

**Appendix One**

**Adult Social Care Complaints and Representations**

**Annual Report 2014-15**

**Thurrock Council**

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## **1. Introduction**

This is the annual report for Thurrock Council on the operation of the Adult Social Care Complaints Procedure covering the period 1 April 2014 – 31 March 2015. It is a statutory requirement to produce an annual complaints report on Adult Social Care complaints. The Adult social care complaints procedure is operated in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Thurrock adult social care arranges and supports provision of a wide range of commissioned and in house to support people to live independently in their homes and increasing levels of choice and control over the support they receive. It also supports residential or nursing care when this becomes necessary. The department also has lead responsibility for safeguarding adults and provides some services jointly with Health.

The report provides a summary analysis in relation to the number of representations received and processed in relation to adult social care including details of the complaints received, the key issues arising and learning for the department.

## **2. The Complaints Process**

The Local Authority Social Services and National Health Services Complaints Regulations (England) 2009 changed the process for handling complaints within Adult Social Care on 1 April 2009. The revised regulations aligned the complaint processes for Adult social care and Health to enable joint handling of complaints across both services.

The Complaints Procedure is a two stage process:

- Stage 1 – Council aims to resolve a complaint using a variety of methods
- Stage 2 – Local Government Ombudsman

Staff are encouraged to resolve issues at the first point of contact in line with good practice as outlined by the Local Government Ombudsman.

The complaints procedure provides the Council with an additional means of monitoring performance and improving service quality as well as an important opportunity to learn from complaints and service user feedback.

### **3. *Roles and Responsibilities***

The Department of Health Guidance requires local authorities to have a Complaints Manager responsible for the management of the complaints procedure.

In order to contribute effectively to service development, the complaints management function is based within the Adults, Health and Commissioning Performance and Business Support service area.

The Complaints and Engagement Manager also has responsibility for Children's Social Care complaints and representations and produces a separate Annual Report for these.

### **4. *Leaflets and Information***

The complaints leaflet is distributed electronically to all service teams and front line services. Information on making a complaint or providing feedback is available on the Thurrock Council website.

The complaints procedure has been reviewed during 2014/15. As the statutory guidance remains unchanged for adult social care complaints, there are no fundamental changes to the process. However under the Care Act 2014, there have been proposals to introduce an Appeal System for assessments and funding which may run alongside the complaints procedures. The proposals have not been finalised and therefore no changes will be made to the current complaints procedure.

Adult social care welcomes feedback about its services. This can be received via a complaints form, telephone contact, in person, writing or emailing the complaints team and through the call centre.

### **5. *Advocacy for vulnerable people***

Thurrock Council commissions advocacy services including Mental Capacity advocacy encompassing Deprivation of Liberty Safeguards. It is available for people who have substantial difficulty in understanding decisions that need to be made or in expressing their views, when there is no one else who can assist or speak on the persons behalf. The scope of our contract covers, older people with mental health aged 65 and over, adults of working age with mental ill health and adults who have a learning disability or sensory impaired aged over 18yrs.

The service is independent of statutory organisations and service provider agencies. POhWER is the main commissioned provider for advocacy within Thurrock and supports service users with various concerns and queries across a range of services including housing, social care and debt management.

## 6. Summary of Representations received

A total of 356 representations were received during 2014-15 which is an increase of 5 on the previous year (351), as detailed below:

- 198 Compliments
- 68 Complaints received
- 33 Concerns and issues received
- 16 MP enquiries
- 40 Member enquiries
- 1 Ombudsman enquiry

