



**Annual Report Statutory Adult Social Care
Complaints, Compliments and Comments
2011/2012**

**Report of Rachael Shimmin Corporate Director, Children and Adults
Services**

Purpose of Report

1. The provide information regarding the management of Statutory complaints in Adult Care. The Report also includes details about the compliments and comments received from service users and carers during the year.

Background

2. This Annual Report is the third that is published under the provisions and requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 that became operative on 1 April 2009. The reporting format reflects the requirements detailed in the regulations.
3. Under the regulations there are just two timescales that apply to the management of a complaint and these are that a complaint must be acknowledged within 3 working days and that a complaint will be expected to completed at the "Local Resolution Stage" within 6 months, unless there are very exceptional circumstances.

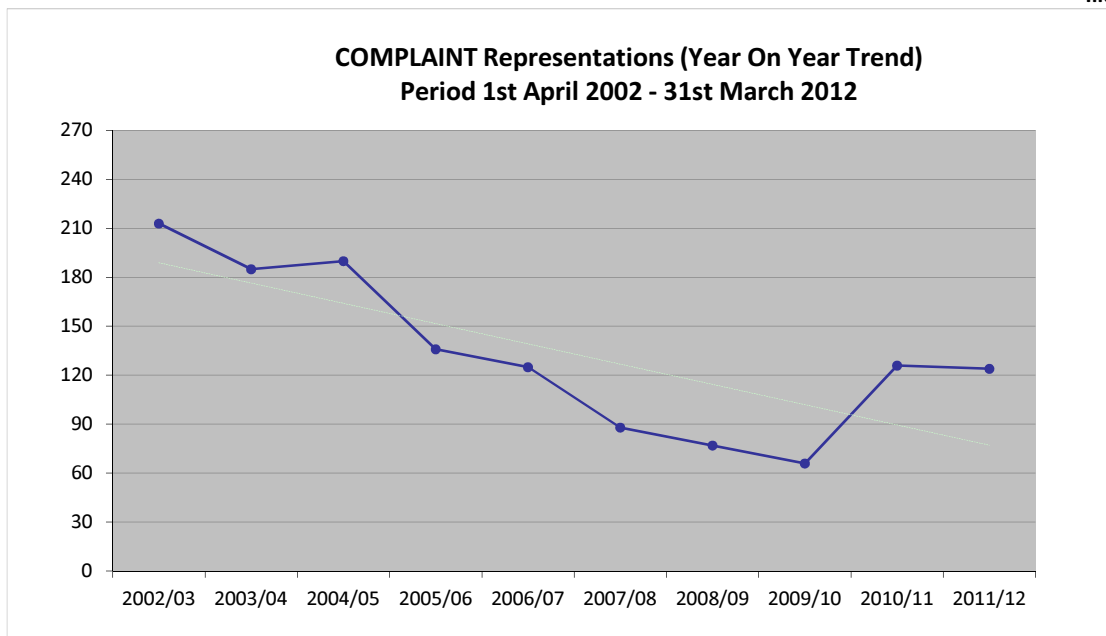
Content

4. A copy of the Annual Report is attached at Appendix 2.

Number of Complaints

5. In 2011/2012 a total of 124 complaints were received and progressed through the Statutory Adult Social Care Complaints Procedure. This is exactly the same number of complaints received in 2010/2011. Trends on the number of complaints received within the Service over the last 10 years are shown below.

Illustration 2



Complaints by Client Group

6. The largest number of complaints by client group was Older People with 72 complaints (58%) followed by Learning Disabilities with 30 complaints (24%) which reflects the customer base of the Service.

Age Profiles of Service Users Making Complaints

7. The greatest number of complaints 33 (27%) were made in respect of males aged 18-64, followed by females over the age of 85 with 26 complaints (21%) and females aged 18-64 with 21 complaints (17%). This data is consistent with previous years where similar results were reported.

Ethnicity and Diversity

8. Complaints analysed by ethnicity represented 99.2% White British and this reflects the demographic profile of the ethnic population of the County as reported by the Office of National Statistics 2009.

Categories of Complainant

9. As has been the trend over previous reporting years, relatives (non-parent) constituted the highest category of complainant at 62 complaints (50%). In almost all cases an adult child made the complaint on behalf of their parent. The number of people who raised complaints on their own behalf was 34 (27%). The number of parents making a complaint 25 (20%) is the same as 2010-2011.

Outcome of Complaints

10. Of the 124 complaints received, 120 were completed by the end of the reporting year. Of the 120 complaints completed 44 (37%) were upheld in full and 15 (12.5%) were partially upheld. There were 61(51%) complaints were not upheld.
11. This shows an 11% increase in the number of complaints where the issues raised were upheld in full and a 5% decrease overall in the numbers of complaints not upheld. Where a complaint is not upheld this does not mean that the complainant did not have just reasons for submitting their concerns. However, the reasons for many of the cases being 'not upheld' within this period related to the correct application of changes to service provision and newly-introduced charging policies.

