

HEALTH, HOUSING & ADULT SERVICES

Adult Social Care Services

Statutory Complaints & Representations Annual Report 2010 - 2011

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INTRODUCTION

This report is about complaints and representations made to the Health, Housing & Adult Services Directorate under the statutory procedures. The report covers the period April 2010 – March 2011. This report focuses solely on Adult Social Care Services Complaints & Representations, as complaints relating to the Housing element are required, by law, to be dealt with under different (corporate) arrangements.

We publish this report to keep people informed about the procedure and the sort of complaints, comments and compliments we receive. We also publish the report to inform people about how the process works and to report on how we use the information we get from complaints and other comments to make improvements to services.

Staff are involved in difficult areas of work. This means that at times people do not welcome our involvement in their lives. There are also situations in which we cannot provide people with the resolution they want. There are also times when we get things wrong.

In light of this it is therefore inevitable that we receive complaints. Like all other organisations, we would always want to get things 'right first time'. When this does not happen we want to feel that we have an accessible, open and fair way of dealing with people's concerns. To resolve complaints as quickly as possible, and to people's satisfaction is the ideal solution and we try to achieve this as much as possible.

We have also identified the timescales involved in resolving complaints and identified this as an area in which we could do better. There are no prescribed timescales in the complaint regulations with the outcome being considered more important than the process. In this respect each complaint is dealt with individually and a timescale is agreed with the complainant.

One important aspect of complaints is making sure that any lessons learned are transferred into service planning and from there into service improvements. Increasingly, we are trying to identify where improvements have occurred entirely or partly as a result of complaints. The report also includes details of how we have used our complaints to identify and implement service improvements across a range of our activities.

We also provide some information on the compliments that have been received by the Directorate. Complimentary comments are not only good for staff morale and motivation, they also tell us a lot about what people like best about the service they get. We can use this information to build those features into our services where possible and so improve the levels of satisfaction of our customers.

PART ONE – THE COMPLAINTS PROCESS

Legislation & Regulations

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 provides for a single complaints process for all health and local authority adult social care services in England.

How the procedure works

From 1 April 2009 a single complaints system was introduced for all health and local authority adult social care services in England.

There are two stages to the statutory procedure:

- Stage One - Informal resolution by the Council
- Stage Two - Independent consideration by the Ombudsman

The regulations do not prescribe a timescale and outlines that the outcome is more important than the process. In each case a timescale is agreed with the complainant and will take into account the individual circumstances of the case.

However the complaint is dealt with, only one final response is offered to the complainant. This is a change to the previous procedure. The response has to confirm that the Council has done everything it can at the local resolution stage to consider the complaint. Should the complainant remain unhappy at this point they can take the matter to the Local Government Ombudsman [LGO].

Complaints about a Commissioned Service

We recognise our responsibility as a commissioner of services to the public and we want to hear people's comments and feedback about the service they receive, whether it is positive or negative. The regulations effectively allow for the Local Authority to investigate complaints about services it has commissioned.

As a commissioner of services, we do at times share information with other people to ensure and maintain provision of quality services. For example we may share information in respect of the complaint with:

- The Social Work Team for any appropriate action by the social worker
- The Procurement Team and the Social Care Governance Team who collate information about the externally provided services we commission and who also monitor the quality of those services

and, when it is appropriate;

- The Care Quality Commission;
- The Safeguarding Adults Team

Complaints from people who self fund their care

From October 2010, adults who fund their own social care now have access to an independent complaints review service provided by the LGO.

The LGO intends to undertake work with the independent care sector to develop practical support and guidance, to ensure that providers' own complaint handling arrangements are robust and effective.

Management and operation of the system

Local Authorities are required to designate an officer to assist in the co-ordination of all aspects of the consideration of complaints. The Quality Assurance & Complaints Officer for Health, Housing & Adult Services undertakes this role in Sunderland.

The Quality Assurance & Complaints Team is responsible for the co-ordination and management of the complaints process. During the period covered by this report the Complaints function for Adult Services sat alongside the Social Care Governance and Safeguarding Adults Teams. These three teams together play a key role in supporting the provision of quality social care services.

In line with the principal of responding in an integrated way to people's concerns, these three functions carry out different but complimentary roles. The Social Care Governance Team carry out monitoring activity and assess the quality of care, and work with providers to support them in meeting recommendations and improving practice and standards. The Safeguarding Adults Team co-ordinates the multi agency approach required to work together to better protect vulnerable people.

