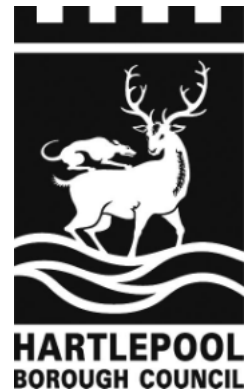


ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION SCHEDULE



Monday, 23 August 2010

at 10.00 am

**in Committee Room A,
Civic Centre, Hartlepool**

Councillor G Hall, Cabinet Member responsible for Adult and Public Health Services will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Advocacy Contracts – Hartlepool Mind & Hartlepool Citizens Advice Bureau (CAB) – *Director of Child and Adult Services*
- 2.2 North Regional Association For Sensory Support (NRASS) – *Director of Child and Adult Services*

3. ITEMS FOR INFORMATION

- 3.1 Annual Complaints Report 1 April 2009 – 31 March 2010 – *Director of Child and Adult Services*

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder

23 August 2010



Report of: Director of Child & Adult Services

Subject: ADVOCACY CONTRACTS – HARTLEPOOL MIND &
HARTLEPOOL CITIZENS ADVICE BUREAU (CAB)

SUMMARY

1. PURPOSE OF REPORT

To seek the Portfolio Holder for Adult and Public Health Services' approval to make an exception to the Contract Procedure Rules in respect of the social care contracts for Hartlepool MIND and Hartlepool CAB.

2. SUMMARY OF CONTENTS

The report provides information on the contracts, the financial impact of the provision of the services and the justification for making an exception to the Rules.

3. RELEVANCE TO PORTFOLIO MEMBER

Any exception of the Contract Procedure Rules must be agreed by the Portfolio Holder.

4. TYPE OF DECISION

Non Key.

5. DECISION MAKING ROUTE

Decision by Adult and Public Health Services Portfolio Holder.

6. DECISION REQUIRED

To seek the Portfolio Holder for Adult and Public Health Services' approval to make an exception to the Contract Procedure Rules in respect of the social care contracts for Hartlepool MIND and Hartlepool CAB.

Report of: Director of Child & Adult Services

Subject: Advocacy Contracts – Hartlepool MIND & Hartlepool CAB

1. PURPOSE OF REPORT

1.1 To seek the Portfolio Holder for Adult and Public Health Services approval to make an exception to the Contract Procedure Rules in relation to the following contracts to allow the Department time to finalise the transition arrangements following a tender being let for the provision of an Advocacy Service for Adults:

- Hartlepool MIND – Learning Disability (LD) Advocacy Worker
- Hartlepool Citizens Advice Bureau - Representational Advocacy

2. CONTRACT DETAILS

2.1 Hartlepool MIND – LD Advocacy Worker

2.1.1 The Council has contracted with Hartlepool MIND for the provision of an LD Advocacy Worker since 2006. The primary objective of the service is to employ an Advocacy Worker to provide citizen and crisis advocacy for people with learning disabilities and act as advocate in both individual and group situations. The current contract commenced on 1 April 2008 and terminated on 31 July 2010.

2.2 Hartlepool Citizens Advice Bureau - Representational Advocacy

2.2.1 The Council has contracted with Hartlepool Citizens Advice Bureau for the provision of representational advocacy services since 2002. The service consists of independent advice, information and representational advocacy. An Advocacy Case Worker provides the service to any adult, or their carer, who has accessed or is wishing to access community care facilities. The current contract commenced on 1 April 2009 and terminated on 31 July 2010.

