

DATE: 11 February, 2016

Adult Social Care and Inclusion Annual Statutory Complaints Report

Ward(s) All

Portfolios: Councillor Martin – Public Health and Wellbeing
Councillor E Hughes - Care and Safeguarding

Report:

Executive Summary:

This annual report covers the period of 1 April 2014 through to 31 March 2015, and reports on complaints made by, or on behalf of people who receive support / services from Adult Social Care in Walsall. It is a statutory requirement to produce an annual report and make it available to the public, staff and elected members. The arrangements for the statutory procedure and management of complaints from adults (or their representatives) are set out in The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009


The purpose of this report is to provide an overview and analysis of all complaints and compliments received and to summarise the issues that have arisen, providing a mechanism by which the Directorate can monitor the quality and effectiveness of services and of its complaints procedure.

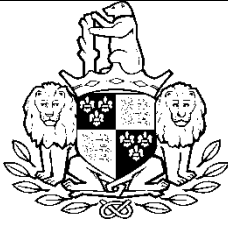
Recommendations:

That:

1. The Annual Complaints Report is noted
2. Members provide any comments or recommendations

Contact Officer:

Heather Maybury – Principal Customer Liaison Officer
 01922 650490
mayburyh@walsall.gov.uk



Walsall Council

**Title Adult Social Care and Inclusion Annual Statutory
Complaints Report**

1st April 2014 to 31st March 2015

Creator Heather Maybury/ Yvonne Jackson

Date 21.10.2015

Status FINAL

Introduction

The purpose of this report is to inform the public, members of the council and staff about the numbers and types of representations relating to Adult Social Care made to the council between 1 April 2014 and 31 March 2015. The number of residents receiving a social care community package in this period was 2516, and the number receiving a social care residential/nursing package was 1126.

Information on how these representations were resolved is also included in this report, along with details of comments and compliments made about Social Care and Inclusion services.

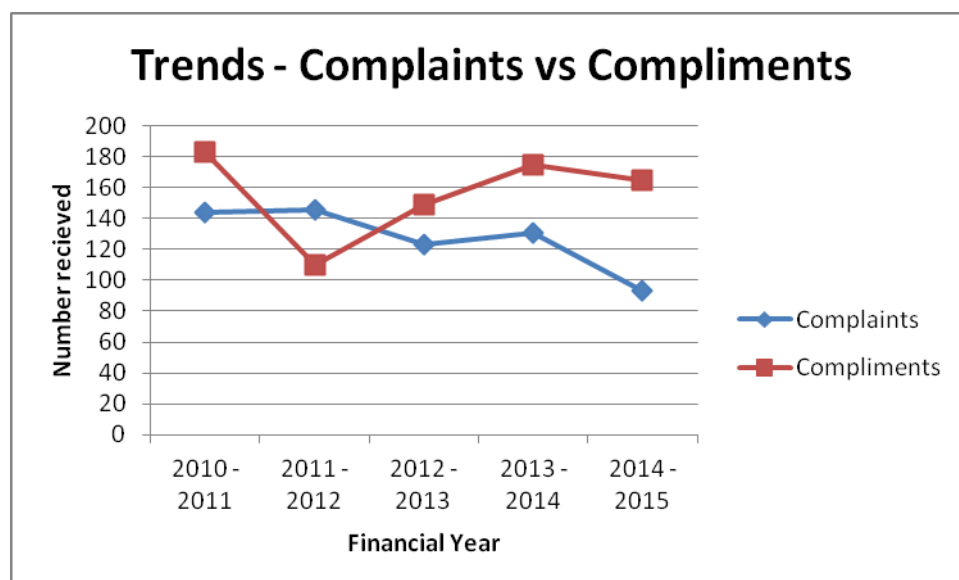
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1. Summary

Main facts of report

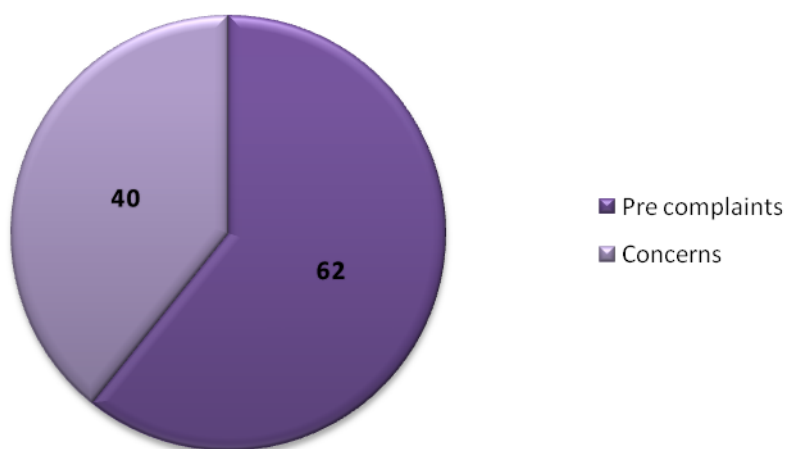
- The number of statutory complaints received is 93 which is lower than last year's figure of 131. The total number of complaints the previous year was 123.
- Prompt action with the increase in pre-complaints and concerns has contributed to this reduction in the number of complaints.
- The number of compliments received is 165, compared with 175 last year.
- Significant learning has been identified by managers as a result of customer complaints.
- Workshops have been held with Team managers and senior staff to review the complaints process for Adult Social Care.
- The statutory complaints procedures for Walsall have been reviewed and as a result customers are encouraged to consider approaching the investigating manager for clarity on matters before approaching the LGO. The role of mediation is to be encouraged as promoting early resolution.
- A total of 68 complaints went through the statutory process with Walsall Council to completion.
- The chart below shows the trends of complaints against compliments over the last five years showing a gradual decrease in the number of complaints received and processed through the statutory procedures. This can be attributed to the early intervention by both the Customer Care Team staff and responsible managers in effectively resolving concerns and pre complaints.



