

Report to: **Adult Social Care Scrutiny Committee**

Date: **17 September 2009**

Title of Report: **Adult Social Care Complaints Procedure Annual Review 2008/2009**

By: **Director of Adult Social Care**

Purpose of Report: **To report on the functioning and effectiveness of the Complaints Procedure**

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## **RECOMMENDATION:**

**The Adult Social Care Scrutiny Committee are recommended to:**

- 1. use the Complaints Procedure Annual Review Report for 2008/09 to highlight areas of concern and forward any issues to the next Adult Social Care Lead Member meeting, and**
  - 2. ensure monitoring of any issues raised are timetabled into the Committee's work programme.**
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### **1. Financial Appraisal**

1.1 The cost of responding to complaints in 2008/2009 was contained within the Department's budget.

### **2. Background and Supporting Information**

2.1 An annual report on the functioning and effectiveness of the complaints procedure is a requirement for adult social care services, as is submitting the report annually to an appropriate committee. The Adult Social Care Complaints Team is responsible for the complaints service across all of adult social care and works closely with colleagues in the NHS. The information contained in the report (Annual Review on Complaints, Compliments and Comments) is an overview of the complaints process.

2.2 The complaints procedure provides a mechanism for identifying problems, resolving issues and improving services. The analysis of information about complaints at each stage of the procedure gives the department an opportunity to reflect on the quality of the services it provides to the service users and consider how well it listens and responds to their needs. Compliments also provide valuable information about the quality of services we provide.

### **3. Complaints and Compliments**

3.1 The complaints unit recorded 379 complaints during the year, compared with 416 last year. This represents a 9% decrease.

3.2 Councillors and MP's make representations on behalf of their constituents. The complaints team assist with gathering information and co-ordinating responses to MP and Councillor enquiries on behalf of the director. This year MP and Councillor enquiries have increased substantially from 72 last year to 132 this year, representing an increase of 83%.

3.3 98% of all complaints were resolved at local resolution - stage 1. As complaints are often complex and sensitive, this demonstrates the time, effort and commitment of staff in trying to resolve problems.

3.4 There was an increase in complaints going to stage 2 formal investigation. However, considerable negotiation and learning has resulted in there being only one review panel this year.

3.5 Changes to how the Local Government Ombudsman operates mean that a direct comparison with data from the previous year would be misleading. This year the Local Government Ombudsman Investigation Team looked at 10 complaints about Adult Social Care, of which there were 4 complaints where no fault by the department was found. There were no local settlements.

3.6 This year we received 2240 compliments about Adult Social Care, compared to 1397 last year. This represents a 60% increase and is mainly attributable to improved recording of compliments about Occupational Therapy Services .

#### **4. Themes from Complaints**

4.1 Information from complaints is an important tool for indicating where services may need adjusting and assists in the planning, development and continuous improvement of the experiences of those eligible for and receiving our services.

4.2 There was a significant increase in complaints about Blue Car Badge Services. These were mostly about national changes that restricted eligibility further and some process issues.

4.3 There were no dominant themes of complaints this year about Assessment and Care Management services. The complaints received were often complex and involved a range of issues, delivered by a number of different agencies. This highlighted the importance of joint working and communication between partner agencies such as the NHS and Housing.

4.4 Within our directly provided services, complaints about home care increased by 100%. 50% of the complaints related to the quality of care falling below expectation.

#### **5. Learning and changes arising from complaints**

5.1 Although out of our control, national changes to eligibility for Blue Car Badges prompted significant dissatisfaction from badge holders who were no longer entitled to a badge on renewal. Although there are clear criteria, in some circumstances there can be discretion. To ensure a fair service a formal appeals system has been developed rather than using the complaints procedure unnecessarily.

5.2 Following a complaint to the Ombudsman, our Leaflet ILO2 'You and your information' was re-worded to reflect the fact that there may be occasions when information cannot be released.

5.3 The attached Annual Review Report gives further details about themes and learning from complaints.

#### **6. Change**

6.1 From 1 April 2009, the Government required all publicly funded health and local authority adult social care services to operate a new single complaints process (The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009). The new process focuses less on procedure and more on achieving a satisfactory outcome for the complainant. It is more flexible, allowing for a range of options to be explored, giving a fair and proportionate response.

#### **7. Conclusion and Reason for Recommendation**

7.1 The Local Authorities Social Services Complaints (England) Regulations 2006 state that Local Authorities are required to publish an Annual Report. The report should provide a mechanism by which the council can monitor the operation of the complaints procedure. This is the annual report for the period 1 April 2006 to 31 March 2007.

Keith Hinkley  
Director of Adult Social Care

Contact Officer: Janette Lyman, Complaints Manager (Adult Social Care) Tel. 01273 481156  
Local Members: All

BACKGROUND DOCUMENTS: Annual Review on Complaints, Compliments and Comments  
2008/09



# Adult Social Care

Comments, Compliments  
and Complaints

Annual Report  
2008 - 2009



INVESTOR IN PEOPLE



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## 1. Context

This report provides information about complaints made during the twelve months between 1 April 2008 and 31 March 2009 under the complaints and representations procedure established through the Local Authority Social Services Complaints (England) Regulations, 2006. This report is the last to be published under these regulations.