When concerns are raised or information is received, the three teams can work together to identify the best way in which those concerns might be resolved. Working this way supports situations where people bring information anonymously. It identifies the appropriate route to ensure that any other relevant professionals who may be able to support the achievement of better outcomes for the individual can be appropriately involved.

The regulations contain only the fundamental requirements of good complaints handling and not the processes through which outcomes are to be delivered. In Sunderland we have developed and published a complaints procedure within this legislative framework to ensure we have a clear, well-publicised and easy to use procedure for people to make complaints and other comments about our services. A copy of the procedure can be found at www.sunderland.gov.uk

Maintaining an independent approach

The Health, Housing & Adult Services Directorate operates an internal investigation procedure so it is important that we do all that we can to reassure people that their complaints are looked into openly, fairly and as independently as possible. Our aim is to ensure that we have demonstrated a reasonable level of independence.

We also consider that we are upfront and there is a transparency about how complaint investigations are undertaken. We try to do this in a number of ways;

- Experienced managers who have had no previous involvement undertake investigations into complex and serious complaints.
- Our investigators are appropriately trained in complaint investigations. On an annual basis we hold the “Effective Complaint Handling” course facilitated by the Local Government Ombudsman’s Office.
- Consideration is given to appointing an advocate for complaints in respect of adults where there are significant concerns about the vulnerability of the complainant and/or the seriousness of the complaint.
- If necessary, we can appoint an Independent Investigator from outside of the Local Authority.

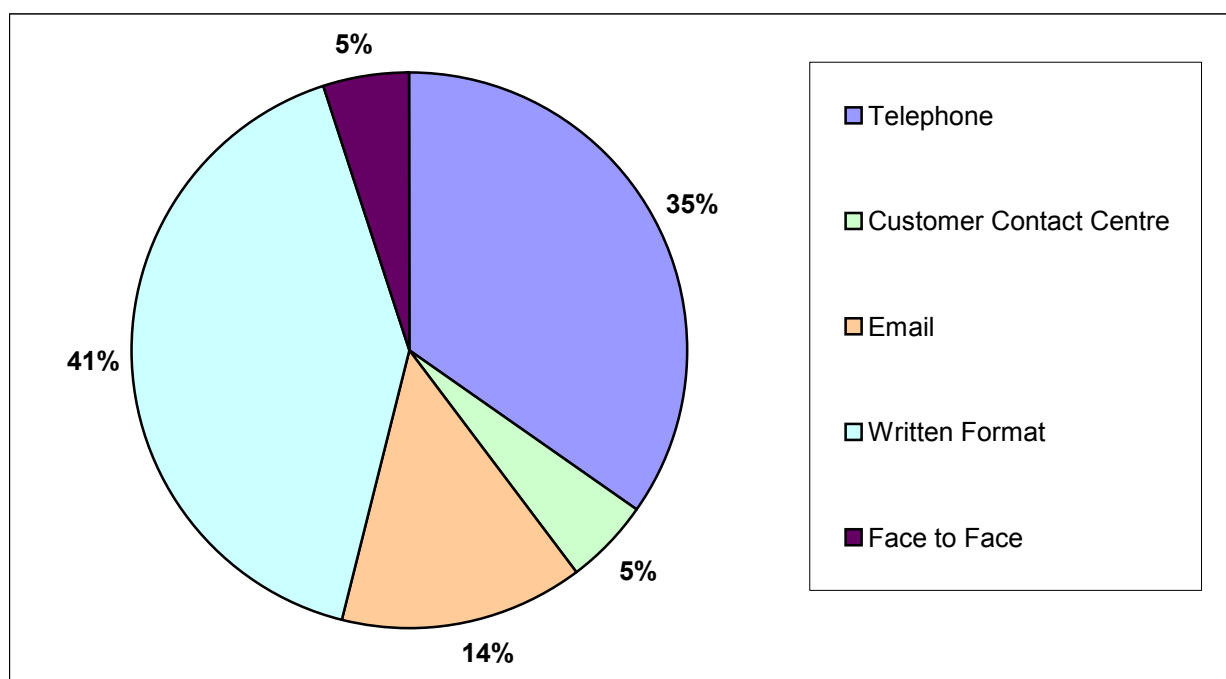
Publicity and access to the procedure

The complaints procedure is publicised in all Health, Housing & Adult Services information for service users. All the information and publicity materials used to promote the complaints service has been revised in light of the new regulations.

Our leaflet “*Something to say about Adult Social Care*” asks our customers to give their views; let us know when they are pleased with what we have done and also who to contact if they are unhappy and want to make a complaint.

