



DERBY CITY COUNCIL

Derby City Council Adult, Health and Housing

Adult Services Complaints
Annual Report
April 2009 – March 2010

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1.0 Introduction

1.1 The Local Authority Social Services Act 1970, as amended by the NHS and Community Care Act 1990, requires the production of an annual report on the statutory complaints and representations procedures. Further specific regulations were implemented in September 2006 regarding statutory complaints – Statutory Instrument 2006/1681, the Local Authority Social services Complaints (England) Regulations 2006.

1.2 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 came into effect from 1 April 2009.

1.3 This report provides information about complaints received during the period 1st April 2009 and 31st March 2010.

1.4 The new regulations were published in February 2009 and the new procedure commenced on 1 April 2009. The regulations can be viewed at

<http://www.opsi.gov.uk/si/si2009/pdf/uksi-20090309-en.pdf>

1.5 The aim of the new procedure is to improve the quality of people's experience by responding more flexibly and wherever possible resolving matters locally.

1.6 There are three main changes

1.6.1 Replacement of the 3 stage social care process, previously required by the Local Authority regulations, with a single local stage.

1.6.2 A requirement to have more flexible and responsive systems that focus on the needs of the complainant. These need to offer opportunities for early resolution and to co-ordinate responses where issues cross health and social care boundaries.

1.6.3 Replacement of the former 2 stage review process for healthcare complaints with a single system of review by the Parliamentary and Health Service Ombudsman.

1.7 This report provides information about

- The new Complaints Procedure
- The role of the Customer Service Manager
- Performance
- Learning and Service development

- Training
- Plans for development 2010/11

2.0 The new Complaints Procedure

- 2.1 The customer is contacted within 3 working days of the complaint being received. Where possible this is personally by phone. The opportunity for a face to face meeting is offered. Opportunities for resolution are sought from the outset.
- 2.2 The detail of the complaint is clarified, a plan of action agreed together with anticipated timescales for response. There is no longer a specific timescale for replying to complaints. This is to ensure that proportionately thorough investigations can be carried out. However, a local standard of a response within 10 working days has been set with any extension subject to negotiation with the complainant and agreement by Head of Service. Any delays beyond 28 days must be discussed and agreed with a Service Director
- 2.3 The complaint is investigated and a reply sent to the customer together with information about any action that will take as a result of the complaint. Complainants are also given information about what action they can take if they are not satisfied with the outcome.
- 2.4 The customer is kept informed throughout the process.
- 2.5 The findings of the investigation are reviewed to identify any learning for individuals or the Council.

3.0 Customer Service Manager

- 3.1 In 2009 a new post of Customer Service Manager was created to incorporate the Complaints Officer Role. This role reflects the Directorate's desire to take a more proactive approach to improving the customer experience rather than just responding to individual complaints. It also reflects the Customer Service ethos in the wider Council.
- 3.2 The post holder has been working to understand our customer's experiences, explored how to improve the service and implemented changes to reflect the findings. Work has focused on the recording of complaints and establishing a new data base to capture performance across all service user groups. The recording of complaints is now more robust and captured centrally. This will allow the Customer Service Manager to record, monitor and analyse the complaints, responses and outcomes in a more structured and responsive way. A revised Access database is used to capture the information provided and the outcomes and actions for each complaint. This work will, in

future years, enable a better analysis of trends in complaints and help us target activity to address particular issues that may emerge.

- 3.3 The post holder has revised our information to the public to reflect the new arrangements. This is now available on our website and forms part of the information pack that people are given at the point of assessment. This information has been positively received by customers who have indicated it has been helpful in guiding them through the process and making a complaint.

4.0 Performance

4.1 Complaints Analysis

4.2 Total Number of Complaints Received 2009 - 2010

- 4.2.1 The total number of complaints received during this year is 74 and is shown in the table below by service type.

4.2.2

Complaints by service	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	2009-10
Older people	2	1	3	5	1	0	2	4	5	3	3	1	30
Learning disabled people+	6	4	4	5	1	1	3	1	0	1	0	0	26
People with physical and / or sensory disability	1	0	1	3	0	3	0	2	1	1	0	1	13
Mental health	0	0	0	1	0	1	1	0	1	0	0	0	4
HIV / Aids	0	0	0	0	0	0	0	0	0	0	0	0	0
Substance misuse	0	0	0	0	0	0	0	0	0	0	0	0	0
Carers	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	1	0	0	0	0	0	0	0	0	0	0	1
Total complaints	9	6	8	14	2	5	6	7	7	5	3	2	74

4.2.3

Comparison 2008-2009 with 2009-2010

Total	63	74
Service	2008-2009	2009-10
Older People	36	30
Learning Disabilities	11	26
Physical and / or Sensory Disability	12	13
Mental Health	3	4
HIV / Aids	0	0
Substance Misuse	0	0
Carers	1	0
Other	Not recorded	1

4.3 The volume of complaints has not changed markedly since last year with the exception of complaints made by or behalf of people with Learning Disabilities. Consideration of this rise indicates that it is attributable to changes in recording practice rather than an increase in dissatisfaction. The new complaints procedure provides a much more helpful definition of when complaints should be formally recorded rather than dealt with informally as concerns. It is this change which has prompted the recording of matters that historically would have been resolved by an individual worker. Whilst these matters will still be quickly resolved, formal recording means that a clearer picture of any patterns of difficult can be more easily gained.