Adult Social Care (ASC) works with and serves a large number of vulnerable people throughout the County. The department provides and arranges a wide range of support services to enable people with care needs to stay in their own homes and, when this is no longer possible, will support residential or nursing care.

We always aim to provide high quality services that meet the needs and circumstances of individuals and their families; however, given the personal and complex nature of our services, sometimes things do go wrong.

When things go wrong or fall below expectation we try to sort things out quickly and fairly.

Our complaints procedure is a mechanism to identify problems, resolve issues and make changes to improve services. The analysis of information about complaints at each stage of the procedure, gives ASC an opportunity to reflect on the quality of the services it provides to our service users and consider how well it listens and responds to their needs.

The numbers of compliments received by ASC also provides valuable insight about the quality of our services.

All timescales within this report are in working days.

## 1.1 What is a Complaint?

The Department of Health Guidance 'Learning from Complaints' (2006) define a complaint as:

*"An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social services provision which requires a response."*

## 1.2 Who can make a complaint?

A person is eligible to make a complaint where the local authority has a power or duty to provide, or to secure the provision of, a service for someone and their need or possible need for such a service has (by whatever means) come to our attention. This also applies to a person acting on behalf of someone else.

## 2. Stages of the Complaints Procedure

The complaints procedure has three stages.

**Stage 1, Local Resolution** This is the most important stage of the complaints procedure. We expect the department's teams and external contractors providing services on our behalf to resolve as many problems and complaints as possible at this point.

The complaints procedure requires complaints at stage 1 to be responded to within 10 working days up to a maximum of 20 working days.

**Stage 2, Formal Investigation** This stage is usually implemented where the complainant is dissatisfied with the findings at stage 1. Usually an external Investigating Officer conducts an investigation and the Head of Service for the team adjudicates on the findings.

The investigation aims to be completed within 25 working days but, in some instances, can be extended to 65 working days.

**Stage 3, Review Panel** If complainants are still not happy after their complaint is investigated at stage 2 we are required to set up a complaints Review Panel. The panel hears both the complainants and department's view and makes recommendations to the Director. The Director then makes a decision on the complaint and any action taken. Complaints Review Panellists are made up of three independent panellists, or two independent panellists and a Councillor.

A Review Panel should be set up within 30 working days and the Director should send their response within 20 working days of the date of the panel meeting.

**The Local Government Ombudsman (LGO)** The LGO is empowered to investigate where it appears that our own complaints procedure has not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the LGO normally refers the complaint back to us if it has not been through our procedure first.

### **3. Who Complained?**

We want the complaints procedure to be as accessible as possible. Adult Social Care publicises information about how to make a complaint in its leaflet 'Comments, compliments and complaints' and has a specific leaflet available for people with learning disabilities, "How to Complain".

Complaints can be made in person, by telephone, in writing, by text or email, either directly to the team or to the Complaints Unit; whichever is easiest.

All service users, whatever their circumstances, should feel able to make a complaint.

Of the complaints made during the year, 42% were reported by service users themselves and 58% on behalf of service users. Of these, the sons and daughters of service users were the main representatives; others included spouses, parents, advocates, other relations, and friends.

Independent advocacy providers assisted 11 service users to make a complaint directly to Complaints Unit. Advocacy services however, are not necessarily in direct contact with the department about complaints but they do provide information, guidance and support to service users to assist them to exercise their right to comment or complain about local authority services.

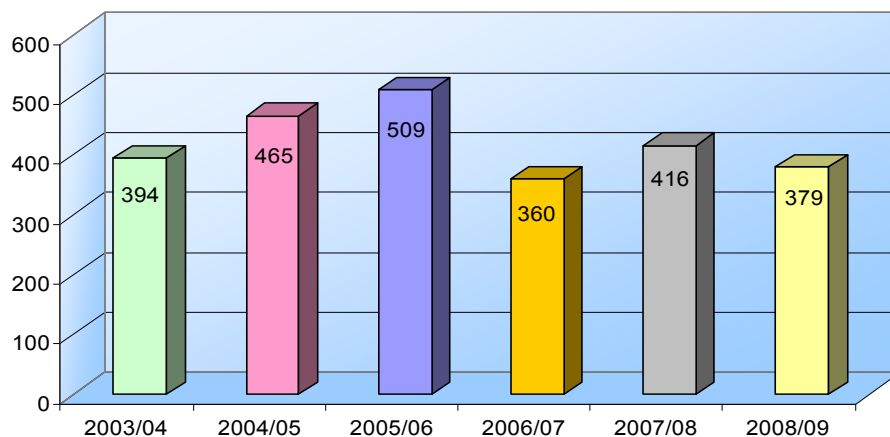
Most complaints were made about service users who were White British but encouragingly more people from different ethnic backgrounds did access the complaints procedure this year.

### **4. Overview of Complaints**

The complaints unit recorded 379 complaints during the year, compared with 416 last year. This figure is the total number of complaints that the complaints unit handled. As some of these complaints are still live (having entered our monitoring system before 31 March 2007 and not yet concluded) they will be included in the next business year's set of figures.