2.	General information
2.1.	<p>Staffing</p> <p>The Customer Care Team (CCT) has 3 members of staff. This is made up of a full time lead specialist Principal Customer Liaison Officer, and one full time and one part time Customer Liaison Officer. The team handle statutory representations received relating to social care for both adults and children. It also provides advice and guidance on representations relating to the corporate council complaints system, particularly those relating to social care. Early resolution is high on the agenda in the way CCT work to provide customers with resolution before issues become complaints.</p> <p>The team also acknowledge and record social care compliments. This provides valuable customer feedback for the service.</p>
2.2	<p>Reporting and monitoring systems</p> <p>All statistical information within this report has been obtained solely from the bespoke data base system 'Respond.'</p> <p>This data base provides a robust reporting and monitoring system to ensure a timely response to complaints, and compliance with the guidance. Information is reported monthly and quarterly to the Senior Management Team in order to monitor customer feedback, and respond to negative customer experience. Senior officers meet with the Customer care team monthly to discuss specific complaints and methods of resolution</p>
2.3	<p>Training and briefings</p> <p>A number of staff briefing sessions have been delivered in order to inform staff on how to handle and respond to complaints. In consultation with the Heads of Service, further sessions are planned for next year. Staff in CCT are always happy to provide training and support to any staff who request this. Earlier in the year a number of workshops were held to evaluate and improve the procedure. As a result the complaints procedure has been updated and we now encourage customers to engage further if they are dissatisfied before approaching the LGO</p>
2.4	<p>West Midlands Complaints Officers Group</p> <p>The lead specialist is a member of the regional complaints managers group. The group meets quarterly and provides a forum for complaints managers to discuss regional and national issues, learn from each other and develop practise from across the region. This is a useful method of bench marking statistics with neighbouring authorities, and sharing good practise.</p>
2.5	<p>Publicity and Information</p> <p>Complaints leaflets and flyers are provided routinely to adults using the service to enable them to provide feedback on services received. The flyer continues to be received well and details the methods available to submit a representation to the Customer Care Team. Pre-paid envelopes are provided in order for customers to send their representations. Complaints submitted by email have increased over the last year. In addition service users can make their complaints through the Customer Care Team inbox. This information can be provided through interpreters and signers where required.</p> <p>Complaint information is also available on the Walsall Council web site.</p>

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2.6	<p>Advocacy</p> <p>In order to support the making of a representation, the Customer Care team will put people in touch with an advocate. Advocacy matters have a contract with Walsall to provide support to people who wish to make a representation.</p> <p>Over the last year advocates have supported 5 people to make a representation through the complaint process.</p>
3.	Representation received in 2013-2014
3.1	<p>Overview of representations received</p> <p>The total number of representations excluding the LGO enquiries, received by Customer Care Team in the last year relating to adult social care is 371, which is slightly lower than the total last year which was 414. Statutory complaints are made by or on behalf of people about services received from Social care and inclusion. Corporate complaints are complaint about social care and inclusion but not made on behave of those who use the service. The breakdown is as follows-</p> <ul style="list-style-type: none"> • Statutory complaints 93 • Statutory compliments 165 • Statutory pre-complaints 62 • Corporate social care complaints 8 • Corporate social care compliments 3 • Comment/concerns 40 • Complaints progressing to LGO enquiries 12 (see section 9 For more detail) <p>It should be noted that some complaints are directed to more appropriate procedures and therefore not included in this report.</p> <ul style="list-style-type: none"> * complaints relating to commissioned services 10 * complaints relating to safeguarding 3 * complaints led by health 2 * complaints withdrawn 10 <p>The total number of complaints that were processed through the Adult social care statutory complaints procedure is 68.</p>
4.	<p>Comments</p> <p>In the period 2014-2015 a total of 102 comments and pre-complaints were received, compared to last year where the number was slightly lower, 98. Pre-complaints are those where the customer requires an answer, and if an answer had not been provided they would have made a complaint about the issues raised. A prompt response from CCT in handling these issues is important and action from the service has prevented these matters becoming complaints.</p>

Pre-Complaints and Concerns



Examples of these are-

- Confusion over care charges. This matter was resolved by a phone call from the manager.
- Unreliability of carers following hospital discharge. Customer was visited and as a result learning for the team was identified and implemented.
- Delay in receiving occupational therapy support. Service was informed and service was provided.

