

Agenda item:

[No.]

CABINET

On 14 September 2010

Report Title: Adult Services Statutory Annual Complaints Report

Report of: **Mun Thong Phung, Director of Adult, Culture and Community Services**

Signed:

Contact Officer: Lesley Clay, Complaints Manager Ext. 3398

Wards(s) affected: **ALL**

Report for: **KEY**

1. Purpose of the report

- 1.1. To report on the statutory complaints procedure for Adult Services for the year 2009/10 and make appropriate recommendations to improve complaint handling and performance.
- 1.2. To seek member approval for the Adult Services Annual Complaints Report for 2009/10.

2. Introduction by Cabinet Member

- 2.1 I welcome this very positive report which reflects excellent performance in Adult Services in response to complaints. Complaints are vital to listening and engaging with our users' and carers' needs, and learning from them is even more important in terms of driving up service improvement. Responding promptly and positively to complaints is an important aspect of good quality customer care, and by listening to our service users and carers views helping them to shape the agenda for Adult Social Care.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 3.1. Linked Council Plan Priorities are:
 - Encouraging lifetime well-being at home, work, play and learning;

- Promoting Independent living while supporting adults and children in need; and
- Delivering excellent customer focused cost effective services.

Full Council Plan Priorities can be found on the left hand side of the page at <http://harinet.haringey.gov.uk/index.htm>.

4. Recommendations

- 4.1. That the Adult Services Annual Complaints Report be agreed.

5. Reason for recommendation(s)

- 5.1. That the performance for 2009/10 be noted; and
 5.2. That proposed initiatives for performance improvements are noted.

6. Other options considered

- 6.1. N/A

7. Summary

- 7.1 To note the performance and key achievements in the reporting year 2009/10. The statutory complaints received for Adult Services were all completed within 99% of the timescale; this is against a target set at 95%. This 1% drop from 100% completion within timescale was attributed to just one response being submitted late. Please note that we aim for 100% completion within timescale and have achieved this target consistently since April 2008. It only takes one missed submission to fail the 100% target. To avoid this in future, the Assistant Director for Adult Services and Commissioning has asked for Complaints and Members' Enquiries to be completed within 24/48 hours where possible. Adult Services also received a number of compliments and WOW Awards which is evidence of good customer care practice.

8. Chief Financial Officer Comments

- 8.1 This report has no direct financial implications. However, where complaints are investigated by external investigating officers the cost must be absorbed within existing resources; and
 8.2 Similarly, any cost resulting from compensation payments must be met from within existing resources. No budget exists for these payments.

9. Head of Legal Services Comments

- 9.1. No legal comments.

10. Head of Procurement Comments

10.1. n/a

11. Equalities & Community Cohesion Comments

11.1. Please note tables in section 7 there were no obvious trends to suggest that any particular ethnic group were making complaints about specific services. In relation to age, the largest group that we have registering a complaint is in the 60+ group and more women have complained than men. However it should be noted that more women than men access and receive services and the number of aged 60+ service users making a complaint has halved since last year.

12. Consultation

12.1. none

13. Service Financial Comments

- 13.1. Stage 1 complaints are managed within the existing management structures and there are no additional financial implications. Under the statutory procedure there are no longer 'Stage 2' complaints but 2 complaints needed to be investigated by an independent investigating officer and these were carried out by an internal investigator. Therefore, in 2009/10 there was no extra cost to investigations. In 2010/11 and beyond we project that most stage 2 investigations will be undertaken internally where appropriate.
- 13.2. The complaints team structure is fully funded. There are no adverse financial implications. Where compensation payments are agreed by senior managers, management should monitor these as there is no provision within service budgets.
- 13.3. Efficiencies
N/A.

14. Use of appendices /Tables and photographs

14.1. n/a

15. Local Government (Access to Information) Act 1985

15.1. Local Government Ombudsman website. www.lgo.gov.uk - [Working for us](#) : : Self funding users of adult social care

London Borough of Haringey

ADULT SOCIAL CARE

Complaints Annual Report
2009-2010

Adult Social Care

1. Background to Complaints Procedure

Haringey Adult Social Care aims to provide services of the highest standard. In order to achieve this we need to involve service users and listen to their views.