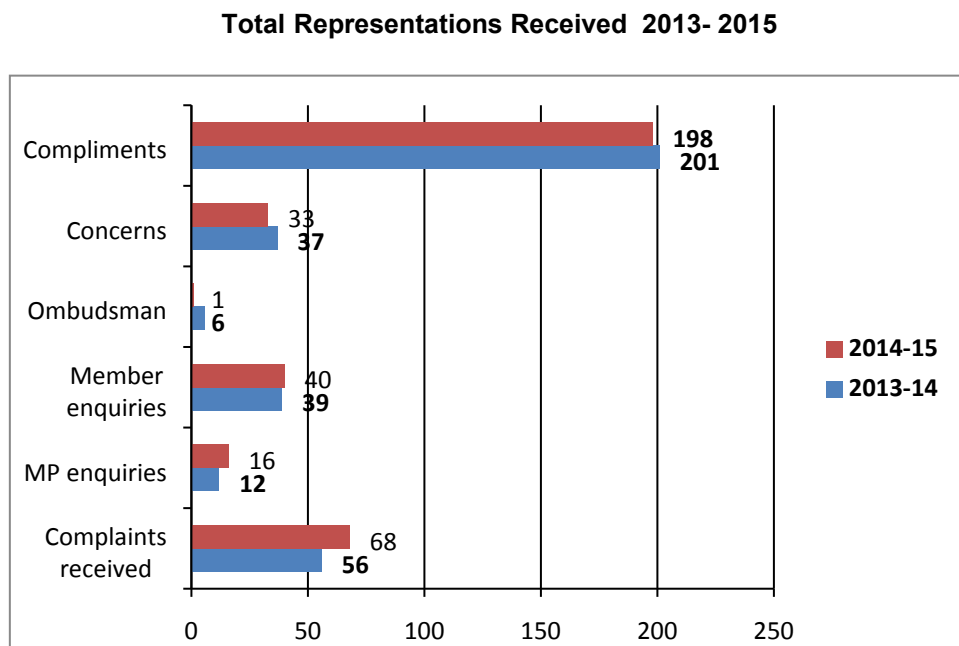


Figure 1

It is essential that all teams delivering services formally capture and record complaints. This includes any commissioned services.

Feedback is recorded as received from service users by telephone, email and in writing as well as in person.

Other complaints and representations are referred directly to Ascfeedback as received by the Corporate Complaints team and the service teams directly. All complaints are acknowledged within 3 working days as set out in the statutory guidance.

## 7. Complaints

The department received a total of 68 complaints in 2014/15, which is an increase of 18% on the number of complaints (56) received for 2013/14. During this reporting period, the department dealt with 8452 referrals and 3447 service users were receiving a service under social care, including residential and nursing care.

Trends in complaints received from 2010-2015 are detailed in Table 1.

Year	Complaints
2014/15	68
2013/14	56
2012/13	74
2011/12	91
2010/11	111

Table 1

Table 1 indicates that the previous declining trend of complaints has changed this year to a slight increase of 18%. This was due mainly to the increase in complaints regarding domiciliary care providers which are detailed further in the report.

## 8. Complaints breakdown by Service\* for 2013-15

\* the breakdown below includes provider complaints for domiciliary care and residential care

Service	2013/14	2014/15
Contracts & Commissioning	5	-
Blue Badge	1	3
ECDP	1	0
Customer Finance	6	5
Occupational Therapy	1	5
Safeguarding	1	0
Collins House	3	1
Reablement Team	3	0
Locality 1&2	2	3
Locality 3&4	1	1
Basildon Hospital	1	3
Grays Court Care	1	1
Hollywood Rest Home	1	1
Bennett Lodge	2	1
Ladyville Lodge	1	0
Bluebell Court	3	3
Merrie Loots Rest Home	1	0
John Stanley	4	4
Grapecroft (now Willow Lodge)	2	2
Mental Health	2	2
Intervention & Transition	3	1
Performance Quality	1	1
General social care	10	-
Sanctuary Care	-	10
Shortbreak Service	-	2
Careline	-	1
TLS	-	2
Emergency Duty	-	2
TLC	-	4
Kynoch Court	-	2
Temp Exchange	-	1
Balfour Court	-	1
Whitecroft	-	1
Oak House	-	1
Other**	-	3
<b>Total</b>	<b>56</b>	<b>68</b>

Table 2

\*\*Legal Services (1), SEPT (1) and Daycentre Transport (1)

## 9. Complaint issues

Complaint Issue	2013/14	2014/15
Assessment/Decision Making	2	4
Communication	6	4
Service Quality	18	23
Delays	-	6
Finance/Charging	10	10
Multiple Issues	2	-
Health linked	5	-
Safeguarding/Welfare	1	1
Staff conduct	8	12
Other*	4	8
<b>Total</b>	<b>56</b>	<b>68</b>

Table 3

- Missed carer appointments, transport issues, incorrect medication, legal issues

Table 3 shows that issues concerning finance and quality of service were the main reasons for complaints during 2014/15.

## 10. Externally Commissioned Services

The Care Quality Commission requires all care providers to have in place clear and robust complaint procedures. Anyone who receives a service from an externally provided service will usually complain directly to the provider and these will be responded to in accordance with the provider's own complaints process. Feedback received by the Council about externally provided services is closely monitored by the Contract Compliance team in line with the statutory Contracts Monitoring Framework. This helps to identify any areas of poor performance which require additional monitoring and support.

