

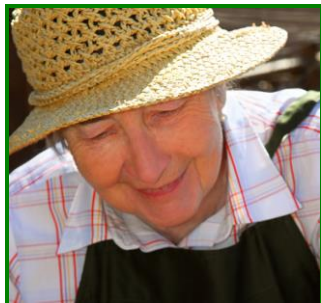
# Getting it right!

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Education, Care & Health Services  
compliments, comments and complaints



Annual Report  
April 2012 to March 2013



## Introduction

Complaints, and how they are dealt with, is a good measure of how successful we are as an organisation. This Report details complaints into the Education and Care Directorate over the last year, 2012-13. In terms of statutory complaints relating to our adult social care activity, these are lower than in any of the last three years, a pattern repeated in housing and children's services. This is of huge credit to our frontline staff in all services.

However, and particularly so in adults where we see hundreds of clients a week, although low in number, too many complaints were about how we interfaced with our clients - missed appointments, poor information sharing and so on. This type of failure is never acceptable. We see residents when they are at their most vulnerable and we must always treat clients and their families in the way we would wish our family to be treated. How we learn from these failures is perhaps the most important part of our response, and some of this essential learning, is detailed in this Report.

Within Adult Social Care we see a complaint upheld every six weeks or so about the level of service provision. Again, with the very high volume of assessments this is a helpful indicator that staff do reflect carefully on service levels and sometimes provide rather less than might be necessary, typically in very complex cases. Similarly in children's social care, we see less complaints overall but a higher proportion relating to our most complex decision making processes. This has implications for our 20 day review target which, as the subject and nature of complaints become more complex, itself becomes more challenging, although we do continue to meet this target in the majority of cases.

The complaints process, and the possibility of a further line of referral to the Ombudsman, ensures clients have a clear voice in this process, and recognises that service provision is never an exact science.

As the Executive Director, many complaints come first to me. I have been consistently impressed with how my colleagues deal with clients and their families. Making a complaint can be a very big step for many users. Complainants are always taken seriously, and treated with a great deal of empathy and respect. Complaints is a key part of our service provision and it is right clients do not feel the process is complex and inaccessible.

Of course, I also receive compliments - although never enough - from our service users about both the services we provide in general but also about individual members of staff. It is always a pleasure to receive these and some are highlighted here.

This Report paints a picture of more clients being satisfied with our services, but where there are complaints, too many relate to how we deal with clients on a day to day basis. This links also to the complaints we have seen relating to our most complex assessments: better communication would also seem to be vital so that although clients and their families may not agree always with our decisions, they do understand fully how a decision was made.

We must continue to learn from these, but also to celebrate the successes communicated to us by service users.

**Terry Parkin**

Executive Director, Education, Care and Health

## 1. Executive Summary

Across 2012-13, the number of complaints in all departments decreased although referrals to the Ombudsman increased, at least in part due to a change in legislation which has, rightly, made this route increasingly accessible.

<b>Complaints and Representations received by Education, Care and Health Department 2012-13</b>					
	<b>Education</b>	<b>Children</b>	<b>Housing</b>	<b>Adult Care Services</b>	<b>Total</b>
<b>Formal Complaints (Statutory)</b>	n/a	46	n/a	91	<b>137</b>
<b>Formal Complaints (Corporate)</b>	10	13	44	25	<b>92</b>
<b>Informal Complaints</b>	n/a	n/a	n/a	30	<b>30</b>
<b>Comments/Enquiries</b>	7	20	32	53	<b>112</b>
<b>Ombudsman Enquiries</b>	1	4	10	14	<b>29</b>

We estimate that each formal complaint received and investigated at the equivalent of the Council's stage 2 process or beyond, costs around £3,000 in resources to address and more if we are required to provide redress. However, even through the Ombudsman, compensation payments are often very small which in, many ways, make them even more frustrating. What is more significant is the reputational damage done to the Council along with the inconvenience to our service users as well as the resource we tie-up in investigating and responding to complaints. A drive to reduce complaints that require escalation has been in place over the last year with some success.

<b>Complaints and Representations Trends</b>					
	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>		<b>Total</b>
<b>Adult Social Care</b>	351	323	213		<b>887</b>
<b>Housing</b>	114	109	86		<b>309</b>
<b>Children's Social Care</b>	122	95	83		<b>300</b>
<b>Education</b>				Not collected under equivalent system	
<b>Totals</b>	<b>587</b>	<b>527</b>	<b>382</b>		<b>1496</b>

The significant reduction shown is due not just to better relationships with clients: when we receive a contact, officers work hard to prevent escalation and do all they can to resolve a complaint informally. We also resolved the majority of complaints within our 20 working days target.

We also collect compliments. This system is underdeveloped across the new directorate and we are looking at new ways to collect this information. However, trends are shown below:

<b>Compliments Trends</b>					
	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>		<b>Total</b>
<b>Adult Social Care</b>	30	43	19		<b>92</b>
<b>Housing</b>	8	17	3		<b>28</b>
<b>Children's Social Care</b>	36	14	22		<b>72</b>
<b>Education</b>			(34)	<b>Not collected under equivalent system</b>	
<b>Totals</b>	<b>74</b>	<b>74</b>	<b>78</b>		<b>192</b>

For both complaints and compliments, it is important to use them to drive improvements in services. More details of how we received and address complaints is given below, along with a number of case studies that demonstrate how we use them to drive service improvement.

Where compliments support the text, or help to illustrate a point they will be shown as below:

***“It has been lovely to know that someone else has seen and understands the problems and challenges we have experienced as a result of our son’s difficulties and has been proactively providing strategies through play to help him overcome them. It’s also been nice to be able to share our concerns with somebody who understands how we are feeling.”***

## 2.1 Adult Social Care Overview

<b>Adult Social Care Complaints &amp; Representations</b>			
	<b>2010-2011</b>	<b>2011-2012</b>	<b>2012-2013</b>
<b>Formal Complaints (Statutory)*</b>	185	112	91
<b>Formal Complaints (Corporate)**</b>	6	44	25
<b>Informal Complaints</b>	62	69	30
<b>Comments/Enquiries</b>	84	77	53
<b>Compliments</b>	30	43	19
<b>Ombudsman Enquiries</b>	10	11	14
<b>MP/Member Enquiries</b>	27	23	14
<b>Adult Safeguarding &amp; other enquiries</b>	4	10	0
<b>Total</b>	<b>408</b>	<b>389</b>	<b>246</b>

\* Complaints made by those receiving Social Care Services or those representing service users and handled in line with the statutory complaints regulations for those services.

\*\* Complaints made about services that are not covered by the statutory regulations and handled in line with the Council's own guidelines and procedures.

