

Delivering the Difference Together



Putting the people of Staffordshire first



COMPLAINTS TEAM
STATUTORY ANNUAL REPORT 2016-17
ADULT SOCIAL CARE

CONTENTS

Section	Page
Introduction	3
Criteria for Accessing Statutory Complaints Procedure	4
Overview	4
Comparison From Previous Year	5
Staffordshire County Council Adult Social Care Services	5
Stage 1 Local Investigation – Council (Nature of Complaint, Outcome and Recommendations Response Timescales)	7
Stage 1 Independent Investigation – Council	14
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 Timescales	16
Stage 1 Independent Investigation – NHS Partnership Trust	24
Local Government Ombudsman	25
Summary of Local Government Ombudsman Complaints	30
Compliments	30
Other Activity	31
Commissioned Services	31
Service Approach 2015/16	32

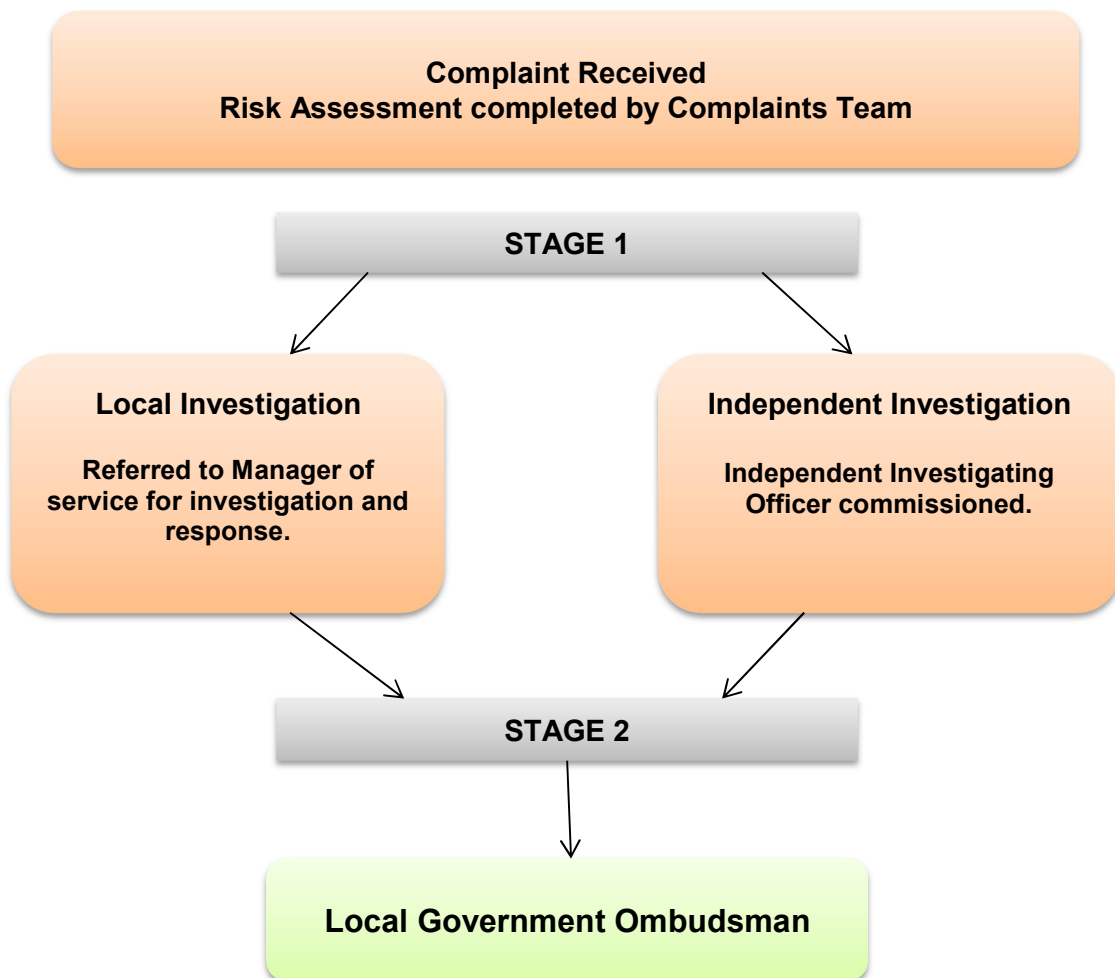
Introduction

This report provides information about complaints made during the twelve months between the 1 April 2016 and the 31 March 2017 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 2016/17.

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 Ombudsman ensures that the Local Authority is able to take steps to resolve complaints locally where possible.

There has been a 53% increase in complaints received by Staffordshire County Council this year. This is due to the increase in complaints received regarding the financial re-assessment's for non-residential care. The number of complaints investigated at the 'Independent Investigation' stage, has reduced by 60%, with one complaint concerning the care provided by a 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 £3,300 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 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 bills which were often over 12 months old. This remains a consistent theme with the last reporting year.

As a result of care charges not being discussed with service users prior to a care package / respite being arranged, 13% of the complaints received resulted in charges being waived.

25% 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 investigation's 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 2016 and 31st March 2017, the Customer Feedback and Complaints Team received 250 complaints that have been directed for Local Investigation (115 County Council and 135 Partnership Trust).

Independent Investigations

Between 1st April 2016 and 31st March 2017 the Customer Feedback and Complaints Team undertook two Independent Investigations. Both investigations were undertaken by Staffordshire County Council.

Local Government Ombudsman Complaints

Between 1st April 2016 and 31st March 2017, the Local Government Ombudsman received and considered 21 complaints which related to a service provided by Adult Social Care.

Comparison with Preceding Year

This year's figures indicate a 53% 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 2% increase in the Local Investigation of complaints regarding services provided by Staffordshire and Stoke on Trent Partnership Trust. 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.

SCC Adult Social Care Services		
	2015/16	2016/17
Local Investigation	54	115
Independent Investigation	5	2
Local Government Ombudsman	10	12

Partnership Trust Adult Social Care Services		
	2015/16	2016/17
Local Investigation	132	135
Independent Investigation	0	0
Local Government Ombudsman	10	9

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.

115 complaints were recorded under Stage 1 – Local Investigation during 2016/17. 39 of the complaints received were for the Welfare Benefit's Service, 28 complaints relating to the outcome of financial assessments.

