



# **Adult Social Care Complaints, Compliments and Comments Annual Report**

1 April 2012 to 31 March 2013

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## Introduction

The purpose of this annual report is to inform service users, carers, the public, Council Members and Adult Social Care staff of the effectiveness of the Adult Social Care Complaints, Compliments and Comments Procedure (the procedure).

On the 1 April 2009 the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 came into force following the consultation 'Making Experiences Count' by the Department of Health. The consultation found that the complaints processes for people receiving both health and social care services were overly complex and inflexible.

As a result the legislation introduced radically altered the way in which complaints are handled introducing a single joint complaints process for both social care and health services, with one stage as opposed to the previous three stage process used in relation to adult social care services. The regulations also introduced a duty for health and social care services to cooperate.

The Council implemented a new procedure on the 1 April 2010 providing a local framework to ensure complaints are handled effectively and in line with the regulations.

The procedure aims to:

- (a) Make it as easy and accessible as possible for service users and their carers to raise complaints;
- (b) Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;
- (c) Ensure high levels of customer satisfaction with complaints handling;
- (d) Resolve individual issues when they arise and reduce the number of complaints referred to the Ombudsman; and
- (e) Enable the Council to identify topics and trends in relation to adult social care complaints and improve services as a result.

The Assistant Director of Adult Social Care is the responsible person for ensuring that the Council complies with the arrangements made under the regulations. They will act as the 'Adjudicating Officer', which means they will make any important decisions on complaints and ensure that action is taken if necessary in light of the outcome of a complaint.

The Complaints and Information Governance Manager (Complaints Manager) is the responsible person for managing the procedure for handling and considering complaints in accordance with the agreements made under the regulations.

## **Local Government Ombudsman (and Health Services Ombudsman)**

Although complainants can refer their complaints to the Local Government Ombudsman (LGO) from the outset, the LGO will not normally investigate until the Council has conducted its own investigation and provided a response. Where it has not been possible for the complaint to be resolved to the satisfaction of the complainant they may refer the matter to the LGO (or Health Services Ombudsman for some joint complaints).

## **Information and Accessibility**

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

## **Advocacy**

The Council had a contract for the provision of advocacy and RPR (Responsible Person Representative) services with Advocacy Together during 2012/13. These services were tendered and from 1 April 2013 are provided by Darlington Association on Disability.

Skills for People were the contracted provider for the Independent Mental Capacity Advocate (IMCA) service and also provided advocacy on specific issues and reviews during 2012/13. As above, this service is now provided by Darlington Association on Disability.

Specialist advocacy services for adults who are deaf, deafened, deafblind or visually impaired were provided by North Regional Association for Sensory Support (NRASS) during 2012/13.

## Summary

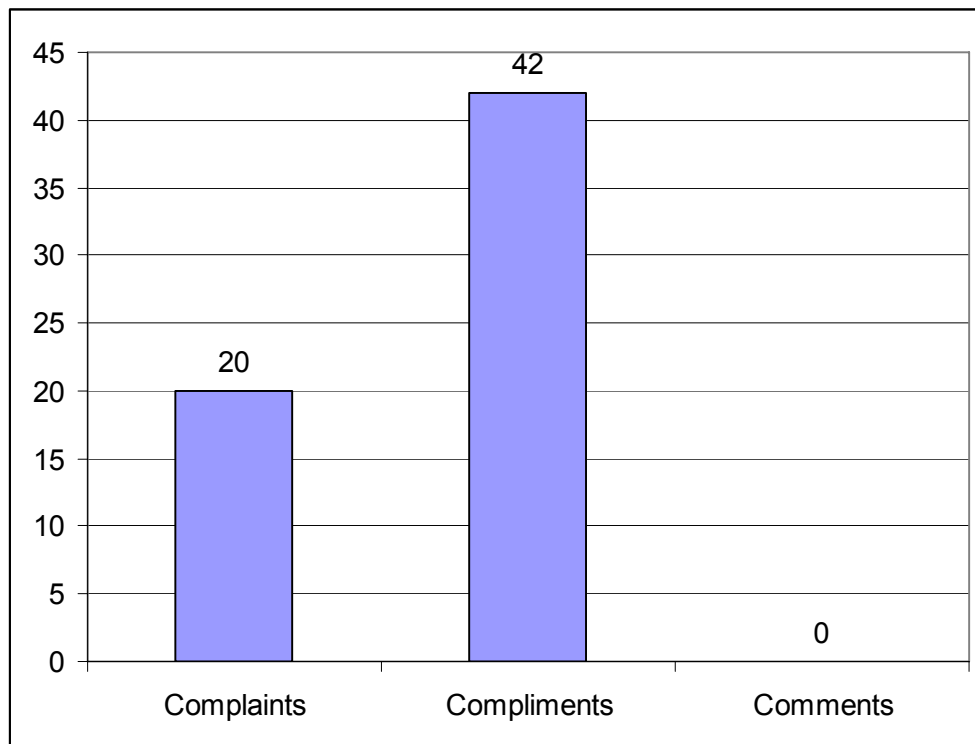
- There has been a decrease in overall feedback, from 81 representations in 2011/12 to 62 in 2012/13.
- We received 20 complaints under the procedure during 2012/13, a decrease from 39 in 2011/12.
- We received 42 compliments under the procedure during 2012/13, an increase from 39 in 2011/12.
- We received no comments under the procedure during 2012/13, a decrease from six in 2011/12.
- A further 13 complaints were received during 2012/13 which did not qualify to be dealt with under the procedure. This was a decrease from 18 in 2011/12. In all of these cases the complainant was advised of the reason(s) why their complaint did not qualify to be considered under the procedure and given details of the best way to raise their concerns.
- Four adult social care complaints were progressed to the LGO during 2012/13. The LGO reached a decision on three of these complaints during 2012/13.