3. TENDER EXERCISE

3.1 The tender was advertised on the 25 March 2010. The closing date for the tender was the 14 May 2010.

3.2 Six tender submissions were received and opened at Contract Scrutiny Panel on 17 May 2010.

- 3.3 One tender failed the Invitation to Tender Assessment Stage (see appendix 1) which assesses and measures compliance with the following documentation:
- Form of Undertaking
 - Form of Tender
 - Certificate of Collusion/Canvassing
- 3.4 Four tenders failed the Primary Qualification Assessment Stage (see appendix 1) in which the following questionnaires were assessed and verified by Officers of the Council:
- Organisation Profile - Commissioned Services Team
 - Grounds for Exclusion - Commissioned Services Team
 - Insurance - Commissioned Services Team
 - Financial - Chief Executives Department Accountancy Team
 - Health & Safety - Health and Wellbeing Team
 - Equality & Diversity - Child and Adult Services Development Team
 - Environmental - Sustainable Development Team
 - Technical Capacity - Commissioned Services Team
- 3.5 One tender progressed to the Performance and Quality Stage which comprised of an evaluation of a Tender Questionnaire and Presentation and Interview on the 7 June 2010.
- 3.6 On the 7 June 2010 the Evaluation Panel decided that there was insufficient competition to effectively conclude the tender evaluations and the Department invited all Tenderers to resubmit applications by the 18 June 2010 following advice from Corporate Procurement.
- 3.7 Following the resubmission of applications, all 6 tenders progressed to the Performance and Quality Stage (see appendix 2). Tenders were required to obtain a score of 180 points or more to be invited to interview. Three tenders progressed to the Presentation and Interview Stage on the 28 June 2010.
- 3.8 The price submissions for the three tenders were evaluated using a price evaluation tool and represented 200 points of the overall score (see appendix 3). The scores from the quality and price evaluations were combined and the contract was awarded to DISC (Developing Initiatives Supporting Communities) on 30 June 2010 subject to the 10 days stand still period (see appendix 4).
- 3.9 In order to allow the Department time to make the necessary transition arrangements to the new service it is proposed that the contracts for Hartlepool MIND and Hartlepool CAB are extended for a maximum of a further 3 months

3.10 The cost of the provision of the services from 1 August 2010 to 31 October 2010 is as follows.

- £9,782 Hartlepool MIND
- £6,493 Hartlepool Citizens Advice Bureau

4. RECOMMENDATION

4.1 That the Portfolio Holder for Adult and Public Health Services agrees to make an exception to the Contract Procedure Rules and allow the Council to enter into a contract with Hartlepool MIND and Hartlepool CAB for a maximum of a further 3 months as outlined in section 3 of this report.

Hartlepool Borough Council**ADVOCACY SERVICE FOR ADULTS****Invitation to Tender Assessment Stage and Pre-Qualification Questionnaire Evaluation Matrix – 17.05.10**

Tender	Declarations: <ul style="list-style-type: none"> • Form of Undertaking • Form of Tender • Certificate of Collusion/Canvassing 	Profile	Grounds for Exclusion	Insurance	Financial	Health & Safety	Equality & Diversity	Environment	Technical Capacity
1	Pass	Pass	Pass	Pass	Pass	Fail	Pass	Fail	Pass
2	Fail	Pass	Fail	Pass	Pass	Fail	Pass	Pass	Pass
3	Pass	Pass	Fail	Pass	Pass	Pass	Pass	Pass	Pass
4	Pass	Pass	Fail	Pass	Pass	Fail	Pass	Pass	Pass
5	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Fail	Pass
6	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass

Appendix 2

Tender Questionnaire Evaluation Matrix

Tender	Proposal 40 points	Delivery of Service 80 points	Quality Assurance 40 points	Service User Outcomes 80 points	Management and Staff 60 points	Total 300 points
1	9	35	17	41	25	127
2	15	53	31	54	42	195
3	12	41	26	38	42	159
4	24	64	31	61	36	216
5	15	48	27	34	33	157
6	33	72	38	67	55	265

