

Calderdale Social Care Services Complaints Annual Report

1 April 2010 to 31 March 2011

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1. Introduction and overview

- 1.1 This Annual Report provides information about representations including complaints made between 1 April 2010 and 31 March 2011, under the Calderdale Adults, Health and Social Care complaints procedures (The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009) and the Calderdale Children and Young Peoples Complaints Procedures (Children Act 1989 Representations Procedure (England) Regulations 2006).
- 1.2 Regulations require that each responsible body must prepare an annual report for each year which must:
- (a) specify the number of complaints which the responsible body received;
 - (b) specify the number of complaints which the responsible body decided were well-founded;
 - (c) specify the number of complaints which the responsible body has been informed have been referred to the Local Commissioner (Local Government Ombudsman) to consider under the Local Government Act 1974; and
 - (d) summarise:
 - (i) the subject matter of complaints that the responsible body received;
 - (ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled;
 - (iii) any matters where action has been or is to be taken to improve services as a consequence of those complaints.
- 1.3 After summarising the overall approach to receiving, resolving and responding to complaints and representations the report will diverge into two distinct parts.
- **Part 1** will consider the Children and Young People's Service complaints and representations
 - **Part 2** will consider the Adults, Health and Social Care Directorate complaints and representations.

2. What are representations?

- 2.1 All representations received at the Complaints and Compliments Unit are categorised in one of the following ways

Comment – feedback provided by a service user or their representative which does not require action in terms of a response.

Concern – feedback provided by a service user or their representative requiring immediate action rather than investigation.

Complaint – feedback provided by a service user or their representative received requiring investigation and response.

Management issues are recorded on a separate complaints database as they fall outside the statutory complaints procedures. All management issues are passed to appropriate operational managers to investigate under Disciplinary and Grievance Procedures.

3. Who can make a complaint?

3.1 The complaints procedures state that a complaint can be made by or on behalf of someone to whom the Local Authority has the duty or power to provide a service. A complaint can be made by:

- a service user
- a representative/advocate of a service user, who is acting on behalf of a service user with their consent
- a representative of a service user who does not have mental capacity as long as they are seen to be acting in their best interests
- someone who has been denied a service to which they think they are eligible

Part One

Children and Young People's Service Complaints Procedures

1. Process

- 1.1 The Children and Young People's Service Complaints procedure has three stages (see below). Additionally, if a complainant remains dissatisfied having exhausted these procedures they can approach the Local Government Ombudsman (LGO). A complainant could approach the LGO at any time, however unless there is good reason they will usually expect the complaints procedures have been used in full first.
- 1.2 **Stage 1 – Local Resolution.** This is the most important stage of the process. It is the stage where an effective resolution is most likely and, if reached, is the most efficient use of resources. At this stage, Calderdale Council is required to provide a response within 10 working days.
- 1.3 **Stage 2 – Independent Investigation.** This stage is usually initiated when a complainant is dissatisfied with the response at Stage 1. However, the Complaints Service also uses this stage flexibly and may invite a complainant to go directly to Stage 2 (for example, where the relationship with social work management has broken down and the complainant is unlikely to trust a Stage 1 response).
- 1.4 We use external investigators at this point, to ensure a demonstrably independent view. An Investigating Officer (IO) leads the investigation and an Independent Person (IP) ensures that the complaint is investigated fairly and objectively. Both of these roles are undertaken by people external to the local authority. The IO is required to prepare a report highlighting the findings and any recommendations. The IP is required to observe the investigation and prepare a report confirming that there has been a full and fair investigation
- 1.5 The Head of Service commissions the Stage 2 investigation and adjudicates on the complaint, producing a written response to the complainant on behalf of Children's Services that addresses the findings and recommendations of the investigation reports. The timescale to produce the final response at this stage is 25 working days however this can be extended to 65 working days with the agreement of the complainant. The reports and the adjudication response are sent to the complainant in full to ensure transparency.
- 1.6 **Stage 3 – Review Panel.** This is the final stage of the complaints procedures. Review Panels are made up of an Independent Chair and two independent panel members. The Panel's remit is to review the work undertaken at Stage 2 (as opposed to considering new complaints). The Chair makes recommendations to the Director of Children and Young People's Service and a copy of the recommendations are sent directly to the complainant. The Director then formally responds to the complainant.