Adult, Culture & Community Services provides a wide range of services. We think we get it right most of the time but there are times when things can go wrong and service users/family members are not satisfied, then they have a right to complain. If this happens we need to know so we can put it right and learn from it. We welcome all feedback about our services. Feedback helps us to improve our services and helps us make sure that we treat everyone fairly. This will not have a negative effect on the service that one is already receiving, or services one may get in the future. We would also like to know when we do something well.

The Social Services Complaints (England) Regulations 2006, was replaced in April 2009 with the *The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*. This procedure was issued by the Department of Health and there is now a single approach to dealing with complaints for the NHS and Adult Social Care. This new procedure gives organisations the flexibility needed to deal with complaints effectively. It also encourages a culture that seeks and then uses people's experiences to make services more effective, personal and safe. The Department of Health have developed a guide; 'Listening, Responding, Improving' to help complaints professionals work with colleagues to make their organisations better at listening, responding and learning from people's experiences. It is designed to be accessible to anyone working in health and social care organisations that are involved in receiving feedback and resolving concerns and complaints from patients, service users and their representatives.

A person is eligible to make a complaint if you, a family member or someone close to you;

- Receives a service from Adult Services or
- Has been affected by a care plan decision or the assessment. This also applies to a person acting on behalf of someone else.

The complaints procedure has two steps. The Local Authority will in the first instance try to resolve the complaint. This will mean that Haringey Adult Services will do all that we can to resolve the complaint speedily and informally. If an individual is not satisfied with the response we would ask that they contact the Complaints Manager.

The Complaints Manager will then look at an alternative way of sorting out your complaint for example:

- Obtaining a second opinion;
- Having a re-assessment of your needs;
- Meeting to discuss matters; and
- Arranging for mediation or an independent investigation

If we are not able to resolve your complaint you will need to contact the Local Government Ombudsman.

We welcome compliments and suggestions so that we can learn from these and improve our services.

2. Reporting Mechanisms

The Directorate's Complaints Manager now reports to the Acting Head of Service for Supporting People, Contracts & Complaints, who in turn reports to the Assistant Director of Safeguarding & Strategic Services. The Assistant Director for Adult Services and Commissioning has daily contact to ensure tight management of all complaints and Member Enquiries.

The Complaints Manager is a fourth tier manager and has very good working relationships with all senior managers.

Below is a brief outline of the complaints process within the Council:

- The Complaints Manager manages the complaints process;
- The Council has a central database for logging all complaints;
- Complaints are taken in any format such as: written, oral or electronic;
- An acknowledgement letter will be sent within 2 working days of receiving the complaint. This letter will provide the complainant with the contact details of the person investigating their complaint and when the response is due. Complaints will be completed within 10 working days;
- If the complaints team assess the complaint as being very complex they will discuss with the complainant a suitable timescale to complete and investigation;
- All complaints are sent via email to the service manager of the team directly responsible;
- Response letters carry an escalation paragraph. This paragraph will ask that the complainant contact the complaints team in the first instance to see if there is anything further that can be done to remedy the complaint. If the complainant does not wish to do so then there are details of how they may contact the Local Government Ombudsman;
- If there are any recommendations after an investigation, the Complaints Manager will monitor that these have been implemented;
- The Complaints Team will generate weekly reports that are sent to all service heads; this shows how many complaints they have and the due date;

- The Complaints Team will chase up the service heads daily for complaints that are due imminently;
- The Complaints Manager produces quarterly performance reports for Directors Management Team (DMT), which are cascaded to all service heads; and
- We are always looking for ways to improve our services and feel that there are many benefits to a good complaints procedure.

3. Advocacy Services

The Council will support all Haringey residents in their request to use an advocate in helping with their complaint. The Council appreciates that people may become confused by the complaints process.

