

# Delivering the Difference Together



*Putting the people of Staffordshire first*



CUSTOMER FEEDBACK AND COMPLAINTS TEAM  
STATUTORY ANNUAL REPORT 2015-16  
ADULTS SOCIAL SERVICES

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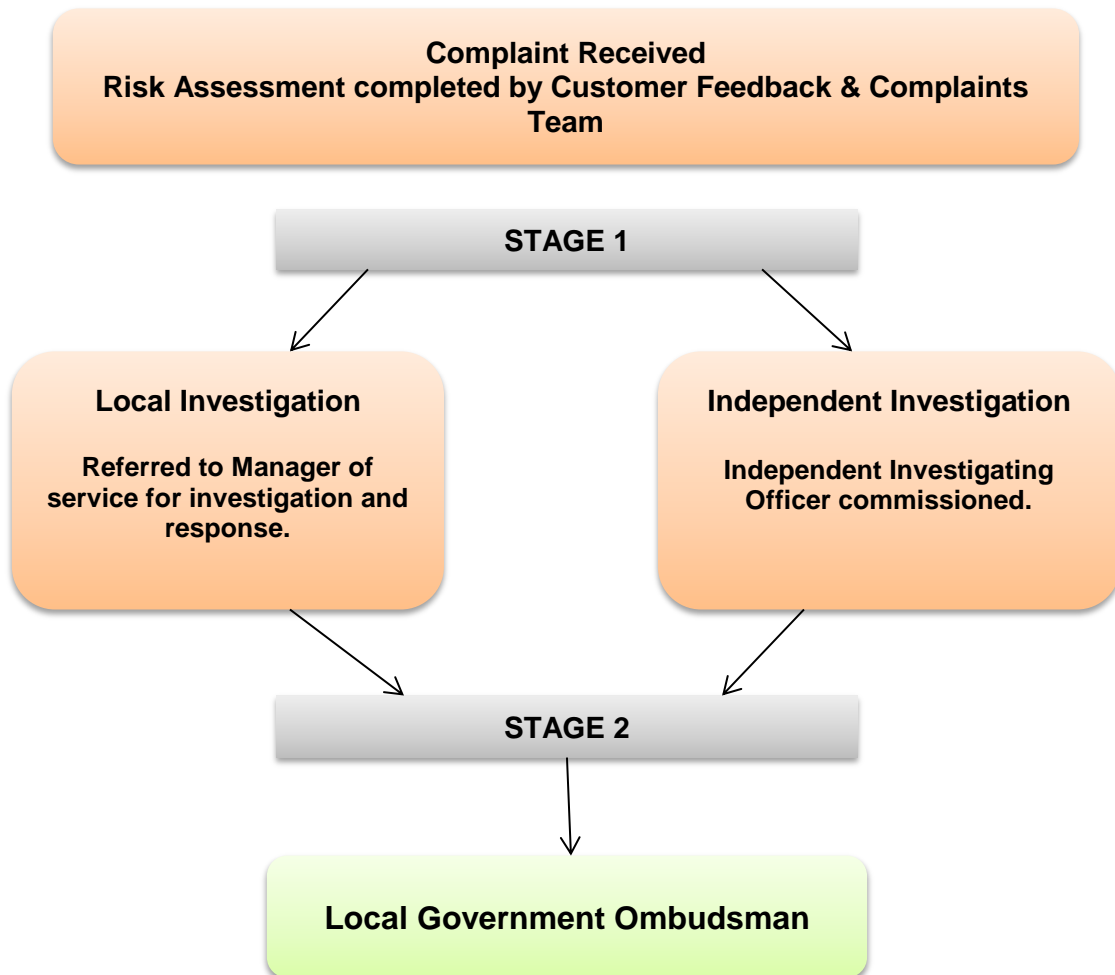
## Introduction

This report provides information about complaints made during the twelve months between the 1 April 2015 and the 31 March 2016 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. As commissioner, the Local Authority co-ordinates all statutory complaints which relate to Adult Social Care services, on behalf of the Partnership Trust. Statistical complaint data has also been provided to the Partnership Trust to be included in their Annual Complaint Report for 2015/16.

## 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 in 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 Delivery Commissioning Hub and the Care Quality Commission ensures a coordinated response to concerns about commissioned services. Similarly, dialogue with the office of the Local Government Ombudsman ensures that the Local Authority is able to take steps to resolve complaints locally where possible.

It is pleasing to note that the number of complaints investigated locally has decreased this year by 24% for Adult Social Care, including services provided by Staffordshire & Stoke-on-Trent Partnership Trust. There has been an increase by 60% of complaints investigated at the 'Independent Investigation' stage, with 1 concerning Independent Futures, 3 regarding the care provided by Residential / Nursing Care homes and 1 regarding a domiciliary home care agency. The number of complaints investigated by the Local Government Ombudsman remain consistent with the previous year. The total amount of monies paid to complainants as an outcome of an Ombudsman investigation is £10,400 in recognition for the time and trouble in raising the complaint and any distress caused. 3 complainants received a waiver or refund of care fees as a result of the Ombudsman's investigation.

There has been a 45% reduction in complaints received for Independent Futures this reporting year. This is the result of staff swiftly resolving any concerns at the point of contact thus reducing service users and / or their families escalating matters through the formal complaints procedure.

The key themes investigated under Stage 1 of the complaints procedure this reporting year is regarding the delays in sending invoices for home care and residential care due to information not being inputted onto Care Director in a timely manner by adult social care staff. This had resulted in service user's receiving large bill's which were often over 12 months old. This remains a consistent theme with the last reporting year. 7% of complaints received were regarding inaccurate financial information (including third party top-ups) provided by adult social care staff which resulted in service users and / or their families receiving bills for the care that they were not aware was chargeable. A recent change to the forms used when referring a service user for a financial assessment has reduced the amount of information required by adult social care staff and therefore reducing confusion in respect of service user contributions.

'Lessons Learnt' from complaint investigation's remain a key feature for the service and are always fed back to services and performance groups for action.

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 2015 and 31st March 2016, the Customer Feedback and Complaints Team received 186 complaints that have been directed for Local Investigation (54 County Council and 132 Partnership Trust).

### Independent Investigations

Between 1st April 2015 and 31st March 2016 the Customer Feedback and Complaints Team undertook 5 Independent Investigations of complaints. All 5 were undertaken by Staffordshire County Council.

### Local Government Ombudsman Complaints

Between 1st April 2015 and 31st March 2016, the Local Government Ombudsman received 20 complaints which related to a service provided by Adult Social Care.

## Comparison with Preceding Year

This year's figures indicate a 43% decrease 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 12% decrease in the Local Investigation of complaints regarding services provided by Staffordshire and Stoke on Trent Partnership Trust.

There is a 60% increase in the number of complaints investigated under the 'Independent Investigation' stage of the Statutory Complaints Procedure when compared to the previous year and the number of Local Government Ombudsman investigations remain consistent.

SCC Adult Social Care Services		
	2014/15	2015/16
Local Investigation	95	54
Independent Investigation	0	5
Local Government Ombudsman	9	10

Partnership Trust Adult Social Care Services		
	2014/15	2015/16
Local Investigation	150	132
Independent Investigation	2	0
Local Government Ombudsman	10	10

## 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 time scale 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.