1.7 The Panel is convened within 30 working days of the complainant's request for Stage 3 and will make recommendations within 5 working days of the hearing. The Director will respond within 15 days of receiving the panels recommendations.

2. Activity

2.1 From 1 April 2010 to 31 March 2011, Calderdale Children and Young People's Service received a total of 82 representations. This is an increase of 25 when compared with the representations received during the previous 12 months 1 April 2009 to 31 March 2010. Of the representations received:

- 9 were comments
- 3 were concerns
- 63 were complaints
- 7 were Management Issues

Of the 63 complaints,

- 43 (68%) were resolved at Stage 1
- 15 (24%) were resolved at Stage 2
- 5 (8%) were resolved at Stage 3

Year	Received	Comments	Concerns	Stage 1	Stage 2	Stage 3
2009/10	57	5	0	39	9	4
2010/11	82	9	3	43	15	5

2.2 While increased numbers of complaints may in some circumstances reflect poor or insufficient service, they may equally indicate that service users feel confident in making their complaints and that they do not feel that they will be penalised by the Council for doing so. The context around why people complain (e.g. change in personnel delivering services, tightened Child Protection procedures or budget controls) should be borne in mind.

2.3 Children's Services received 10 compliments an increase from the previous year (7). The relatively low number of compliments received by Children's Services may possibly reflect the statutory nature of much of the work undertaken and the difficult nature of the interventions which are often required with families.

Compliments by Team	2009/10	2010/11
Outreach Service	0	5
Looked After Children Services	3	4
Intensive Family Support Services	0	1
Children with a Disability Service	1	0
Family Support and Child protection	1	0
Support Services	1	0
First Response Service	1	0
Total	7	10

2.4 The outcome of the 63 complaints received for Children's and Young Peoples Service, were as follows:

Complaint Outcomes	Stage 1	Stage 2	Stage3
Complaints Upheld	12	2	1
Complaints partially upheld	14	4	0
Complaints not upheld	9	2	4
Withdrawn	6	2	0
Ongoing	2	5	0
Total	43	15	5

Note - a single complaint could have an outcome at more than one stage, for example a complaint may not have been upheld at Stage 1, not upheld at Stage 2 and upheld at Stage 3

2.5 A total of 75 comments, concerns and complaints which were received during the reporting period and these were categorised by the Complaints and Compliments Unit under the headings below:

Complaints by Type	Comment	Concern	Complaint	Total
Communication	2	2	15	19
Staff	0	0	0	0
Change	0	0	0	0
Decision	0	0	1	1
Confidentiality	0	1	2	3
Compensation	1	0	0	1
Finance	0	0	2	2
Quality	0	0	4	4
Management	0	0	0	0
Support	2	0	36	38
Other or not applicable	4	0	3	7
Total	9	3	63	75

- 2.6 A single complaint may often involve a number of different issues and concerns and these will be logged and addressed accordingly. However for reporting purposes the key issue or the most significant concern within the Complaint is referred to in this section.
- 2.7 Just over half (50.6%) of all comments, concerns and complaints were in the Support category. Typically this may include a failure to provide support when requested; a poor standard of support provided or reduced level of support.
- 2.8 A quarter (25.3%) of all comments, concerns and complaints were in the Communication category. Typically this may include a failure to respond to messages left or a failure to keep service users informed / involved.
- 2.9 Of the complaints which were resolved at Stage 1 of the complaints procedures only 5 were completed within the Statutory 10 working day timescale, and only 15 within a legitimately extended timescale of 20 working days.
- 2.10 Almost half of all **stage 1** complaints took over 20 working days to resolve. The Complaints and Compliments Manager is currently working with senior operational managers within the Children and Young People's Service to explore ways of supporting responding managers to improve response times to complainants at Stage 1. Complaints Handling training has already been provided to 15 Team Managers and Senior Practitioners