Comments do not have statutory guidance, but we encourage managers to respond to these in a timely fashion in order to provide a quality service to Walsall residents.

This Customer Care Team and Social Care managers use early intervention to resolve comments made quickly and efficiently to meet the needs of customers and avoid these becoming complaints. It is to the credit of the Customer Care Team that they are able to signpost customers to the appropriate team to resolve concerns and greatly reduce the number of formal complaints.

On occasions comments do become complaints where resolution has not been to the customer's satisfaction

5. Statutory complaints

Analysis of complaints

Statutory social care led complaints 68

Statutory health led complaints 2

Complaints investigated under safeguarding 3

Complaints investigated under commissioned services 10

TOTAL adult statutory complaints 93

TOTAL COMPLAINTS THAT WENT THROUGH STATUTORY PROCEDURE 68

Number of complaints withdrawn due to early resolution 10

Statutory adult social care complaints are processed and monitored by the Customer Care Team in line with the Local Authority Social Service Regulations 2009. The Customer Care Team sits within the Resource directorate as part of the Corporate Performance Team.

The procedure for handling complaints involves-

- Discussing with each complainant the issues that they have raised and the outcomes they are requesting.
- Determining in discussion with complainant and managers a realistic time scale to investigate and respond to complaints.
- Defining the issues raised by the complainant in a complaint handling plan.
- Risk assessing the complaint in relation to the service user, community and council.
- Advising managers on what is required to be investigated.
- Quality assuring the response letter in conjunction with the issues raised.
- Obtaining Head of Service agreement and sign off for all response letters before they are sent out to customers.
- Recording any learning identified for the council, and report on this.

The focus of the complaints handling process through which outcomes are delivered is to-

- Make complaints person focused.
- Handle all complaints according to their individual nature.
- Focus on swift resolution through working towards the complainants desired outcomes.

Since the introduction of the 2009 legislation the process for handling complaints provides 2 stages for formal adult social care complaints which are-

- STAGE 1-Local resolution
- STAGE 2- Local Government Ombudsman

Local Resolution

Complaints are acknowledged by the Customer Care Team. Discussion is held with the complainant to determine the issues and desired outcomes. A relevant manager is identified to investigate the complaint that has knowledge of the service the complaint relates to. The complaint handling plan is completed discussed with the relevant manager. Once the response letter is completed CCT staff ensures all the issues have been addressed to meet the desired outcomes through quality assurance checking. Approval is agreed with a Senior Manager, or Head of Service before the response is sent to the complainant. A 20 working day departmental target has been agreed by managers in Social care for an average complaint. This can be altered whenever necessary to focus on resolving the complaint. Discussion is held with each complainant and the time to respond may be adjusted depending on the complexity of the complaint and the individual circumstances, with their agreement.

If the council's final response has not served to resolve a complaint to the satisfaction of the complainant, then they are entitled to take their complaint to the Local Government Ombudsman. The LGO will then review the way the complaint has been handled, and may investigate further. Mediation is always offered to customers as a method of conflict resolution. A member of the Customer Care Team is a qualified mediator and will facilitate mediation.

Local Government Ombudsman

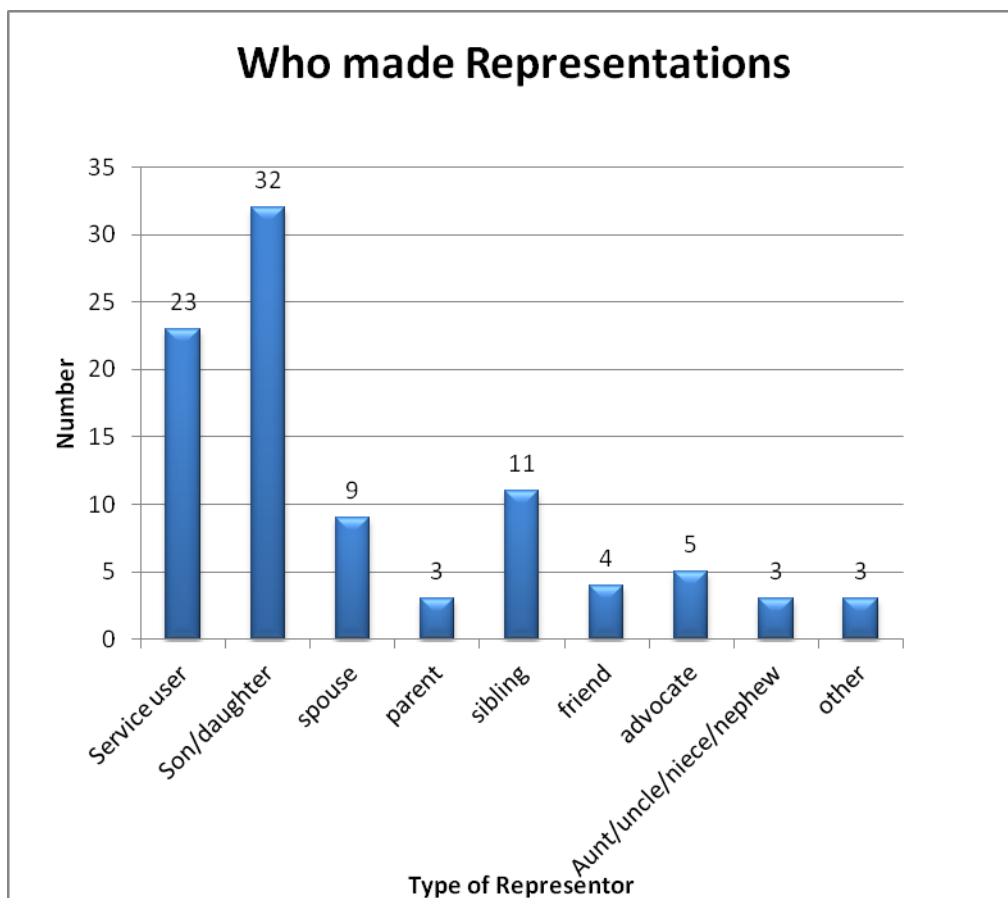
The LGO provides a single point of contact for all enquiries. The ombudsman does not normally consider a complaint until the council has first had an opportunity to consider the complaint. The Customer Care Team support managers to produce a robust response with the aim of satisfying the customer and avoid them referring the complaint to the LGO.