## Review of the Year

### Breakdown of all Representations

A total of 62 representations were handled under the procedure during 2012/13. This does not include non-qualifying complaints. Nor does it include those representations responded to directly by social care providers (care homes and domiciliary care providers); these are detailed later in this report.

### Total Complaints, Compliments and Comments received 2012/13

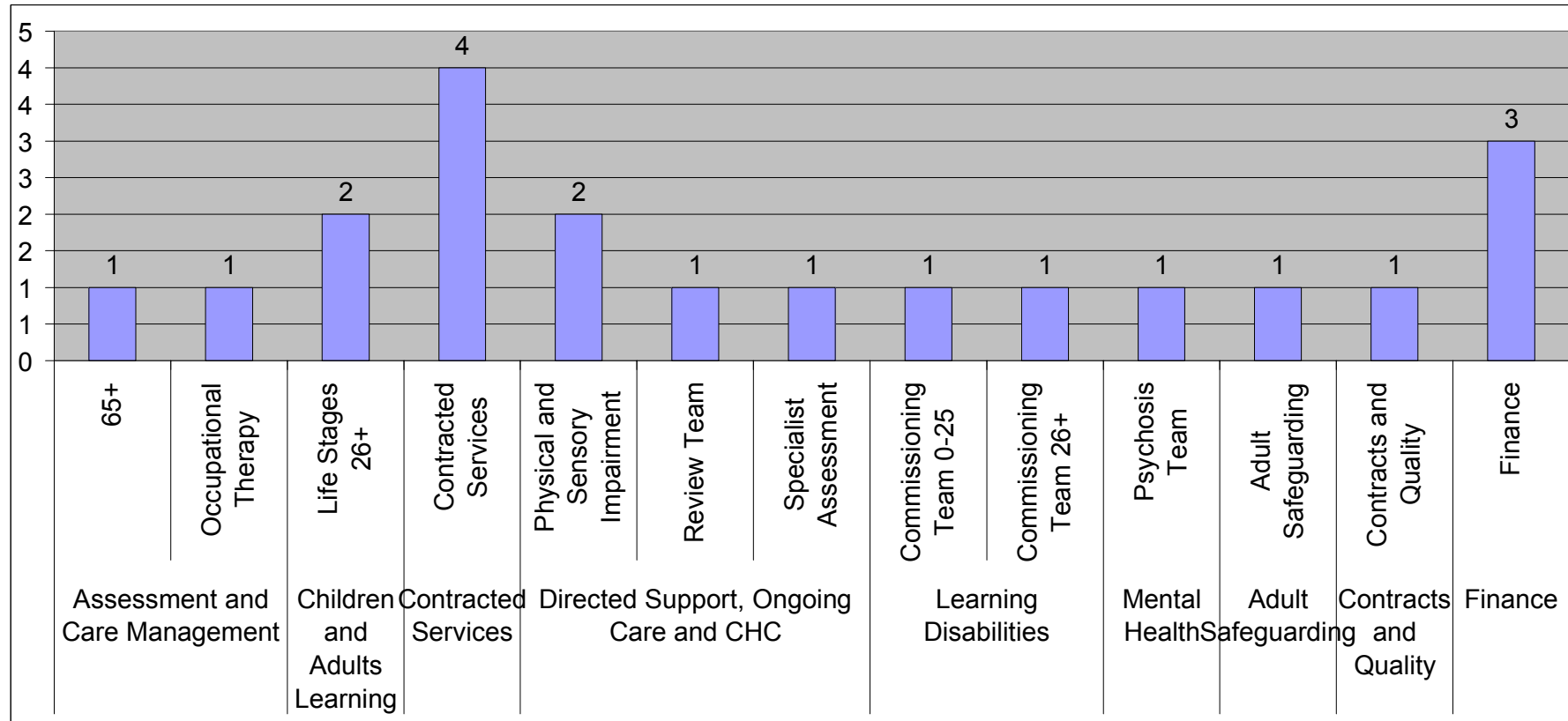


There was a significant reduction in the number of complaints received compared to 39 in 2011/12.

The number of compliments received was comparable to 2011/12 when 39 were received.

There was a reduction in the number of comments received from 6 in 2011/12.

### Breakdown of Complaints by Service Area/Team



*N.B. Those teams that are not listed did not receive any complaints*