#### 4.1 Number of complaints received



#### 4.2 Complaints broken down by stages and service areas

Adult social care has different service areas, for ease of reporting these are broken down into:

- **Adult Social Care Operations** – all the teams that provide and deliver support
- **Financial and Business Information** – the teams that provide financial information and invoicing for service charges
- **External Independent Providers** – independent home care agencies, residential or nursing homes commissioned to provide care

Service	Stage 1	Stage 2	Stage 3
Adult Social Care Operations	274 (313)	6 (4)	1 (2)
Finance and Business Support	59 (54)	1 (1)	0 (0)
External Contracted Providers	38 (42)	0 (0)	0 (0)
<b>Total</b>	<b>379 (416)</b>	<b>7 (5)</b>	<b>1 (2)</b>

*(Last year's figures are in brackets)*

#### 4.3 Comparison with the preceding year

There has been a 9% decrease in complaints, compared to last year. This was mainly attributed to significant reductions in complaints received about:

- Directly provided residential services (64% decrease)
- Assessment and Care Management Learning Disability Services (48% decrease)
- Mental Health Working Age Adults (43% decrease)
- Mental Health over 65 years (37% decrease)
- Occupational Therapy Services (24% decrease)

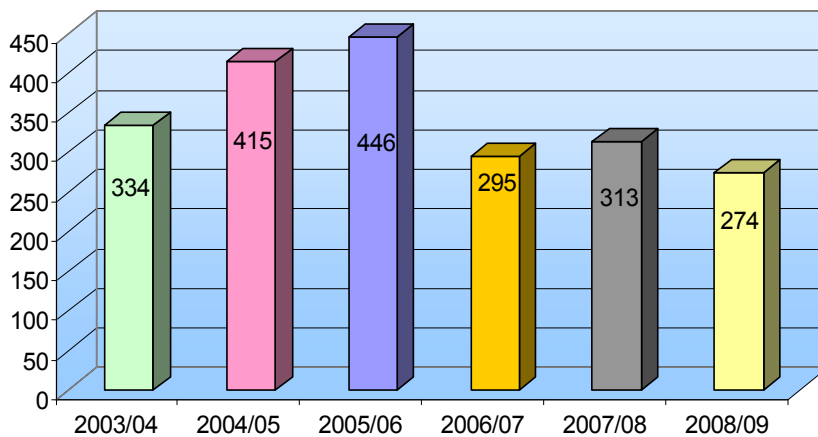
98% of complaints were resolved at stage 1, compared to 99% last year. This remains an exceptionally high rate of local resolution.

#### 4.4 MP and Councillor Representations

Councillors and MP's make representations on behalf of their constituents. The complaints team assist with gathering information and co-ordinating responses to MP and Councillor enquiries on behalf of the director. This year MP and Councillor enquiries have increased substantially from 72 last year to 132 this year, representing an increase of 83%.

## 5. Adult Social Care Operations - Local Resolution (Stage 1)

### 5.1 Number of complaints received at stage 1

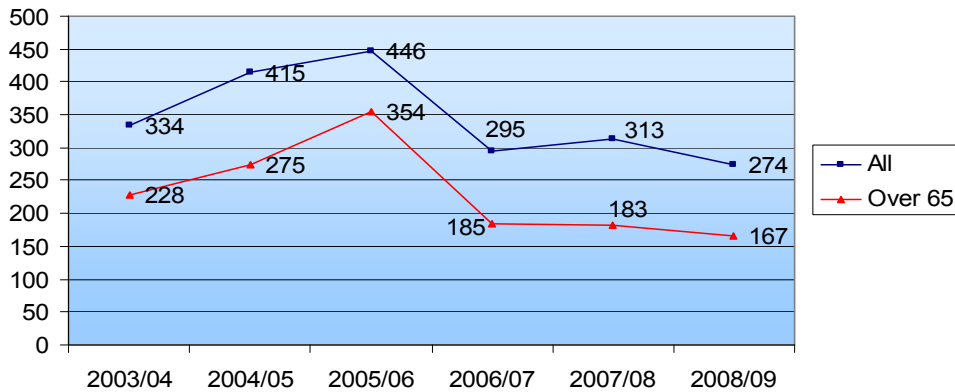


The complaints unit received 274 complaints about Adult Social Care services provided during the year. This presents a 12% decrease in the complaints received at stage 1, compared to those received last year.

Of these, 98% were resolved locally. This reflects the department's commitment to achieve resolution as quickly and as close to service delivery as possible.

It is important to acknowledge that the emphasis that we place on this part of the process involves time and effort, particularly as complaints are often complex and sensitive. However, it is clear that the high level of input required of staff and their managers, does generally result in far more satisfactory outcomes for the complainant and the department.

## 5.2 How many complaints were about services for people who are over 65 years?



Because older people are the majority of our service users, we think it is important to monitor their use of our complaints procedure. Of the 274 complaints received, 61% of complaints made were in relation to older people, compared with 58% last year. The graph shows that we generally receive a consistent number of complaints by, or on behalf of, older people in relation to the overall total.

### **5.3 How many complaints about ASC were upheld?**

Out of the 274 complaints reported, 23% of the complaints were upheld, 34% were partially upheld, and 42% were not upheld. 2 complaints moved to stage 2 without a justification at stage 1.

