

The Executive**On 04 July 2006**

Report Title: Social Services Annual Complaints Report 2005/2006

Report of: Director of Social Services

Wards(s) affected: **ALL**Report for: **NON Key****1. Purpose**

- 1.1 To report on the statutory complaints procedure for Social Services for the year 2005/06 and make appropriate recommendations to improve performance.
- 1.2 To seek Member approval for the Social Services Annual Complaints Report for 2005/06.

2. Recommendations

- 2.1 That the Social Services Annual Complaints Report be received.
- 2.2 That the performance for 2005/6 be noted.
- 2.3 That proposed initiatives for performance improvements are noted.

Report Authorised by: **Anne Bristow, Director of Social Services****Introduction by Executive Member:**

Dealing well with complaints is important as it gives the public confidence in our services. This report demonstrates satisfactory performance over the last year, however, we are not complacent and I expect to see this develop further over the next year.

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3. Executive Summary

- 3.1 The enclosed report outlines the performance of the Social Services complaints handling procedures and practices for the period 2005/6. The regulations require that for monitoring purposes the Local Authority must produce annual reports on the operation of their complaint procedures.

3.2 The report provides recommendations for improving complaint handling and ensuring early resolution.

4. Reasons for any change in policy or for new policy development (if applicable)

4.1 Not applicable

5. Local Government (Access to Information) Act 1985

The following background papers were referred to in the preparation of this report:

- Annual Report on the Council's complaints procedure for the years 2003/04 and 2004/05.
- Department of Health statutory guidelines.

To access these guidelines please go to

<http://www.dh.gov.uk/PolicyAndGuidance/OrganisationPolicy/ComplaintsPolicy/SocialServicesComplaintsProcedure/fs/en>

6. Background

6.1 In line with the NHS & Community Care Act (1990) the local authority is legally obliged to produce an annual report reviewing the complaints handling performance.

6.2 As of 01 April 2005, Children's Services split from Social Services to form The Children's Service.

6.3 A Designated Complaints Officer has now been appointed permanently to the post.

6.4 The complaints team has relocated to within the performance structure.

6.5 There is a need to review and consider the most effective way of learning from complaints across Social Services.

6.6 The complaints team deal with the Freedom of Information requests for Social Services and this reporting period is the first full year of dealing with such requests.

7. Description

7.1 The attached report will discuss the handling of Community Care, Local Government Ombudsman, and the handling of the Corporate complaint procedure within Social Services.

7.2 The report will also make reference to the demographic information and to compliments and suggestions made to the Social Services.

8. Consultation

8.1 No consultation was required in drafting this report.

9. Summary and Conclusions

9.1 This is the 3rd edition of the Social Services Annual Report and the key changes are that this report is the first version of the complaints only relating to Adult Social Care Services. Therefore the figures will look completely different to our previous editions.

- 9.2 In order to ensure that we are responding to enquiries within timescale, weekly complaints meetings are conducted with Service leads, enabling complaints to be reviewed and monitored to ensure effective closure of cases at early resolution stage.
- 9.3 Reports on overdue complaints are submitted to the Directorate Management Team (DMT) and cascaded down to management meetings.
- 9.4 Initiatives for 2006/07 will focus on improving performance. We are currently reviewing the most effective way of learning from complaints.
- 9.5 We will continue to raise awareness of the Council's Feedback Scheme through publicity information. New procedures will be written and distributed to all staff along with specific Social Services Complaints Procedure training for staff.

10. Commission for Social Care Inspection (CSCI) and Department of Health (DOH) Complaints Review

- 10.1 In September and October 2004, both CSCI and DoH sent consultation documents to all Local Authorities relating to changes to the Social Services Complaints Procedure for Adults. New statutory regulations are expected to come in to effect in September 2006.

