

Standards Committee

21st August 2008



Annual Report of Representations 2008/09

Report of Rachael Shimmin, Corporate Director of Adults, Wellbeing and Health

Purpose of Report

- 1 To inform Standards Committee of the performance of Adults, Wellbeing and Health in respect of the handling and consideration of representations, as contained in the (attached) **Annual Report on Representations 2008/09**.

Background

- 2 Publication of an Annual Report on Representations is a statutory requirement for Social Care.
- 3 This Annual Report is the last to be presented under the requirements of the Local Authority Social Services Complaints Regulations 2006 -Statutory Instrument 2006 No.1681 S18 (2). The report contains information about how Adult Social Care has performed in its management and operation of the Representations Procedure against national and local standards.
- 4 From 1st April 2009 the 2006 regulations were superseded by the Local Authority Social Services and NHS Complaints (England) Regulations SI 2009 No.309, these new Regulations have significantly changed the approach to complaints management. Therefore the 2009-2010 report will be published according to these new prescribed requirements and the format will reflect the person centred approach, the involvement of complainants in resolution and the move away from fixed timescales.
- 5 The Annual Report was approved by AWHMT on 24th July 2009 and will also be shared for information to Corporate Management Team on 26th August 2009, in line with the Authority's reporting arrangements.

Content

- 6 The report brings together information gathered in relation to the activities involved with the receiving, handling and consideration of compliments, comments/suggestions and complaints from service users, carers and their representatives in adult social care procedures.

Headlines from Performance data – adult social care

Numbers of Representations

- 7 In 2008/2009 a total of 355 Representations, were made under the adult social care procedures.

Nos. received	Complaints			Compliments
	Stage 1	Stage 2	Stage 3	
355	69	8	0	271

- 8 This year has once again sees a decrease in the number of complaints received in adult social care than in previous years. In 2008/2009 the ratio of compliments to complaints was 3.5.

Representations by Service

- 9 The service receiving the largest number of complaints is Older People's Services, Mental Health Services for Older People and Physical Disability and Sensory Impairment Services (OP/OPMH/PDSI) representing 63%.
- 10 The service area receiving the greater number of compliments was County Durham Care and Support at 58%

Representations received by Service User Group

- 11 Older people constituted the largest service user group to make both complaints and compliments, as would be expected due to the high proportion of service users who are older people.
- 12 The greatest proportion of complaints is brought by Relatives (non parent) (46%). This figure has remained static since the last Annual Report.

Age Profiles of Service Users Making Representations

- 13 The greatest number of compliments was made by women aged 85 and over (24%), which is in line with the demographic make-up of service users.

Ethnicity and Diversity

- 14 Complainants analysed by ethnicity represented 98.7% White British and 1.3% White (other). 100% recording of ethnicity in representations was achieved on SSID.

Causes of Complaint for Service Users in Adult social care

- 15 The largest single cause of complaint continues to be recorded as *Staff Conduct/Attitude* at 18.3%. This is a comparable figure to last year at 18%.

Achieving Timescales

16 Stage One

71% of Stage One complaints were completed within the 20 working days timescale - an increase of 11.7% on the previous reporting year.

17 Stage Two

During 2008/2009 50% (4) of Stage Two investigations were completed within the 25 working days timescale compared to 28.5% in the previous year.

18 **Stage Three**

No complaints progressed to Stage Three in 2008/2009.

Local Government Ombudsman (LGO)

- 19 The Local Government Ombudsman's annual letter to Durham County Council was published in June 2009. In the reporting year, 5 complaints were considered by the LGO about adult social care services. This compared with 2 complaints in 2007/2008, 3 complaints in the year 2006/2007 and 5 in 2005/2006.
- 20 In all five cases no evidence of maladministration was found and the complainants were advised accordingly.
- 21 In adult social care, improvements in response times and the quality of responses to Ombudsman enquiries have been prioritised. The Services' performance against the 28 day target set by the LGO on response timescales have improved significantly and responses now average 16.6 days.

Learning from Representations

- 22 This report highlights a number of areas where improvements in practice have been identified and made as a result of representations. These include:

Communication/Information

- 23 A review was conducted of how aids and equipment are logged on the Home Equipment Loans Service data base to ensure that equipment recommended by Adults, Wellbeing and Health or Health Colleagues is identified and appropriately maintained.
- 24 Social Workers have been reminded, when taking over the management of a case, to introduce themselves personally to Service Users and their families within reasonable timescales. (It is acknowledged that in some instances a Service User may not wish the Social Worker to engage directly with their family.)