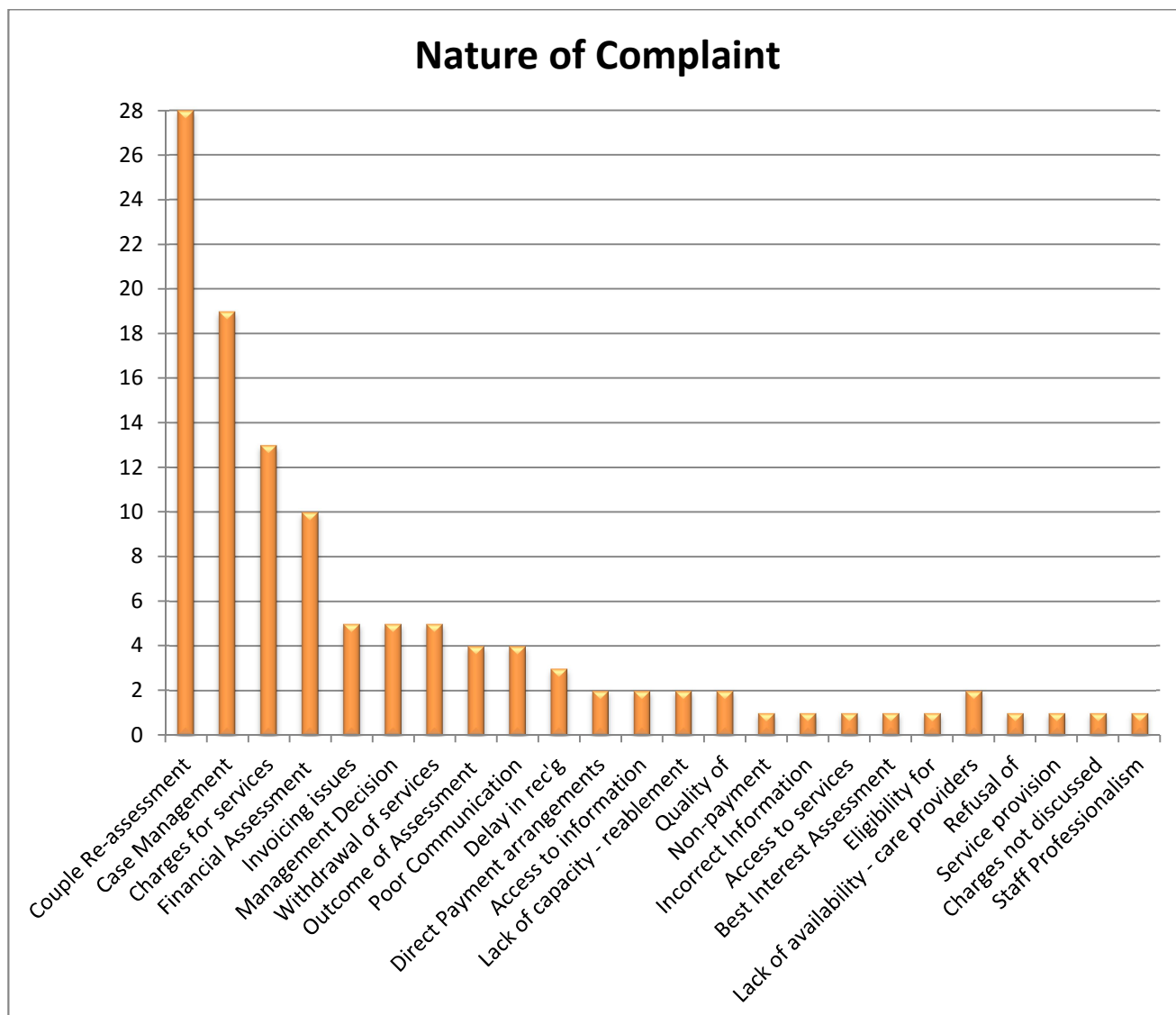
Service	District (if applicable)	Number
Independent Futures		
	<i>Lichfield</i>	3
	<i>Stafford</i>	9
	<i>Cannock</i>	2
	<i>Moorlands</i>	1
	<i>Newcastle</i>	6
	<i>East Staffs</i>	4
	<i>Tamworth</i>	2
	<i>South Staffs</i>	5
	Total	32
Staffordshire Independent Service		1
Welfare Benefits Service – Financial Assessment's		39
Joint Finance Unit		19
Direct Payments Team		4
Extra Care Funding		3
Older People and Physical Disability		4
Fixed Equipment Team		4
Residential Home (<i>external providers</i>)		2
Deputyship and Deprivation of Liberty Safeguards		1
Mental Health (Advanced Mental Health Practitioner)		1
Emergency Duty Service		2
Legal Services		3
Total		<u>115</u>

25% 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.

Independent Futures received 28% of complaints investigated. This is 9% rise from the previous year.

Summary of Complaints Received – Adult Social Care (Council)

A total of 115 complaints were received concerning Adult Social Care services provided by the Council during the period 2016/17. The chart below provides an overview of the nature of the complaints received.

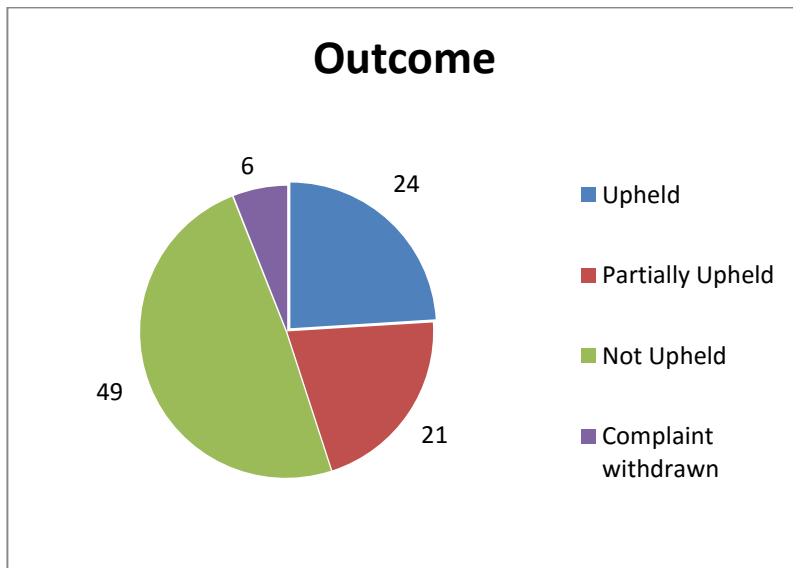


25% of complaints received related to the couple's financial re-assessment for non-residential charges which have taken place following the implementation of the Care Act 2014 and the changes made by the Council to how the rules are applied.

17% 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 19 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.



Complaint closure information was not shared for **14** complaints; therefore outcomes have not been recorded.

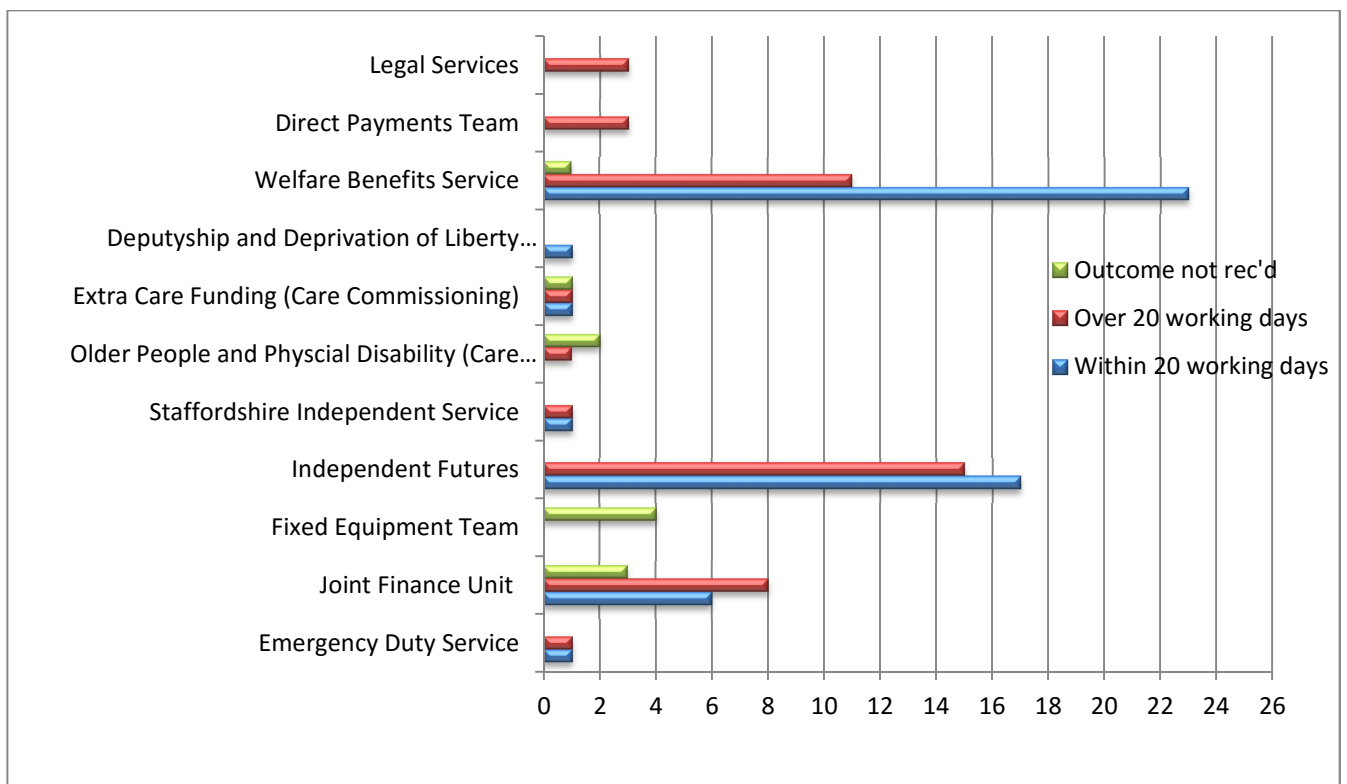
52% of complaints closed were Not Upheld and **26%** were Upheld.