Stage 1 Response Times	No	%
10 working days	5	12%
20 working days	10	23%
Outside of timescale	20	46%
Withdrawn	6	14%
Ongoing	2	5.0%
Total	43	100%

- 2.11 **Stage 2.** A total of 15 complaints were resolved at Stage 2. One complaint was concluded within the statutory 25 working days and three complaints were resolved within the maximum extended target timescale of 65 working days. However six complaints extended beyond the statutory 65 day limit and in one case the complaint took 175 days to complete. To some extent this reflects the often difficult and complex nature of many of the Stage 2 investigations.
- 2.12 **Stage 3.** There were 5 Complaints Review Panels at Stage 3 of the complaints procedures. The Panels concluded that the outcomes of 4 of the stage 2 investigations were appropriate and made recommendations to the Director that the complaints should not be upheld. The panel concluded that the outcome of 1 of the stage 2 investigations should be overturned and made recommendations to the Director that the complaint should be upheld.

- 2.13 One complainant attended a Stage 3 panel where they raised new concerns and were advised by the panel to make a further complaint. The new complaints were investigated at Stage 2 and were substantially not upheld and a second Stage 3 panel was convened which upheld the outcome of the Stage 2 investigation. The complainant remained dissatisfied and requested a further Stage 2 investigation which has been denied.
- 2.14 The reasons for complaints escalating can be, but are not always, an indicator of poor complaints handling or response. Factors influencing whether a complainant may decide to pursue their complaint further may include the actual or perceived seriousness of the issues, the length of time that an investigation may have taken (as opposed to whether the outcome was favourable to the complainant), and whether the complainant's ultimate objective is to approach the LGO with their complaint (they therefore feel obliged to pursue all three stages of the local procedure first).
- 4 complaints progressed through stage 1 and 2 and were resolved at Stage 3
 - 8 complaints progressed from Stage 1 and were resolved at Stage 2
 - 1 complaint bypassed Stage 1 and progressed directly from Stage 2 to Stage 3
- 2.15 The focus for the coming year will be to improve the time and the quality of Stage 1 responses with a view to resolving these to the complainants' satisfaction and therefore reducing the number escalating to Stage 2 and Stage 3 which can have a significant cost financially and on staff moral
- 2.16 **Local Government Ombudsman** - During this reporting period, the Local Government Ombudsman (LGO) has received six enquiries from service users or their representatives in relation to Calderdale Social Care Services. Two of these complaints were in relation to Calderdale Children and Young People's Service. After consideration the LGO decided that both complaints were outside their jurisdiction and took no further action.

3. Learning from complaints

- 3.1 Having a complaints procedure is both a statutory requirement and a commitment to good practice. By responding positively to complaints, we open ourselves to valuable feedback on how our service users experience our services and where we can make efficiencies and improvements. Selected examples of how we are learning from complaints include the following:
1. Core Assessments are discussed with Service Users at the point of completion.
 2. Staff need to be reminded of the circumstances under which confidential information can or cannot be shared.
 3. A policy for sharing supervision notes with (Foster) carers should be developed.

4. In situations where, for whatever reason, carers are being advised to refuse contact with children or young people they have cared for, there should be a plan of support put in place, so that the advice can be followed.
5. The Safeguarding Team should review their processes for recording referrals and contacts and for maintaining records in line with statutory requirements.
6. A clear understanding is developed within the Service about how best to deal with angry and insistent service users, and that this is fully communicated to all staff.
7. A written policy is developed which sets out clear criteria about when the concerns raised by service users should be escalated to Senior Managers.
8. There needs to be liaison with the Police regarding their involvement with Looked After Children in Child Protection situations
9. Minutes or action points of conferences, reviews and core groups should be written up "as soon as possible" in accordance with the West Yorkshire Children's Safeguarding guidelines.
10. Coordinated discussions should take place between the Education Service, Social Care, Police and other relevant organisations, possibly facilitated by the Safeguarding Board, to pool information about risk taking behaviour through the internet.