5.1 Who made the statutory complaints?

Of the 93 complaints made, over half were made by relatives of service users 58 with 23 of the complaints coming directly from service users themselves. Some service users ask family, friends, staff or an advocate to assist them in submitting their complaints, (75%).

The Customer Care Team ensures all complaints not made directly by the service user are made in their best interests and gain their permission to disclose information to the complainant.

COMPLAINANT	NUMBER	PERCENTAGE
Service user	23	24.73%
Son/daughter	32	34.41%
spouse	9	9.68%
parent	3	3.23%
sibling	11	11.82%
friend	4	4.30%
advocate	5	5.37%
Aunt/uncle/niece/nephew	3	3.23%
other	3	3.23%

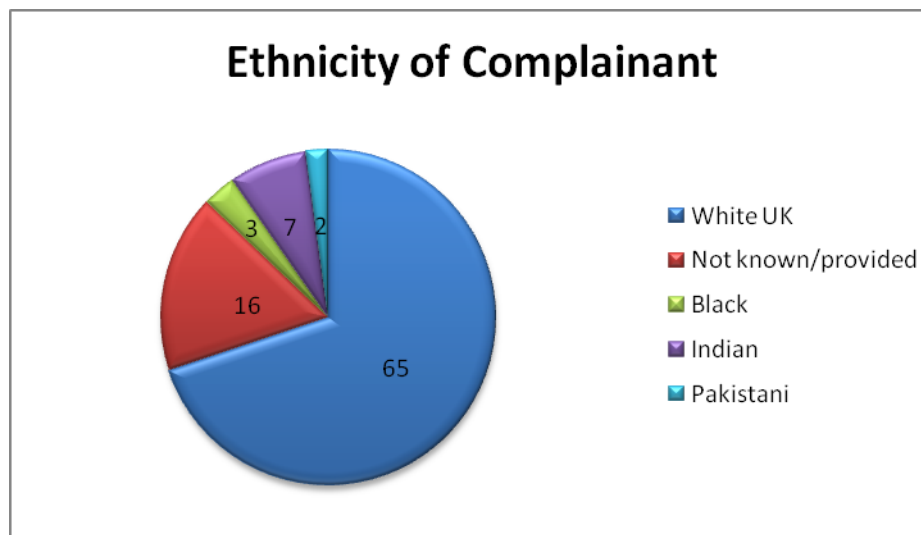


5.2 Demographics of service users making complaints

The chart below shows the ethnicity of services users who have made the complaint, or the complaint is made on their behalf. Information about the complaints process is provided in a number of languages, and interpreters are used to enable people from all backgrounds to provide customer feedback.

ETHNICITY	NUMBER	PERCENTAGE
Black	3	3.23%
Indian	7	7.53%
Pakistani	2	2.15%
White UK	65	69.89%
Not known/provided	16	17.20%