63% of the complaints which were Not Upheld were in respect of complaint's relating to couple's financial re-assessments.

The timescale for responding to Stage 1 – Local investigation complaints is 20 working days.

A total of 53% of complaints were responded to within timescale and 48% were closed out of timescale.

The chart below provides information on the response timescales for Local Investigations during 2016/17

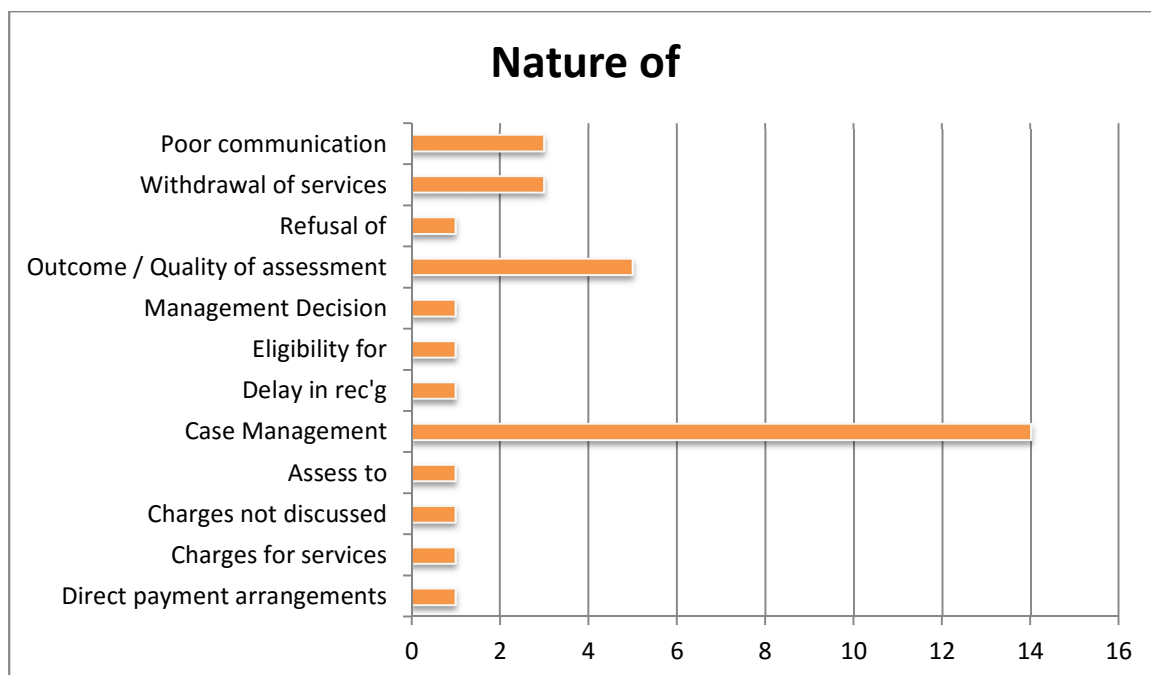


Stage 1 – Local Investigation Adult Social Care (Council) – Breakdown of Nature of Complaint and Outcomes by service

The charts below show the nature of complaint and outcome for services areas within Staffordshire County Council during 2016/17.

Independent Futures (including Staffordshire Independent Service)

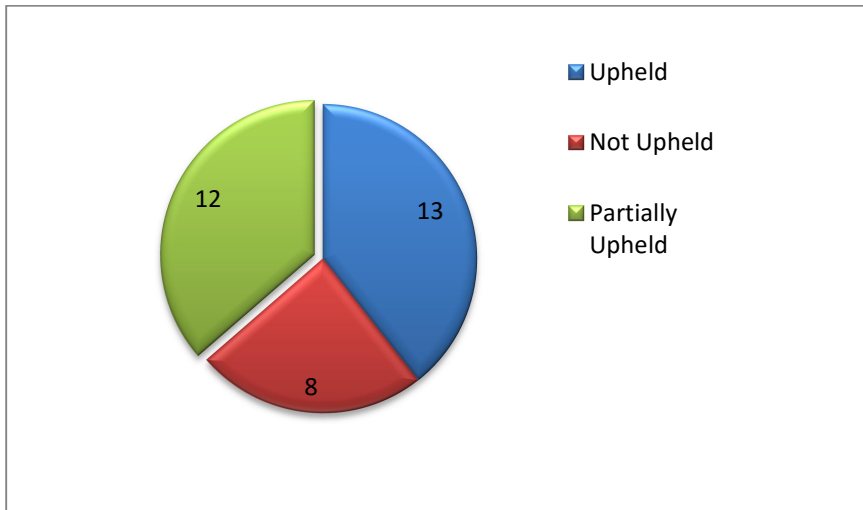
There has been a 9% rise in complaints received for Independent Futures this reporting year in comparison with the previous year.



42% of complaints received for Independent Futures were regarding Case Management* and 15% of complaints were in respect of the quality / outcome of a social care assessment.