A review of all current advocacy services was undertaken by the Council and we are developing advocacy services with the voluntary sector and NHS partners to meet the requirements of the Governments personalisation agenda. The Council uses independent advocacy services to specific vulnerable groups through a number of community based organisations: The Council and NHS Haringey's advocacy offer includes:

- Citizens Advice Bureau (CAB): 1 fulltime post funded by Haringey Council and Barnet, Enfield and Haringey Mental Health Trust to provide advice to community mental health teams;
- HIV Advocacy: -1 fulltime post at CAB funded by Haringey Council;
- MIND in Haringey offer advocacy for Mental Health service users;
- MENCAP for service users with Learning Disabilities;
- Haringey has commissioned Rethink in London to act as the Council's Independent Mental Capacity Advocate (IMCA) service provider. This service covers service users with both Learning Disabilities and Mental Health needs;

Rethink IMCA service provides an Independent Mental Capacity Advocate to represent and support people who meet all the following criteria:

1. a decision is being made about either
 - serious medical treatment or
 - long term care and health moves (more than 28 days in hospital/8 weeks in a care home)
2. and it is believed the service user does not have the capacity to make that decision independently;
3. and the service user has no appropriate family or friends available to represent them; and
4. there is also a service funded by NHS Haringey which is for people detained under the Mental Health Act.

The Complaints Manager is aware of the providers of the advocacy services and would know how a service user may make contact with these organisations.

Part of the role of the Supported Housing Scheme Manager, is to advocate on behalf of a tenant if they are unable to complain for themselves. The Day Centre Managers in Older People Services also act as advocates to assist users in complaining.

Haringey Carers, receive further support from a different group of community based organisations:

- The Haringey Carers Centre provides advocacy: info@haringeycarers.org tel. 020 8888 0831;
- Mental Health Carers Support Association has an advocacy project for mental health carers;
- Asian Carers Support Group; and
- Black and Minority Ethnic Carers Support Service, (does offer advocacy services although this is not something that they are contracted to do for the Council).

The Complaints Team acknowledges that complainant's advocates can also be a friend or family member.

Whenever the Complaints Team receive a complaint from a Third Party, they will send a client consent form to the complainant to get confirmation that somebody other than themselves would be handling the complaint on their behalf. This form would give the details of the advocate. The Complaints Team are aware that service users may not be in a position to give consent and they will discuss this with the individual care teams.

The Complaints Team will provide assistance to service users who do not speak English as a first language. The Council has its own translation unit and has staff throughout the Council who will offer to interpret on an ad hoc basis.

The Complaints Team will always ask if there is any way we can offer any help or support for e.g. Translation, Braille or large print copies of correspondence.

4. Performance 2009/10

4.1 Compliments/WOW Awards

We encourage people to write to the Complaints Team to give us compliments about staff or teams. We do ensure that the person or teams that are complimented are formally acknowledged. The Council now belongs to the WOW! Award scheme this is for outstanding customer service. This is an outside organisation and is open to all Council Staff.

Being a part of this scheme has had a very positive effect on our compliments. For the year 2007/08 Adult Services received a total of 78 nominations, this increased in 2008/09 where 195 WOW nominations were received, out of these nominations, 33 WOW awards were received. For the year 2009/10 Adult Services received 254 nominations and were awarded 51 WOW awards.

Some of the compliments we received were

ALL I THANK YOU FOR SUCH A VERY CONSIDERATE LETTER. YOU MUST HAVE SPENT MUCH TOO LONG WRITING IT! I APPRECIATE THE TIME YOU ALL SPENT LOOKING AFTER MY NEEDS WHEN I NEEDED YOUR HELP. I AM MUCH BETTER NOW & HOPE THAT IT WILL BE A LONG TIME BEFORE I WILL NEED HELP LIKE THAT AGAIN. I GIVE TO ALL OF YOU MY THANKS AGAIN

OLDER PEOPLE TEAM THROUGH ALL THE BAD PRESS HARINGEY SS HAVE HAD I WOULD LIKE TO EMPHASISE WHAT A DEDICATED HARD WORKING TEAM YOU MUST MANAGE. I WOULD LIKE TO EXPRESS MY DEEPEST GRATITUDE TO HARINGEY SS REGARDING MY FATHER. IN HAVING DP BEING A VERY DEDICATED HARD WORKING CARING COMPASSIONATE PERSON. D-HAS BEEN VERY DEDICATED AND I COULD NEVER THANK HIM ENOUGH, WORDS WOULD NEVER BE ENOUGH FOR WHAT D HAS DONE FOR MY FATHER. HE HAS DEFINITELY BEEN MY DADS GUARDIAN ANGEL.

