

# Delivering the Difference Together



*Putting the people of Staffordshire first*



COMPLAINTS TEAM  
STATUTORY ANNUAL REPORT 2017-18  
ADULT SOCIAL CARE

## CONTENTS

<b>Section</b>	<b>Page</b>
Introduction	3
Criteria for Accessing Statutory Complaints Procedure	4
Overview	4
Comparison From Previous Year	5
Staffordshire County Council Adult Social Care Services	6
Stage 1 Local Investigation – Council (Nature of Complaint, Outcome and Recommendations Response Timescales)	7
Stage 1 Independent Investigation – Council	15
Adult Social Care Services Provided by Staffordshire & Stoke on Trent NHS Partnership Trust Stage 1 Local Investigation – NHS Partnership Trust Nature of Complaint and Outcome – North Division Recommendations and Learning Actions – North Division Nature of Complaint and Outcome – South Division Recommendations and Learning Actions – South Division	17
Local Government Ombudsman	23
Summary of Local Government Ombudsman Complaints	30
Compliments	31
Other Activity	32
Commissioned Services	32
Service Approach 2017-18	33

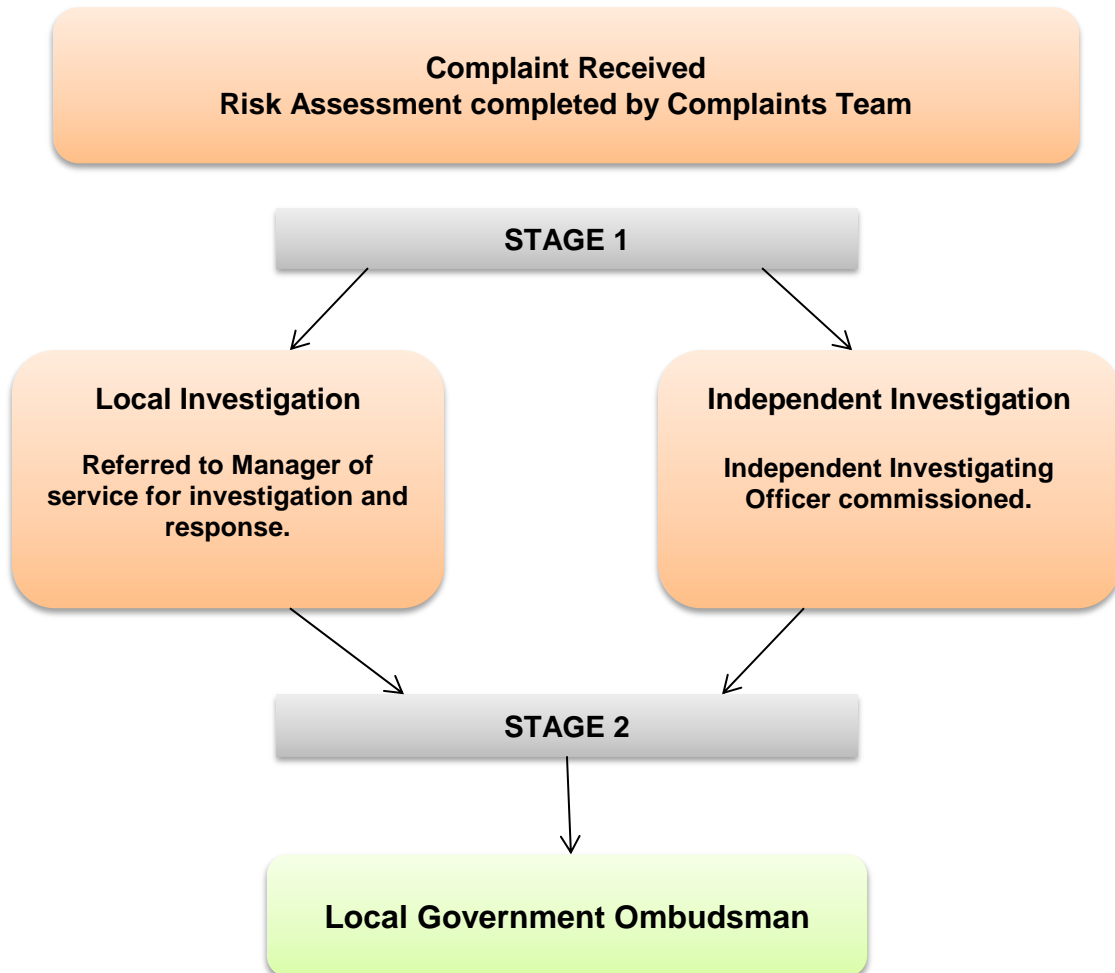
## Introduction

This report provides information about complaints made during the twelve months between the 1 April 2017 and the 31 March 2018 under the complaints and representations procedures established under the NHS and Community Care Act 1990 and the Local Authority Act 1970.

From April 2012 Adult Social Care services were transferred over to Staffordshire and Stoke-on-Trent NHS Partnership Trust now known as Midlands Partnership Foundation Trust (MPFT). From April 2017 the Partnership Trust co-ordinates all statutory complaints which relate to Adult Social Care services that they are commissioned to provide. Complaint documentation is shared with the County Council's Complaints Team for reporting purposes and has been included in this year's Annual Report.

## The Statutory Complaints Procedure

The Council has a statutory obligation to operate a complaints procedure concerning statutory provision for adults. This is in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. These regulations set expectations for the handling of complaints by Councils, NHS bodies, primary care providers and independent sector providers responsible for the provision of NHS and Social Care.



## Criteria for Accessing the Statutory Complaints Procedure

### Who can complain?

The NHS and Community Care Act 1990 and the Local Authority Act 1970 places the following restrictions on who can access this procedure:

- Complaints under these procedures must be made by or on behalf of an eligible person and must be in respect of that person
- An eligible person is anyone for whom the Council has a power or duty to provide, or secure the provision of a service, and this need or possible need has come to the attention of the Council
- Complaints can be made on behalf of an eligible person where the eligible person lacks capacity to make the complaint themselves (In accordance with the Mental Capacity Act 2008 or has given explicit and verified consent for the Complainant to act on their behalf).

### Time Limit:

Section 12 of the statutory regulations advise that the complaint must be made no later than 12 months after the date in which the matter which is the subject of the complaint came to the notice of the complainant, unless the complainant has good reason for not making the complaint within this time limit.

## Overview

Careful consideration is given to the operation of the Complaints Procedure to ensure an appropriate and proportionate response is provided. Communication, coordination and information sharing are critical and ensure that safeguarding measures are applied where necessary. In addition, liaison with the Council's Care Commissioning and the Care Quality Commission ensures a coordinated response to concerns about commissioned services. Similarly, dialogue with the office of the Local Government and Social Care Ombudsman ensures that the Local Authority is able to take steps to resolve complaints locally where possible.

In line with the previous year, there has been a 28% increase in complaints received by Staffordshire County Council this year (2017/18). Consistent with last year this is due to the increase in complaints received regarding the financial re-assessments for non-residential care. The number of complaints investigated at the 'Independent Investigation' stage, has increased by 60%, with two complaints concerning the care provided by a home care agency and three complaints regarding residential care. The number of complaints investigated by the Local Government and Social Care Ombudsman has risen by 58% in comparison with the previous year. This is due to couple's financial re-assessments for non-residential care. The total amount of monies paid to complainants as an outcome of an Ombudsman investigation is £7,200; this is in recognition for the time and trouble in raising the complaint and any distress caused. Six complainants received a waiver or refund of care fees as a result of the Ombudsman's investigation.

The key themes investigated under Stage 1 of the complaints procedure this reporting year are regarding the change in domiciliary home care contracts. This resulted in a number of service users having to change to a different home care provider due changes within the Council's domiciliary care framework.

As in previous years, as a result of care charges not being discussed with service users prior to a care package/ respite being arranged, 20% of the complaints received resulted in charges being waived. This is slight increase in comparison to the previous year.

11% of the complaints received were in respect of the Brokerage Service. These were primarily in relation the length of time taken to source a care package or placement.

28% of complaints received by the Council related to the couple's financial re-assessment for non-residential charges which have taken place following the implementation of the Care Act 2014 and the changes made by the Council to how the rules are applied. This has resulted in an increased weekly contribution for home care services for some people.

'Lessons Learnt' from complaint investigations remain a key feature for the service and are always fed back to services and performance groups for action within the Council and Partnership Trust.

The Customer Feedback and Complaints Team continue to promote the early and effective resolution of complaints together with providing advice and support to those wishing to complain.

### Local Investigation

Between 1st April 2017 and 31st March 2018, the Customer Feedback and Complaints Team received 208 complaints that have been directed for Local Investigation (160 County Council and 48 Partnership Trust).

Please note that from 1 April 2017, Staffordshire and Stoke on Trent Partnership Trust took over the responsibility of processing all complaints relating to adult social care services provided by the Trust (post April 2017). The Partnership Trust received **138** complaints which were handled via the Patient Advice and Liaison Service (PALS) instead of via the statutory complaint procedure.

### Independent Investigations

Between 1st April 2017 and 31st March 2018 the Customer Feedback and Complaints Team undertook **5** Independent Investigations.

### Local Government Ombudsman Complaints

Between 1st April 2017 and 31st March 2018, the Local Government Ombudsman received and considered **36** complaints which related to a service provided by Adult Social Care.

## Comparison with Preceding Year

This year's figures indicate a 28% increase in the Local Investigation of complaints relating to Adult Social Care services provided by County Council compared to the previous year. There is also a 65% decrease in the Local Investigation of complaints regarding services provided by Staffordshire and Stoke on Trent Partnership Trust. This is due to the introduction of the Patient Advice and Liaison Service providing a response to complaints in the first instance. PALS handled **138** complaints for Adult Social Care this financial year.

As with the previous year, the rise in complaints for services provided by the Council is due to an increase in complaints regarding the outcome of financial assessments for non-residential services following the implementation of the Care Act. However there has also been a rise in complaints due to the change in home care contracts which has resulted in some citizens care providers changing.

