

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ADULT SOCIAL CARE & HEALTH SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	21 OCTOBER 2019	AGENDA ITEM:	11
TITLE:	ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2018 - 2019 FOR ADULT SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR JONES	PORTFOLIO:	ADULT SERVICES
SERVICE:	ADULT SOCIAL CARE & HEALTH	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Adult Social Care recognises that there will be occasions when things do go wrong and complaints are made. This short report tells you how many complaints were received in 2018/19 and were dealt with using either the Council's Corporate Complaints Procedure or the Statutory Complaints Procedure for Adult Social Care. It also summarises the main types of complaints we have received and gives some examples where we have improved as a result of learning from these complaints.
- 1.2 The purpose of this report is to provide an overview of complaints and compliments activity and performance for Adult Social Care for the period from 01 April 2018 to 31 March 2019.
- 1.3 During this period the service received 9 corporate complaints, which is an increase of 2 over 2017/18 and 72 statutory complaints, which is a decrease of 5 over 2017/18.
- 1.4 Key themes for the period 2018/19 for both corporate and statutory complaints are:
 - Quality of Service Provided
 - Financial Issues
 - Staff Conduct
- 1.5 A summary of Adult Social Care Complaints and Compliments 2018/19 is at Appendix A. This will also be made publicly available through the Council's website from 22 October 2019.

2. RECOMMENDED ACTION

2.1 That the Committee notes the contents of the report.

3. POLICY CONTEXT

- 3.1 Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require that Local Authorities operate the procedure. In September 2009, the Department of Health introduced a new complaint procedure to cover both adult social care and health services. This meant a 3 stage complaints procedure became a 1 stage complaints procedure. Following investigation of the complaint by the Council, if the complainant is not satisfied with the outcome the complainant is advised to contact the Customer Relations Manager, to share their concerns with a view to possibly reviewing them with a senior manager or proceed to the Local Government Ombudsman.
- 3.2 Complaints relating to Adult Social Care that fall outside of the scope of the statutory process are investigated in accordance with the Council's Corporate Complaints Procedure.
- 3.2. Compliments can be an indicator of when the Council has performed well and can highlight the positive outcomes of the public who are in contact with us or that we provide a service to.

4. ACTIVITY

- 4.1 The Council operates a 1 stage complaints procedure in respect of statutory complaints about Adult Social Care made by 'qualifying individuals', as specified in the legislation. Qualifying individuals are defined in national guidance as the Service User or their appointed representative which can be a family member, friend or Advocate. The timescale for responding to complaints is between 15 working days and 3 months, depending on the seriousness and complexity of the complaint. The guidance provides a risk matrix to assist the Customer Relations Manager, who is the designated Complaints Manager for the Council, to assess the complaint.

Reading Borough Council's Corporate Complaints Procedure gives an opportunity for those who are not 'qualifying individuals' under the social services legislation, to still be able to complain about Adult Social Care.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Complaints Service provided by the Customer Relations Team contributes to the Service's aims to enhance emotional wellbeing and deliver outstanding services for service users who may be dissatisfied with the Adult Social Care service and those needing protection through Adult Safeguarding. It does this by providing impartial and supportive service to service users and their families who wish to complain or raise a concern and ensuring that there is learning from complaints.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Information about the complaints or compliments process is provided verbally to service users via the Social Care Teams as well as the Customer Relations

Team. Leaflets on the procedures are also widely distributed by the Social Care Teams and available in a variety of formats and languages on request.

6.2 Service Users are reminded of their right to complain or make a compliment and a leaflet is given out when the social worker first meets with them. Service users and/or their representative can also register a complaint via the web, e-mail direct to the Customer Relations Team, in person, by phone, in writing or via an advocate.

6.3 Translation services are provided for complainants whose first language is not English and advocacy support is available for those people who wish to make a complaint.

7. EQUALITY IMPACT ASSESSMENT

7.1 The Customer Relations Manager will ensure that the statutory complaints/compliments process is accessible to all customers regardless of their race, gender, disabilities, sexual orientation, age or religious belief.

7.2 The statutory complaints process is designed to ensure that any concern or issue faced by the service user or their representative is addressed in a timely and impartial manner.