4.4 Complainants by referrer type

4.4.1 The summary of the complainants types are detailed in the table below:

4.4.2

Complainant by Referral Code	
Code	Number
Relative	30
Self	14
MP	3
Friend	2
Other	1
Employee	1
Neighbour	1
Not recorded	22

4.4.3 As in previous years the majority of complaints are made on behalf of individuals by third party. This is usually a family member.

4.5 Complaints by Service area

4.5.1 The summary of the complaints service types are detailed below:

4.5.2

Service Code	
Code	Number
LA Residential Care	7
Finance	7

Minor Adapts and Equipment	6
Social Services	6
LA Domiciliary Services	5
Learning Disabilities	26
Physical and Sensory Disabilities	4
Private Residential Care	3
Mental Health Services	3
Older People	4
Private Domiciliary Services	1
Welfare Rights	1
Enablement Resource	1

4.6 Complaints by Type

4.6.1 The summary of the types of complaints received are detailed below:

4.6.2

Complaint Type	
Type	Number
Quality of Service	42
Assessment	12
Conduct of Staff	7
Decision	6
Communication	3
Delay in Service	1
Service not Available	3

4.6.3 This highest number of complaints has been received about service quality. Over a third of these relate to a single service and action is underway through our commissioning arrangements to address this.

4.7 Complaints Upheld and Not Upheld

4.7.1 The summary of the complaints that were Upheld and Not Upheld are detailed below:

4.7.2

Complaints Upheld and Not Upheld	
Upheld	18
Not Upheld	33
Partially upheld	22

4.7.3 Frequently a single representation contains more than one complaint. This accounts for the category of partially upheld.

4.8 Ethnicity

4.8.1 The ethnicity of the person whose service was the subject of complaint:

4.8.2

Ethnicity of Clients	
White British	33
Asian / Asian British	4
White Irish	2
Not Declared	34

4.9 All complaints have been responded to either within 10 days or the timescale originally agreed with the complainant and none have exceeded 28 days.

4.10 The Local Government Ombudsman (LGO) is empowered to investigate where it appears that a Council's own investigation has not fully responded to the complaint. Complainants may refer their complaint to the LGO at any time, although the LGO normally refers the complaint back to the Council if it has not been considered under the Council's procedure first or if the LGO and the Council feel there is more that the Council can do to respond. Three people have referred their complaints to the Local Government Ombudsman. In two of these cases the Council provided a further response. No report has yet been made by the LGO in respect of the third case.

4.11 Information about the LGO can be found at:

<http://www.lgo.uk/making-a-complaint/>

5.0 Learning and Service Improvement

5.1 Complaints provide valuable insight into the work of the Directorate and how service can be improved. Sometimes learning and development needs are identified for individual staff. However, in some cases it is possible to draw wider conclusions from an investigation which has implications for policy, practice or commissioning.

5.2 In 2009/10 there have been a number of complaints that have resulted in positive changes. These include

- 5.2.1 The recognition of the need to align the Complaints Procedure with the Safeguarding procedure to ensure that matters are dealt with either under both or the most appropriate of these. The appointment of an operational Service Manager to the Safeguarding Unit has assisted with this.
- 5.2.2 A Council –wide review of the policy for responding to people 'With no recourse to public funds'
- 5.3 The review of arrangements in Derby City Council residential care homes to better respond to the needs of short stay residents and their carers.
- 5.4 Policy and practice development for the management of medication in care homes and home care settings.
- 5.5 Review of transport arrangements for people with learning Disabilities

6.0 Training

- 6.1 Customer Service is high on our priorities as a Directorate and as a Council. Customer Service Training has been provided for all staff in our Screening and Assessment Service which is usually the first point of contact for Adult Social Care. As a result further training modules and are being developed for other staff. These will adapted to suit the wide variety of services we provide both face to face and over the telephone and will include our residential and home care staff. This will ensure that the ethos of keeping our customers at the heart of everything we do is embedded into the day to day activity of all our staff.
- 6.2 A programme of in-house training has also been delivered for Managers in relation to the new Complaints procedure with practice guidance developed to support this.

7.0 Improvement Plans

- 7.1 This first year of implementation of the new procedure and the appointment of a Customer Services manager has provide us with the opportunity to revise systems to more effectively manage complaints and capture information about our performance.
- 7.2 Plans for 2010/11
 - 7.2.1 Identifying further staff training needs.
 - 7.2.2 Improving quality of performance reporting

- 7.2.3 Developing practices to more systematically identify and respond to learning from complaints.
- 7.2.4 Explore options for the use of mediation and advocacy in the resolving of complaints
- 7.2.5 Review the system for recording and learning from compliments, including how types of complaints are categorised.

Jane Witherow
Customer Service Manger
May 2010