This year the Quality Assurance Team received 246 representations about adult social care; of these, 37% were handled as statutory formal complaints (those requiring formal investigation) and 12% were managed as informal complaints (could be immediately resolved by the complaints team and service involved). 10% of the representations received were handled as corporate complaints; details of which are available in Section 4 of the report.

The 91 statutory formal complaints received for adult social care this year is a 19% reduction of complaints received for the same period last year (112).

The majority of the complaints relate to operational issues with 79 people complaining about the services they received, and 12 complaints about information, lack of action and service policy. This year, 67 (74%) of the 91 formal complaints have been resolved within 20 working days.

Following investigation, 28 of the complaints, slightly under one-third, were either fully or partially upheld. Complaints, unsurprisingly, are most likely to come from our front facing services.

<b>Complaints received By Service Area</b>			
<b>Teams</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Mental Health</b>	1	n/a	n/a
<b>Care Management Teams</b>	64	56	40
<b>Contracted Services</b>	38	19	21
<b>Finance/Charging</b>	22	18	18
<b>Direct Care Services</b>	36	8	8
<b>Learning Disability</b>	12	11	4
<b>TOTAL</b>	<b>173</b>	<b>112</b>	<b>91</b>

## 2.2 Listening to our service users

### Complaints Survey

We sent 41 customer feedback questionnaires to clients who had made formal complaints in 2012/13 and, of those, 14 (34%) were returned; the purpose of the survey is to ask complainants how well they feel their complaint was handled.

Overall, we found the survey results painted a positive picture of the complaints service. Nearly 60% of those who responded said they thought the complaint response they received was well written and 62% of respondents felt they were treated with courtesy and respect by those who handled their complaint.

Face-to-face meetings are available to those who wish to discuss their complaint in person and 57% of respondents thought their complaint would have been better handled if they'd had met an officer. Only 35% of the respondents felt they would have had a better outcome had they been represented by an advocate.

### Preventing Complaints Escalating

This year the Quality Assurance Team implemented its in-house training programme and trained over 20 officers in how to deal with complaints at the front line so as to resolve concerns without the need for clients to use the formal complaints process. We have seen a drop in complaints as a result and the team plans to train more officers in the coming year and to introduce the training to those within the children's service.

The children's social care and education complaints functions merged with the Quality Assurance Team this year. The joining of resources has proven successful, with officers developing skills in all complaints areas within Education, Care & Health Services.

## 2.3 How we learn from complaints – Adult Social Care

The table below shows a breakdown of all the operational complaints received in relation to Adult Social Care in 2012/13, and the number upheld or partially upheld. The complaints most frequently upheld or partially upheld were about missed calls; non provision of service and quality of service.

Outcomes	Total Received	Upheld	Partially Upheld	Upheld / Partially Upheld Total
Disputed Decision	16	0	0	0
Non-provision of service	14	4	4	8
Attitude of staff	10	3	0	3
Funding/Back Payment Issues	8	0	0	0
Service delay	7	2	0	2
Missed calls	7	6	1	7
Quality of service	5	0	3	3
Incorrect billing	4	0	2	2
Assessment Quality/Delay	4	0	0	0
Late Calls	1	0	0	0
Other	3	0	0	0
<b>Total</b>	<b>79</b>	<b>15</b>	<b>10</b>	<b>25</b>

A particular challenge to us is the high number of complaints about disputed decisions, and the fact none were upheld. Whilst, it might be taken to suggest we are robust in making allocation decisions against the fair access criteria, it also suggests we might need to do more in ensuring we communicate outcomes clearly to clients and their families.

***“It was unbelievable when the news was broken to us. It is the most amazing news we've had since we are so exhausted, trying to hold on to a thin thread and almost at the point of breaking down. I will contact you both individually to give you updates on progress. Once again from the bottom of our hearts, we would to say a BIG THANK YOU to Bromley Council for providing our son this great opportunity and saving our family.”***

However, we should be concerned at the small but significant numbers of upheld complaints relating to missed calls, staff attitude and service quality. When such complaints are received, we always investigate robustly and take particular note of lessons learned.

**Case Study 1: Unacceptable delays.**

Mr A had placed his mother, Mrs B, into a residential care home. The client had funded the placement until her funds were depleted. Mr A contacted the Council for assistance as he was unable to meet the cost of the third party top up but accepted that his mother would have to move to a home that accepted the Local Authority's rate.

Mr A complained about the delay in dealing with his request for assistance, due to the failure to address his concerns quickly enough. As a consequence Mr A had to pay the third party top up for what he believed to be an unnecessary amount of time.

Following the complaint investigation, the Council accepted it did not act quickly enough to help Mr A find an alternative residential home and that this resulted in the third party top up continuing for longer than was appropriate. As a result the Council apologised for the unacceptable delays and for the fact the care manager did not take the appropriate action following Mr A's request. It also decided to meet the payment in full for the residential stay at Mrs B's previous residential home from six weeks after Mr A's referral to the Council.

**Case Study 2: Missed calls results in disciplinary action and review of procedures.**

Mr N's main carer complained that there were two missed calls at the weekend. The agency suggested the carer must have gone to the wrong address by mistake and the clients were given various offers for a carer to come later that day, but the main carer had already provided the necessary care. She stated the same thing had happened twice before, meaning they'd had 4 missed calls in total.

Following the investigation, the agency agreed to take disciplinary action against the care worker who failed to arrive that weekend. Additional checks were also made with other clients attended by the same care worker to ensure there were no other similar concerns raised. The Contracts Monitoring Officer visited the agency to ensure the correct disciplinary procedures were followed and that further checks have been made to monitor the quality of the service being provided.

The Contracts Monitoring Team also reviewed the agency's 'no reply' procedure to ensure it is used more effectively in future. Further to this action, no further complaints about missed calls have been received about this agency.



**Case Study 3: Introduction of monitoring process following unacceptable delay.**

Mrs Y received a bill for additional fees for her late husband's stay in a residential care home. Mrs Y's family complained because the Council had increased its fees, but Mrs Y had not been informed of this until 4 months after her husband passed away.

The investigation concluded that the Council completed the financial re-assessment and sent out the notification over 3 months after it received Mr Y's financial assessment form. The Council accepted that this delay was unacceptable, apologised for the poor service received and the distress caused; and agreed to write off the outstanding fee.

Following the complaint, the Charging & Finance Team concluded that the volume of clients requiring re-assessment each year can sometimes result in delays. A system of monitoring the return and processing of residential care financial re-assessment forms has therefore been introduced, to ensure no cases fall over and above an acceptable timeframe. Since the introduction of this system, no further complaints of this nature have been received.

