

**DIRECTORATE OF ADULT, COMMUNITY &
HOUSING SERVICES.**

**COMPLAINTS & COMPLIMENTS
ADULT SOCIAL CARE SERVICES
ANNUAL REPORT**

1st April 2010 – 31st March 2011

Policy Performance & Resources Division



Produced by the Quality & Complaints Team July 2011

The Quality & Complaints Team can be contacted for advice and information regarding making a Complaint, Compliment or Comment on 01384 813067 / 813068, by email at Complaints.DACHS@dudley.gov.uk Or in writing to The Quality & Complaints Team, Ednam House, St James Road, Dudley, DY1 3JJ.

1. INTRODUCTION

- 1.1 This Report provides information relating to the Adult Social Care complaints, and compliments procedure during the period 1st April 2010 to 31st March 2011.
- 1.2 The Social Care procedure for Adult's complaints falls within 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Follow the link to:-
http://www.opsi.gov.uk/si/si2009/uksi_20090309_en_1
- 1.3 Every Local Authority with a responsibility for Social Care Services is required to provide an Annual Report into the workings of the complaints and representations procedures.
- 1.4 The standard is that all adult social care service users and people who request a service are provided with information about the complaint process. It is also given out at different stages by staff to adult social care service users.

1.5 THE QUALITY AND COMPLAINTS TEAM

- 1.6 The Quality & Complaints Team is part of the Policy Performance & Resources Division, within the Directorate of Adult Community and Housing Services. The team is responsible for the day to day operation and management of all Social Care complaints for Adult and Children services and also for Housing Services complaints under the separate corporate complaints procedure for the Directorate. Support is also provided to LAAL for complaints in that Division.
- 1.7 Our key objective in the management of all complaints is to achieve appropriate and effective resolutions within the shortest possible timescales.
 - Enabling the Directorate to learn from complaints
 - Ensuring that complaints and comments are properly recorded and acted upon, and that where necessary things that have gone wrong are put right promptly.
 - Ensuring that staff and service users understand their rights, and responsibilities within the complaint process.

2 THE COMPLAINT PROCEDURES 2010/11

2.1 In brief the procedure requires the following:-

- If a complaint is made verbally to the service concerned, every effort should be made to seek a resolution to it within 1 Working Day. If that cannot be achieved the complaint must be registered and proceed through the social care complaint process
- All Complaints, other than those received verbally and resolved the same day must be sent to, and registered by the Quality Complaints Team.
- The Quality & Complaints Team will consult with the relevant Manager or Head of Service to agree the appropriate action to take in seeking to address and resolve the complaint.
- The Quality & Complaints Team will contact the complainant to provide advice and information regarding the complaint process and explain who will be looking into the complaint.
- Written Response:- All complaints including those received verbally, must receive a written response, unless this is against the wishes of the complainant.
- The Quality & Complaints Team will continue to track the complaint to ensure a response is provided to the complainant and to follow up on any actions required and gather lessons to be learned.
- Considerable efforts are made to resolve complaints at this stage – this allows for the complaints to be resolved satisfactorily whilst also reducing the need for matters to unnecessarily escalate to formal complaint investigation.
- **Timescales:-** The relevant timescales are:
 - The complainant should present the complaint for a response / investigation within 12 calendar months of the incident occurring.
 - The complaint must be acknowledged within 3 working days.
 - The majority of complaints should be responded to and satisfactorily concluded within 10 to 20 working days. However, if the complaint is complex, requiring detailed enquiries or independent investigation, then timescale can, with the agreement of the complainant be extended to 25 working days up to a maximum of 65 working days.
 - The complaint process must be completed within 6 months.

- If the complaint procedure has been exhausted and the complainant remains dissatisfied, they can, within twelve months of the final response approach the Local Government Ombudsman seeking further investigation to be carried out into the complaints by that office. If the Ombudsman determines that the complaint has not been looked into fairly and correctly by the Directorate, or that the service user has suffered an injustice in the services [S]he has received, then the Ombudsman could reach a finding of Maladministration.

2.2 CORPORATE COMPLAINTS:-

- 2.3 We also have a responsibility to comply with general complaints against the Council which do not fall within the boundaries of the Statutory Social Care Complaints process. These complaints are called corporate complaints and are dealt with under the Council's own Corporate Customer Feedback Procedure.

