

REVISED ADULT SOCIAL CARE COMPLAINTS POLICY

To: **Adults Committee**

Meeting Date: **7 July 2016**

From: **Adrian Loades, Executive Director: Children, Families and Adults Services**

Electoral division(s): **All**

Forward Plan ref: **Not applicable** *Key decision:* **No**

Purpose: **To seek the approval of the Adults Committee to the revised Adults Social Care Complaints Policy that has been reviewed and amended to reflect changes in the organisation and changes in practice.**

To present the Adult Social Care Customer Care Annual Report 2015 – 2016 to Adults Committee, providing information about the complaints, compliments, representations and MP enquiries and the learning from this feedback and actions taken to improve services.

Recommendation: **Members of the Adults Committee are asked to:**

- a) Consider the changes made to the Adult Social Care Complaints Policy and approve the revised policy**
- b) Note and comment on the information in the Annual Adults Social Care Customer Care Report 2015/16**
- c) Agree to receiving future social care customer care reports at Adults Committee annually**

<i>Officer contact:</i>	
Name:	Jo Collinson
Post:	Customer Care Manager
Email:	Jo.Collinson@cambridgeshire.gov.uk
Tel:	01223 715957

1.0 BACKGROUND

- 1.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 were approved by Parliament in March 2009 and came into force on the 1 April 2009. Each Local Authority and NHS organisation were tasked with writing their own complaints policy in a very short space of time based on the guidelines within the regulations. Cambridgeshire County Council responded to this requirement to ensure that the policy was in place on 1 April 2009. The Policy was presented to Cabinet in July of the same year and subsequently approved. The policy provides direction and guidance for staff on how to manage complaints about adult social care services. It clarifies the distinction between the informal concerns and formal complaints resolution processes as well as defining who and how someone may raise concerns or complaints with the Local Authority.
- 1.2 In July 2011, the policy was reviewed and minor changes made to reflect practice at that time.
- 1.3 In the last two years there have been changes within Adult Social Care and in the way that complaints are handled. This has led to a review of the policy and a number of proposed changes that are set out in this report. The revised Adult Social Care Policy which is attached at Appendix 1.
- 1.4 The Local Authority Social Services National Health Service Complaints (England) Regulations 2009 state that each Council has responsibility to publish an Annual Report containing information about the number of complaints received and the number of complaints upheld.
- 1.5 Cambridgeshire County Council collects and collates information on the compliments, comments, representations, MP enquiries and complaints received for Adult Social Care Services annually. This information is provided in the Adult Social Care Customer Care Report 2015 – 2016, attached at Appendix 2.
- 1.6 The Adult Social Care Customer Care Report 2015 – 2016 identifies themes to inform learning from complaints and sets out the actions taken to address these issues and improve practice.

2.0 ADULT SOCIAL CARE COMPLAINTS POLICY – AMENDMENTS AND ADDITIONS

- 2.1 Amendments and additions to the Adult Social Care Complaints Policy are set out below.
- 2.2 **Job Titles, Roles and Responsibilities**
 - 2.2.2 Over time, organisational structures change and job titles, roles and responsibilities change as a result. The policy has been updated to reflect the current organisational structure and clarify the roles that are responsible for different aspects of the process, including which officers are responsible for signing off complaints. These changes have been made throughout the policy document.

2.3 Complaints Meetings

- 2.3.1 The option of a meeting replaces the option of mediation which is outlined in the 2011 policy. Mediation is a voluntary process during which an impartial third party helps both sides to resolve their dispute by mutual agreement: It enable both parties to explain and then discuss what their needs and concerns are to each other in the presence of a third party, the mediator, so that they can reach an agreement between themselves. In practice, mediation was never used and through the review of the policy it was considered an expensive option in terms of time and money. The alternative approach that has been used effectively in practice is for a meeting where all relevant parties are present to discuss the issues and seek to achieve some resolution. Similarly to Mediation, meetings enable both parties to explain and then discuss what their needs and concerns are, but without a third party. At any stage in the complaint's process a meeting can be held to discuss and resolve the issues. The section on mediation has been removed and Section 12.8.1 added to provide guidance on when it is appropriate to offer a meeting to a complainant.