Rarely, complaints relate to failures in securing the outcomes for our clients that we commit to through their individualised care plans. These place vulnerable adults at risk and are never acceptable:

**Case Study 4: System reviewed after client fails to get his medication.**

Mr C is resident in a local authority run extra care housing unit and takes regular medication, which is dispensed by a pharmacy and sent to him in dosette boxes. Whilst visiting Mr C, his daughter discovered that one of the dosette boxes had not been delivered when a care worker went to prompt her father's evening medication.

Mr C's daughter complained to the Council and following an investigation, it was concluded the care worker who visited during the day should have checked whether or not the dosette box had arrived and alerted the pharmacy. Consequently, the system for logging the receipt of medication was reviewed so that similar instances are avoided. Mr C's daughter was sent a letter of apology and the Council also thanked her for her help in resolving the matter at the time

We also saw 12 formal complaints this year about information, lack of action and policy:

- eight complaints related to the failure to communicate, the provision of incorrect information and data protection. All have been resolved: three were upheld.

Nationally, protection of patient data is a significant challenge when working in multi-agency settings. Health and social care professionals are expected to share patient data when it is in the patient's best interests but have a duty of care to protect that information at all other times. We also hold the same high expectations for those we work with in partnership.

**Case Study 5: Missed call and breach of client confidentiality after resident returns from hospital results in changes in practice.**

Mrs W was discharged from hospital and returned to her flat in one of the new extra care housing units, in which she is now a resident. Despite the amount of notice the care provider had, Mrs W's daughter discovered her mother did not receive her morning call. One of Mrs W's former agency carers had visited Mrs W and when she realised there had been a missed call, she reported this to the current care provider's office.

When Mrs W's daughter made a complaint to the supervisor she was told the reason for the missed call was because Mrs W returned from hospital very late and hadn't had time to update the planners. There was also a breach of Mrs W's confidentiality by a member of staff, who left her file in the office and left it open at one point, revealing a copy of Mrs W's hospital discharge letter.

Mrs W's daughter made a formal complaint to the Council and as a result, the provider amended its care planning process so that no carer is taken off the planner when the resident is away, for whatever reason.

The manager instructed the team leaders that when working on care files, they are to be returned straight away to the person's apartment and not left in the office overnight.

The provider also acknowledged that there is a training requirement for carers to ensure that they are clear about what to do when a person is discharged from hospital.

- three complaints related to lack of action and none were upheld.
- one complaint related to policy and was not upheld

In the same period last year, 24 formal complaints were received and eight were upheld.

## **2.4 Corporate Complaints**

We received 25 complaints in total relating to adult services that were not from those receiving services from the Department. These were handled as corporate complaints. Four were either upheld or partially upheld": 18 (72%) were not upheld.

Three complaints remain active, while investigations are continuing.

The table below shows the breakdown of complaints received by team.

Corporate Complaints 2012/13	Strategy & Performance		Care Management		Commissioned Services		LD Assessment & Support		Direct Care Services ICES & Carelink		Medquip	
Complaint Received	4		12		3		1		4		1	
Resolved within 20 working days	4	100%	9	75%	2	67%	1	100%	3	75%	1	100%
Upheld	0		1	8%	0		0		1	25%	1	100%
Partially Upheld	0		0		1	33%	0		0		0	
Not Upheld	4	100%	9	75%	2	67%	1	100%	2	50%	0	
Still Active	0		2		0		0		1		0	

The complaints upheld and partially upheld were about an incorrect telephone number on a voicemail, lack of action, a disputed decision and service delay.

**“We really want to express our heartfelt gratitude as a family to the staff at Bromley Council for working tirelessly to finally get our son the placement he really needs.”**

## **2.5 Residential Care & Extra Care Housing**

Contracted residential care & extra care housing services received 12 complaints this year but a number of complaints emerged following safeguarding investigations; these involved people funding their own care and the complaints were managed directly by the homes and the Ombudsman (please see below). Contracts teams continue to monitor the residential and nursing care homes and the new extra care housing units at Regency, Crown Meadow and Sutherland Court.

The latest quality monitoring of residential care report is published on the Bromley website and via the link: [Quality Monitoring of Residential Care report](#)

All homes are registered by the Care Quality Commission (CQC) who publish inspection reports on their website [www.cqc.org.uk](http://www.cqc.org.uk)

### 3.1 Operational Housing Services

Housing Complaints and Representations			
	2010-2011	2011-2012	2012-2013
<b>Formal Complaints</b>	83	53	44
<b>Comments/Enquiries</b>	28	47	32
<b>Compliments</b>	8	17	3
<b>Ombudsman Enquiries</b>	3	9	10
<b>MP/Member Enquiries</b>	75	160	80
<b>Total</b>	<b>197</b>	<b>286</b>	<b>169</b>

This year we received 44 complaints for Housing Services compared to 53 complaints the previous year. This represents a decrease of 17%.

The Housing service received;

- 27 complaints about operational services; 8 were either upheld or partially upheld
- 15 complaints about the failure to communicate and information provided; 2 were upheld or partially upheld.
- two complaints citing lack of action and one was not upheld, the other is still active.

This year 43 of the 44 complaints have been resolved and of these, 22 (51%) were responded to within 20 working days and 10 complaints were either fully or partially upheld while 33 (77%) were not upheld.

The table below shows the breakdown of complaints received and upheld by team:

Housing 2012/13	Housing Options & Advice		Housing Solutions		Housing Initiatives		Support & Resettlement	
<b>Complaints Received</b>	<b>14</b>		<b>24</b>		<b>1</b>		<b>5</b>	
<b>Resolved within 20 working days</b>	4	29%	17	71%	0	0%	1	20%
<b>Upheld</b>	0		3	13%	0		0	
<b>Partially Upheld</b>	2	14%	4	16%	1	100%	0	
<b>Not Upheld</b>	12	86%	17	71%	0		4	80%
<b>Still Active</b>	0		0		0		1	

**Housing Options & Advice Team** received 14 complaints during this period, a slight rise from last year's figure of 13. Of these 2 were partially upheld and were about delays in service.

**Housing Solutions Team** received a total of 24 complaints compared to 33 complaints received in the same period last year; a drop of 27%. All have been resolved and 7 (29%) were upheld or partially upheld. The complaints that were upheld related to the delay in service, failure to communicate, non-provision of expected service, attitude of staff and a disputed decision.

**Housing Initiatives Team** service received one complaint about non-provision of expected service and this was partially upheld.