8. LEGAL IMPLICATIONS

8.1 The Statutory foundations for the Adult Social Care Services Complaints Procedures are The Local Authority Social Services Act (1970), The Human Rights Act (1998), Statutory Instruments 2009 No.309 National Health Service, England Social Care, England, the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

9. FINANCIAL IMPLICATIONS

9.1 There are no Capital or Revenue implications arising from this report.

The Council's Customer Relations Team provides value for money in effectively discharging the complaints process for the Council by attempting informal resolution of complaints.

There are no specific financial risks arising from this report.

10. BACKGROUND PAPERS

10.1 Department of Health, Advice Sheet for Investigating Complaints - Listening, Responding, Learning.

ADULT’S SOCIAL CARE COMPLAINTS & COMPLIMENTS 2018/19 SUMMARY REPORT

Introduction

This is a summary report of the data for complaints/compliments received by Adult Social Care for the financial year 2018/19.

The Council welcomes feedback through the complaints/compliments process which, as well as providing the opportunity to identify where services have not been provided as they should be, also provides customer insight and helps identify any deficiency in practice, policies and procedures. It is from these that the Service and those who work in it can continue to learn and improve practice and service delivery.

Statutory Complaints Procedure

General complains about Adult Social Care received from Service Users or their approved representatives (Family Member, Advocate or Power of Attorney) are dealt with through the statutory procedure. This will be one investigation by a senior officer in the relevant service area (Team Manager) and then signed off by either a Service Manager or Head of Service.

At the Complainant’s, or their representative’s, request, an external, independent investigator can be appointed to investigate if the Customer Relations Manager deems the complaints to be at medium or high risk. The following Risk Matrix is used to assess the complaint.

Risk Matrix

This matrix will be used by the Customer Relations Manager in confirming the level of risk once an expression of concern is being considered within the formal complaints procedure.

		LIKELIHOOD OF RECURRENCE				
		RISK	Rare	Unlikely	Possible	Likely
SERIOUSNESS	Low	Low	Low	Low	Moderate	Moderate
		Low	Moderate	Moderate	High	High
	Moderate	Low	Moderate	High	High	Extreme
		Moderate	Moderate	High	High	Extreme
	High	Moderate	High	High	Extreme	Extreme
		Moderate	High	Extreme	Extreme	Extreme

Time Limits

Level of Risk	Maximum Time Limit for Completion
Immediate resolution	1 working day - confirm outcome
All accepted as formal complaints	Acknowledge within 3 working days
Low	15 working days
Moderate	25 working days
High	65 working days
Extreme	Up to 6 months

If the complainant feels that the issues they have raised remain unresolved, they have the right to request a meeting with the Locality Manager/Deputy Director and the Customer Relations Manager or refer their complaint to the Local Government Ombudsman.

The Statutory Complaints process encourages the complainant and the Local Authority to consider resolving a complaint or concern informally through a face to face meeting or telephone discussion. It is the complainant's right to request the presence of the Customer Relations Manager at any face-to-face meeting.

Some complaints may require immediate action including whether the matter should be considered as a safeguarding issue. If it is a safeguarding issue, the relevant procedures would take precedence over the complaints procedure.

Corporate Complaints Procedure

The Corporate Complaints Procedure deals with complaints which do not meet the criteria for investigation through the Statutory Procedure (for example the complaint is made by a Provider or a family member who does not have consent from the Service User to make the complaint) and is a two stage process. The first stage provides an opportunity for a local resolution of any problems which may arise and it is expected that the majority of complaints will be resolved at this level, usually within 20 working days or less. Where the problems cannot be resolved to the complainant's satisfaction at a local level, Stage 2 of the process involves the investigation of the complaint by a more senior member of staff, usually within 30 working days or less and with a formal sign off by the Head of Service.

Where the complainant feels that the issues they have raised remain unresolved, they have the right to refer their complaint to the Local Government Ombudsman.

