

Meeting	STANDARDS COMMITTEE	
Date	21 December 2009	agenda item number

REPORT OF THE CORPORATE DIRECTOR FOR ADULT SOCIAL CARE AND HEALTH DEPARTMENT

CUSTOMER RELATIONS SERVICE: ANNUAL REPORT 2008/2009

COMPLIMENTS, COMMENTS AND COMPLAINTS

Purpose of the Report

1. The purpose of the report is to comply with the requirement as laid out in Statutory Instruments:

Every Local Authority must, as soon as reasonably practicable after the end of each financial year, compile a report on the exercise during that financial year of its functions under the Regulations¹.

2. This report covers the period April 2008 - March 2009 and, as such, refers only to complaints handled under the 2006 statutory procedure.

Introduction

3. The legal context for complaints within this period is provided by the Local Authority Social Services Act, 1970, as amended by the NHS and Community Care Act 1990, section 50. Further changes were introduced by the Health and Social Care (Community Health and Standards) Act 2003 and the (Local Authority) Social Services (Complaints) Regulations, 2006 and the statutory guidance, Learning from Complaints, issued by the Secretary of State under powers conferred by Section 7 of the 1970 Act.
4. The Customer Relations Service Annual Report aims to provide information regarding:
 - Numbers of complaints at each stage
 - Outcome of complaints
 - Compliance with timescales
 - Complainants

¹ Statutory Instrument 2006 No. 1681. Social Care, England. The Local Authority Social Services Complaints (England) Regulations 2006. [Department of Health, Learning From Complaints, July 2006]

- Service Areas
 - Categories of complaint
 - Financial settlements
 - Complaints considered by the Local Government Ombudsman
 - Comments
 - Compliments.
5. In addition the report will provide an analysis of the data to include:
- A review of the effectiveness of the Complaints Procedure
 - Learning and changes to practice made as a result of complaints.
6. The statistical information provided within the report has been compiled from two different databases as Respond was updated in January 2009.

The Complaints Procedure

7. The statutory Social Care Complaints Procedure which was in operation in the period covered by this report had three stages with timescales for resolution at each stage.
- **Stage 1 - Local Resolution [10-20 working days]**

Complaints are dealt with by managers at the point closest to the service.
 - **Stage 2 - Investigation [25-65 working days]**

Complaints which either have not been successfully resolved at Stage 1 or which are too complex to allow for local resolution are investigated by either an internal but impartial investigator, employed within the Customer Relations Service, or an independent investigator commissioned from a pool of people who have been recruited for the purpose of carrying out independent roles which are a requirement of the Complaints Procedure.
 - **Stage 3 - Complaints Review Panel [30 working days]**

Where it has not been possible to resolve complaints at Stage 2 of the procedure, and the complainant is not satisfied with either/both the investigation or the adjudication, s/he may request that the complaint is reviewed by an Independent Complaints Review Panel. The Panel is made up of three independent people and makes recommendations to the Corporate Director who then makes a decision on the complaint and any action to be taken.
8. This completes the statutory Complaints Procedure. If the Complainant remains dissatisfied they can ask the Local Government Ombudsman (LGO) to look into their case.
- **Alternative Dispute Resolution – ADR [outside the statutory timescales].**

At any stage of the procedure the department should consider alternative means of resolving complaints. This could be via mediation or conciliation or any alternative means. It does not take away the complainant's right to pursue the complaint through the Social Care Complaints Procedure.

Statistical Data regarding complaints

[All percentages used in this document are approximate]

9. The focus of this section is on complaints *received* within the period April 2008–March 2009. This is not a reflection of all the complaints handled by the Customer Relations Service within this period.

Comparative figures:

10. Total numbers of complaints received:

2006/07	2007/08	2008/09
282*	267	215

* The number 351 recorded in previous reports reflects numbers of compliments, representations and complaints as a total.

11. The numbers of complaints received in any one year is gradually decreasing from 282 in 2006/2007 to 215 in 2008/2009.
12. In 2008/2009 the total number of people aged 18+ using residential and community-based services provided by Nottinghamshire County Council, Adult Social Care and Health Department was 28,846. Of these, 215 [less than 1%] have complained during the period 2008/2009.

The numbers of compliments logged with Customer Relations Service at each stage of the period 2008/2009:

13. The Customer Relations Service now logs recorded compliments from individual Service Users or their representatives as these can be compared with the numbers of complaints received in the same period.