**Support & Resettlement Team** received 5 complaints, 4 were not upheld and one is still active.

### 3.2 **MP Enquiries**

There are a significant number of MP/member enquiries, received from constituents about their housing situations, in particular when housing register or homelessness decisions have gone against them and appeal procedures have been exhausted. Residents also write to their MPs to complain they are living in overcrowded conditions or that they have been waiting a long time on the housing register. There are limitations placed on the Local Authority due to shortages in available housing and what the Council can and cannot provide within its statutory duties. The housing team does try and mitigate the concerns of residents by signposting people where appropriate to relevant schemes available or to the support that can be provided to those wishing to seek housing within the private rented sector.

The Housing Service monitors the complaints, compliments and also statutory reviews it received and feeds this in to how it develops the service. In addition, the service also regularly carries out mystery shopping across the sub-region.

The bulk of the compliments received for Housing tend to centre on the floating support teams and also work of the allocations service, which is encouraging. Overall the compliments highlight officers' commitment and knowledge.

The majority of complaints meanwhile currently centre on the sheer volume of work and time taken to be re-housed. Below are a few case studies of where comments and complaints have influenced changes in practice over the past year:

#### **Case Study 6: *Complaints relating to officer contact resulting from the volume of work.***

- We have reviewed the duty rota system to offer increased levels of appointments and a revised triage system. This also allows the case officers to better manage their time to be able to let their cases know when they will be available for contact to provide updates. This also links to the telephone duty system, which we have further developed this year to deal with the increasing number of calls received.
- We are currently reviewing our decision letters as a number of complaints received demonstrated that they were not as clear as they could be. This has also included reducing the number of reviews on the housing register side.
- We are in the process of reviewing the Housing Initiatives team procedures around discharging our duty into the private rented sector. This is in part because of changing legislation and the housing market, but also feeds directly from a number of comments and complaints from landlords relating to the bonded deposits and how these could be made to be more attractive.
- We received a complaint from a former member of the armed forces who had difficulties with his housing situation. The Council's policy had been followed correctly and the complaint was not upheld, however the Housing service has reviewed its housing register to better capture information on ex-servicemen seeking re-housing and also to offer a small quota queue for former members of the armed forces in response to the comments raised in this complaint.

#### 4.1 **Ombudsman Enquiries Overview**

The gradual rise in Ombudsman complaints may be attributed to the change in the adult social care complaints process in 2009, which gave complainants quicker recourse to the Local Government Ombudsman if they remained unhappy with the outcome of their complaint. Previously, local resolution consisted of a 3 stage process before referring the complainant to the Ombudsman. Currently local resolution, which is the opportunity for the Local Authority to resolve the complaint, consists of one stage.

This year, we received 24 Ombudsman enquiries compared with 21 last year. Adult social care received 14, with 6 being partially substantiated. Housing received 10 Ombudsman enquiries this year and one was partially substantiated. One remains active while the LGO continues its investigation.

<b>Ombudsman complaints – 4 year trend for each Division</b>				
<b>Service</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
<b>Care Services</b>	4	11	7	14
<b>Housing</b>	8	3	9	10
<b>Commissioning &amp; Partnerships</b>	1	1	4	0
<b>Strategy &amp; Performance</b>	0	0	1	0
<b>TOTAL</b>	<b>13</b>	<b>15</b>	<b>21</b>	<b>24</b>
<b>Compensation Payments</b>	£8,000	£4,650	£ 3,100	£3,470

#### 4.2 **Adult Social Care**

During 2012/13, 14 adult social care Ombudsman enquiries were received. Of these, one case was resolved locally and six were partially substantiated while, in the case of the seven remaining enquiries, the Ombudsman concluded the Council had acted appropriately. The six complaints that were partially substantiated are set out below:

- a) The London Borough of Bromley delayed carrying out a Mental Capacity Assessment for a person with learning disabilities. In addition, it did not explain to the client's parents quickly enough the implications of their proposed house move and did not deliver, with the Council's partners, a clear outcome from the review of the client's care planning as quickly as it should have done. Financial redress was recommended.
- b) Mrs S complained on behalf of her father, Mr R, about the care package he was receiving. The LGO upheld complaints that the Council failed to meet Mr R's need for domestic cleaning and that it was partly responsible for delays in identifying a suitable alternative provider for Mr R's care. The LGO also partially upheld a complaint about the quality of care received by Mr R. The Council accepted these findings, apologised and paid financial compensation.

- c) A family complained that the Council asked them to pay a 'top-up' fee when their father entered residential care. The LGO did not feel the Council properly considered whether other residential homes in its district could meet the client's cultural and religious needs and decided the Council should have done this before asking the family to pay a third party top-up. Due to the identified failings, the Council agreed to reimburse the family for the additional fees it had paid.
- d) Although the LGO did not uphold most of one client's complaint and accepts Mr B's behaviour did not help in this case, the Council agreed to apologise to the client about its delay in properly considering whether or not an appliance should be modified for safety reasons. It was concluded the best interest decision could have been taken sooner, and that this would have avoided some distress to the client and carer.
- e) Ms D complained the Council did not refund all costs paid by her when she arranged for her mother, Mrs K, to receive extra home care, and also about the assessment of what Mrs K should pay towards her care. The LGO upheld the first complaint as it was satisfied the Council was aware Ms D was paying for extra care from October 2009 and wanted the Council to pay for that care from then. The Council agreed, to compensate Ms D for costs she incurred from its failure to properly assess Mrs K's needs from the date she made the Council aware. The Council also agreed to pay added compensation for injustice caused by its handling of this matter.
- f) Mr Y withheld a proportion of an outstanding invoice for his mother's care charges on the basis that he claimed carers were often not staying for the full allocated time per visit; something he was able to evidence. The LGO decided the Council should only seek recovery of money charged for the time care was provided. On this basis, the LGO recommended the Council waive the outstanding fee, which it agreed to do.

As a result of the upheld enquiries, a total of **£3,470.00** compensation has been paid.

### **4.3 Housing**

Housing Services received 10 Ombudsman enquiries during this period and most complaints related to homeless applications and disputes around housing register applications; one was partially substantiated and one remains active.

With regard to the complaint that was partially substantiated, the Ombudsman decided there was maladministration on the part of the Council in failing to backdate Mr and Mrs Z's housing application. However, the Ombudsman was unable to say with any certainty what, if any, impact this error had had on Mr and Mrs Z. Mr and Mrs Z did not immediately challenge their effective date but when they did, the Council acted promptly to back date their application. For this reason, the LGO did not consider there were any grounds to recommend the Council make any financial remedy.

## 5.1 Children's Social Care – Overview

The following is a summary of complaints activity across Children's Social Care during 2012/13. The aim of the report is to present an update on the number and type of complaints received and the lessons learnt from those complaints.

Children's social care complaints are dealt with under the statutory complaints procedures as set out within 'Getting the Best from Complaints' and The Children's Act 1989. Education and children's complaints that don't fall within the 'who may complain' criteria are dealt with through the Council's own corporate complaints procedure.