SCC Adult Social Care Services		
	2016-17	2017/18
Local Investigation	115	160
Independent Investigation	2	4
Local Government Ombudsman	12	28

Partnership Trust Adult Social Care Services		
	2016-17	2017-18
Local Investigation	135	48
Independent Investigation	0	1

<b>Local Government Ombudsman</b>	9	8
<b>PALS</b>	0	138

## Staffordshire County Council Adult Social Care Services

### Stage 1 – Local Investigation – Breakdown

The complaints procedure aims to resolve complaints at a local level within 10 days (with an extension to a further ten days where necessary). This is not a statutory time limit but a goal for effective complaints management. According to the complexity and needs for an effective investigation, this timescale can be extended by agreement with the complainant.

The current guidance suggests that the majority of complaints should be resolved locally, and frontline managers are encouraged to meet with complainants and attempt to address complaints in a swift and effective manner.

160 complaints were recorded under Stage 1 – Local Investigation during 2017/18.

Service	District (if applicable)	Number
<b>Independent Futures</b>		
	<i>Lichfield</i>	5
	<i>Stafford</i>	11
	<i>Cannock</i>	5
	<i>Moorlands</i>	1
	<i>Newcastle</i>	5
	<i>East Staffs</i>	3
	<i>Tamworth</i>	4
	<i>South Staffs</i>	6
	<b>Total</b>	<b>40</b>
<b>Brokerage Service</b>		<b>18</b>
<b>Welfare Benefits Service – Financial Assessment's</b>		<b>45</b>
<b>Joint Finance Unit</b>		
- (Residential and Non-residential Care)		23
- Debt Recovery		1
- Direct Payments Team		3
<b>Extra Care Funding</b>		
<b>Care Commissioning;</b>		
- Older People and Physical Disability and Sensory Impairment		22
- All Age Disability & Adult Mental Health		2
<b>Domiciliary Home Care Agency</b> <i>(external providers)</i>		<b>3</b>
<b>Mental Health (Advanced Mental Health Practitioner)</b>		<b>1</b>
<b>Customer Feedback and</b>		<b>1</b>

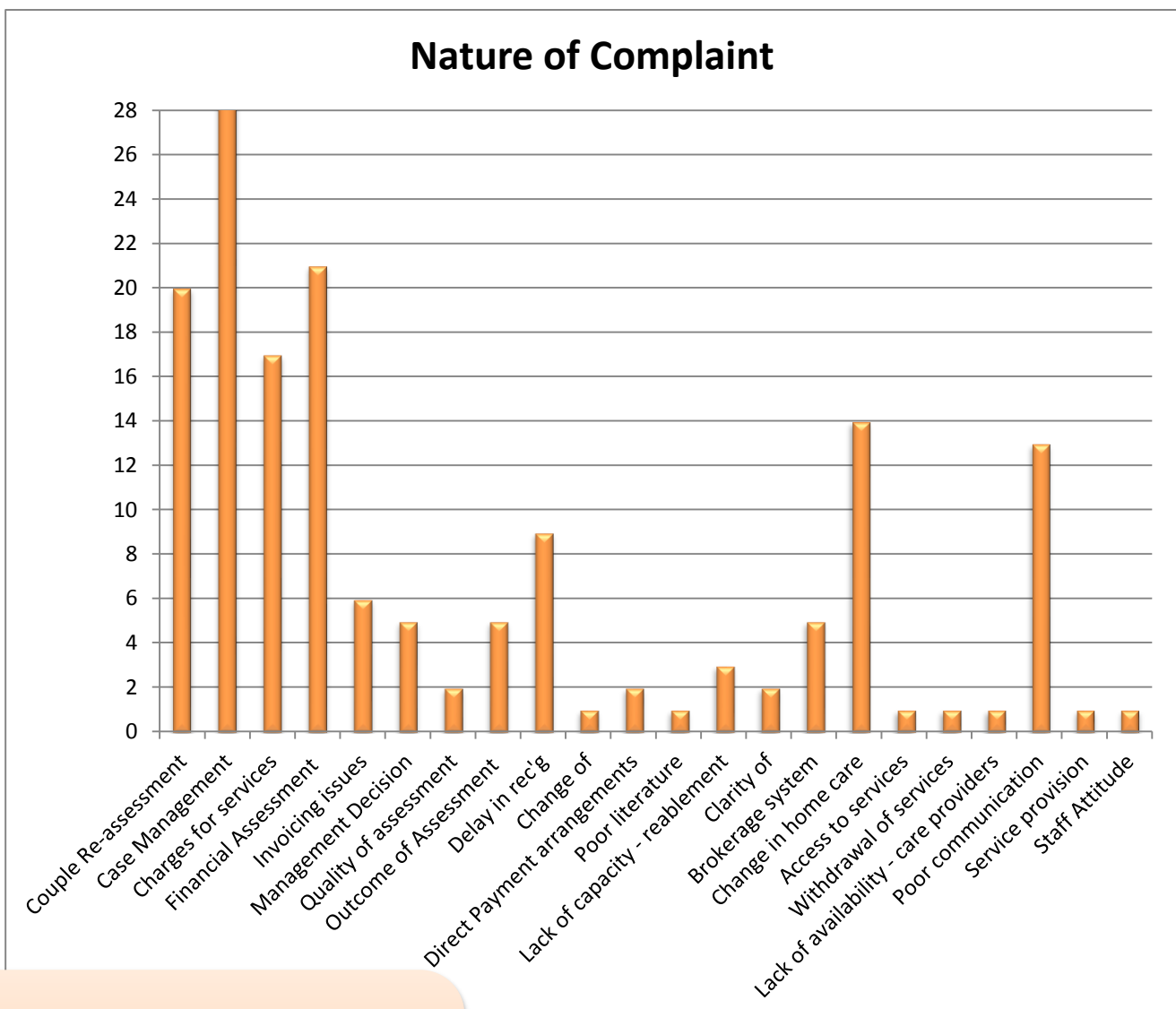
<b>Complaints Team</b>		
<b>Legal Services</b>		<b>1</b>
<b>Total</b>		<b><u>160</u></b>

Consistent with last financial year, 29% of the complaints received were in respect of financial assessment undertaken by the Welfare Benefits Services. This is following the change in policy following implementation of the Care Act 2014.

Care Commissioning have received an increase in Stage 1 complaints this year. This is due to the change in home care contracts which resulted in some citizen's care provider's changing.

## Summary of Complaints Received – Adult Social Care (Council)

A total of 160 complaints were received concerning Adult Social Care services provided by the Council during the period 2017/18. The chart below provides an overview of the nature of the complaints received.



**26%** [top of page 5 says 28%?] of complaints received related to the financial contribution for non-residential care services following a financial re-assessment which had been undertaken in line with the Care Act 2014.

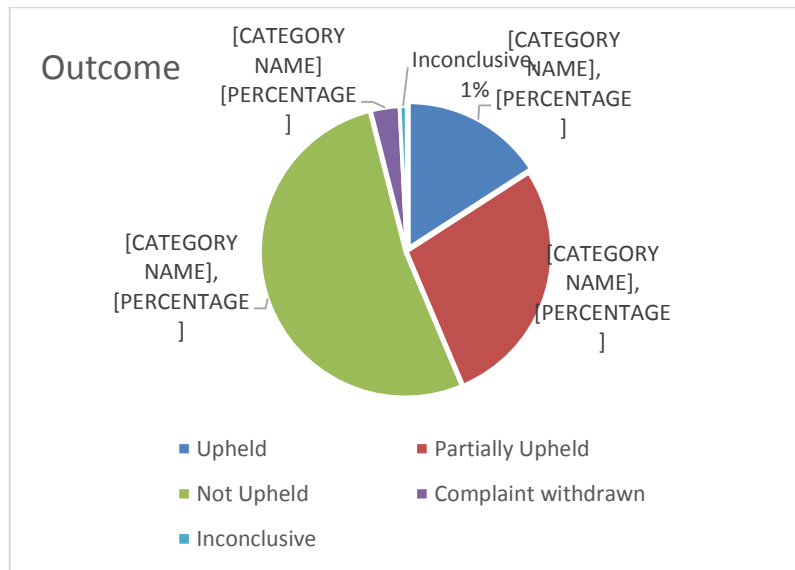
**18%** of complaints received related to Case Management (this is in respect of complaints which involve more than one concern and generally poor management of the service user's case). This is consistent with the previous year where ..... complaints were received.





