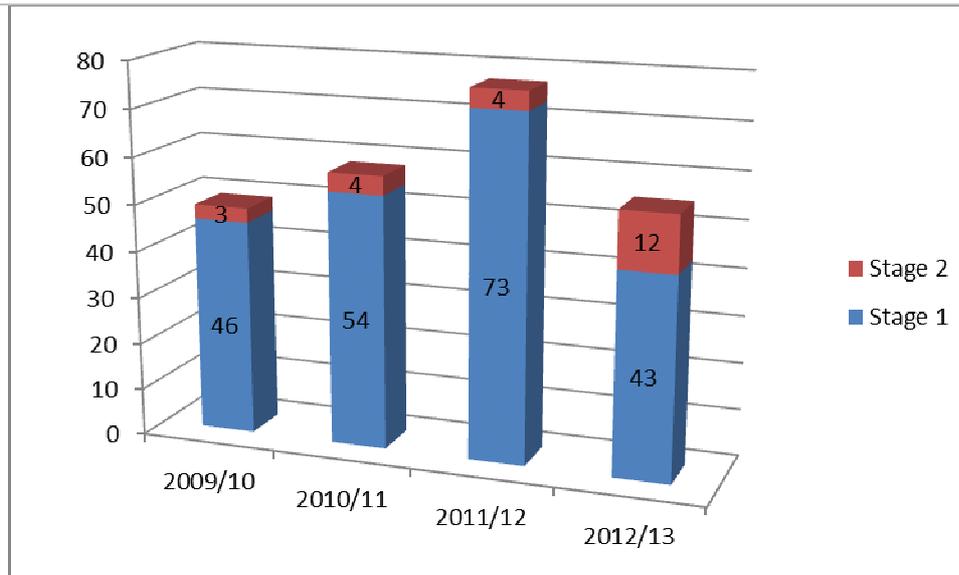


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| <b>REPORT TO:</b>         | Health Policy and Performance Board   |
| <b>DATE:</b>              | 6 November 2013   |
| <b>REPORTING OFFICER:</b> | Strategic Director, Communities   |
| <b>PORTFOLIO:</b>         | Health & Wellbeing  |
| <b>SUBJECT:</b>           | Adult Social Care Customer Care Report for the year 1 <sup>st</sup> April 2012 to 31 <sup>st</sup> March 2013 |
| <b>WARDS:</b>             | All   |

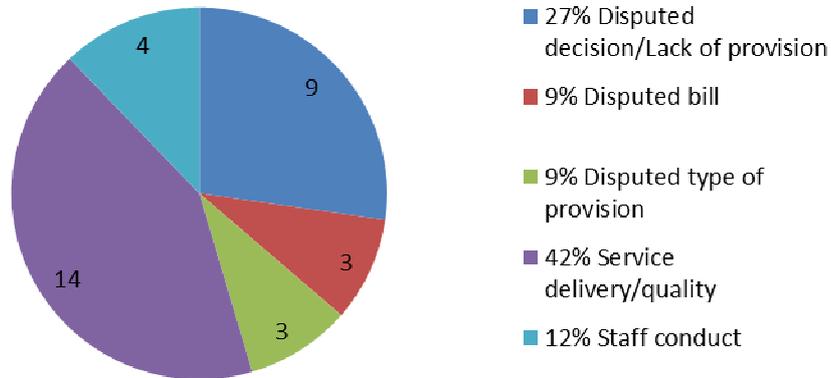
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| <b>1.</b> | <b>PURPOSE OF REPORT</b>   |
| 1.1       | To report and provide an analysis of complaints, compliments and other enquiries processed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and to meet statutory requirement to publish an Annual Report.  |
| <b>2.</b> | <b>RECOMMENDATION</b>  |
|           | <b>That members of the Board: Consider and comment on any of the key learning points identified as a result of complaints.</b>   |
| <b>3.</b> | <b>SUPPORTING INFORMATION</b>  |
| 3.1       | <b>The Adult Social Care Complaints Process</b><br>From April 2009 a common approach to handling complaints in the NHS and Adult Social Care was introduced aimed at encouraging complaints handling that is tailored for each individual and handled more flexibly. It allows a more efficient and effective way of responding to, and learning from, complaints encouraging the best outcome for the both the individual and for the organisation. |
| 3.2       | The complaints approach has a format where, right at the start, the Customer Care Team works with the person making the complaint to agree the details of the complaint and what would resolve it.   |
| 3.3       | At that point, how it is to be handled and the likely timescales, taking into account complexity and complainant's availability etc, are explored and agreed, although they can be further negotiated as required. Although it can take longer, it does encourage greater focus on getting a satisfactory outcome.   |
| 3.4       | Sometimes, it becomes apparent that, due to the complexity of the issues involved, a more detailed investigation is required, either by an appropriate manager or by an person independent of the authority. This may be after some initial investigation so, for the purposes of identification of these cases, we have referred to them at "Stage 2 cases" in this report. Alternatively, a  |