Please see the following link for further information: [Getting the Best from Complaints](#).

In July 2012, the children's social care complaints service transferred to the Quality Assurance Team within strategy and business support services and education complaints were merged from October 2012. This has meant a consistent and corporate approach to complaints management and has contributed to the improvements in the outcomes and response times.

One of the major changes introduced by the QA team this year, is the introduction of the categorisation of complaints. Previously, all complaints were logged under the children's statutory complaints procedure thus automatically allowing complainants to progress from a stage 1 complaint to stage 2 and stage 3 if they remained dissatisfied. This has cost implications for the service and Council. After a review it was decided cases that did not meet the statutory criteria, should progress through the Council's corporate procedure. The complaints service now assesses each complaint and reaches a conclusion on whether it meets the criteria to be considered as a statutory complaint.

During 2012/13, children's social care complaints have received 140 representations. Representations are defined as all complaints, comments, compliments, MP enquiries and access to records requests.

The table below shows the number of children's social care related representations that have been received in 2012/13 and as a comparison to the previous 2 years.

<b>Children's Social Care Complaints and Representations</b>			
	<b>2010-2011</b>	<b>2011-2012</b>	<b>2012-2013</b>
<b>Formal Complaints (Statutory)</b>	93	67	46
<b>Formal Complaints (Corporate)</b>	4	2	13
<b>Informal Complaints</b>	n/a	n/a	n/a
<b>Comments/Enquiries</b>	6	26	20
<b>Compliments</b>	36	14	22
<b>Ombudsman Enquiries</b>	Not recorded	Not recorded	4
<b>MP/Member Enquiries</b>	3	9	7
<b>Access to Records</b>	19	36	28
<b>Total</b>	<b>161</b>	<b>154</b>	<b>140</b>



## 5.2 Children's Statutory Complaints (Stage 1)

The number of children's statutory complaints (stage 1) received during 2012/13 was 46 out of 140 representations with a further 13 complaints being progressed as corporate complaints.

The 59 complaints received represent a 10 (14%) reduction on the number received for the same period last year.

Although the number of complaints has reduced, there has been an increase in the complexity and number of issues raised within the complaint correspondence. This has resulted in an increase in officer and manager time; investigating the issues raised and responding to the complainant.

The complaints received this year have all been resolved at stage 1 and there have been no escalations to stages 2 or 3. Within the report that follows some of the complaints have been upheld and partially upheld, most of these complaints have related to instances when communication has been poor or minutes of meetings have not been issued as expected. Although the time taken to respond to complainants has taken longer, there have been no stage 2 investigations in 2012/13 and no stage 3 requests. During 2011/12 there were 3 escalations to Stage 3. This has resulted in significant cost savings for the Council.

A Stage 2 investigation can cost on average approximately £3,000 per complainant and one of the priorities of the Quality Assurance team has been to reduce the number of complaints escalated to Stage 2 with a corresponding reduction in the amount spent on investigations.

During 2011/12, a total of £33,443 was spent on Stage 2 investigations and Stage 3 panel reviews. For 2012/13 an amount of £6,331 including £500 compensation has been spent. The amount paid out relates to work that had already begun during 2011/12 and was finalised during this year.

During 2012/13, there were no escalations to stage 2 and/or stage 3 panel reviews and therefore no further costs have been incurred.

The statutory timescales for responding to stage 1 complaints is 10 working days, with a further 10 working days (up to a maximum of 20 working days) for more complex complaints. Upon receipt of a complaint the complaints officers have 3 working days to send out an acknowledgement and this timescale was achieved for 100% of all complaints received by the team. On balance, the additional time spent on investigations has meant that no complaints have escalated and so although a statutory target, we have seen considerable benefits from not being driven by it with slightly over a third of our investigations going over time.

For the 46 stage 1 complaints, 44 have been completed; with two currently active. The response times for the 44 complaints are shown in the table below:

<b>Response Time</b>	<b>No Responded to</b>	<b>% response time</b>
<b>Within 10 days</b>	16	36%
<b>Within 11 – 20 days</b>	12	27%
<b>Over 20 days</b>	16	36%

\*Figures may not add up to 100 due to rounding down

### 5.3 **Corporate Complaints**

For the 13 complaints received the response times are as shown in the table below:

Response Time	No Responded to	% response time
Within 20 days	8	62%
Over 20 days	2	15%
Still Active	3	23%

### 5.4 **Specification/commissioning of Investigators**

We are in the process of devising a specification for the commissioning of investigators for any future stage 2 or stage 3 investigations or panel reviews. When this is completed, we will be sending the specification to potential investigators to check they meet our criteria. The objective is that we will then have a robust pool of investigators whilst meeting the requirements of contract procedure rules and financial regulations to achieve best value.

### 5.5 **Categorisation of complaints**

When a complaint is received, the complaints team will review the content and who is complaining and then decide whether this meets the criteria for children's social care complaints or whether this should be actioned under the corporate complaints procedure instead.

There are two reasons for doing this. Firstly, the response timescales are 10 days for children's social care and 20 days for corporate. Secondly under Children's, if they remain dissatisfied, complainants can escalate their complaint to stage 2. However, under the corporate complaints procedures this is not available and the complainant can then take their complaint to the LGO at this stage. By ensuring we classify the complaint under the correct type this helps to meet the objective of reducing the number of complaints escalated to stage 2 and subsequently stage 3, thus providing a more direct response for the complaint and reducing the cost to the Local Authority.

### 5.6 **Local Government Ombudsman (LGO) / Health and Care Professions Council (HCPC)**

We have seen an increase in the number of enquiries that have been received from the LGO and have identified that the complaints are becoming more complex; involving many different aspects to the complaint. This has resulted in an increase in the amount of time required to analyse and co-ordinate the response to the LGO enquiries. This is impacting across both the complaints team and the service departments. Our aim is to ensure the response sent to the LGO addresses all the issues raised; and to date this year the LGO has not upheld any of the complaints that have been referred to them regarding children's social care. We have one case outstanding and we expect to have their view shortly. One of our complainants has also complained to the HCPC and we are corresponding with them and answering their enquiries. Managing the demands effectively for this area of the complaints service will be a continued priority.

## 5.7 Analysis of Complaints

The table below shows the breakdown of the categories for statutory complaints at Stage 1 received in the financial year 2012/13.

Categories	Total Received	Upheld	Partially Upheld	Upheld & Partially Upheld Total
Quality of service	8	0	1	1
Attitude of staff	8	0	2	2
Failure to carry out required action	13	1	5	6
Failure to communicate	5	0	4	4
Safeguarding issues	2	0	0	0
Disputed Decision	7	0	1	1
Assessment Quality/Delay	3	0	2	2
<b>Total</b>	<b>46</b>	<b>1</b>	<b>15</b>	<b>16</b>

At the end of the financial year 2 complaints were still active.