3. SUMMARY OF COMPLAINT & COMPLIMENT ACTIVITY 2010/11

- 3.1 The number of people receiving an adult social care service during 2010 / 11 was 14,086, from that figure we received **223** formal complaints, an increase of **89** compared to the **134** complaints received in 2009/10. In 2008/09 we registered **189** complaints as against **224** complaints for 2007/08
- 3.2 There are a number of factors for the increased number of complaints this year such as the introduction of new criteria within the assessment process and changes in service from internal service to externally provided services such as home care.
- 3.3 The increase in the number of complaints is important but of note this year has been the increase in complexity of the complaints. We are increasingly addressing issues relating to reduced services or change of services and the impact on the individual concerned. It is also the case that the scope for resolving complaints satisfactorily and speedily is becoming more difficult for Managers due to available resources and the criteria for receiving services.
- 3.4 Timescales. The Directorate sets a response target timescale of 10 to 20 working days to conclude and resolve each complaint received. **119** complaints were satisfactorily concluded within the 10 to 20 days allowed with **81** complaints resolved inside 10 working days. It is anticipated that it will become harder to resolve / conclude complaints within the desired timescale due to issues around their complexity, and reduced scope for finding a resolution. An added difficulty refers to the capacity for managers to put together the response details, their time is increasingly limited to spend time on complaints and this creates a challenge for the complaints team in obtaining quality responses in good time
- 3.5 Considerable efforts are placed into resolving matters satisfactorily without the necessity for the complaint to proceed to a complaint investigation. Three complaint investigations were carried out this year, all three by external independent Investigating Officer's.
- 3.6 Despite the challenges faced by social care services In 2010/11 Adult Social Care maintained its long record of no findings of maladministration by the Local Government Ombudsman in relation to any complaints made to that office concerning Dudley Adult Social Care Services.
- 3.7 **Compliments:-** The total number of compliments received for 2010/11 is **272**, the same number as received for 2009/2010. This figure can also be compared to **291** for 2008/09 and **236** for 2007/08.

- 3.8 Complaint Training:- Informal and Formal complaint training was provided to more than 100 Managers/Seniors and front line staff during 2010/11. The training was developed and provided on each occasion by the Quality & Complaints Team.
- 3.9 Social Care Services commission a number of external agencies to provide some of the services needed by our service users. It is important to stress that all services users continue to have the right to use the statutory social care complaint procedure if or when things go wrong. Contracts drawn up by Commissioning Services with external providers contain specific requirements for providers to comply with in relation to complaints made to them by or on behalf of service users. New leaflets have been developed this year giving advice to service users/relatives/carers about their right to pursue a complaint.

4. LEARNING FROM COMPLAINTS:-

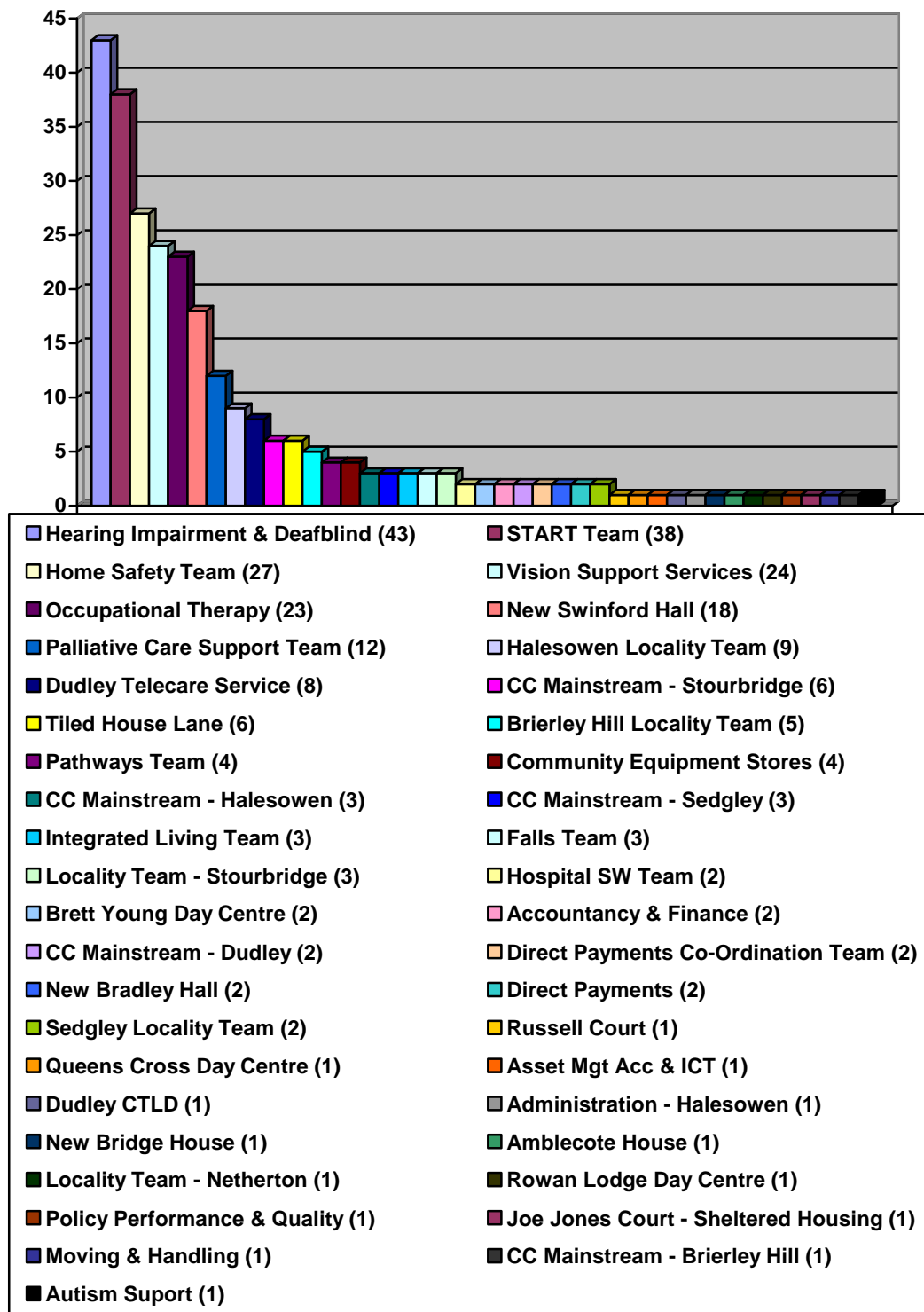
- 4.1.** The focus in dealing with all complaints is seeking a timely and satisfactory resolution, where lessons are learned and where outcomes from complaints can inform service improvements. The following are examples of the learning from complaints which has taken place during 2010 – 2011.