An Information booklet on the Complaints Procedure for Adult Social Care is also available and this gives additional information on the process. This leaflet is provided to anyone who makes a complaint or requests further information. However, copies are also made available at our service points.

How complaints are made to the Directorate



The Complaints and Representations Procedure is only effective if people are able, and are enabled, to use it when they feel they have something to say. We continually look at ways for making our procedures as accessible and user friendly as possible.

Interpretation and translation into ethnic minority languages is currently provided by the Council's Language Point Service.

Information for service users and customers with sight impairment is provided through our Sensory Disability Team.

Advocacy & Special Needs

Complainants are encouraged to have support and advocacy if they wish. Where someone requests help in finding an advocate or it seems to us that an advocate may be required, we try to make the necessary arrangements. Where appropriate, the Directorate pays for a complainant to have a lay advocate.

Rethink Sunderland Advocacy Service www.rethink.org is contracted by the council to provide independent, individual advocacy support and representation to service users. Help is also available from Rethink to support people through the safeguarding adults process.

Rethink is also contracted by the council to provide an Independent Mental Capacity Advocacy [IMCA]. This is an advocacy service to anyone who may lack capacity and require support when making decisions about serious medical treatment or a change in residence, for example moving to a Hospital or a Care Home. The service is only available to adults who have no appropriate close family or friends or any other person to help protect their interests, who are unable to make decisions for themselves and have no family or friends to help them.

Performance Measures

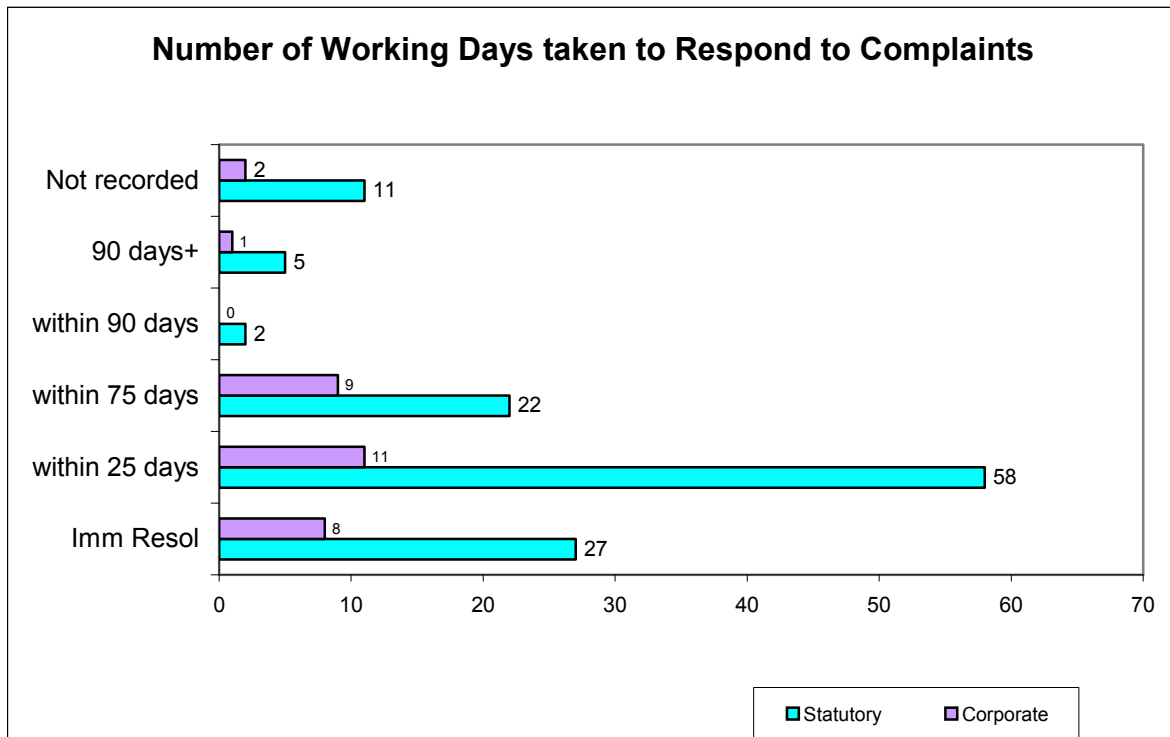
During April 10 - March 11 Adult Services received 8780 new client referrals. This number does not include those already in receipt of a service from us and so does not truly reflect the number of contacts we undertake on a daily basis with our service users. For example those receiving home support, meals at home or attending our day services. From these contacts a total of 125 complaints were received in respect of Adult Services. In this respect only 1.4% made a complaint about the services they receive.