2007/08	2008/09
131	189

14. The Customer Relations Service also keeps a record of compliments which are received about services provided to groups / other agencies, for example, training courses / support given.

2007/08	2008/09
96	20

The numbers of complaints logged with the Customer Relations Service at each stage of the period 2008/09:

15. At 01 April 2008 there were 39 complaints open, which had been previously registered and were carried over into 2008/2009.
16. During the period 01 April 2008 to 31 March 2009, 215 new complaints were received. Two hundred and eleven (211) complaints were received at stage 1 of the Procedures and 4 complaints went straight to stage 2. [The Complaints Procedure allows for complaints to pass straight to stage 2 where it is agreed that the matter cannot be resolved at stage 1].
17. Of the total number of 254 [39 + 215] complaints, 205 have been resolved and 49 have been carried over into the year 2009/2010.
 - 173 were completed at Stage 1
 - 22 were completed at Stage 2
 - 10 were completed at Stage 3
 - 49 have been carried over into 2009/10.

Complaints active [carried over] at the start of 08/09	39	15 completed at Stage 1 13 were completed at Stage 2 6 were completed at Stage 3 5 uncompleted at end of 08/09
New complaints registered in 08/09	215	158 completed at Stage 1 9 were completed at Stage 2 4 were completed at Stage 3 44 uncompleted at end of 08/09
Complaints active [carried over] at the start of 09/10 [5 of the 49 have been carried over from 2006/07]	49	34 open at Stage 1 11 open at Stage 2 4 open at Stage 3
Total number of complaints handled within 08/09	254	173 completed at Stage 1 22 completed at Stage 2 10 completed at Stage 3 49 uncompleted at end of 08/09

Outcomes:

18. Out of the 254 complaints received within the period, 205 have been completed.

	Stage 1	Stage 2	Stage 3
Not upheld	25	2	0
Partially upheld	82	17	10
Upheld	50	3	0
Refused	1	0	0
Other Procedure Initially responded to as ASCH, later identified as Corporate & Health procedures	2	0	0
Withdrawn	11	0	0
Not Known ISP provided response. CRS unable to obtain a copy.) Still chasing for the outcome of the other	2	0	0
Total	173	22	10

19. From this it can be seen that the majority of complaints brought are found to be valid in some aspect of the complaint. Only 13% [27] were not upheld in any aspect.

Alternative Dispute Resolution [ADR]

20. The 2006 guidance *from the department of Health* encourages Authorities to seek ways of resolving complaints outside of the Complaints Procedure; this is known as Alternative Dispute Resolution [ADR]. Methods of resolution include Mediation and conciliation. Of the 173 complaints which were resolved at Stage 1, 6 were as a result of alternative dispute resolution. Of the 22 complaints completed at Stage 2, 5 were resolved by means of adjudication / conciliation meeting. In one of the 10 complaints that proceed to Stage 3 there was an adjudication / conciliation meeting.

Compliance with statutory timescales:

STATUTORY RESPONSE TIMESCALES FOR COMPLAINTS			
	Stage 1	Stage 2	Stage 3
<u>Complaints</u>	10 WORKING-DAYS up to a maximum of 20 working days if the case is complex	25 WORKING-DAYS can be extended to up to 65 working days	30 WORKING-DAYS to set up panel following request 15 WORKING-DAYS for Corporate Director to respond to the panel's findings

21. Of the 254 complaints handled within 2008/2009, 173 were completed at Stage 1.

Stage 1 completion times	Carried over	New	Total
Within timescales	7	114	121
Outside timescales	8	44	52
Total	15	158	173
% of complaints completed within timescale			70%

22. Of the 254 complaints handled within 2008/2009, 22 complaints were completed at Stage 2.

Stage 2 completion times	Carried over	New [9]	Total
Within timescales	1	4	5
Outside timescales	12	5	17
Total	13	9	22
% of complaints completed within timescale			23%

23. Of the total of 254 complaints handled within 2008/2009, 10 complaints were completed at Stage 3.

Stage 3 completion times	Carried over	New	Total
Within timescales	3	1	4
Outside timescales	3	3	6
Total	6	4	10
% of complaints completed within timescale			40%

24. All timescales are monitored by the Customer Relations Service and reminders are sent out where responses have not been given in time. Timescales are affected by different factors; most significantly the availability

of officers and complainants to attend meetings. In the 3 cases in which a Stage 3 panel was not arranged within timescales this was due to difficulties in findings dates which were possible for departmental staff. One panel was delayed due to the lack of availability of the Independent Investigator and two were postponed at the request of the Complainant.