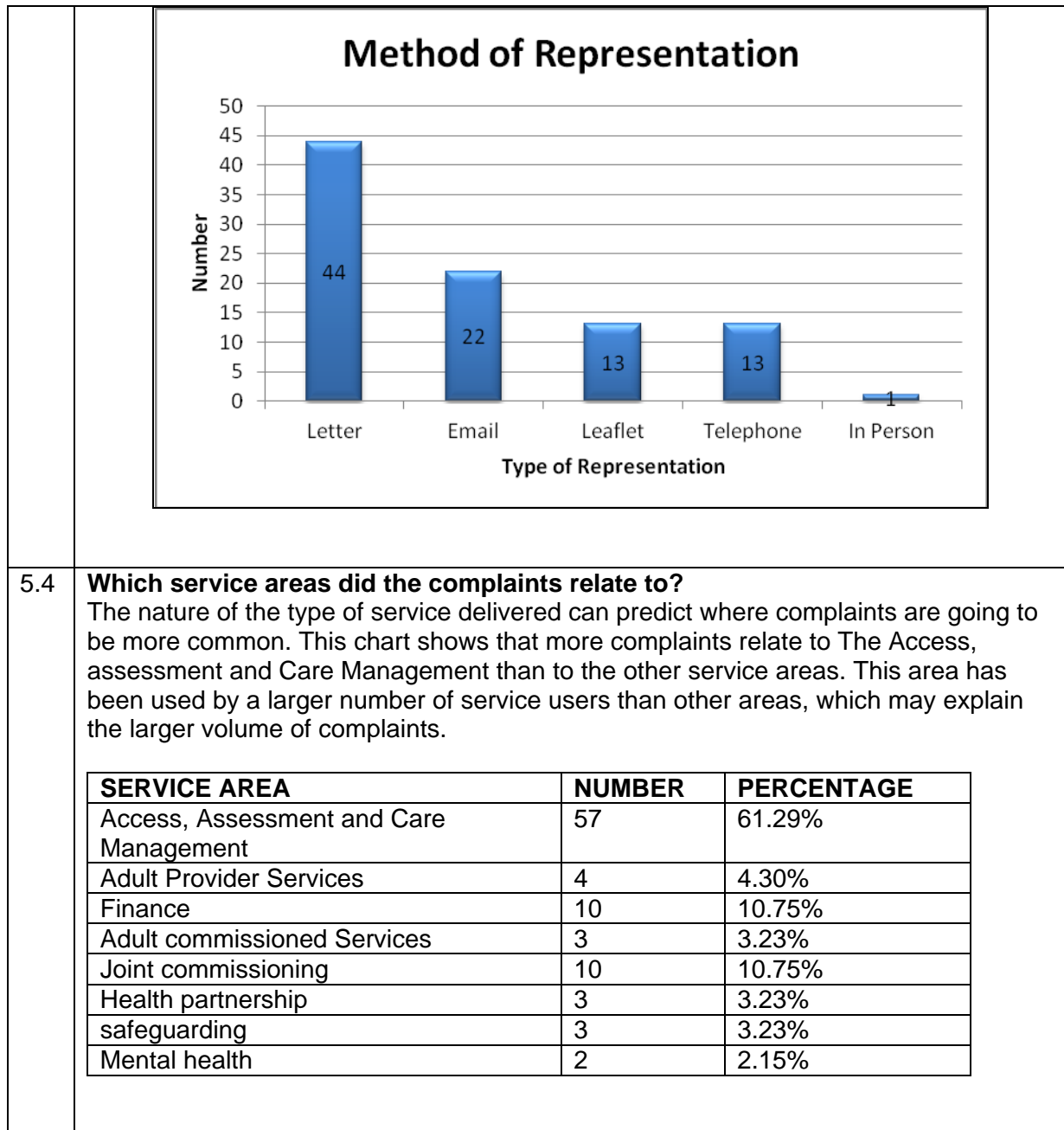
These percentages are very similar to the demographics from last year.