### **5.4 How long did it take to reply to complaints?**

The target time for responding to complaints at the Local Resolution stage is 20 working days or 10 working days where possible.

- 65% of complaints received a response within 10 working days
- 23% of complaints received a response within 20 working days
- 12% did not receive a response within the timescales, in most cases this was by agreement with the complainant. 1 complaint, at the complainant's request, progressed to stage 2 because we did not achieve the 20 working day deadline.

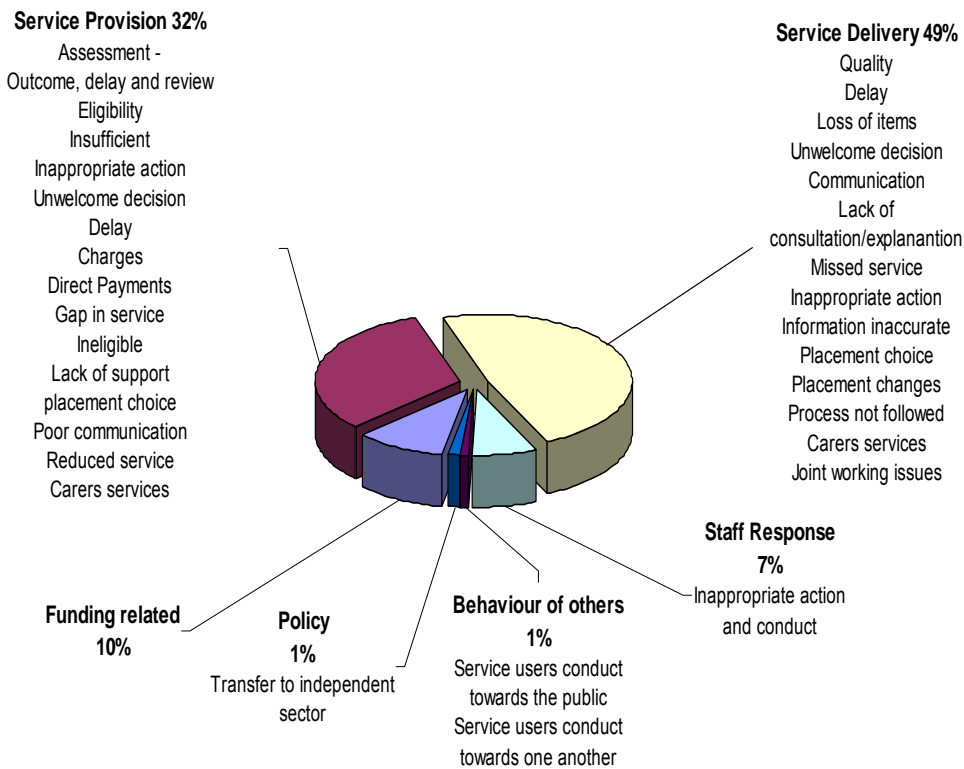
### **5.5 Complaints by operational service**

The table below sets out the number of complaints recorded for each service. Last year's figures are in brackets.

<b>Adult Social Care Services</b>	<b>Number of complaints</b>
Assessment and Care Management Teams	85 (92)
Blue Car Badges	24 (14)
Duty and Assessment Teams	0 (0)
Day Care (directly provided service)	6 (4)
Emergency Duty Service	1 (2)
Home Care (directly provided service)	16 (8)
Hospital Assessment and Care Management Teams	34 (28)
Learning Disability - Assessment and Care Management	13 (25)
Learning Disability - Day Care	6 (4)
Learning Disability - Community Support, Residential and Respite	7 (16)
Living at Home Programme	0 (3)
Mental Health (working age adults)	16 (28)
Mental Health (over 65 years)	17 (27)
Occupational Therapy Service	25 (33)
Residential (directly provided service)	6 (17)
Respite (directly provided service)	4 (5)
Sensory Locality Services	7 (0)
Social Care Direct	4 (4)
Supported Accommodation Team	2 (0)
Supporting People Team	1 (3)
<b>Total</b>	<b>274 (313)</b>

*(Figures in brackets for 2007-08)*

### **5.5.1 What were the complaints about?**



### 5.5.2 Themes of complaints

There was a 71% increase in complaints about the Blue Car Badge service. These were mostly about national changes that restricted eligibility further and some process issues.

Assessment Care Management Teams in the community received 7% less complaints this year but they still represented 31% of the total number of complaints received about operational services. There were however no dominant themes to report. The complaints received were often complex and involved a range of issues, delivered by a number of different agencies. This highlighted the importance of joint working and communication between partner agencies such as the NHS and Housing.

Sensory services reported 7 complaints this year, compared to none last year. This could be attributed to better reporting of complaints to the Unit. Of the complaints received 56% related to the service user being unhappy with the

actions of their worker. All however, were resolved at stage 1 of the procedure.

Within our directly provided services complaints about home care services doubled. Of these 50% were about the quality of the service falling below expectation, issues included:

- Missed or late calls
- Inconsistency of workers

28% complaints were about the conduct of workers.

