



DERBY CITY COUNCIL

SCRUTINY MANAGEMENT COMMISSION

12 September 2006

Report of the Director of Corporate and Adult Social Services

Adult Social Services – Complaints and Representation Procedure Annual Report 2005/06

RECOMMENDATION

1. That the Commission consider and comment upon the report

SUPPORTING INFORMATION

- 2.1 The Adults Social Services Complaints and Representations Procedures are prescribed by Regulation laid down under the National Health Service and Community Care Act 1990 and the Local Authority Social Services (Complaints Procedure) Order 1990.
- 2.2 The report contained in Appendix 2 provides details of the complaints received by Adult Services during 2005/06.
- 2.3 Of the 38 complaints received in 2005/06, 50% were about the quality of the service and the majority were made by relatives of the service user. In 2005/06 the largest number of complaints were about Learning Disability Services. This differs from 2004/06 when complaints about domiciliary services formed the largest proportion.
- 2.4 The Commission is invited to consider and comment upon the report.

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Background papers: Appendix 1 – Implications
List of appendices: Appendix 2 – Complaints and Representation Procedure Annual Report
2005/06

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. The preparation of an Annual Report is a legal requirement of the legislation.

Personnel

3. None arising from this report.

Equalities impact

4. The delivery of high quality Social Services is potentially of benefit to all Derby people.

Corporate Objectives, Values and Priorities

5. This report has the potential to link with all the Council's Corporate Objectives.

**Derby City Council
Corporate and Adult Social Services Directorate
Adult Social Services**

COMPLAINTS AND REPRESENTATIONS PROCEDURE

ANNUAL REPORT

APRIL 2005 – MARCH 2006

Introduction

This is the 8th and last Annual Report for Derby Social Services and the first specifically focused on Adults Social Services. The report is a statutory requirement, which monitors the operation of the Complaints and Representations Procedure.

This report looks at the complaints received by Adult Services during 2005-06. Complaints and compliments provide valuable feedback from our service users about the services we provide. By analysing these we can obtain insight into parts of our service where we perform well and those parts that may need some attention.

The Adults Social Services Complaints and Representation Procedures are prescribed by Regulation laid down under the NHS and Community Care Act 1990 and the Local Authority Social Services (Complaints Procedure) Order 1990.

When things go wrong it is important that we learn from our mistakes and make the necessary changes that ensure the same mistakes are not repeated. We have done this by way of our reports to the Social Services (Performance) Departmental Management Team meetings, and by analysing upheld complaints and actions for Assistant Directors to take forward. In this way we can improve the quality of services provided. The objective of the procedure is to address individual concerns about the delivery, quality and appropriateness of the services we provide. In general the data should not be relied upon to provide a sole indicator on the quality of services, but it can highlight specific concerns at particular times and give a guide to remedial action.

Complaints also provide important information for the continual improvement of services based upon the expectations of service users. The increasing customer focus of services is also demonstrated by the increase in customer satisfaction surveys, which give important information and allow individual service users to participate in the improvement of services.

Whilst acknowledging that complaints data provides important information about customer opinion, it is important to recognise that whilst 38 customers felt the need to complain during 2005-06, this is in the context of a service that received 4430 referrals and provided services to 13,042 people during the year. This represents a 31% decrease in complaints from 2004-05, which itself experienced a 50% decrease from the previous year.

The Complaints Procedure

The Complaints Procedure consists of three stages. These procedures have been reviewed and revised in light of the introduction of new Department of Health and Commission for Social Care Inspection Regulations since June 2006, and will be implemented from 1 September 2006. The current procedure consists of:

Stage 1 – Problem Solving

The emphasis is to resolve a complaint as effectively as possible at the local level involving those people who know most about the complaint. At the first stage of the procedure the local managers will normally handle it. The procedure requires the complaint to be formally acknowledged within 5 working days. The objective of the Local Manager is to resolve the complaint, if possible through discussion & taking appropriate remedial action. This stage of the procedure should be completed within 28 working days. However, more complex complaints may take longer.

