

Standards Committee

16 September 2011



Annual Report of Statutory Adult Social Care Complaints, Compliments and Comments 2010/2011

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

Purpose of Report

1. The primary purpose of the Annual Report is to detail the performance of Durham County Council's Adults, Wellbeing & Health Statutory Adult Social Care Complaints Procedure. The Report also includes details about the compliments and comments received from service users and carers during the year.

Background

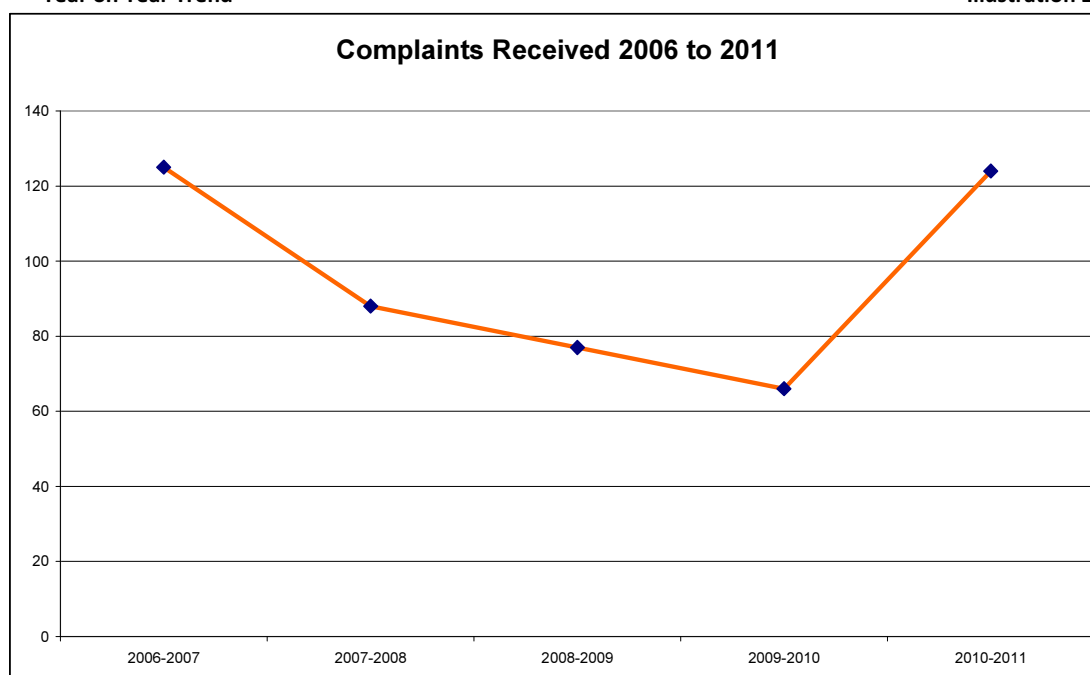
2. This Annual Report is the second published under the provisions of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. The reporting format reflects the requirements detailed in the Regulations.
3. Under the regulations there are just two timescales that apply to the management of a complaint. Complaints 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.

Content

4. The report brings together information previously reported to Standards Committee on a quarterly basis on the management of complaints, compliments and comments from service users and carers.

Key issues

5. In 2010/2011 a total of 124 complaints were received and progressed through the Statutory Adult Social Care Complaints Procedure. This number, compared to 66 in the previous reporting year, is an increase of 88%. This is in sharp contrast to the downward trend in the number of complaints year on year since 2006/2007 (please see the illustration).



Complaints by Client Group

6. The largest number of complaints by Client Group was Older People with 68 complaints (54.8%) followed by Learning Disabilities 33 complaints (26.6%) which reflects the customer base of the Service.

Age Profiles of Service Users Making Complaints

7. The greatest number of complaints 31 (25%) were made about services for male service users aged 18-64, closely followed by services for males over the age of 85 with 26 complaints (21%) and females aged 18-64 with 25 complaints (20%). This is not in line with the demographic profile of service users but is explained due to the increase in complaints received by the Learning Disabilities Service in respect of the application of procedures and criteria during the re-assessment /review process.