Appendix 3

Price Evaluation Matrix**Part A - Hourly Rate (160 points available)**

		Less than	£28.00	Score	160
<i>Between</i>	£28.01	<i>and</i>	£31.00	Score	140
<i>Between</i>	£31.01	<i>and</i>	£34.00	Score	120
<i>Between</i>	£34.01	<i>and</i>	£37.00	Score	100
<i>Between</i>	£37.01	<i>and</i>	£40.00	Score	80
<i>Between</i>	£40.01	<i>and</i>	£43.00	Score	60
<i>Between</i>	£43.01	<i>and</i>	£47.00	Score	40
<i>Between</i>	£47.01	<i>and</i>	£50.00	Score	20
		More than	£50.01	Score	0

Part B - Start Up Costs (40 points available)

		Less than	£1000	Score	40
<i>Between</i>	£1001	<i>and</i>	£2000	Score	30
<i>Between</i>	£2001	<i>and</i>	£3000	Score	20
<i>Between</i>	£3001	<i>And</i>	£4000	Score	10
		More than	£4001	Score	0

Tender	Advocacy Hourly Rate	One Off Set Up Costs	Total Contract Value	Points
2	£37.00	£1,500	£55,500	100 + 30 = 130
4	£28.58	£1,500	£42,870	140 + 30 = 170
6	£40.00	£1,545	£60,000	80 + 30 = 110

Overall Tender Evaluation

Tender	Tender Questionnaire 300 points	Presentation and Interview 100 points	Price 200 points	Total 600 points
2	195	69	130	394
4	216	49	170	435
6	265	72	110	447

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder

23 August 2010



Report of: Director of Child & Adult Services

Subject: NORTH REGIONAL ASSOCIATION FOR SENSORY
SUPPORT (NRASS)

SUMMARY

1. PURPOSE OF REPORT

To seek the Portfolio Holder for Adult and Public Health Services' approval to make an exception to the Contract Procedure Rules in relation to the contract with North Regional Association for Sensory Support (NRASS) for provision of services for people with sensory loss.

2. SUMMARY OF CONTENTS

The report provides information on NRASS, the service provided and the justification for making an exception to the Rules.

3. RELEVANCE TO PORTFOLIO MEMBER

Any exception of the Contract Procedure Rules must be agreed by the Portfolio Holder.

4. TYPE OF DECISION

Non Key.

5. DECISION MAKING ROUTE

Decision by Adult and Public Health Services Portfolio Holder – 23 August 2010.

6. DECISION REQUIRED

To seek the Portfolio Holder for Adult and Public Health Services' approval to make an exception to the Contract Procedure Rules.

Report of: Director of Child & Adult Services

Subject: North Regional Association for Sensory Support (NRASS)

1. PURPOSE OF REPORT

- 1.1 To seek the Portfolio Holder for Adult and Public Health Services approval to make an exception to the Contract Procedure Rules in relation to the contract with North Regional Association for Sensory Support (NRASS) for provision of services for people with sensory loss.

2. CURRENT POSITION

- 2.1 North Regional Association for Sensory Support (NRASS) is a registered charity providing advocacy and welfare rights services to people with a sensory loss throughout the North-East of England.
- 2.2 On 28 September 2009 NRASS commenced a pilot service on behalf of the Council to provide:
- (i) a drop in centre at Hartlepool Central Library providing low level interpretation/translation services for people with sensory loss;
 - (ii) sign posting to appropriate agencies for help support and guidance for a variety of issues including housing related issues, welfare rights, carers allowance, medical appointments, attendance allowance, communication support, utility enquiries etc;
 - (iii) telephone support to arrange appointments;
 - (iv) intensive individual communication, advocacy and welfare rights support on a spot purchase basis services to people with sensory loss.
- 2.3 The pilot service was for one year and the contract will terminate on 27 September 2010.

3. SERVICE

- 3.1 The objectives of the Service are to :
- provide to low level interpretation/translation services and individual communication, advocacy and welfare rights support to people with a sensory impairment
 - to support people to understand what actions and decisions have been taken on their behalf
 - to ensure that people are sign posted to the most relevant and appropriate agency in a timely manner

- to encourage the development of a framework which will promote the involvement of people with a sensory loss in decision making and planning.