54 complaints were recorded under Stage 1 – Local Investigation during 2015/16  
53% of the complaints received were for Independent Futures.

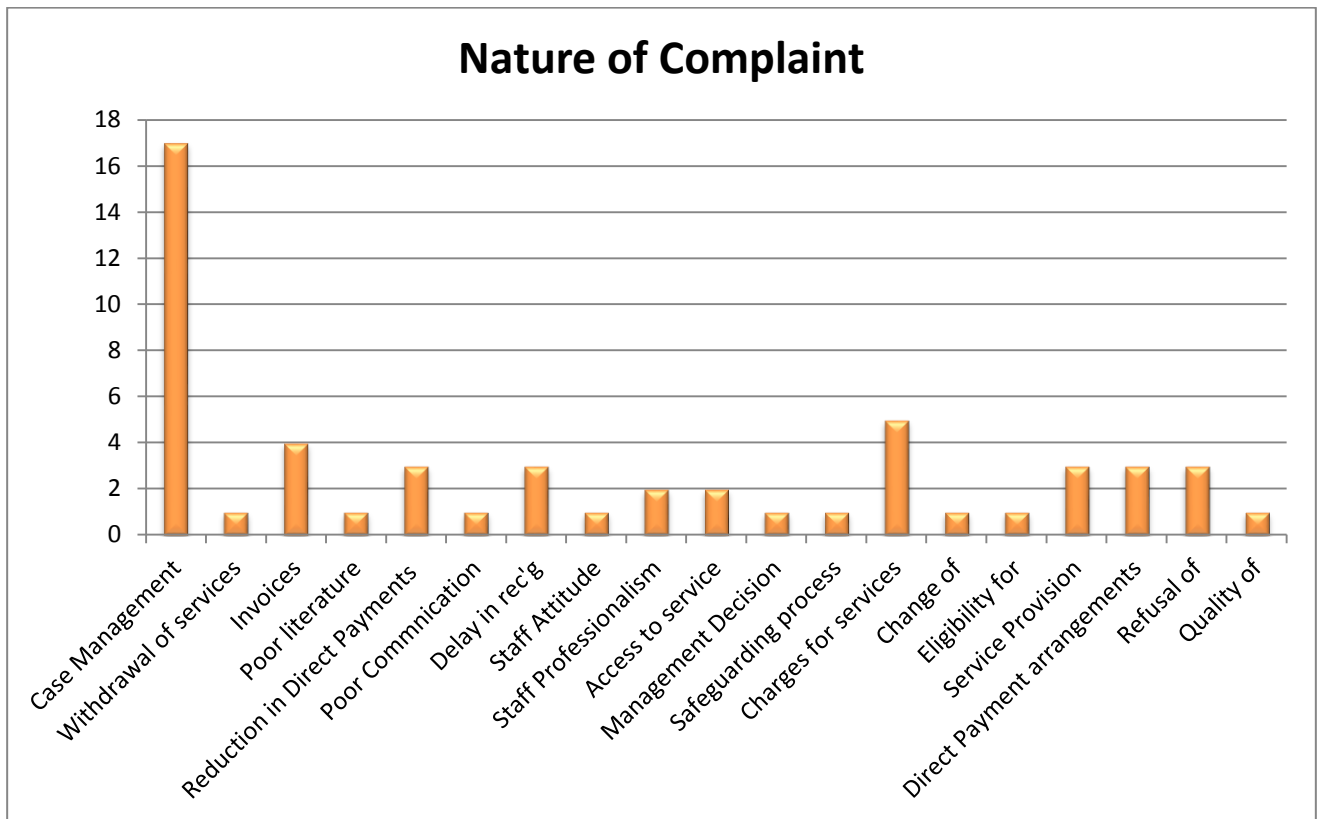
Service	District (if applicable)	Number
<b>Independent Futures</b>		
	<i>Lichfield</i>	1
	<i>Stafford</i>	6
	<i>Cannock</i>	1
	<i>Moorlands</i>	4
	<i>Newcastle</i>	5
	<i>East Staffs</i>	3
	<i>Tamworth</i>	2
	<i>South Staffs</i>	7
	<b>Total</b>	<b>29</b>
<b>Welfare Benefits</b>		<b>1</b>
<b>Self Directed Support Team</b>		<b>2</b>
<b>Commissioning Hub</b>		<b>2</b>
<b>Public Health</b>		<b>1</b>
<b>Residential Home (Provider Services)</b>		<b>1</b>
<b>Deputyship and Deprivation of Liberty Safeguards</b>		<b>2</b>
<b>Fairer Charging Team</b>		<b>6</b>
<b>Joint Finance Unit</b>		<b>6</b>
<b>Mental Health (Advanced Mental Health Practitioner)</b>		<b>1</b>
<b>Emergency Duty Service</b>		<b>1</b>
<b>Adult Care Team (pre 2012 – transfer to Staffordshire and Stoke on Trent NHS Partnership Trust)</b>		<b>1</b>
	<b>Total</b>	<b>54</b>

53% of complaints received were for Independent Futures with 24% regarding services provided by the South Staffs District. It is pleasing to note that overall there has been a 45% reduction in complaints received for Independent Futures

The Fairer Charging Team received 24% of complaints investigated. Consistent with last year, the complaints received were regarding the timeliness of invoices being raised.

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

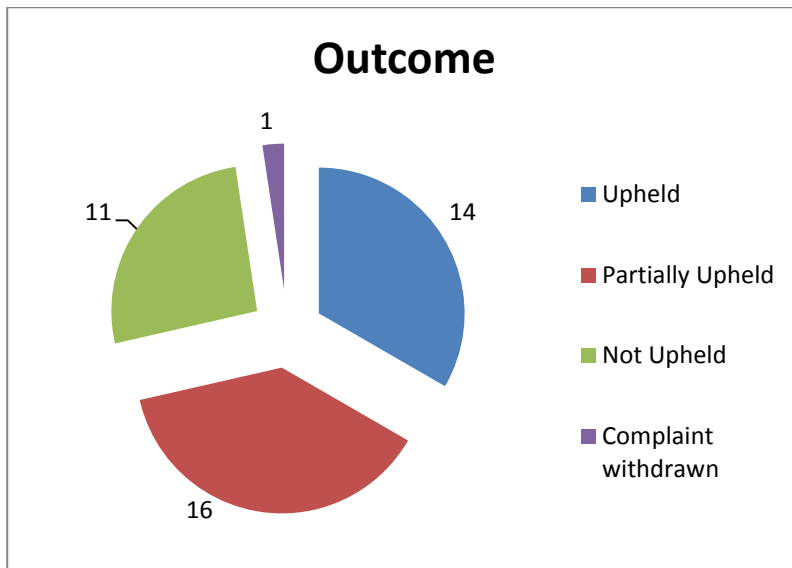
A total of 54 complaints were received concerning Adult Social Care services provided by the Council during the period 2015/16. The chart below provides an overview of the nature of the complaints received.