There was a reduction in complaints for Occupational Therapy compared to four in 2011/12.

There was also a reduction in complaints for Children and Adults Learning Disability compared to four in 2011/12.

There was an increase in social care provider complaints considered by the Council compared to one in 2011/12. The four complaints recorded against 'Contracted Services' related to care homes. The complaint recorded against 'Contracts and Quality' concerned the advocacy provision commissioned by the Council.

There was a significant reduction in the number of complaints received for Physical and Sensor Impairment compared to six in 2011/12.

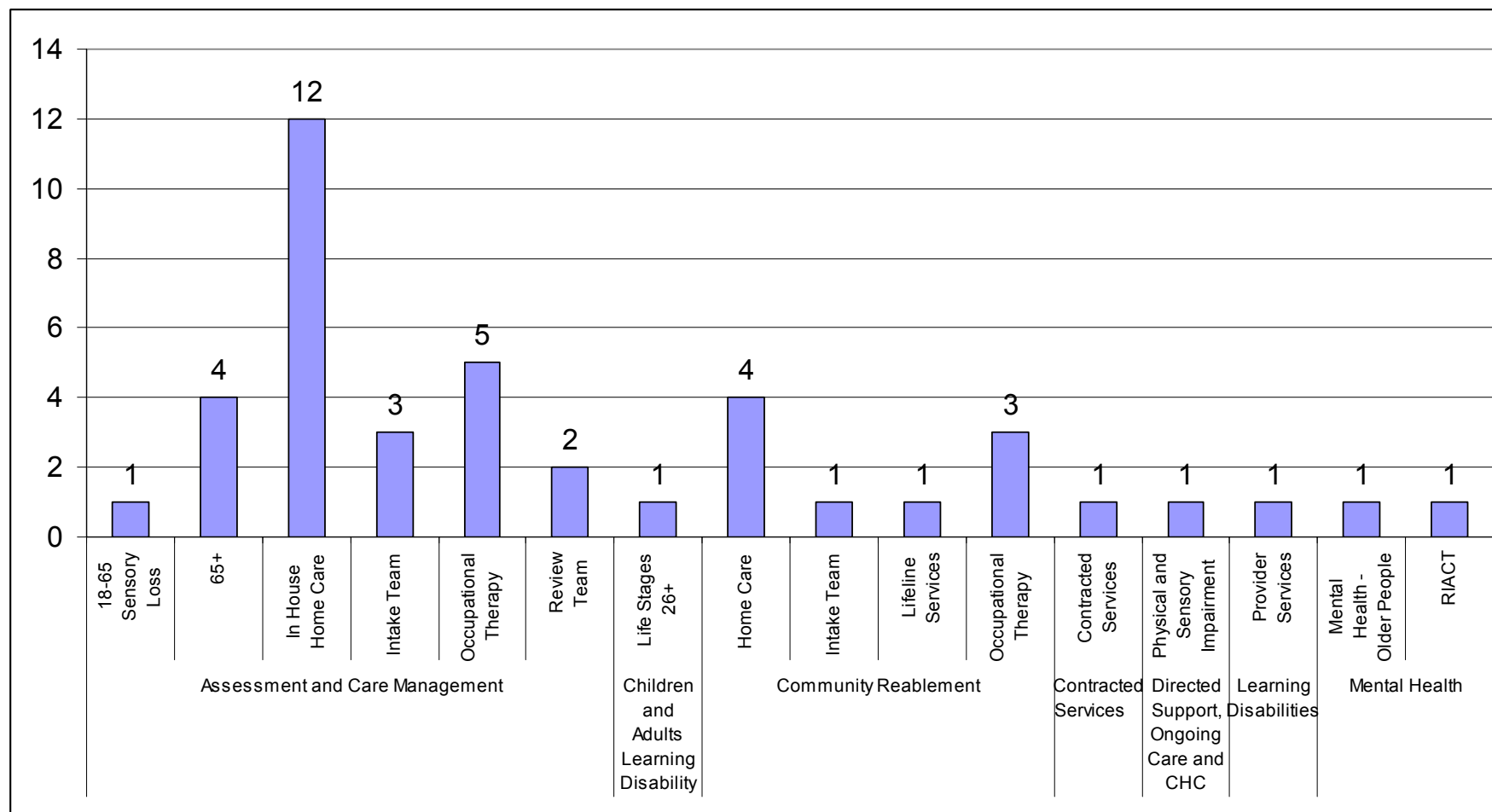
There was a reduction in complaints for the Specialist Assessment Team compared to two in 2011/12.