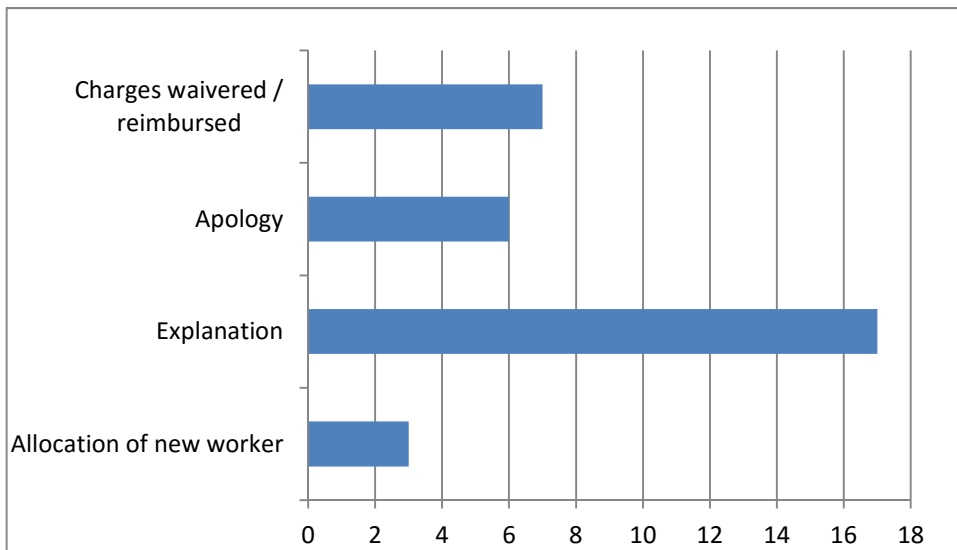
**Case Management category is used when the complaint refers to more than one concern and general management of the a case e.g. poor communication, delays in receiving a service, telephone calls not returned etc.*

Outcome of complaint



39% of complaints were Upheld and **24%** of complaints closed were Not Upheld. All complaints were investigated and a formal letter of response was provided.

Recommendation / Learning Action



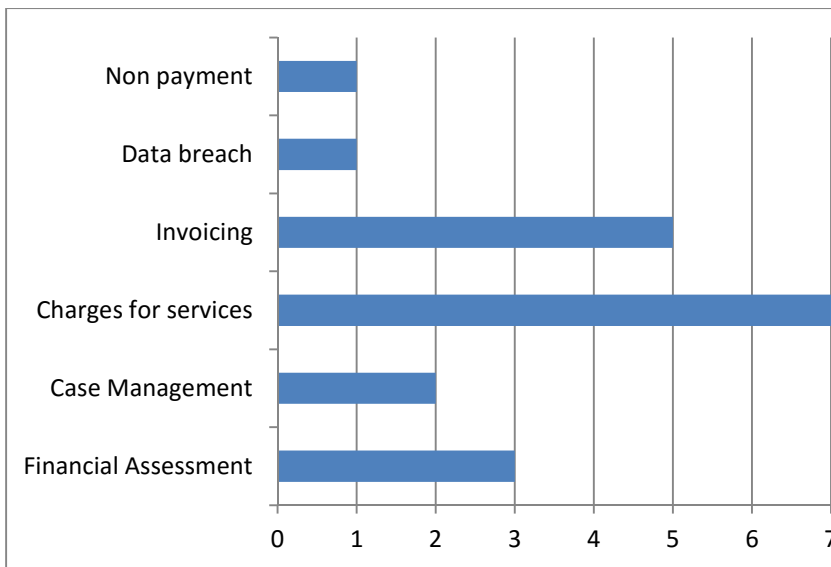
70% of complainants were offered an apology / explanation as a result of the complaint investigation. **21%** of complaints resulted in charges for services being reimbursed or waived.

Organisational Learning;

- Address complaint with staff member during supervision session;
- Staff Training – 1 complaint investigation identified a gap in staff training in respect of the previous client record system and how to access information stored prior to September 2013.

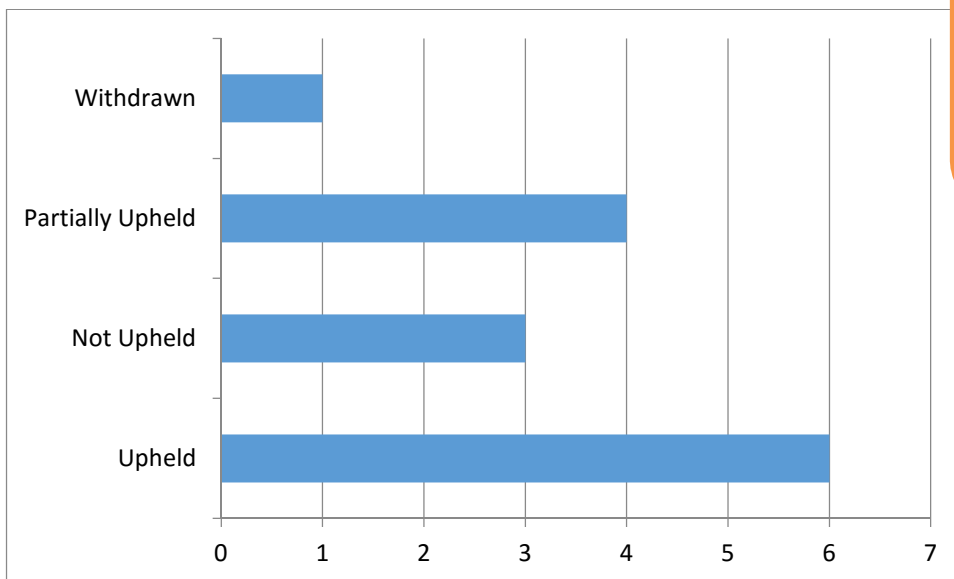
Joint Finance Unit (including Adult Financial Services and Debt Recovery)

Nature of Complaint Outcome



60% 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.

Outcome of complaint



5 complaints remain open for the following reasons;

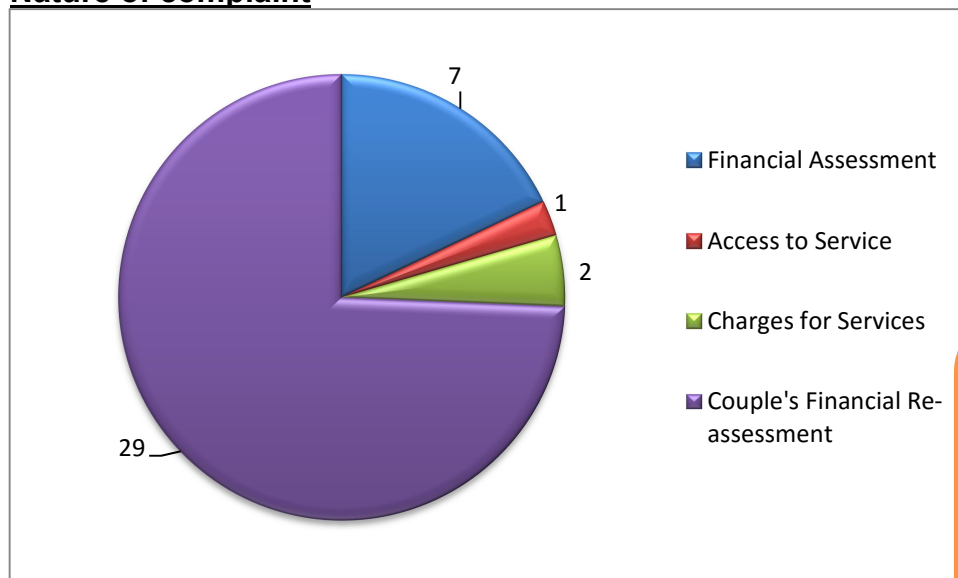
- Outcome not received from service.
- Complaint still under investigation

Resolutions and Organisation Learning

- Apology provided where complaints were Upheld
- Explanation of events provided to complainant
- Payment Plan offered to service user in order to pay a large invoice
- 2 complaint resulted in charges being reduced by £500.
- 1 complaint resulted in the invoice being waived in full.