Summary of Compliments and Complaints Activity, Quality Assurance & Learning

This report details information for the past year together with analysis of the data, quality assurance and information on service developments as a result of learning from complaints. Under the current monitoring system, information about complaints received directly by teams is reported to the Customer Relations Manager upon receipt. This is to ensure that the Customer Relations Manager is aware of all current complaints in order to monitor their progress and highlight cases that can be resolved through Alternate Dispute Resolution (ADR) to Team Managers and senior staff.

Corporate Complaints

Total Number of Corporate Complaints Received 2018 - 2019

	Total No. Received	Stage 0	Stage 1	Stage 2
2013/14	2	2	0	0
2014/15	12	3	9	0
2015/16	29	8	20	1
2016/17	5	3	2	0
2017-18	7	3	4	0
2018-19	9	1	8	0

Outcomes for complaints investigated formally in 2018/19

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcomes	Withdrawn
0	0	1	2	4	2

Timescales for those investigated in 2018/19

In Timescale	Over Timescale
5	2

Spread of Complaints across Teams in 2018/19

Team	Number	% of Total
Commissioning	2	22.25
Community Reablement	1	11.1
Finance	1	11.1
Intermediate Care	1	11.1
Localities	2	22.25
Long-Term Care	1	11.1
Safeguarding	1	11.1
Total	9	100

Themes

Theme	Number	% of Total
Financial Issue	2	22.2
Quality of Service Provided	3	33.35
Staff Conduct	4	44.45
Total	9	100

Category of Complainant

Category	Number	% of Total
Learning Disability	2	22.2
Older (Over 65)	2	22.2
Physical/Sensory Disability	5	55.6
Total	9	100

How Was Complaint Received

Method	Number	% of Total
E-mail	3	33.4
Letter	3	33.3
Telephone	3	33.3
Total	9	100

Statutory Complaints

Total Number of Statutory Complaints Received in 2013 - 2019

	Total No. Received	Stage 0	Stage 1
2013/14	80	37	43
2014/15	45	14	31
2015/16	86	33	53
2016/17	62	20	42
2017/18	77	22	57
2018/19	72	21	51

Outcomes of complaints investigated formally in 2018/19

Upheld	Part Upheld	Not Upheld	No Outcome	Multiple Outcome	Withdrawn
25	10	15	1	11	10

Timescales in 2018/19

In Timescale	Over Timescale
28	34

Note: The statutory complaints above, we worked to an initial 15 working day response date extending to no more than 20 working days.

Spread of Complaints across Teams

Team	Number Received	% of Total
Community Mental Health	1	1.39
Deputy's	2	2.78
Financial Assessments & Benefits	6	8.33

Intermediate Care	4	5.56
Learning Disability	2	2.78
Localities	19	26.39
Long-Term Support	14	19.44
Personal Budget Support	2	2.78
Private Sector Housing (on behalf of ASC)	1	1.39
Review Team	1	1.39
Shared Lives	1	1.39
Short-Term Team	15	20.82
Single Point of Access	1	1.39
The Willows	2	2.78
Transportation (on behalf of ASC)	1	1.39
Total	72	100

Themes

Theme	Number	% of Total
Communication	1	1.39
Data Protection Issue	1	1.39
Financial Issue	10	13.88
Lack of Support	2	2.78
Quality of Service Provided	47	65.28
Staff Conduct	11	15.28
Total	72	100

Category of Complainant

Category	Number	% of Total
Learning Disabled	7	9.72
Mental Health	3	4.17
Older (Over 65)	21	29.17
Physical/Sensory Disability	41	56.94
Total	72	100

How Was Complaint Received

Method	Number	% of Total
E-mail	31	43.06
Feedback/Complaint Form	1	1.39
Letter	10	13.88
Telephone	22	30.56
Webform	8	11.11
Total	72	100

Learning & Service Improvements following Complaints received

Complaints and concerns provide essential and valuable feedback from our clients and customers. Listening to customers and reflecting on examples of where we have not got it right can reveal or highlight opportunities for improvement (for example, a deficiency in practice, communication or service delivery). Even if a complaint is not upheld, lessons can be learnt from that complaint with service developments and improvements as a result. The complaints process and the feedback gained is an integral part of the quality assurance process, which feeds into the development and monitoring of services. Learning from complaints should be reviewed by Social Care teams regularly at their team meetings. Below are some examples of learning from complaints in the past year along with key service improvements as a result of complaints received.