The main changes to the procedures will be new timescales and they will be as follows:

Stage 1 (Local resolution) from 15 days to 10 working days. Stage 2 (Local investigation) from 25 to 20 days with the option to increase to 60 days with the agreement of the complainant, complaints officer and the investigating officer. Stage 3: (independent Review) to be arranged in 20 working days (28 calendar days at present). Panel then have 5 working days to release their findings, and the Director has a further 15 working days to issue decision on the panel findings (currently 20 calendar days from date of panel).

The whole complaint process must take no longer than 12 months. The clock will be stopped between the stages.

Once the new regulations are available, a new Social Services complaints procedure will be written and distributed accordingly.

11. Local Government Ombudsman

- 11.1 The Ombudsman received 10 complaints relating to Social Services. As yet we have not had the final Letter from the Ombudsman for the period 2005/06 explaining the Ombudsman's decisions.

12. Recommendations

- 12.1 For the annual report to be received and noted

13. Legal and Financial Comments

- 13.1 All local authorities are legally required to have a social services complaints procedure as ordered by the Secretary of State under section 7B of the Local Authority Social Services Act 1970 (LASSA). In accordance with the Complaints Procedure Directions 1990 the local authority must keep a record of all representations made, the outcome and compliance with statutory time limits:
 - Stage 1 - Informal or problem solving – no statutory time limits.

- Stage 2 formal – complete within 28 days if possible and in any case, within 3 months
 - Stage 3 – complainant has 28 days within which to request review - panel consideration within 28 days of the complainants' request for review and record recommendations within 24 hours of panel meeting.
- 13.2 Provided the investigation is being conducted diligently, the authority is unlikely to be criticised either by the courts or the ombudsman if the time limits are not complied with.
- 13.3 The Local Government Ombudsman is empowered to investigate written complaints made by members of the public who claim they have suffered injustice as a result of mal-administration by or on behalf of the local authority but is reluctant to become involved unless other avenues of investigation have been exhausted.
- 13.4 The new regulatory regime that is due to come into force in July 2006 is more detailed than the current directions and also provides for investigation by the Commissioner for Social Care Inspection.

14. Equalities Implications

- 14.1 Equalities monitoring of complaints is detailed in the report however the vast majority of people with a complaint did not fill in the information about their ethnicity. It is therefore hard to identify trends to suggest that any ethnic group were making complaints about specific services. In relation to age, the largest group registering a complaint is in the 60+ group and more women have complained than men. The team will in the next year look at way to encourage people to complete the ethnic monitoring information and to look at alternative ways of collecting this information.

15. Use of Appendices / Tables / Photographs

- 15.1 Appendix one: Social Services – Service Improvement Report (Issue 3)

Social Services

Service Improvement Report

(Issue 3 Version 1)



Social Services – Service Improvement Report

Haringey Social Services aims to provide services of the highest standard. In order to achieve this we need to involve you and listen to your views.

Social Services are a large department providing a wide range of services. We accept that things can go wrong and if you feel unhappy about the way you have been treated then you have a right to complain. The complaints' procedure consists of a three-step process. The first step is local resolution. Whenever possible, managers will try to resolve your complaint speedily and informally. If we are not able to resolve your complaint locally, you may then ask for a formal complaint. If you are still not satisfied with the outcome you can then request a review panel.

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

Compliments

During the past year, we received 13 compliments with regards to the Council's Social Services Department. We encourage people to write to the Complaints Team to tell us what and whom they are happy with. We do ensure that the person or teams that are complimented are formally acknowledged.

Some of the compliments we received were:.....



Suggestions

Social Services did not receive any suggestions during this period. Suggestion forms are available in all reception areas and suggestions can be made via the web, telephone or on our complaint form.

Complaints

There are three stages involved in the NHS & Community Care Act (1990), these are local resolution, formal investigation, and review panel. Performance on complaints handling is determined by whether or not responses have been sent to the complainant within the set timescale.

Not only do Social Services handle complaints under the NHS & Community Care Act (1990), they also handle complaints under the corporate complaints procedure.

