

Standards Committee

16th September 2010

Annual Report of Complaints, Compliments and Comments 2009/10



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

1 Purpose of Report

To inform Standards Committee of the performance of Adults, Wellbeing and Health Complaints, Compliments and Comments, as contained in the attached **Annual Report 2009/10**.

The primary purpose of the Annual Report is to detail the performance of Durham County Council in managing Statutory Adult Social Care Complaints. Whilst there is no requirement to publish data on compliments and comments, the Service is committed to openness and transparency and the Report therefore includes information about the compliments and comments received from service users and carers during the year.

2 Background

This Annual Report is the first that is published under the provisions and requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 No. 309, which became operative on 1 April 2009.

Under the new regulations there are just two timescales that apply. A complaint must be acknowledged within 3 working days and it is expected that a complaint will be completed at "Local Resolution Stage" using a Complaints Resolution Plan within 6 months unless there are very exceptional circumstances.

3 Content

The Report brings together information previously reported on a quarterly basis in relation to the activities involved with the receiving, handling and consideration of complaints, compliments and comments.

3.1 Headlines from Performance data

3.1.1 Numbers of Complaints

In 2009/2010 a total of 66 complaints were received and progressed through the Statutory Adult Social Care Complaints Procedure. This number compared to 77 in the previous reporting year is a decrease of 14.3%. This continues the year on year downward trend in the number of complaints decreasing since 2002 by 31%. Whilst this can be viewed as a positive, linked with the quality of the services provided, this did require further analysis and consideration has been given to factors that might have influenced this trend. In 2005/06 the introduction of the 2006 Regulations resulted in a new requirement for informal resolution of complaints. This resolution process appears to have impacted significantly upon the number of formal complaints received. Further work is to be carried out on the reporting and analysis of the number of informal resolutions.

3.1.2 When performance is compared to other Regional Local Authorities it is clear that Durham still has a lower number of complaints per 10,000 population. This matter will be further explored during the current year.

3.1.3 Complaints by Service Type

The service receiving the largest number of complaints was Social Work Older People and Physical Disabilities/Sensory Support representing 40 complaints, 61% (a 2% decrease on the previous year's number of complaints received). Given that the highest proportion of service users are older people, and that this is the service area where the greater number of service user contacts take place, the figure is proportionate and falls within the range of expectation.

3.1.4 Complaints by Client Group

The largest number of complaints by client group was Older People 39 complaints (59.1%) followed by Learning Disabilities, 11 complaints (16.7%) which reflects the customer base of the Service.

3.1.5 Age Profiles of Service Users Making Complaints

The greatest number of complaints was made by males aged 18-64, 19 complaints (29%), closely followed by females over the age of 85, 19 complaints (19%). This is not in line with the demographic profile of service users but is explained due to a series of complaints received relating to one subject matter in Learning Disabilities.

3.1.6 Ethnicity and Diversity

Complainants analysed by ethnicity were in line with the demographic profile of the County.

3.1.7 Categories of Complainant

In line with previous reporting years, relatives (non-parent) constituted the highest category of complainant at 32 complaints (48%). In almost all cases an adult son or daughter made the complaint on their parent's behalf and this reflects the concerns and anxieties that family have about their elderly relative's care, safety and well-being. Nevertheless, 19 complaints, 29% of clients brought a complaint on their own behalf.

3.1.8 Outcome of Complaints

Of the 66 complaints received 59 were completed by the end of the reporting year. Of these 30 (51%) were upheld in full, 8 (13.5%) were partially upheld, compared to the performance in 2008/09 when 24 (31.2%) were upheld in full and 18 (23.3%) were partially upheld. This shows a 10% increase in the number of complaints where the issues raised were well founded and the complainant had just reasons for submitting their concerns.

3.1.9 Summary of the Subject Matter of Complaints Received

There were 83 reasons recorded for the 66 complaints received; 'Lack of Information and Poor Communication' constituted the highest category of complaint relating to 26 complaints (31%). The next highest categories were Conduct or Attitude of Staff at 15 complaints (18.1%) and Finance Issues at 12 complaints (14.5%). In the majority of cases citing failures in 'Lack of Information and Poor Communication' there is a direct link with the other two highest categories. For example, cases where social work staff had failed to communicate the charging policies for home care and respite care and the financial assessment procedures. Further work to improve performance in these areas is to be

actioned during the year and will continue to be monitored through the quarterly Complaints Reports.

3.1.10 Complaints Acknowledged Within 3 Working Days

The timescale for acknowledging a complaint is 3 working days. 62 (94%) of complaints received were acknowledged within the performance standard. Of the remaining 4 complaints, 3 were acknowledged in 4 working days and 1 was acknowledged in 5 working days.

3.1.11 Duty to Co-operate – Joint Social Services and NHS Complaints

Two of the complaints completed involved both social care and health. In line with the new legislation, Adults, Wellbeing & Health (AW&H) led on one complaint involving North Tees & Hartlepool NHS Trust. The second complaint was led by County Durham Primary Care Trust. Both complaints were effectively managed and the complainant received a single response to their issues.

3.1.12 Declined Complaints

During the year 7 complaints were declined and are not included for statistical purposes. The main reason for declining a complaint was because the service user did not consent to a complaint being made on their behalf.