Complaints by Service User groupings:

25. This section relates to the service users on whose behalf complaints were made in the period. Of the 215 complaints received, 73% [185] were made by third parties, acting on behalf of service users.

Age:

0 - 15	2
16 - 25	5
26 - 35	12
36 - 45	10
46 - 55	11
56+	148
N/K	27
Total	215

Gender :

Male	79
Female	133
Multiple [couples]	1
Unknown [group / anonymous – where gender not specified.]	2
Total	215

Ethnic origin:

White & Asian (Mixed)	1
Black African (Black / Black British)	1
White / British	187
Polish (White)	1
Other	2
Not recorded	23
Total	215

Disability:

Alcohol dependency	1
Learning Disability	20
Mental Illness	19
Multiple Disability	4
Physical / sensory disability	137
Other disability	4
No disability	5
Not recorded	25
Total	215

26. From these figures we can see that the typical profile of the service user is of a White/British female aged over 56 with some form of physical / sensory disability which may include frailty, due to old age.

Complaints received in 2008/09 by Service Area:

Older People & Strategic Partnership	95
Mental Health & Learning Disability	24
Physical Disability & Independent Living	53
Transformation of Social Care	1
Strategic Services	42
Total	215

Older People & Strategic Partnership

Assessment Care Management Team (ACMT]	35
Home Care (Adult Commissioning)	11
Home Care (Adult Direct Services)	16
Older People Day Care (In House)	1
Older People Residential (In House)	17
Supporting People (Adult Commissioning)	4
Occupational Therapy	11
Total	95

Mental Health & Learning Disability

CLDT	4
CMHT	4

EDT (Adults)	1
Learning Disability Day Care (MH & LD)	2
Learning Disability Residential (MH & LD)	11
Mental Health Day Care (MH & LD)	1
Mental Health Residential Care (MH & LD)	0
Supported Living (Learning Disability)	1
Total	24

Physical Disability & Independent Living

Adult Care Financial Services [ACFS]	20
County Deaf Team (Adult Commissioning)	1
Physical Disability (Adult Direct Services)	8
Physical Disability Team (Adult Commissioning)	2
Visual Impairment	2
Occupational Therapy	2
Inter Agency Planning	1
Supported Employment & Catering	9
Hospital (Adult Commissioning)	8
Total	53

Transformation of Social Care

Self Directed Support	1
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Strategic Services

Home Care (Independent Sector)	37
Older People Residential (Independent Sector)	4
Welfare Rights	1
Total	42

27. From this it can be seen that Older People and Strategic Partnership is the service area which is most vulnerable to complaints. This is to be expected, given the proportion of services offered to this section of the overall client populations.
28. In the period there have been 4 complaints which have been made by carers with regard to services which they have received in their own right. These are included in the figures for the relevant service above, and are:

Assessment Care Management Team (ACMT]	1
Home Care (Adult Commissioning)	2
Physical Disability	1

Categories of complaint

29. All complaints are categorised under headings which most closely approximate to the entire complaint. In reality the majority of complaints cover a range of different concerns sometimes covering more than one service area.

30. The categories of complaint used in the period 2008-09 were:

Enabled to live independently	2
Attitude of staff (treated unfairly)	11
Breached confidentiality	4
Change to services provided	6
Delayed response to request for services	16
Disagreement with assessment	25
Failure to assess	4
Failure to provide services needed	19
Failure to respond	2
Given name of workers	10
Lack of consultation/involvement in decisions	8
Poor/lack of communication	27
Treat with courtesy / respect	4
Quality of service provided	67
Right to complain [Unclear category of complaint]	8
Withdrawal of services	1
Policy as it affects an individual	1
Total	215

31. These figures indicate that the dignity of the service users has been affected by the action / inaction of the department in at least 13% of complaints [27] under the categories of:

- Treat with courtesy / respect
- Attitude of staff (treated unfairly)
- Breached confidentiality

- Lack of consultation/involvement in decisions.