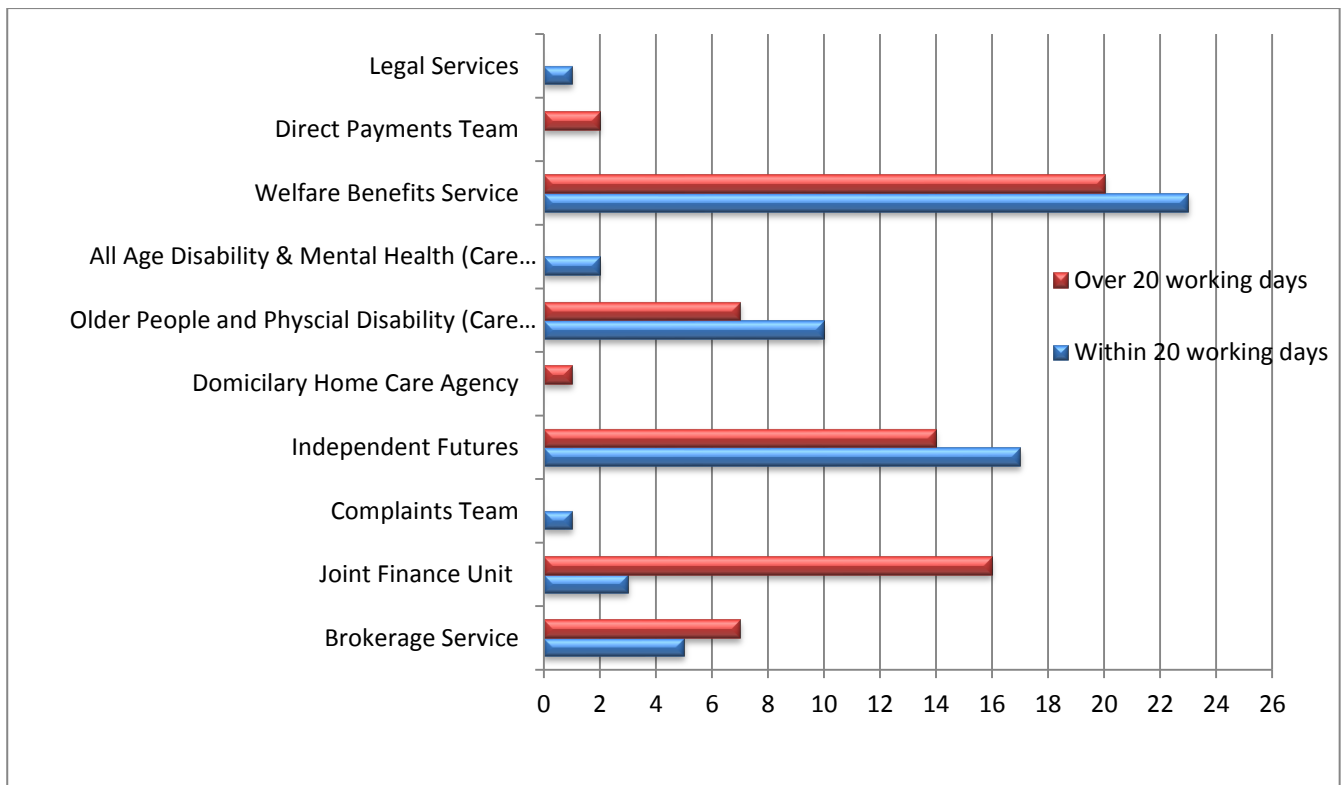
## Stage 1 – Local Investigation Adults Social Care (Council) – Outcomes and Response Timescales

The chart below provides an overview of the outcome of the complaints investigated.



The timescale for responding to Stage 1 – Local investigation complaints is 20 working days. A total of 48% of complaints were responded to within timescale and 52% were closed out of timescale.

The chart below provides information on the response timescales for Local Investigations during 2017/18

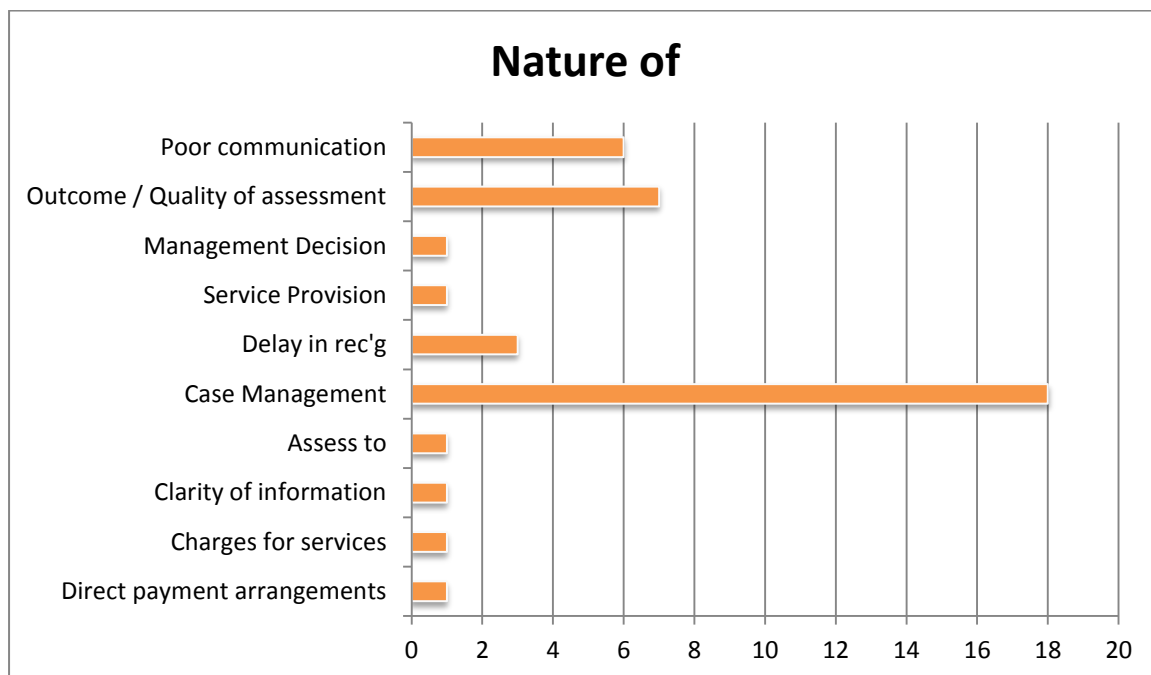


## Stage 1 – Local Investigation Adult Social Care (Council) – Breakdown of Nature of Complaint and Outcomes by service

The charts below show the nature of complaint and outcome for services areas within Staffordshire County Council during 2017/18.

### **Adult Learning Disability Team (including Staffordshire Independent Service)**

There has been a 20% rise in complaints received for Adult Learning Disability Team (ALDT) this reporting year in comparison with the previous year.

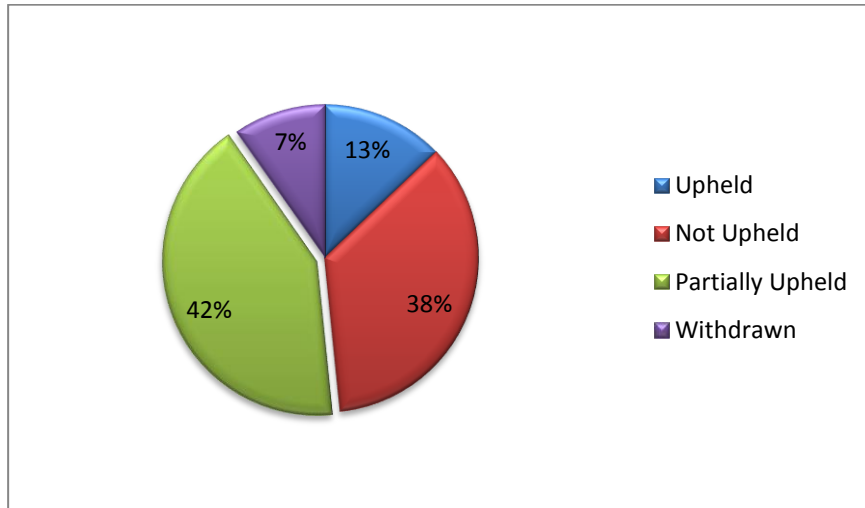


45% of complaints received for the Adult Learning Disability Team were regarding Case Management\* and 18% of complaints were in respect of the quality / outcome of a social care assessment.

15% of complaints received were regarding poor communication from staff. This can include telephone calls not returned or correspondence unanswered.

*\*Case Management category is used when the complaint refers to more than one concern and general management of a case e.g. poor communication, delays in receiving a service, telephone calls not returned etc.*

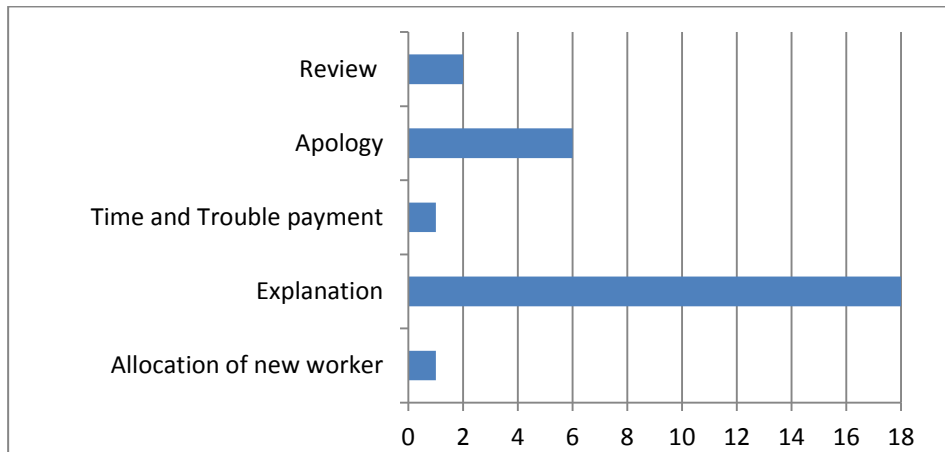
## Outcome of Complaint



42% of complaints were Upheld and 38% of complaints closed were Not Upheld. At the time of writing the report 9 complaints remained open and under investigation within ALDT

86% of complainants were offered an apology/explanation as a result of the complaint investigation.

## Recommendation / Learning Action

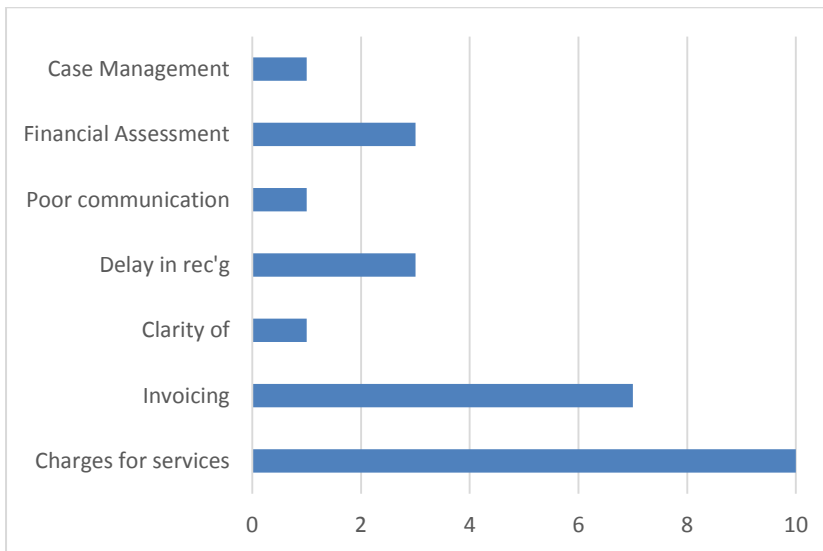


**Organisational Learning and Recommendations;**

- Address complaint with staff member during supervision session;
- Support to be provided in sourcing new placement.
- Review of case to be undertaken within 3 months.

