

17 January 2013

Name of Cabinet Member:

Cabinet Member (Health and Community Services) – Councillor Mrs Lucas

Director Approving Submission of the report:

Director of Community Services

Ward(s) affected:

All

Title:

Coventry City Council- Adult Social Care Complaints and Representations Annual Report.
1st April 2011 to 31st March 2012

Is this a key decision?

No

Executive Summary:

Adult Social Care Services have a statutory duty arising from the Local Authority Social Services and National Health Services Complaints Regulations 2009, to provide a system for receiving complaints and representations from people who use its services, or those acting on behalf of users. There is also a duty under the regulations to produce and publish an Annual Report.

The purpose of this report is to present the annual report on complaints and representations received in Adult Social Care from April 2011 to March 2012 (attached as Appendix A). The report provides details of the complaints and representations across Adult Social Care Services in Coventry. The report highlights the service improvements and learning from feedback and includes information on future developments in complaint handling and reporting.

Recommendations:

1. The Cabinet Member is requested to endorse the content and approve the issuing of the report.

List of Appendices included:

- A) Adult Social Care Complaints and Representations Annual Report 1st April 2011 to 31st March 2012.

Other useful documents:

This report follows on from the report “Annual Report of Comments, Compliments and

Complaints 2011/12" presented at Cabinet Member (Community Safety and Equalities) on 20th December 2012.

<http://moderngov.coventry.gov.uk/documents/s7972/00%20-%20Annual%20Report%20of%20Cooments%20Complimentsand%20Complaints%202011-12.pdf>

Has it been or will it be considered by Scrutiny?

No.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

**Report title: Adult Social Care Complaints and Representations Annual Report
1st April 2011 to 31st March 2012**

1. Context (or background)

1.1 Adult Social Care Services have a statutory duty to provide a system for receiving complaints and representations from people who use its services, or those acting on behalf of users. The system provides a means for resolving issues and listening to the views of those who use or are affected by, our services. Where things have gone wrong it enables us to put things right, learn from the experience and make the necessary service improvements.

2. Options considered and recommended proposal

2.1 The Local Authority Social Services and National Health Services Complaints Regulations (England) 2009 changed the process for handing of complaints within Adult Social Care. The purpose of the revised regulations was to align the complaints processes for Adult Social Care and Health to enable joint handing of complaints across health and social care where appropriate. This also meant that the process for dealing with complaints via the statutory procedures was streamlined from a three stage process to a one stage process. These regulations came into effect on the 1st April 2009.

2.2 Once a formal statutory complaint response letter has been issued the complainant has the right to contact the Local Government Ombudsman (LGO) if they remain dissatisfied with the outcome of their complaint. During 2010/11 the LGO's powers were extended to deal with complaints about maladministration causing injustice or service failure – this is generally how The Local Government Ombudsman describes what people can complain about connected to adult social care services. The greater use of direct payments and personalised budgets meant that they were able to deal with complaints irrespective of whether the Council arranged the care or the individual. The increasing numbers of people who will arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

2.3 The 48 complaints received represent less than 1% of users with 98 compliments. Where possible issues/complaints are handled at point of delivery it is when a person feels that they are still not satisfied then it is recorded as a complaint. The length of time to investigate and resolve complaints has increased due to their complex nature. The process involves agreement of a complaint resolution plan and jointly agreed timescales.

2.4 Compared to last year, the overall number of representations has increased by 10. The feedback indicates that:

- Service Delivery and Communication are still the most common topics for receiving feedback
- Positive attitudes and support made a significant difference to service quality

2.5 The Local Government Ombudsman offers an independent, impartial and free service to any member of the public dissatisfied with the way a Council has dealt with their complaint. However in response to complaints 10 referrals were made to the Ombudsman for investigation.

- 2.6 A breakdown of Adult Social Care Complaints that were dealt with by the Local Government Ombudsman between 1st April 2011 to 31st March 2012 is shown in the following table some of which related to complaints made the previous year. During the year the Ombudsman issued One “Injustice remedied during enquires” (formally known as local settlement) in relation to Adult Social Care.

Enquiries and Complaints Received	Adult Social Care
Premature	2
Advice Given	2
Forwarded to Investigation team	6
Total	10

- 2.7 It should be noted that the Local Government Ombudsman is planning to launch an open publication scheme during the next year where they will be publishing on their website the final decision statements on all complaints. The annual letters are available through the Local Government Ombudsman’s website for the whole council can be found at;
<http://www.lgo.org.uk/CouncilsPerformance/?letter=C>

3. Results of consultation undertaken

- 3.1 No specific consultation was undertaken in 2011/12.