Complaint	Issue arising.	Type of Learning	Action
A Father of a Service User unhappy regarding respite and support for a young adult.	Transitional assessments are being held up	Need for identified resource to assist meeting the needs of young people moving from children services to adult services.	Agreement for extra worker in CTLD Team depending on future resources to assist with transitional assessments.
Change in care provider without prior notice to service user or relatives.	The change of service was only made known through a message given by the carers to the family.	Change of practice whereby the Supervisor will take responsibility for contacting the Service User where there is a proposed change to the service delivery.	
Carer failed to turn up leaving Service User distressed and vulnerable	Failure in recording	All staff have been instructed that all messages are to be recorded in writing. Amendments have been included in the message book, so that all recorded actions can be countersigned.	Complaints Team have checked with the new manager of service and the reinforced process is working well. This process has also been introduced to the Early Support Discharge Team
Complaints in relation to assessments not being thorough enough.	Concerns about interpreting information and variation in the outcomes of assessments	Reinforce existing procedures and discussions to take place in DMG Managers meeting concerning consistency in assessment process	
Lack of evidence of signed contracts relating to Direct Payments in all cases by district teams	This led in some cases to the Directorate not being able to retrieve funds that were incorrectly used by service users under Direct Payment rules.	Reminder to all teams to ensure contracts are signed, and or other written records are available to evidence that users are aware of the correct use of direct payments.	
Service User's mother unhappy with staff at a Day Centre, how they dealt with two Service Users being kept apart.	Information was available regarding the need to keep two Service Users apart, but had not been rigorously shared / actioned.	Need to reinforce existing procedures. Immediate steps taken to improve written communication to staff	One of the Service Users has been transferred to another Day Centre.

Complaint	Issue arising.	Type of Learning	Action
Complaint regarding support in the appointment of a Personal Assistant for a person receiving services, the paperwork was lost and application forms not sent out,	Failure to provide a service	Existing team all now aware that they must photo copy and retain all application forms, this has been reiterated. Full time administrator has been employed by the agency who will have this task as part of their role.	The Manager is now in the same office as the rest of the team and is therefore aware of calls. How calls are handled will be included in the next survey report and asking users to rate the timescales for returning calls.
Complaints re poor communication by independent service managing Direct Payments - regarding payroll and non receipt of timesheets	New system has been implemented regarding payroll and a new computer system will be put in force. Staff training is also taking place to improve customer service. Tracking of incoming and outgoing post.	Regular meetings are taking place with Commissioning and Direct Payments Teams and the independent service involved.	
Complaint from Service user - no Scheme Manager for two weeks or more due to sick leave.	During this time no arrangements have been made for cover.	Consultation Events with Service Users carried out. Leading to back up arrangements for when scheme manager is absent - either planned or unplanned. Display notices put in place with alternative contact numbers and names. Contingency support plans.	Service Manager meeting with service users to check satisfaction and discuss and agree how to meet their expectations in similar situations using the contingency plans
Complaint about members of staff entering the property of a service user recently deceased and taking more items than agreed by the family for a Spring Fayre		New audit process introduced with regards to staff accessing properties. A 'key' log / audit trail is to be implemented for use of the master key to properties.	Complaints Team to liaise with relevant service to confirm process has been implemented and guidance circulated to Sheltered Housing and Home Care staff

5. COMPLIMENTS 2010/11

5.1 The total number of compliments received for 2010/11 is 272, the same number of compliments as received for 2009/2010. This figure can also be compared to **291** for 2008/09 and **236** for 2007/08.



