commissioned providers are referred to the Care Home provider to investigate in accordance with their own complaints procedure. The Care Quality Commission requires all providers to have effective complaint procedures in place. This is monitored by the Council's Contract Compliance & Brokerage team.

There were approximately 600 service users receiving residential care which includes nursing care during 2013/14. For this period, 12 complaints were received by the Council

and investigated. Generally the issues most frequently raised are around the quality of care provided and charges for care.

Domiciliary care

There is a huge demand for home care within Thurrock and the commissioned provider agencies work closely with Thurrock commissioning and contract services to ensure that service users receive the care package to meet their needs.

Over 800 service users received externally provided home care services during 2013/14. The issues mostly queried were the quality of care provided, delays to home visits, communication issues and funding. The provider agencies will generally respond to complaints and concerns about their service directly to the service user.

Any complaint that is received by the Council will be investigated of the response by the provider is not satisfactory to the complainant. Nine complaints were received by the Council which includes in house care.

11. Response Times

Since the introduction of the Social Services and National Health Service Complaint Regulations in 2009, the only mandatory requirement is that complainants should receive an acknowledgement within 3 working days. The legislation allows flexibility where it is negotiated that a complaint investigation be formally investigated within three months and the overall timescale for complaint to be resolved within six months. If there is further delay, a new action plan must be negotiated.

The time limit for making a complaint is within 12 months of the matter being complained about. However, the Council can exercise its discretion to allow complaints that are made over the 12 month rule, where it is satisfied that the complainant had good reason and where it is still possible to investigate the complaint effectively and fairly.

32 complaints were responded to within 10–20 working days. Eleven complaints exceeded this timescale and the reasons for delay included complex complaints requiring more time for investigation and delays caused by staff absence. There were 13 complaints that were incomplete at the end of the reporting period, as being referred to another service, withdrawn or still in progress.

12. Complaint outcomes

Upheld	15
Partially Upheld	18
Not Upheld	10
Withdrawn or Cancelled	12
In progress	1
Total	56

Table 4

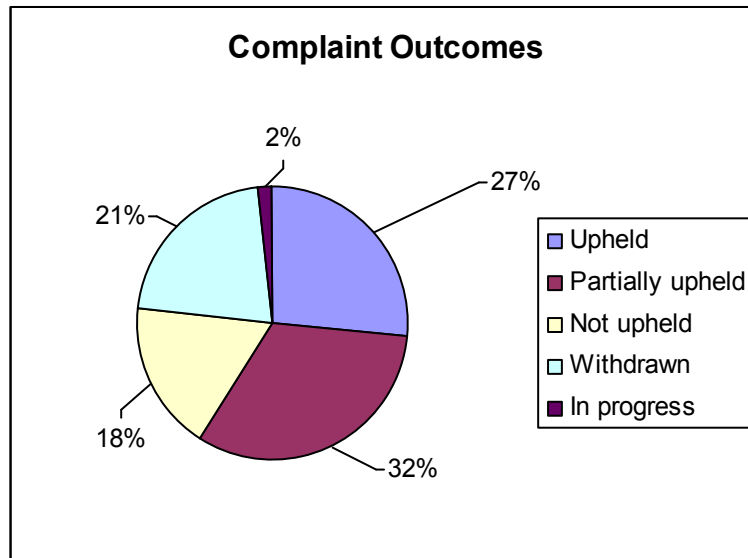


Figure 2

With regard to those complaints upheld, the Department offered apologies and advised the service users of any actions that would be taken to prevent the incident that led to the complaint recurring. Further details regarding complaint outcomes are set out under 'Learning from Complaints' section of this report.

13. Benchmarking

Comparative annual data has not been provided in time for this report. The Complaints Manager is a member of the Essex Regional Complaints Group. The group's comparative data will also be provided in the periodic in year reporting for 2014/15.

14. Local Government Ombudsman

If a complainant is not satisfied with the outcome of the independent review panel, they have the right to take their complaint to the local Government Ombudsman. Complainants can refer their complaint to the Ombudsman's office at any time, although the Ombudsman may refer the complaint back to the Local Authority if it has not been fully considered through the complaints procedure.

The Ombudsman investigates complaints of injustice caused by 'maladministration' or 'service failure'. The Ombudsman cannot question whether a Council's decision is right or wrong simply because a complainant disagrees with it. The Ombudsman must consider whether there was fault in the way the decision was reached. If there has been fault, the Ombudsman considers whether there has been an injustice, and if there has, a remedy will be suggested.