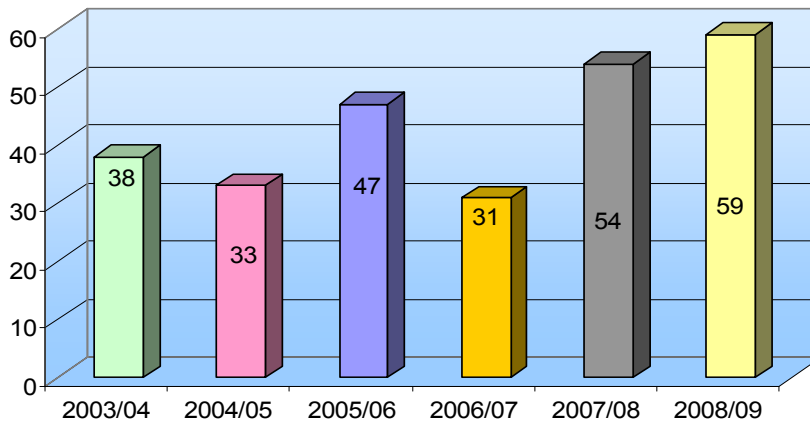
Comment [11]: Is this the bit that James is doing?!

In many cases, when the complaint was upheld or upheld in part, action was taken to improve services. Please see page 19 for examples of the changes made.

## 6. Financial and Business Information (FABI)

### Local Resolution (Stage 1)

Financial and Business Information (FABI) recorded 59 complaints this year, an increase of 9% from last year.



#### 6.1 How many complaints about FABI were upheld?

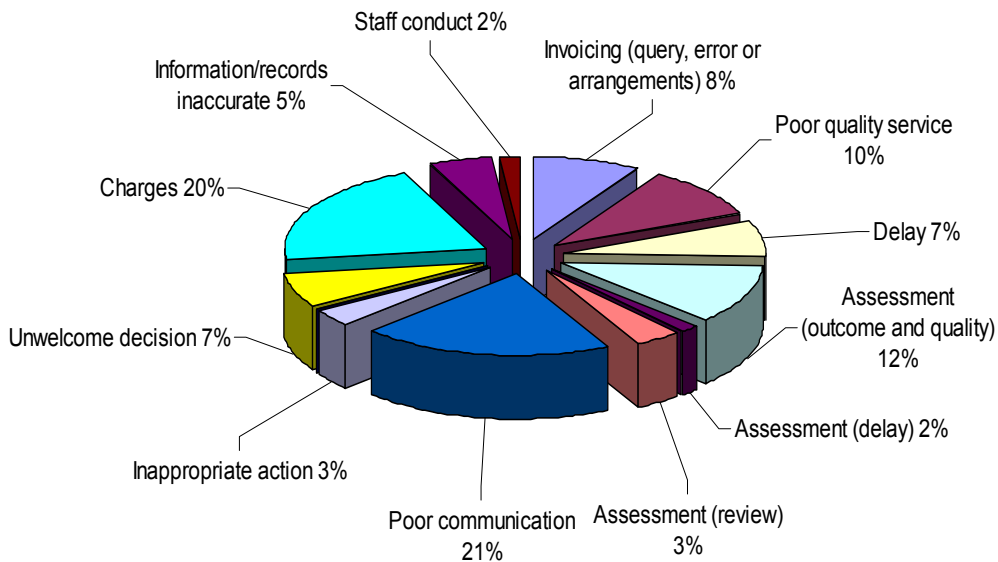
Of the 59 complaints received for FABI, 37% were upheld, 20% were partially upheld and 42% were not upheld.

One complaint went to stage 2 of the process, which means that 98% of complaints were resolved at stage 1.

## 6.2 How long did it take to reply to complaints about FABI?

- o 66% of complaints received a response within 10 working days.
- o 25% of complaints received a response within 20 working days.
- o 8% of complaints did not receive a response within the statutory timescales

### What were the complaints about?



This year, there were two key themes:



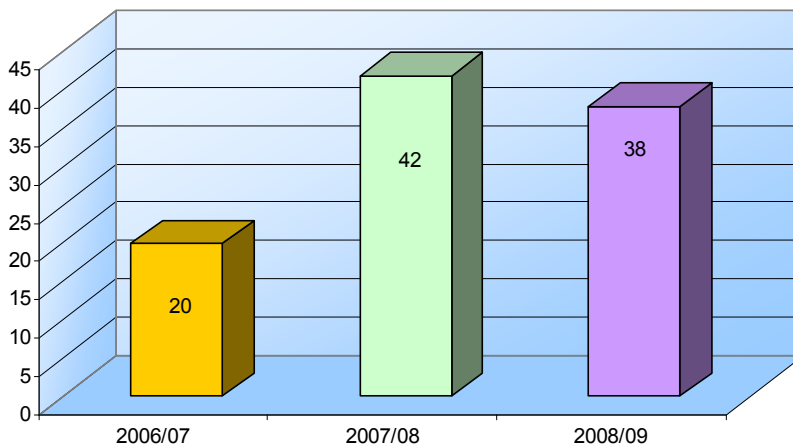
- Delay or failure to respond to people's enquiries about charges and assessment outcomes (21%)
- Dispute about the charges for services as consequence of the outcome of financial assessments (20%)

37% of complaints were upheld, 20% partially upheld and 43% not upheld.

## 7. External contracted providers Local Resolution (Stage 1)

Adult Social Care increasingly commission support services from independent providers.