There was a reduction in complaints for Mental Health compared to 3 in 2011/12.

There was a significant reduction in the number of complaints received for Finance compared to 2011/12. While in the 2011/12 annual report only three complaints were logged to finance, the five logged to Housing and Adult Social Care also related to Finance.



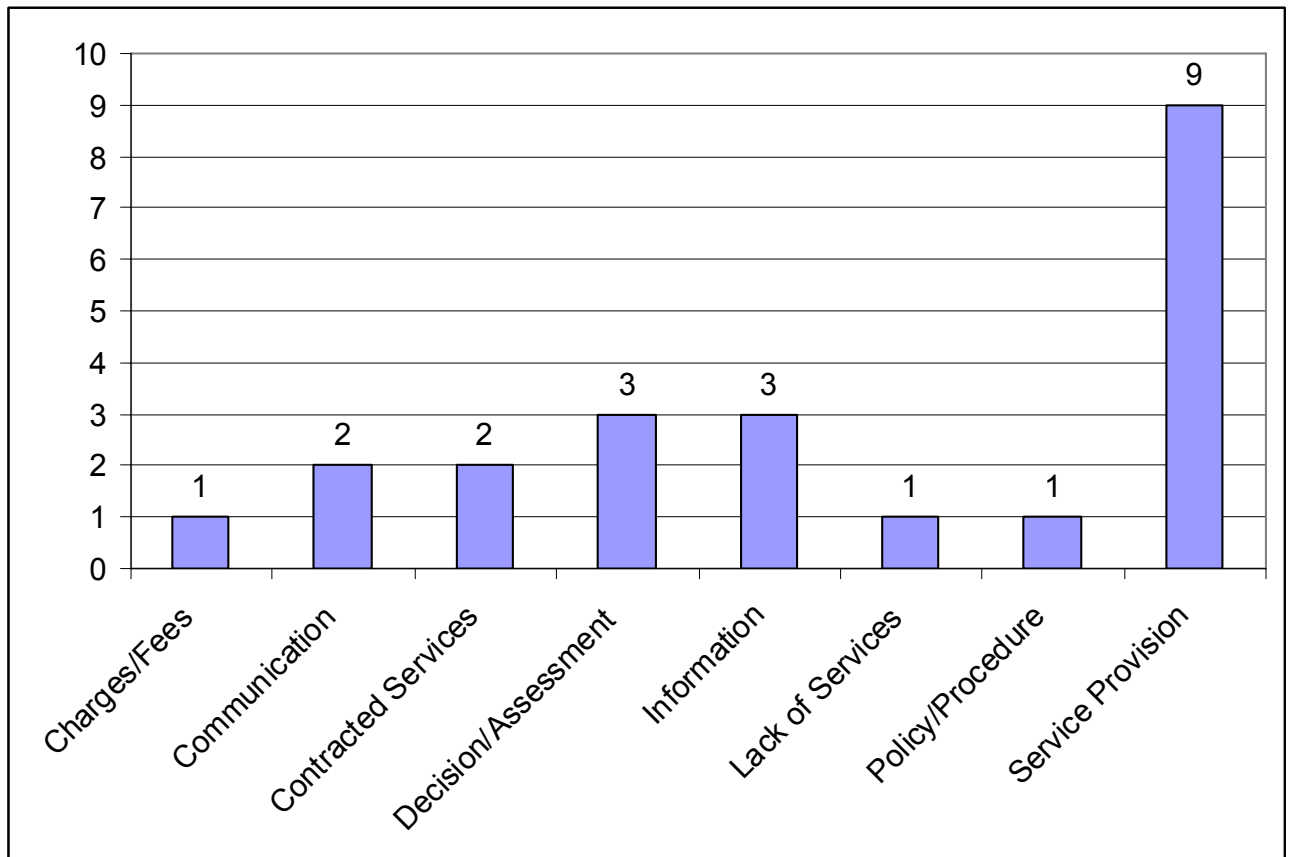
### Breakdown of Compliments by Service Area/Team