|           |  |
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|           | “stage 2 case” may also be where an alternative solution has been explored (e.g. through detailed mediation or including other agencies).  |
| 3.5       | If a complainant remains dissatisfied with the outcome of this statutory complaints process, they retain the right to refer their complaint to the Local Government Ombudsman.   |
| 3.6       | <b>The Social Care Customer Care Team</b><br>From 1st April 2011 the Children and Enterprise, Customer Care Manager joined with the Communities Customer Care Team to form one amalgamated team responsible for the administration of Adult and Children Social Care Representations.  |
| 3.7       | The Customer Care Team monitors the responses and records and reports learning from various types of feedback including:   |
|           | <ul style="list-style-type: none"> <li>• <b>Statutory Complaints;</b> defined as “an expression of dissatisfaction or disquiet about an action, decision or apparent failings of local authority adult social care services provision, which requires a response”</li> <li>• <b>A Customer Care issue;</b> where people want to raise a concern but not make a formal complaint, or where clarification on an issue or concern has been sought and provided.</li> <li>• <b>MP / Councillor Enquiries</b> on behalf of a constituent.</li> <li>• <b>Representations;</b> the term representations is used when making collective reference to Customer Care, MP and Councillor enquiries and they are included in reports to inform learning.</li> <li>• <b>Compliments;</b> it is just as important that we learn what people are happy about so compliments are recorded and reported in the same way.</li> </ul> |
| <b>4.</b> | <b>ANNUAL REPORT 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013</b>   |
| 4.1       | <b>Statutory Complaints closed in the year</b><br>In the following, complaints have been analysed by the majority processed in the normal way (Stage 1) and those of a more complex nature (Stage 2)   |
| 4.2       | There have been 55 complaints processed under the statutory complaints procedure in the financial year. This is a significant reduction in the peak (of 77) in the preceding year but more in line with the years prior to that, as illustrated in the following graph.  |
| 4.3       | <b>Analysis of statutory complaints processed</b>  |



|     |   |
|-----|---|
| 4.4 | The higher proportion of stage 2 type cases reflect the emerging practice promoted by the adults social care and health complaints regulations. These encourage a proportionate response relevant to each individual case ranging from immediate resolution, handled within the operational area concerned, through to a formal and detailed investigation for the more serious or complex complaints.  |
| 4.5 | During the last financial year, we have also been developing mediation as an alternative solution to resolve complaint issues. This involves a member of the Customer Care Team, or another appropriate manager, acting as an 'honest broker', encouraging a mutually acceptable solution to be negotiated. This was successful in helping to resolve six of the 12 stage 2 type complaints and helpfully applied in the stage 1 process too.                                       |
| 4.6 | During the year 4905 people received a service from Adult Social Care Services, of whom 1.12% of them made a complaint. This compares with levels of 1.51% last year and 1.09% the year before that.  |
| 4.7 | <p><b>Outcome of closed Statutory Complaints</b></p> <p>Of the 55 closed complaints in the year, 17 (31%) were upheld and 16 (29%) partially upheld (complaints that are partially upheld indicate a number of issues raised, some of which were not upheld). Overall 34 (60%) of complaints had elements of their complaint upheld. This is reflecting that usually, in most complaints, there is always something that could have been done better (eg communication issues).</p> |
| 4.8 | <p><b>Category of the closed Statutory Complaints that were upheld in full or part</b></p>  |