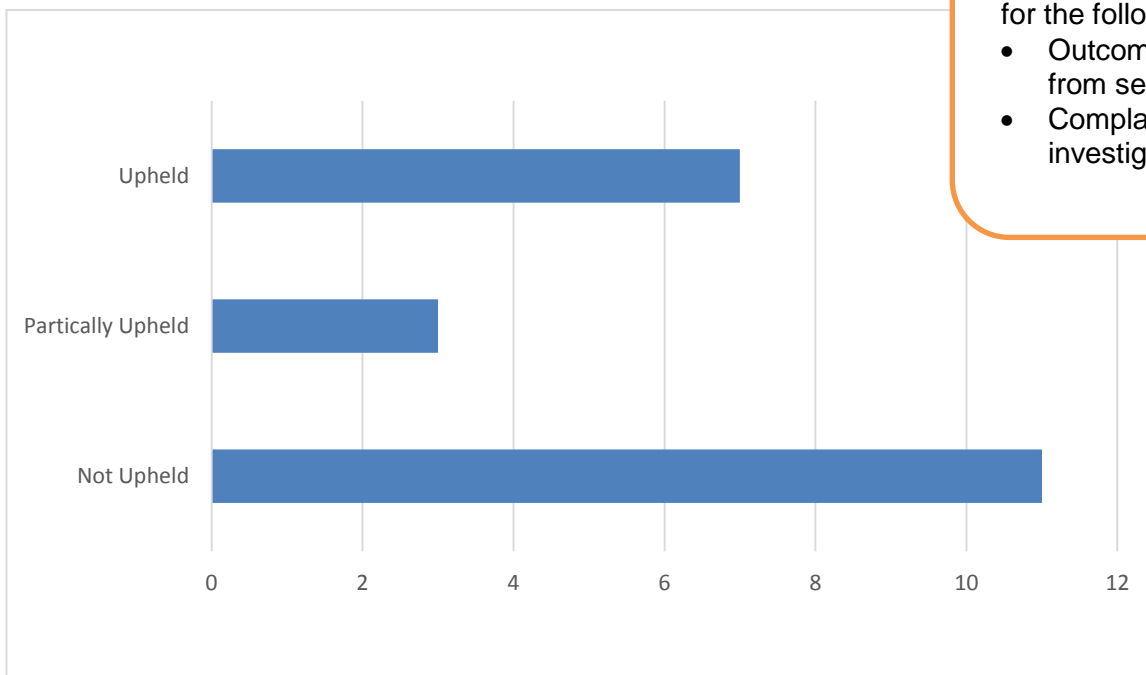
# Financial Services (including Residential and Non- Residential Services, Debt Recovery and Direct Payments Team)

## Nature of Complaint



**65%** of complaints received were regarding invoicing and charges for services. This includes service users being charged for services that they have not received e.g. home care visits missed.

## Outcome of Complaint



**6** complaints remain open for the following reasons;

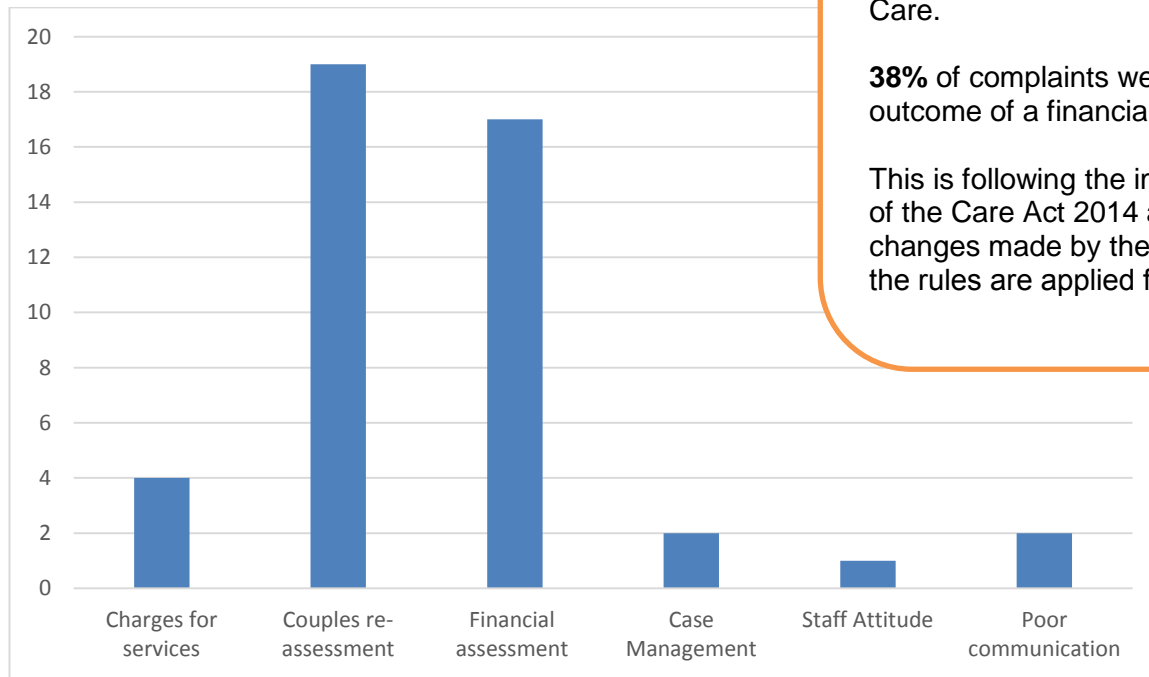
- Outcome not received from service.
- Complaint still under investigation

## Resolutions and Organisation Learning

- Apology provided where complaints were Upheld
- Explanation of events provided to complainant
- Records updated.
- 2 complaints were offered a Time and Trouble payment of £250.
- Address staff issues via supervision
- 3 complaints resulted in the invoice being waived / reimbursement in full.
- Payment Plan offered.
- Processes being reviewed to ensure information regarding the Financial Assessment and Deferred Payment Agreement is relayed in an appropriate manner.

## Welfare Benefits Service

### Nature of complaint

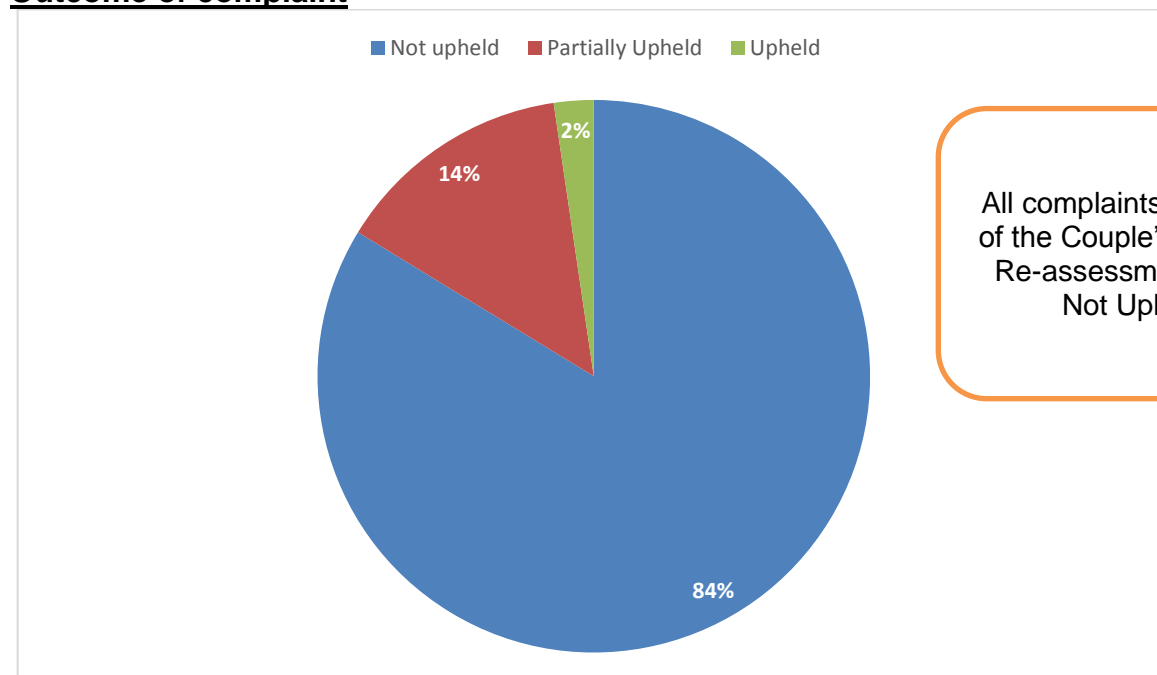


**42%** of complaints were regarding the outcome of the Couple's Financial Re-Assessment for Non-Residential Care.

**38%** of complaints were regarding the outcome of a financial assessment

This is following the implementation of the Care Act 2014 and the changes made by the Council to how the rules are applied for couple's

### Outcome of complaint



All complaints in respect of the Couple's Financial Re-assessments were Not Upheld.