5.2. **41** separate services received a compliment this year. The Hearing Impairment & Deafblind Service received **(43)** and the Short term and re-ablement team [START] received **(38)**.

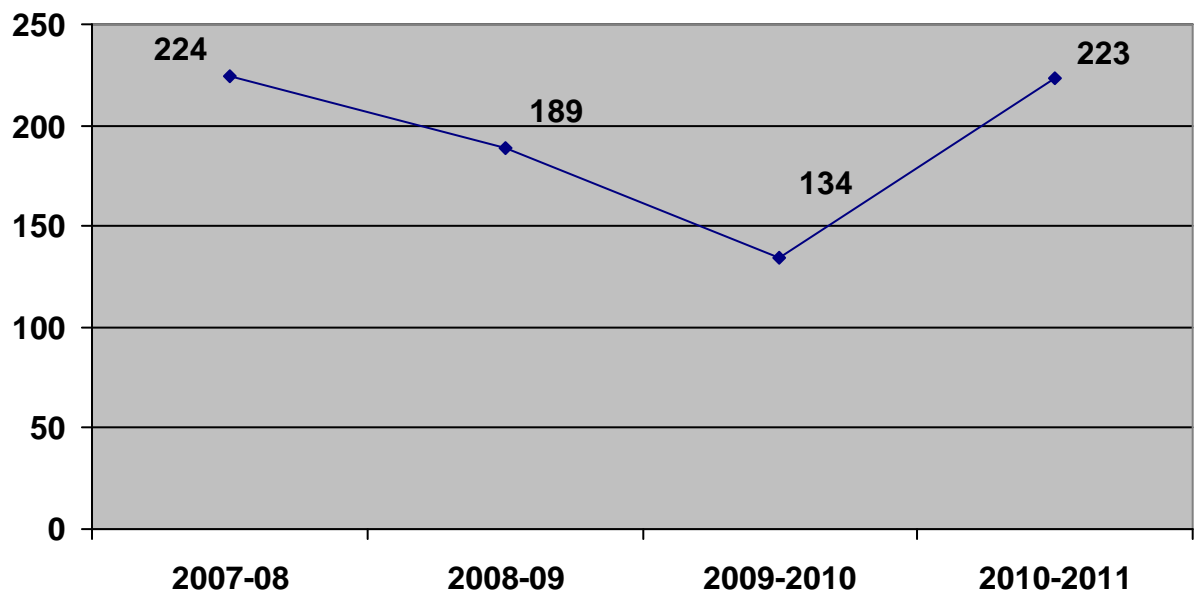
5.3. **Examples of Compliments**

- During the period leading up to and including the death of my wife, we were helped by the carers from the Palliative Care Support Team in conjunction with the district nurses. It was a privilege and a pleasure given the circumstances to meet people who actually care about other people. All of these ladies were unswervingly dedicated and sympathetic. Although my words seem inadequate I would like to thank all concerned. Many thanks ladies you are a credit to your respective departments, your profession and the community and I commend you all.
- As a carer for my 91 year old mother Mrs DC, my first conversation with J was an exasperated one last Winter when a colleague of hers was unable to attend a domiciliary visit. (I was cross because I had taken a day off work for this and it was a second cancellation) J was excellent in diffusing the annoyance – and then herself came out to visit, with both physical, written and verbal tools to help my mother with her hearing difficulties. She could have left things at that, but instead was eager to help by pointing out other avenues of support which were available. This has provided much more security and confidence for my mother. Most importantly for me, as a daughter who had to support not only the practical tasks, but also the heartache of bereavement after a marriage lasting nearly 70 years, I felt I had personally no time to express my feelings or grief for my late father. J has listened to me and gave me that as well. I don't think she realises how important she has been in my life and I want you to know what an asset she is to your service. Thank you so much J.
- Daughter of a service user who found the service to be of an exceptionally high standard with help given in a most caring and considerate way. Good listeners, providing a "shoulder to cry on" during some difficult times. Always, professional and always cheerful, no matter what. They did everything they could to enable mom to live in her own home as long as possible. Thank you so much from both of us.
- A thank you from a service user whose relative recently passed away for the way she was cared for, for the few weeks she was at home. "You treated her with care and also considered my own health, knowing I have had treatment for cancer. I cannot praise the team enough for their work and efficiency during the last few weeks. They always seemed to put a smile of her face. To each of the team, that visited her during her illness, I would like to say thank you and that I hope other people receive the care she has".