Welfare Benefits Service

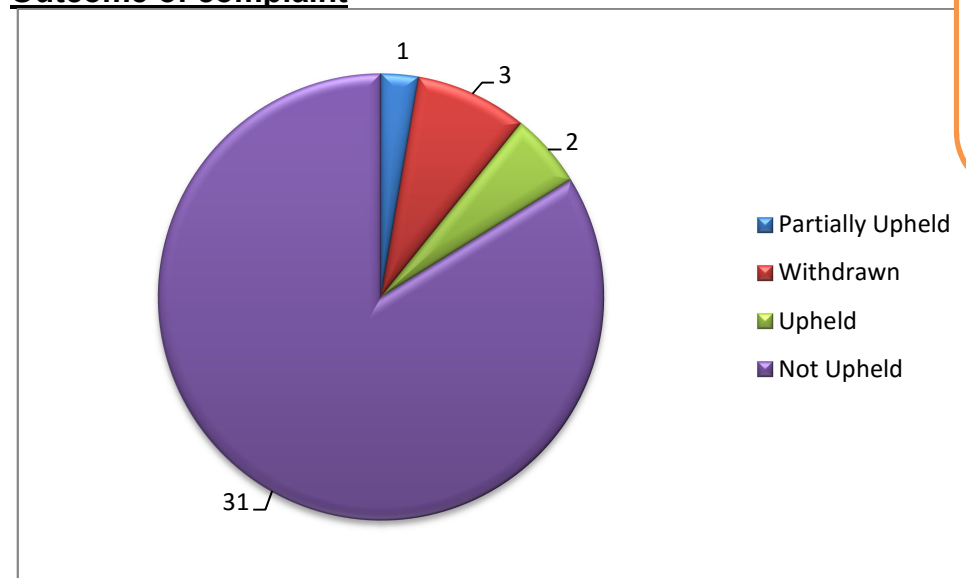
Nature of complaint



74% of complaints were regarding the outcome of the Couple's Financial Re-Assessment For Non-Residential Care.

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

- Apology provided where complaints were Upheld.
- Explanation of events provided to complainant.
- 1 complaint was offered a time and trouble payment of £250.
- The outcome of 1 complaint resulted in a financial assessment being updated and the service user being credited a sum of money.

Other services

	Direct Payments Team	Care Commissioning			Residential Establishment	Deputyship and Deprivation of Liberty Safeguards	Mental Health (Advanced Mental Health Practitioner)	Emergency Duty Service	Legal Services
		Extra Care Funding	Older People and Physical Disability	Fixed Equipment Team					
Nature of complaint	Delay in receiving. (2) Poor communication. (1) Direct Payment arrangements (1)	Withdrawal of services (3)	Lack of availability – care provider (2) Lack of capacity – reablement (2)	Management Decision (4)	Service Provision (1) Quality of service (1)	Best Interest Assessment (1)	Case Management (1)	Staff Professionalism (1) Access to information (1)	Case Management (1) Charges for services (2)
Outcome	Upheld (1) Partially Upheld (2) Not Upheld (1)	Partially Upheld (1) Withdrawn (1) Outcome not received from service (1)	Upheld (1) Resolved (1) Outcome not received from service (2)	Outcome not received from service (4)	Not Upheld (2)	Not Upheld (1)	Withdrawn (1)	Not Upheld (1) Upheld (1)	Partially Upheld (1) Not Upheld (2)
Recommendation / Organisational Learning	Explanation (2) Apology (2)	Meeting arranged with family (1) Explanation (1) Outcome not received from service (1)	Explanation (1) Outcome not received from service (2)	Outcome not received from service (4)	Explanation (2)	Explanation (1)	n/a	Explanation provided (2) Reinforce Procedure / practice with staff 1)	Charges Waivered (1) Explanation (2)

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 2 complaints independently investigated during 2016-2017.

Details of the complaint investigations and outcomes are detailed below.

Service	Nature of Complaints	Outcome	Recommendations
Domiciliary Home Care Agency – Kare Plus (Stafford)	Kare Plus Stafford failed in its duty of care towards the service user and as a consequence of this put him at risk of harm from 11th June 2016 to 25th June 2016.	Partially Upheld	<ul style="list-style-type: none"> An apology to be provided to the complainant and service user by Kare Plus Stafford for the failings identified; <ul style="list-style-type: none"> - Non adherence to agreed care times. - Missed evening care visits on two occasions. - Care workers not wearing aprons. <p>All actions are shared with the home care agency via the Contract Monitoring Officer's, Staffordshire County Council.</p>
Staffordshire Independent Services	The Provider believes that their service has been treated less favourably by the Council in comparison to other Day Opportunity 'providers'	Partially Upheld	<ul style="list-style-type: none"> An apology is provided. Officers concerned are debriefed with regards to the findings of the investigation and information considered. Independent Day Opportunity providers should hold a copy of the Council's 'Right to Complain' documents and encouraged to support the process of complaint resolution. Action is taken to evaluate the effectiveness and use of the web 'Staffordshire Market Place' The terms of reference for the Council's Learning Disability Partnership Board are reviewed and revised where required. Consideration is given to the

introduction of procedures and / or information to guide Officers in the process of selecting services with service users to ensure that choice is properly managed

- The Complainants are invited to meet with the Council with the intention of restoring positive relationships
- The Complainants, along with other providers, are invited to contribute to the ongoing shaping of service arrangements as indicated during Engagement Meetings.

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 135 complaints were investigated under Stage 1 - Local Investigation of the Statutory Complaints Procedure for Adult Social Care services. This is a 2% increase in comparison to the number of complaints received in previous year.

Service	North		South						Total
	Moorlands	Newcastle	Stafford	Cannock	Lichfield	Siesdon	Tamworth	East Staffs	
Integrated Locality Care Team	5	16	28	13	15	10	7	7	101
Community Intervention Service	-	1	1	1	3	-	3	1	10
- Community Hospital	1	4	-	1	-	1	-	1	8
- Discharge Team	-	1	2	1	-	-	1	-	5
Intermediate Care & Enablement	-	-	-	-	-	-	1	-	1
Integrated Therapy Team	1	-	-	-	3	-	1	4	9
Able 2 (commissioned Occupational Therapy Service)	1	-	-	-	-	-	-	-	1
Total	8	22	31	16	21	11	13	13	<u>135</u>

75% of complaints investigated were regarding services provided by the Integrated Locality Care Team (ILCT) with 27% relating to the Stafford District and 15% for Newcastle. There is 24% increase in complaints in comparison with the previous

There has been a 57% reduction in complaints received for the Community Intervention Service in comparison with the previous year.

Stafford District have received the highest proportion of complaints with 22%, 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 2016/17.

Nature - North	Integrated Locality Care Team	Integrated Therapy Team	Able 2 (Occupational Therapy - commissioned service)	Community Hospital	Hospital Discharge Team	Community Intervention Service	Total
Case Management	7	1	-	2	1	-	11
Direct Payment Contribution – lack of information	1	-	-	-	-	-	1
Standard of	-	-	1	-	-	-	1
Delay in receiving	4	-	-	2	-	-	6
Social Worker decision	1	-	-	-	-	-	1
Safeguarding investigation	1	-	-	-	-	-	1
Quality of service	1	-	-	-	-	-	1
Invoice issues	3	-	-	-	-	-	3
Eligibility for	1	-	-	1	-	-	2
Information provided	1	-	-	-	-	-	1
Poor communication	-	-	-	-	-	1	1
Staff Attitude	1	-	-	-	-	-	1
Total	21	1	1	5	1	1	<u>30</u>

21 complaints were received for the Integrated Locality Care Team's within the North with 5 for the Moorlands area and 16 for Newcastle. 19% of complaints received were regarding a delay in receiving a service and 35% were regarding the case management of cases. The Community Intervention Service, including Community Hospital's and Hospital Discharge Team, received 7 complaints (6 for Newcastle and 1 for Moorlands).