### Category of Closed Complaints



#### 4.9 Statutory Complaints Timescales

The complaint procedures encourage timescales to be agreed with the complainant

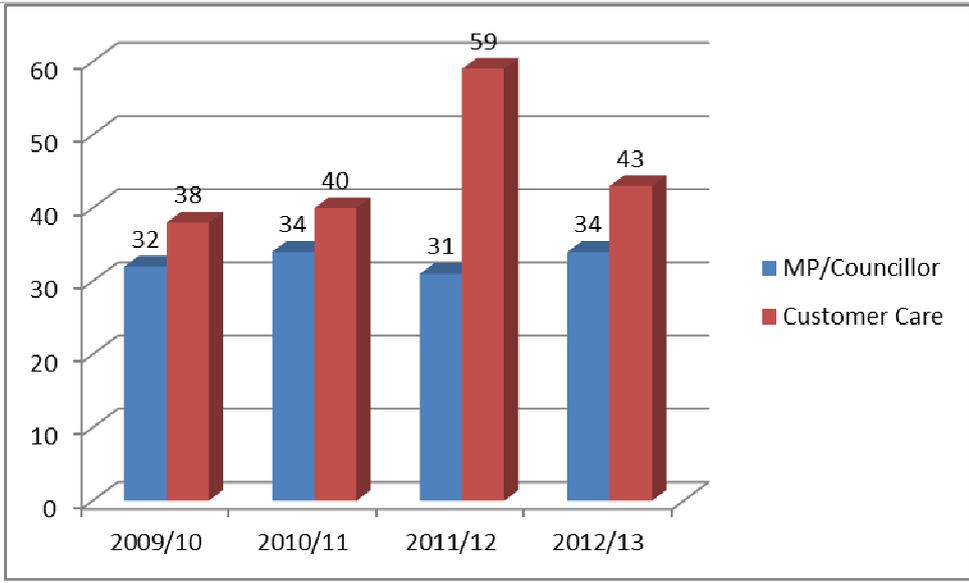
| Stage 1 Completion Timescales | 9/10 | 10/11 | 11/12 | 12/13 |
|-------------------------------|------|-------|-------|-------|
| 1. Within time agreed         | N/A  | 93%   | 88%   | 79%   |
| 2. Within 20 days             | 80%  | 72%   | 52%   | 65%   |
| 3. Within 30 days             | N/A  | N/A   | 74%   | 81%   |
| 4. Within 40 days             | N/A  | N/A   | 85%   | 86%   |

Row 1 illustrates that those targets were met in 79% of cases. Whilst this is lower than last year the procedures do allow more flexibility, focusing on getting the right outcome rather than satisfying any defined process or timescale. The application of this philosophy has evolved further in the last year and, as the other lines indicate, overall turnover figures are improving, suggesting that the equilibrium between timeliness and ensuring a robust resolution is becoming better balanced.