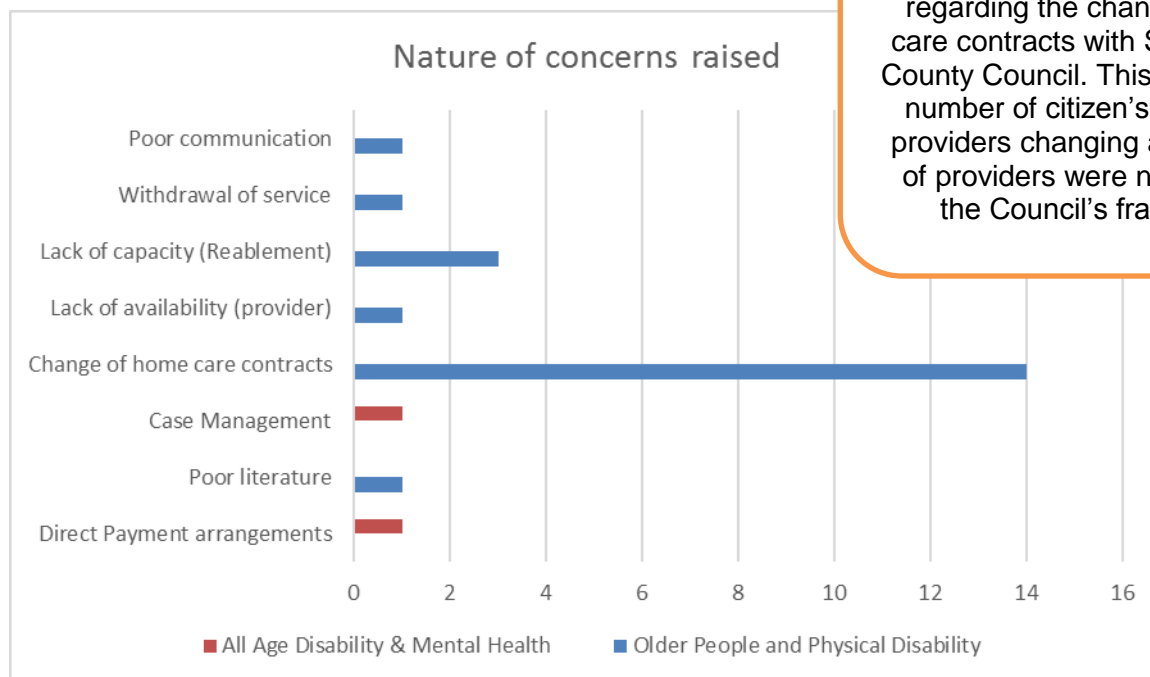
## Resolutions and Organisation Learning

- Explanation of events provided to complainant.
- Fin2 updated to reflect the correct leaflets.
- Agree to waiver backdated invoice (2 complaint outcomes).
- The outcome of 5 complaints resulted in a financial re-assessment.

## Care Commissioning

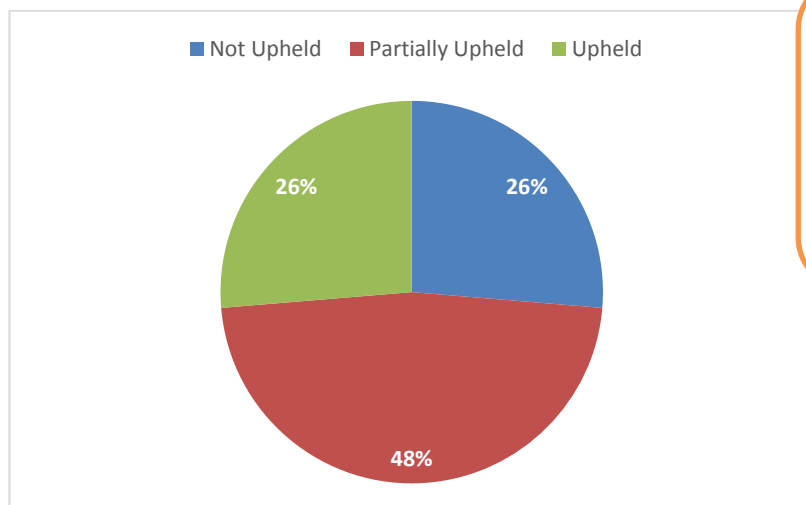
- Older People and Physical Disability and Sensory Impairment
- All Age Disability & Adult Mental Health (AD&AMH)

### Nature of complaint



**58%** of complaints received were regarding the change in home care contracts with Staffordshire County Council. This resulted in a number of citizen's home care providers changing as a number of providers were no longer on the Council's framework.

### Outcome



**48%** of complaints were partially upheld. This outcome was primarily in respect of the change of home care contracts and the short notice some citizens were advised of the change.

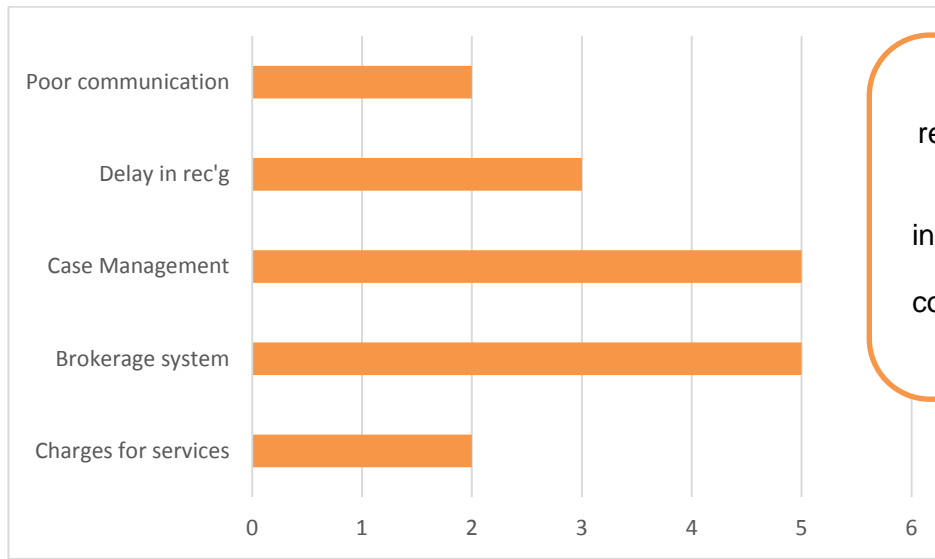
## Resolutions and Organisation Learning

Explanation of events provided.

Apology provided to those complaints upheld and partially upheld

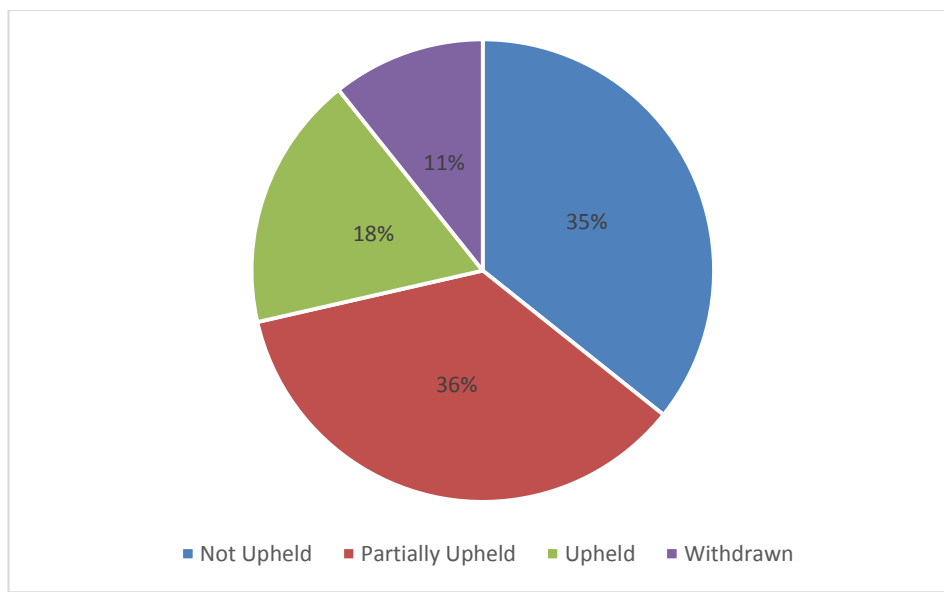
- **Brokerage Service**

**Nature of complaint**



**56%** of complaints were regarding the Brokerage system and the management of individual cases. This can include lack of contact, timescale for sourcing placements and concerns regarding the providers sourced.

**Outcome**



**Resolutions and Organisation Learning**

- Explanation of events provided.
- Apology provided to those complaints upheld and partially upheld.
- Funding agreed for residential placement.
- Third party top up payment reduced.
- From 1 April 2018 changes have been made to the way the Brokerage Service operate and the team will take responsibility for all non-complex conversations with citizens in respect of sourcing / funding care and support. The aim of this is to improve the customer journey and ensure that information is communicated in a timely and effective manner.

## Stage 1 – Independent Investigation Adults Social Care

Independent investigation is initiated in circumstances where a complaint is complex, and / or a level of seriousness is identified. This is often in circumstances of multi-agency involvement. The independent investigation is conducted by commissioned external Investigating Officer.

A report of investigation is produced that details conclusions reached and recommends action to both resolve the complaint and make improvements for the organisation. The relevant Senior Officer adjudicates the report and provides the Council's formal response to the complainant.

The timescale under this part of the procedure is 25 days, although there is facility to agree with the complainant an extension up to 65 days. (again, this is not a statutory requirement but an operational goal that may be subject to negotiation)

There have been **5** complaints independently investigated during 2017-2018.

Details of the complaint investigations and outcomes are detailed below.