Outcome - North	Integrated Locality Care Team	Integrated Therapy Team	Able 2 (Occupational Therapy - commissioned service)	Community Intervention Service	Community Hospital	Hospital Discharge Team	TOTAL
Upheld	6	-	1	-	3	-	10
Not Upheld	2	-	-	-	1	-	3
Partially Upheld	11	-	-	1	1	1	14
Withdrawn – Resolved be Team	2	-	-	-	-	-	2
Total	21	0*	1	1	5	1	<u>29*</u>

*Please note that 1 complaint remains 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 2016/17.

	Integrated Locality Care Team	Integrated Therapy Team	Able 2 (Occupational Therapy - commissioned service)	Community Intervention Service	Community Hospital	Hospital Discharge Team	TOTAL
Explanation	3	-	1	1	2	-	7
Apology	6	-	-	-	2	-	8
Payment plan offered	2	-	-	-	-	-	2
Charges waived	4	-	-	-	1	1	6
Reimbursement of monies	2	-	-	-	-	-	2
Re-assessment	1	-	-	-	-	-	1
Meeting / Review	1	-	-	-	-	-	1
Withdrawn – Resolved be Team	2	-	-	-	-	-	2
Total	21	0	1	1	5	1	<u>29</u>

***Please note that 1 complaint remains open and 2 complaints were withdrawn / resolved by the service, and therefore there were no recommendations recorded.**

As a result of making a complaint 27% 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)

- Learning shared with the team in regards to being compassionate about patients and relative's opinions around joint visits.
- For assertive action to be taken for recovery of debt when issues are identified. Earlier identification of cases and a clear pathway is needed for the process of debt recovery. Self-Directed Support Team, Staffordshire County Council to ensure that the district teams (adult social care) are aware of cases needing urgent review and provide clarity of issues.
- For the worker to reflect on the outcome of the complaint in respect of the responsiveness of communication. For the learning outcomes to be discussed at the Moorlands Adult Service Committee and the Northern Divisional Business Meeting around their responsiveness of communication from social care workers to service users/carers.
- For Integrated Locality Care Team Leaders to cascade to teams the importance of timeliness of addressing/updating protection plans and to be person centred and outcome focussed in decision making/responsiveness as advised by the Care Act. Social care staff are to be reminded that good practice entails service provider feedback forms being submitted to residential/nursing homes when planned actions are prolonged and for the safe staffing escalation policy to be presented to the social care teams.
- To remind staff to update assessments and documents in a timely manner to ensure that information is shared with other colleagues in a timely manner.
- To remind staff to ensure that requests for information are dealt with in a timely and effective manner.
- To discuss with the staff member the charging process for residential care, including what information should be given to service users/ family and what paperwork should be completed including quality assurance and financial referral.
- To discuss with staff the importance of communication between professionals within hospital discharge.
- For clear guidance to be issued to all adult social care staff to remind them of the importance of accurate and timely data input to care planning.
- For the Team Leader to discuss with the Community Intervention Service the importance of making referrals for financial assessments in a timely manner and ensuring service provisions are inputted on the service users case file (Care Director) in order to ensure invoices are raised.
- For assessors to ensure they provide both verbal and written information re charges for services.
- Reminder to staff that at the point of review staff should check that all service provisions are complete and that there are no concerns with regards to finances.

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 2016/17.

Nature - South	Integrated Locality Care Team	Community Intervention Service	Hospital Discharge Team	Community Hospital	Integrated Therapy Service	Intermediate Care & Enablement	Total
Delay in receiving	5	2	-	-	1	1	9
Case Management	17	4	1	2	-	-	24
Access to service	2	-	-	-	1	-	3
Care charges not discussed	5	1	-	-	-	-	6
Inaccurate financial info provided	-	-	-	1	-	-	1
Contact issues	1	-	-	-	-	-	1
Staff Attitude	3	-	-	-	-	-	3
Care provision	1	-	-	-	-	-	1
Reduction of	1	-	-	-	-	-	1
Eligibility for	3	-	-	-	1	-	4
Staff Professionalism	8	-	-	-	-	-	8
Poor communication	8	1	-	-	1	-	10
Information provided	5	-	-	-	1	-	6
Reduction of care hours	1	-	-	-	-	-	1
Standard of	2	-	-	-	1	-	3
Social Worker decision	6	1	3	-	1	-	11
Management decision	5	-	-	-	1	-	6
Third Party Top-Up fee	2	-	-	-	-	-	2
Withdrawal of carer	2	-	-	-	-	-	2

direct payments							
Reduction in Direct Payments	1	-	-	-	-	-	1
Safeguarding investigation	2	-	-	-	-	-	2
Total	80	9	4	3	8	1	<u>105</u>

23% 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.

10% of complaints received were regarding a 'social worker decision' which the service user / complainant has not been happy with.

7% 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	Community Hospital	Integrated Therapy Service	Hospital Discharge Team	Intermediate Care & Enablement	Total
Upheld	17	3	-	1	-	-	21
Not Upheld	22	-	-	-	1	-	23
Partially Upheld	22	3	2	6	3	1	37
Complaint withdrawn	18	3	-	1	-	-	22
Inconclusive	1	-	-	-	-	-	1
Total	80	9	2*	8	4	1	<u>104</u>

*Please note that 1 complaint remain open

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 2016/17

	Integrated Locality Care Team	Community Intervention Service	Community Hospital	Integrated Therapy Service	Hospital Discharge Team	Intermediate Care & Enablement	Total
Explanation	25	1	-	5	1	-	32
Apology	24	3	1	1	2	1	32
Alocation on new worker	2	-	-	-	-	-	2
Re-assessment	-	-	-	1	-	-	1
Meeting / Review	3	-	-	-	-	-	3
Complaint withdrawn	18	3	-	1	-	-	22
Charges Waivered	8	2	1	-	1	-	12
Total	80	9	2*	8	4	1	<u>104</u>

*Please note that 1 complaint remain open.

12% 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 provision's on Care Director. Charges have also been waived where staff members have not advised the service user that care arranged is chargeable.

21% of complaints were resolved by the service and the complainant no longer wished to pursue their complaint.