#### 4.10 Analysis of complaints received

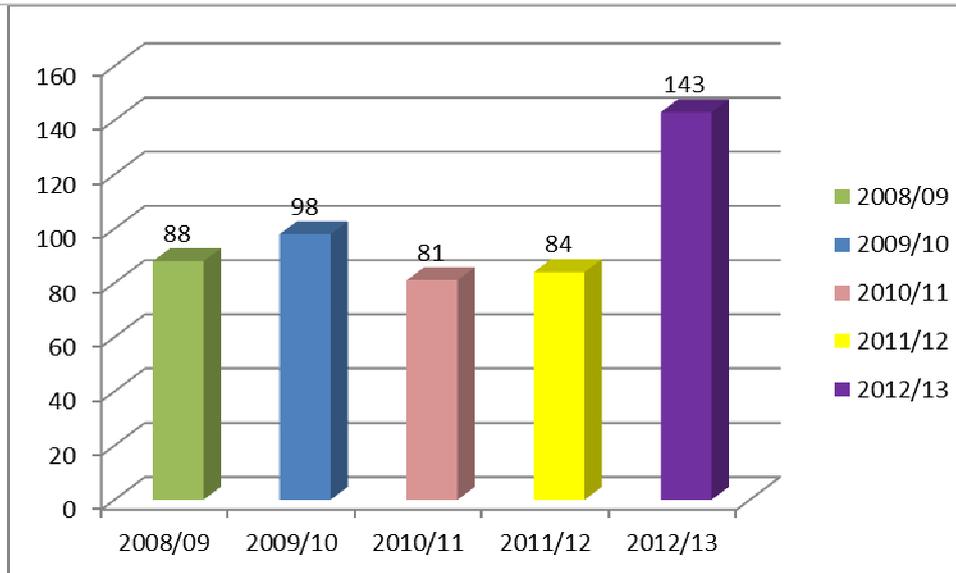
We record complaints by specific complaint type and client groups, so that we can analyse whether there are any underlying trends or whether complaint numbers may be influenced by other factors (eg high profile cases from elsewhere in the country).

The Customer Care Team also monitors learning that emerges, both regionally and across the country, by membership of the North West and National Complaints Managers Group (which Halton currently Chairs). This involves close liaison with government departments who are responsible for the policy areas around complaint management. The complaints regulations, which are common to both Health and Adult Social Care, are currently under close scrutiny, following the findings of the Mid Staffordshire Hospital Trust

|         | Inquiry and other similar reports. Similarly, reports from the Local Government Ombudsman (LGO) are also monitored and learning from cases they investigate throughout the country is shared with colleagues as appropriate.  |               |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
|---------|---|---------------|---------------|---------------|---------|----|----|---------|----|----|---------|----|----|---------|----|----|
| 4.11    | <p><b>Local Government Ombudsman (LGO)</b></p> <p>During the year, one enquiry was received from the Local Government Ombudsman. Information was provided about that complaint and the LGO subsequently upheld Halton Borough Council's position on the case in question.</p>   |               |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 4.12    | <p><b>Category of people making the complaint</b></p> <p>Similarly to the preceding year:</p> <ul style="list-style-type: none"> <li>• 85% of complainants made are by people representing/ supporting the person using the services, this is consistent to last year which was 86%.</li> <li>• 75% are related, again this is consistent to the 78% last year.</li> </ul> <p>These statistics can be attributed to the vulnerability of individuals who access adult social care services.</p> |               |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 4.13    | <b>Number of Customer Care and MP/Councillor Enquiries closed in the year</b> (see 3.7 definition).   |               |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 4.14    | As the table below illustrates, Customer Care type enquiries have fallen in a similar way as statutory complaints. The level of MP/ Councillor Enquiries remains consistent with previous years.  |               |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
|         |  <table border="1"> <thead> <tr> <th>Year</th> <th>MP/Councillor</th> <th>Customer Care</th> </tr> </thead> <tbody> <tr> <td>2009/10</td> <td>32</td> <td>38</td> </tr> <tr> <td>2010/11</td> <td>34</td> <td>40</td> </tr> <tr> <td>2011/12</td> <td>31</td> <td>59</td> </tr> <tr> <td>2012/13</td> <td>34</td> <td>43</td> </tr> </tbody> </table>   | Year          | MP/Councillor | Customer Care | 2009/10 | 32 | 38 | 2010/11 | 34 | 40 | 2011/12 | 31 | 59 | 2012/13 | 34 | 43 |
| Year    | MP/Councillor   | Customer Care |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 2009/10 | 32  | 38            |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 2010/11 | 34  | 40            |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 2011/12 | 31  | 59            |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 2012/13 | 34  | 43            |               |               |         |    |    |         |    |    |         |    |    |         |    |    |
| 4.15    | <p><b>Consideration and the allocation of priority of complaints</b></p> <p>All complaints are scrutinised at an early stage, to identify the level of personal risk or other significant factors. They are considered against a matrix that considers the level of risk, along with the likelihood of</p>  |               |               |               |         |    |    |         |    |    |         |    |    |         |    |    |