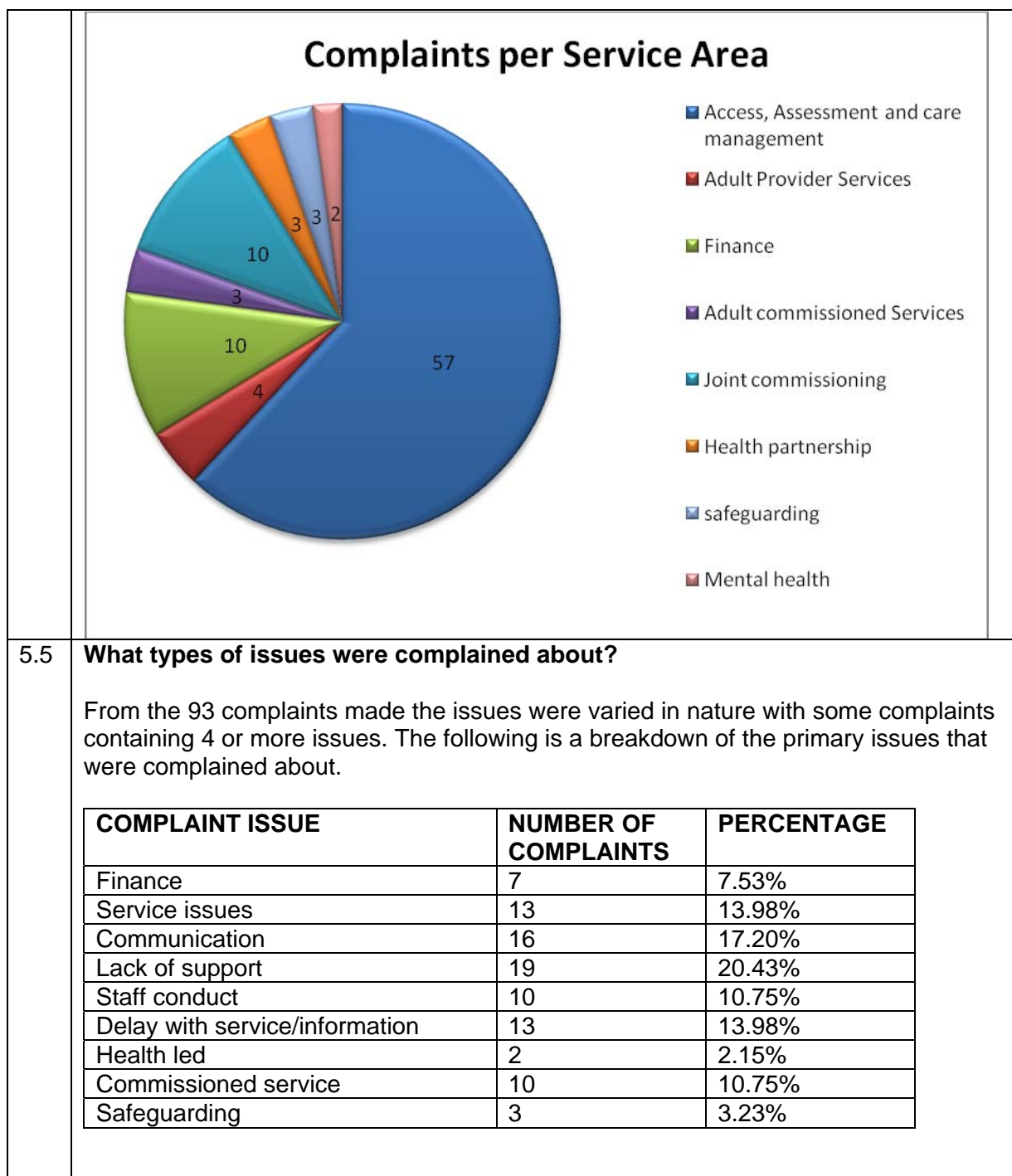


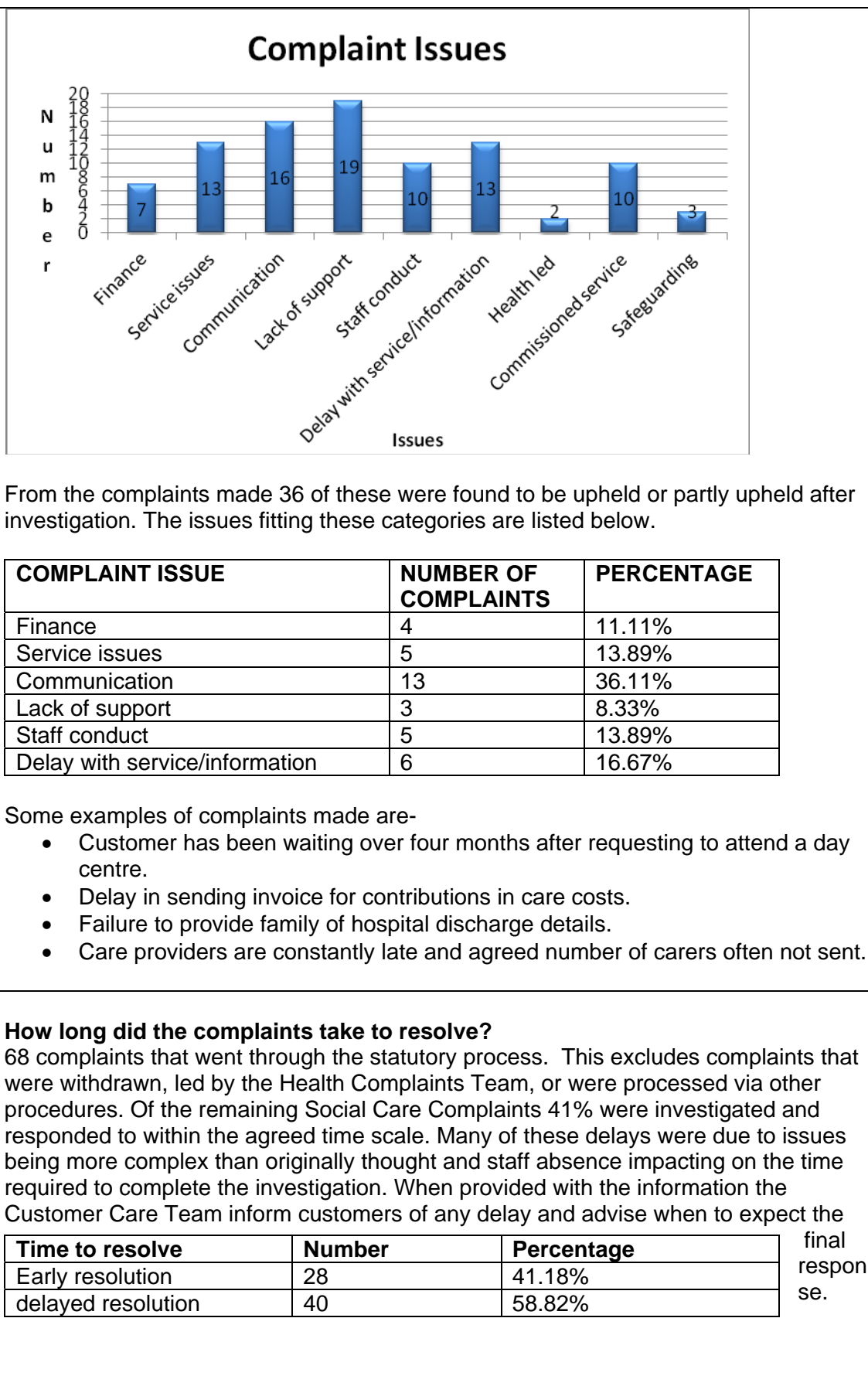
5.3 How were the statutory complaints received?