Learning Actions

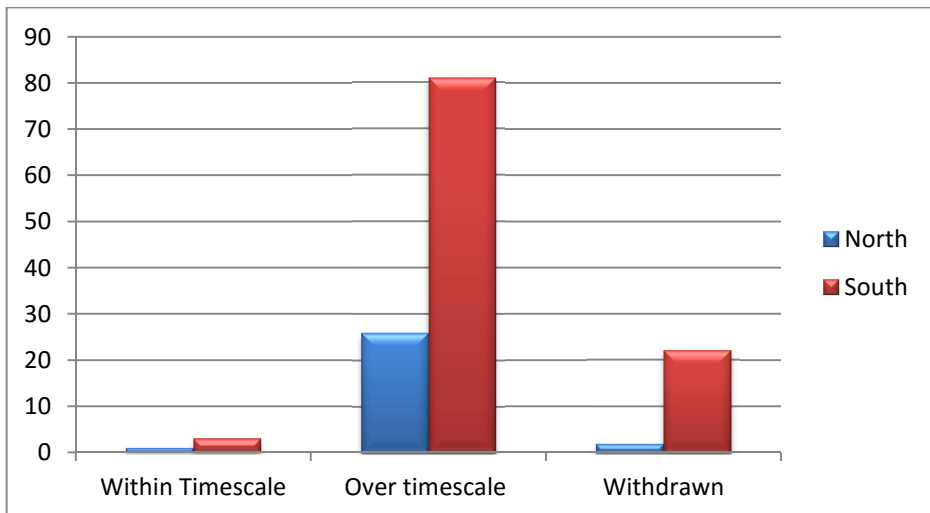
The following Learning Actions have been identified for the South Districts: (Please note that this is a selection of learning actions as each complaint can receive several actions)

- Outcome to be discussed with worker during next supervision.
- To ensure that staff have attended Sensory Awareness training.
- To ensure that all service user receives a copy of their support plan when any changes are made in advance of the changes being implemented.
- To discuss with the hospital discharge teams that for complex comprehensive assessments the correct assessment paperwork should be completed and all the relevant domains completed. Separate paperwork for eligible reablement assessment to be used to avoid any confusion.
- A reminder to Team Leaders/Advanced Social Work Professionals to ensure before signing off any assessment that the worker has clearly documented not only that the individual has had the 'What will I have to Pay' booklet but also any relevant charging policy to this case has been explained and discussed with the person or their financial representative. The assessment should not be signed off if this clarity of charging for services is not evident.
- A reminder to staff of the importance of documenting conversations with service users and families in relation to all of their assessment and care planning process.
- To discuss with staff that when screening a referral through the duty screening process, to ensure that there is an opportunity for the caller to fully explain the main issue or issues they need addressing. To discuss with staff that complex issues should be explored further by a qualified occupational therapist directly with the client and consideration given to full assessment.
- That the care and support planning guidance is circulated and discussed at next team meeting so staff are aware of eligible needs under the Care Act.
- Social Worker to access 'Recording with Care' training
- To ensure that all those with a care director licence check activities and primary and secondary referrals where practicable daily.
- Staff to be reminded that timely completion of the FINC (referral for a financial assessment) is essential to ensure financial assessments are completed correctly and efficiently.
- A reminder to staff to complete tasks requested within Care Director in a more timely way. A reminder to staff that if they do not feel they are responsible for the task being requested, they should highlight this immediately and ensure that it is followed up.
- For advocacy services to be pursued if appropriate in situations of conflict. To request they attend a team meeting to discuss services.
- To develop a written process so that when a staff member takes unexpected leave of absence, plans are put in place to change any answerphone messages with immediate effect to inform any potential callers of a redirection of call.

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 96% of complainants did not receive a formal outcome (investigation report and cover letter) to their complaint within the agreed timescale. This can be due to the availability of staff for interviews and the complexity of the concerns raised.

The Partnership Trust operates a Quality Assurance process for all complaint investigation reports prior to them being sent out. This can often take the complaint over timescale if the quality standards have not been met and report has been returned to the investigating officer.

Where the complaint has fallen outside of timescale, the complainant is kept updated with the reason for the delay and new response deadline date is re-negotiated.

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 2016/17

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 **12** complaints which have been referred to the Local Government Ombudsman regarding County Council services and **9** 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 considered by the Ombudsman.

Staffordshire County Council Services			
Service	Nature	Outcome	Recommendation
Care Home – Self Funder Fauld House Nursing Home	Complaint that staff made a safeguarding alert to the Council (an AP1 form) and restricted her contact with her mother.	Finding not shared with the Council.	Finding not shared with the Council.
Independent Futures	Complaint that Staffordshire County Council, Stafford and Surrounds CCG, and South Staffordshire and Shropshire NHS Trust (SSSFT), have failed to conduct regular reviews of the service users section 117 aftercare plan, and have failed to arrange the necessary support services required by the plan particularly in the area of specialist ASD counselling to support his coping strategies and maintain good mental health.	Upheld - Maladministration	Pay the service user (£250 from SCC and £250 CCG) to recognise the time and trouble he has suffered as a result of the breakdown in the section 117 aftercare. Make arrangements (in conjunction with SSSFT) for the aftercare services to be administered in line with the care programme approach.
Financial Services	Complaint about the decision made by the Council to pursue a debt with family following the death of the service user	Decision not investigate	The Ombudsman is in agreement with the actions taken by the Council.
Independent Futures (East Staffs)	There was no up to date care/support plan for in place. There is no longer a car at the supported living project and the arrangements for the service user to travel home	Not Upheld – No Maladministration	No recommendations

	and back each weekend are unacceptable.		
Financial Services	The Council failed to provide the correct information. This was about the application for deferred payments care fees in 2014.	Upheld - Maladministration	For the Council to calculate how much it would have contributed to the service users care home fees between 17 February 2014 and 31 August 2014 and to pay this amount to the estate; Review the information the Council provides to applicants about property disregards. Consider sending a copy of the completed financial assessment form to future applicants.
Financial Services	The Council failed to provide correct financial in respect of residential care. The Council also delayed in providing a financial assessment. Both of these complaints affected the service users entitlement to Attendance Allowance.	Upheld - Maladministration	Because the Attendance Allowance was not claimed at the right time, the service user's estate had to pay more to the Council / SSOTP than it should have done. The LGO has requested that half of that sum (353.60) be paid to the estate. To pay (complainant) £100 for the time and trouble she has incurred in pursuing this complaint. For Council to review its internal procedures to ensure that; Residents and their families are made fully aware that initial assessments are provisional; Referrals to the financial assessments team are made in a timely manner; and; Residents and their families are aware of possible changes to benefits entitlement if their circumstances change in future.
Commissioning	Following decision made by the Council the service user has to move from her extra care housing facility	Upheld - Maladministration	No recommendations as the Council has offered apologies.
Independent Futures (Lichfield)	Service user has been without education and social care provision since July 2016 when his residential placement at Ruskin Mill College came to an end. He is now at home without provision.	Upheld - Maladministration	Offer apologies; Complete a social care assessment and produce a care plan for service user (if the Council has not already done so) within 28 days of the final decision; Pay £1,000 to complainant and service user to acknowledge the avoidable distress, inconvenience and frustration and the faults by the Council have caused them.
Legal Services and SSOTP	Failure to adequately fund the service user's care in accordance with its own care plan. The Council unreasonably determined that the Letter of	Upheld - Maladministration	To pay the complainant £300 for the delays identified. The investigating officer's original recommended payment for time, trouble and inconvenience also remains outstanding and

	Claim was inadequate, and not sufficiently detailed for the Council to understand the case and took 13 months to give its substantive reply.		therefore the Council should now pay the £750 sum.
Independent Futures (South Staffs)	Actions taken by the Council in respect of finding a suitable placement for a service user	Decision not to investigate	Complaint referred back to the Council.
Care Home – Self funder	Complaint about the care provided by Rosemary Retirement Home during a 2 week respite placement.	Upheld - Maladministration	Apologise to the complainant for the delay in the care home's reply to his complaint. Ensure the care home has procedures to ensure it responds promptly to complaints. Satisfy itself that procedures are in place at the care home that ensure: a) It regularly checks that heating is correctly switched on when required and takes prompt action when it finds that residents have wrongly altered controls. b) It reminds all care staff of the importance of always accurately recording all attempts to encourage residents to drink.
Deputyship and Deprivation of Liberty Safeguards (DoLS)	The handling of the DoLS process by the Council	Closed after initial enquiries - out of jurisdiction.	Decision not to investigate as the complaint it is outside jurisdiction as the complainant is challenging the matter in the courts.