The Quality Monitoring Team for contracted services has worked closely with independent providers to ensure that complaints are handled quickly and positively. They have recorded 38 complaints this year, which is a 9% decrease compared to last year. All the complaints recorded related to Independent Provider's of Home Care and Residential Care.



*Total number of complaints about external contracted providers (home care and residential)*

### 7.1 How many complaints about Independent Providers were upheld?

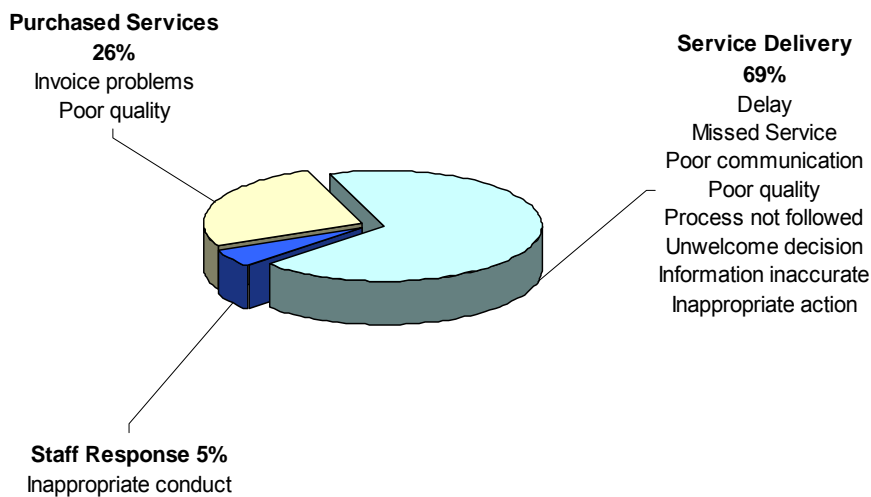
Of the 38 complaints received 50% were upheld, 32% were partially upheld and only 18% were not upheld.

This data indicates that people do tend to make their complaint directly to the providers in the first instance but if they are unhappy with how it has been handled they will rightly come to us for support.

### 7.2 How long did it take to reply to complaints about Independent Providers?

- 58% of complaints received a response within 10 working days
- 13% of complaints received a response within 20 working days
- 29% of complaints did not receive a response within the statutory timescales

### 7.3 Types of complaints about Independent Providers



### 7.4 Themes of complaints

Most complaints were about more than one service failure and the main issues included:

- Inconsistency of workers
- Late or missed calls
- The quality of the care provided
- Attitude or behaviour of staff

## 8. Formal Investigation (Stage 2)

There were 7 formal investigations this year, compared to 5 last year.

External Independent Investigating Officers undertook all of the stage 2 complaint investigations. 2 investigations were overseen by Independent People. Whilst this is not a requirement of the procedure, in instances where the service user is vulnerable and/or there are complex issues, we consider it good practice that an Independent Person monitor the investigation to ensure that it is fair and thorough.

This year we also appointed an independent advocate to support a service user who had very limited capacity.

### 8.1 Service Area of Stage 2 Investigations

Service Area	Broad Complaint Area
Mental Health x 2 (over 65)	Community Mental Health Team
Learning Disability x 2	Assessment & Care Management
Finance & Business Information	Income
Multiple services	Occupational Therapy, Assessment Care management, Finance and Business Information, Complaints Unit
Social Care	Assessment & Care Management

The average time to produce a formal response at stage 2 was 112 days, which is outside the 65 working day deadline. However, at this stage of the

procedure, most of the complaints were complex, covering a range of issues, across partner organisations, including:

- The application of the safeguarding vulnerable adults procedure and poor communication with the people raising concerns
- The effectiveness of multi-agency planning and communication
- The conduct and attitude of staff
- Delay in providing appropriate services and daily living equipment
- Poor communication across our own services causing confusion in responsibilities and poor communication with the family carers
- Delay in financial assessment
- The provision and quality of commissioned services

In all instances, the external investigator made recommendations to the department in order to achieve service improvements.

## **8.2 Examples of the changes and learning from formal investigations**

In two formal investigations, there was dissatisfaction with the process and outcome of the safeguarding vulnerable adult's procedure. In most instances, the recommendations within the reports matched the activity of the review of Safeguarding procedures following the Commission for Social Care's inspection. Examples of the learning and changes from the investigations include:

- The complaints unit had specialist training in SVA and have implemented an alert protocol to ensure that SVA procedures take precedence over complaints procedures
- The Safeguarding Referral form now includes a space for recording an initial safeguarding strategy discussion which then leads to identifying the appropriate level of investigation
- All safeguarding activity is subject to routine management audit and oversight to drive improved performance and develop consistency across service areas

- There are now bi-monthly operational feedback meetings, Chaired by Operations Managers for SVA investigation managers to consider all the feedback from case file audits, service user interviews and learning from complaints to ensure continuous improvement.

Another complex complaint about the provision of services for a young disabled adult resulted in the following changes:

- To date the Occupational Therapy Services (children and adults) have not been fully engaged in transition planning, however since the review the managers of the services are now taking an active part in the development of the transition service.
- The Director now personally acknowledges email complaints addressed to him, with an explanation about why he is unable to become involved at that point.
- In line with the new complaints regulations (2009), the complaints unit now assess each complaint on its own individual merits and will agree a plan with the complainant about how the complaint will be looked into, at the outset.

