

Report



meeting

ADULT SOCIAL CARE AND HEALTH:
DEPARTMENTAL BRIEFING

date

20th January 2009

agenda item number

4

REPORT OF THE SERVICE MANAGER, CUSTOMER RELATIONS SERVICE

COMPLAINTS – LESSONS LEARNED

1. Purpose of the Report

- 1.1 The purpose of the report is to up-date Members on the types of complaints dealt with under Social Care Complaints Procedures and lessons learned from complaints.

2. Information and Advice

2.1 The Complaints Procedure:

- 2.1.1 The statutory Social Care Complaints Procedure has three stages with timescales for resolution at each stage.

•Stage 1 - Local Resolution [10 to a maximum of 20 working days]

Complaints are responded to at the point closest to the service by a manager acting as the Departmental Representative.

•Stage 2 - Investigation [25 to a maximum of 65 working days]

Complaints which either have not been successfully resolved at Stage 1 or which are too complex to allow for local resolution are investigated at Stage 2 of the procedures. The investigation is carried out by either an internal but impartial investigator, employed within the Customer Relations Service, or an independent investigator commissioned from a pool of people who have been recruited for the purpose of carrying out independent roles which are a requirement of the Complaints Procedure. In some cases, where the complaint is brought by or on behalf of a vulnerable adult, an Independent Person is appointed in addition to the complaints investigator, in order to ensure that the investigation is conducted in an impartial, comprehensive and effective manner and that participants are able to express their views. On receipt of the final report the nominated manager, acting as the Adjudication Officer, will make a decision with regard to the complaint and will contact the complainant with this decision. In most cases the Complainant will be offered

the opportunity to meet with the Adjudication Officer in order to resolve any outstanding matters of concern. Where it has not been possible to resolve the complaint at Stage 2 of the procedure, and the Complainant is not satisfied with either/both the investigation or the adjudication, s/he may request that the complaint is reviewed by an Independent Complaints Review Panel.

•Stage 3 - Complaints Review Panel [Total of 50 working days]

The Independent Complaints Review Panel is usually made up of three independent people taken from the pool of people engaged to undertake independent roles under the Complaints Procedure. The Panel considers both the complaints process and investigation. The Panel makes recommendations to the Strategic Director who then makes the final decision on the complaint and any action to be taken.

2.1.2 This completes the statutory Complaints Procedure. If the Complainant remains dissatisfied they can ask the Local Government Ombudsman to look into their case.

2.2 Numbers of complaints:

2.2.1 This report covers the 6-month period from 01 April 2008 to 30 September 2008.

Stage 1:

2.2.2 In this period the Customer Relations Service has dealt with 102 complaints at stage 1

- 17 were open at 01 April 08 and carried over into the period
- 85 were received as new complaints in the period
- 18 remain to be resolved in the next 6-month period.

2.2.3 Of the total of 102 complaints, 84 completed this stage within the period. Of these 84, a total of 22 were not resolved and moved to stage 2 of the procedure. [12 of those complaints carried over at stage 1 went on to stage 2 and 10 complaints received in the period went on to stage 2]

Stage 2:

2.2.4 In this period the Customer Relations Service has dealt with 31 complaints at stage 2 and 3.

- 9 were complaints which had been registered at stage 2 prior to the 01 April 08
- 12 were stage 1 complaints which were registered at stage 1 prior to the 01 April 2008 and moved to stage 2 within the period

- 10 were complaints which were registered at stage 1 within the period but were not resolved and moved to stage 2.

2.2.5 Of the 31 complaints investigated at stage 2:

- 9 were resolved and went no further
- 6 were not resolved and are progressing/have progressed to stage 3
- 10 are ongoing – investigation underway / awaiting resolution
- 1 was withdrawn
- 5 went to stage 3.

Stage 3:

2.2.6 Of the 5 complaints dealt with at stage 3 none have been taken by the Complainant to the Local Government Ombudsman

2.3 Types of complaint:

Of the 102 complaints received within the period which were or are being dealt with at stage 1 of the procedures a number of themes or common causes for complaint emerge:

- The lack of availability of home care packages for which the Service User has been assessed.
- Standards of care offered by Independent Sector care providers; not turning up.
- Disagreement with OT assessments
- Queries about charges for both Home Care and residential care homes

An analysis of the 31 complaints dealt with at stage 2 of the procedures within the first 6 months of the financial year 2008 reveals that the majority of them related to services for older people, which is to be expected given the proportion of services provided to this group of people.

2.3.4 A breakdown of the 31 complaints dealt with at stages 2 and 3 indicates that, although complaints can be categorised by service area, they cover a wide range of issues which are specific to each complaint. [See Appendix 1] Where there are themes they relate to difficulties which Complainants experience in communication with the Department and in delays – some of which have resulted in decisions to waive fees/write off debts and in one case to make a payment.

Lessons Learned from Complaints:

2.3.1 During the period concerned [April – September 2008] the Customer Relations Service has developed and introduced a new leaflet explaining the overall Complaints Procedure and a set of fact sheets which are sent out to Complainants to assist them to decide how best to proceed with their complaint, if they so wish. In this way the Department demonstrates that it welcomes complaints as an important means not only of resolving issues

- 2.3.6 For example, Mr R complained that he had been treated unfairly by the staff at a day centre for people with a physical disability because he was barred from attendance due to his age (over 65 years) and his behaviour. The investigation into this complaint showed that there had been issues around Mr R's behaviour but it highlighted the fact that there was no guidance offered to Service Users about what constituted acceptable behaviour and the possible consequences of any failure to meet expectations. It was also identified that there were a number of Service Users approaching the age of 65 years and it was not clear that they had been properly notified that this particular service would cease to be available to them. In this case Mr R has decided to take his complaint further to stage 3 of the procedure but action is now being taken to address the wider issues for all the Service Users.
- 2.3.7 Another example was a complaint brought by Mr E following the death of his mother. Mr E's mother had given money to her children which they used to purchase a property in Tenerife. It took the Adult Care Financial Services team [ACFS] 18 months to review the assessment of Mr E's mother's finances and decide that the property and rental from it formed part of Mr E's mother's income and assets during which time the debt accumulated. It was decided to write off the debt of £17,467.20 because of this delay. The investigation identified that the problem had arisen as a result of the practice of a staff member and appropriate action was taken. All ACFS staff have been alerted to the potential cost of delays in assessing and invoicing people.
- 2.3.8 A final example is that of Mrs Z who complained after her elderly mother suffered a fractured arm as a result of a fall at a care home owned and managed by an Independent Sector care provider. Mrs Z complained about the failure of the care home to recognise and act on her mother's injury. Mrs Z accepted an apology and the Department has taken action to ensure that procedures in the care home have been tightened up with regard to action following accidents/incidents and the need to inform relatives. Although this complaint could not change the events for the individual Service User it has resulted in improvements to the overall service.

3. Background Papers Available for Inspection

- 3.1 None.

PATI COLMAN

Service Manager – Customer Relations Service

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