We have an internal measure in respect of the number of positive comments to negative comments received. The aim, outlined in last year’s annual report was to achieve twice as many complimentary comments as negative ones. So this would have meant receiving 250 compliments this year. Unfortunately we fell somewhat short of this target, but still achieved a total of 179 compliments. The fact that we still receive more compliments than complaints is a wonderful achievement and we aim to sustain this level in the coming year.

Timescales

As soon as a complaint is received, we will ensure that personal contact with the complainant is made and that this takes place within 3 working days of receipt of the complaint. We acknowledge that there will be some times where this is not possible but we set a target for this period of 100%. Unfortunately we did not achieve this and 86% of complaints were acknowledged within 3 working days and we will be working to improve this over the coming year.

The new regulations do not have prescriptive timescales; however we have set our own internal performance measures for statutory complaints. The graph below shows the number of working days taken to respond to complaints received by the Directorate.



Future Aims

The complaints procedure has been recently reviewed and revised in light of our experiences of working with this new process and the guidance timescales for our internal measurement purposes will be revised. In the coming year we will aim to resolve complaints as follows:

- 35% - Immediately Resolved
- 45% - within 15 days
- 15% - within 30 days
- 5% - within 90 days

Information and Feedback

Providing feedback and information about complaints is very important, both on an individual and a general level. All individuals involved in a specific complaint need to be kept informed about what is happening, the stage reached, reasons for any delays and eventually the outcome. They also need to know what they can do if they are unhappy about the way a complaint is being dealt with or the eventual response

Working with Partners

Links have also been made with health colleagues to ensure that joint working can be progressed and a joint protocol has been drawn up to formalise this arrangement. This protocol will cover the handling of complaints that impact on more than one Health and Social Care organisation in the South of Tyne area, which include:

- Gateshead, Sunderland and South Tyneside Council's
- Gateshead Health NHS Foundation Trust
- NHS South of Tyne & Wear [serving Sunderland, Gateshead & South Tyneside PCT]
- North East Ambulance Service NHS Trust
- Northumberland, Tyne and Wear NHS Trust
- Sunderland City Hospital NHS Foundations Trust
- South Tyneside Foundation Trust

Together we have formed a 'South of Tyne & Wear Networking Group', which meets on a quarterly basis to help support the protocol, develop working relations and to share good practice.

Northern Regional Complaints Officers Group

Sunderland Council is an active member of the Northern Regional Complaints Officers Group. The aim of the regional group, which meets quarterly, is to provide a forum, where peer professionals can discuss and learn about regional and national issues. The group also discusses proposed changes to legislation and procedures and prepare consultation responses where necessary.

How we use information from complaints

- It helps us provide feedback about the services we commission
- It can influence services and help shape how they are formed in the future
- Intelligence acquired by HHAS in its work with service providers is collated to identify themes and trends. The Complaints Team uses this information where appropriate to promote improvements relating to key issues identified.

PART TWO – STATISTICAL INFORMATION

From the many thousand contacts HHAS has with its service users, a total of **156** complaints were received in respect of Adult Services.

Of these complaints **125** were statutory complaints and **31** were corporate complaints.

It is important to note that the complaints process is not simply about numbers received, it is about effectively resolving concerns; learning lessons from those concerns and taking action to ensure the same complaints do not re-occur.

The numbers also do not reflect the high level of complexity presented with complaints having multiple elements or health involvement, which require a greater level of liaison on behalf of the complainant.