### Direct Payment Scheme

Personal budgets are used to pay for support for services such as homecare or to employ a personal assistant (PA). The Council has a contract with ECDP with the delivery of the Direct Payment service for Thurrock residents to manage the scheme and raise awareness of how social care users can have greater choice and control in relation to their care.

### Residential Care

The Council commissions independent care home providers for service users requiring residential care, based on an assessment of their individual needs. Any complaints received regarding commissioned providers are referred to the Home provider to investigate in accordance with their own complaints procedure. The Care Quality Commission requires all providers to have effective complaint procedures in place. This is regularly monitored by the Council's Contract Compliance team.

There were approximately 600 service users receiving residential care (including nursing care funded by adult social care) during 2014/15. For the same period, 13 complaints were

received by the Council which is a very slight increase of 1 on the previous year (12). Generally, the issues most frequently queried are in relation to the quality of care received by the service user and the charges for care.

Providers have a duty to log and investigate complaints received directly by their service. There were 115 complaints registered by twenty residential providers which were investigated in accordance with the provider's own complaint procedure. Of those, 38 were upheld and 76 were not upheld and one complaint was still in progress at the end of the reporting period.

## **Domiciliary care**

There is a high demand for home care within Thurrock and the commissioned provider agencies work closely with Thurrock's commissioning and contract teams to ensure that service users receive care packages that directly meet their needs.

Over 700 service users received externally provided home care services during 2014/15. The issues raised as complaints were mainly in relation to the quality of care provided, delays to home visits, communication issues and funding. The provider agencies generally respond directly to service users and their families when responding to complaints and concerns about their service.

Complaints made directly to the Council will be investigated if the response by the care provider is not satisfactory to the complainant. Twenty one complaints were recorded as received by the Council, which is an increase of 57% on the previous year when 9 complaints were recorded with the council.

For complaints directly received by the commissioned services, 28 complaints were investigated directly by three home care providers. Thirteen complaints were upheld, 14 complaints were not upheld and one complaint was in progress.

The Council's Contract Compliance Monitoring Team discusses all key issues arising from complaints on a regular basis with providers and ensures that any outstanding issues and key themes arising from complaints are addressed.

In all instances for complaints regarding adult social care, the complaints procedure may be superseded by the Safeguarding procedure if a referral is made which identifies safeguarding alerts. The complaint will be placed on hold awaiting the outcome of the safeguarding investigation.

## **11. Response Times**

Since the introduction of the Social Services and National Health Service Complaint Regulations in 2009, the only mandatory requirement is that complainants should receive an acknowledgement within 3 working days. The legislation allows flexibility where it is negotiated that a complaint investigation be formally investigated within three months and the overall timescale for complaint to be resolved within six months. If there is further delay, a new action plan must be negotiated. However the department's aim is to resolve most complaints within 20 working days.

The time limit for making a complaint is within 12 months of the matter being complained about. However, the Council can exercise its discretion to allow complaints that are made



over the 12 month rule, where it is satisfied that the complainant had good reason and where it is still possible to investigate the complaint effectively and fairly.

33% of the 49 completed complaints exceeded 20 working days. Where complaints were complex by nature or required a multi- agency response, the response timescale was extended and delays were also caused by staff absence. There were 4 complaints that were incomplete at the end of the reporting period and 15 were either withdrawn or outside the jurisdiction. In all cases, the complainant is kept involved and informed of the progress of the complaint.

## 12. Complaint outcomes

Decision	2013/14	2014/15
Upheld	15	15
Partially Upheld	18	10
Not Upheld	10	24
Withdrawn or Cancelled	12	15
In progress	1	4
<b>Total</b>	<b>56</b>	<b>68</b>

Table 4

Of the 49 complaints completed, 31% were upheld, 20% partially upheld and 49% were not upheld. Table 4 indicates that in the previous year 2013/14, the majority of completed complaints were partially upheld. For 2014/15, the majority of completed complaints were not upheld for reasons that the investigation did not find a fault by the service and/or that correct processes were followed by the service team or provider.

Further details regarding complaint outcomes and those complaints that were upheld are set out under 'Learning from Complaints' section of this report.

## 13. Benchmarking

Thurrock is a member of the Eastern Regional Complaints Group and Public Sector Complaints Network and information is shared on a periodic basis in terms of key national legislative changes that affect the complaints process together with any relevant key learning from specific complaints including public reports from the Local Government Ombudsman.