There was a significant reduction in the number of compliments received for Occupational Therapy compared to 20 in 2011/12.

There was a significant increase in compliments for In House Home Care compared to zero in 2011/12.

### Breakdown of Complaints by Issue



In the 20 complaints received 22 separate issues were raised.

The most common issue raised was 'Service Provision' this was comparable to 2011/12 when the issue was raised 10 times.

There was a significant reduction in complaints about the issue of 'Decision/assessment' compared to 2011/12 when the issue was raised 10 times. This was contrary to what we had expected prior to the introduction of the changes to the eligibility criteria as detailed in the Adult Social Care Complaints, Compliments and Comments Annual Report 2011/12.

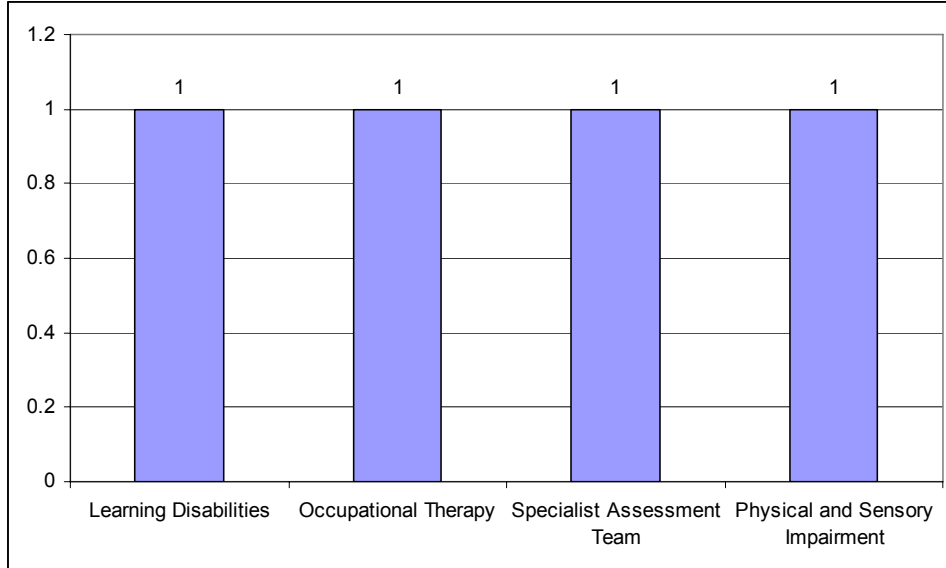
## Complaint Outcomes

19 complaint investigations were concluded during 2012/13. The outcomes of these complaints are detailed in the chart below.