There is rightly a very heavy investment of staff and management time in resolving issues at the first stage. The vast majority of complaints in Adults Services have been resolved at Stage 1 and generally, complaints have been responded to within timescales at this stage of the procedure. This is good practice.

Stage 2 – Formal Investigation

If the complainant remains dissatisfied with the outcome of the first stage they can request formal investigation of their complaint. Under this stage, an officer from outside the originating service of the complaint carries out a detailed investigation. If the complaint involves vulnerable adults an Independent Person accompanies the Investigating Officer. This stage of the procedure should be completed within 28 days, although up to three months is available for more complex matters. The Investigating Officer presents the draft report to the complainant seeking agreement of facts, and then presents the final report to the Assistant Director responsible for the service who responds to the complainant.

Stage 3 – Review Panel

If the complainant remains dissatisfied when attempts at resolution have proved unsuccessful, the complainant has the right to put matters before a Complaint Review Panel. The Panel consists of one Elected Member and two Independent Members one also from the Standards Committee and the other from the panel of Independent Persons, who chairs the hearing. The Panel will make recommendations to the Director of Adult Social Services.

Difficulties persist in meeting timescales at Stages 2 and 3 of the procedure, partly due to the complexity of complaints proceeding to Stages 2 and 3, and partly because senior operational managers and Stage 3 Panel members experience difficulty in reconciling their availability with competing workload pressures.

Local Government Ombudsman

The complainant has recourse to the Local Government Commissioner for Administration (the Ombudsman) to seek redress at any stage. However, the Ombudsman would normally expect this to occur after the complainant has given the Directorate an opportunity to address concerns or complaints via its three-stage process.

Independent Persons

The Department uses Independent Persons in all cases of complaints involving vulnerable adults at Stage 2. The Independent Persons' Panel is jointly administered by Derby City and Derbyshire County Councils, including joint recruitment and training.

Advocacy

In Adult Social Services advocacy is provided through a number of voluntary organisations depending on the particular service user group, who are funded to provide this service.

Performance

The department values the learning we can derive from complaints. We want to encourage users to feel confident about raising concerns, and staff to proactively deal with customer issues and strive for quality improvement. Consequently, fluctuations in the numbers of complainants are not of themselves a measure of performance. Nonetheless, it is important that complaints are acknowledged and responded to promptly.

It is essential for reporting purposes that all complaints received within the department are copied to the Directorate's Complaints Section, together with copies of all Stage 1 response letters, to enable accurate reporting figures to be compiled.

In order to comply with equalities legislation, and to ensure complete reporting, from April 1 2006 all complaints registered at Stage 1 will have equalities information recorded.

Numbers of Complaints Received – Departmental Total

2004/05		2005/06
55	Stage one complaints	38
2	Stage two complaints	1
Nil	Stage three complaints	Nil

It is important to note that a complaint is reborn when it passes to a new stage, thus, Stage 3's are also recorded in Stage 2 and Stage 2's are also recorded in Stage 1.

Of the 38 complaints received 18 were dealt with within prescribed timescales. The average time from receipt of Stage 1 complaints to resolution during 2005-06 was 33.5 days. However, some took considerably longer and skew this figure. If these skewing figures are removed the average time reduces to 23.5 days.

There has been a steady reduction over time in the number of Stage 1 complaints being received by the Directorate. Together with average times from receipt to resolution generally well within prescribed limits, it paints a positive picture of an improving department.

Stage 1 Complaints

Source of Complaint

Of the 38 complaints received (55 in 2004-05), the majority were received from relatives (22), whereas in 2004-05 the majority had been received from the service user themselves (15).

Types of Complaint

In 2005-06 the vast majority of complaints (19) in Adult Services were received about the quality of the service, and to a lesser extent about decisions made (7) and the conduct or attitude of staff (4). These are the same types of complaints, in the same order, as in 2004-05.