Anyone who receives a service from Adult Services can make a suggestion about that service. We want to make sure that our services are good quality and good value for money. We can't do this unless we know what the people who use the services, think is important. We therefore welcome any suggestions/comments that can help us to understand what you feel can be improved and how.

Adult Services did not receive any suggestions during this period. Adult Services feedback forms are available in all service contact areas and suggestions can be made via the web and telephone. The Directorate as a whole received 49 suggestions.

4.3 Whistle-blowing

Whistle-blowing is a complex element of complaint management. The Council's whistle-blowing policy was reviewed last year. The Policy applies to all Council workers which includes senior and junior members of staff. The Council will deal with these concerns anonymously when an individual does not wish to give their details. For a full copy of the policy please visit the Council's website:

<http://www.haringey.gov.uk/index/council/ourstandards/ethicalgovernance>

4.4 Complaints

Performance on complaints handling is determined by whether or not responses have been sent to the complainant within the set timescale. Even though there is no longer a statutory timescale of 10 days, Haringey Adult Services still use this as a benchmark. The Adult, Culture & Community Services complaints team also deal with corporate complaints.

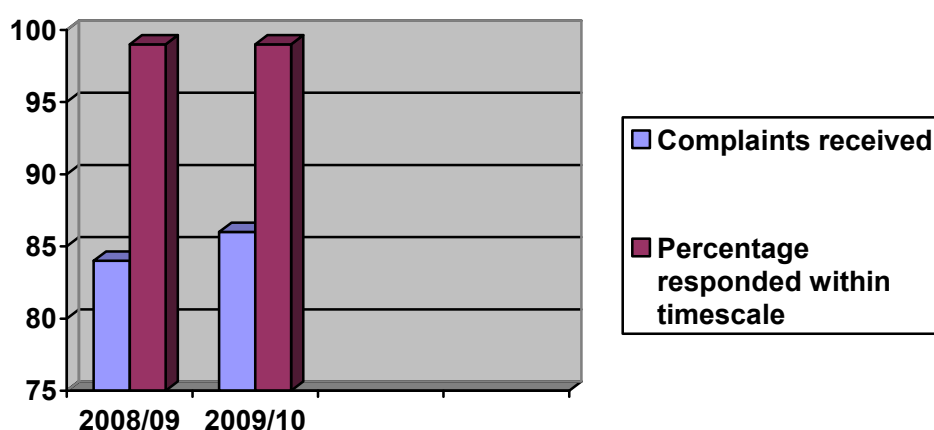
Local Resolution

This is the most important stage of the complaints procedure. The directorate's teams are expected to resolve as many complaints as possible at this initial point.

The performance target set for the period 1 April 2009 – 31 March 2010 was 95%. This target was set locally as opposed to a statutory target.

For the reporting period 01 April 2009 – 31 March 2010 Adult Services exceeded our performance target by reaching 99% for complaints completed within the 10 day timescale. The outturn figure was 87 complaints received for Adult Services and 7 for commissioning & strategy. All staff involved in complaints in Adult Services work extremely hard to achieve the performance target and to ensure that responses are of a high quality.

The graph below provides a comparison of the last two consecutive years on the number of complaints received and whether or not they were handled within timescale.



Stage 2 – Formal Investigation

As stated above there is no longer a formal investigation stage. However, any complaints received that are deemed serious or extremely complex will be investigated by an independent investigating officer. The Complaints Manager will assess the complaint to see if the issues raised would be best investigated by an independent investigating officer.