Letters continue to be the most popular method of submitting complaints forming 47% of the total, but a large number of complaints are now being sent using email. These are sent directly to the Customer Care Team inbox, and to the individual teams which are then forwarded to Customer Care. Complaints sent by email allow acknowledgements and responses to be sent directly if customers have secure email. A number of customers make initial contact in person at the council house but go on to submit their formal complaint in writing. Our Customers are encouraged to use which ever method of submitting complaint best suits them.

Method sent	Number	Percentage
letter	44	47.31%
email	22	23.66%
leaflet	13	13.98%
telephone	13	13.98%
In person	1	1.07%







Complaints Handled in Timescale

Resolution Type	Count
Early resolution	28
Delayed resolution	40

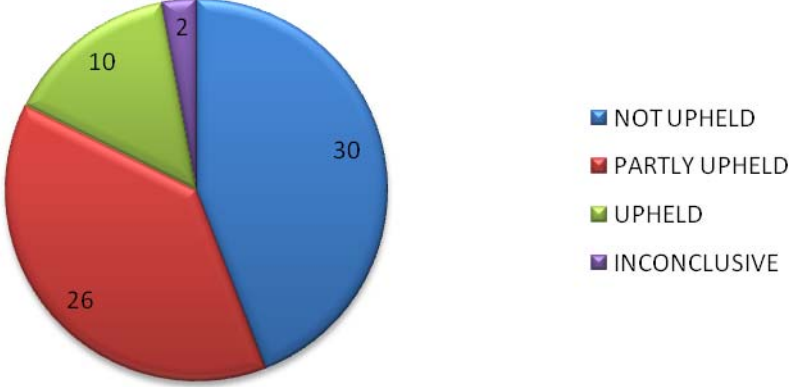
5.7 **What was the outcome of the complaints?**

The table below shows the overall outcomes from the 93 complaints that were made throughout the year and progressed through the complaints process, as well as those that were withdrawn and went through other procedures. Some complaints do contain multiple issues. This does not include the complaints led by health, withdrawn complaints and the complaints relating to commissioned services.

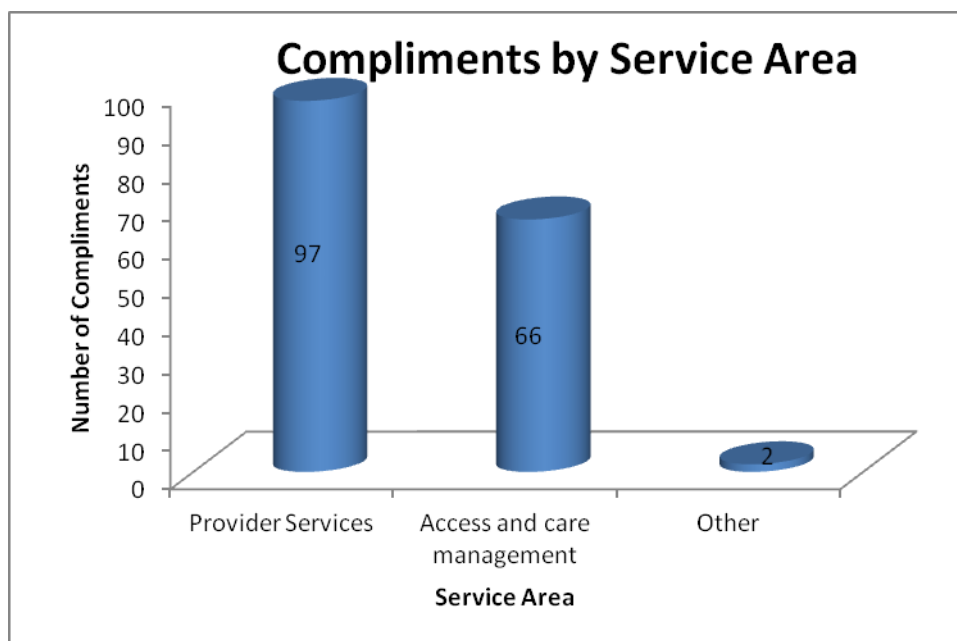
The complaints found to be upheld relate to several service areas and issue types. This highlighted poor communication as the area with the greatest finding of upheld and therefore requiring improvement.