Service Area

In adult services during 2005-06 the largest number of complaints were about Learning Disability Services (13), whereas, during 2004-05 the largest number were about domiciliary services (21), which was the second highest in 2005-06 (12).

Complaint Type	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Assessment							1						1
Decision			1		1	2		2				1	7
Conduct/Attitude		1		1	1						1		4
Refusal of Service		1											1
Delay in Service								2					2
Withdrawal of Service												1	1
Lack of Information													
Lack of Communication							1						1
Quality of Services	2	1	2			4	3	3		1	1	2	19
Reduction of Service												1	1
Service not Available													
Policy Issue													
Social Services Unrelated	1												1
Total	3	3	3	1	2	6	5	7		1	2	5	38

Month													
Referrer Type	A	M	J	J	A	S	O	N	D	J	F	M	Total
MP						2		1				2	5
Councillor													
Employee													
Doctor													
Service User	1	1			1			2					5
Relative	2	2	3	1		3	3	3		1	2	2	22
Friend					1		1						2
Legal Rep							1						1
Partner						1							1
Neighbour													
Other								1				1	2
Total	3	3	3	1	2	6	5	7		1	2	5	38

Month													
Service Area	A	M	J	J	A	S	O	N	D	J	F	M	Total
Social Work				1	1		1	1		1	1		6
Domiciliary	2	1	2			2	1	2			1	1	12
Day Care													
Occupational Therapy													
Equipment/Adaptations													
Finance	1												1
Accommodation													
Local Authority						1	1						2
Private								1					1
Voluntary													
Residential Care													
Local Authority													
Private													
Voluntary													
Agency Placement													
Welfare Rights													
After Care													
Mental Health													
Elderly													
Learning Disability		2	1		1	1	2	3				3	13
Physical & Sensory Disability						2						1	3
Domiciliary Services Agency													
Contracting													
Careline													
Private Day Care													
Total	3	3	3	1	2	6	5	7		1	2	5	38

Stage 2 Complaints

Only two of the complaints received at Stage 1 progressed to requests for a Stage 2 Investigation. Of these, one request was not accepted and the other was eventually resolved to the service user's satisfaction following re-assessment of their needs.

Learning from Complaints

The analysis of complaints and lessons learned are part of each Service Manager and Head of Service's responsibility. Two examples of this are:

1. complaints about the process of transition between children and adult services in Learning Disability Services lead to the development of improved processes and an improvement in staffing; and
2. in Domiciliary Services the findings from complaints have been linked into training for individuals.

Developmental Issues for the Complaints and Representation Service

The 2006 Regulations drafted under the Health and Social Care Act 2003 present both the Directorate and the Complaints Procedure with several challenges in relation to the way we deal with complaints. The most significant proposals, which will have a fundamental impact, are:

- the informal resolution stage of the Complaints Procedure will be no more than 10 working days, after which, if a complainant has not received a response, they have an automatic right to move to Stage 2. The 10 days can be extended but this must be either at the complainant's request, or with the complainant's agreement where matters are complex or where an advocate is sought.
- Stage 2 complaints will have a timescale of 25 working days, although this can be extended up to 65 working days (13 weeks) where matters are very complex or there are multi-agency issues involved
- the Stage 3 Review Panel is the complainant's Panel, and we have 30 working days within which to convene it
- where the Review Panel decides that we have not dealt adequately with the complaint, we have 15 working days to tell the complainant what action, if any, we propose to take in consequence.
- where we receive a complaint, some of which is about an NHS body we must, with the complainant's agreement, send that part of the complaint to the body involved and then co-operate with that body so that the complainant receives a co-ordinated response.

These new Regulations were originally due to come into effect in October 2004; were initially deferred to April 2005, then to October 2005, again to July 2006, and are now planned for 1 September 2006.

These changes present the Directorate with a challenge and it is important that all managers responsible for investigating complaints at Stage 1 and Stage 2 ensure that the early resolution of complaints is afforded a high priority.