4. Timetable for implementing this decision

- 4.1 Once approved, the Annual Report will be published on the Council's internet pages. Areas for development and improvement will be included within the divisional and relevant team plans.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

There are no direct financial implications arising from the report.

5.2 Legal implications

The local authority must prepare an annual report for each year which must—

(a) specify the number of complaints received;

(b) specify the number of complaints which were decided to be well-founded;

(c) specify the number of complaints which the responsible body has been informed have been referred to the Local Commissioner to consider under the Local Government Act 1974; and

(d) summarise (i) the subject matter of complaints that the responsible body received; (ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled and (iii) any matters where action has been or is to be taken to improve services as a consequence of those complaints.

6. Other implications

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

This Annual Report demonstrates the progress of Adult Social Care in maintaining and improving outcomes for the population of Coventry and contributes to the priorities in the Council Plan to protect the city's most vulnerable residents.

6.2 How is risk being managed?

A range of risks are presented in the delivery of adult social care services which are managed through the directorate and corporate risk registers, in conjunction with partners across the city. Regular reviews of each risk are undertaken, and mitigating actions put in place to ensure the overall risks are reduced as much as possible.

6.3 What is the impact on the organisation?

The feedback received is used to promote best practice, reinforce policy and procedural requirements and to identify training needs. Where matters of professional conduct are reported the City Council's Disciplinary Procedure may be invoked.

6.4 Equalities / EIA

An Equalities Impact Assessment is not appropriate for this report. Equality impact assessments have been built into the delivery of work within Adult Social Care. There has been a continued drive to embed equality and diversity within operational practice and performance monitoring.

6.5 Implications for (or impact on) the environment

N/A

6.6 Implications for partner organisations?

There are no direct impacts for partner organisations. The Annual Report together with other reports provides an overview of Adult Social Care's performance.

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Names of approvers for submission: (officers and members)				
Finance: Ewan Dewar	Finance Manager, Community Services	Finance & Legal Services	3.1.2013	3.1.2013
Legal: Julie Newman	Solicitor, CLYP and Adults Manager	Finance & Legal Services	3.1.2013	4.1.2013
Director: Brian Walsh	Director of Community Services	Community Services	3.1.2013	3.1.2013
Members: Councillor Mrs Lucas	Cabinet Member (Health and Community Services)	Coventry City Council	3.1.2013	7.1.2013

This report is published on the council's website:

www.coventry.gov.uk/meetings

Appendices

**Adult Social Care Complaints and Representations Annual Report
1st April 2011 to 31st March 2012.**

Appendix A
Coventry City Council
Adult Social Care

Complaints and Representations

Annual Report 2011/12

Coventry City Council
Adult Social Care Complaints and Representations Annual Report
1st April 2011 to 31st March 2012.

1. Introduction

Local Authorities are required by law (National Health Services and Community Care Act 1990) to have a system for receiving representations by or on behalf of people in need of Adult Social Care support who have a range of support needs due to a disability or frailty. Services cover assessment and case management, direct service provision or the arrangement of a range of services, including: support at home, day opportunities, supported housing, intermediate, residential and nursing care or provision of equipment.

This report will provide information from comments, compliments and complaints in relation to Adult Social Care services responded to under both the Statutory and the Corporate Complaints Procedures, during the period 1st April 2011 to 31st March 2012 with specific reference to:

- The range of representations received and responses to them
- Specific trends and issues that emerged in the reporting year

The Local Authority Social Services and National Health Services Complaints Regulations (England) 2009 changed the process for handing of complaints within Adult Social Care on the 1st April 2009. The purpose of the revised regulations was to align the complaints processes for Adult Social Care and Health to enable joint handing of complaints across health and social care where appropriate. This also meant that the process for dealing with complaints via the statutory procedures was streamlined from a three stage process to a one stage process. The Council's Corporate Complaints Procedure remained unchanged.

The Corporate process is driven by specified timescales whereas the statutory regulations focus on regular dialogue and mutually agreed timescales.