## **9. Complaints Review Panels (Stage 3)**

One Review Panel was held this year; this is the same as the previous year.

The Director agreed all the recommendations made by the Review Panel.

These included:

- All contracts should be checked to ensure a robust complaint procedure exists.
- Where service users are suspended or excluded from day services, there should be a review to look at how situations are handled and consider if an appeals procedure should be introduced.

## **10. Local Government Ombudsman**

Because of changes in the way the Local Government Ombudsman (LGO) operates, statistics about complaints received in 2008-09 are not directly comparable with those from 2007-08. Direct comparisons with the previous year are therefore difficult and could be misleading.

The new LGO Advice Team has been the single point of contact for all enquiries and complaints. This year 12 enquiries and complaints were forwarded to the investigation team, 10 of which received a decision.

In 4 complaints the LGO found no fault by the department. There were no local settlements.

One complaint resulted in our Leaflet ILO2 'You and your information' being re-worded to reflect the fact that there may be occasions when information cannot be released.

## **11. What did the department learn from other complaints?**

It is crucial that there is learning from complaints at all stages of the procedure, resulting in improved services and delivery, wherever possible. Here are some further examples of learning and changes at all levels of the department.

Examples of learning were:

### **Blue Car Badge Services**

Although out of our control, national changes to eligibility for Blue Car Badges prompted significant dissatisfaction from badge holders who were no longer entitled to a badge on renewal. Although there are clear criteria, in some circumstances there can be discretion. To ensure a fair service a formal appeals system has been developed rather than using the complaints procedure unnecessarily.

Following reports that some Blue Badge re-applications had gone missing Blue Car Badge processes were reviewed and now:

- Staff offer to report missing items to the Royal Mail on behalf of a customer rather than asking the customer to do it.
- More checks are made on addressed envelopes prior to despatch to prevent addressing errors.
- Envelopes provided for the return of an expired badge are no longer addressed to 'Blue Car Badges'
- Improved recording of all incoming correspondence

### **Debt Collection**

We received a number of complaints from service users and/or their carers about receiving final demand letters for outstanding charges, within what they considered a short period. In recognition of the impact of disability on many of our service users, the debt collection procedure was reviewed and final demands now go out at day 52 instead of day 40.

### **Change to how support is delivered**

The care plan for a service user was redesigned so that they could purchase their own care through a direct payment.

### **Communication**

We need to include family/carers in each step of our processes. And, where there are differences of opinion, we need to involve independent advocates.

## **12. Compliments**

Compliments provide valuable information about the quality of our services and identify where they are working well.

<b>Teams</b>	<b>No. of compliments 2008/09</b>
<b>Hospital Assessment &amp; Care Management Teams</b>	14
<b>Assessment &amp; Care Management Teams</b>	149
<b>Blue Car Badges</b>	11
<b>Duty and Assessment Teams</b>	2
<b>Learning Disability Services</b>	161
<b>Mental Health</b>	13
<b>Occupational Therapy Service</b>	848
<b>Social Care Direct</b>	14
<b>Sensory Impairment</b>	45
<b>Older People Services</b>	663
<b>Home Care</b>	209
<b>FABI</b>	13
<b>Supported Accommodation Team</b>	0
<b>Supporting People Team</b>	0
<b>Strategy and Commissioning/Carers</b>	0
<b>Substance Misuse Service</b>	1
<b>STACS</b>	12
<b>County Wide Reviewing Team</b>	85
<b>Total</b>	<b>2240</b>

An additional 643 compliments were received this year compared to the previous year. This represents a 60% increase and is mainly attributable to the increase in compliments recorded about Occupational Therapy Services from service user feedback forms.

Both the large numbers of compliments and their content shows that our services are highly valued by the people who use them and their families.

### **12.1 Examples of some of the compliments received**



“Thank you to all the staff for supporting ‘J’ during her stay with you. I was very reassured by the excellent care you gave. It makes so much difference to be in the hands of friendly and helpful staff.”

“I really appreciated your assistance and organising the support rails. It will make so much difference to my life.”

“I very much appreciate the assistance I have received from all the support agencies and in particular for the expert and sympathetic assistance I have received from ‘M’.”

“It was so nice for me to know that he would be taken care of, a big worry taken away from me. ‘O’ has told me all about his week with you all and how much he enjoyed it. Hearing all that he has said made me hope that if ever I have to go to respite, I just hope it will be at Harvard Road.”

“I would like to take this opportunity to thank you and your department for the exceptional way my parents care and general wellbeing have been attended and seen to by your team.”

“I met with ‘M’, ‘S’ and ‘C’ and found each of them totally professional and very caring. I have not had any experience of this before and am full of admiration for the service and dedication of the very kind people I met.”

“Just a note to let you know how I’m doing and to also personally thank you for all your help and support over the past 6 months or so. You’ve probably saved my life. Thank you!

“This is the first time we have been involved with social services and I cannot praise too highly the care and compassion shown by the team we were lucky enough to deal with.”

“I had no idea that social care was available on discharge from hospital. I just wanted to write to say how grateful I am for the help received. I could not have managed without help in the mornings.”