|   |   |   |             |   |             |   |           |
|---|---|---|-------------|---|-------------|---|-----------|
|   | <p>reoccurrence. From that, a priority (Low, Medium or High) is set, identifying those that require urgent action (eg action under the safeguarding procedures). The analysis of classifications set in the last year are set out below.</p> <table border="1"> <tr> <td><b>Low</b> - relatively minor issues, no significant implications for the service user or the service</td> <td>41<br/>(76%)</td> </tr> <tr> <td><b>Medium</b> - more complex and/or significant issues, implications for the service user or the service in terms of practice, procedure or service delivery.</td> <td>15<br/>(17%)</td> </tr> <tr> <td><b>High</b> - most serious and complex significant implications for the service or the complainant in terms of practice, procedure or service delivery.</td> <td>9<br/>(7%)</td> </tr> </table>                      | <b>Low</b> - relatively minor issues, no significant implications for the service user or the service | 41<br>(76%) | <b>Medium</b> - more complex and/or significant issues, implications for the service user or the service in terms of practice, procedure or service delivery. | 15<br>(17%) | <b>High</b> - most serious and complex significant implications for the service or the complainant in terms of practice, procedure or service delivery. | 9<br>(7%) |
| <b>Low</b> - relatively minor issues, no significant implications for the service user or the service   | 41<br>(76%)   |   |             |   |             |   |           |
| <b>Medium</b> - more complex and/or significant issues, implications for the service user or the service in terms of practice, procedure or service delivery. | 15<br>(17%)   |   |             |   |             |   |           |
| <b>High</b> - most serious and complex significant implications for the service or the complainant in terms of practice, procedure or service delivery.       | 9<br>(7%)   |   |             |   |             |   |           |
| 4.16  | <p><b>Complaints with Dignity and Safeguarding elements</b></p> <p>Complaints are also monitored to identify where there are elements relating to the safeguarding and dignity of the service user. Complaints that have any element of adult abuse, or suspected abuse, are immediately referred through the Safeguarding Procedures. In such cases, any complaints investigation is put on hold until discussions have taken place to decide the most appropriate course of action. 4 complaints received in the year were passed on for investigation under the Adult Safeguarding Procedures.</p> <p>Dignity Factors contribute to a person's sense of self-respect. It means treating people who need care as individuals and enabling them to maintain the maximum possible level of independence, choice and control over their own lives.</p> |   |             |   |             |   |           |
| 4.17  | <p><b>Provider Monitoring Feedback</b></p> <p>The Quality Assurance Team has a process in place where feedback on providers commissioned by the Council can be provided. Similarly they can be used to trigger any Safeguarding or Dignity issues and the learning is used to monitor and improve service delivery.</p>   |   |             |   |             |   |           |
| 4.18  | <p><b>Learning and Service improvement</b></p> <p>The vast majority of complaints are not due to any wilful intent, but often the unintended outcome actions of lack of actions (for example particularly communication issues such as where a lack of clarity may lead to one person misunderstanding what another means). Similarly, examination of complaints may not uphold that something has gone wrong, but may uncover a way of doing something that the individual is more comfortable with. Either way, the learning gathered from all forms of available feedback (complaints, compliments and other comments) is used to improve individual issues and fed into the service improvement process as appropriate, to inform and develop the services we provide and commission..</p>  |   |             |   |             |   |           |
| 4.19  | <p>During the last year, improvements resulting from complaints have been developed including:</p> <ul style="list-style-type: none"> <li>• The Council commissions care agencies to provide support to help</li> </ul>   |   |             |   |             |   |           |