Examples of complaints and learning.

Complaint:

The way the Council responded to a request for financial assistance (a twelve week property disregard) with regards to the client's care home placement. The Council focused on the question of Ordinary Residence and failed to look at the client's care needs in parallel to this.

Learning -

All social care staff reminded of the importance to provide a sufficiently detailed explanation as to why a decision has been made, particularly when it is not the outcome the client hoped for.

The Eligibility, Risk and Review Group (ERRG) has acknowledge that they should have considered how the client's needs can be met and not just focus on the question of Ordinary Residence

Complaint:

Concerns about the quality of care provided by the care agency and the way the Council responded to the complaints.

Learning -

Agency staff trained on emergency procedures.

Agency staff trained on accurate and complete record keeping.

Reviewed the Adult Social Care complaints procedure to clarify how the Council deals with complaints about care providers, and how we ensure independent investigation of serious complaints.

Process document drafted and sent directorate wide with regards to how a complaint investigation and/or safeguarding investigation is determined.

Reminded staff involved in adult safeguarding enquiries of the importance of ensuring that enquiry reports are factual and accurate.

Complaint:

The Council placed a vulnerable adult in supported living accommodation and then failed to properly monitor this person's needs.

Learning-

Reminded social workers that they should tell the Quality Team about any quality concerns they have about care providers; and review its transition procedures to ensure social workers get confirmation from care providers that staff who will be

providing care and support have appropriate skills and training before a placement goes ahead.

Service Improvements

The social care service, for adults aged between 18 and 25 transferred from Children's Social Care to Adult Social Care in July 2018. Along with the transfer, an aim was to implement a transition and preparation to adulthood pathway, to support young people moving from children's services to adult services. The pathway is in place with the Transition Panel meeting quarterly to ensure a smooth transition between services.

The Discharge to Assess service moved from The Willows to Charles Clore Court Extra Care Sheltered Housing, providing an improved environment in flats with accessible bathroom and kitchen facilities. The staff team were provided with training in reablement techniques, an Occupational Therapist has implemented an outcome focused approach to service provision and a senior physiotherapist has been recruited to the team. The Discharge to Assess service was reconfigured to accurately reflect demand for this service, which resulted in a reduction in cost and enabled resources to be redirected to supporting people to remain in their own homes.

The Advice and Wellbeing Hub was established, with Social Care staff having positive conversations with people newly referred to Social Care to identify their strengths and resources. This new approach has helped to keep people more independent and reduced by half the number of people requiring ongoing Social Care provision. Social Care staff in the Hub feel very positive about this way of working, especially the opportunity to find and implement solutions and improve customer service.

As part of ongoing service improvement work, a staff training event was completed on 6 July 2019, led by the Director, Locality Manager and the Customer Relations Manager. This event was attended by all Team Managers, Assistant Team Managers and staff within the service. The event covered training around the Statutory and Corporate Complaints Procedures and how to escalate what may seem like a complaint to a Safeguarding Adults enquiry. We went through a questions and answers session with attendees using case studies based on actual cases and discussed the importance of involving respective Provider's when carrying out investigations.

Benchmarking

Attempts to collate information from our neighbouring authorities have proven to be difficult over the years. This has been attempted through the Southern Regional Complaints Managers' Group which the Customer Relations Manager is a member of, as such this information cannot be provided within this report.

Quality Assurance

The Customer Relations Team carries out checks of all complaint responses to ensure the quality of the response and that the language and terminology used is made easy for the complainant to understand, particularly if the complainant has a disability. We have on occasion asked the investigating officer to translate reports and responses into Easyread.

Statistics indicate 100% of responses were checked by the Customer Relations Team before being sent out. The Customer Relations Manager and the Team are also

available to the complainant and the investigator for advice on best practice during the complaint investigation, but remain impartial.