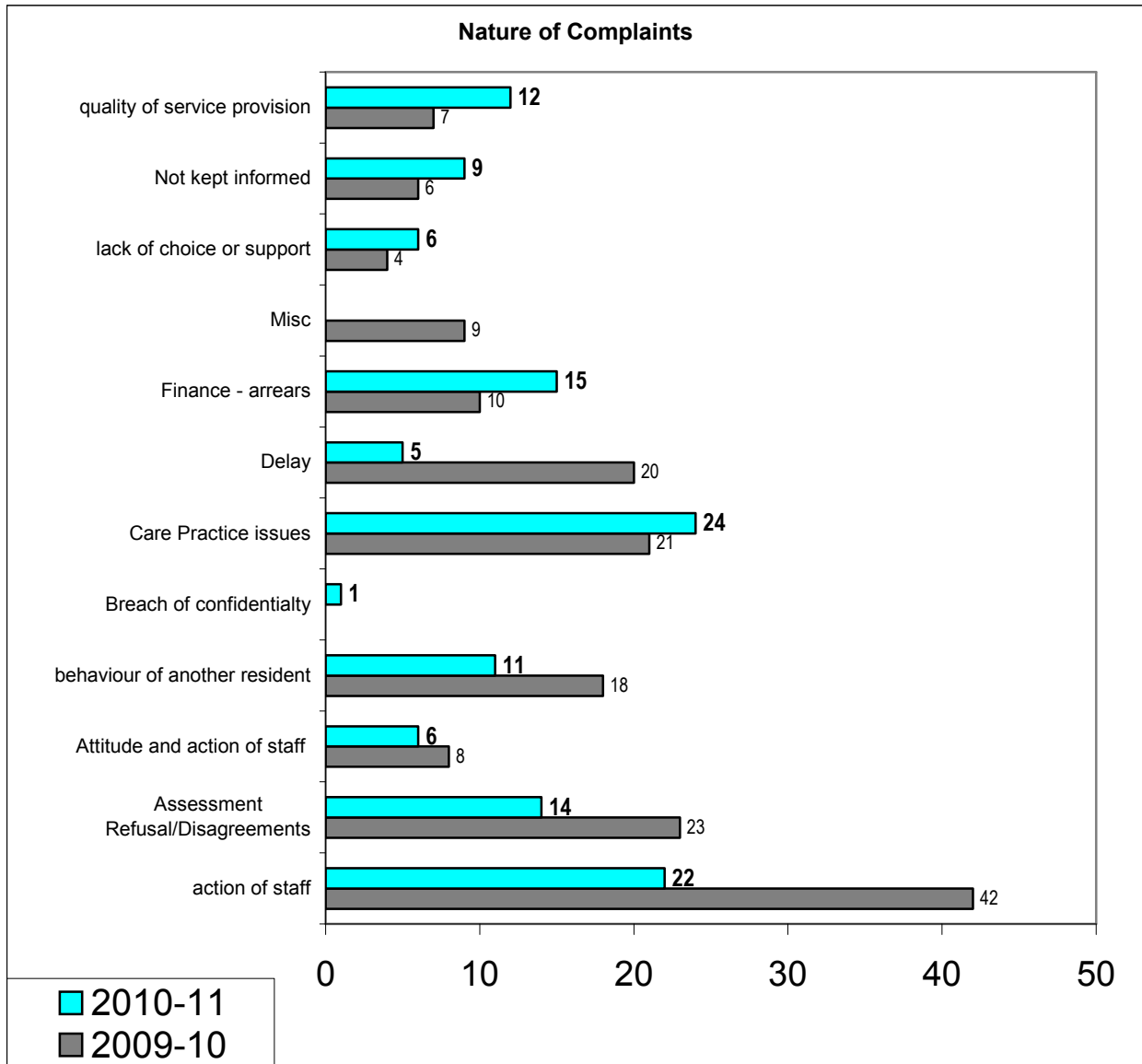
Complaints by Service Area



Nature of Complaints

Complaints are down in number this year by 26%. However, there have still been some significant changes to the nature of complaints made during this period and the graph below provides a comparison with last year's figures.

Below is a table showing the nature of complaints with the previous years figures for comparison.



Complaints directed against staff have always been one of the top reasons for complaints, but this year there has been a significant decline in the numbers made, even when taking into account the overall drop in complaints for this period. However, it is important to note that a significant number of complaints about staff actions relate to situations where the course of action taken has been wholly appropriate.

In last years report it was noted that a growing area of dissatisfaction was the disagreement with the outcome of assessments. We felt this was linked to our customer's expectations and staff were reminded of the need to manage such expectations effectively if this level of satisfaction was not to rise further. Complaints in this area have almost halved in number for this period.

Issues in respect of finance and in particular arrears remain a feature and is one of the few areas of complaint that have seen an increase this year. Generally these complaints do not raise issues about the quality of the service provision.

Areas such as the quality of service provision; not being kept informed; and lack of choice or support have all seen a rise in the number of complaints made.

Complaints about care practice issues have seen an increase to the point where this is now the main issue of complaint. These complaints are often about external services commissioned by the council. The Social Care Governance Team monitor the quality of services commissioned by the Directorate and the Complaints Team work closely with this team to ensure they are made aware of any relevant issues raised within the body of a complaint.

Who made the complaints

71 complaints [46%] were made directly by the customer. 54 complaints were made on behalf of the service user [35%]. More commonly this is by a family member, but on occasion friends, neighbours and carers have made a complaint on behalf of a service user.