2. Summary

The overall number of complaints received equated to less than 1% of the number of people receiving support from Adult Social Care. The feedback indicates that:

- The most common themes represented were:
 - Service - 32
 - Professional Conduct-10
 - Communication and Information- 4
 - Finance Assessment -2
- Compliments for the service about professional conduct outnumbered complaints
- The decision categories changed during the year and the complaints previously categorised as "*Local settlement*" are now categorised as "*Investigated: Injustice*"

remedied during enquiries". Two complaint outcomes investigated by the Local Government Ombudsman were received in relation to Adult Social Care.

Details of the numbers and types of complaints at each stage are shown in Appendix 1: Statistical Data.

3. Promoting Access and Responding to Feedback

Representations from people who use our services and their families provide a useful source of information about quality of service delivery, professional practice and the outcome of management decisions. A key part of the complaints process is how, as an organisation, we learn from negative experiences and use this to improve service delivery. Adult Social Care Services always welcomes feedback. There are a number of ways people can make their views known. These include:

- Telephoning or emailing the main City Council Contact Centre
- Telephoning the Community Services Directorate Office (publicly advertised complaint contact telephone number).
- Direct from the service if the issue has not been resolved.
- Writing or E-mail to the Adult Social Care Customer Relations Team
- The Coventry City Council Website (accessible via the home page and social care page) provides information on how to make a complaint, advocacy services and the statutory complaints process
- The corporate Speak Up We're Listening leaflets are available at all Council reception points and made available off site on request

As with previous years, most complaints have been received by e-mail.

3.1 Compliments – 98 compliments were received in the year

Compliments tell us what people appreciate about the support they receive and the way it is provided to them. They are a valuable source of feedback and importantly can be used to encourage and motivate staff. Every compliment reported to the Customer Relations Team is registered and reported to the relevant individual or team and copied to the manager of the service. By their nature, compliments are generally unexpected and considered to be an 'extra', and as such there is (unless actively prompted) a tendency for individuals and teams to underreport their compliments to the Customer Relations Team. The majority of compliments being for the in house provider services.

3.2 Complaints – 48 complaints were received in the year

The number of complaints increased on the previous year. This represents less than 1% of users overall. 43 of the 48 complaints were registered as statutory adult social care complaints. 25% of the complaints were not upheld.

3.2.1 Corporate Complaints

Of the above complaints 5 were dealt with as corporate complaints mainly by external bodies and therefore did not follow the Adult Social Care process. These complaints were mainly in relation to standard of service.

3.2.2 Statutory Complaints about external providers.

There is a statutory responsibility for providers of residential and domiciliary care services to have a complaints procedure that complies with the Care Homes Regulations 2001, the Care Standards Act 2000 and the National Minimum Standards. There is an expectation that the client pursues a complaint with provider organisations through their own complaints procedures. However, if the client is dissatisfied with the response of the provider or if they wish to pursue the complaint through the statutory adult social care complaints process, they have the right to do so. This was previously through case law, but in October 2009 this was embedded in the regulations. Where possible, we do encourage complainants to utilise the providers' complaints procedures in the first instance.

In relation to external providers, the Adult Social Care Commissioning Team investigate these complaints and, where required, action plans are put in place to ensure service standards were improved.

3.2.3 Satisfaction with Complaints Handling

A survey is due to be done at the end of 2012/13 in an appropriate method to gain satisfaction levels to see if complainants feel they had been listened to as part of the process.

3.3.4 Timescales

There are no prescribed timescales for resolution. The only stipulation within the regulations is that timescales were reasonable and that the complaints process should be concluded within 6 months. It is acceptable to extend this deadline with the agreement of the complainant. The focus is on mutually agreed timescales by the Investigating Officer and the Complainant. The timescales have increased, but the responses are more comprehensive and meaningful. Where originally agreed timescales have been extended, the complainant has always been contacted and given an explanation for the delay.

The timescales for responding to corporate complaints remain unchanged. For details of the timescale performance on Complaints see Appendix 1.

4. Messages, Learning Points and Service Improvements

Social Care services are committed to learning from customer feedback. Where complaints highlight that things have gone wrong, managers must identify any remedial and developmental action required to improve service delivery. Feedback from compliments provides an equally valuable message; clearly affirming when services make a difference and personal qualities have added value to the outcome for users and carers.

Complaints are classified in terms of specific areas of activity including, Adult Protection, Communication and Information, Discrimination, Environment and Equipment, Management Decisions, Professional Conduct and Service Delivery.

This section reflects users views on the 3 most common areas of feedback, which represent 93.8% of the mentioned items within the complaints.