3.2 The Service has been monitored throughout the pilot period and has been well utilised. Recorded outcomes are positive and reports from Hartlepool deaf community representatives indicate the service is highly valued by the deaf and hearing impaired community.

4. **FUTURE PROVISION**

4.1 Following the success of the pilot service it is the Department's view that the service should continue for a further 3 years. It is anticipated that any new service should also include provision of interpreting services at the Life Chances Partnership Board which meets 6 times per year.

4.2 NRASS have agreed to provide the service from 28 September 2010 for a period of 3 years at an annual cost of £10,000.

5. **REASON FOR EXEMPTION**

5.1 Within the Hartlepool community there are a number of different communication methods used by people who are deaf or hearing impaired. These include :

Deaf Pre-Post Lingually

1. Signed English – finger spelling every word.
2. Sign Supported English – signs in full English word order.
3. BSL – signs out of English word order.
4. Gesture & Mime – facial expression and body language.

Hearing Impaired People

1. Transliteration – Lip Reading mainly used by Partial Hearing persons, particularly of an acquired causation.
2. Written word – used by Deafened people, acquired sudden Deafness.
3. One handed manual alphabet – used by Deafblind people.
4. Braille – used by Blind, partially Hearing Blind people.
5. Bliss Symbols – used by Pre-Post Lingually Deaf people who have additional physical disabilities, especially when arms/hands are severely affected.

5.2 The pilot study showed that any organisation providing services to the Hartlepool deaf community would need more than sign language skills in order to meet the needs of deaf or hearing impaired people. NRASS are able to provide translators/interpreters who can communicate with service users regardless of their communication method.

- 5.3 Through their history of providing services directly to members of the deaf and hearing impaired community of Hartlepool, NRASS staff have developed a full understanding of the cultural differences of the deaf and hearing impaired community, particularly with the pre-lingually deaf group who are often seen as a minority language user group. NRASS has a full awareness of dialect signs used in the Hartlepool community which is also vital to the success of the service.
- 5.3 The success of the translation element of the service depends on the translation being fully understood by the service user. Feedback from the deaf and hearing impaired community representatives has shown that NRASS staff have been able to communicate effectively with service users regardless of their communication method and they have fully understood the translation. All translators employed by NRASS are qualified registered interpreters .
- 5.4 Local knowledge is crucial to the sign posting element of the service. Service Users need to be sign posted to the correct agency as soon as possible to ensure their query is dealt with at the earliest opportunity. NRASS's local knowledge is therefore crucial.

6. RECOMMENDATION

- 6.1 The pilot study showed that due to the diverse communication methods and needs of the people who use the service, the ability of NRASS to respond to those communication methods, the local knowledge of services in Hartlepool and the deaf and hearing impaired community, the skills of NRASS are of primary importance to the effective delivery of the service. It is therefore recommended that the Portfolio Holder for Adult and Public Health Services agrees to make an exception to the Contract Procedure Rules to allow for the Council to enter into a contract with NRASS.

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report to Portfolio Holder
23 August 2010



Report of: Director of Child and Adult Services

Subject: ANNUAL COMPLAINTS REPORT
1 APRIL 2009 – 31 MARCH 2010

SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To present the fifth Annual Complaints Report of the former Adult & Community Services Department on complaints and representations for the period 1 April 2009 to 31 March 2010.
- 1.2 The Annual Report is attached as **APPENDIX A** to this report.
- 1.3 The Annual Report provides information on the complaints and representations framework. It draws together information in relation to complaints that have been received and dealt with during the reporting period.
- 1.4 Complaints relating to Community Services come within the Authority's Corporate Complaints Framework which is also reported to the Culture, Leisure and Tourism Portfolio Holder.

2.0 SUMMARY OF CONTENTS

- 2.1 It is a legal requirement in adult social care that an Annual Report be published on complaints, presented to the Portfolio Holder and made available to staff, the Care Quality Commission (CQC) and general public.
- 2.2 The report offers an opportunity to demonstrate learning that has occurred from complaints and also consideration of trends emerging through the year's activity within the Complaints Framework.