NHS & Community Care Act (1990) complaints are in relation to the service the client is receiving and the corporate complaints procedure will handle any other complaints for example if the cleaning has not been done in the common areas of a sheltered housing scheme.

Stage One – Local Resolution

The performance target set for this period was 70% and Social Services achieved 71% overall.

- The number of complaints received by the Complaints Team for the period 2005/06 was 65.
- The number of complaints received by the Complaints Team for the period 2004/5 was 77.

Stage 2 – Formal Investigation

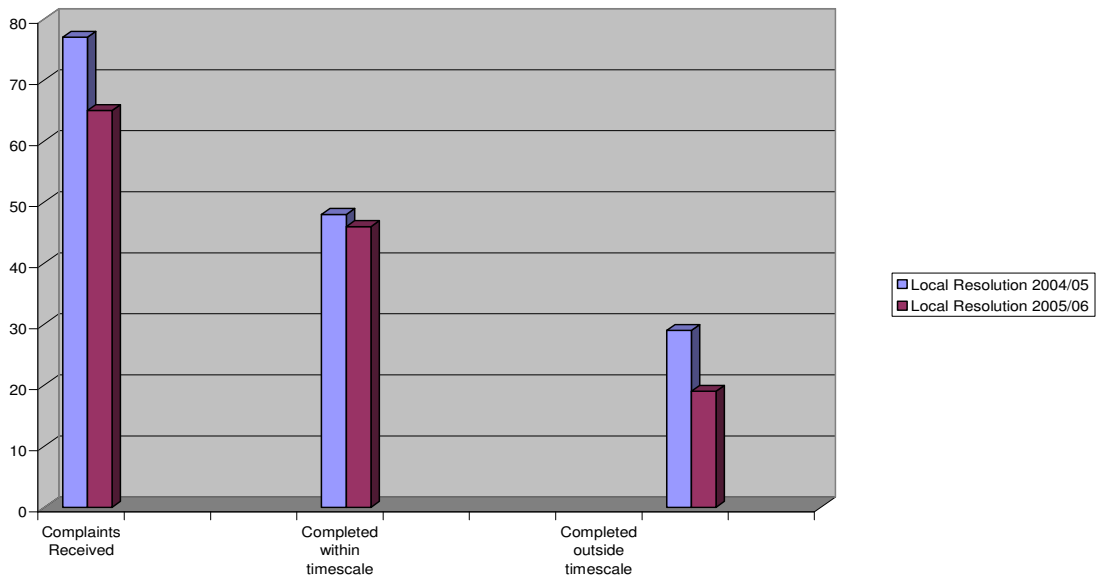
For the year 2005/06 there was a total of 4 and for the period 2004/05 there was a total of 5.

Of the 4 from 2005/06 none were completed within the allocated timescale of 28 calendar days but under the NHS & Community Care Act complaints can be extended to 3 months with the agreement of the complainant and the complaints officer. We therefore completed 3 of the 4 within this 90 day timescale. The process for the formal investigation is that an investigating officer be appointed. In most cases, Haringey appoint investigating officers from a pool of external investigating officers. 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.