**31%** of complaints received related to Case Management (complaints which involve more than one concern and generally poor management of the service user's case. **9%** of complaints were concerning charges for services (home care and residential) **7%** of complaints were regarding direct payment arrangements

## 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.

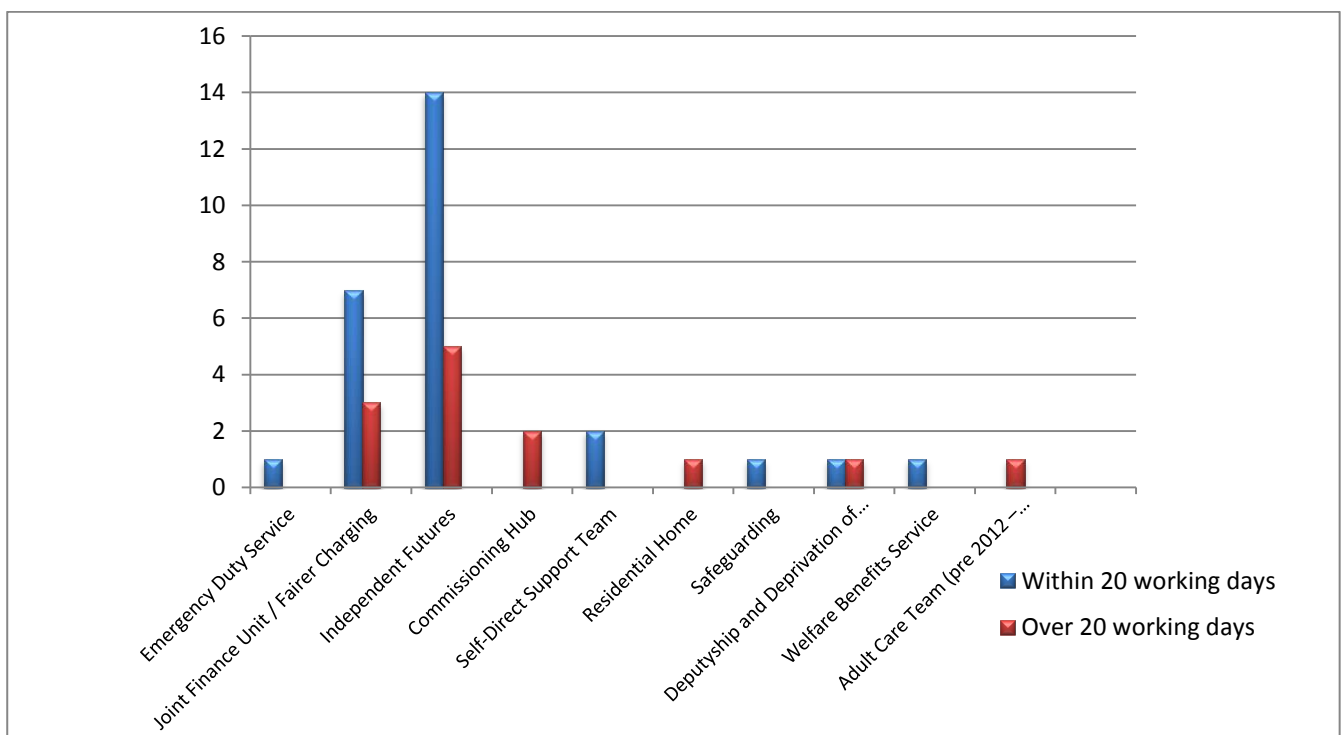


Complaint closure information was not shared for 12 complaints; therefore outcomes have not been recorded.

39% of complaints closed were Partially Upheld and 34% was Upheld.

The timescale for responding to Stage 1 – Local investigation complaints is 20 working days. A total of 67% of complaints were responded to within timescale and 33% were closed out of timescale. In comparison to last financial year the response timescale has improved, 44% of complaints were responded to within timescale in the previous year.

The chart below provides information on the response timescales for Local Investigations during 2015/16



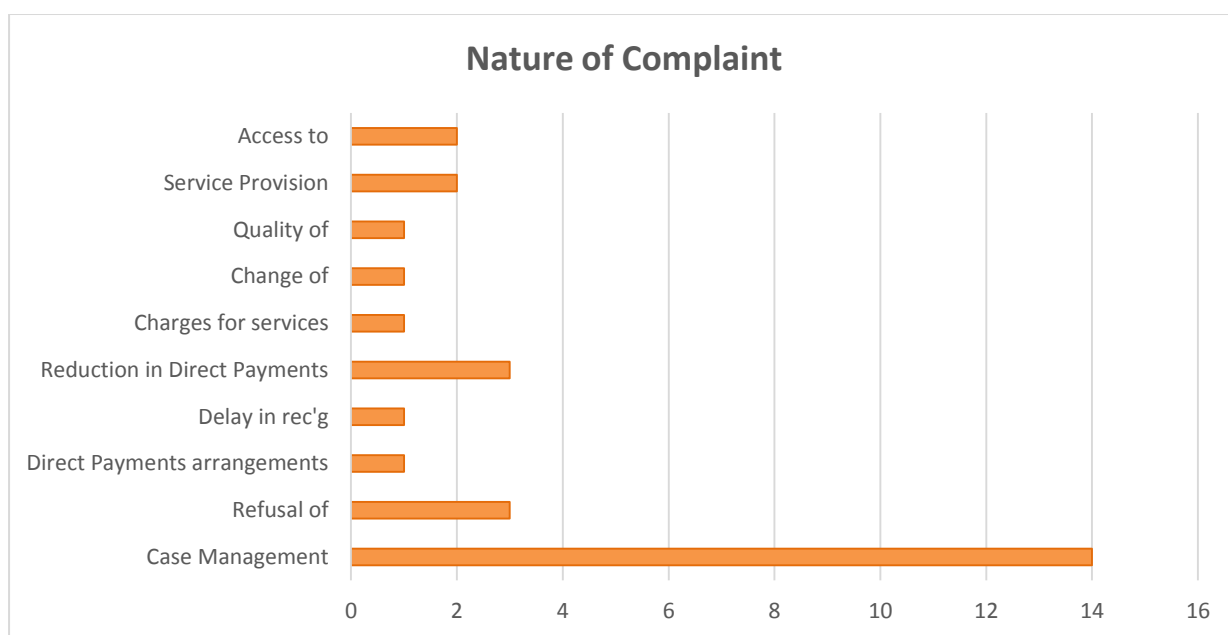


## Stage 1 – Local Investigation Adult Social Care (Council) – Breakdown of Nature of Complaint and Outcomes by service

The charts below show the nature of complaint and outcome for services areas within Staffordshire County Council during 2015/16.

### Independent Futures

There has been a 45% reduction in complaints received for Independent Futures this reporting year. This could be the result of staff swiftly resolving any concerns at the point of contact thus reducing service users and / or their families escalating matters through the formal complaints procedure.