2.3 The content of the Report includes the following areas:

- Types of complaints and representations received 2009/10
- Profile data on service users who were the focus of the complaints
- Outcomes of complaints
- Compliance with timescales
- Learning lessons and service improvement

2.4 The Report provides an analysis of recorded complaints, compliments and representations and draws comparisons with the previous year. Performance is highlighted in a range of areas so that practice issues may be considered.

3.0 RELEVANCE TO PORTFOLIO MEMBER

3.1 Service is within the Portfolio Member's responsibility.

4.0 TYPE OF DECISION

4.1 Non key.

5.0 DECISION MAKING ROUTE

5.1 Adult and Public Health Services Portfolio.

6.0 DECISION(S) REQUIRED

6.1 That the Report be received.

Report of: Director of Child and Adult Services

Subject: ANNUAL COMPLAINTS REPORT
1 APRIL 2009 – 31 MARCH 2010

1. PURPOSE OF REPORT

- 1.1 To present the fifth Annual Complaints Report of the former Adult and Community Services Department on complaints, compliments and representations for the period 1 April 2009 to 31 March 2010.

2. BACKGROUND

- 2.1 Complaints arising as a result of statutory adult social care functions come within the scope of the former Adult & Community Services Department Complaints Framework.
- 2.2 The Annual Complaints Report provides data and information about activity in relation to the operation of the Complaints Procedures for both Adult Social Care Services and Community Services.
- 2.3 The Annual Report outlines performance in a range of areas and also highlights areas for development to ensure continued improvement in the management and handling of complaints and representations regarding Adult Care and Community Services.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications of the report.

4. RECOMMENDATIONS

- 4.1 That the Report be received.

Complaints, compliments and representations

Annual report 1 April 2009 – 31 March 2010

Hartlepool Borough Council

Adult and Community Services Department

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1. Introduction

Welcome to Hartlepool Borough Council's Child and Adult Services Department's Complaints, Compliments and Representations Annual Report. The report covers the period 1 April 2009 to 31 March 2010 and is for adult social care and community services. Children's social care complaints, compliments and representations are reported separately.

This report will be presented to the Portfolio Holders for Adult and Public Health Services and Culture, Leisure and Tourism. It will also be provided to the Care Quality Commission (CQC) and be made available to members of the public and the Adult Social Care and Community Services workforce.

The report outlines:

- Details of the complaints and compliments received over the reporting period;
- Lessons learned and resulting improvements following enquiry into complaints;
- Performance in relation to our handling of complaints.

2. Background

Complaints and compliments are valued as an important source of feedback on the quality of services. Each complaint is investigated and, where appropriate, redress made. Equally important is the work to learn lessons to prevent a repeat of any failure in service quality.

3. Complaints Framework: Adult Social Care and Community Services

Hartlepool Borough Council's Adult Social Care and Community Services complaints framework is derived from the statutory complaints procedure for complaints relating to Adult Social Care; and the corporate complaints procedure for those relating to Community Services. The overall responsibility for both areas rests with the Department's Complaints Manager/Assistant Director (Resources and Support Services). The remit of the Complaints Managers is:

- Managing, developing and administering the complaints procedure.
- Providing assistance and advice to those who wish to complain.
- Overseeing the investigation of complaints that cannot be managed at source.
- Supporting and training staff.
- Monitoring and reporting on complaints activity.

The frameworks cover situations where there is dissatisfaction about actions, decisions or apparent failings of services within the Department.

4. New Procedure

A new single approach to dealing with complaints for both the National Health Service (NHS) and Adult Social Care started on 1st April 2009. These changes are contained in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and revoke the previous regulations. The Department of Health produced guidance 'Listening, Responding and Improving' which supports the statutory requirements for the handling and consideration of complaints.