Percentages relate to the 68 complaints that when through the process.

Resolution	Number	Percentage
NOT UPHELD	30	44.12%
PARTLY UPHELD	26	38.24%
UPHELD	10	14.70%
INCONCLUSIVE	2	2.94%
WITHDRAWN	10	N/A
OTHER PROCEDURES	15	N/A

	<p style="text-align: center;">Complaint Resolution</p>  <p>Where complaints have been upheld and partially, upheld managers will reflect on any learning and implement procedures to avoid any similar customer dissatisfaction. It is encouraging that more complaints were found to be not upheld than upheld.</p>
5.8	<p>How did the service learn from complaints?</p> <p>As part of the investigation and response all managers are requested to identify learning for the service. Where possible and appropriate learning is explained to the customer in the complaint response letter. Learning is an important part of the process and is taken seriously as all customer feedback is valuable. All learning is reported to senior managers to ensure it is embedded into the related service to improve service quality and avoid further complaints. Examples of this significant learning are as follows:-</p> <ul style="list-style-type: none"> • <u>Customer felt under pressure to sign the placement form despite the contents not being explained.</u> Placement document is now being reviewed. • <u>Customer felt staff were abrupt and dismissive.</u> Staff to be reminded in training how behaviour can be misinterpreted. • <u>Direct payment delayed and paid into wrong account.</u> Staff to make sure that correct details are completed on forms, and communicated to finance team. • <u>Customer not informed of change of worker.</u> Team managers required to check change of worker is communicated. • <u>Several phone calls have not been returned.</u> Staff have been reminded of the importance of keeping customers updated on progress of their referral, and any messages left for call back should be addressed. <p>From the 68 complaints that went through the statutory process 10 of these complaints identified significant learning for the service area.</p>
6	Compliments
6.1	In this period there have been a total of 165 compliments. The service areas this relates to can be seen in the chart below.

SERVICE AREA	NUMBER	PERCENTAGE
Provider Services	97	58.79%
Access and care management	66	40%
Other	2	1.21%



It is encouraging that customers have taken the time to communicate positive comments about the service they have received from different teams, with lots of compliments about individual staff.

Examples of compliments made are-

- I would like to forward my appreciation for my father's worker. I have found her to be very supportive and understanding of the emotional difficulties that affect the elderly, and their relatives.
- I want to thank the worker from the bottom of my heart for the wonderful work you have done for my family. No words can express my appreciation.
- The worker has done her job most efficiently and effectively and I cannot thank her enough.
- The staff looked after me so well and attended to my every need.
- The worker has been really helpful and gone that extra mile to get things sorted for me and my mother. He has kept me informed step by step and kept his appointments. He is a credit to the service.
- The worker was a driving force to help my mother remain in her own home after hospitalisation. I want to compliment her for all the support.
- The provision of a wheelchair and stair rail was provided with courtesy and in a very quick time scale.

7

Mediation

Mediation continues to be an important part of addressing complaints. This method has been used successfully by the Customer Care Team to resolve 2 complaints in

	<p>the last year, avoiding these progressing to the LGO. A number of managers have engaged with customers to undertake their own mediation in order to resolve issues. The fact that staff in the Customer Care team speak to each complainant in order to gain a better understanding of the issues they are raising, provide an opportunity to explain the merits of mediation to the customer. We will continue to encourage this method of resolution where customers are willing to engage.</p> <p>Managers in Social Care and Inclusion frequently use mediation meetings to prevent and resolve complaints, or explain the reasons for action after they have investigated. One of these meeting with the daughter of a service user allowed the manager to explain that her mother had capacity and therefore was able to make her own decisions, which were different from the views of the daughter. This mediation meeting allowed the daughter to have a better understanding of the care of her mother</p>
8	<p>Joint health complaints</p> <p>When complaints contain elements of health and social care the services work together as recommended by the legislation to resolve the issues satisfactorily for the customer. In line with procedure we decide who will be led by the service for the investigation. Good relationships have been developed with health colleagues in their complaints teams and we work in partnership to provide resolution for these joint complaints.</p>
9	<p>Local Government Ombudsman Investigations</p> <p>All Complainants are advised that if they are not satisfied with the response to their complaint they have the right to seek advice from the LGO. We encourage mediation for any customers who remain dissatisfied after receiving the response before approaching the LGO</p> <p>In the period 2013-2014 the LGO have investigated 12 social care complaints. Many of these were found to be robust and investigated to the required standard. 3 of these complaints were investigated by the LGO and the final decision was found to be maladministration.</p>

Contact Details.

Heather Maybury -Principal Complaints Officer

Yvonne Jackson -Customer Liaison Officer

Customer Care Team

The Loft, The Council house, Lichfield Street, Walsall, WS1 1TW

mayburyh@walsall.gov.uk

jacksony@walsall.gov.uk

customercareteamsocialcare@walsall.gov.uk

Tel: 01922 650490