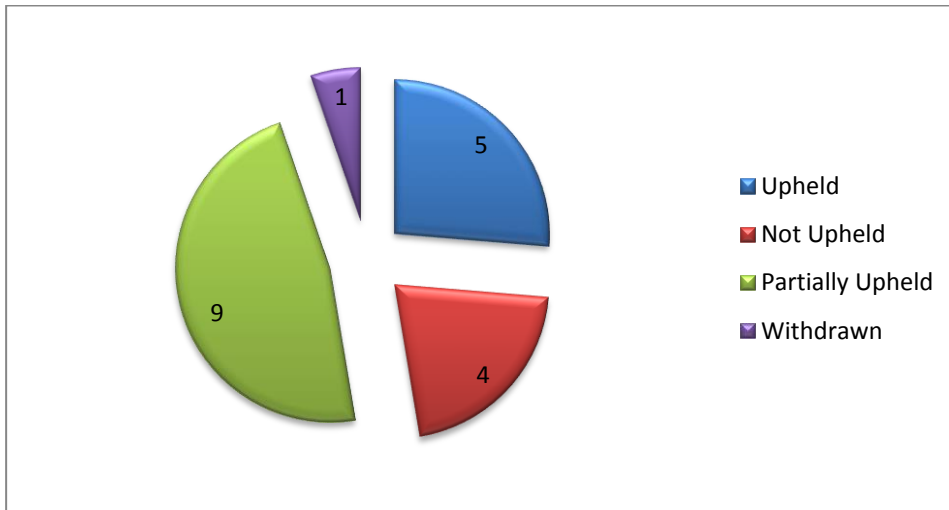


48% of complaints received for Independent Futures were regarding Case Management\* and 10% of complaints were in respect of the reduction of Direct Payments.

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

In comparison with last year (3 received), there were no complaints received about the transition from Children's to Adult Social Care.

### Outcome of complaint



**47%** of complaints were Partially Upheld and **21%** of complaints closed were Not Upheld. **10** complaints have been investigated however closure information has not been provided by the team. This is due to the team manager being off sick

**74%** of complainants were offered an apology / explanation as a result of the complaint investigation

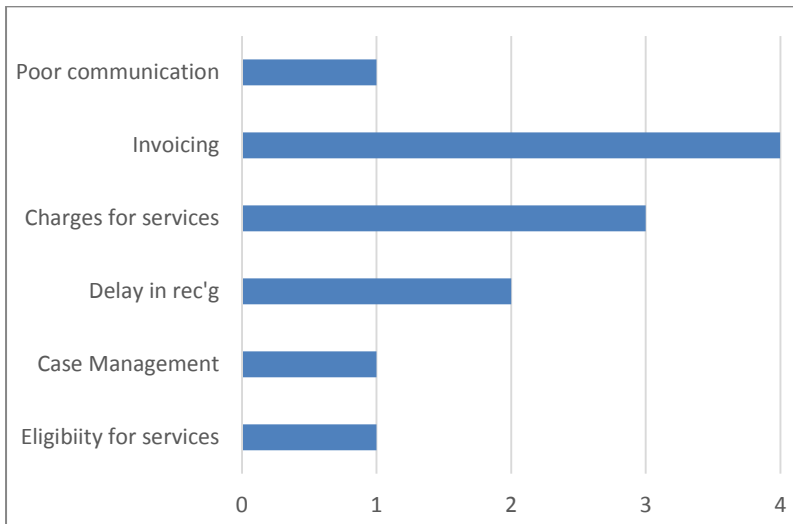
### Recommendation / Learning Action



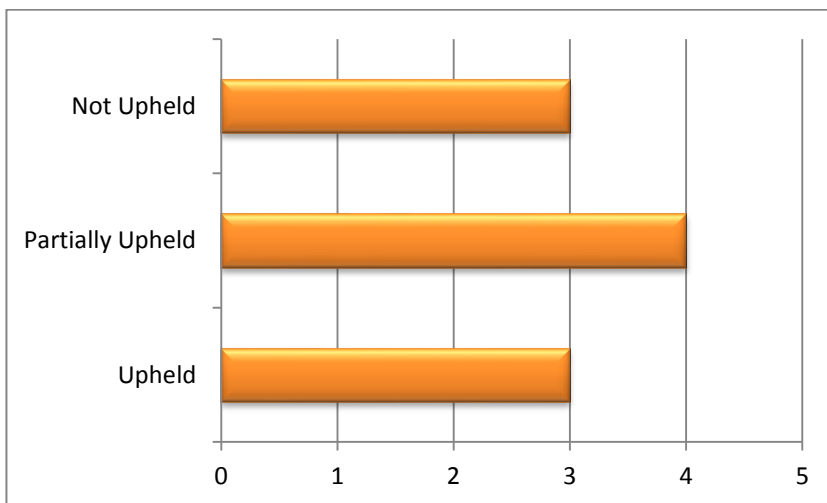
- Organisational Learning;**
- Address complaint with staff member during supervision session;
  - Guidance on charging has been shared with all staff within the Independent Futures service within the Newcastle and Moorlands area

## Joint Finance Unit (including Fairer Charging)

### Nature of Complaint Outcome



**58%** of complaints received were regarding invoicing and charges for services. This includes service user's being charged for services that they have not received e.g. home care visits missed.



### Resolutions and Organisation Learning

- Apology provided where complaints were Upheld
- Explanation of events provided to complainant
- Payment Plan offered to service user in order to pay a large invoice
- 2 complaint resulted in charges being reduced
- 1 complaint resulted in no interested being charged due to the delays incurred.

## Other services

<b>Commissioning Hub</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
2 complaints received; <ul style="list-style-type: none"> <li>Withdrawal of service</li> <li>Management decision</li> </ul>	X2 Not Upheld – Explanation provided

<b>Emergency Duty Services (EDS)</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
X1 – Staff Professionalism during by Advanced Mental Health Practitioner out of	Not Upheld - Explanation provided

<b>Mental Health (Advanced Mental Health Practitioner)</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
X1 – Staff conduct	Outcome not known

<b>Provider Services - Residential Home</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
x1 – Service provision	Complaint Not Upheld Explanation provided.

<b>Self-Directed Support Team</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
2 received; Both related to Direct Payment arrangements	1 complaint was Partially upheld - £500 time and trouble payment. 1 complaint not upheld.

<b>Welfare Benefits Service</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
X1 - Complaint received regarding the charges for services	Complaint was Upheld and an apology was provided.

<b>Deputyship and Deprivation of Liberty Safeguards</b>	
<b>Nature of Complaint</b>	<b>Outcome/Remedy</b>
X2 – <ul style="list-style-type: none"> <li>Staff professionalism.</li> <li>Poor literature.</li> </ul>	Both complaints were Upheld and an apology was provided.

<b>Safeguarding</b>	
<b>Nature of Complaint</b>	<b>Outcome / Remedy</b>
1 complaint concerning the safeguarding process.	Complaint Upheld Safeguarding process and documentation to be reviewed following the implementation of the Care Act.

<b>Adult Care Team (pre 2012 – transfer to Staffordshire and Stoke on Trent NHS Partnership Trust)</b>	
<b>Nature of Complaint</b>	<b>Nature of Complaint</b>
1 complaint concerning the hospital Social Work Team, Stafford, - pre April 2012. Continuing Healthcare Assessment not initiated.	Complaint Not Upheld Explanation provided

## Stage 1 – Independent Investigation Adults Social Care (Council)

An 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 2015-2016.