Given these figures we are confident that the complaint procedure is well publicised and that our customers and their families are aware of it. We are delighted that our customers feel confident in bringing issues of dissatisfaction to our attention and allowing us the opportunity to look into the circumstances surrounding these.

The accessible complaints leaflet has also been revised so that it can now be used for those people accessing Self Directed Support. Whilst some people receiving direct support will not have access to the complaints procedure, we have considered that having one knowledgeable contact point and being able to offer customers advice and support on the procedure and how to make a complaint should they fall outside of it, was best practice in terms of taking care of our customers.

How complaints were dealt with

We have recently revised our statutory complaints procedure to introduce a three-step process to help enable us to handle complaints in an effective but consistent manner

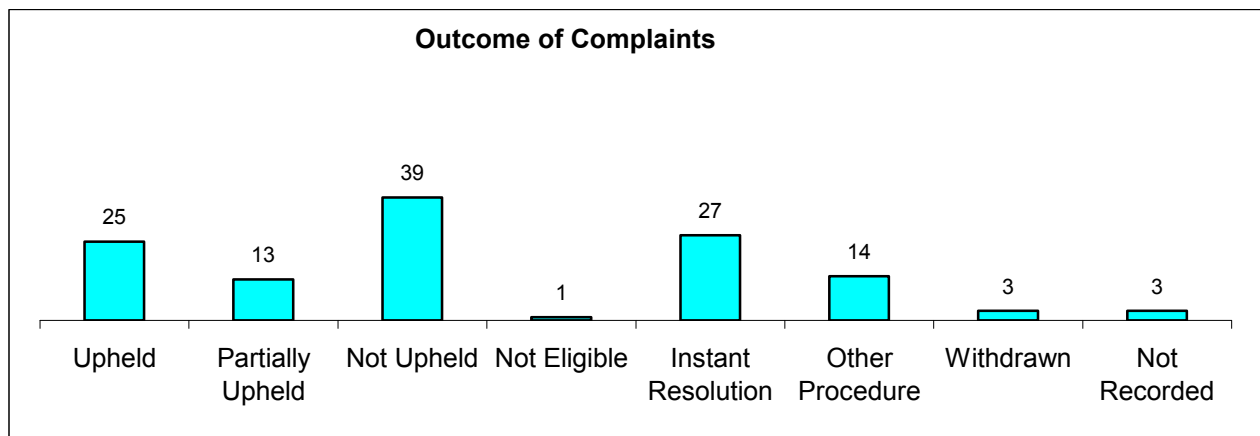
- § Contact - Within three working days, personal contact will be made with the complainant to acknowledge the complaint and clarify the issues of dissatisfaction.
- § Agreement – we aim to reach an agreement with the complainant on what and how the complaint is to be investigated. This includes agreement on the timescales for responding to a complaint and also a level of preferred contact.
- § Resolution – we encourage customers to let us know what action they feel we should take to bring about a satisfactory resolution to their complaint. It is important that we understand what the complainant would like to see happen and this also allows us to help manage unreasonable expectations about what is and what is not achievable.

We aim to resolve complaints quickly and as close to the source of the complaint as possible. This is supported by regulations which highlight that complaints can be considered to be immediately resolved if they were done so within two working days.

For the period 2010-11 we recorded 8% of complaints as instantly resolved. Although at the time we acknowledged that there was likely to be some under reporting, due to the fact that we could only record one outcome. So complaints that were instantly resolved might actually have been recorded as upheld, not upheld etc.

During this period we have worked on resolving this issue and this year we have recorded 27% of our complaints as being instantly resolved, a significant increase. Resolving matters as quickly as possible for the customer is becoming firmly embedded within our staff working practice and so we expect to see this figure increase. It is our aim to achieve a rate of at least a third of all complaints being immediately resolved.

Complaint outcomes



11% of complaints, whilst initially dealt with by the Complaints Team, were ultimately placed within other procedures to ensure the most effective and appropriate outcome. This is a significant drop on last year's figures. A number of issues were transferred into the Safeguarding Adult Procedures.

30% of complaints made to the Directorate had some element that was upheld, and therefore required some action on our part in respect of putting things right for the complainant. This is down from 42% last year.

Learning Outcomes from Complaints

Whilst under the new procedure there are no defined stages, there are still those complaints that are more serious or complex, which warrant more formal investigation. During this period we have five such investigations.

What we learn from complaints outcomes can be used by Service Managers to support improvements to their service. Information about complaints, any themes or trends is reported to managers through the Directorate's Delivery Agreements on a regular basis.

