

PART 1 - PUBLIC

Decision Maker: **Adult and Community Policy, Development And Scrutiny Committee**

Date: **22 June 2010**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **ANNUAL REPORT ON ADULT & COMMUNITY SERVICES COMPLAINTS RECEIVED APRIL 2009 TO MARCH 2010**

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Chief Officer: Terry Rich

Ward: Boroughwide

1. Reason for report

This report provides Members with an overview of the main issues raised and lessons learnt from this year's Annual Report on Adult and Community Services Complaints received April 2009 to March 2010 (Appendix 1)

2. **RECOMMENDATION(S)**

The Committee are asked to consider and comment on the contents of this report.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Anne Watts, Assistant Director ACS
 4. Total current budget for this head: £64,168
 5. Source of funding: Existing revenue budget
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Staff

1. Number of staff (current and additional): 2 FTEs = 72 hrs per wk
 2. If from existing staff resources, number of staff hours: as above
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): During 09/10 just under 8500 received adult social care and there are approx. 500 residents on the Bromley housing register.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The annual report (Appendix 1) details complaints information over the year from all areas of the Adult & Community Services Department. Adult & Community Services operates a complaints procedure, to offer service users, their carers and representatives, a clear and accessible channel through which to raise concerns about any aspects of service provision. The complaints received, provide helpful information about service quality which helps to inform future planning and performance management. The complaints team records informal complaint information in order to capture details of underlying issues before they become more serious or escalate into formal complaints. Complaints made and resolved orally within 48 hours are considered informal complaints.
- 3.2 Formal adult social care complaints are dealt with under the Local Authority Social Services and National Health Service Complaints (England) regulations, 2009; complaints about housing and other adult and community services are dealt with under the Council's corporate complaints procedure.
- 3.3 Both complaints procedures follow the same process, which involves investigation, resolution, and outcomes. If complainants remain dissatisfied with the Council's response, they may refer their complaint to the Local Government Ombudsman.

4. ADULT SOCIAL CARE COMPLAINTS

- 4.1 The number of complaints received by adult social care in 2009/10 was 253. This compares to 352 in 2008/9, a decrease of 28%. The average number of complaints received over the last three years is 285 per annum.
- 4.2 The significant drop in complaints received about adult social care last year, can be attributed in part to successful remedial action taken to address issues of concern with one particular domiciliary care contractor. This year complaints about commissioned domiciliary care have fallen by 60%. (127 in 08-09 to 43 in 09-10) This demonstrates that the measures being taken and reported to Members last year and more recently in the Quality of Domiciliary Care Services annual report (April 2010), is having a positive impact. In 2010 this trend has continued, with 6 complaints received between April and May 2010.
- 4.3 Whilst the statutory scheme no longer specifies a time limit for resolution, a twenty day timescale is a local target for all service complaints to be resolved. Of the 253 adult social care complaints received during 2009/10, 66% (168) were resolved within twenty working days, which is a marked improvement on the previous year's total of 56%. Response times by staff have improved because of increased awareness and the importance of complaints in improving services; along with steps taken, to regularly inform assistant directors of the progress with complaints in their service areas. However, it is recognised that social care complaints are often complex and it is often necessary to seek agreement with service users, to extend the timescale. Often this is to enable the investigation to call for all the necessary information to ensure it is completed thoroughly. This enables complaints to be resolved locally, avoiding unnecessary recourse to the Local Government Ombudsman.
- 4.4 The number of complaints regarding adult social care resolved before reaching the Local Government Ombudsman (LGO) is high, at 98%. The LGO investigated five adult social care complaints during 2009/10. The outcomes of the complaints investigated by the Ombudsman were as follows; two were partially upheld, one remains ongoing and two were discontinued as local settlements were reached.
- 4.5 The department views all complaints seriously, however it is important to note, that not all complaints are upheld. Of the 253 adult social care complaints resolved, 158 (63%) were either upheld or partially upheld, over a third of all complaints were not upheld. During 2009/10, 8,482

people are receiving a range of adult social care services and 2481 people had an assessment of their needs. Given the volume of social care services provided to people in Bromley, there are inevitably times when service delivery may not fully meet intent or expectations. The number of people making complaints is therefore, a small but significant number, equating to just fewer than 3% of service users. Those whose complaints are then upheld/ partially upheld equates to fewer than 2% of service users.

- 4.6 Most complaints received relates to operational services and this year there were 203, representing 80% (126 in 08-09) of all adult social care complaints. The largest proportion of these complaints relates to 'one off' incidents involving late or missed calls by domiciliary care staff, there were 22 in this category. This was followed by the quality of service provided, which includes care tasks not being completed to the expected standards, there were 20 in this category. The department further strengthened domiciliary care quality assurance systems last year as detailed in 'lessons learnt' and as already mentioned above in the 'Quality Domiciliary Care Annual Report 08/09' and Members are due to receive an update at the September PDS meeting.
- 4.7 A small number of complaints which are often the most complex and difficult to resolve involve disagreements with the outcome of assessments for care, perhaps involving a decision not to fund long term residential care. Such complaints usually take some time to resolve with significant effort being made to broker compromise and agreement.