The table below shows the breakdown of the categories for Corporate Complaints received 2012/13:

Categories	Total Received	Upheld	Partially Upheld	Upheld & Partially Upheld Total
Quality of service	4	0	1	1
Non-provision of service	1	0	0	0
Failure to carry out required action	2	0	0	0
Failure to communicate	1	0	0	0
Safeguarding issues	1	0	0	0
Disputed Decision	3	0	1	1
Information	1	0	0	0
<b>Total</b>	<b>13</b>	<b>0</b>	<b>2</b>	<b>2</b>

At the end of the financial year 3 complaints were still active.

The following table shows a breakdown of the teams for the complaints that have been received in the financial year 2012/13:

Teams	2011*	2012*	2012/13
Care & Resources	19	39	20
Safeguarding & Care Planning	25	27	17
Referral & Assessment	19	23	11
Safeguarding & Quality Assurance	3	2	2
Children with Disabilities	6	8	8
Youth Support	1	1	1
<b>TOTAL</b>	<b>73</b>	<b>100</b>	<b>59</b>

\* Calendar year

See section 11 for further information on Safeguarding & Care Planning, Referral & Assessment, Care & Resources, Safeguarding & Quality Assurance and Children with Disabilities.

**“Feedback from all agencies involved is very helpful. Gives a holistic picture of the child and their needs.”**

## 5.8 How we learn from Complaints – children’s social care

Although all of this year’s complaints have been resolved at stage 1, we received the findings of some of last year’s complaints in-year and have included the important lessons learnt.

### **Case Study 7: Procedure review for recording annual reviews for adopters**

Ms S is a single British Asian woman who was approved as an adopter but 3 years later was still waiting to be matched with a suitable child. After waiting for 3 years Ms S decided to withdraw from the process.

Ms S felt that the adoption team failed to inform her of the low likelihood of successful adoption. She also felt the adoption team did not consider the revised guidance on ethnicity matching. The adoption team did not conduct an annual review and delayed sending the minutes. When the minutes were sent they had insufficient detail. Ms S felt that she should not have been recruited as an adopter bearing in mind all the constraints in the matching process for single Asian mature adopters. Ms S also felt that the adoption team did not deal with her withdrawal from the adoption process sufficiently.

The outcome of the complaint was that:

- A review was carried out of the recording procedures to ensure more detailed records of contacts and reviews are on file.
- The manager reminded all staff of the need to circulate annual review notes promptly.
- The preparation events for adopters were improved to ensure there are up to date statistics regarding children being adopted, enabling prospective adopters to have an informed view of the likelihood of them securing a placement.
- A clear and simple process was put in place for occasions when an adopter chooses to withdraw from the process.

***“Just emailing you to say thank you so much for all your help of (sic!) organising transport for my daughter you have been so helpful, and kept me informed all the time while arranging it, please pass this on to your boss as I would like her to see this email, as you have helped me so much.”***

### **Case Study 8:Audit of supervision practice undertaken to improve performance**

Mr J complained to the council that he didn’t feel that he should attend a child protection conference when his daughter would be back in school by the time this went ahead. Due to Mr J’s previous convictions children’s social care wanted to monitor the child. Mr J was also unhappy with the assessment by the social worker.

Following the complaint investigation, actions included;

Head of Service investigated the action of the chair of the CP conference from the case and the learning was discussed with the CP chairs.

The Group Manager identified learning needs for staff members around robust report writing.

An audit of supervision practice was undertaken in order to review any remedial action to improve practice in this area.

Further training for managers in front line child protection teams was commissioned.

### **Case Study 9: Re-issue of procedures for kinship carers**

A large family consisting of 6 siblings were subject to a safeguarding investigation where the outcome would determine whether the grandparents became the legal guardians, or whether the children would have to be placed into care.

The grandparents agreed to care for all of their grandchildren and necessary court proceedings ensued. At the preliminary discussion in relation to finance the grandparents were offered Special Guardianship and funding to meet the needs of the family. They were assured by the social worker a financial package would be developed and an additional grant provided to clothe the children. However, it became apparent that the social worker had not put any financial package in place and subsequently the grandparents were funding this arrangement, which they could not afford. This caused them distress and financial hardship and became the subject of a formal complaint. The Group Manager of the service met with the family and rectified the situation, ensuring a weekly maintenance allowance was put in place to protect the family arrangements.

The outcome of this complaint is that:

- Financial agreement to be identified and agreed at the outset.
- Training was provided in relation to kinship procedure.
- Kinship procedures were reissued.
- Skills and knowledge of kinship procedures evaluated as part of supervision arrangements.

### **5.8 Access to Social Care Records**

During 2012/13, the Quality Assurance team received 28 requests for access to social care records compared to 36 for 2011/12. There is a statutory timescale for providing the records and this is within 40 days, although this can be extended if the records are very large.

For the 28 requests received, 11 were processed in the 40 day timescale; 12 completed over 40 days and 5 remain currently active.

The majority of requests received are for older records, which are held in archives off-site. Processing of records involves a great deal of time as the information given can be vague. This has impacted on processing requests within the 40 day timescale.

***“Many thanks for a detailed response - it is by far the clearest and best analysed of all of the England & Wales Local Education Authorities that I've contacted.”***

***“I appreciate your help, particularly as you are so busy at the moment with the end of the financial year.”***

## 6.1 Education Complaints

All education complaints are administered under the corporate complaint procedures and have been managed by the Quality Assurance team since October 2012.

## 6.2 Complaints Data

Between October 2012 and March 2013, the complaints officers have received 24 complaints and representations. These are defined as complaints, comments, compliments and MP enquiries.

The table below shows the number of education related contacts that have been received in 2012/13.

<b>Education Complaints and Representations Received from October 2012 to March 2013</b>	
	<b>2012-2013</b>
<b>Formal Complaints (Corporate)</b>	10
<b>Informal Complaints</b>	n/a
<b>Comments/Enquiries</b>	7
<b>Compliments</b>	0
<b>Ombudsman Enquiries</b>	1
<b>MP/Member Enquiries</b>	6
<b>Total</b>	<b>24</b>

## 6.3 Corporate Complaints

The number corporate complaints received about education between October 2012 – March 2013 was 10 out of 24 representations. We do not have any comparable data for the same period for the previous year in 2011/12.

## 6.4 School Complaints

A total of seven complaints were received about schools in the London Borough of Bromley and we signposted the complainants to make their complaint directly to the school. In accordance with school complaint procedures complaints should be made to the Head Teacher / Chair of Governors and if they remain dissatisfied then they can escalate their complaint to the Secretary of State for Education.