The Customer Relations Manager will deliver training on investigating and responding to complaints on request. The Corporate Complaints Procedure is available on-line. The Adult Social Care statutory procedure is available on-line also. The Customer Relations Manager attends Team Meetings to provide training and advice to Team and Service Managers when required. The Customer Relations Team has also improved processes to ensure upcoming responses are discussed and monitored at weekly meetings. The Social Care staff are in more regular contact with the Customer Relations Manager and her team and are aware of their processes which has led to improved joint working for the benefit of the complainant.

Support Network

The Customer Relations Manager is the Vice Chair and participates in the Southern Region Complaints Managers' Group, which continues to support Customer Relations and Complaints Managers in sharing good practice, both nationally and locally. Where cases are complex the Customer Relations Manager often seeks advice and guidance from Legal Services and the Local Government Ombudsman's advice line.

Local Government Ombudsman

The Local Ombudsman's role is to investigate complaints about maladministration or administrative fault that lead to injustice for the complainant. In some complaints the Local Ombudsman may find evidence of administrative fault but no resultant injustice. The Local Ombudsman should not investigate complaints about policy changes where the decision has been properly made.

Between 1 April 2018-and 31 March 2019 the Local Government Ombudsman (LGO) received 12 representations from dissatisfied service users for issues relating to Adult Care & Health Services, which is 1 more than the previous year. Of these 12 cases, 3 had not been through the Council's Complaints Procedure, so were rejected by the LGO as premature referrals. 5 were investigated with 3 being upheld and 2 not upheld and the other 4 were closed with no further investigation required.

In respect of one of the upheld complaints the LGO issued a public report about the Council's Adult Social Care service. The service accepted it was at fault, apologised to the complainant, paid for a lasting tribute for their family member and made a time and trouble payment.

Compliments

The Customer Relations Team owns the logging of compliments for the Council as a whole. Staff are reminded and encouraged to pass on all compliments to the Customer Relations Team's generic mailbox.

In the year 2018/19, 24 compliments were received by the following Teams:

Community Reablement Team - 1
Community Mental Health Team - 1
Deputy's Team - 1
NRS - 1
Minor Works - 1
Short Term Team - 6

Long Term Team - 13

The following are some examples of compliments received:

The Deputy's Team

The Deputies office has made a big difference to my life. I am no longer in debt, my marriage much more stable, my health has improved.

Community Mental Health Team

I just wanted to say what a wonderful job KB has done and how understanding and approachable he has been whilst helping with a service user I support under the Community Mental Health Team. KB has gone above and beyond and has been so helpful with the situation, he is a real asset to your team and it has been a pleasure working with him.

Community Reablement Team

I found out the care potential the morning after my discharge. I am impressed - this is an excellent service to enable patients for full or at least improved independence.

Short Term Service

W said - He is very very happy, couldn't thank us enough for the brilliant service.

Mr V's daughter said, she said in particular that she was thankful that you offered her a meeting in private and you allowed her to talk about the history and her worries away from her dad. She asked me to apologise as she felt she probably talked too much! She said you were really easy to talk to and came across as very down to earth, as did her other siblings.

Long Term Team

I would like to say how much I appreciate the care and professional manner shown by each and every staff members who have attended and helped me. Staff had good sense of humour & were always cheerful - lovely.

I saw how prompt assistance and effective communication from all of you has benefitted the families wellbeing and made a real difference and wanted to make sure the feedback was passed to the people who made that happen.

Contact Information: How to make a complaint

Some complaints can be sorted out by discussing your problem with your Social Worker or a manager. If you want to make a complaint, you can contact the Council by phone, letter, in person or by email. Telephone the Customer Relations Manager (Complaints & Representations) on 0118 937 2905 or e-mail: Socialcare.Complaints@reading.gov.uk. If you wish to make your complaint to us in writing, our address is: The Customer Relations Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU. Your complaint will be recorded and if we cannot sort out the problem immediately it will be passed for further investigation and action. The Customer Relations Team can take your complaint over the telephone and explain the complaints procedure in more detail or send you a leaflet explaining how to complain. The leaflet is also available in Council buildings or via the Council's website. You can also use these contact details to tell us if you have a concern (but do not want to make a complaint) or if you want to make a compliment about a service.