**Examples taken from Management Action Plans*

- 3.2 When learning has been identified this is included in a Management Action Plan (MAP) in which any actions which need to be taken are clearly identified with a timescale for completion and where a lead officer is identified.

4. Complaints Training

- 4.1 During 2010 / 11 a total of 15 Team Managers or Senior Practitioners from the Children and Young People's Service attended one of three, 1 day training courses facilitated by the Complaints and Compliments Manager focused on Effective Complaints Handling. The training involved sessions on:

- Receiving and Analysing Complaints
- Preparing and planning for investigations
- Responding to complaints
- Learning from complaints

Part Two

Adults, Health and Social Care Complaints Procedures

1. Process

- 1.1 The Adult Services complaints procedures is a one stage process with a focus on working with the complainant to resolve the complaint to their satisfaction. A complaint or concern made by a service user or their representative will be recorded and processed by the Complaints and Compliments Unit and defined as an internal (Service Provider) or External (Independent) Complaint
- 1.2 The desired outcome for the complaint and the timescale for responding is negotiated and agreed between the investigating officer and complainant prior to any investigation and a resolution plan is agreed
- 1.3 Service Provider Complaint Investigations are dealt with by a manager working within the service area responsible for the complaint. This could be an in house services or a commissioned or contracted service. The Complaints and Compliments Unit will gather the initial information from the complainant and enter the details into a 'Complaint Resolution Plan'. The plan is in two parts:
 - **Part One:** This details the complaint information, identifies the desired outcomes expressed by the complainant and sets out how the complaint will be looked into, the complainant is required to agree and sign this prior to the investigation commencing.
 - **Part Two:** Details the standard reporting format for the investigating officer to complete and return to the Complaints and Compliments Unit. The investigating officer identifies the findings/outcome of the investigation and any learning.
- 1.4 A general timescale of **15 working days** is allocated to service provider investigations for monitoring purposes only. This timescale begins on the date when the signed 'Part One' of the Complaint Resolution Plan is sent to the Investigating Officer for investigation. The Investigating Officer provides a written response directly to the complainant on completion of the investigation. The response will also advise the complainant of action they can take if they are unhappy with the outcome of the investigation (Local Government Ombudsman).
- 1.5 Independent Complaint Investigations are used for complaints of a more complex nature, or those which have been identified as requiring a greater degree of formality and independence to resolve. These complaints will be investigated by someone independent of the Local Authority. The timescale for completing the investigation is negotiated and agreed between the complainant and the investigating officer.

- 1.6 At the conclusion of the independent investigation the investigating officer will forward the completed 'Part Two' of the Complaint Resolution Plan to the Complaints and Compliments Unit for processing and an adjudication meeting will be arranged with the Investigating Officer, Head of Service and the Complaints Manager. The adjudicating meeting will discuss the investigation findings, learning points and actions that need to be taken within the service. The Head of Service will provide a formal response letter to the complainant.
- 1.7 The Calderdale Safeguarding Manager is notified of any complaints received by the Complaints and Compliments Unit that raise concerns in respect of safeguarding issues. The Safeguarding Manager and the Complaints Manager will meet to decide the best way to take the complaint/safeguarding issue forward. At the discretion of the Complaints Manager an Independent Person may be appointed in the case of a vulnerable person i.e. issues of capacity of the complainant or if there is a concern regarding conflict of interest.

2. Activity

2.1 From 1 April 2010 to 31 March 2011, Calderdale Adults, Health and Social Care received a total of 102 representations from service users or their representatives. Of the representations received:

- 8 were comments
- 34 were concerns
- 13 were complaints investigated by an Independent Investigator
- 46 were Complaints investigated by an Operational Manager
- 1 was a Management Issue

	In House Service	Independent provider	PCT or other	Totals
Comments	4	2	2	8
Concerns	15	16	3	34
Internal Investigation	27	19	0	46
External Investigation	11	2	0	13
Management	1	0	0	1
	58	39	5	102

2.2 More than half (57%) of all the representations received were in relation to services being provided in house by Calderdale Council and just over a third (38%) were in relation to commissioned or contracted services.