The following councils have provided their data on complaints received which may be reasonably comparable by size of population. The East England regional performance group monitors a range of performance data on a quarterly basis. For 2015/16 this will include complaints data and we expect to see additional opportunities for comparing information and sharing learning through this.

Council	Complaints	Population	Per 10,000 pop
Thurrock	68	157,705	4.3
Sutton	68	190,146	3.6
Milton Keynes	51	248, 821	2.0
Slough	34	140,205	2.4
Luton	60	203,201	3.0

Table 5

## 14. Local Government Ombudsman

If a complainant is not satisfied with the outcome of the independent review panel, they have the right to take their complaint to the local Government Ombudsman and at any time. However, the Ombudsman may refer the complaint back to the Local Authority if it has not been fully considered through the complaints procedure.

The Ombudsman investigates complaints of injustice caused by ‘maladministration’ or ‘service failure’. The Ombudsman cannot question whether a Council’s decision is right or wrong simply because a complainant disagrees with it. The Ombudsman must consider whether there was fault in the way the decision was reached. If there has been fault, the Ombudsman considers whether there has been an injustice, and if there has, a remedy will be suggested.

One enquiry was received from the Ombudsman for this reporting year compared to 6 received in the previous year, as detailed below:

Case – Complainant challenged the outcome of the assessment of her needs. The complaint outcome was **no maladministration** by the Ombudsman. However, the case highlighted that an independent review of her needs had not been recorded on the case file and therefore an apology was issued to the complainant and records updated accordingly.

## 15. Concerns/enquiries

Apart from complaints, the complaints team recorded all other representations received about adults social care services, as it is required to do. Representations can be positive comments and feedback or queries regarding a service.

The complaints team recorded 33 concerns and issues for this reporting period which is a slight decrease on the previous year (37). Concerns are successfully resolved within the teams without the need to record them as formal complaints. If the concern cannot be resolved, it will become a complaint and be processed in accordance with the complaints procedure.

## 16. MP and Member enquiries

The complaints team also records MP and Member enquiries that are received on behalf of service users regarding adult social care. Complex queries and work pressures has resulted in some responses exceeding the 10 working day timescale and response times will be a priority focus for improvement during 2015/16.

MP enquiries increased by four this year. Member enquiries also only increased slightly on the previous year.

		2012-2013	2013-2014	2014-2015
<b>Members</b>	Volume	27	39	40
	on time	27	39	36
<b>Total</b>	<b>% on time</b>	<b>100%</b>	<b>100%</b>	<b>90%</b>
<b>MP</b>	Volume	12	12	16
	on time	12	12	14
<b>Total</b>	<b>% on time</b>	<b>100%</b>	<b>100%</b>	<b>88%</b>

Table 6

## 17. Compliments

Compliments are expressions of good feedback. There was a slight decrease (198) in compliments this year compared with 201 recorded last year.

What they have said:

“Just wanted to say how grateful I am for everything that Rapid Response have done – I can't believe the difference it has made.” **Rapid Response and Assessment Service**

Mr N complimented how all the carers are very helpful and caring. He also wanted to mention one carer in particular, C, is an exceptional carer, and she is very much appreciated and goes to all lengths when doing the care for the above service user. **Joint Reablement Team**

Call received from Mr W to say his equipment has arrived and is really happy with both the equipment and the service he has received he would like to compliment both D R and the service. **Occupational Therapy Team**

Thank you so much for all your input and help with this - without your visit it would not have happened so easily at all as no one could not quite understand the inner workings of the (dosset) box! **Locality 1 & 2 Team**

“Thank you for your kindness and patience with me when I was in panic mode! And of course, thanks for the arrangements you made for Mum now that she is at home. It is really appreciated.” **Basildon Hospital Team**

Thank you card and flower arrangement - "Thank you so much for all your help, it has been much appreciated" **Safeguarding Team**

Mrs D thanked staff member for her help and said that everyone on the team is very helpful, she has spoken to X in the past and has always found that when she rings this team, people are always ready to listen and help, X was very helpful last time. **Contracts Compliance Team**

“Thank you for trying for the chair although we both thought that it was a no-no. I will not look into buying one until we hear back from OT. Once again thank you for your understanding and being a social worker that is helpful. You made me feel at ease.” **Locality 3 & 4 Team**

“Big thank you for your support with Mr & Mrs B, I have spoken to the son-in-law this morning who was very impressed with your support and stated his parents-in-law really enjoyed the day care and are looking forward to Saturday” **Daycare services**