## 6.5 Analysis of Complaints

The table below shows the breakdown of the categories for all of the complaints received from October 2012 to March 2013.

Categories	Total Received	Upheld	Partially Upheld	Upheld & Partially Upheld Total
Quality of service	1	0	1	1
Failure to carry out required action	5	0	2	2
Failure to communicate	1	0	0	0
Disputed Decision	1	0	0	0
Assessment Quality/Delay	1	0	0	0
Request for Service/Review	1	0	0	0
<b>Total</b>	<b>10</b>	<b>0</b>	<b>3</b>	<b>3</b>

The table below shows the breakdown of the teams for all the complaints received from October 2012 to March 2013:

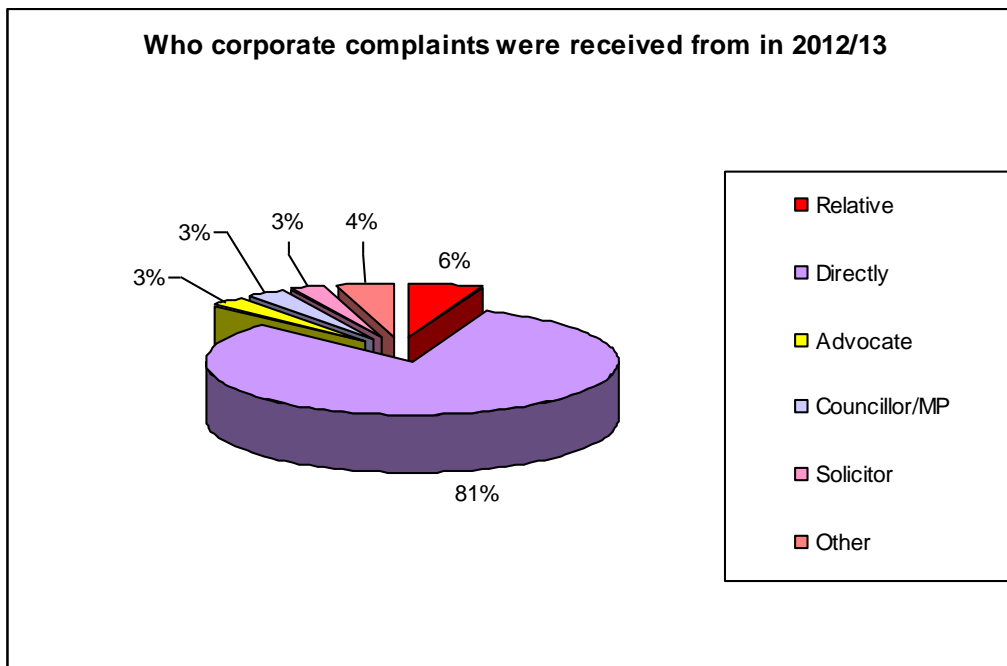
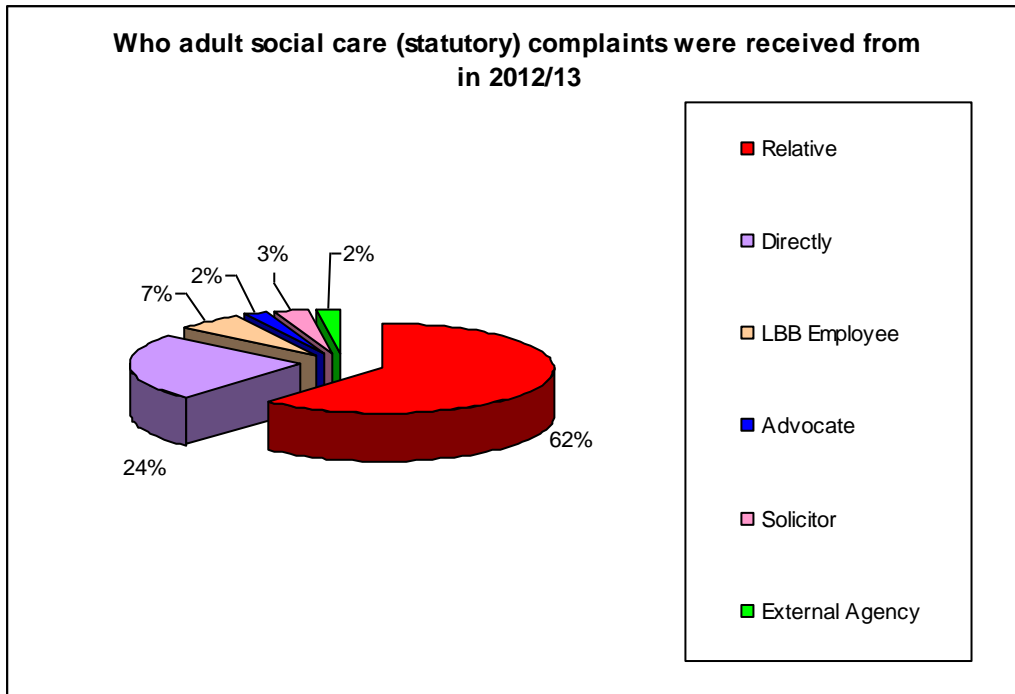
	Admissions		Special Education Needs (SEN)		SEN Transport		Behaviour Service	
<b>Complaints Received</b>	<b>8</b>		<b>2</b>		<b>0</b>		<b>0</b>	
<b>Resolved within 20 working days</b>	6	75%	0	0%	0		0	
<b>Upheld</b>	0		0		0		0	
<b>Partially Upheld</b>	1	12%	2	100%	0		0	
<b>Not Upheld</b>	7	88%	0	0	0		0	

The three partially upheld complaints were about the administration of a school admission application, the lack of reviews and non-provision of SEN statement of needs.