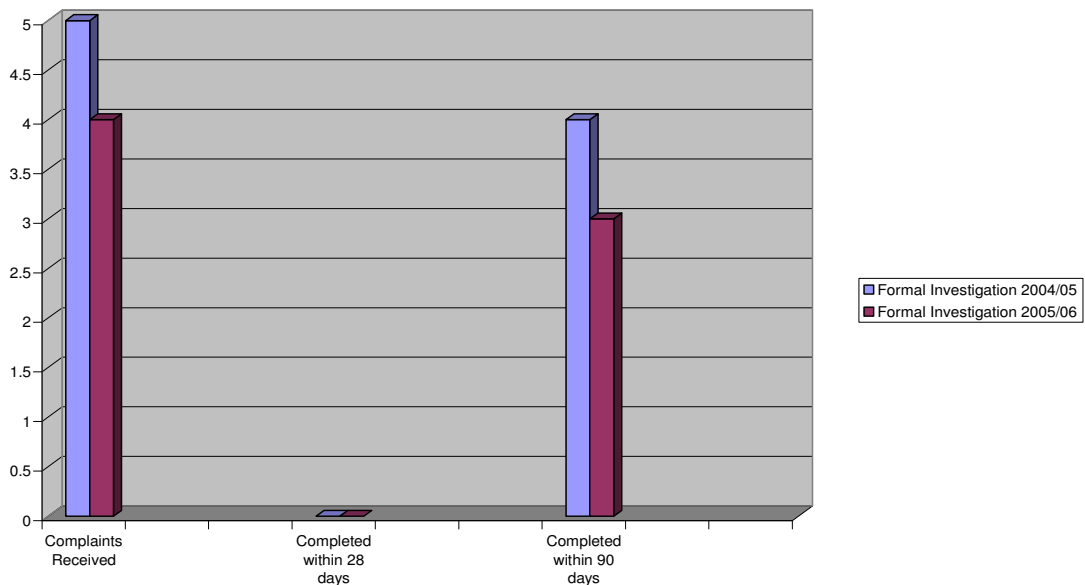
Some of the reasons for the delays in responding within timescale appear to be the complainant may not be available to meet the investigating officer or key staff being unavailable and the complexity and nature of NHS & Community Care Act 1990 complaints.

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

NHS & Community Care Act Complaints Comparison between 2004/05 & 2005/06



NHS & Community Care Act Stage 2 Complaints Comparison between 2004/05 and 2005/06



Stage 3 – Review Panel

Social Services did not have any complaints that went to Review Panel. This would indicate that complainants were satisfied with the responses to their complaints.

For the period 2004/05 Social Services had 1 review panel.

Corporate Complaints Procedure

For the period 2005/06 Social Services received and dealt with 46 complaints under the corporate complaints procedure and 72% were dealt within timescale. For the period 2004/05 a total of 29 complaints were dealt with under the same procedure and 69% were dealt within timescale.

There were 2 formal investigations for this period and for the period 2004/05 there was 1 formal investigation. There were no review panels for 2005/06 and for 2004/05 there were a total of 2.

Whistle-blowing

Whistle-blowing is when either a member of staff or member of the public has serious concerns that something is seriously wrong with the council. Here are a few examples as to what is meant by whistle-blowing: fraud, corruption, concerns over people in our care. We will deal with these concerns anonymously if you feel that you do not wish to give your details.

All allegations are investigated by a senior member of staff.

For the period 2005/06 there was a total of 6 whistle-blowing incidents reported to us and all were dealt with appropriately by a senior manager. For the period 2004/05 there was a total of 3 incidents reported.