Number of Complaints Referred from the Local Government Ombudsman (LGO)

12. During 2011/12 Durham County Council (DCC) received 7 referrals from the LGO where a complaint has been made to them but the Authority had not been provided sufficient opportunity to investigate. These complaints were then referred back to DCC for investigation and response before the LGO would consider them and are included in the 124 complaints recorded for the year.
13. There were 9 complaints forwarded from the LGO seeking further information upon which to base a determination. During the year the LGO provided findings on 8 of the 9 cases. In 2 cases the LGO discontinued their investigations as they were satisfied with the actions of the Service, in 2 cases they determined there were no grounds to pursue the issue, in a further 2 cases it was found there were no evidence of maladministration, in 1 case the LGO declined the investigation and in the final case the LGO determined that the Service has already addressed the issue.

Summary of the Subject Matter of Complaints Received

14. '*Personal Financial Issues*' constituted the highest category of complaint relating to 35 complaints (28%). This is the first year where complaints about financial issues have been greater than other categories of complaint and can be explained by the introduction of client contributions to day care and the withdrawal of free transport services.
15. The next highest category of complaint was '*Conduct or Attitude of Staff*' which related to 22 complaints (17.8%) and the next highest category was 14 complaints relating to '*Lack of Communication/Information*' (11.3%). In the majority of cases citing conduct/attitude of staff there is often a direct link with failures in communication and information.

Timescales for managing Complaints

16. The timescale for acknowledging a complaint is 3 working days. Of the 124 complaints received, 122 (98.4%) were acknowledged within timescale and many within one working day.
17. Monitoring of the speed of response to complaints has shown that 33.3% were concluded within 10 working days with an average time of 17 working days.

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

18. Three complaints were received during the year that involved both adult social care and health services. One case involved the Tees, Esk & Wear Valley NHS Foundation Trust and County Durham and Darlington NHS Foundation Trust; one case involved the County Durham and Darlington NHS Foundation Trust; and the

third involved the North Tees and Hartlepool NHS Trust. DCC took the lead in all these cases and formulated the joint response. All of these complaints were effectively managed and satisfactorily resolved and the benefit to the complainant was they received a single joint response to their issues and worked with a single point of contact.

Declined Complaints

19. During the year 12 complaints were declined (compared to 1 in the previous reporting year).
- In 4 cases the complaint was declined as the clients would not give consent.
 - In 2 cases complainants sought to resurrect issues that had been already been investigated and responded to.
 - In 2 cases the events complained about had occurred several years previously and were declined on the grounds that they were significantly outside of the 12 month time limit prescribed by the Regulations.
 - In 4 cases the issues complained about related to issues which did not come within the jurisdiction of Durham County Council.

Remedies and Learning Outcomes

20. The learning outcomes extracted and acted upon in the reporting year have included:-
- Reminders to staff in an in-house respite facility that all telephone calls relating to a client's needs, bookings or cancellations must be recorded, either on the client's case notes or in the office diary.
 - The Learning Disability Social Work teams are working with the in-house respite unit to review the respite booking system to improve the process.
 - The Learning Disability Transitions Social Work Team are developing a detailed map of children currently in receipt of services so that long term planning can be better achieved.
 - A briefing note was issued to Social Work Team Managers/Safeguarding Leads in Older People's Services to remind them of the need to ensure service users views were explicitly sought and recorded in relation to safeguarding matters.
 - Staff in Older People Social Work teams were issued with a reminder of the importance of detailed recording and that the opinions of service users and their family/carers must be given suitable weight in the assessment process.

Numbers of Compliments Received

21. In the reporting year a total of 399 compliments were received. This represents a decrease of 30.7% from the 576 received during 2010/11. Previous trends have seen a year on year increase in compliments. The reduction can be attributed to a drop in the number received in County Durham Care and Support (CDCS), the in-house provider.

Ratio of Compliments to Complaints

22. The ratio of compliments to complaints received is 3.2:1 compared to 4.65:1 in 2010/11.

Conclusions

23. The principle of working with complainants to achieve complaint resolution is fully embedded and working effectively. The implementation of learning outcomes arising from complaints ensures practice is changed and service delivery improved.
24. When comparing Durham's numbers of complaints per 10,000 population (2.97) with the average of other Regional Local Authorities (3.46) and Comparator Local Authorities performance (3.52) the ratio is relatively low.
25. During 2011/12 Adults Wellbeing & Health adopted the Regional Quality Band Assessment in respect of Care Homes and Care Homes with Nursing for Older People for contract monitoring of the independent sector. A programme of monitoring has been agreed for 2012/2013.
26. The Service continues to receive a large number of compliments each year. This remains a significant reminder of the excellent work that is carried out by staff.

Recommendations

27. That Standards Committee
 - Note the content of this report and receive the Annual Report

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Appendix 1: Implications

Finance	None at this stage. However complaints can lead to claims for compensation in extreme cases.
Staffing	N/A
Risk	N/A
Equality and diversity/ /Public Sector Equality Duty	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.
Human rights	Compatible with Human Rights Act – able to record and respond to complaints about alleged breaches.
Consultation	Work continues with Health for managing the joint working for Statutory Adult Social Care Complaints.
Procurement	N/A
Disability Issues	N/A
Legal Implications	N/A