Details of the complaint investigations and outcomes are detailed below.

Service	Nature of Complaints	Outcome	Recommendations
Domiciliary Home Care Agency – Home Instead (Stone)	Home Instead failed to undertake a robust investigation into the complaints raised and to address the desired outcomes	Upheld	<ul style="list-style-type: none"> <li>An apology from Home Instead to acknowledge the distress caused by the withdrawal of the service.</li> <li>The management of Home Instead need to ensure prior to commencement of a care package they have staff with the appropriate skill set to meet the needs of the service user.</li> <li>The management of Home Instead need to review the standard of record keeping within the organisation and provide training as required.</li> <li>The purpose of the service level agreement needs to be explained fully with the service user and their family prior to completion.</li> <li>For the complainants to be made aware of how the County Council will hold Home Instead accountable in light of the complaints being upheld.</li> </ul>
Independent Futures - Stafford	Complaints raised regarding the assessment undertaken by independent futures.	Upheld	<ul style="list-style-type: none"> <li>That Independent Futures specify in advance of assessments of need how long they will take in each case, or the date upon which they will be completed. In the event of an overrun, the person whose needs are being assessed should receive a written</li> </ul>

			<p>explanation and details of the new target.</p> <ul style="list-style-type: none"> <li>• That the standard response and acknowledgement times which are detailed on the Council's website should be relaunched and re-emphasised for staff, in order to provide customers with reasonable expectations of their communications with staff.</li> <li>• That a greater level of definition and specification should be applied to the Quality Assurance process, in order to deliver consistency. This should not result in a tick-box approach, but in a critical and accountable sign-off to the work undertaken.</li> <li>• That all assessments are subjected to specific scrutiny (whether as part of the Quality Assurance process or otherwise) to ensure that the proposed final outcome and budget makes sense and is capable of meeting the relevant need.</li> <li>• That, in the context of the Care Act, there should be a renewed focus on Well-Being, what it means and its underlying implications for assessment and service delivery.</li> </ul>
<p>Residential Home – Tall Oaks Care Home</p>	<p>Concerns raised regarding the action of staff at Tall Oaks when a resident was found unresponsive.</p>	<p>Partially Upheld</p>	<ul style="list-style-type: none"> <li>• An apology from the management of Four Seasons Health Care for the stress caused by the delay in responding to the complainants requests for information.</li> <li>• The management of the Four Seasons to address the competency of the nurse in charge in light of her failure to make comprehensive notes of both the incident and the subsequent conversation with the medical staff at the hospital.</li> <li>• The management of Four Seasons Health Care need to review the standard of record keeping within Tall Oaks and provide training as required.</li> <li>• For the Home to introduce communication systems which ensure relatives requests for</li> </ul>

			information are acted upon in a timely manner.
Residential Home – Beechcroft Residential Care Home	Complaint about care provided during respite stay.	Partially Upheld	<ul style="list-style-type: none"> <li>• An apology to the complainant by the management of Beechcroft House for the distress caused whilst a resident at the home.</li> <li>• The management of Beechcroft House need to review the standard of record keeping and provide training as required.</li> <li>• The management of Beechcroft House need to adopt a listening and learning culture in relation to complaints.</li> <li>• The Registered Manager and staff of the Home need to respect individual's preferences and implement a person centred approach to service delivery.</li> <li>• The Quality Monitoring Team of Staffordshire County Council need to be proactive in addressing matters raised by Staffordshire and Stoke on Trent Adult Safeguarding Team</li> </ul>
Residential Home – Shenstone Hall Nursing Home	Complaint about the delivery of care provided by Shenstone Hall	<u>Partially upheld</u>	<ul style="list-style-type: none"> <li>• An apology should be made to the complainant by the management of Wright Care Homes for the stress caused by the failure to implement fully the details of the care plan and failure to provide information regarding the injuries as requested.</li> <li>• The management of Wright Care Homes to review the standard of record keeping within Shenstone Hall Nursing Home and provide training as required.</li> <li>• The management of the Wright Care Homes to address the competency of staff in respect of recording information.</li> </ul>

All actions are shared with the residential care home and home care agency via the Contract Monitoring Officer's, Staffordshire Council Council.

## 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. As the commissioner of these services, the Local Authority coordinates all statutory complaints, which relate to Adult Social Care services on behalf of the Partnership Trust.

A total of 132 complaints were investigated under Stage 1 - Local Investigation of the Statutory Complaints Procedure for Adult Social Care services. This is a 14% reduction in comparison to the number of complaints received in previous year.

Service	North		South						Total
	Moorlands	Newcastle	Stafford	Cannock	Lichfield	Siesdon	Tamworth	East Staffs	
<b>Integrated Locality Care Team</b>	7	18	12	11	9	9	5	8	<b>79</b>
<b>Community Intervention Service</b>	0	3	6	0	1	2	1	4	<b>17</b>
- <b>Community Hospital</b>	0	3	0	0	0	0	0	0	<b>3</b>
- <b>Discharge Team</b>	0	3	8	1	1	1	4	2	<b>20</b>
<b>Intermediate Care &amp; Enablement</b>	0	0	0	1	0	0	0	0	<b>1</b>
<b>Integrated Therapy Team</b>	0	0	2	3	2	0	3	1	<b>11</b>
<b>Able 2 (commissioned Occupational Therapy Service)</b>	0	0	1	0	0	0	0	0	<b>1</b>
<b>Total</b>	<b>7</b>	<b>27</b>	<b>29</b>	<b>17</b>	<b>13</b>	<b>12</b>	<b>13</b>	<b>15</b>	<b><u>132</u></b>

59% of complaints investigated were regarding services provided by the Integrated Locality Care Team with 23% relating to the Newcastle District and 15% for Stafford. This is consistent with the previous year

Stafford District have received the highest proportion of complaints in the South with 29%. This is consistent with the previous two year's

Newcastle District have received the highest proportion of complaints in the North with 79%, again this is consistent with the previous two year's



## 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 2015/16.

Nature - North	Integrated Locality Care Team	Community Intervention Service	Community Hospital	Hospital Discharge Team	Total
Care provision	1	0	0	0	1
Case Management	7	1	1	1	10
Clarity of	1	0	1	0	2
Unsafe discharge	0	0	0	1	1
Staff Attitude	0	1	0	0	1
Staff conduct	1	0	0	0	1
Safeguarding investigation	1	0	0	0	1
Poor communication	4	0	1	0	5
Professionalism	4	0	0	0	4
Information provided	1	1	1	0	3
Reduction of	1	0	0	0	1
Management decision	2	0	0	0	2
Access to	1	0	0	1	2
<b>Total</b>	<b>24</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>34</b>

24 complaints were received for the Integrated Locality Care Team in the North with 7 for the Moorlands area and 17 for Newcastle. 29% of the complaints received for the Integrated Locality Care Team were regarding 'case management'. The Community Intervention Service, including Community Hospital's and Hospital Discharge Team, received 10 complaints and all concerned the Newcastle District.