The three-stage process for complaints has been removed in favour of a 'single level' process for formal complaints and a requirement for frontline staff to adopt a more low risk or informal approach to complaints and to deal with these promptly. The aim of the new procedure is to encourage a culture that uses people's experiences of care to improve the services we provide. To achieve this we aim to look at people's needs rather than the process of dealing with the complaint.

At present, complaints from self-funded users of independent services have no redress outside of the organisation's individual complaints policy for challenging services or complaining about the care they receive. With effect from October 2010, adults who fund their own social care via agencies that are registered with the Care Quality Commission will have access to an independent complaints review service provided by the Local Government Ombudsman. This information will be distributed to all staff that have direct contact in dealing with members of the public.

5. Principles and Outcomes

Good handling of complaints and representations involves:

- Keeping the complainant at the centre of the complaints process;
- Being open and accountable;
- Responding to complainants in a way that is fair;
- Being timely in responding to complaints;
- Being committed to try to get things right when they go wrong;
- Seeking to continually improve services.

Both statutory and corporate complaints are underpinned by the following:

- A procedure that aims to be fair, clear, robust and accessible;
- Support being available to those wishing to make a complaint;
- Timely resolution following enquiry into complaints/representations;
- Lessons learnt following complaints and services improved;
- Monitoring being used as a means of improving performance.

6. Adult Social Care complaints

A single, integrated complaints process was introduced on 1st April 2009. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 places a duty on NHS bodies and adult social care organisations to coordinate handling of complaints and to advise and support complainants through the procedure.

The three stage process previously adopted for adult social care complaints has ended and a single level process is now in use.

» **What is a complaint?**

A complaint is any expression of dissatisfaction about a service that is being delivered, or the failure to deliver a service. The Local Government Ombudsman defines a complaint as “an expression of dissatisfaction about a council service (whether that service is provided directly by the Council or on its behalf by a contractor or partner) that requires a response.”

A complaint can be made in person, in writing, by telephone or email or through the Council’s website. It can be made at any office. Every effort is made to assist people in making their complaint and any member of staff can take a complaint.

» **Who can complain?**

A complaint can be made by:

- A person who uses services
- A carer
- Someone who has been refused a service for which they think they are eligible
- The representative of someone who uses services or a carer. This could be with the service users or carers consent or in the case of someone who does not have the capacity to give consent, where they are seen to be acting in the best interests of that person.
- Anyone who is or is likely to be affected by the actions, decisions or omissions of the service that is subject to a complaint.

The new complaints procedure aims to be as accessible as possible. The policy is flexible to ensure that the needs of the complainant are paramount and allows the department and the complainant to agree on the best way to reach a satisfactory outcome. Full details of the complaints policy and procedure are available on the Council's website.

» **Timescales for the resolution of complaints**

Staff will always try to resolve problems or concerns before they escalate into complaints and this ensures that, wherever possible, complaints are kept to a minimum.

Since the introduction of the new regulations the only mandatory timescale is that the complainant receives an acknowledgement within 3 working days. The new legislation allows for a more flexible approach to the amount of time in which complaints should be dealt with. In our policy, we aim for even the most complex of complaints to be completed within 65 working days of the complaint plan being agreed. If timescales cannot be met, a new timescale must be discussed with the complainant.

There is a time limit of 12 months from when the matter being complained about occurred to when a complaint may be made. After this time, a complaint will not

normally be considered. However, the 12 month time limit does not apply where the local authority is satisfied that the complainant had good reasons for not making the complaint within that time and where it is still possible to investigate the complaint effectively and fairly.

7. Community Services complaints

The process in relation to Corporate Complaints within Community Services is as follows:

» **Formal complaint**

Where a person remains dissatisfied with the service they have received or a decision made, they have the right to take their complaint to a formal stage. The complaint will be investigated by a Senior Officer.

» **Appeal**

If a person remains dissatisfied with the response to their formal complaint, they have the right for the matter to be referred to the relevant Portfolio Holder who will review the documentation connected with the complaint and decide whether or not the appeal should be heard by the General Purposes (Appeals) Committee.