2.4 Consent

- 2.4.1 An amendment has been made at paragraph 11.4.1 of the policy to include a reference to Power of Attorneys because increasing numbers of complainants provide Power of Attorney documents as evidence that they are acting on an individual's behalf.

2.5 Independent Investigations (Section 12.3)

- 2.5.1 There have been occasions where it has been appropriate to commission an Independent Investigator to investigate the complaint. Independent investigations are an expensive option and happen only for complaints of a particularly serious or complex nature where there is no other realistic alternative for example, a manager from another service undertaking the investigation. Although Independent investigations are used rarely, it is important that the Policy details how to commission and manage an independent investigation. A section has been added in the amended policy specifying:
- When an independent investigation should be carried out
 - The requirements for the Independent Investigator
 - The requirements of the investigation
 - Timescales

2.6 Senior Manager Review (Section 12.7)

- 2.6.1 When a complainant is dissatisfied with the first response sent by the Council there is the option of having their complaint and the initial response reviewed by a Senior Manager, usually a Head of Service. In the policy amended in 2011 there are no details given regarding a Senior Manager review. Section 12.7 has been added into the Policy detailing:
- When a Senior Manager Review is appropriate
 - How to carry out a Senior Manager Review
- 2.6.2 In undertaking the review, the Senior manager will carry out a thorough investigation. This will include reviewing a significant amount of supporting information and meeting with internal and, if appropriate, external staff

involved in the complaint. A thorough investigation by the Senior Manager will increase the potential to resolve the complaint and through the resolution, reduce the need for the complainant to escalate the complaint to the Local Government Ombudsman (LGO). It is for this reason that the maximum timeframe of three months is given for these reviews. In the majority of cases the review is completed and responded to within three months. The Customer Care Team maintains contact with the complainant during the Senior Manager Review so that they can be assured that work on the investigation is progressing.

- 2.6.3 A complainant can go straight to the LGO after the formal complaint response, but the Council would always offer a Senior Manager Review if the complainant expressed their dissatisfaction with the response.

3.0 Simplified Guidance on how to make a complaint

- 3.1 The Council provides an easy to understand factsheet about how to make a complaint attached at Appendix 3. This leaflet is given to service users and carers when social care staff first meet with them and is one of the pieces of information that staff provide during the assessment process.
- 3.2 Following discussion at Spokes the factsheet will be amended to be more focused on welcoming what people have to say about the services they receive and will be more explicit about the willingness of the Council to learn from their feedback.
- 3.3 Work has started on developing an 'Easy Read' version of the factsheet that will be particularly helpful for people with learning disabilities and other people who find pictures helpful.

4.0 ADULT SOCIAL CARE CUSTOMER CARE ANNUAL REPORT 2015-16

- 4.1 The Annual Adult Social Care Customer Care Report 2015-2016 (Appendix 2) brings together the information on complaints, representations, MP enquiries and compliments received by the Council in respect of Adult Social Care services. This allows learning from complaints across all service areas to be identified and actions agreed to make improvements in services. The report also provides a comparison with the previous financial year so that any changes in patterns can be highlighted and any actions to be taken considered.
- 4.2 The annual report is complemented by three quarterly reports that cover each of the first three quarters of the year. These reports are presented to the Joint Adult Social Care and Older People and Mental Health Directorates meetings to ensure oversight of the position throughout the year and for learning and actions to be taken forward without waiting for the annual report. In future the quarterly reports will be shared with Adult Spokes.
- 4.3 The annual report includes an Executive Summary that provides an overview of the content of the full report. Information on complaints from the summary has been used in the section below.
- 4.4 During 2015-16 there were 489 informal complaints compared to 181 the previous year, an increase of 170% (308). During the course of the year Heads of Services have worked with their teams to improve the recording of

informal complaints. The increase in the number of informal complaints would to some extent evidence that this work has been effective. Best practice suggests that complaints should be resolved as close to the individual as possible.