Some of the learning outcomes coming out of complaints made to the Directorate include:

Example One

A customer complaint about the manner in which their contact with the Directorate had been handled. This complaint was upheld in part and a number of recommendations were made to improve upon the service provided to our customers.

Learning Outcome

- § Refresher training for staff on the service manual and procedures was undertaken.
- § Reviews to assure the quality recording of information on file are undertaken on a regular basis.
- § In future letters to customers will contain information on what the customer can expect from the service in terms of its actions and involvement. This will provide clarity for the customer and allow the Directorate to manage customer expectations.

Example Two

A complaint about a lack of communication by the council following a decision about Continuing Health Care [CHC]. The complainant also alleged that the council had made errors in its calculation of care home charges and had failed to provide written information when promised.

The complaint was not upheld; in this case the Primary Care Trust made the decision about CHC not the council. Whilst an investigation concluded that the council had been correct in its calculation of the charges, it also concluded that there were some failings in the quality of the information provided by the council and made recommendations to improve this.

Learning Outcome

- § A review was undertaken of the information provided by the council on this particular subject matter to its service users and their families. The review considered whether the information provided remained fit for purpose and that it explained its purpose and the potential outcomes for the customer in plain English.

Example

A complainant felt that the council was unfairly demanding disclosure of their financial details in respect of a spouse's financial affairs. The spouse was in residential care and the family felt that Continuing Health Care [CHC] should cover any financial costs. The complaint was not upheld the investigation found that whilst CHC had been applied for it had not been approved and concluded that the council's actions in pursuing residential care costs to be wholly appropriate.

Learning Outcome

§ All forms and letters relating to this particular issue have now been reviewed and where appropriate revised so that they make absolutely clear what is required of the client and/or their spouse in relation to the financial information they need to provide to the council.

Complaints Made to the Local Government Ombudsman

Four complaints, falling under the Statutory Procedures, were progressed to the Ombudsman.

Complaint 1

A complaint about the council's alleged lack of care and support towards the complainant and that the council had not given due priority to the case.

The Ombudsman's decision in this case was that there was "**No or Insufficient Evidence of Maladministration**" in respect of the complaint.

Complaint 2

A complaint about the council's alleged refusal to provide reasonable support, including day care or respite; and that the council had unreasonably refused to provide Direct Payments. The complainant was also not happy at information contained in a report.

The Ombudsman's decision in this case was that there was "**No or Insufficient Evidence of Maladministration**" in respect of the complaint.

Complaint 3

A complaint about the council's alleged shortcomings within the financial assessment process.

The complainant **withdrew** their complaint from the Ombudsman.

Complaint 4

A complaint about the council's alleged refusal to provide 24-hour residential care.

This complaint was recorded by the Ombudsman as a '**premature**'. This is where the Ombudsman has received a complaint that has not had the opportunity of going through the council's statutory procedures. In such instances the council is asked to consider the complaint and respond to the complainant. The council must also advise the complainant of their right to complain again to the Ombudsman. In this case there was no further contact from either the Ombudsman or the complainant.

PART THREE – OTHER COMPLAINTS PROCEDURES

Corporate Complaint Procedure

This procedure covers those complaints that fall outside the statutory Social Services procedures, but still need to be fully and fairly investigated. We try to make sure that all of the complaints we get are looked into under recognised and published procedures.

31 corporate complaints were made about Health, Housing & Adult Services in 2010-11.

Corporate complaints about Adult Services are reported in the Council's Corporate Complaints Annual Report. Further information on the Council's corporate procedure can be found at www.sunderland.gov.uk