How did we handle your complaints

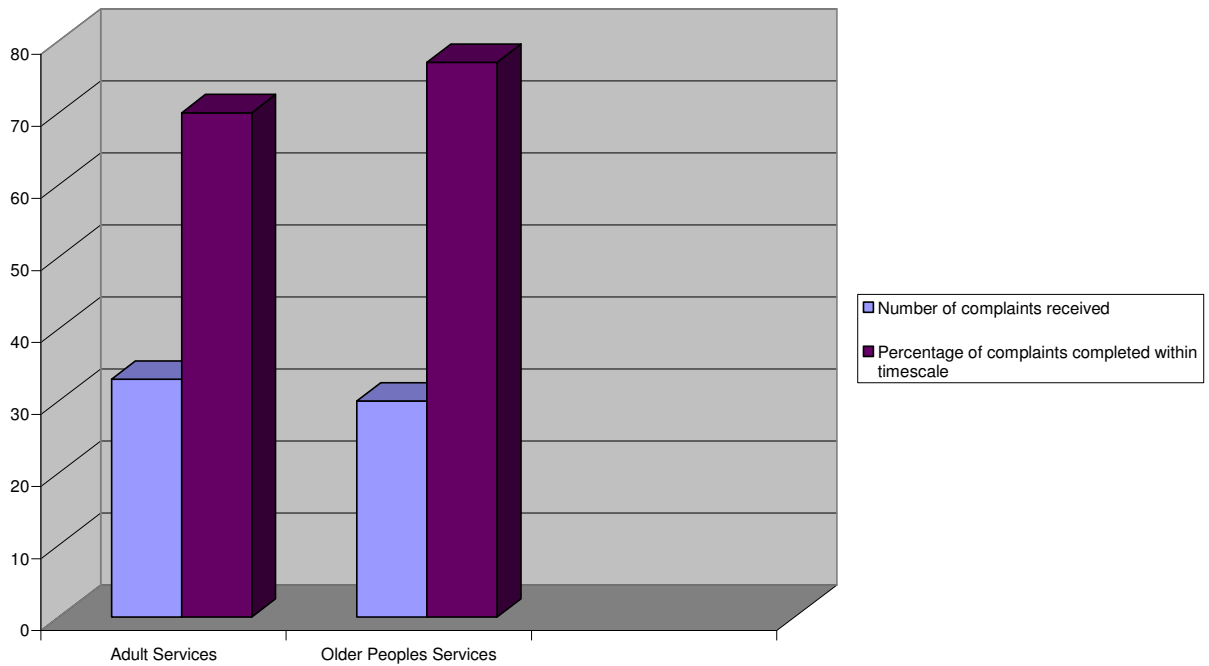
Social Services received 111 complaints last year including the corporate complaints that did not fall under the statutory act but were none the less dealt with by Social Services. Our managers resolved over 95% of complaints locally to the satisfaction of the customer and we continue to use feedback to improve our high quality service.

WHAT YOU TOLD US	WHAT WE DID
"I had an emergency with the water tank. I tried to contact the emergency out of hours phone number, the number just rang and rang."	We apologised for what must have been a very unpleasant and frustrating experience. There was unfortunately a fault on the system, this was rectified the next day.
"My sister has not had a review and we have not been offered a date for the review".	A review date was set up within 4 weeks of the complaint and an apology was sent.
"Carers have not been arriving when they should have."	An apology was sent and the carers were advised that they must let the client and the office know when they will be late for an appointment.

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.

Complaints received by Service Area

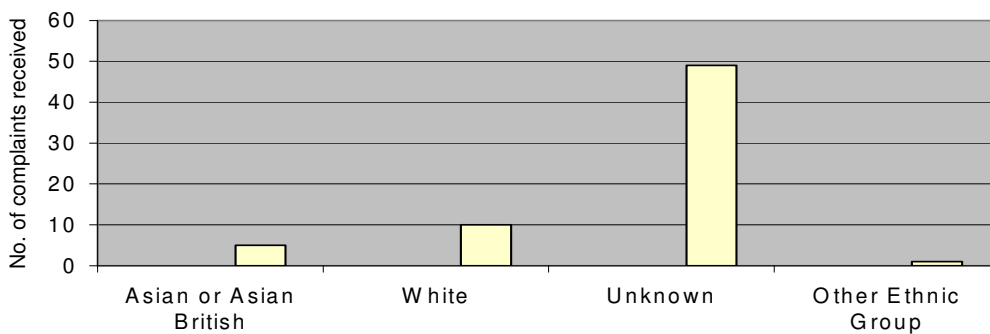


Who complained to us?