As in the past in most cases, Haringey will appoint investigating officers from a pool of external investigating officers; if so this will still be classed as the first stage of the procedure. The role of the investigating officer involves interviewing staff and file reviews, reviewing policies and procedures, and producing a comprehensive report. Once the investigating officer has completed their report an Assistant Director is appointed to consider the findings and respond to the complainant accordingly.

The complexity and nature of Adult Social Care complaint investigations can take longer than the 10 day turnaround and each complaint may take longer than the next, therefore timescales will be discussed with the complainant to try to reach a mutual date for completion. If it appears this timescale may not be met we will keep the complainant informed and a new timescale can then be agreed.

For the period 2008/09, Adult Services had a total of All 5 Stage 2 investigations were completed within timescale. The performance figure was 100% completed within timescale.

For the period 2009/10, Adult Services had two Stage 2 investigations which were completed within timescale.

The low number of complaints progressing to stage two is down to the positive and proactive approach taken by the Complaints team working with operational staff to negotiate and ensure that the complainant is satisfied with their initial response.

Corporate Complaints Procedure

In the Adult Culture & Community Services Directorate there are two complaints procedures. Adult Social Care uses a statutory procedure which is for any adult services you may receive. The corporate procedure is a separate procedure and is used for all other council services. Adult services will receive these complaints as they may fall out of the statutory procedure. These complaints for example could be in relation to non payment of invoices. The outturn figure for Adult Social Care for the period 2009/10 were 36 complaints received under the corporate complaints procedure of which 92% were completed within timescale.

5. Local Government Ombudsman

The Commission for Local Administration is the official title of the body that runs the Local Government Ombudsman service. It is an independent body funded by government grant. They are empowered to investigate (among other things) any Local Authority. If you have a complaint, the first thing to do is complain to the council. In most cases, the council must have a chance to sort out the complaint before the Ombudsman can consider it. Councils often have more than one stage in their complaints procedure. You will usually need to complete all stages before the Ombudsman will look at your complaint. All complaints must be made by members of the public who claim to have sustained injustice in consequence of mal-administration in connection with action taken by or on behalf of an Authority.

Reporting on complaints received from the Ombudsman will be in the Feedback & Information team's corporate annual report.

6. How did we respond to your complaints?

The Council takes complaints seriously. When you complain about our services, we find ways to improve the quality and delivery of services. Common themes for complaints have been long waiting times and issues with service delivery these issues are currently being addressed in the respective departments.

7. Who complained to us?

Equalities data is collected to assess how Adult Services can better address the needs of the community. However, only a small number of complainants supplied information. With your help in filling out feedback forms, we will be able to serve you better.

There were no obvious trends to suggest that any ethnic group were making complaints about specific services. In relation to age, the largest group that we have registering a complaint is in the 60+ group and more females have complained than men. The tables below illustrate the ethnicity and diversity of people who complain about Adult Services.

How Received	No of Records		
	2007/08	2008/9	2009/10
Email	26	28	26
Fax	n/a	1	n/a
Feedback form	18	12	3
In person	4	9	1
Letter	27	21	27
Phone	29	21	35
Web Form	2	0	2
Total	111	84	94

Age Group	No. of Records		
	2007/08	2008/09	2009/10
24-45	8	5	3
46-59	9	5	3
60+	14	17	8
Not known	80	57	80
Total	111	84	94

Gender	No. of Records		
	2007/08	2008/09	2009/10
Female	56	53	46
Male	49	22	27
Male & Female	2	6	9
Unknown	4	3	12
Total	111	84	94

Disability	No. of Records		
	2007/08	2008/09	2009/10
did not want to give this info	n/a	n/a	1
Yes	16	25	9
No	11	2	3
Unknown	84	57	81
Total	111	84	94

Ethnicity	No. of Records		
	2007/08	2008/09	2009/10
Black or Black British	3	6	1
Asian or Asian British	0	1	0
White British	23	5	1
White Other	0	5	6
Mixed	0	0	0
Other Ethnic Group	1	0	1
Unknown	84	67	85
Total	111	84	94

8. Learning from Complaints and Improving Services Example

- i. The service failed to identify suitable residential care and failed to take action promptly in response to customer's changing needs. As a result customer remained in hospital longer than necessary. Family member suggested a suitable residential home to the Adult Care service but received no response.