|      |   |
|------|---|
|      | <p>people remain independent in their own homes through regular support visits. Generally these work well but there have been some individual issues reported through the complaints procedure including concerns around issues such as timeliness and consistency in who attends. The Quality Assurance Team has worked with providers where such issues have arisen to resolve specific concerns and the development of procedures and training for staff.</p> <ul style="list-style-type: none"> <li>• The Quality Assurance Team have also worked with appropriate providers to review their oxygen management policies to ensure robust practice.</li> <li>• Other policies have been reviewed and changes made as a result of complaints. These have included those around transfer to and discharge from hospital, ensuring proper information and assistance is provided and delays minimised.</li> <li>• Information sharing arrangements have also been reviewed to ensure it is passed on to relevant areas as appropriate.</li> <li>• Mediation has been particularly helpful in some cases where trust had broken down. It has successfully helping to develop better understanding and has also helped to uncover previously unknown key information that significantly impacted on the assessment of need and subsequent care entitlement.</li> <li>• Complaints have given us the opportunity to review individual assessments and decisions. Some have resulted in decisions being changed and others with a better explanation provided, to better explain the rationale behind decisions. In some cases training issues have been identified and addressed.</li> </ul> |
| 4.20 | <p><b>Compliments</b></p> <p>It is just as important that we record and measure compliments, as they give feedback on what people think we do well. Staff have been encouraged to forward on compliments as they are important intelligence that help feed in to the planning and review of what we do. Whilst the following graph may reflect an increase in staff sharing their compliments with the Customer Care Team it is gratifying that so many people took the time to pass compliments on to staff thanking them for what they do.</p>  |
|      | <p><b>Compliments received about social care staff</b></p>  |



Compliments have been received across a broad range of service areas. Just a few illustrative examples include:

- "We would like to take this opportunity so that we as a family can share our **heartfelt gratitude** to all the staff at Oak Meadow, the **kindness, respect, dignity, patience** and most of all the rehabilitation that our dad has received here, is amazing. The **transformation is unbelievable**, mentally and physically. We have not seen dad this good for at least three years!!! And it's all down to the hard work here; the transformation is unrecognisable to the condition he was in when he first arrived. On dad's behalf and ours we thank you all so very much. "
- I cannot **praise highly enough** the ladies from the Community Alarm Service that came out to mum. From the moment they stepped through the door **they showed professionalism and great compassion**. What impressed me so much is that they treated mum with so much **care and understanding** of her predicament. It was a pleasure to be a service user and see people deliver a service so well; they are a credit to the system and hope the rest of my dealings with the service are similar.
- Please accept my **deeply heartfelt thanks** for all you have done for my dad. You have **literally changed our lives** - so much for the better! I shall never be able to thank you enough.
- I have never met such a dedicated and empathetic team of people.
- I had a home visit from Cheryl to assess my role/needs as a carer to my husband and would like to pass on my thanks for the way sensitive issues were handled. Cheryl was **professional, compassionate and extremely helpful**.
- You all do a **wonderful job**. The **kindness and caring oozes out of you all**, it has been a privilege to be cared for by you.