Service	Nature of Complaints	Outcome	Recommendations
Residential Home – Park Lane Care Home	Concerns raised about relative being left for hours without being checked on. This resulted in missed meals. Concerns also raised about relative's appearance by family member.	Partially Upheld	<ul style="list-style-type: none"> <li>An apology to be provided to the complainant by Park Lane Care home for the failings identified.</li> <li>For Park Lane to reimburse the complainant for the lost items.</li> <li>All actions are shared with provider via the Contract Monitoring Officers, Staffordshire County Council.</li> </ul>
Residential Care Home -	The Provider believes that their service has been treated less favourably by the Council in comparison to other Day Opportunity 'providers'	Complaint still under investigation	Complaint still under investigation
Domiciliary Home Care Agency – Desire Home Care	ID badges and uniforms not worn by carers. Concerns raised about the standard of care provided. Concerns raised about staff professionalism and qualifications.	Partially Upheld	<ul style="list-style-type: none"> <li>Report to be shared with the Quality Team with a request that they conduct a detailed inspection of Desire Care. This is to include the inspection of the qualifications of all staff members.</li> <li>Proprietor of Desire Care to offer apologies to the complainant.</li> </ul>
Domiciliary Home Care Agency – The Care Company	Complainant feels that the provider has done everything it can to avoid answering a request for information about the actions taken since the relative's fall. The care agency has been unnecessarily	Not Upheld	<ul style="list-style-type: none"> <li>For the Commissioning Team to review the documentation provided by the agency to satisfy the local authority that it meets the requirements.</li> <li>For the Quality team to address any issues of record keeping with the agency at their next routine inspection.</li> </ul>



	obstructive		
Integrated Care (Lichfield) Residential Home – Health Care (Alma Court)	Locality Team and Care (Alma Court)	Administration of medication by Alma Court and lost possessions. Failure to complete CHC funding application.	Partially Upheld <ul style="list-style-type: none"> <li>• Apology to the complainant.</li> <li>• Apology to be provided by Alma Court for failing to retain the service user's records.</li> <li>• For the management of Avery Health Care to review the standard of record keeping within Alma Court and provide any training as required.</li> <li>• Financial reimbursement of £500 in recognition for the lack of intervention by the professionals involved.</li> </ul>

## Adult Social Care Services Provided by Staffordshire and Stoke-on-Trent Partnership Trust

From April 2012, Adult Social Care services were transferred over to the new Staffordshire and Stoke-on-Trent NHS Partnership Trust.

Please note that from 1 April 2017, Staffordshire and Stoke on Trent Partnership Trust took over the responsibility of processing all complaints relating to adult social care services provided by the Trust (post April 2017). However, as the commissioner of these services, the Local Authority work in partnership with the Trust when responding to the complaints.

The Partnership Trust received **138** complaints which were handled by the Patient Advice and Liaison Service (PALS) rather than via the statutory complaint procedure.

A total of **48** complaints were investigated under Stage 1 - Local Investigation of the Statutory Complaints Procedure for Adult Social Care services.

District Service	North		South						Total
	Moorlands	Newcastle	Stafford	Cannock	Lichfield	Siesdon	Tamworth	East Staffs	
<b>Integrated Locality Care Team</b>	6	4	10	4	3	1	1	4	<b>33</b>
<b>Community Intervention Service</b>	-	1	1	-	1	-	-	-	<b>3</b>
- <b>Community Hospital</b>	-	-	-	-	-	-	-	-	<b>0</b>
- <b>Discharge Team</b>	1	2	4	1	-	-	1	-	<b>9</b>
<b>Intermediate Care &amp; Enablement</b>	-	-	-	-	1	-	-	-	<b>1</b>
<b>Integrated Therapy Team</b>	1	-	-	-	-	-	-	-	<b>1</b>
<b>Living Independently Staffordshire</b>	-	-	-	1	-	-	-	-	<b>1</b>
<b>Total</b>	<b>8</b>	<b>7</b>	<b>15</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b><u>48</u></b>

69% of complaints investigated were regarding services provided by the Integrated Locality Care Team (ILCT) with 30% relating to the Stafford District and 18% for the Moorlands.

There has been a 64% reduction in complaints formally investigated by the Partnership Trust in comparison to last financial year. This is due to the Trust handling some Adult Social Care complaints via the PALS Service where a response can be provided within 24 hours.

Stafford District have received the highest proportion of complaints with 31%, this is consistent with the previous year.

## Stage 1 Local Investigation (NHS Partnership Trust) – Nature of Complaints and Outcomes – North Division

The tables below provide information on the nature and outcome of complaints for the North Division for 2017/18

Nature - North	Integrated Locality Care Team	Integrated Therapy Team	Hospital Discharge Team	Community Intervention Service	Total
Case Management	4	1	2	-	7
Standard of	1	-	-	-	1
Hospital discharge	-	-	1	-	1
Charges not discussed	-	-	-	1	1
Poor communication	4	-	-	-	4
Staff Professionalism	1	-	-	-	1
<b>Total</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>15</b>

10 complaints were formally investigated for the Integrated Locality Care Team's within the North. 47% of complaints received were regarding case management of cases and 27% were regarding poor communication from staff.

Outcome - North	Integrated Locality Care Team	Integrated Therapy Team	Community Intervention Service	Hospital Discharge Team	TOTAL
Upheld	2	-	1	1	4
Not Upheld	4	1	-	2	7
Partially Upheld	3	-	-	-	3
Withdrawn – Resolved by Team	1	-	-	-	1
<b>Total</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>15</b>

## Recommendations and Learning Actions – North Division

The information below illustrates the types of recommendations and learning actions that have arisen from complaints during 2017/18.

	Integrated Locality Care Team	Integrated Therapy Team	Community Intervention Service	Hospital Discharge Team	TOTAL
Explanation	3	1	-	-	4
Apology	4	-	-	2	6
Charges waived	-	-	1	-	1
Reimbursement of monies	2	-	-	-	2
Unsubstantiated / no change	-	-	-	1	1
<b>Total</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>14</b>

Because of making a complaint 20% of service users had charges waived or reimbursed for residential care home fees and home care charges due to the delays in receiving invoices, service user not being informed of the charges incurred by the allocated worker or being charged for an enablement package following discharge from hospital

## **Learning Actions**

The following Learning Actions have been identified for the North Districts: (Please note that this is a selection of learning actions as each complaint can receive several actions)

- To ensure incident reports/risk markers are completed timely. To ensure the Safeguarding Policy and Procedures are clearly explained to the service users and carers to ensure they are provided with advocacy information and contact details.
- Staff to ensure that they communicate relevant information and decisions in a timely manner and use appropriate mechanisms. For example, if it is difficult to contact someone by phone then updates can be provided by writing a letter or email.
- Staff to ensure that all paperwork is completed in a timely manner and provide evidence that copies are sent out.
- Communication pathways between area teams and brokerage to be improved so avoid delays in care package decisions being made available.
- Appeals process and outcomes to be made clearer to service users and any right of further appeal to be provided.
- Social workers to be reminded to check that service provisions are in place at the time of the review (usually six weeks from the care package commencement).
- Where there is potential for service users to receive a late/backdated invoice for care, staff to communicate this to service users/relatives/carers.
- Staff to be reminded to record any delays or issues on Care Director in task notes and to then be discussed with other colleagues at their team meeting, to ensure that the information being shared is consistent.
- Staff to be reminded that any information about follow up actions should be explained clearly and in a manner that the carers/relatives understand, having established the preferred mode of contact or communication and record any communication issues.
- Staff to be reminded to complete safeguarding referrals using the Trust's protocol and guidance to ensure that safeguarding cases are dealt with as a priority.

## Stage 1 Local Investigation (NHS Partnership Trust) – Nature of Complaint’s and Outcomes – South Division

The tables below provide information on the nature and outcome of complaints for the South Division for 2017/18.

Nature - South	Integrated Locality Care Team	Community Intervention Service	Hospital Discharge Team	Living Independently Staffordshire	Intermediate Care & Enablement	Total
Delay in receiving	2	-	-	-	-	2
Case Management	11	-	2	-	-	13
Financial Assessment	1	-	-	-	-	1
Care charges not discussed	2	-	1	-	-	3
Inaccurate financial info provided	-	-	-	1	-	1
Hospital discharge	-	1	-	-	-	1
Staff Attitude	1	-	-	-	-	1
Eligibility for	1	-	1	-	1	3
Poor communication	3	-	1	-	-	4
Information provided	1	1	1	-	-	3
Social Worker decision	1	-	-	-	-	1
<b>Total</b>	<b>23</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>33</b>

**39%** of complaints received were regarding ‘case management’. The category ‘case management’ is used when a complaint relates to the general management of a case, this can include poor communication, delay in receiving a service.

**12%** of complaints received were regarding a poor communication from the service and **12%** of complaints were regarding ‘inaccurate financial information provided’ or ‘care charges not discussed’. This resulted in the service user receiving an invoice for care they were not aware was chargeable.

Outcomes	Integrated Locality Care Team	Community Intervention Service	Living Independently Staffordshire	Hospital Discharge Team	Intermediate Care & Enablement	Total
Upheld	6	1	-	2	1	10
Not Upheld	8	1	-	3	-	12
Partially Upheld	6	-	1	-	-	7
Complaint withdrawn	1	-	-	-	-	1
<b>Total</b>	<b>21</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>30*</b>

\*Please note that 3 complaints remain open and under investigation at the time of writing this report.

## Stage 1 Local Investigation (NHS Partnership Trust) – Recommendations and Learning Actions – South Division

The table below provides information on recommendations and learning actions that have arisen from complaints during 2017/18

	Integrated Locality Care Team	Community Intervention Service	Living Independently Staffordshire	Hospital Discharge Team	Intermediate Care & Enablement	Total
Explanation	6	-	-	3	-	9
Apology	7	1	1	-	-	9
Allocation on new worker	1	-	-	-	-	1
New literature	1	-	-	-	-	1
Retrospective CHC funding review	1	-	-	-	-	1
Complaint withdrawn	1	-	-	-	-	1
Charges Waivered	4	--	-	2	1	7
Consider back-dating charges	1		-	-	-	1
<b>Total</b>	<b>22</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>30*</b>

\*Please note that 3 complaints remain open.

**16%** of complainants had charges waived as a result of making their complaint. It was found that there was a delay in service users receiving invoices due to the length of time taken for adult social care staff to action service provisions on Care Director. Charges have also been waived where staff members have not advised the service user that care arranged is chargeable.