“Thank you for the help I received. I was at rock bottom...please thank all involved in helping me.”

“Thank you very much for helping us – things are much better now. I have some really good carers and feel safe in their care.”

“Thank you for the excellent level of care I have received from your staff. They have been hard working, dedicated and have always been kind and very thoughtful.”

“My Aunt and I were very impressed by the professionalism and dedication demonstrated by your team. Nothing appeared to be too much trouble. She particularly appreciated their thoughtfulness and kindness.”

“Thank you so very much for the splendid way you have helped us with our financial assessment.”

“We have nothing but praise for the excellent support and help we have had from Occupational Therapy, especially the advice on the raising chair which is much appreciated.”

“Certainly the equipment supplied has proved very important as I had an occasion when it was needed and used. All I can say now is a very big thank you, you're the tops.”

“I would like to say that we have found the care that 'M' has had and is still receiving is of a very high quality. I would also like to thank you all for your kind regard in looking after 'M' and for being extra kind in taking him to football and all the other outings. He seems very happy and contented. Everyone remarks on how happy he seems which shows that he is being looked after so well.”

### **13. Consultation**

People who use the complaints procedure are routinely asked about their experience of the complaints procedure. The comments received indicate that

most people feel well informed about the procedure and have found staff very helpful and responsive in dealing with their concerns. Some people expressed regret that they had to make a complaint to get things done. Others were happy with the procedure itself but were dissatisfied or disappointed with the outcome of their complaints. Generally, complainants wanted their experience to inform and improve service delivery.

Preparation for this report also included consultation with those who have an interest in promoting or supporting service users to access the procedure. This included a wide range of voluntary organisations, Independent People, external Investigating Officers, and those involved in Complaints Review Panels.

Disappointingly, there was a low return but we received some useful comments. Particularly in relation to making sure that complainants are kept informed of the complaints progress and outcomes. We also received comments about the value of having access to independent support when making a complaint. For example, the Co Chair of Regard (the national LGBT disabled people's organisation), who was involved in a stage 2 complaint and commented that:

*“funded advocacy can be critical to a disabled person's ability to make a complaint and to continue to pursue it through the different stages as necessary. There are many reasons why a disabled person may be unable to pursue a complaint effectively - or more often at all - without advocacy, and it is important to listen to a disabled person's own assessment of their situation. Similarly, disabled people and their representatives are the best people to assess what type of advocacy is needed, and whether this is available without direct funding.. As a Co Chair of Regard, I have been very pleased that East Sussex has provided this service for one of our members who would otherwise have had no hope at all of having her voice heard.”*

## **14. Single Complaints Regulations for Adult Social Care and NHS**

From 1 April 2009, the Government required all publicly funded health and local authority adult social care services to change to a new single complaints process.

The new process focuses less on procedure and more on achieving a satisfactory outcome for the complainant. It is designed to be more flexible, which allows for a range of options to be explored for a fair and thorough response.

Locally, we will be aiming to achieve the Local Government Ombudsman's principles for good complaints handling:

- o Getting it right
- o Being Customer focused
- o Being open and accountable
- o Acting fairly and proportionately
- o Putting things right
- o Seeking continuous improvement

There is still a statutory duty to publish an annual report. It will be particularly interesting to consider the impact of the new process in next year's annual report.

## **15. Other Developments**

This year we completed an equality impact assessment to identify actions that we could take with advocacy and voluntary agencies that represent minority groups to ensure that these groups have access to and feel confident to use the complaints procedure.

Each year we provide training to staff and managers to help them deal with complaints positively and fairly, with a strong emphasis on customer care. This year we have offered additional training to managers to ensure the successful implementation of the new single complaints process.

We are also developing our reporting mechanisms to support managers to respond to themes and trends arising from complaints and promote continuous improvement.

## **16. Conclusion**

It is important to have in place effective and accessible means for service user's comments and complaints to be heard, and responses to be made. The complaints procedure provides this opportunity.

Regrettably, things can, and do go wrong and with resources prioritised to meet the needs of the most vulnerable, complaints will be made. However, this year's report shows how comments, complaints and compliments can influence service development and improve services.

## Feedback Form

### Adult Social Care Comments, Compliments and Complaints

#### Annual Report 2008-2009

Please take a few minutes to fill in this feedback form which will help us find out whether or not this report has been effective in informing you about how we listen and respond to comments, compliments and complaints.

Please return it to Contact Officer:

Janette Lyman, Complaints Manager, Adults Social Care  
County Hall  
St Annes Crescent  
Lewes, East Sussex,  
BN7 1SW  
Tel: 01273 481242  
Fax: 01273 481331  
Email: [asccomplaintscomments@eastsussex.gov.uk](mailto:asccomplaintscomments@eastsussex.gov.uk)

1. Did the report contain the content you wanted?

- Yes   
No

If the answer is no, what further information would you like to see included in the report?

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2. Is the document easy to understand?

- Yes   
No

3. Is the format of the document easy to follow?

- Yes   
No

4. Is there anything you think we could do to improve (i.e. Report, Format)

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Name (Optional): \_\_\_\_\_

Date: \_\_\_\_\_

Thank you for taking time to fill in this form.