- 4.5 There were 118 formal complaints in 2015-16 compared to 110 the previous year an increase of 11% (8). Of the 118 formal complaints 91% (107) were responded to within timescale and 16 (13%) were upheld.
- 4.6 Reasons for delay in responses include complaints that involve Safeguarding of Vulnerable Adults investigations, where the complaint may have to be put on hold pending the safeguarding investigation, complexity of the complaint or waiting for consent from the person who is making the complaint or the person that the complaint relates to.
- 4.7 1.5% of the total population of Cambridgeshire who receive adult social care services complained (or someone complained on their behalf) about the services they received. The most common reasons for complaining are the provision of care and support, the standard of care and financial issues.
- 4.8 Of the 118 formal complaints, 8 (7%) were reviewed by a Senior Manager as the complainants were dissatisfied with the first response. Of the 8 complaints reviewed 2 were partially upheld, 5 were not upheld and 1 was withdrawn by the complainant.
- 4.9 Eight (7%) of 118 complaints were referred to the LGO. This is an increase from 6 (5%) in the previous financial year, 2014/2015. Four of these complaints had been the subject of a Senior Manager review and four were escalated straight to the LGO.
- 4.10 When a formal complaint is received all the relevant information is investigated and analysed and with the consent of the individuals involved, the information is shared with the complainant. The investigation facilitates a decision about whether or not the complaint is upheld.
- 4.11 In contrast, the Council cannot assume that if a person has asked their MP for support they are automatically giving their consent for the Council to share personal information with their MP.
- 4.12 For this reason the Council is limited in the information it can share in response to an enquiry from a MP. The response to an MP will include an overview of the actions taken by the Council to support the individual and will outline any future plans to support the person.

5.0 Learning from Complaints

- 5.1 Emphasis is placed on learning from complaints. The response to a complaint will identify the actions to be taken to prevent a similar situation occurring again and any areas where the service provided could be improved. The Annual Report details learning from complaints received during the last year.
- 5.2 The learning from each complaint is collated and where there are similar issues raised in a number of complaints, a theme is identified.

- 5.3 The main themes in the complaints received in 2015-2016 related to the quality of the support provided and financial issues.
- 5.4 The ways in which the learning from complaints is shared by the Customer Care team includes:
- Attendance at directorate management team meetings,
 - Meetings with Heads of Service,
 - Emails to Heads of Service for cascading to their teams,
 - The learning gained from specific complaints is shared at regular complaint training sessions for Adult Social Care Managers,
 - Specific case studies which include learning from complaints investigated by the LGO are considered at training sessions that focus on how to respond to LGO investigations.
- 5.5 In cases where the learning from a complaint identifies a general training need, arrangements are made for the appropriate training to take place. For example in May 2015 a programme of training on Mental Capacity Act Assessments and Deprivations of Liberty Safeguards (DOLS) was completed. This training was to all Adult Social Care staff and was in response to a complaint which identified the need for this training.

6.0 ALIGNMENT WITH CORPORATE PRIORITIES

6.1 Developing the local economy for the benefit of all

- 6.1.1 There are no significant implications for this priority.

6.2. Helping people live healthy and independent lives

- 6.2.1 The effective management of complaints which identifies learning promotes service improvements which support people to live healthy and independent lives.

6.3 Supporting and protecting vulnerable people

- 6.3.1 The investigation of complaints can help to recognise areas where there has been poor practice and provides opportunities to improve the care and support for the people supported by the Council.

7.0 SIGNIFICANT IMPLICATIONS

7.1 Resource Implications

- 7.1.2 There are no significant implications within this category.

7.2 Statutory, Risk and Legal Implications

- 7.2.1 If the changes to the Adult Social Care Complaints Policy are not approved then this will mean that current practice is not supported by the policy and this could increase the risk of a finding of maladministration against the Council by the LGO. This could result in financial penalties from the LGO.

7.3 Equality and Diversity Implications

- 7.3.1 There are no significant implications within this category.

7.4 **Engagement and Consultation Implications**

- 7.4.1 All feedback is welcomed and offers opportunities for learning and action to be taken that can contribute to service improvement and is seen as an important part of engagement with service users and their families.

7.5 **Localism and Local Member Involvement**

- 7.5.1 There are no significant implications within this category.

7.6 **Public Health Implications**

- 7.6.1 There are no significant implications within this category.

SOURCE DOCUMENTS

Source Documents	Location
<i>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</i>	http://www.legislation.gov.uk/uksi/2009/309/pdfs/uksi_20090309_en.pdf