**60%** of complainants were offered an apology / explanation as result of the complaint investigation.



## Learning Actions

The following Learning Actions have been identified for the South Districts: (Please note that this is a selection of learning actions as each complaint can receive several actions)

- A reminder to staff to complete the Fin3 request on admission to 24-hour care.
- Cases to remain open following the death of a service user if there are on-going financial issues.
- To Record verbal discussions on Care Director in respect of finance assessments, the need for them and the process of the assessment, are clearly documented on an activity note when this discussion has taken place. To also record on the assessment and support plan that financial assessments are required and that departmental leaflets have been given out.
- All team members to read the “Adult Social Care Practice Note, Direct Payment Service Provisions”.
- All team members to be reminded to explain and document financial implications of all service provisions being considered.
- Email sent to Transformation Manager to highlight the lack of a Policy to transfer Direct Payment cases to a Personal Health Budget in a timely manner.
- Staff to be reminded that service users should always be offered a financial assessment regardless of their financial status.
- Reablement team to be clear on processes in relation to services required beyond the reablement process, and communication to be clearly documented.
- The Social Care Team to discuss expected times of contact for new allocations / reallocation of caseload, through vacancy, at individual supervision. Issues to also be added to the next team meeting agenda.
- To inform staff that if a service user / family member contacts the Partnership Trust to reduce / increase a care package, if it is reasonable and appropriate to do so, a telephone review could be considered rather than a face to face visit.
- Social care staff to have increased awareness of covert medication plans.
- To improve communication between multiple professionals especially when working with people who lack mental capacity to make their own decisions. To also have increased awareness of mental capacity and making best interest decisions.
- A reminder to the Care and Assessment Teams to ensure that they follow up any care provided with a review.
- Financial statements to be completed with the service user and signed to state that there is a clear understanding of the financial obligations.
- Staff to be reminded to check all direct payment forms thoroughly before submitting them to the Direct Payments Team.



## Stage 2 - Local Government and Social Care Ombudsman Complaints (to include Staffordshire County Council and Staffordshire and Stoke-on-Trent NHS Partnership Trust)

The Local Government and Social Care Ombudsman (LGSCO) is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Whilst anyone can approach the Ombudsman at any time, the Complainant is usually required to first take up their complaint with the relevant Council to allow a local response. However, if the Complainant remains dissatisfied following local or independent investigation by the council they then have the right to pursue the matter with the Local Government and Social Care Ombudsman.

The Local Authority has received **36** complaints which have been referred to the LGSCO, **28** were regarding County Council services and **8** complaints were regarding services provided by Adult Social Care Teams, Staffordshire and Stoke on Trent NHS Partnership Trust. The LGSCO still investigate complaints about Adult Social Care Team's (SSOTP) and therefore outcomes are reported to the Local Authority via the Monitoring Officer. I have therefore included the figures in the tables below.

Compared to last financial year there has been a **57%** increase in complaints considered by the Ombudsman. The significant rise in complaints this year is due to the implementation of the Care Act 2014 and the changes made by the Council to how the rules are applied for couples when the service user is financially assessed for non-residential care services. The Council's decision to back-date these charges also contributed to a complaint being raised. The Council received **10** complaints from the LGSCO in respect of this.

Staffordshire County Council Services			
Service	Nature	Outcome	Recommendation
Couples Financial Re-assessment	Non-residential care charges and the Council's decision to back date increased charges to July 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. But it has now remedied the injustice caused by revising this decision. There was no fault in the way the Council completed the new financial assessment.
Couples Financial Re-assessment	Complaint about home care charges and the Council's decision to backdate the increased charges to November 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused to by revising this decision.
Couples Financial Re-assessment	Complaint about husband's non-residential care charges and the Council's decision to backdate increased charges to the date of the previous financial assessment.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. But it has now remedied the injustice caused by revising this decision. There was no fault in the way the Council completed the new financial assessment.
Couples Financial Re-assessment	Complaint about non-residential care charges and the Council's decision to backdate increased charges to September 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused to by revising this decision
Couples Financial	Complaint about non-	Upheld –	The Council was at fault in

Re-assessment	residential care charges and the Council's decision to backdate increased charges to August 2016.	Maladministration and injustice	deciding to backdate the charges. However, it has now remedied the injustice caused by revising this decision.
Couples Financial Re-assessment	Complaint about non-residential care charges and the Council's decision to backdate increased charges to July 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused by revising his decision
Couples Financial Re-assessment	Complaint about non-residential care charges and the Council's decision to backdate increased charges to November 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused by revising his decision
Couples Financial Re-assessment	Complaint about home care charges and the Council's decision to backdate increased charges to September 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused by revising his decision
Couples Financial Re-assessment	Complaint about home care charges and the Council's decision to backdate increased charges to June 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused by revising his decision
Couples Financial Re-assessment	Complaint about home care charges and the Council's decision to backdate increased charges to August 2016.	Upheld – Maladministration and injustice	The Council was at fault in deciding to backdate the charges. However, it has now remedied the injustice caused by revising his decision
Residential / Nursing - not self funder	Poor care which lead to the resident being admitted to hospital suffering severe dehydration causing kidney failure, and with oral thrush.	Upheld - Maladministration	Within one month the Council will write to the complainant to acknowledge what went wrong and apologise for the impact of this.
Welfare Benefits Service	The Council did not correctly consider the service users expenses and disregards when it calculated the contributions he has to make towards the costs of his care.	Not Upheld - No Maladministration	No fault found
Adult Learning Disability Team – Moorlands	Delays in assessment and care planning, leading to a delay in moving to a residential placement. Failure of organisations involved to work together and comply with Autism legislation/ guidance. A lack of risk assessment and crisis management plan. Failure to provide appropriately trained advocacy service for the service user.	Complaint open	Complaint open
One Recovery (Public Health –	Communication failings between the Council, the	Upheld – Maladministration	The Council will apologise to citizen for the pain and distress

Commissioned Service)	Trust and West Midlands Ambulance Service resulted in citizen being wrongly identified as a needle exchange user.	and injustice	that resulted from One Recovery's actions in identifying her as a needle exchange user and the time taken to acknowledge the fault.  The Council will pay £200 to acknowledge the pain and distress caused by One Recovery's faults.
Legal Services	The Council has continued to contact Mr X regarding a claimed care home fee debt, despite Mr X advising officers on 13 February 2017 that he is not the family's representative on the matter. The Council has continued to pursue for the care home fees for which he says he is not responsible.	Upheld - Maladministration	It was not fault for the Council to contact Mr X about the care home debt it considers the family owe. However, it was fault for the Council to issue a final notice to Mr X when recovery action for the debt should have stayed on hold. However, the Council remedied the injustice caused by apologising. There is no outstanding significant personal injustice caused to Mr X by this fault which requires further remedy.
Fixed Equipment Service (County Council)	The Council should have replaced the previous stairlift earlier when it started breaking down and was no longer suitable for the service user to use. It is felt that had the Council replaced the stairlift earlier, the service user would not have had to contribute £2,435.96 towards the cost of a new stairlift when their financial circumstances changed. There was a delay in assessing her needs for and fitting a new stairlift. The new stairlift then proved unsuitable for her needs and she could not use it, so she then had to wait for a through floor lift. As a result, Mrs Brown was unable to use the WC in her home for a year and had to use a commode in the living room.	Complaint open	Complaint open
Adult Care Team and Financial Services – Non-residential care.	The Council failed to carry out a financial assessment at the time the care package was arranged in March 2014. It did not discover the error until August 2016 and now expects her to pay all the backdated care charges	Upheld - Maladministration	Council to waive the backdated charges and only charge the service user from August 2016 when the financial assessment was carried out.

Residential / Nursing - not self funder	Complaint that that while in respite care arranged by the Council, the service user was not properly looked after and was placed at risk.	Upheld - Maladministration	No recommendations – satisfied with Councils actions
Adult Learning Disability Team – Newcastle	Delay in moving the service user from the family home to a residential care placement. A lack of respite provision since the previous respite provider (Douglas Road) refused to accept him on health and safety grounds.	Awaiting Final Statement	Awaiting Final Statement
Finance Services – non-residential care	The Council wrongly decided to increase the service users care charges. Service user does not consider he should have to pay the increased charges and says the Council delayed telling him about the increase. The Council's Complaints and Finance departments have not been consistent about whether he should be paying the charge while his complaint is being investigated. The Council has asked him to pay back £921 despite previously telling him he does not owe anything.	Complaint open	Complaint open
Staffordshire County Council	The Council did not properly provide the remedy it agreed for the complainant's previous complaint to the Ombudsman. As a result, she has experienced uncertainty and frustration and went to some time and trouble continuing to pursue matters.	Upheld - Maladministration	The Council has agreed to review formally what happened after 27 April in this case. The review should result in a written report explaining what went wrong and concluding whether any changes are needed to the Council's procedures for implementing agreed remedies. Any necessary procedural changes should then be made. The Council should ensure it keeps to this timescale, without the Ombudsman's office having to chase it.
Safeguarding	The Council did not properly consider the circumstances leading to a safeguarding referral the complainant made about concerns she has for a relative. The Council allowed Miss X to make a complaint of harassment to the Police about her without checking she understood what it meant.	Not Upheld - No Maladministration	No recommendations