8. Training

One training session delivered by the Local Government Ombudsman was held during the year to a total of 12 members of the Department's workforce. In addition, promotion of the new Adult Social Care policy and procedure for dealing with complaints has taken place with awareness raising sessions being held at team meetings.

9. Public Information

Information about the complaints and representations framework is accessible via the Council's public access points and also the Council's website. New public information to reflect the changed policy and procedure for adult social care has been developed. Carers and service users of Adult Social Care are provided with the factsheets when they take up a new service and also when care plans are agreed and reviewed.

Information in other formats such as large print, Braille, audio tape or translation in languages other than English are made available upon request. There is also available an easy-read format of the statutory Adult Social Care complaints procedure.

10. Summary of representations in Adult Social Care

a. Compliments

Compliments are generally recognised to be an indicator of good outcomes for service users and carers. They also serve to provide wider lessons regarding the quality of services.

During the reporting period, 76 compliments have been received relating to Adult Social Care. Table 1 provides some examples of compliments received during 2009/10.

b. Summary and analysis of complaints

» Complaints received

A total of 27 complaints were received. One complaint was withdrawn making a total of 26 complaints investigated. The number of complaints investigated has increased by 15 from 2008/2009.

In line with the new regulations, 3 complaints were treated as joint complaints with the NHS.

» Client groups

The table overleaf provides a comparison of the number of complaints received by client groups with those of the previous year.

Adult Social Care		
Client group	2009/2010	2008/2009
Older Persons	17	8
Learning Disabilities	1	3
Physical Disabilities and Sensory Loss	8	1
Adult Mental Health (Integrated Service)	0	0
HIV/Aids	0	0
Substance Misuse	0	0
Carers	1	0
Total Number of Complaints Received	27	12

In summary, there were no complaints received this year relating to mental health services, HIV/Aids or substance misuse. Complaints about physical disabilities services and sensory loss have increased with complaints about learning disabilities services reducing. One complaint has been received relating to carers services.

» Nature of complaints

Table 2 outlines factors giving rise to complaints. Also detailed are the action taken and lessons learned in relation to them.

» Statistical data of service users

The service users who were the focus of the complaints were 10 (38%) males and 16 (62%) females.

All of the service users were White British and were aged as follows:

- 18-25: 1 service user
- 26-35: 1 service user
- 36-45: 1 service user
- 46-55: 1 service user
- 56-65: 5 service users
- 66-75: 4 service users
- 76-85: 9 service users
- 86+: 4 service users

» **Advocacy services**

Six of the 26 complainants chose an advocate to assist them with their complaints.

» **Complaints carried forward from 2008/2009 - Stages 1, 2 and 3**

In the last report it was noted that one complaint had progressed to a Stage 3 Complaints Review Panel. At the time of the report it was not known whether that complainant would approach the Local Government Ombudsman. The Local Government Ombudsman has not progressed an enquiry with the Council in this regard.

At the time of the last Annual Report, the outcome of one complaint, where the complainant approached the Local Government Ombudsman in 2007/2008 was still awaited. The Local Government Ombudsman discontinued their investigation and set out to the complainant their reasons for this. The Local Government Ombudsman recorded this complaint in their statistics for the year ending 31 March 2010 as “Ombudsman discretion”.

» **Investigation costs**

Since the introduction of the new regulations in April 2009 the emphasis on local resolution has resulted in a number of complaints being investigated as low impact, that is where there is one element to the complaint. These complaints have been investigated internally by Team Managers and Heads of Service.

Seventeen of the 26 complaints investigated were handled internally. It is estimated that these complaints take an average 10 hours from initial contact with the complainant to the production of the response. The cost associated with these investigations during the year was approximately £4658.

Complaints which are complex or have a number of elements are investigated by external investigators. Independent investigating officers were appointed in 9 of the 26 complaints investigated. Of the 9 complaints where an independent investigator was appointed, invoices are still awaited in the case of 5 complaints that remain ongoing as at 31 March 2010. Costs for the remaining 4 complaints totalled £7340.81. Other costs for training (excluding room hire) totalled £1025.