- “On behalf of myself and my family, especially our Mom, I would like to say a huge thank you to every member of staff for the care and help given. The moment we arrived we felt that mom would be more than safe and happy in your care. The accommodation was excellent, the grounds lovely to sit in and very accessible. We realise what an enormous job and responsibility you all have but at no point was mom made to feel a nuisance, nothing was too much trouble. She praised you all on a daily basis and within twenty four hours of arriving she amazed us with her improvement, all down to your help”
- Compliment for Home Care provided, we have been touched by the evident kindness and patience of the carers in their dealings with mom, sometimes in the face of aggression and difficulty as mom gradually lost control of her thinking and emotions. On a number of occasions we were astonished by the extent of their care for her, always willing to go the extra mile to provide advice and to alert us to new problems.
- My family and I want you both to know how much we appreciate the tremendous effort you both made in order for me to bring R home. You both pulled out all stops to help me, by arranging carers and equipment, and I know how much R appreciated it too. All of the carers, without exception, were wonderful....I only wish you could have shared in his life a little longer. Please thank everyone who played a part in R's home coming. His death was a shock to everyone, at least he is not suffering any more.

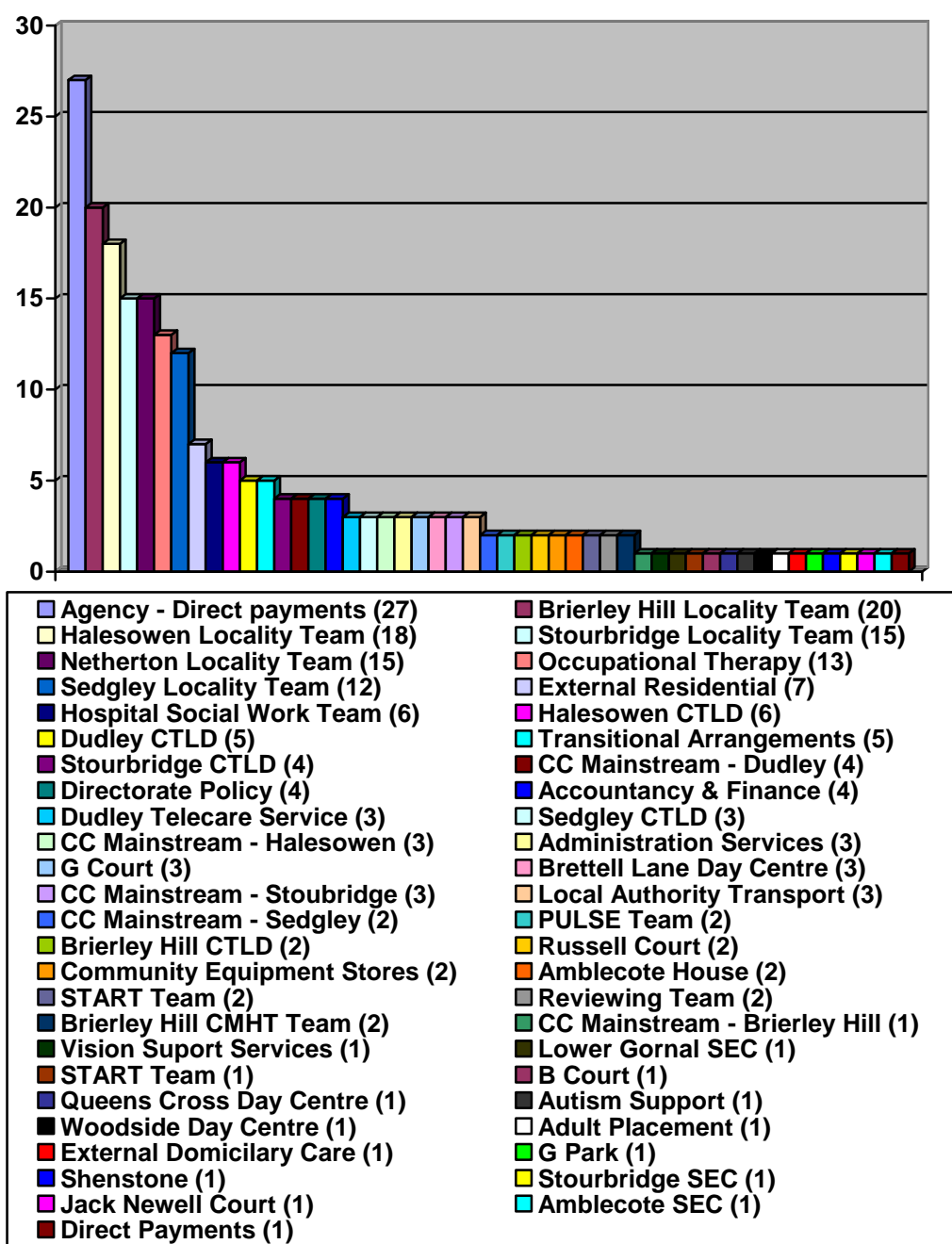
6. COMPLAINT ACTIVITY:- 2010/11

- 6.1 The chart below provides a comparison with regards to the number of Adult Social Care complaints registered over the last 4 years. It shows there has been a sizeable increase in complaint this financial year in comparison to last year, an increase of **89**.