Assessment

- 25 All staff have been issued with a reminder of the importance of the duty of care with regard to Carers and to ensure that staff have advised carers of their right to request a carer's assessment of need and to record and date the response from the carer.
- 26 Where there is a terminal degenerative illness, the progression of the illness and likely future requirements should also be taken account of during assessment rather than just the immediate presenting needs. A review of specialist medical involvement in such cases has taken place.

Policies and Procedures

- 27 A review of the practice guidance *Durham and Darlington Joint Guidelines for Equipment and Adaptations* was conducted and service users are now made aware of the range of equipment available to facilitate informed choice. Also service users are informed of their right to appeal decisions and recommendations made by Adults, Wellbeing and Health.

Developments in 2009/10

- 28 This report highlights a number of areas where work is currently ongoing to improve the service:

New Complaints procedures – Adult Social Care

- 29 The implementation of the new complaints procedures from 1st April 2009 has resulted in significant changes to the way Adult social care complaints are managed, progressed and resolved.
- 30 The Adult Social Care Representations procedure has changed and is now a **2-step process of Local Resolution and the Local Government Ombudsmen.**
- 31 This person-centred approach places greater emphasis on initial contact with a complainant and again timescales have been reviewed, these are:
- Complaint must be acknowledged within *3 working days*
 - All other timescales will be determined when developing the complaints resolution plan with the complainant. *Each timescale will be unique to the circumstances of the complaint.*
- 32 These new processes are now being applied in all the Adult Care Teams of the Service.
- 33 Ongoing work in the review of policies and procedures, information and communication and training support for staff is a primary focus on these new systems for Adult Care and are subject to appraisal and review.
- 34 A further consultation on a complaints procedure for self-funding adult social care clients in the independent sector will be issued by the Department of Health in late 2009 with a proposed implementation date of 1st April 2010.

Relationship of complaints with other key procedures

- 35 Throughout the year a small number of complaints have, following assessment of the circumstances with the Responsible Officer, been referred for a Safeguarding Strategy Meeting. Once this process has been completed any outstanding issues not dealt with have then been reconsidered under the complaints procedure, where this remained appropriate. The relationship between complaints and the Safeguarding Procedures continues to be close and the Complaints Manager works closely with staff to ensure key concerns are fast-tracked.

Conclusion

- 36 The Annual Report indicates positive achievements in Adults, Wellbeing and Health performance in the handling and consideration of representations, including complaints, during the year 2008/09.
- 37 A total of 355 Representations in adult social care, as a proportion of the total number of contacts with service users and carers represents a very low ratio and is in line with previous yearly trends. The number of complaints is decreasing and 76% of the representations received relate to compliments.
- 38 With the Department of Health's delayed publication of the Regulations and Guidance for the new statutory complaints procedures the challenge was to develop

and deliver a new approach to complaints handling and it is pleasing that this was achieved and has enabled ongoing developments in this area.

Recommendations

Standards Committee are requested to:

39 Note the content of the Annual Report and provide feedback on the contents as appropriate.

40 Endorses the publication of the Report and its circulation to key stakeholders.

Background Papers

Annual Report on Representations 2008/09.

Contact:	Peter Appleton Head of Service Policy, Planning and Performance Adults, Wellbeing and Health
Tel:	0191 3833628

Appendix 1: Implications

LGR	N/A
Finance	Some complaints can lead to claims for compensation in extreme cases.
Staffing	N/A
Equality and diversity	Consistent with national and local requirements Representations Procedure has been Impact Assessed.
Accommodation	N/A
Crime and disorder	System can record any complaints about bullying, harassment or racist incidents.
Sustainability	N/A
Human rights	Compatible with Human Rights Act – able to record and respond to complaints about alleged breaches
Locality and Rurality	N/A
Young people	N/A
Consultation	All changes to the new procedures were consulted upon through the Department of Health for adult social care complaints
Health	The new procedures for managing adult social care complaints now encompass joint working with health
Personalisation	As the Personalisation agenda progresses the new approach to complaints management is highly complementary with its person-centred focus and participative methodology. There may, however, be implications for complaints management as service users extend their choice and options in service providers. This will require careful monitoring.