Ethnicity and Diversity

8. When complaints are analysed by ethnicity 99% are recorded as White British and this reflects the demographic profile of the population of the County as reported by the Office of National Statistics 2009.

Categories of Complainant

9. In accordance with trends from previous years, relatives (non-parent) constituted the highest category of complainant at 55 complaints (44.3%). Nevertheless, 31 complaints (25%) were brought by service users on their own behalf. In 2010/2011 there was a sharp rise in the number of parents making a complaint 27 (21.8%) compared to 6 (9%) in 2009/2010. This can be directly attributed to the application of policies and procedures applied in Learning Disability reviews.

Outcome of Complaints

10. Of the 124 complaints received, 116 were completed by the end of the reporting year. Of the 116 complaints completed 30 (25.9%) were upheld in full and 21 (18.1%) were partially upheld, compared to the performance in 2009-10 where 24 (31.2%) were upheld in full and 18 (23.3%) were partially upheld.
11. In 2010/2011, 65 complaints (56%) were not upheld which compares with 21 complaints (35.5%) in 2009/2010. Reasons for complaints not being upheld are varied, in many of the cases not upheld related to the changes to service provision. The investigations found that service users care plan review processes were robust, the criteria correctly applied and no exceptional circumstances existed that had been overlooked.
12. There has been a 20% decrease in the number of complaints where the issues raised were well founded.

Number of Complaints Referred to the Local Government Ombudsman

13. During the course of 2010/2011 the Local Government Ombudsman (LGO) referred 12 adult social care cases. In 1 case, the Ombudsman took the view that there was maladministration but it had caused no injustice. A small compensatory payment of £250 was agreed in recognition of the time the complainant had to spend in bringing the complaint. In 3 cases the complaint had been made to the LGO without Durham County Council being given the opportunity to investigate and respond and the complainants were referred back to the local process. In 4 cases the LGO did not uphold the complaints. In 4 cases the LGO made preliminary enquiries and the outcome is awaited.

Summary of the Subject Matter of Complaints Received

14. There were 147 reasons recorded for the 124 complaints received. 'Conduct or Attitude of Staff' constituted the highest category of complaint relating to 28 complaints (19%) with 'Lack of Service – Communications/Information' closely following with 22 complaints (15%). The next two highest reasons were 'Application Of Service Guidance/Procedures' 16 (10.9%) and 'Lack Of Service – Change To Clients Service As Per Care Plan' 13 (8.8%).

Timescales for managing Complaints

15. The timescale for acknowledging a complaint is 3 working days. All of the 124 (100%) of complaints received were acknowledged within 3 working days.
16. Under the Regulations there are no set timescales for the management of complaints. However, the Service has monitored the speed of response to complaints and 50 (43.1%) complaints were concluded within 10 working days. The average time per case, on the 116 cases completed within the year, is 16 working days.

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

17. Four complaints were received during the year that involved both adult social care and health services. One case involved the Tees, Esk & Wear Valley NHS Trust and 3 cases involved County Durham and Darlington Foundation Trust. 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 complaint.

Declined Complaints

18. During the year 1 complaint was declined as the service user did not give their consent to a complaint being made on their behalf.