2.3 Social care services received 100 compliments from service users during this reporting period

Compliments by Team	2009/10	2010/11
Residential Services	10	23
Adult Care	47	21
Reablement Services	0	13
Home care	10	8
Sensory Impairment Team	8	8
Learning Difficulties Team	0	3
Support Services	0	3
Direct Payments Team	3	3
Handy persons service	0	2
Day Care Services	0	2
Client Financial Affairs	3	2
Out of Hours Services	0	2
Accessible Homes Service	0	1
Hospital Social Work Team	2	1
Customer Service	4	1
Other	5	0
Total	92	100

2.4 A total of 59 Complaints were responded to during the reporting period, Of these 59 complaints:

- 38 (64.5%) were about in-house services
- 21 (35.5%) were about commissioned or contracted services
- 46 (78%) were or are being investigated internally
- 13 (22%) were or are being investigated by an independent Investigating Officer

2.5 A single complaint may involve a number of different issues and concerns and these will be logged and addressed accordingly. However for reporting purposes the key issue or the most significant concern within the complaint is referred to in this section.

Complaints by Type	Comment	Concern	External	Internal	Total
Communication	0	6	2	6	14
Staff	0	0	0	0	0
Change	0	0	0	0	0
Decision	0	2	3	3	8
Confidentiality	0	0	0	0	0
Compensation	0	0	0	0	0
Finance	1	5	1	8	15
Quality	1	1	1	5	8
Management	0	0	0	0	0
Support	1	16	5	23	45
Other or not applicable	5	4	1	1	11
Total	8	34	13	46	101*

*+1 Management Issue

- 2.6 Just under a half (44.5%) of all the comments, concerns and complaints were placed in the Support category. Typically these may include a failure to provide support when requested; a poor standard of support provided or reduced level of support following reassessment.
- 2.7 A Total of 15 comments, concerns and complaints were received in relation to Finance, which would include matters such as Charges for services, Client Financial affairs or Direct Payments for example
- 2.8 Although the timescales for resolving complaints are negotiated and agreed with individual complainants in accordance with the complaints process, it is helpful to track the length of time taken as a general performance monitoring tool. Using a nominal 15 day timescale we can see that:
- 43% of all representations received are responded to within 15 working days
 - Just over a quarter (26.8%) are responded to beyond 30 working days
 - One complaint remained unresolved for 147 working days

Response times	Comment	Concern	External	Internal	Total
0 to 15 days	0	20	0	20	40
16 to 30 days	0	4	1	11	16
31 days or more	0	9	6	10	25
Ongoing	0	1	6	5	12
Total	0	34	13	46	93

- 2.9 A breakdown of the 59 complaints that were received (Highlighted in the chart below) shows that;
- 26 (44%) were either upheld or partly upheld
 - 19 (32%) not upheld
 - 14 (24%) were ongoing or withdrawn

	ongoing	upheld	Partially upheld	Not upheld	withdrawn	n/a	Totals
Comments	0	1	0	0	0	7	8
Concerns	1	15	3	10	1	4	34
Internal	5	13	7	18	3	0	46
External	6	3	3	1	0	0	13
Management	0	0	0	0	0	1	1
	12	32	13	29	4	12	102

3. Local Government Ombudsman

3.1 During this reporting period, the Local Government Ombudsman (LGO) has received six enquiries from service users or their representatives in relation to Calderdale social care services. Four of these complaints were in relation to Calderdale Adults, Health and Social Care. After consideration the Local Government Ombudsman decided that in two of these cases there was no or insufficient evidence of maladministration and took no further action. In the remaining two cases the LGO considered the way the Council had investigated the complaints and used their discretion in deciding not to investigate further.