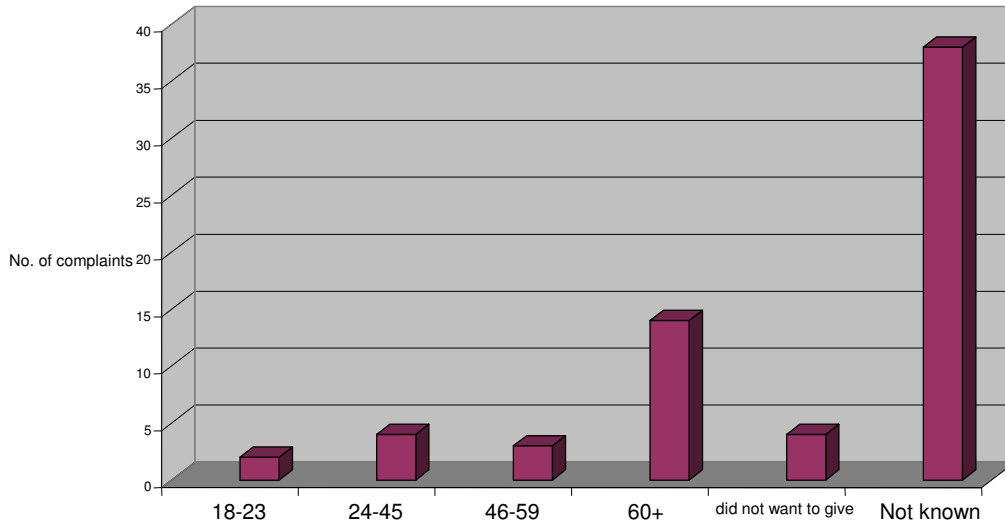
Equalities data is collected to assess how Social Services can better address the needs of the community. However, only a small number of complainants supplied information. With your help in filling out feedback forms, we will be able to serve you better.

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 figures below illustrate the diversity of people who complain about the Council.