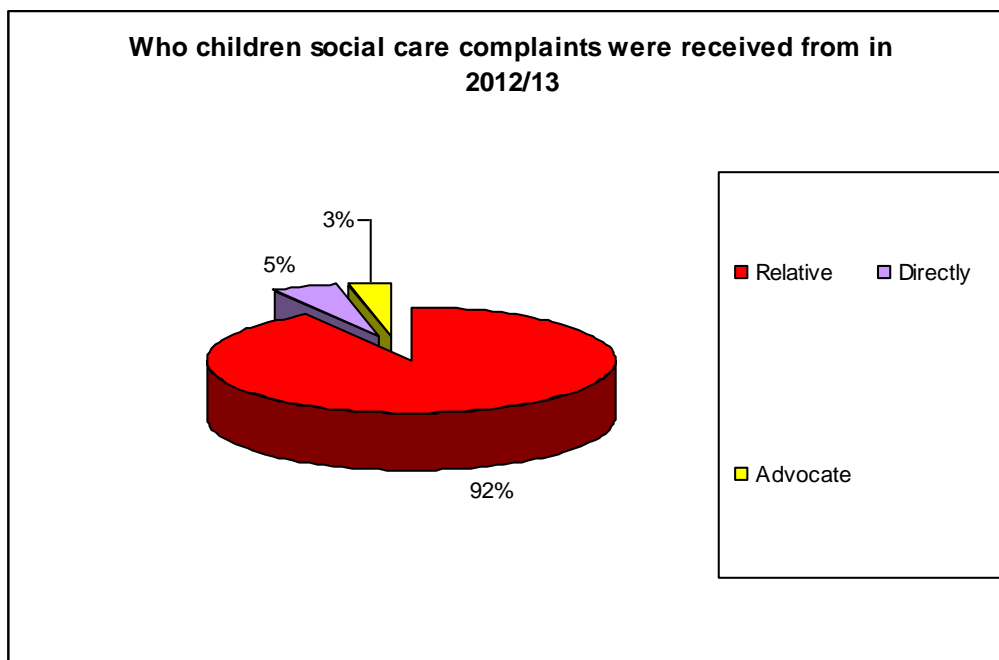
***“We received the letter confirming funding for Browns school has been agreed. I just wanted to thank you very much for your help.”***

***“I wanted to thank you, I really think my son will do well at the school and we very much appreciate your support and input with him over the past 4 years.”***

## Appendix 1 – Who Complains?







**Monitoring information for Adult Social Care (statutory)**

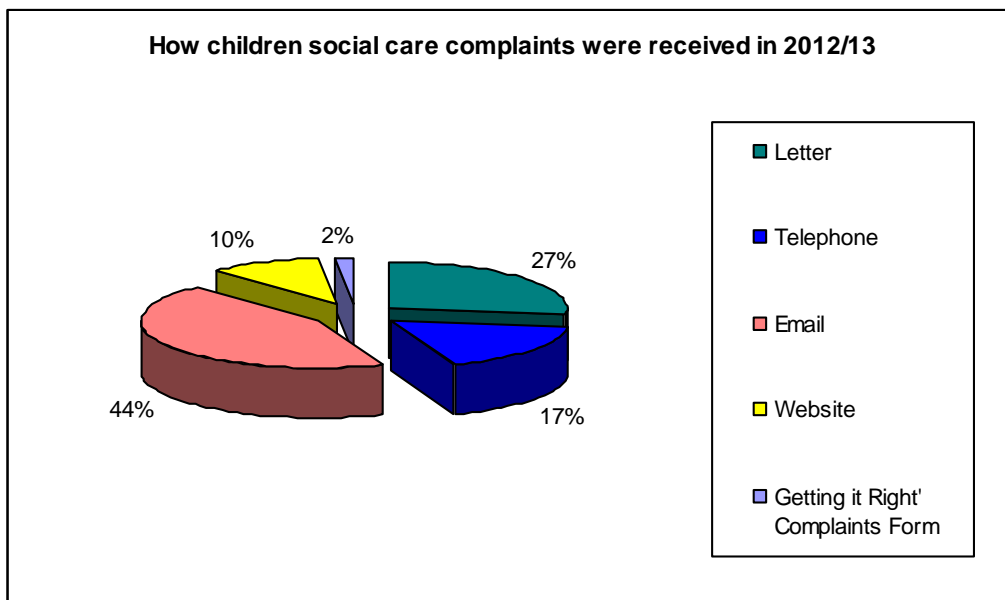
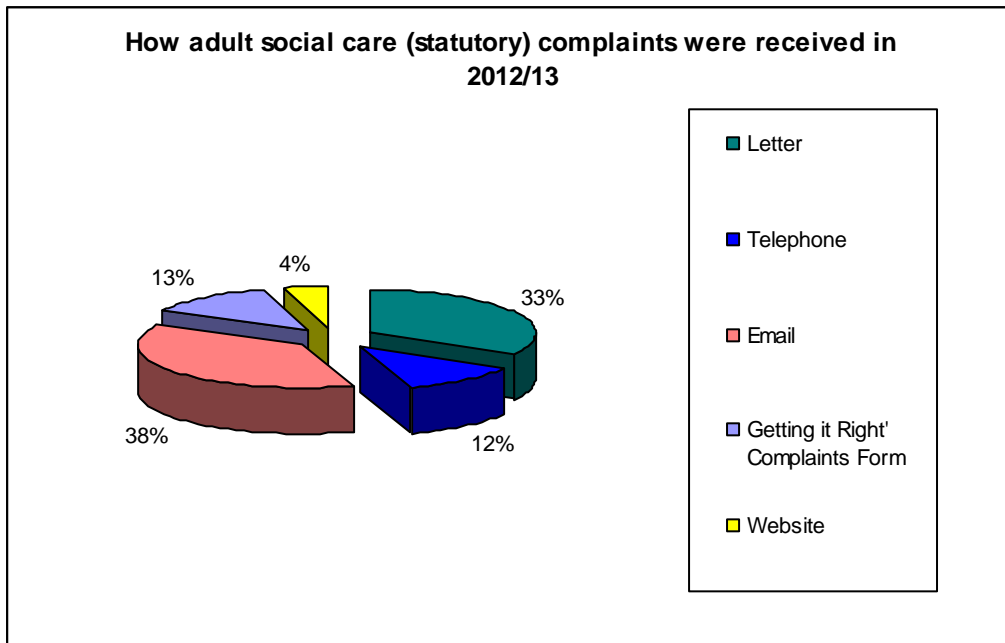
**Fair Access:** Of the 91 statutory adult social care complaints received, 67% were from female service users (61) and 97% of female service users who complained were over 65. This greater proportion of female complainants is consistent with the overall profile of service users in the borough. Most of those who made an adult social care complaint this year considered themselves to be White British (**99%**), and 1% considered themselves to be Asian British.

**Disability:** Out of the 91 service users in adult social care, who complained, 34% considered themselves elderly and frail; 24% physically disabled, 8% have a learning disability and 3% are living with sensory loss (either partial sightedness or hearing loss). In addition, 26% of complaints received were made on behalf of clients living with Dementia.

## Appendix 2 – How complaints were received

This year we have received an increase in written complaints both by letter and email. This represented 88% compared to 70% last year.

There has been an adjustment in how housing complaints are received. With the introduction of the electronic complaint form on the Council's website, 4% of complainants used this facility this year, while 50% used email. It is expected use of the electronic form will increase as customers gradually become more familiar with this mode of communication.



### How corporate complaints were received in 2012/13