The service did agree that some delays could have been avoided and should have agreed to residential care as soon as it was recommended by the doctor, but once the complainant's circumstances changed and she was in hospital, the Council could have acted more quickly to reassess her and make suitable arrangements for her care.

Action to prevent recurrence and improve service: Ensure that action is taken to ensure that re-assessments are promptly arranged when circumstances change and that robust management systems are in place to deal with such matters.

9. Initiatives for 2009/10

9.1 Self funding users of adult social care

From October 2010, The Local Government Ombudsman (LGO) will be required nationally to meet fieldwork requirements of this new jurisdiction

Background

The Health Act 2009 gives the LGO new responsibilities to investigate complaints about adult care providers from people who fund or arrange their own care services. It covers both residential and domiciliary care services. The new power will run in parallel with the current complaint handling role for adults who use care services provided or arranged by councils.

Benefits

People who are not publicly funded (currently about 35% of service users) have little or no recourse to redress except by complaining to their care provider or going to court. This has left some vulnerable users with little realistic hope of remedy if the provider rejects their complaint or withdraws services from them because of the complaints made. The new service will remedy that gap in the administrative justice system. It is also expected to improve the standard of complaint handling in the independent care provider sector, resulting in improved quality of outcomes for service users generally.

LGO's new role

To deliver the new service the LGO are establishing new, dedicated adult social care teams in each of the LGO offices (London, Coventry and York). They will deal with all complaints about adult care services, bringing together their existing responsibility for statutory (local authority) care complaints and their new jurisdiction for self funded and privately arranged adult social care.

Their objectives in handling these complaints will be:

- to resolve matters where they can
- to identify suitable remedies in upheld cases
- to promote good practice across the expanding field of adult social care.

9.2 The Complaints Manager will continue to establish a new training programme for all social care staff involved in investigating complaints. The Complaints team has always adopted an open approach with managers to support and offer guidance on complaint handling issues. The Complaints Manager attends team meetings, on invitation, to do short, targeted training for groups of staff, or to discuss outcomes of specific complaints.

The training should cover the following:

- General Complaints awareness;
- Customer Care;
- Risk Assessing a Complaint;
- Writing a Complaints Plan; and
- Investigating a Complaint

The Complaints Improvement Plan is continually updated this includes:

- i. Continuing to develop and embed the importance of learning from complaints to improve our services;
- ii. Achieve the performance targets;
- iii. Ensuring that investigators of Stage 1 complaints are briefed on the importance of resolution at Stage 1;
- iv. Ensure that complainants are kept informed through out the procedure;
- v. Ensure that stage 1 responses cover all issues raised;
- vi. Publicise the complaints procedure where ever possible; and
- vii. Recommendation that meetings are to be held after each independent investigation with all senior managers from the service involved and the complaints team. These meetings will discuss the recommendations and ensure that these are carried out where necessary.

10. Conclusion

Complaints, compliments and suggestions feedback are taken very seriously. We appreciate the need to act on this feedback to continue to improve our services by listening properly to our service users and carers. It must be noted that the number of complaints reported on should be seen in the context of the range and level of services that we provide; the number of referrals for services; the number of assessments and the total number of users across the service areas.

When looking at complaints in this perspective the number of complaints received are relatively small. However, we need to carry on ensuring that our service users are aware of and have confidence in our complaints procedure; that complainants are listened to; that we do not overlook complaints; that time targets are met; escalation rates reduced; and that a good quality response is provided.

We endeavour to encourage all services to support early intervention, and emphasis on preventing problems is paramount. We aim to provide services that will help maintain the independence for the individual whilst providing a well-trained workforce.

Early resolution of complaints is a priority, which we are working hard to achieve through training. The majority of complaints continue to be resolved through explanation, and, where appropriate an apology. All Adult, Culture & Community Services staff are committed to the Council's vision of high performance and improvement.