Outcome - North	Integrated Locality Care Team	Community Intervention Service	Community Hospital	Hospital Discharge Team	TOTAL
Upheld	6	1	1	1	9
Not Upheld	8		0	0	8
Partially Upheld	8	1	1	2	11
Inconclusive	1	0	0	0	1
Withdrawn	1	0	0	0	0
<b>Total</b>	<b>24</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>*31</b>

\*Please note that 3 complaints remain open.

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

The information below illustrates the types of recommendations and learning actions that have arisen from complaints during 2015/16.

	Integrated Locality Care Team	Community Intervention Service	Community Hospital	Hospital Discharge Team	TOTAL
Explanation	6	1	0	1	8
Apology	12	0	0	2	14
Allocation of new Social Worker	3	0	0	0	3
Charges waived	2	1	2	0	5
<b>Total</b>	<b>23</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>*30</b>

**\*Please note that 3 complaints remains open and 1 complaints was withdrawn and therefore there were no recommendations recorded.**

As a result of making a complaint 17% of service users had charges waived 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 and 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)

- For the process of referrals to community hospitals to be clearly defined and communicated with patients and their families. Within this the status of 'medically fit' and its relevance to be shared. – To be addressed within team meetings and staff training.
- Discussion with social work staff and ward staff regarding 'Risk Management' measures in order to achieve a greater professional understanding of the status.
- All assessors to receive regular training and refresher training on direct payments.
- Partnership Trust to update the 'Consent Policy' dated May 2013 to include a consent form for social care staff to obtain service user's medical information from a GP.
- To ensure 'high risk' cases are allocated with a 24 hour timeframe, especially for referrals not already known to adult social care.
- A process to be put into place to ensure all service provisions inputted on Care Director are authorised in a timely manner.
- To discuss with staff the importance of maintain regular contact with service users / relatives to provide reassurance and guidance.
- Team Leader to reflect on the issues raised within the complaint with the allocated worker during supervision session.
- For clearer protocols to put on place around whose responsibility it is to recognise when food parcels should be provided for service users who have been in hospital for some time prior to discharge.
- All social care staff that are part of the Community Intervention Service in Moorlands area will be reminded to record all discussions relevant to the decision making as part of the case management.
- All Community Intervention Service staff in Moorlands will be reminded to complete Information Governance training. The managers of the service will monitor compliance through supervision and local management and team meetings including the Adult Service Committee

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

The tables below provide information on the nature and outcome of complaints for the South Division for 2015/16.

Nature - South	Integrated Locality Care Team	Community Intervention Service	Hospital Discharge Team	Integrated Therapy Service	Intermediate Care & Enablement	*Able 2	Total
Delay in receiving	1	3	0	3	0	0	7
Top-up issues	1	1	1	0	0	0	3
Case Management	25	2	6	4	0	0	37
Access to service	2	0	0	1	0	0	3
Care Provision	2	1	0	0	1	0	4
Inaccurate financial info provided	1	2	3	0	0	0	6
Reduction of service	1	0	0	0	0	1	2
Staff Attitude	2	2	0	0	0	0	4
Quality of	1	0	0	1	0	0	2
Withdrawal of direct payment	1	0	0	0	0	0	1
Eligibility for	0	0	1	1	0	0	2
Staff Professionalism	1	0	1	0	0	0	2
Poor communication	5	2	1	0	0	0	8
Allocation timescale	0	0	1	1	0	0	2
Information provided	2	0	1	0	0	0	3
Clarity of	1	0	1	0	0	0	2
Standard of	1	0	0	0	0	0	1
Social Worker decision	2	0	1	0	0	0	3
Management decision	3	0	0	0	0	0	3
Safeguarding	3	0	0	0	0	0	3

\*Able 2 is a Occupational Therapy Service commissioned by the Partnership Trust

investigation / Process							
<b>Total</b>	<b>55</b>	<b>13</b>	<b>17</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>98</b>

**37%** 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.

**6%** of complaints received were regarding 'poor communication' from a staff member, this included telephone calls not returned and services users not being kept up-to-date with their case.

**7%** of complaints were regarding 'inaccurate financial information provided' and 'third party top ups'. These complaints were regarding the information provided by adult social care staff regarding funding / contributions for care provisions and information provided third party top-up payments and who should pay this cost.

Outcomes	Integrated Locality Care Team	Community Intervention Service	Integrated Therapy Service	Hospital Discharge Team	Intermediate Care & Enablement	Able 2	Total
Upheld	17	4	6	6	0	0	<b>33</b>
Not Upheld	7	2	1	3	0	0	<b>13</b>
Partially Upheld	23	6	4	7	0	0	<b>40</b>
Complaint withdrawn	3	1	0	1	1	0	<b>6</b>
Inconclusive	0	0	0	0	0	1	<b>1</b>
<b>Total</b>	<b>50</b>	<b>13</b>	<b>11</b>	<b>17</b>	<b>1</b>	<b>1</b>	<b><u>93</u></b>

\*Please note that 5 complaints remain open.

The table below provides information on recommendations and learning actions that have arisen from complaints during 2015/16

	<b>Integrated Locality Care Team</b>	<b>Community Intervention Service</b>	<b>Integrated Therapy Service</b>	<b>Hospital Discharge Team</b>	<b>Intermediate Care &amp; Enablement</b>	<b>Able 2</b>	<b>Total</b>
Explanation	12	5	4	5	0	0	<b>26</b>
Apology	24	4	6	7	0	1	<b>42</b>
Records updated	0	1	0	0	0	0	<b>1</b>
Reimbursement of monies	1	0	0	1	0	0	<b>2</b>
Meeting / Review	2	0	1	0	0	0	<b>3</b>
Complaint withdrawn	3	1	0	1	1	0	<b>6</b>
Charges Waivered	8	2	0	3	0	0	<b>13</b>
<b>Total</b>	<b>50</b>	<b>13</b>	<b>11</b>	<b>17</b>	<b>1</b>	<b>1</b>	<b><u>93</u></b>

16% of complainants had charges waived or received reimbursement of monies 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 provision's on Care Director

## Learning Actions

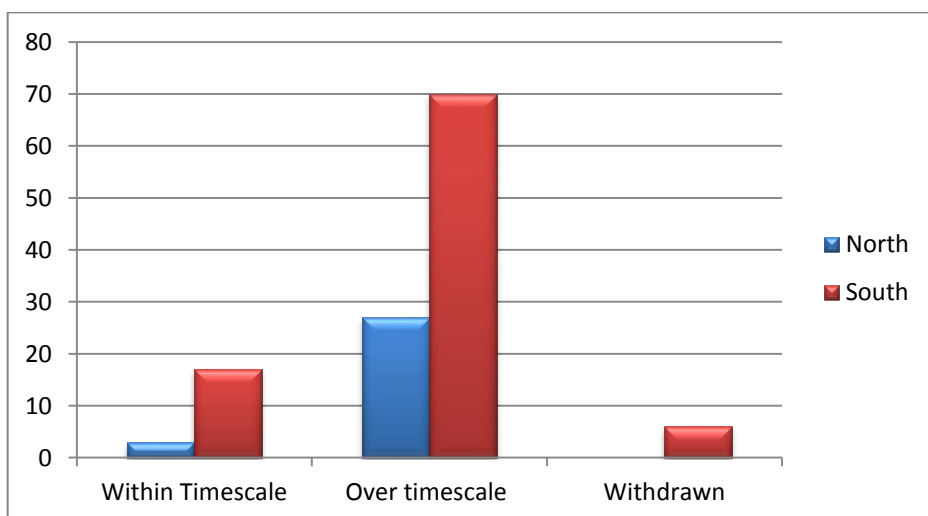
The following Learning Actions have been identified for the South Districts: (Please note that this is a selection of learning actions as each complaint can receive several actions)