Maladministration resulting in financial settlement

32. Section 92 of the Local Government Act, 2000, allows for a Local Authority to make a payment or to provide some other form of benefit to a person if it considers that there has been maladministration and that the person has been adversely affected by that maladministration. This may be decided at any stage in the Complaints Procedure and does not involve the LGO. It is a requirement that the Nottinghamshire County Council Payment for Maladministration policy is used to determine the amount payable.
33. In the period 2008-2009 there was 1 payment made as result of maladministration where there was no involvement by the LGO. In this case a sum was paid to an elderly service user in recognition of the failure of the department to provide appropriate care within one of its residential care homes and a smaller additional sum was paid to the relative who brought the complaint for time and trouble.
34. There were 7 complaints in which fees were waived/reimbursed and in one a small consolatory payment was made where the department accepted a degree of fault which may not have amounted to maladministration. Payments made / fees waived ranged from £35:00 to £8,760:00. The total amounted to a round figure of £13,435:00

Number of Complaints considered by the Local Government Ombudsman [LGO]

35. A complainant may approach the LGO at any point during or after the Complaints Procedure. Where the LGO considers that the Council has not had the opportunity to respond to a complaint under its procedures the complaint will be deemed 'premature'. Where the LGO undertakes enquiries and recommends action which is agreed by the Council this is termed a 'Local Settlement'. If the LGO completes an investigation a Public Report will be issued.
36. During the period April 2008–March 2009, the LGO considered 3 complaints.
 - 1 of these was deemed to be a premature referral and was put back into the Complaints Procedure.
 - 1 was first deemed to be premature but was later accepted after it had been to Stage 2 of the Complaints Procedure. The outcome of the complaint at Stage 2 was a finding that the department had not been provided with the information it needed to carry out an assessment. The complainant subsequently agreed to allow the department to access this information and a facility in the person's home was recommended. However, the LGO recommended a payment in recognition of the delay in the provision of the facility.

- 1 was closed by the Ombudsman without any criticism of the department.

Date Received	Premature Yes / No	Comments
05/08	Y	Cased closed by Ombudsman 05/09 (£500 paid out for delay in provision)
06/08	Y	Cased closed by Ombudsman 04/09
03/09	N	Cased closed by Ombudsman 05/09

Compliments

37. During the period 2008-2009 a total of 189 compliments were received at Customer Relations Service:

Older People & Strategic Partnership

Assessment Care Management Team (ACMT]	26
Home Care (Adult Commissioning)	4
Home Care (Adult Direct Services)	34
Older People Day Care (In House)	8
Older People Residential (In House)	37
Supporting People (Adult Commissioning)	2
Occupational Therapy	33
Total	144

Mental Health & Learning Disability

CLDT	1
Learning Disability Day Care (MH & LD)	2
Learning Disability Residential (MH & LD)	1
Mental Health Day Care (MH & LD)	2
Total	6

Physical Disability & Independent Living

Physical Disability Team (Adult Commissioning)	2
Visual Impairment	12
Supported Employment	4
Transport & Catering Services (Adult Direct Services)	1
Hospital (Adult Commissioning)	2
Total	21

Strategic Services

Welfare Rights	1
Administration (Development & Support Services)	8
Customer Relations Service	9
Total	18

Additional compliments [not logged on Respond]

Training courses	4
Other	16
Total	20

Comments (representations)

38. A comment is defined as an expression of concern raised by a member of the public about the activity / proposed activity of the department which is not related to a named service user. This will typically be a comment on a policy adopted by the department and, as such will be passed to the relevant Service Director for a response.
39. In the period April 2008 to March 2009, 1 comment was made about the perceived lack of facilities for adults with learning disabilities in the Broxtowe locality. [This compares to 5 comments in the period 2007/09].

Complaints dealt with under Corporate Procedures

40. In September 2008 the Adult Social Care and Health Senior Leadership Team made a decision that the right of people to complain under the statutory Complaints Procedure should be extended to anyone wishing to complain about the action / inaction of the department. Prior to this some complaints, for example about poor driving of Nottinghamshire County Council vehicles carrying out the department's business would have been dealt with under the Corporate Complaints Procedure.
41. In the period April 2008 to March 2009, 9 complaints were dealt with under Corporate Procedures.