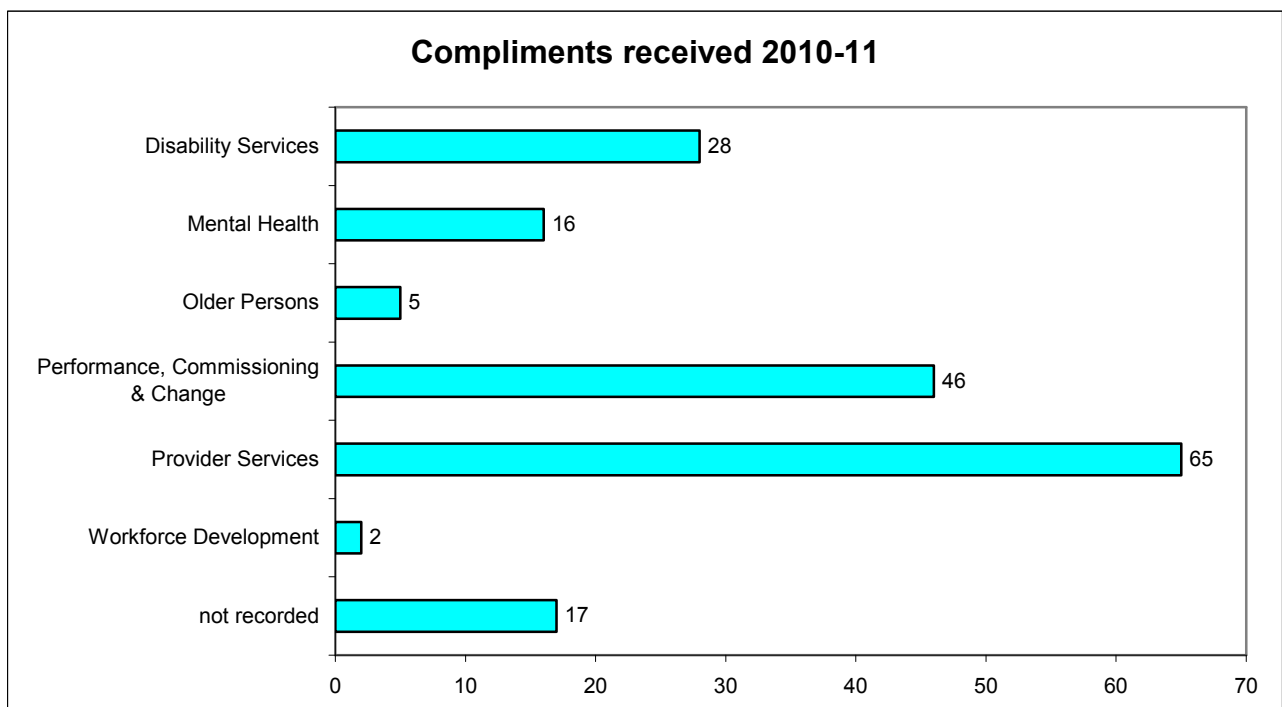
Compliments

For the period 2010-11 we received 179 formal compliments and thank you's.

Compliments tell us what people like best about the services they receive. They also allow us to use this information to build those features into our services where possible and this in turns helps us to continually improve levels of customer satisfaction. Receiving compliments is also good for staff morale and motivation.

We would always hope to achieve as many complimentary comments as negative ones and this year we have achieved this.

We have included a small selection of the good things people have said about us during the period at the back of this Annual Report.



Examples of the compliments we received during this period

All your hard work really does make a difference to people's lives
[Farmborough Court – Intermediate Care Service]

Your service could not be faulted from start to finish. Excellent throughout. Many
Thanks
[Welfare Rights Service]

May I take this opportunity to express my sincere thanks and appreciation for the support and guidance I received from your organisation during a very difficult time.
[Mental Health Service]

I would just like to bring to your attention how impressed I have been over recent months at the quality of care provided by staff. They show compassion and concern as well as a good deal of common sense and lateral thinking. This team is excellent.
[Learning Disabilities – Residential Services]

The workers helped me immensely during this period with their understanding, constant communication and a wonderful sense of humour. Without them I would still be at a loss to understand Court of Protection, Probate and Department of Works and Pensions.
[Customer Property & Affairs Team/Court of Protection]

We write in recognition of the professional, helpful and caring approach of the Care Manager to both my father and my family during the recent difficult period.
[Fieldwork & Assessment Social Work Teams]

Please put this card where all of your lovely girls can see it. I am very grateful to them for this past week. They never missed once in all this terrible weather. You should be very proud of all of them. So thank you each and every one of you.
[Palliative Care Team]

I am writing this on behalf of my mam. You visited my mam and she expressed how kind and considerate you were towards her needs and that you wouldn't leave her until you had made sure she was safe. Mam has also spoken to your manager to let her know what an asset you are.
[Occupational Therapy Service]

Thank you very much for all your help and intervention, which meant I have finally got my service provision sorted. It really means such a lot and I can get some independence back.
[Quality Assurance & Complaints Team]

I am just writing in praise of the technician that came to sort out my Personnel Listener. He was very pleasant, polite and competent and realised immediately that the unit needed replacing. I did not have to wait for this to be ordered in, he had brought one with him and he waited while I tested it to make sure it was working correctly. My husband and I were really surprised that everything could be sorted so quickly.
[Community Equipment Service]