Staffordshire and Stoke on Trent Partnership Trust

Service	Nature of Complaint	Outcome	Recommendations
Integrated Locality Care Team (Stafford)	The Council has wrongly billed service user for additional home care. Complainant advises that SSOTP agreed verbally to pay the additional charges. The Council then did not notify her until October 2014 that there were outstanding charges to be paid.	Upheld - Maladministration	No recommendations - invoice is still payable
Integrated Locality Care Team (Tamworth)	SSOTP failed to provide advice and information about service users care fees and third party top-ups. Unhappy with SSOTP's decision that the service user can move to another care home.	Upheld - Maladministration	Apology for the time and trouble complainant has experienced in pursuing the complaint and for SSOTP giving the wrong information about third party top-up fees. Pay service user £8701.29 to cover the amount of money that was paid out of his/her account to cover the top-up fees. Pay any outstanding balance to the care home accrued since 8 April 2015 to cover the difference between the service users assessed weekly charge and the

			<p>cost charged by the care home. It should also continue to pay the shortfall while it remains in the service users best interest to stay there.</p> <p>Review its procedures to ensure third parties can afford the top-up fee before an agreement is made and issue new guidance to social workers about top-up fees.</p>
Integrated Locality Care Team (Stafford)	<p>Failure to consult with family about the care home where it placed the service user who was placed in an inappropriate care home which contributed to his declining health and death. The family have received a large bill which they were not expecting.</p>	Upheld - Maladministration	<p>Waiver the outstanding care costs totalling £4453.80.</p> <p>Ensure all decisions taken on behalf of those lacking capacity to do so are taken in accordance with the Mental Capacity Act 2005.</p> <p>Ensure all relevant staff receive up to date training in mental capacity and best interests, with planned routine refresher training, and priority given to those involved in this case.</p> <p>Ensure those responsible for monitoring the quality of services look at failing services routinely and do not place in these without a full risk assessment.</p> <p>Review processes to ensure top up fees are not charged to those who have not agreed, and at least one suitable option is available without a top up.</p> <p>Review the amount the Council is willing to pay for residential care to ensure it meets current requirements.</p>
Integrated Locality Care Team (Seisdon)	<p>Decision to withdraw the complainants carers Direct Payments</p>	Upheld - Maladministration	<p>Letter of apology.</p>
Occupational Therapy Team (Lichfield)	<p>Failure to properly manage assessments for a disabled facilities grant and to complete assessments without avoidable delay.</p>	Upheld - Maladministration	<p>Apology provided and pay the complainant £500.</p> <p>Review current arrangements to avoid confusion and to provide clear lines of responsibility for all parts of the assessment and DFG procedure.</p>
Community Intervention Service (Newcastle)	<p>The Council failed to tell the complainant about a safeguarding referral; Failure to communicate properly in respect of the service user discharge from hospital</p>	Upheld - Maladministration	<p>No recommendations.</p>
Integrated Locality Care Team (Cannock)	<p>Incorrect advice about the financial assessment procedure in respect of payment for care;</p>	Upheld - Maladministration	<p>Apologise for the injustice caused by the faults identified.</p> <p>Reconsider whether to backdate the Council's payments to</p>

	<p>Delayed dealing with matters from December 2015 to May 2015;</p> <p>Refusal to backdate the Council's contribution to the costs to the date the service users capital fell below the threshold and delayed providing information.</p>		<p>September 2015. This reconsideration should take account of all the points the complainant has put forward and of the complainant's apparent understanding that the housing provider would forward information to the Council in September 2015. The Council should explain its new decision and the reasons for the decision in writing</p> <p>To pay the complainant £150 to recognise her avoidable uncertainty, frustration, time and trouble resulting from the faults identified.</p> <p>Review the Council's procedures to minimise the risk of the identified faults recurring. This should include ensuring the Council is aware of and does not fetter its discretion in such cases</p>
<p>Integrated Locality Care Team (Moorlands)</p>	<p>The Trust refused to reduce the care package when the complainant advised it was not working.</p> <p>The Trust / SCC delayed sending an invoice for one year therefore the complainant did not realise it was still charging for the service;</p>	<p>Upheld - Maladministration</p>	<p>Waiver £1,000 of the outstanding fees in recognition of the avoidable distress caused. This should be deducted from the outstanding amount after it has been reduced by the previously agreed amount for 18 days failed visits;</p> <p>Put in place systems to ensure:</p> <p>a) It does not give people the impression they have to accept services when they can decide themselves, unless it has completed the correct process;</p> <p>b) It monitors electronic monitoring systems so people can be confident the information is accurate. Care providers should be able to provide clear reports to the Council to evidence the service delivered.</p>
<p>Hospital Discharge Team - Lichfield</p>	<p>There was a delay before the Council carried out a social care assessment.</p> <p>SSOTP advised the service user that she would be entitled to 12 weeks of reablement care however this was not the case.</p>	<p>Under investigation</p>	<p>Under investigation</p>

Summary of Local Government Ombudsman Complaints

Out of the 21 complaints which were received by the LGO, the Council received 15 outcomes where there the complaint was Upheld and maladministration was found. A total of £3,300 '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 2016/17 a total of 65 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 also recorded by PALS.

Services provided by Staffordshire County Council and Staffordshire and Stoke-on-Trent Partnership Trust	No. Rec'd
Living Independently Staffordshire;	
East Staffs	3
Cannock	3
Integrated Therapy Service;	
East Staffs	1
Tamworth	2
Integrated Locality Care Team;	
Cannock	2
Lichfield	1
Newcastle	3
Tamworth	1
Community Intervention Service	
Cannock	1
Stafford	5
Hawthorn House Residential Home – Lichfield	14
Greenfield House - Moorlands	1
Intermediate Care & Enablement;	
Cannock	1
Independent Futures;	
Stafford / South Staffs	12
Newcastle Moorlands	8
East Staffs	1
Adult Safeguarding Enquiry Team	5
Financial Services	1
Total	65

"Thank you so very much for helping our brother through such a ghastly time and finding just the right solution. Our overseas sisters are both enormously grateful too and feel that they can rest now"

"I understand that the Large Scale Investigation has now concluded and just wanted to say thank you to you and all of the wider team for their hard work improving the standard of care at the home. I really appreciate how much and time everyone has invested in putting things right and personally I have seen the products of that hard work."

"Thank you so much for organising the ramp for my home. They came and fitted it yesterday. It will make my life so much easier. I can't begin to tell you how grateful I am. I know that the winter will make life even more difficult and I will have to use the wheelchair more and more. You are a star."

"Good quality service and support. Thank you to the enablement carers."

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

Dealt with by Complaints Team*	90
Complaint refused**	3
Joint Statutory Stage 1 response with other organisation / NHS	15
Referral to another Organisation for action / investigation	45
MP Enquiry's (Adult Social Care)	135
Councillor enquiries (Adult Social Care)	20
Public Enquiry's	13
Comments	1
Safeguarding referral initiated	11
Corporate Complaints Procedure	1
Total	334

*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 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 4 complaints about private sector domiciliary care agencies were received directly by the Complaints Service during 2016/2017. 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 administer 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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