Analysis of information: Effectiveness of the Complaints Procedure

42. In the period Customer Relations Service has handled a total of **254 complaints** in comparison to a total of 282 in 2007/2008. The majority of complaints [173] have been completed successfully at Stage 1 of the procedures and there has been no need for them to be considered further.
43. In the period 2008/2009 the Customer Relations Service has commissioned a total of 37 investigations at Stage 2 [32 of these were completed within the period and 2 have been carried over to 2009/2010]. This marks a significant

increase from the previous year in which 28 investigations were commissioned.

44. Twenty-two (22) complaints have been concluded at Stage 2 of the procedures. This compares to 23 which were completed in 2007/2008 but it marks an increase in the percentage of the whole; 22 % as opposed to 6% in the previous year, suggesting that in 2008/2009 the department was less successful in dealing with complaints at the early stage.
45. An analysis of the complaints investigated in 2008/2009 shows that, of the 32 complaints completed within the period, 5 were carried out by internal complaints investigation and mediation officers and 27 by Independent Investigators. In 4 investigations, where the service user was a vulnerable adult an Independent Person was also appointed to ensure that the voice of the service user was properly heard.
46. There is an inevitable cost implication in the increased use of Independent Investigators. The average cost of taking a complaint through the second stage of the complaints procedure, without accounting for officer time and administration costs, is £1,800:00. Clearly, it behoves the department well to take action to limit the number of complaints which proceed to the 2nd and 3rd stage of the procedures. Under the new complaints procedure, introduced in April 2009, all complaints will be processed by the Customer Relations Service. They will be assessed and an individualised and proportionate response and timescale will be agreed. A great deal of emphasis is placed on resolving complaints as promptly as possible and initial information indicates that there could be a decrease in the need for investigations.
47. Of the 32 complaints completed within the period, 10 have gone on to Stage 3 at the request of the complainant. This marks a significant increase in complaints which have gone through the entire process as there were no panels in 2007/08. Although 10 is a small proportion [4%] of the total of 254 complaints dealt with in 2008/2009 it is significant as it indicates that approximately 33% of complaints which were considered at stage 2 were not resolved through the investigation / adjudication process. The average cost of taking a complaint to stage 3 of the process is approximately £3,000. There is no facility under the new 2009 procedures for holding reviews of complaints by an independent panel.
48. Under the procedures in operation at the time covered by this report the Complainant had the right to request that her/his complaint be considered at Stage 3 of the procedure if s/he was dissatisfied with either the investigation or the response received from the department. This meant that the final decision as to whether a complaint moved from Stage 2 to Stage 3 rested with the complainant.
49. An analysis of the complaints which proceeded to panel indicates that only one adjudication / conciliation meeting was held before the decision to go to Stage 3. It is not always possible or appropriate to offer to meet with the complainant at the end of Stage 2 and a meeting is not always acceptable to complainants, particularly those who favour the formality and the independent

element of a complaints review panel. However, experience suggests that where a meeting is held it can prevent the need for a Stage 3 panel.

50. The information available in this report indicates that there are ongoing problems in dealing with complaints within the prescribed timescales. Seventy per cent of the complaints completed at Stage 1 were within timescales where only 23% of those considered at Stage 2 were within timescales. This percentage improved to 40% of the complaints which were completed at Stage 3. There are a number of factors which affect the ability of the department and of the Customer Relations Service to complete work within the prescribed timescales; difficulties in accessing key staff or vital recorded information, staff sickness / leave; complainants' sickness / holidays. In all cases at Stages 2 and 3, where complaints have over-run the complainant has been kept informed and given an explanation. Under the new complaints procedure introduced in April 2009 there are no set timescales; each complaint will have a timescale agreed with the complainant and the department. It is hoped that this will result in more meaningful timescales being set although the vagaries described will always be a factor in any complaints handling.
51. As with 2007/2008 the statistics for 2008/2009 indicate that the average person who uses the complaints procedure, either on their own behalf or through a representative, is female, White/British, and aged over 56 years with a physical or sensory disability. This is statistically explicable in terms of the breakdown of society and of service users but it does suggest that a significant proportion of what are termed 'hard to reach' groups may not be being empowered to access the Complaints Procedure. In 2009 plans have been made to meet with voluntary groups and service user groups to give them information about the new Complaints Procedure and to talk to them about barriers to making complaints. A new simplified leaflet for all Service Users was designed and distributed on 07 May 2009 and work is currently under way to look at other means of reaching those groups who do not readily access the Complaints Procedure.
52. There have also been a number of compliments reported to the Customer Relations Service. Interestingly the services which figure quite highly in the areas most complained about; ACMT and Older People Residential Care (direct service) also figure highly in the statistics about compliments; ACMT (26, in comparison to 10 last year) and Older People Residential Care (37, down from the 48 received last year).
53. The Sensory Impairment Team (Visual) has received 12 compliments in comparison to 2 last year and Occupational Therapy Services have received 33 compliments, as opposed to 9 last year.
54. Despite an article in Grapevine (in-house magazine) and a reminder e-mail from the Senior Leadership Team, compliments are still not well reported and there is work currently underway with the Performance Improvement Team to link examples of Best Practice with compliments to provide an accurate picture of the good work undertaken by the department.