5. HOUSING AND CORPORATE COMPLAINTS

- 5.1 Overall, housing services received 69 complaints which is a small increase from last year (64) with slightly more complaints upheld or partially upheld, 21 in total compared to 16 last year. Of the 77 corporate complaints received which includes housing, strategy & performance and the drug action team complaints, 21, were either upheld or partially upheld. This equated to under a third and the remaining 56 were not upheld. It is noted housing complaints took longer to resolve this year, with 60% (41) resolved in twenty days compared to 78% (50) last year. The increased number of complaints and time taken to resolve these relates to additional demands on the service, due to the economic downturn. There are approximately 5,000 people on the Housing Register and approximately 4,000 households working with the Housing Advice and Options team, who are experiencing a variety of difficulties. The number of complaints received equates to a small but significant (1.5%) number of people receiving housing services.
- 5.2 Of the 8 complaints taken to the Local Government Ombudsman this year, 6 were not upheld and 2 remain active while the Ombudsman completes his investigation.

6. CHANGES AS A RESULT OF LESSONS LEARNT

6.1 Adult Social Care Services

- Following a serious complaint made during 2009 relating to the Council's Home Care Service, the Council introduced measures to mitigate risks of the issues being repeated. An electronic monitoring system has been introduced to service user's homes which records a carer's arrival and departure from each visit. This ensures carers do not cut visits short and where the service user requires double handed care, that both carers are present. The service has also introduced unannounced quality monitoring visits which are undertaken by supervisors. The lessons learnt from this complaint have been shared with all other domiciliary care agencies that contract with the Council. A number of external agencies were already using or preparing to use electronic monitoring systems. Since the introduction of 'easy tracker' there have been; a drop of 75% of complaints received. This year two complaints about missed or late calls have been received between April and May 2010.

- Following a complaint by a care home following a safeguarding investigation, a new protocol has been established. In future, when there are safeguarding concerns relating to a contracted provider, the decision to suspend commissioning of new placements will be taken by heads of service and assistant directors. This protocol includes an appeals process, where disputed decisions can be taken to the Director. In addition, it has been recognised that in line with other local authorities, the complaints procedure can be used to review decisions in adult safeguarding investigations. No further complaints have been received in this area.
- Changes have been made as a result of a complaint with regard to fees charged for interim placements. Care managers have revised the 'letter of confirmation' sent to service users and carers, this now clearly states when they are required to make a contribution to the services they receive; this includes short term, emergency, transitional and respite placements. In addition, improved details of direct payments are now available on the Bromley website. All service users and their carers are offered direct payments as a compulsory part of the assessment process for service users who are discharged from hospital. No further complaints have been received in this area.
- We received two complaints from residents about the length of time taken to carry out assessments and delays in setting up services. In response to the concerns raised by these complaints, the duty service for people with physical disabilities has been improved and so has assessment timeliness. Since this improvement has been implemented we have received no further complaints in this area.
- Following a number of complaints about the quality of respite care at one residential home, it was agreed that written confirmation will be sent to all service users attending respite care. The letter will record what was discussed at the pre-assessment, any special requirements that may have been mentioned by the service user and details of what the home can and cannot offer, as part of their service. The aim of this was to improve information for service users and we received one further complaint in this area at the time of implementation and none have been received since.

6.2 Housing Services

- A new referral protocol has been set up between care management and housing to specify communication in relation to potential safeguarding issues. This protocol clarifies safeguarding is the responsibility of the whole Council and has proved a success when piloted, and has resulted in a successful resolution. We have received no further complaints in this area.
- The housing advice team has changed their procedures for people who are about to be made homeless due to mortgage repossession. People are now seen by an Options and Assessment Officer and if eligible for the Mortgage Rescue Scheme, their case is referred to the Money Adviser. We have received no further complaints in this area.
- The triage system and skills available within the service have been reviewed and amended to ensure a better service for those who contact the housing office. Members of staff in the housing team have received additional training to specialise in certain areas of work in order to provide a better and more comprehensive service, for example, training in mortgage advice and mortgage rescue. No further complaints have been received in this area.
- A number of complaints have come from residents who have complex and or multiple issues where a number of services or different teams are involved. Where such cases arise, residents are now allocated, wherever possible, to a specific case worker as a main

point of contact. Therefore, all communication is channelled through the case worker to improve communication, avoid confusion and to speed up services for the service user. We have received no further complaints in this area.

6.3 Key Achievements and Aims for the Complaints Service

- Further improvement in the use of complaints information has contributed to the quality assurance systems and improvements for service users through the lessons learnt. This has been achieved by better tracking of complaints and has also assisted services to achieve more timely resolution. The target for resolving complaints within twenty working days has been increased for 2009-10 to 70%.
- Last year the complaints service established a user feedback survey for people who had been through the process. This resulted in positive feedback in a number of areas, including the quality of response letters, timescales and the helpfulness and courteousness of staff handling complaints. The complaints team will continue to seek service user comments and implement changes as a result of last year's feedback. The team is developing a follow up letter to confirm complainants are happy with their response and that their complaints have been satisfactorily addressed.

7. **POLICY IMPLICATIONS**

The provision of an effective complaints procedure and the regular monitoring of this process with a view to improvement, are consistent with the key aims of the Council as set out in Building a Better Bromley and the Adult and Community Services Portfolio Plan.

8. **FINANCIAL IMPLICATIONS**

There is no specific budget identified for resolving complaints, and any compensation payments are covered from within service budgets. During 2009/10 a total of £8,000 in compensation was paid as a result of the Ombudsman decisions to uphold complaints made in the previous year.

9. **LEGAL IMPLICATIONS**

9.1 The Social Services Department of a Local Authority is required under the provisions of The Local Authority Social Services Act 1970 (as Amended) and The Local Authority Social Services (Complaints Procedure) Order 1990 to have in place a complaints procedure to deal with matters brought to the Authority's attention.

9.2 In 2009/10 Social Care complaints for adults and older persons were dealt with using the Local Authority Social Services and National Health Service Complaints (England) regulations, 2009.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	[Title of document and date]