- 6.2 The increase in the number of complaints is important but of note this year has been the increase in complexity of the complaints. We are increasingly addressing issues of reduced services or change of services and the impact on the individual concerned. It is also the case that the scope for resolving complaints satisfactorily and speedily is becoming more difficult for Managers due to available resources and the criteria for receiving services.

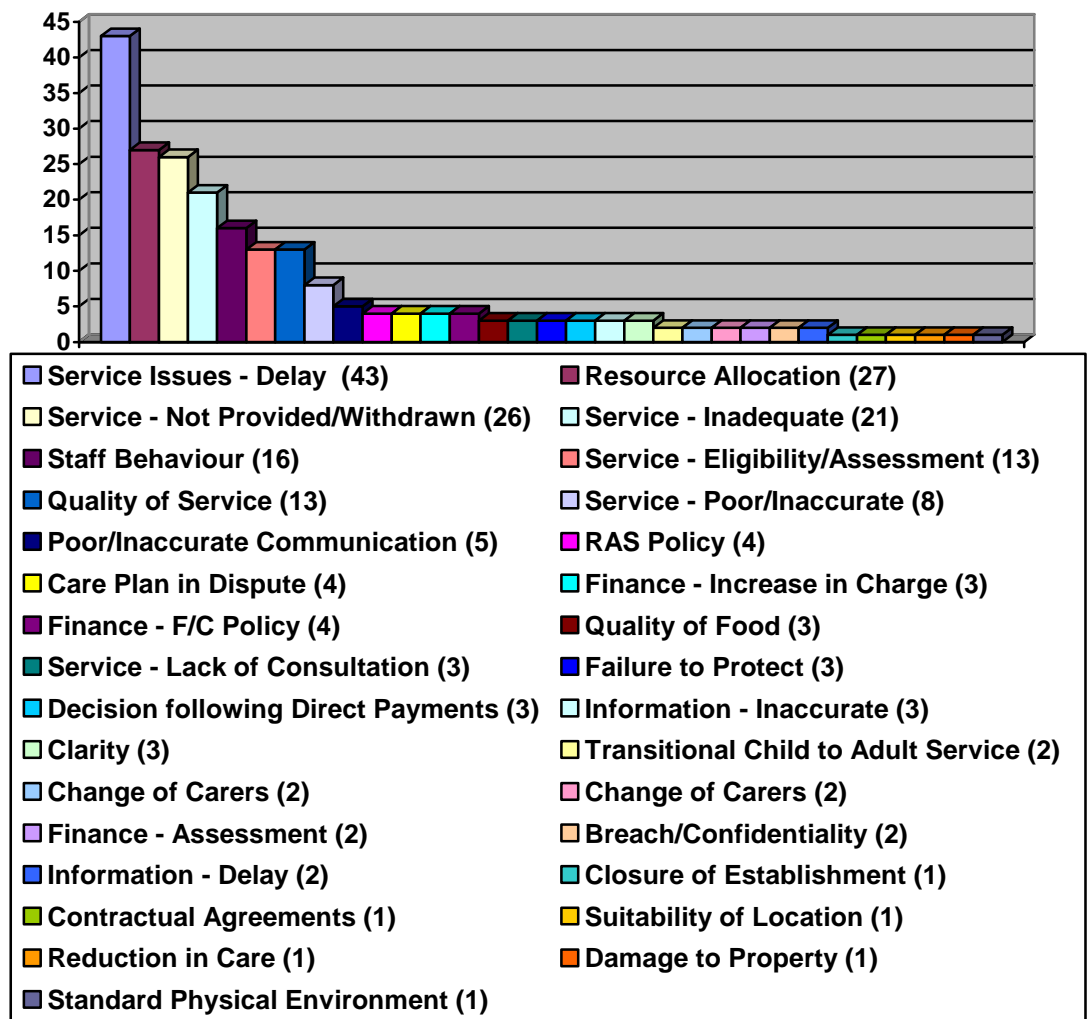
6.3 The **223** complaints received involved **49** separate service areas. As detailed in the chart below.



6.4 Complaints in relation to the independent agency responsible for managing Direct Payments are important, not least because people rely on that service in helping them to manage a growing aspect of social care i.e. the process involved in employing a Personal Assistant. Monitoring of such complaints is carried out by the Complaints Team, Direct Payments Co-Ordinators and Commissioning Services to ensure that this service continues to improve the services they deliver. The five Locality Teams have received an increase in complaints, this is mainly in respect of the outcome of assessments using the new criteria for services.