Analysis of information – lessons learned from complaints and compliments

55. In this year's report all complaints have been broken down under the 5 Service Areas to give a clear picture of the 'hot spots' as indicated by the numbers of complaints. The numbers of complaints received reflect the break down of services provided by the department; with Older People and Strategic Partnerships having the highest number of complaints. Interestingly, these proportions are not reflected in the numbers of complaints which went on to Stage 3 where 5 complaints relate to services for people with learning disabilities, 3 older people and 2 physical disability.
56. The numbers of complaints received suggest that problem areas for the Department are with:
- Assessment and Care Management Team (the commissioning of services for older people) - [35]
 - Home Care services provided by the Independent Sector - [37]
57. Lower by a considerable number, but also significant are:
- Adult Care Financial Services - [20]
 - Home Care (direct service) - [16]
 - Older People Residential Care (direct service) - [17]
58. An analysis of the 22 complaints which were resolved at Stage 2 shows that there are a number of trends which have emerged:
- In 2 cases there was a failure to provide the necessary Home Care services in the area to support an elderly person to live at home. In one of these cases it proved necessary for the family to make private arrangements to place their relative in a residential care home for a period when their own personal circumstances made it impossible for them to care for him. As a result the department reimbursed the cost of that period of care. Considerable work is already underway to improve the quantity and quality of commissioned services, to have available the right package at the right time to meet the needs of individuals. It is recognised that, particularly in the more rural parts of the county, it can be difficult to match peoples' requirements with available services.
 - In 3 cases the failure of the department to properly explain (or to demonstrate that it had properly explained) the charging system for residential care led to complaints being upheld against the Department and fees being waived. While this is often a cost effective and reasonable way of resolving complaints it highlights the need for the department to look closely at the training given to staff on advising service users and their families about charging systems.
 - In 6 cases the ACFS was found to have contributed to the complaints against the Department being upheld. As with the cases referred to above, financial systems can be extremely complex and difficult for lay people to

understand. In one case a considerable debt was written off due to delays in the amount of time taken to complete a financial assessment. Recommendations from complaints have required systems and methods of communication in ACFS to be reviewed. Refresher training has been put in place for staff to address some of the problems highlighted through complaints.

- In 2 cases the care practices in Independent Sector residential care homes were criticised and this led to a tightening of internal systems and to an alert to the relevant monitoring officers. In one case the cost of the short term care was reimbursed and the cost of an additional week's stay at another care home was covered.
 - In 1 case problems with electronic systems led to a referral getting 'lost' this resulted in a decision to reimburse the complainant with the amount of money which she might have received at the time to cover the cost of care, had the assessment been carried out at the time of the referral, with a small addition to cover time and trouble.
 - 5 of the complaints indicated that there can be a problem with the way in which the department responds to complaints. 2 complaints suggested the need for additional training of managers to assist them to demonstrate that they are listening to complaints and are able to empathise with the position of the Service User and to offer a meaningful apology where appropriate. In 2009 a new training programme, 'Complaints Made Easy', is being delivered by Customer Relations Service to any group of managers / team who request it. 2 of the complaints in particular demonstrated the need for officers to recognise expressions of dissatisfaction as complaints and to deal with them in accordance with the Complaints Procedure. One of these complaints led to a small payment being made in recognition of the time and trouble taken by the complainants in pursuing their concerns on behalf of a relative with a learning disability. Another complaint highlighted potential problems where the issues raised needed to be addressed under both Safeguarding and Complaints Procedures. This issue has been addressed as part of the new procedures, 2009.
59. Of the 10 complaints which were not resolved at Stage 2, and were considered by an independent complaints review panel, it is harder to see any clear patterns; each complaint raised issues which were significant to the individuals concerned but did not necessarily highlight areas of general learning.
- 5 cases related to services for people with learning disabilities. Two of these complaints related to the impact of the department's actions on members of the family of service users; in one of these a discrepancy was highlighted between the recorded recommendations of a case conference and the information conveyed to an individual concerned. This directly affected the action of the individual in respect of her links with members of her family. The three others related to the level and quality of services available to people with significant and moderate learning disabilities.