|            |   |
|------------|---|
|            | <ul style="list-style-type: none"> <li>• A big thank you to you all for helping me through a difficult time everyone were lovely people and <b><i>felt as though they were friends visiting me.</i></b></li> <li>• All the carers who supported and cared for my Dad through the last 6 months of his illness. <b><i>You gave all the family so much support</i></b> and allowed Dad the luxury of being at home when he died. Your work and service is very important and is not given the recognition it deserves. <i>Thank you all from the very bottom of our hearts</i></li> <li>• With the help from Halton Home Improvement Service, they have allowed us to stay in our own home, which is a lot safer now at bath time and with the addition of the stair lift it has had a <b>dramatic effect on our everyday life</b>, Thanks.</li> </ul> <p style="text-align: center;">and finally</p> <p style="text-align: center;">Don't believe I'm being silly, to say I rely so much on Billy,<br/> Billy's the one with the long hair, allocated to my personal care,<br/> He promptly arrives at the given hour, to give me an early morning shower,<br/> He calls because I'm getting older and because I have a dislocated shoulder.<br/> Dedicated to look after guys like me as you get older and have a fall,<br/> It's Halton Carers you need to call.<br/> The <b><i>Service they provided is first class</i></b>, I've experience this in the past.<br/> Halton carers deserve the QDJM, this medal to each one of them.</p> |
| <b>5.0</b> | <b>POLICY IMPLICATIONS</b>  |
| 5.1        | Complaint analysis can highlight where policy needs to be strengthened, reviewed, or amended to improve service delivery. Comments, Complaints and Compliments are essential feedback in developing services and policies. There are no implications identified in this year.   |
| <b>6.0</b> | <b>RISK ANALYSIS</b>  |
| 6.1        | Failure to implement an efficient service could result in the local authority being challenged for not dealing with complaints in a timely and efficient manner and could result in the customer not receiving a service which could then detrimental to their health, safety and wellbeing.  |
| 6.2        | Whilst complaints can result in changes for individuals, collectively they are a key source of information to help us develop the services we provide or commission.  |
| <b>7.0</b> | <b>FINANCIAL/RESOURCE IMPLICATIONS</b>  |
| 7.1        | Learning from complaints has the potential to reduce financial consequences and help inform the development of efficient and cost effective services.   |
| <b>8.0</b> | <b>EQUALITY AND DIVERSITY ISSUES</b>  |

|      |  |
|------|--|
| 8.1  | <p>No matter who complains they receive the same equality of access and provision.</p> <p>Consideration is given to what type of support, help and encouragement may be required for individuals to pursue their concerns. People whose first language is not English and those with communication difficulties may require support from a Translation Service or an Advocate.</p>                   |
| 8.2  | <p>Data on equality and diversity are recorded, analysed and reported upon as appropriate.</p>   |
| 9.0  | <p><b>IMPLICATIONS FOR THE COUNCIL'S PRIORITIES</b></p>  |
| 9.1  | <p><b>Children and Young People in Halton</b><br/> From March 2011 one Customer Care Team now services both Adults and Children's Directorates; this allows close working on relevant complaint issues. There is a close relationship between the social care services particularly to support young people during transition from Children and Young Peoples services to Adult Social Services.</p> |
| 9.2  | <p><b>Employment, Learning and Skills in Halton</b><br/> Social care aims are often closely associated with these, to improve people's life chances and to be as independent as possible. Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.</p>  |
| 9.3  | <p><b>A Healthy Halton</b><br/> Another core aim in social care is to prevent or delay reliance on institutional care, enabling people to be as independent as possible. Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.</p>   |
| 9.4  | <p><b>A Safer Halton</b><br/> Adult social care has a close relationship with protection procedures for the vulnerable adults, the frail etc. Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.</p>  |
| 9.5  | <p><b>Halton's Urban Renewal</b><br/> Many social care initiatives surround housing issues, enabling people to live as independently as possible in their community. Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.</p>   |
| 10.0 | <p><b>LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972</b></p>  |
|      |  |

|  | <b>Document</b>   | <b>Place of Inspection</b> | <b>Contact Officer</b> |
|--|---|----------------------------|------------------------|
|  | The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 | Runcorn Town Hall          | John Gibbon            |