Service Area/Team	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<b>Adult Social Care</b>					
Assessment and Care Management					
65+	1	1	0	0	2
Occupational Therapy	0	1	0	0	1
Children and Adults Learning Disability					
Life Stages 26+	0	0	1	1	2
Contracted Services	0	2	1	0	3
Directed Support, Ongoing Care & CHC					
Physical and Sensory Impairment	1	1	0	0	2
Review Team	0	0	1	0	1
Specialist Assessment Team	0	1	0	0	1
Learning Disabilities					
Commissioning Team 0-25	1	0	0	0	1
Commissioning Team 26+	0	0	0	1	1
Mental Health	0	0	0	0	0
Psychosis Team	0	1	0	0	1
<b>Total for Adult Social Care</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>15</b>
<b>Children Families &amp; Learning</b>					
Review & Development Safeguarding					
Adult Safeguarding	0	1	0	0	1
<b>Total for Children Families &amp; Learning</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Development &amp; Commissioning</b>					
Strategic Commissioning & Health Partnerships	0	0	0	0	0
Contracts & Quality	0	0	1	0	1
<b>Total for Development &amp; Commissioning</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Resources</b>					
Finance					
Financial Assessment Team	1	0	0	0	1
Housing & Adults Care	0	0	1	0	1
<b>Total for Resources</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>
<b>Total</b>	<b>4</b>	<b>8</b>	<b>5</b>	<b>2</b>	<b>19</b>

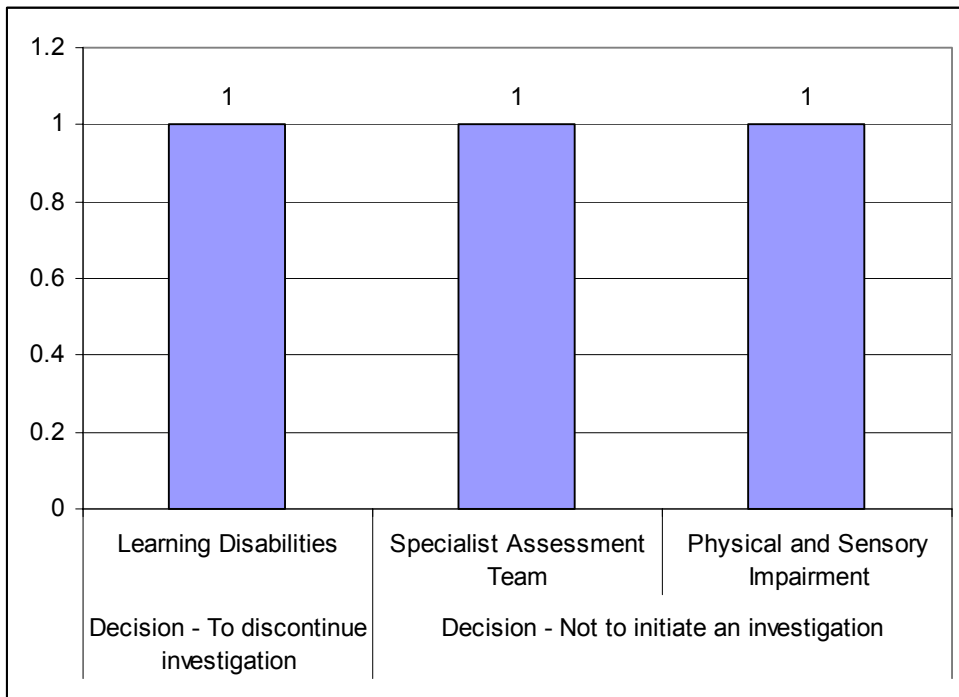
### Local Government Ombudsman Complaints Received 2012/13

Four adult social care complaints were progressed to the LGO during 2012/13 following investigation under the Council's procedure. This was an increase from two in 2011/12.



### Local Government Ombudsman Complaint Outcomes 2012/13

Three of the four adult social care complaints that were progressed to the LGO during 2012/13 were also determined during 2012/13.



Learning Disabilities – this complaint was from a parent who was dissatisfied with the action of the Council in assessing their daughter as not having the capacity to decide where she lived or whether or not she wanted contact with the parent. Whilst the complaint was ongoing the Council re-assessed the daughter and determined at that time she did have the capacity to decide whether she wanted to have contact with the parent. Her decision was that she did not wish to have contact at that time and as such the LGO concluded the parent was not a suitable representative to bring a complaint on their daughter's behalf. The LGO's decision was 'to discontinue investigation'.