3.2 Local Government Ombudsman (LGO)

The Local Government Ombudsman's annual letter to Durham County Council was published in June 2010. In the reporting year, 7 complaints were considered by the LGO about adult social care services. This compared with 5 complaints in 2008/09, 2 complaints in 2007/08, 3 complaints in the year 2006/2007 and 5 in 2005/06.

The LGO attributed 2 cases to be adult social care however after investigation it was realised that these should fall under the remit of Strategic Housing and outside of the Regulations.

Two complaints made prematurely to the LGO were referred to DCC to enable investigation under local procedures and these were satisfactorily resolved.

During the year the LGO made decisions in three cases in adult social care that had been independently investigated under Stage 2 of the Local Authority Social Services Complaints Regulations 2006 in 2008/09. In one case an amount of compensatory redress had been offered to the complainant by DCC. This had been declined and the complainant had gone to the LGO with the hope of obtaining a more significant compensatory amount. The Ombudsman rejected this and determined that the original local settlement was reasonable and fair.

In the second case in order to conciliate a long-standing dispute DCC offered to write-off substantial arrears for care that had accrued from when a client had been discharged from a long-stay hospital into the Community. The complainant had rejected this offer and referred the matter to the LGO who reached a determination that the local settlement that had been offered was reasonable and fair.

In the third case a complainant was alleging maladministration. The LGO considered the facts of the case and determined that there was no evidence of maladministration.

Also at this point in time, no complaints made in 2009/10 had been referred to the Local Government Ombudsman.

3.2.1 Local Government Ombudsman Developments

During the year the LGO reported on the extension of jurisdiction under the provisions of the Health Act 2009, which will give the power to investigate complaints from people who self-fund their adult social care. The LGO is establishing a new unit to deal with all adult social care complaints in anticipation of these extended powers; the implementation of which is expected in late autumn 2010.

3.3 Learning from Complaints

The Report highlights a number of areas where improvements in practice have been identified and made as a result of complaints. Some examples of these include:

- Social work staff being reminded that self-funding clients must be provided with all relevant information on how to access advice about fees from residential care homes to enable them to make an informed choice prior to placement.
- New working arrangements with community nursing staff were developed in a County Durham Care and Support (CDCS) respite care service and diabetes awareness-raising sessions were organised for all staff.
- A protocol was devised with Durham County Council Housing Services to ensure that all Disabled Facilities Grant (DFG) complaints are reviewed by the Adults, Wellbeing & Health Complaints Officer to ensure that there are no issues arising that fall within the remit and responsibilities of the Statutory Adult Social Care Complaints Procedure.
- Information distributed to the parents of young people approaching the transition from Children and Young People's Service to Adult Care Services in County Durham schools was found not to be routinely provided to the parents of children who were in schools outside of the County. This was rectified with a system put in place to ensure all parents received the appropriate information.
- Improved partnership working with the County Durham Primary Care Trust to ensure a seamless transition for young people moving into adulthood and Adult Care Services.

3.4 Compliments

3.4.1 Numbers of Compliments Received

In the reporting year a total of 403 compliments were received within the Service. This is a percentage increase of 48.7% from the previous reporting year 2008/09 when 271 compliments were received and 22% increase from the 330 compliments received in 2007/08.

3.4.2 Ratio of Compliments to Complaints

The ratio of compliments to complaints received was 6:1 in 2009/10; this is an improvement in performance from 3:5 in 2008/09.

3.4.3 Compliments by Service Area

County Durham Care and Support (CDCS) the in-house provider received 284 compliments (70.5%) of the total number of compliments, with a ratio of 18:25, which is consistent with reporting in previous years.

3.4.4 Age Profiles of Service Users Making Compliments

The greatest number of compliments was made by women aged 85 and over, (33%), which reflects the demographic profiles of service users and is in line with previous reporting trends.

3.5 Comments

3.5.1 Numbers of Comments Received

No comments were received in the reporting year by Adult Social Care.

4 Conclusion

The Annual Report indicates positive achievements in Adults, Wellbeing and Health performance in the handling and consideration of representations, during the year 2009/10.

The successful implementation of the new Regulations and procedures together with the personalised approach to complaint resolution is working effectively and, most importantly, in the interests of clients, their carers and relatives.

The continued decrease in complaints from 77 in 2008/09 to 66 complaints in 2009/10 is a continued positive trend. Equally the significant percentage increase of 48.7% in compliments continues to show the value service users and carers place on the services they receive.

5 Recommendations

5.1 That Standards Committee note the content of the Annual Report and provide feedback on the contents if appropriate.

5.2 That Standards Committee endorse the publication of the Report and its circulation to key stakeholders through the Intranet and Internet.

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Background Papers

Statutory Adult Social Care Complaints, Compliments and Comments Annual Report 2009/10

Appendix 1: Implications

LGR	N/A
Finance	None at this stage. However complaints can lead to claims for compensation in extreme cases.
Staffing	N/A
Equality and diversity	Consistent with national and local requirements the AW&H 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	N/A
Health	The new procedures for managing Statutory Adult Social Care Complaints now encompass joint working with Health
Personalisation	The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 continue to apply to service users in receipt of self directed support.