7. THE SERVICE ISSUES

7.1 This is the 'issue' being raised by the complainant.



7.2 Analysis of the 223 complaints points to a direct link from 91 complaints to the issue of funding/reduced resources. In addition, a link also applies to many other complaints that were presented by complainants under issues relating to 'delay, staff conduct, inadequate service and others. Meaning; that a high percentage of all complaints are linked to issues around reduced or withdrawn service, transfer of services, change to service.

7.3 Examples of individual Issues of complaints:-

Resource Allocation:

- Unhappy with approving funding for care home.
- Reduction in amount paid toward care costs following assessment.
- Delay in funding for nursing care
- Service Users care hours have been completely cut following review, she is now classed as moderate.
- Block for service user coming home from hospital - funding not being available.
- Sitting service being cut from 6 to 4 hours.
- Complaint re Respite care - will no longer be funded.
- Reduction in care package.
- Reduction in care package and attendance at Day Centre.
- Disagreement with assessment which has resulted in reduced care package.
- Reduction in care hours
- Complaint regarding assessment in care service
- Reduction in the personal budget received from 5 days to 2 days
- Not happy with outcome of assessment, original provision based on a moderate level.

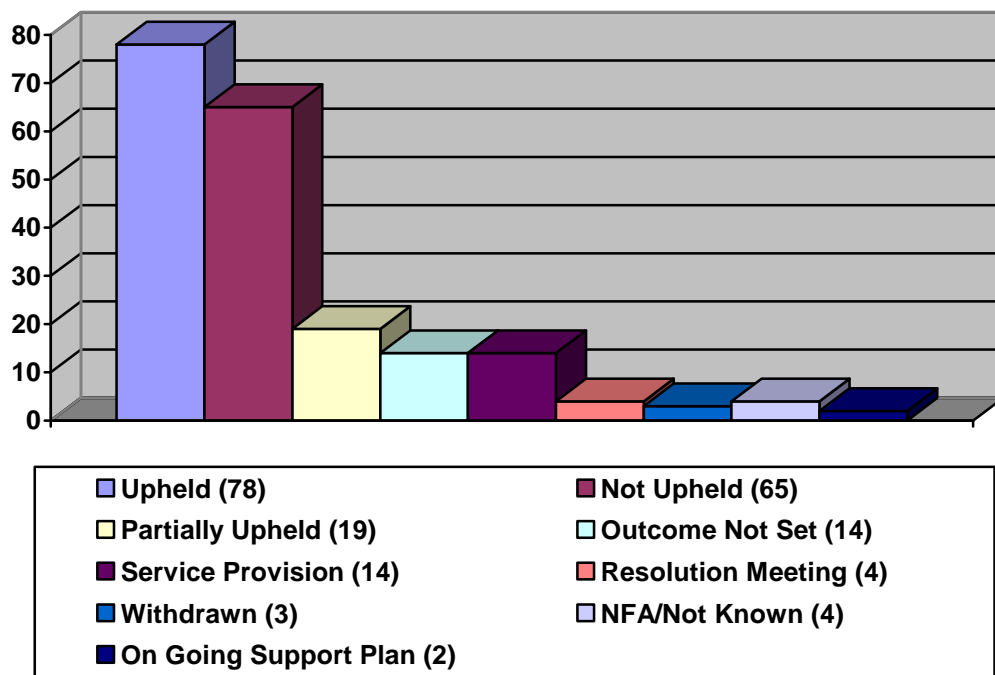
Service Not Provided/Withdrawn

- Support when Autistic and reaching age of 17
- Closure of Day Centre for Learning Disability
- No increase in personal budget allocation
- Reinstatement of assistance with homecare
- Withdrawal of Direct Payments
- Not considered for adaptations
- Residential funding denied.
- Service not being assessed as a need by Locality Team and not being transferred to Substance Mis-Use Team.
- Turned down for Carers grant
- Delay in request for specialist equipment scanner and penfriend.

Service Issues – Delay:

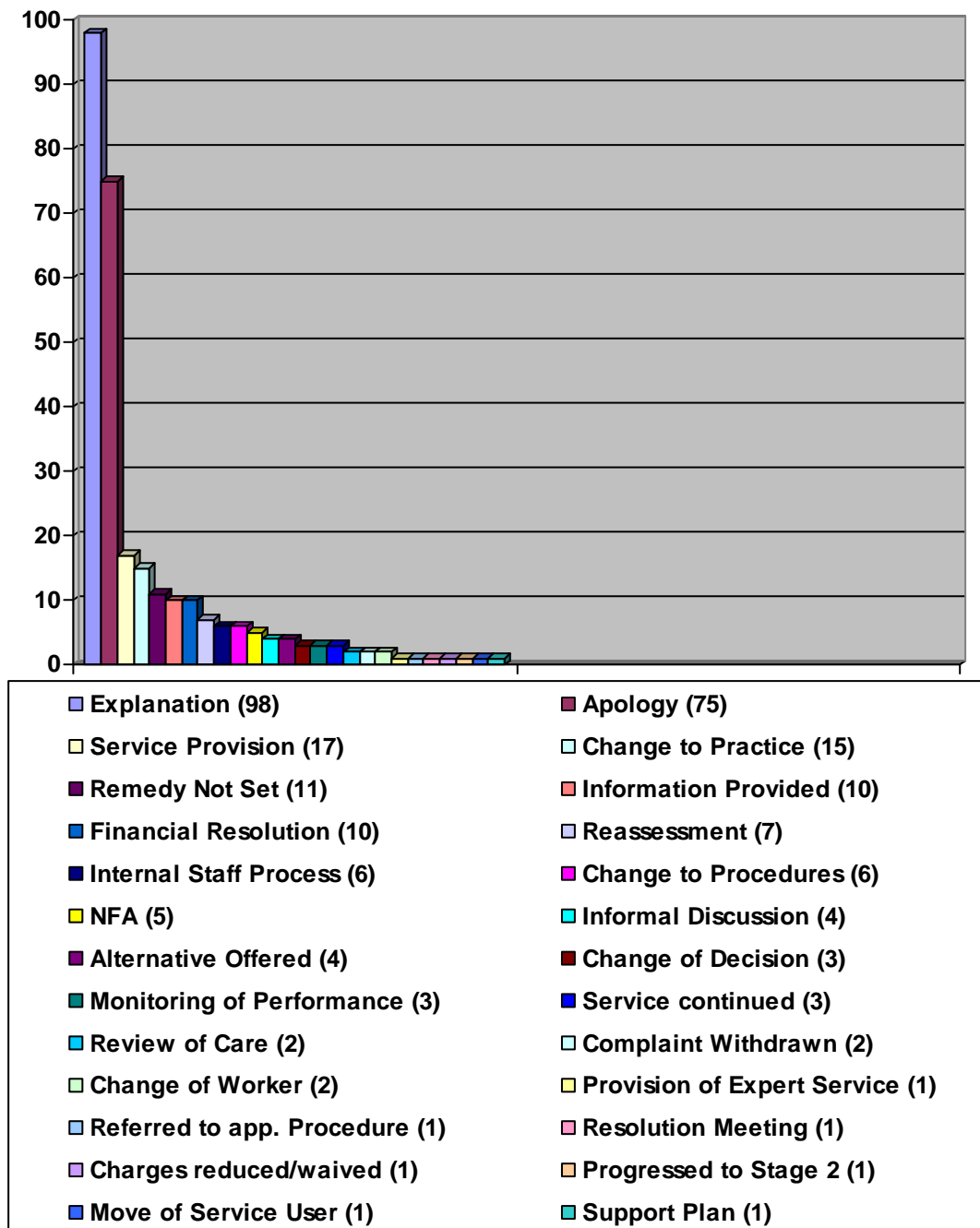
- Delay in service following assessment
- Delay in receiving an assessment
- Length of time for reassessment
- Length of time following initial contact
- Length of time for assessment

8. OUTCOMES IN TERMS OF FINDINGS:-



- 8.1 The above chart indicates that majority of complaint for the year 2010-2011 were upheld amounting to **78**. With **65** complaints not upheld. **14** complaints have no outcome set, as these are still ongoing and a further **2** involve support plans being put in place.

9. REMEDY:-



- 9.1 This indicates the action taken in resolving the complaint. There have been **290** remedies recorded in respect of **223** complaints. Complaints can receive more than one remedy for each complaint i.e., an apology and explanation.

- 10. Ethnicity:-** As in previous years the majority of people who used the complaint process are British/White.
- 11. How Received:-** There are a variety of access points to the complaint process. A statutory requirement exists for all adult social care complaints to be registered; this is carried out for the Directorate by the Quality & Complaints Team. The largest number of complaints received for this year were received directly to the Quality & Complaints Team by leaflet, letter, telephone or email with **120**. Managers received the second largest amount of complaints by letter, telephone, in person or email with **54**. The Quality & Complaints Team is responsible for tracking each complaint to ensure it receives a speedy, effective written response.
- 12. Timescales:-** The growing complexity of complaints poses a real difficulty with regards to timescale compliance. An added difficulty refers to the capacity for managers to put together the response details, their time is very limited to spend on complaints and this creates a challenge for the complaints team in obtaining quality responses in good time. As a result timescale compliance during 2010/11 remains generally satisfactory, with the majority of all complaints seeing a resolution within 10 to 20 working days. **81** complaints have been resolved/responded to within **10** working days, a further **38** were concluded within 20 days during this year. **68** were responded to after the 21 days, **16** complaints 7.8% remain ongoing,