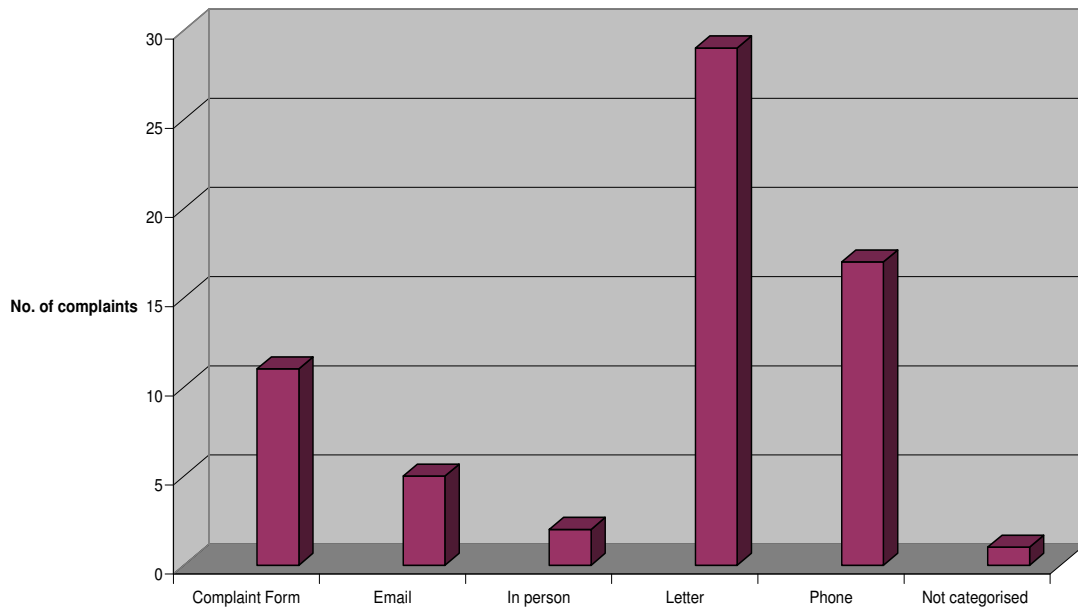
Ethnicity



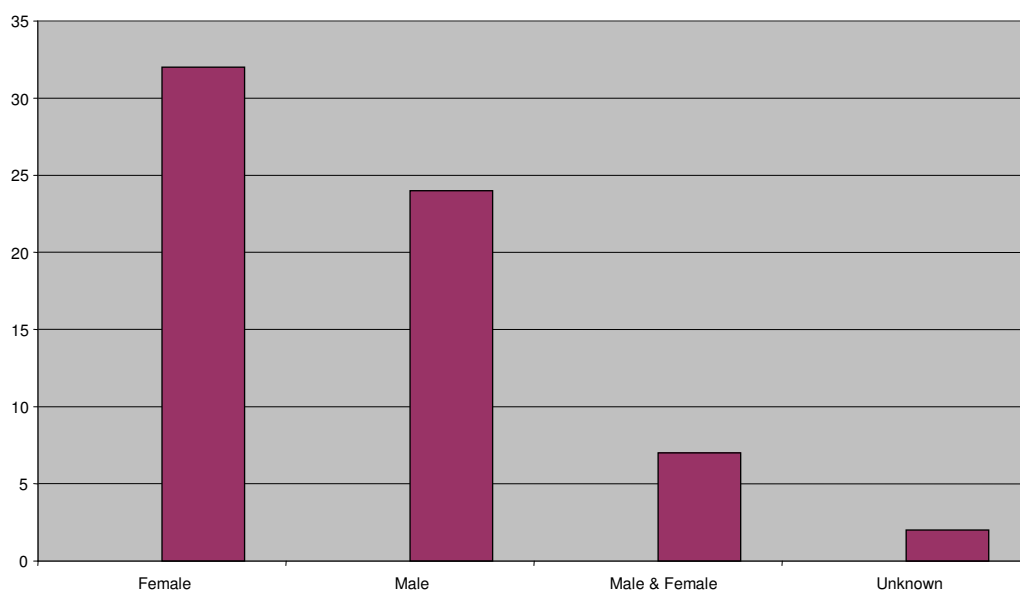
Age Demographics



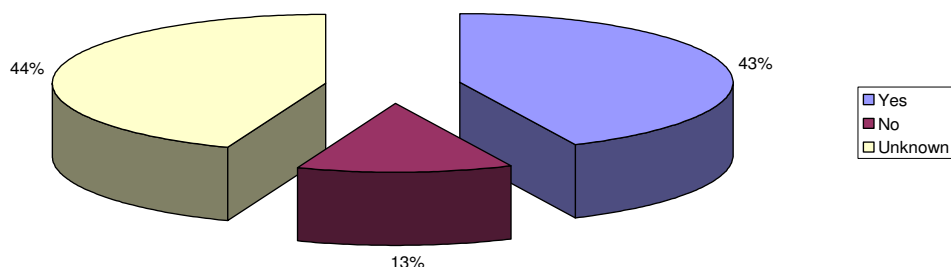
How complaints were received



Complaints Received by Gender



Complainants with a disability



Learning from Complaints

The purpose of the complaint's procedure is to ensure that we learn from complaints and make improvements to service quality. Significant changes have been made to improve communication, increase efficiency in handling complaints, and deliver better services in the last year and the aim is to continue this good practice in the coming year. Regular weekly complaints meetings with services are conducted to allow cases to be addressed immediately. The Central Feedback team produces regular reports for all directorates on 'learning points' for stage 3 investigations and Ombudsman cases. Work will continue in 2006/07 on embedding the learning process.

Joint working with the Mental Health Trust

Over the past year discussions have taken place between the Mental Health Trust and the complaints team to develop a joint operational policy for co-ordination of the respective complaints procedures. This has proved to be fairly complex for both of us. Through our discussions to date our joint working has resulted in a much better working knowledge of the different complaints procedures and we now have the contact details of each team to enable us to refer people on appropriately..

Training

An updated Social Services training course will be developed this year. This course will be for staff and will enable staff to become familiar with the new guidelines that are going to be introduced later this year.

Conclusion

We take our complaints, compliments and suggestions feedback very seriously. We appreciate the need to act on this feedback to continue to improve our services by listening properly to our service users.

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 aiming to achieve by implementing initiatives such as 'Learning from Complaints', and training. All Social Services staff are committed to the Council's vision of high performance and improvement.