4.1 Most Common Areas of Feedback

Similar to last year the top 3 most common areas of feedback are:

- Service Delivery,
- Communication and Information
- Professional Conduct.

4.1.1 Service Delivery

Central to the Adult Social Care function, standards of care and service delivery, eligibility for services, care plan issues and timeliness in receiving services, characterise the feedback in this category. In keeping with previous years, the majority of feedback falls into this group. 66.7% of complaints received were in some way related to service delivery and this has to be considered against the impact of meeting or exceeding user and carer expectations. This has shown an increase on the previous year.

4.1.2 Communication and Information

When users and their families are referred for support, they require information about things they have not encountered before. They also need to be kept informed of progress and decisions. Representations of this nature are categorised in terms of the provision, quality, method and timelessness of information as well as accuracy and security of personal data. The most common complaints are from users or family members who feel they have not been kept informed or when there has been a delay to information being provided. It is not usual for unmet communication needs to lead to general dissatisfaction and complaints about other aspects of the user or carer experience, including service delivery and complaints against staff in relation to their professional conduct.

8.3% of complaints received were about communication and information. This represents a decrease on last year where 24.6% were recorded in this category.

However this aspect of work needs constant attention for managers and staff, as the importance of quality and timely communication can never be underestimated and to keep service users and other stakeholders informed and is often an additional contributing factor in the other recoded areas such as service delivery and professional conduct.

4.1.3 Professional Conduct

This represents a slight decrease from last year in this category from 22.8% to 20.8%. However when people complained in this category it also involved other elements, the major additional contributing factor being communication. This has to be looked at in the context of the overall number of cases involved and the amount of compliments received which is credible evidence of the difference an individual can make to outcomes. Where fault was found as in previous years supervision, training and where necessary Human Resources procedures enacted were the most common actions taken by managers where fault was found.

4.2 Conclusions

Whilst the numbers are low we are striving to improve services and have analysed the complaints received and drawn the following conclusions;

4.2.1 Volume

The number of complaints is higher, however the complaints are more complex and normally there is more than one issue to be resolved. This is reflected in the time taken to respond to a complaint.

4.2.2 Learning

Timely and clear communication is important to delivering an excellent service as maintaining a sense of support and empowerment. Communication can have a significant impact on the user and carer perception of service delivery and can be the catalyst for overall dissatisfaction whilst the user sees it as a lack of service delivery. This area of practice needs constant reinforcement for all managers and staff.

4.2.3 Resolution

Apologies and explanations are a standard basis for resolution and a feature of formal responses. However, the success of outcomes is subject to timeliness, creative solutions, positive relationships and appropriate remedial action. Re-assessment, reimbursement, change of worker, change of care provider or provision of expert services, again featured amongst the resolution outcomes.

4.2.4 Service Improvement

Actions intended to bring about service improvements typically involved enhancing and reinforcing the importance of communication. Also complaints are also now reported at a Directorate level within the quarterly performance information.

5. System Development

In October 2010 the role of the Local Government Ombudsman expanded to include complaints made by people who are classed as self-funders. This will also include social care clients who are in receipt of personal budgets and those already on Direct Payments, where the complaint concerns external service providers as yet we have not seen any impact in relation to this change.

Appendix 1 – Statistical Data

Adult Services Data

Complaints received

Corporate	5
Statutory	43
Total	48

Reason for Complaint in more detail.

Category	Count	%
Standards of Service	19	39.6%
Staff Conduct/Performance	10	20.8%
Delay in service	7	14.6%
Access/eligibility-service	5	10.5%
Communication	4	8.3%
Finance-assessments	2	4.2%
Care plan - service	1	2.0%

Please note that a complaint can have more than one reason code, the above is given to reflect the major items within the complaints.

Decisions

Decision	Upheld	Part Upheld	Not Upheld	Withdrawn
Corporate	1	1	3	0
Statutory	16	17	9	1
Total	17 (35.4%)	18 (37.5%)	12 (25%)	1 (2.1%)

Timeliness

a) Complaints acknowledged on time,

Timeliness	On time	Not on time	Incomplete
Corporate	5	0	0
Statutory	42	0	1
Total	47 (97.9%)	0 (0%)	1 (2.1%)

b) Completed

Timeliness	In 10 days	Over 10days	Incomplete/withdrawn
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Corporate	5	0	0
Statutory	0	42	1
Total	5 (10.4%)	42 (87.5%)	1 (2.1%)