There were six cases received by the Ombudsman's office for this reporting year as detailed below:

Case 1 - There was a joint investigation of both adults and children's social care services in respect of a complaint that the Council had failed to properly assess the complainant's own social care needs and there being no provision in place while the Council wanted the complainant to arrange for Direct Payments. The service user also complained in relation to the care needs for the complainant's disabled child. The Ombudsman finding was that there was **fault causing injustice**. The findings were published as a public report. (Please see report attached as Appendix A). The learning is included in the learning section.

Case 2 – Regarding the Council's recovery of overpayment of direct payments and whether there was a fault in the process when knowing that the complainant was deemed vulnerable. The Ombudsman's finding was **no maladministration**.

Two cases related to the Council's responsibility in relation to providing care needs and the reduction in Direct Payments. Both complaint investigations were still in progress at the end of the reporting period.

Two cases were referred back to the Council to be investigated through the complaints procedure.

15. Concerns/enquiries

Apart from complaints, the complaints team recorded all other representations received about adults social care services, as it is required to do. Representations can be positive comments and feedback or comments and queries regarding a service.

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

16. MP and Member 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 2 years. Member enquiries increased by 44% for this reporting year which may be linked to the council elections.

		2012/13	2013/14
Members	Volume	27	39
	on time	27	39
Total	% on time	100%	100%
MP			
MP	Volume	12	12
	on time	12	12
Total	% on time	100%	100%

Table 5

17. Compliments

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

What they have said:

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

Mrs P would like to pass on her thanks for all your help and support over the past few months. Mrs P said she does not know what she would have done without the support from the service and she told everyone what a marvellous service the reablement team are. **Reablement Team**

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**

We would like to express our thanks to you and the carers at the Reablement Team for the wonderful support and care they provided to my mum during her last illness (before she passed away). The Council should be proud of such a team and such people, the service is second to none....your carers came into their own. Their gentleness, compassion, kindness and determination that mum would be supported in her last days was second to none. They supported us too with kind words, advice and comfort, making sure we were ok. **Reablement Team.**

Thank you for all your help when really needed. **Older People Mental Health Team**

On behalf of the family, I would like to thank you for all the care and kindness you have shown H during her time at Piggs Corner. **Piggs Corner**

J is compassionate, fair and understanding, patient and tolerant. You have been very supportive and helped me so much. I would not have been able to cope without you. I hope you get the recognition you deserve. You are a remarkable person. **Basildon Hospital Team.**

She wanted to thank you for your quick response when requesting a responsible adult. D said in the past when she has contacted other local authorities requesting an appropriate adult they have had difficulty and she thought she was going to get the same response from Thurrock. She said you were very helpful and arranged for an appropriate adult to attend Grays Police station for both Monday and Tuesday of this week and she is grateful for your help and assistance. **Safeguarding Team**

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**

18. Learning from Complaints

The following lessons have been learnt from the complaints investigated throughout the year, with changes already made based on learning.

Providers

Staff Training

- 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.
- Regarding a residential care home - staff reminded about checking equipment before use i.e. wheelchairs and correct footplates. Staff attended updates on training and monitored through supervision and daily observations to ensure correct procedures are carried out and any resident requiring antibiotic medication the same day. The prescription to be dispensed locally to avoid any delay in administering the treatment.
- A residential care home provider to provide more training to its staff on stoma care.

Communication

- The homecare provider to liaise with Thurrock Council and service user and/or their next of kin if there are capacity issues.
- Direct Payments Provider to contact their clients as a matter of courtesy wherever possible, prior to removing under-spends from the Direct Payments account.

Review of Procedure

- Staff to review their procedures regarding domiciliary care to ensure that there is no overload of care packages due to external providers inability to provide a service.

Internal

Communication

- To ensure that the finance team emails all social care assessors to highlight that when they carry out assessments of need it is very important that they explain that all services are chargeable subject to a financial assessment. Also to make it clear that even when home care packages are not chargeable, respite care could be and this has been an important learning curve for all involved.
- 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.
- The decisions made by resource panels to be recorded and provided to service users.

Review of Procedure

- All professionals such as social workers and Contract Officers to ensure that service user's information is updated so the providers have the accurate information and the correct procedures can be followed.

- 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.

Improve Service

- Timeliness of transition meetings and joint action between children's and adults services regarding tightening up the process of 17+ transition and closer working with the Disabled Children Team.

19. Compensation

A complainant received £750 for the adult social care complaint following an Ombudsman investigation of a joint Children's and Adults social care complaint and a payment of compensation was separately made for the Children's social care complaint.

20. Training

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.

The Workforce Planning and Development team also provides an e-learning course on handling complaints.

21. Looking Forward

Adult social care is undergoing a period of huge transformation across all services within Thurrock. This will inevitably impact on the community and services received. These changes may create a higher volume of complaints and queries from service users and their families and carers.

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.