- Provide further training and learning opportunities to staff in relation to effective communication skills.
- Staff training – provide up-to-date training on direct payments.
- To ensure formal training around safeguarding procedures are up-to-date.
- To address complaint details with staff member during formal supervision.
- To develop a short induction file for all new starters with standard processes.
- A leaflet / flyer to be developed detailing the Disability Facilitates Grant process and which organisation is responsible for each part of the process.
- Reminder to be sent to all staff to ensure that families are advised that provisional charges are implemented whilst full financial assessments are being undertaken.
- Letters to be sent to service users awaiting an occupational therapy assessment in order to provide an update on allocation.
- A discussion to take place with staff in regards to inputting periods of care onto care Director to ensure financial assessments are completed in a timely manner.
- A 'Standing Operating Procedure for Waiting List Management' has been introduced for use by social care staff which will ensure assessments are undertaken within the designated time frame.
- To clearly document and evidence on the case file that other care homes have been approached to establish vacancies and to establish if they could meet the service user's needs. To distinguish between service user / family choice and availability.

## Stage 1 Local Investigation (NHS Partnership Trust) –Response Timescales

The internal timescale for Adult Social Care complaints is 35 working days, with a 25 working day deadline for the investigation officer to conclude the investigation and complete the report. Each investigation is allocated to an 'investigating officer' who is not part of the service subject to the complaint. The investigating officer is required to meet with the complainant, interview all staff members involved and produce an investigation report.

The graph below shows the numbers of complaints responded to within and outside timescales for North and South districts.



Overall 79% of complainants did not receive a formal outcome (investigation report and cover letter) to their complaint within the agreed timescale.

The Customer Feedback and Complaints Team are required to quality assure the investigation report and draft a summary letter based on the information contained within the report for each complaint investigation. The Partnership Trust operates a Quality Assurance process for all complaint responses and reports prior to them being sent out. Often the Investigation report and response letter have been drafted within timescale, however the Quality Assurance process can take the complaint over timescale.

### Stage 1 Independent Investigation (NHS Partnership Trust)

An independent investigation is initiated in circumstances whereby a complaint is identified to be particularly complex and/or involves multi-agency involvement.

There has been no independent investigation's undertaken during 2015/16

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

The Local Government Ombudsman (LGO) 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 Ombudsman.

The Local Authority has received **10** complaints which have been referred to the Local Government Ombudsman regarding County Council services and **10** complaints regarding services provided by Adult Social Care Teams, Staffordshire and Stoke on Trent NHS Partnership Trust. The Local Government Ombudsman 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 5% increase in complaints received by the Ombudsman.

Staffordshire County Council Services			
Service	Nature	Outcome	Recommendation
Independent Futures - Tamworth	Council has not provided family with any support in relation to their son's transition to independent living. They are also dissatisfied with the Council's decision to withdraw the day service provision currently in place	Upheld – injustice caused	Council to apologise and pay £100 to family and apologise and pay £100 to service user. Council to put in place formal procedures to ensure appropriate support is provided to those transitioning into independent living.
Independent Futures- Stafford	Council should not have decided to move service user into a flat that is on the first floor and which he has to share with a service user who the	Not upheld	No recommendations



	Council knew he does not get along with		
Independent Futures – Newcastle	The Council and the Health Authority failed to provide service user with day services when he left school in 2009. Failure to properly assess service user's needs and day services were not provided until 2011 but this was not enough. The Council and the Health Authority failed to provide written communication about funding when changes were made.	Upheld – maladministration and injustice	Apologise to service user for failing to provide him with the day services he was entitled to access over a six year period. Pay service user £4,200 to acknowledge the two years of day services he lost out on which then had an adverse effect on his wellbeing. The recommended payment also acknowledges the four years when the CCG and the Council failed to provide service user with enough day care services to meet his assessed eligible needs. Apologise to service user's parents for failing to provide them with carer's support. Pay service user's parents £2,000 each to acknowledge the prolonged distress, anxiety and inconvenience they experienced over six years. The Council should review service user's parents needs as carer's to see if they need any additional breaks from their caring role.
Independent Futures – Stafford	Council and CCG failed to follow a clear decision-making process in relation to service user's attendance at Chase Day Services. As a result, service user was left without appropriate support.	Not Upheld – no injustice.	No recommendations
Emergency Duty Service	Actions of a social worker in assessing service user under the Mental Health Act and forcibly taking him to hospital.	Not Upheld – no injustice	No recommendations
Welfare Benefits Service	Council has provided incorrect information regarding occupational pension.	Decision not to investigate	n/a
Redwood Care Homes	The care home is failing to honour its contract with family by pursuing for top up fees from the time before the service user became a self funder.	Upheld – Injustice caused	The Care Home has agreed to; <ul style="list-style-type: none"> <li>• stop pursuing family for the difference between the rate paid by the Council and its self-funding rate from 6 March to 2 June 2015;</li> <li>• apologise in writing for pursuing this;</li> <li>• audit residents' records to ensure it has an inventory of belongings; and</li> <li>• review its procedures to ensure an inventory is made of resident's belongings when they move in.</li> </ul>
Finance Services / Debt Recovery	Complaint that service user, now deceased, was removed from hospital	Decision not to investigate	n/a

	and placed in Foxwalls Home without families consent and wishes. A complaint was made at the time, in 2012. 4 years after the service users death family member has received a demand for £500+ for respite care.		
Legal Services	The Council delayed until December 2015 in dealing with matters concerning the calculation of the late service users' capital and did not properly reach its decision about the value of the property	Complaint still open	Complaint still open
Legal Services	The Council has refused to include the standing charge of complainant's mothers utility bills as a housing cost in her financial assessment.	Decision not to investigate – not enough evidence of fault in the way the Council exercised its discretion in the matter to warrant an investigation.	n/a