- 2 complaints related to services for people with physical disabilities; one was about an OT assessment and the other related the decision of the department to bar an individual from attending a Day Service. The complaint highlighted the need for all day services (and residential services) to have clearly set out expectations regarding the behaviour of service users and a means of addressing problems which might occur. The Customer Relations Service understands that this action has been put in place by the relevant Service Head
- 3 complaints related to services for older people. One highlighted the difficulties which the Department can encounter when members of the family of a Service User disagree about what is / is not in the person's best interests. One related to the standard of care available under the Extra Care Scheme and one related to the standard of care offered in one of the department's residential care homes. This complaint has resulted in an independent review of the auditing systems within Nottinghamshire County Council care homes for older people.

Priorities for 2009 / 2010

60. New regulations² on the joint social care and health complaints procedure were published on 27 February 2009 and come into force on 01 April 2009. The Department of Health issued guidance in April 2009³.
61. In response to the above the department issued an interim set of procedures aimed at giving officers greater flexibility to respond to complaints and to encourage a culture that both seeks out and then uses people's experiences of care to improve quality. These procedures were made available to staff from 01 April 2009. A new leaflet for service users was designed and distributed within the same month.
62. Through the interim procedures the Customer Relations Service has established a new way of complaints handling which is person-centred and proportionate, based on an assessment of the seriousness of each complaint to the person making it and to the department. The Customer Relations Service is currently in the process of making links with Service Users, Carers and Voluntary Groups to ensure that they are aware of the new procedure and are able to contribute to the planned review which will take place in the autumn. The Customer Relations Service has also set up a Peer-group forum to encourage managers who are dealing with complaints to express their views about the efficacy of the new procedure and how it might be improved to maximise the benefits to service users and the department.

² Statutory Instruments 2009 No. 309 NATIONAL HEALTH SERVICE, ENGLAND SOCIAL CARE ENGLAND. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

³ Listening, Responding Improving – a guide to better customer care [Department of Health, 2009]

63. Over the period 2009/2010 it is the intention of the Customer Relations Service to:

- Continue to develop good practice in complaints handling within the Customer Relations Service team
- Develop systems which ensure that lessons learned from complaints are translated into measurable practice improvements.
- Offer training to staff across the department [Senior Leadership Team undertook training in October 2009]
- Make and consolidate links with service user and carer groups to ensure that all sectors of the client population are able to access the complaints procedure as appropriate.
- Conduct a review of the new interim procedure from October 2009 for finalisation in January 2010.

Statutory and Policy Implications

6.4 This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder, and those using the service. Where such implications are material, they have been described in the text of the report. Members' attention is, however, drawn to the following:

Implications for Service Users

65. The complaints procedure is designed to give service users the right to comment on the services that are provided by the Social Services Department. An effective complaints procedure will help the department in the improvement of its services.

Human Rights Act Implications

66. The spirit of the Human Rights Act is embedded in the complaints procedure. The improvements identified in the report and those planned for the coming year will further ensure that the rights of service users under the act are protected.

RECOMMENDATIONS

It is recommended that:

- (a) This report be accepted by the Standards Committee.
- (b) This report be made available to the Local Government Ombudsman, complainants, and other interested parties by publishing it on the Nottinghamshire County Council website and on the intranet for staff.

DAVID PEARSON
Corporate Director
Adult Social Care and Health

Legal Services' comments (KK 26/11/2009)

67. Consideration of the report is within the authority of the Committee. The Committee must decide whether, having regard to the contents of the report, any further action is necessary in relation to the areas covered by the report.

Comments of the Service Director (Finance) (RWK 01/12/2009)

68. There no financial implications arising from this report.

Background Papers Available for Inspection

69. None available.

Electoral Division Affected

70. Nottinghamshire

Comm/SC2