Financial Services – non-residential care	The Council has increased the charge for home care from £22.77 to £84.20. Service user says she cannot afford to pay so much.	Upheld - Maladministration	The Council has agreed to refund the amount the service user paid over £22.77 per week for the period up to 15 March 2017 when the new financial assessment was done.
Adult Learning Disability Team – Stafford	The Council failed to properly assess his disabled adult daughter's needs. The Council delayed in completing the assessment. The Council has failed to arrange someone to stay with his daughters in an emergency despite promising to do so several times over the last 12 months.	Not Upheld - No Maladministration	No recommendations
Staffordshire County Council and Adult Social Care Team	The Council did not explain that Mrs X's client contribution for communication services would be backdated to June 2017. Mrs X also says the assessment took too long to complete. She says the charge has led her to cancel the service that was vital to her wellbeing.	Upheld – Maladministration	Apologise to Mrs X either in writing or via a BSL interpreter, whichever Mrs X would prefer. Cancel any outstanding balance on Mrs X's direct payment account. Offer Mrs X a new financial assessment that fully takes into account of disability related expenditure. Pay Mrs X £500 in recognition of the avoidable confusion and distress arising from the Council's poor communication in this matter. Pay Mrs X £250 for the time and trouble she has spent dealing with this complaint. Review the six other service users who were reassessed at the same time as Mrs X. Review its policies and procedures about communication with clients with a sensory impairment and provide the Ombudsman with a summary of action taken to address the fault identified in this report. Reflect on what happened in this case and review the way the Council introduces changes to criteria and charges for services, particularly where protected groups are affected.
Finance Team – Debt Recovery	Family not informed of service users debt of £27,090.07 until they contacted the Council. The Council agreed to put the account on hold whilst she was disputing the bill, however, family received a	Complaint open	Complaint open

	final demand for payment in May 2017.		
Commissioning	The Council failed to provide the care that the service user had been assessed as needing due to the availability of home care agencies in the moorlands area	LGO Assessment Stage	
Finance – Residential Services	Council has billed son for care charges for his late mother's stay at the care home without explaining how these figures were arrived at or why they were required to pay them.	Not Upheld - No Maladministration	No recommendations
Finance – Direct Payments	The Council did not inform service user of arrears until it reached a level that he is unable to repay.	Upheld - Maladministration	The Council has agreed to write off the £11,547 debt

### Staffordshire and Stoke on Trent Partnership Trust

Service	Nature of Complaint	Outcome	Recommendations
East Staffs – Community Intervention Service and Adult Care Team	Failed to properly manage home care for an elderly resident. Failure to properly investigate how the care providers failed to notice the resident had a dislocated shoulder for a month before advising her to seek medical help. Failure to properly assess the resident's need for residential rather than home based care.	Not Upheld - No Maladministration	No recommendation
Adult Care Team – Stafford and Direct Payments Team (SCC)	The Council did not communicate with Mr and Mrs X effectively or properly involve them in decision making when changing their direct payment arrangements leaving them unclear about and causing problems when the direct payments moved to a managed account.	Upheld - Maladministration	Apologise for its handling of meetings and decisions affecting direct payments that caused avoidable distress and confusion. To arrange a meeting with Mr X in order to provide an apology and answer any questions regarding Direct Payments. The Council also agrees to pay Mr X: <ul style="list-style-type: none"> <li>• £474:50 to cover payments into and bank charges on Accounts 1 and 2;</li> <li>• £2,000 in recognition of the avoidable confusion and distress arising from the Council's poor communication and handling of changes affecting direct payments since opening Account 3;</li> <li>• £2,000 in recognition of the avoidable risk of harm and</li> </ul>

			pressures caused by its poor communications and handling of direct payments; and • £250 for avoidable time and trouble in pursuing this complaint.
Integrated Locality Care Team – Cannock	Flawed assessments of service users mental health and social care needs, as well as flawed care planning, led to two failed care home admissions and unnecessary distress for the service user and her family. Placement was unsuitable and the homes actions while the service user was there were inadequate. Delay in finding suitable care provision for service user and implementing ways for this to be introduced and delivered to her that were appropriate in light of her capacity and challenging behaviour.	Complaint open	Complaint open
Hospital Discharge Team – Newcastle	Complaint about the amount she has been charged for care services following her husband's discharge from hospital. She says she was not told about this in advance and that the size of the care package was excessive and so was too expensive.	Upheld – Maladministration and injustice	Apologise in writing. Cancel all outstanding home care charges from February 2017 to May 2017. I have recommended cancellation rather than a reduction because there was fault about reablement decision making as well as the failure to provide information. To review policies and procedures relating to a) information given to clients about care fees, and b) reablement decision making.
Integrated Locality Care Team – Stafford	Ms B, complains on behalf of her father Mr B that that in January 2017 while he was in Council arranged residential care there was no covert medication plan in place and he did not receive his medication. This resulted in a deterioration in his health and admission to hospital, where he remained an in-patient for about 15 weeks.	Upheld – Maladministration and injustice	Council makes a payment of £750 to Mr B and £500 to his wife, in recognition of the distress caused to them by the accepted failings in this case. Council ensures relevant staff review the Ombudsman's guidance on remedies to better inform its complaint handling and ensure that where fault is acknowledged, appropriate remedy is offered.
Integrated Locality Care Team – East Staffs	Complaint that having reassessed her social care needs when asked to do so following a deterioration in her sight and a change in her family circumstances, the Council wrongly reduced her care package from 10	Upheld - Maladministration	Arrange a reassessment of Mrs C's care needs in line with the Care Act 2014 and associated statutory guidance, taking note of the requirements for the whole family approach and the promotion of wellbeing, and

	hours per week to 5 hours per week.		recording and addressing all identified eligible needs in any new care and support plan; and Review guidance so that it is not prescriptive in terms of specifying what is or is not the responsibility of social care, given that each case should be assessed in line with the Care Act 2014 and associated statutory guidance in respect of meeting needs to achieve appropriate outcomes.
Integrated Locality Care Team – Moorlands	The Council stopped contributing towards the cost of his wife’s respite care and told him that he would have to pay the full cost. The Council then instructed the care home to call the police if Mr S tried to take his wife out of the care home.	Upheld - Maladministration	The Council must complete assessments for a standard deprivation of liberty authorisation within 21 days; and• they must not discuss a person’s case with a third party without the person’s consent.
Integrated Locality Care Team – Moorlands	Mrs X complains about the way the Council has dealt with issues relating to her care.	Upheld - Maladministration	Apologise to Ms X for its failings and pays her £750 for the distress it has caused and the time and trouble it has put her to in pursuing her complaint. Assign another officer to reassess Ms X’s needs and puts in place a care and support plan for meeting her eligible care needs. To work with the NHS to resolve the issue of funding for meals at the respite facility. To consider what action it needs to take to ensure assessments and care and support plans meet the requirements of the Care and Support Statutory Guidance.

## Summary of Local Government and Social Care Ombudsman Complaints

Out of the **36** complaints which were received by the LGSCO, the Council received **25** outcomes where there the complaint was Upheld and maladministration and injustice was found. A total of £7,200 ‘time, trouble and distress caused’ payments was awarded to complainants following referral to the Ombudsman. 6 complainants received a waiver or refund of care fees as a result of the Ombudsman’s investigation.

## Compliments



During 2017/18 a total of 27 compliments were recorded with the Customer Feedback and Complaints Team which related to Adults Social Care. Compliments received by the Partnership Trust for Adult Social Care are recorded by PALS.

Service	No. Rec'd
<b>Brokerage Service</b>	3
<b>Day Service Provider</b>	
Lichfield	2
Tamworth	1
Moorlands	1
Cannock	1
<b>Adult Learning Disability Team;</b>	
Stafford / South Staffs	5
Newcastle Moorlands	10
East Staffs / Tamworth	1
Lichfield / Cannock	2
<b>Advanced Mental Health Practitioner</b>	1
<b>Total</b>	<b>27</b>

*"I just wanted to mention from a safeguarding standpoint that your communication has been excellent and linking to the CTR has been very reassuring. Please feel free to pass on my comments to your line manager. Many thanks for your very effective communication"*

Brokerage Service;  
*"Hi, just wanted to say a big thank you for your help with this one, very impressed!"*

Learning Disability Newcastle/Moorlands;  
*"Thanks so much Charlotte - your support has been outstanding as usual. Your prompt professional intervention will transform Tilly's US experience and bring her ever closer to realising her dream"*

*"Hi, I have been dealing with a man called 'J' in brokerage over the care of my father. Sorry, I never got to know his surname but I have nothing but praise for him. He listened to my thoughts and was able to do his very best to help place my dad in a home near my sister and I. At all times he was very professional returning by calls and keeping me informed. I am not sure he will ever understand how grateful we will be to him....."*

## Other Activity

In addition to the recording and administering of Statutory Complaints, the Customer Feedback and Complaint Service have formally acknowledged and monitored an additional 408 enquiries each requiring redirection to other organisations/authorities or action into other procedures.

	2016/2017	2017/2018
Dealt with by Complaints Team*	90	148
Complaint refused**	3	6
Joint Statutory Stage 1 response with other organisation / NHS	15	12
Referral to another Organisation for action / investigation	45	78
MP Enquiry's (Adult Social Care)	135	135
Public Enquiry's	13	12
Safeguarding referral initiated	11	5
Corporate Complaints Procedure	1	12
<b>Total</b>	<b>313</b>	<b>408</b>

\*Complaints / enquiries which are handled by the Complaints Team consist of liaising with the service team in order to resolve the complainants concerns or the Complaints Team solely investigating the complaint and providing a response to the complainant. Depending on the nature and complexity of the concern raised this can take 24 hours to complete or several weeks of investigative work in order to fully conclude. There was a **39%** increase in the number of complaint / enquiries which were dealt with by the Complaints Team in comparison to last financial year.

\*\* A complaint is refused if the complainant does not meet the criteria to register a statutory complaint. In the 3 cases refused, this was due to the complaint already being investigated in line with the complaints procedure or the complaint is over 12 months old.

## Commissioned Services

### Domiciliary Care Agencies

A total of **14** complaints about private sector domiciliary care agencies were received directly by the Complaints Service during 2017/2018. All complaints were acknowledged and passed to the agency for consideration and response under their own complaints procedure in the first instance. Commissioning Delivery Hub, Care Quality Commission and Adult Social Work Teams are alerted to the complaint to ensure appropriate action can be taken if necessary.

## Service Approach for 2017/2018

- Continue greater emphasis on quality of Stage 1 responses to complainants and the importance of discussing the complaint details with the complainant during each investigation.
- Continue to work with Staffordshire & Stoke-on-Trent NHS Partnership Trust in order to investigate complaints for adult social care in line with the Section 75 agreement.
- To continue to comply with the new Care Act which came into force in April 2015 and any future changes to the complaints process.
- To develop and enhance reporting processes and requirements with colleagues within Staffordshire County Council in order to provide complaint data regularly to senior management.

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                         **Staffordshire County Council**