Specialist Assessment Team – this complaint was from an individual who was dissatisfied with the Council's decision to restrict their access to a friend who lived in a care home. The LGO concluded that the Council had followed No Secrets: guidance on implementing multi-agency policies and procedures to protect vulnerable adults from abuse (Department of Health, 2000); undertaken a thorough and comprehensive safeguarding investigation; adhered to the Principles of the Mental Capacity Act 2005 and taken reasonable and proportionate action. The LGO's decision was 'Not to initiate an investigation (formerly Ombudsman's discretion)'.

Physical and Sensory Impairment – this complaint was from a gentleman whose wife has a physical disability and was in receipt of a Direct Payment from Darlington Borough Council. The gentleman's wife employed him as her Personal Assistant. The gentleman was dissatisfied with the Council's assessment of his wife's needs and the decision to reduce her care package. He also complained that the Council told him he could no longer be his wife's Personal Assistant. The Council investigated the complaint and agreed to ask an independent social worker from another borough to reassess his wife. The gentleman and his wife remained unhappy with the Council's response and asked the Ombudsman to consider their complaint.

At the time the Council had not completed the independent assessment fully and was waiting for information from medical professionals. The Council had not reduced his wife's care package and the gentleman was still employed as her Personal Assistant. The LGO concluded that there was insufficient injustice at the time to initiate an investigation. The LGO's decision was 'Not to initiate an investigation'.

## Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, several service improvements were made following complaint investigations during 2012/13. Some examples of these are detailed below.

- 1) Following one complaint about a care home it was agreed that:
  - i) the care home would up-date their Statement of Purpose in terms of the types of needs they can meet and whether or not they are equipped to take emergency admissions;
  - ii) the care home should have a clear emergency admissions policy and should only take service users whose needs they are confident they can meet;
  - iii) the care home should carry out appropriate assessments for each new person entering the home;
  - iv) staff training should match the needs of the service users they say they can meet;
  - v) discussions and handovers with other agencies need to be fully recorded; and
  - vi) the care home should develop a procedure for dealing with incidents of absconding.
  
- 2) Following a complaint for the Psychosis Team communication between members of the multi-disciplinary team and between the team and patients and their families was addressed. It was also recommended that a common understanding of what constitutes a delayed discharge should be agreed between health and social care.
  
- 3) Following a complaint about a Care Home:
  - i) senior staff were made aware of the "Transfer to Hospital Procedure" and how this is implemented;
  - ii) it was agreed that the person in charge would ensure that a member of staff familiar with the individual's needs would accompany them to hospital and that the transfer to hospital policy would be amended to reflect this;
  - iii) it was agreed that a transfer to hospital form would always be fully completed and that this would be copied and recorded in the individuals care records;
  - iv) senior care staff were made aware that support can be gained from the manager and deputy manager when individuals need to be transferred in an emergency;
  - v) it was agreed that any communication from the hospital should be recorded in detail, setting out who the caller is, from what department and the content of the conversation;
  - vi) it was agreed that regular meetings and supervision sessions would be arranged with housekeeper to discuss work practices; and
  - vii) that a regular audit would be undertaken and a cleaning schedule implemented to ensure the cleanliness is of an acceptable standard.

## **Performance against the Procedure**

The target for acknowledging receipt of complaints under the procedure is 3 working days.

70% of complaints received by the Council were acknowledged within the 3 working day timescale. This was primarily as a result of the CIG Team awaiting the appointment of an Investigating Officer prior to sending an acknowledgement letter. The process has now been amended to ensure all adult social care complaints received by the CIG Team are acknowledged within timescale.

There are no longer any statutory timescales for complaint responses, except that complainants should receive a response within six months. Within the procedure there are three different types of investigation with varying timescales to ensure investigations are completed in a timely manner and within the maximum time allowed. In all cases a response was provided within the six month time limit.

The average length of time a complaint investigation took was 31 days. The longest investigation took 113 working days with the second longest taking 69 working days. The complaint which took 113 working days was a joint complaint with NHS County Durham and Darlington. On this occasion we failed to respond within the timescale agreed with the complainant due to delays on the part of the Council's investigating officer. The complaint which took 69 working days did so at the request of the complainant who wanted to share the draft report with other family members prior to providing any comments.

## **Performance Targets for 2012/13**

In relation to Adult Social Care Complaints our only performance indicator is the number of maladministration decisions we receive from the Local Government Ombudsman. Our target for 2012/13 was zero and we achieved the target.