4. Learning from Complaints

4.1 Having a complaints procedure is both a statutory requirement and a commitment to good practice. By responding positively to complaints, we open ourselves to valuable feedback on how our service users experience our services and where we can make efficiencies and improvements. Selected examples of how we are learning from complaints include the following:

- *Regarding a service user falling - The Manager has confirmed that this has now been addressed with staff and arrangements are in place to ensure that residents are more appropriately supervised at meals times.*
- *The Manager has confirmed that with regard to the relocation part of the service they are ensuring that regular contact and update is provided to service users to ensure a request for relocation is constantly reviewed. Also ensuring that should a customer relocate that the Occupational Therapist are kept informed to ensure any reassessments are carried out as soon as possible.*
- *Adults, Health and Social Care and NHS Calderdale are embarking upon a programme of change called "Connecting Care in Calderdale" to ensure greater integration between health and social care in Calderdale, reducing duplication, increasing efficiency and improving outcomes for the people of Calderdale.*
- *The Regional Manager has confirmed that all staff have now been reassessed for manual handling competencies. Arrangements for improved communication between clients and office have been implemented. Continuity of care staff has been identified and addressed.*
- *Performance indicators show that on the whole the Department achieves well in this area however the Operations Manager reports that plans are in place for a number of workshops to take place in November 2010 aimed at improving assessment times further*

- *The manager concerned has confirmed that staff have now had access to training and that keeping up to date with new developments is included as part of their personal development.*
- *Regarding missed Home Care appointment - The Team Manager has confirmed that this matter has now been addressed with the member of staff concerned and with the team in general.*

**Examples taken from Management Action Plans*

5. Training

- 5.1 No staff received specific training in complaints handling during 2010/11 however a programme of visits to each team is currently being developed to promote and raise awareness of complaints within the Directorate. A proposal to provide more specific training to Team Managers has also been identified and will take place in the coming year

Equality and Diversity Monitoring

All those who make contact with the Complaints and Compliments Unit are requested to complete an Equality Monitoring Form as part of our commitment to ensure that the service is accessible to all and to reduce inequality. The form is sent out with all acknowledgement letters and a freepost envelope is enclosed.

During this reporting period from a possible 184 contacts a total of 18 replies (8%) were returned. Data from the replies received show that:

Age	Disability	Gender	Sexual orientation	Ethnicity	Religion
Not stated	Not stated	Female	Not stated	E Other Ethnic Groups	Not stated
55 - 64	No	Female	Heterosexual	A British (A White)	Christian
55 - 64	No	Female	Heterosexual	A British (A White)	Christian
55 - 64	No	Female	Prefer not to say	A British (A White)	Christian
55 - 64	No	Female	Heterosexual	A British (A White)	Christian
35 - 54	Not stated	Female	Heterosexual	A British (A White)	Christian
35 - 54	No	Female	Heterosexual	Not stated	Christian
55 - 64	No	Female	Heterosexual	A British (A White)	Christian
35 - 54	No	Female	Heterosexual	A British (A White)	Christian
55 - 64	No	Female	Heterosexual	A British (A White)	Christian
35 - 54	No	Female	Heterosexual	A British (A White)	Not stated
35 - 54	Yes	Female	Heterosexual	A British (A White)	Christian
35 - 54	Yes	Female	Heterosexual	Pakistani (C Asian or Asian British)	Muslim
Not stated	Not stated	Male	Not stated	A British (A White)	Not stated
65+	No	Male	Heterosexual	A British (A White)	Christian
35 - 54	Yes	Male	Heterosexual	A British (A White)	Christian
65+	No	Male	Not stated	A British (A White)	Christian
65+	Yes	Male	Not stated	A British (A White)	Christian

Gender

13 were Female
5 were Male

Age

7 were aged between 35 and 54
6 were aged between 55 and 64
3 were aged over 65
2 were did not state their age

Disability

11 stated they did not have a disability
4 stated they had a disability
3 did not to respond to this question

Sexual Orientation

13 stated that they were Heterosexual
5 declined to respond to this question

Ethnicity

15 stated that they were British / white
1 stated that they were Pakistani
1 stated another Ethnic group
1 declined to answer this question

Religion

14 stated that they were Christian
1 stated that they were Muslim
3 declined to answer this question