Remedies and Learning Outcomes

19. Providing remedies to issues that have arisen in a complaint are essential if confidence is to be restored between the Service and its service users. Even where complaints are not upheld full explanations, further information and often apologies are provided.
20. It should be noted that compensatory redress will only be considered where there is very strong evidence of shortcomings that may be in accordance with the Local Government Ombudsman's definition of maladministration.
21. Complaints provide valuable information from which the Service learns how to improve. Complaints also act as a prompt to ensure all staff work consistently to policies and procedures.
22. The learning outcomes acted upon in the reporting year include:-
 - All social work and health staff in the Learning Disability Integrated Teams have been instructed to verify documentation for accuracy when completing new or updated assessments and that all assessment information is properly coordinated and verified.
 - Social work staff have been reminded that accurate assessment of social care need is a professional responsibility.
 - In an in-house residential respite service for people with a Learning Disability, staff have been advised that all personal care needs are now recorded in detail to identify personal hygiene needs. Also the Client Activity List has been revised to enable more detailed information to be recorded about a service user's daily activities and participation in events.
 - Where there are likely to be changes to service provision, following a service users care plan review, a letter for service users explaining the review processes along with how the eligibility criteria is applied has been developed and issued.
 - A clearer process is now in place with regard to obtaining funding decisions on care packages in the Learning Disabilities Service. This includes new guidance and training for staff. Feedback is now routinely disseminated between staff and information recorded on the relevant service user case file. Staff at all levels have been reminded of the importance of effective communication with families/carers/service users especially when services are changed or modified.

Performance

23. Durham's ratio of complaints per 10,000 population - 2.97, compared with the average of other Regional Local Authorities - 3.43 and Comparator Local Authorities - 4.69 is still low. Work is on-going to monitor performance and to learn from other Authorities and ensure service users and carers are fully aware of how to submit a complaint.
24. Adults, Wellbeing & Health has 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. Providers will be measured against a number of evidence based measures within 16 domains, one of which relates to Complaints. This work is in the early stages of development and more details on performance will be provided in next years Annual Report.

Developments

25. Work continues on a number of developments within the Service on the management of complaints. The review of the Regional Joint Protocol for Health and Social Care Organisations on Complaints Handling is close to conclusion. The Joint Protocol defines the management of complaints that span both health and social care and meets the requirements relating to the duty to co-operate under the Regulations. This has been developed with 6 North East Local Authorities and 13 NHS organisations across the Region.
26. Contracting arrangements for commissioning Independent Investigating Officers is being reviewed. The outcome of this work will lead to new arrangements for the provision Independent Investigating Officers (IIOs) for social care complaints and increased choice for suitably skilled and qualified IIO's on a regional basis, standardise costs to ensure better value for money and improved quality control. The scoping work for this is progressing well and it is hoped that this Framework will be implemented within the year.

Numbers of Compliments Received

27. In the reporting year a total of 576 compliments were received within the Service Areas. This represents an increase of 43% from the 403 received during 2009/2010 and continues the upward trend being 113% higher than the 271 in 2008/2009 and 75% higher than the 330 compliments in 2008/2009.

Ratio of Compliments to Complaints

28. The ratio of compliments to complaints received is 4.65:1. This is a decrease from the 6:1 ratio in 2009/2010. The decreased ratio reflects the impact of the higher number of complaints received in 2010/2011.

Compliments by Service Area

29. County Durham Care and Support (CDCS) the in-house provider received 464 compliments (80.5%) of the total number of compliments which is consistent with reporting in previous years.

Conclusion

30. The Annual Report indicates positive achievements in Adults, Wellbeing and Health performance in the management and consideration of complaints, compliments and comments, during the year 2010/2011. The new way of working in complaint resolution is now embedded and working effectively. The implementation of learning outcomes arising from complaints provides the opportunity to change practice and improve service delivery. Of the 116 cases completed within the year, the Service has continued to provide a timely response to the matters raised.
31. The Service receives a large number of compliments each year. This remains a significant reminder of the excellent work that is conducted at a difficult time in people's lives.

Recommendations

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

Contact: Peter Appleton Head of Service Policy, Planning and Performance
Tel: 0191 3834543

Background Papers

Statutory Adult Social Care Complaints, Compliments and Comments Annual Report 2010/11

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 & Diversity	Consistent with national and local requirements Complaints, Compliments and Comments 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 there is a system to record and respond to complaints about alleged breaches.
Consultation	Work is on-going with Health Trusts in the joint management of Statutory Adult Social Care Complaints.
Procurement	Work is on-going in the development of the regional Collaborative Framework Agreement for commissioning Independent Investigating Officers.
Disability Discrimination Act	N/A
Legal Implications	The Annual Report is published under the provisions of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.