“Just to let you know I visited this client this week. Mr M and his wife advised that a lady from Finance called X had been out to visit her and that she was most helpful.” **Customer Finance Team**

“Please would you pass on my thanks to the staff at Thurrock Council Careline. The BT work man told me that staff had got in touch with them to tell them I was a customer of theirs. Instead of it taking three working days, it only took one working day. I really appreciate the team doing this for me. Without the landline I am totally lost. Is this not a good well-being factor that you should know about.” **Careline service**

## **18. Learning from Complaints**

Complaints that are upheld or partially upheld identify areas of learning for the service or provider involved. These are recorded on a learning log and actioned. The learning is highlighted in the quarterly reports for Senior Management and cascaded to service teams. Listed below is the learning that was addressed for complaints during 2014-15.

### **Providers**

#### **Staff**

- Shortages of staff resulted in a domiciliary care provider experiencing specific operational issues particularly with changes to carers, late and missed calls and new carers working without appropriate training. These issues generated several complaints which were monitored by the Contracts Compliance team. The provider has since recruited and trained more permanent carers
- Carer failed to inform the service user that they were running late due to traffic. This was addressed directly by the provider by reminding staff in a team meeting to ensure that they keep service users informed if delayed on their journey and the implications of not doing so.
- Staff to follow correct procedures for handling medication by cross referencing the medication packaging with medication blister packaging and MAR sheet and to be supported with the appropriate training from Manager and e- training on the safe administration of medication

#### **Staff Training**

- Case files to be kept in good order and case recordings to be in sequence and recorded in detail
- Carers to read their schedule's correctly and attend the service user appropriately (domiciliary care provider)

#### **Communication**

- The homecare provider to liaise with Thurrock Council and service user and/or their next of kin, if there are capacity issues
- Direct Payments Provider to contact their clients as a matter of courtesy wherever possible, prior to removing under-spends from the Direct Payments account

### **Internal**

#### **Review of Procedure**

- To improve public awareness of cost implications of care
- Seamless timing as a consideration when looking at collaborative working between departments i.e. sending and sharing information between departments on tighter timescales
- Process of reviewing blue badge applications generally takes around 6 weeks, however this process to be reviewed for people with a terminal illness
- To review the process of communicating charges and invoices between providers, customer finance and sundry debtors

- Review of EDT procedure for contacting EDT managers out of hours
- Policy drafted for day care process and how it is prioritised
- Day care handbook drafted for service users explaining the minimum standard of service and information on complaints/brief appeal process
- Day care to routinely record information on the adults social care system (LAS)
- To look at the charging procedure between providing homecare reablement and interim residential reablement as there appears to be a difference of approach with same listed remit. The Council do not charge for homecare reablement up to six weeks, but for 24hrs care reablement there could be a service user charge following financial assessment, service users and families need to be made aware of this

## **Staff Training**

- Training was identified for a social worker to understand the Deprivation of Liberty applications as provided and monitored by the assigned supervising social worker
- The same social worker to be monitored on the standards of good social work practice to be addressed through supervision sessions
- Staff to be reminded of procedure for contacts and messages when out of hours
- Day care staff to inform relevant professionals/service team if unable to deliver a service.
- Staff to make service users aware that costs are involved when care is commissioned including increase in care and costs, and this should be recorded
- Procedural training for staff on reablement remit and integrated assessment procedures with a focus on the differences and definition between providing interim care and rehabilitation support; to ensure timely copies of assessments and care plans are sent to the service users and the importance of timely interventions and communications. The learning to be implemented through good practice and auditing practice

## **Communication**

- More pro-active working with Housing colleagues, particularly when housing needs must be undertaken, policy of joint working identified
- Clear communication needs to be recorded on the adult social care database and outcomes to be clearly clarified with the service user

## **19. Training**

Teams will receive complaints handling training sessions throughout the year. This is to highlight good customer care, responding to complaints, meeting timescales the importance of learning from complaints and compliments and to promote the expertise available from the Complaints Manager in assisting complaints management.

The Workforce Planning and Development team also provides an e-learning course on handling complaints.

## ***20. Going Forward***

The Complaints Manager will continue to work closely with community and user groups to ensure all feedback about adult social care is captured and to engage user participation regarding the changes to services and their experiences.

Working closely with external partners such as Health, advocacy groups and relevant stakeholders will remain a key focus for 2015/16.

Complaints activity and learning will continue to be reported to the department throughout the year and disseminated to all staff.

Response times and quality of responses will be the primary areas for staff training and monitoring.