### Staffordshire and Stoke on Trent Partnership Trust

Service	Nature of Complaint	Outcome	Recommendations
Integrated Locality Care Team – Tamworth	The Council has fettered its discretion by following its Direct Payment policy, which states hotel expenses should be funded from the person's own income, without properly considering her personal circumstances	Upheld	As it has now reviewed matters and changed its decision the Ombudsman will not pursue the complaint any further
Community Intervention Service – Newcastle	The Council failed to adequately assess service users social care needs particularly in respect of the placement at Alder Grange Care Home. The Council failed to put an inadequate care package in place when service user returned home from hospital. The Council did not consider the service users needs in respect of care and help to attend medical appointments. The Council placed the service users in an unsuitable care home (Samuel Hobson House) which failed to provide	Upheld – however no injustice caused	No recommendations

	adequate care and put them at unnecessary risk.		
Community Intervention Service – East Staffs	<p>The Council misled about top up charges for husband's care.</p> <p>The Council failed to follow proper procedures in setting up her husband's care package including not providing correspondence to support care costs, copies of contracts or invoices showing care costs.</p>	Upheld There is evidence of fault by the Council in its failure to apply the Charging for Residential Accommodation Guidance, Local Authority Circular LAC (2004)20 and the Care and Support Statutory Guidance.	<p>Apologise for failing to put in writing the 'top up' arrangement and provide service users wife with clear information showing her 'top up' contributions;</p> <p>To re-calculate the contribution for roughly 20.85 weeks the service user was in the residential home to the £97 per week his wife expected was her 'top up' contribution;</p> <p>To refund the difference between the figure above and the £6,593.36 she paid in 'top up' fees.</p> <p>To pay £250 for the distress suffered including the time and trouble in bringing this complaint;</p> <p>To pay the service user £100 for the avoidable distress caused by moving him from home Z to home V;</p> <p>Provide evidence within three months of the date of the final decision the Council has put in place a process ensuring written agreements/support plans, detailing clearly the financial responsibilities of all parties, are available before any 'top up' arrangement is signed</p>
Integrated Locality Care Team – Tamworth	<p>The Council failed in its duties towards service user, resulting in the accrual of a debt for his care with the Council of over £13,000.</p> <p>The Council has not made a proper decision about the service users eligibility for a hospital bariatric bed.</p>	Investigation discontinued	Complainant has withdrawn the complaint following the Trust's decision to waiver the outstanding debt.
Integrated Locality care Team – Stafford	<p>Council and the Health Trust have failed to assess the service users needs properly which means he does not have enough support to meet his needs. Delays with assessments resulted in the service user remaining in a residential placement for too long had to pay residential care charges when he did not want to be in the residential home.</p> <p>The Council failed to properly consider service users outgoings in its financial assessment.</p>	Upheld – maladministration and injustice	<p>Within six weeks of the Ombudsmen's final decision the Council, the Trust and the CCG have agreed to:</p> <ul style="list-style-type: none"> <li>• collectively apologise in writing to the service user for the delays in the CHC assessment process which led to him remaining in a residential care home for longer than should reasonably have been expected;</li> <li>• waive the charges the Council says the service user owes for residential care home fees, agree which body is responsible for the charges and confirm the outcome</li> </ul>

			<ul style="list-style-type: none"> <li>• each pay the service user £350 to acknowledge the impact the delays in the CHC process had on his independence and wish to return home;</li> <li>• collectively apologise in writing to the complainant for the failure to continue and provide interim services which then impacted on his caring role; and</li> <li>• each pay the complainant £150 to acknowledge his distress, increased carer's strain and time and trouble.</li> </ul> <p>Within three months of the Ombudsmen's final decision the CCG should review the local arrangements it has in place for NHS CHC eligibility processes. It should then consider whether it needs to provide any training to practitioners working within the community to ensure quality standards are met and good practice maintained.</p>
Integrated Locality Care Team (Moorlands) and Finance Team	Council should not charge service user for domiciliary care it failed to invoice for. The Council should only charge from the date the invoice was received	Decision not to investigate	Council / Trust agreed to pay £150 compensation for the delay in sending invoice.
Integrated Locality Care Team – Stafford	Complaint about the charges the Council has levied for service users residential care	Complaint still open	Complaint still open
Integrated Locality Care Team – Moorlands	Complainant received an invoice for an emergency placement of his father that was arranged by the Trust	Complaint withdrawn	Complaint withdrawn as Trust have agreed to waiver outstanding invoice
Integrated Locality Care Team – Moorlands	Complaint about the Trust's assessment and support for the complainant. Complaints raised previously	Closed after initial enquiries – out of jurisdiction	n/a
Integrated Locality Care Team – Newcastle	Complaint that service user was placed in a care home against her will and charged the family a top-up fee for her care charges.	Decision not to investigate	Recommendations from Stage 1 Complaint are in the process of being completed

## Summary of Local Government Ombudsman Complaints

Out of the 20 complaints which were received by the LGO, the Council received 11 outcomes where there was no maladministration and the Council was not at fault or a decision was made not to continue the investigation due to insufficient evidence. A total of £10,400 'time, trouble and distress caused' payments were awarded to complainants following referral to the Ombudsman. 3 complainants received a waiver or refund of care fees as a result of the Ombudsman's investigation.

## Compliments

During 2015/16 a total of 108 compliments were recorded with the Customer Feedback and Complaints Team which related to Adults Social Care.

Services provided by Staffordshire County Council and Staffordshire and Stoke-on-Trent Partnership Trust	No. Rec'd
<b>Living Independently Staffordshire;</b>	
East Staffs	34
Cannock	11
Seisdon	14
Newcastle	1
<b>Integrated Therapy Service;</b>	
Lichfield	4
East Staffs	1
Seisdon	1
Cannock	2
Tamworth	2
<b>Integrated Locality Care Team;</b>	
Cannock	1
Lichfield	1
Stafford	1
East Staffs	1
Newcastle	3
<b>Hospital Discharge Team;</b>	
Seisdon	1
<b>Community Intervention Service</b>	
Stafford	1
<b>Hawthorn House Residential Home – Lichfield</b>	1
<b>Intermediate Care &amp; Enablement;</b>	
Moorlands	1
<b>Independent Futures;</b>	
Stafford / South Staffs	8
Lichfield	2
Newcastle Moorlands	7
Tamworth	5
East Staffs	2
<b>Adult Safeguarding Enquiry Team</b>	2
<b>Moorlands Day Service</b>	1
<b>Total</b>	<b>108</b>

Received a visit from IF social worker in regard to our daughter's assessment. We register our appreciation for her efficient and courtesy during visit

Occupational Therapist has visited by home 3 times, always with a smile, always professional and sensitive to me disabilities and appeared eager to help me remain independent and safe in my home.

We were delighted with the help and care of the many charming ladies given to my husband. The ladies were all so patient with a very difficult patient

Although we had to wait from November 2014 until July 2015 the service and advice was excellent resulting in Midland Heat agreeing to fit a wet room in our flat

## 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 260 enquiries each requiring redirection to other organisations/authorities or action into other procedures.

Dealt with by Complaints Team*	96
Complaint refused**	4
Joint Statutory Stage 1 response with other organisation / NHS	4
Referral to another Organisation for action / investigation	11
MP Enquires (Adult Social Care)	114
Councillor enquiries (Adult Social Care)	7
Public Enquiries	10
Comments	3
Public Health Complaint	1
Safeguarding referral initiated	2
Corporate Complaints Procedure	8
<b>Total</b>	<b>260</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.

\*\* A complaint is refused if the complainant does not meet the criteria to register a statutory complaint. In the four 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 7 complaints about private sector domiciliary care agencies were received directly by the Complaints Service during 2015/2016. 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 2016/2017

- 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 administer complaints for adult social care.

- Continue to provide complaint data to Staffordshire & Stoke-on-Trent NHS Partnership Trust on a weekly, monthly basis and quarterly basis.
- Continue to review, develop and streamline all complaint processes within the Customer Feedback and Complaints Team;
- Compliance 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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