» **Time taken to respond to completed complaints**

All complaints must be acknowledged within 3 working days.

As has been noted there are no statutory timescales in place for completing a complaint investigation. However, as part of our internal complaints policy, indicative timescales have been introduced. For those complaints identified as having a low impact, the investigation and response should be aimed at being concluded between 10 and 20 working days of the complaint plan being agreed. Of those complaints identified as having a moderate impact, the investigation and response should be aimed at being concluded within 40 working days of the complaint plan being agreed. For those complaints identified as having a high impact, the investigation and report should be aimed at being concluded within 65 working days.

Ten of the 26 complaints from 2009/10 were still being investigated as at 31 March 2010. The table below identifies the time taken to respond to the 16 complaints concluded.

Response times	Adult Social Care		
Number of working days	Number of complaints		
	Low impact	Moderate impact	High impact
0-9	2	0	0
10-20	2	0	0
21-40	7	2	0
41-65	0	0	0
Over 65	0	3	0
Total	11	5	0

» **Low impact**

Of the 26 complaints investigated 12 were considered low impact. Eleven of the 12 low impact complaints have been resolved. One remains ongoing as of 31 March 2010. Four of the 11 (36%) low impact complaints resolved during the period were completed within the required timescale. The remaining 7 complaints were resolved outside the timescales identified. However, the changing of timescale was negotiated with the complainant.

» **Moderate impact**

Of the 26 complaints investigated 10 were considered moderate impact. Five of the 10 moderate impact complaints have been resolved. The remaining 5 are ongoing as of 31 March 2010. Two of the 5 (40%) moderate impact complaints resolved during the period were completed within the required timescale. The 3 moderate impact complaints that were resolved outside the timescales were done so with the agreement of the complainant.

» High impact

Of the 26 complaints investigated 4 were considered high impact. All 4 of these complaints remain ongoing as at 31 March 2010. The complaints identified as having a high impact should be completed within 65 working days from the date on which the complaint plan was completed.

» Complaint outcomes

All complainants received written findings and conclusions following investigation into their complaints. Outcomes of complaints received during the year are summarised at Table 2.

Some of the service improvements resulting from complaints during the year are detailed at Table 2.

11. Summary of representations in community services

a. Compliments

During the year, 10 compliments relating to Community Services have been recorded. Table 3 provides some examples of compliments received during 2009/10.

b. Summary and analysis of complaints**» Complaints received**

In comparison to last year, the number of Community Services complaints received has decreased; with 7 complaints being received compared to 11 in the previous year (2008/09). It should be noted that 4 of the 7 complaints related to issues regarding the Parks and Countryside Section. With effect from 1st April 2010 the Parks and Countryside section transferred to the Regeneration and Neighbourhoods department

» **Service areas**

The table below provides comparison of complaints received by different service areas.

Community Services		
Business unit	2009/2010	2008/2009
Adult Education	0	0
Parks and Countryside	4	5
Libraries	1	0
Sports and Recreation	1	5
Museums and Heritage	0	1
Strategic Arts	1	0
Total investigated	7	11

» **Nature of complaints**

Table 4 provides factors giving rise to complaints and, from these, some of the lessons that have been learned.

» **Costs**

The decision was reached for an independent investigating officer to be appointed to investigate a complaint in the Parks and Countryside Section relating to allotments. The total cost of this was £1320.

» **Time taken to respond to complaints**

The Corporate Complaints Procedure is required to operate within a timescale of 15 working days. Of the 7 complaints investigated, 4 (57%), were responded to within the requisite timescale. Two complaints were responded to within 17 and 19 working days. The remaining complaint was the complaint that was investigated independently which took 36 working days.

» Complaint outcomes

All complainants received written findings following enquiry into their complaints. The outcomes of complaints received during the year are summarised at Table 5.

12. Local Government Ombudsman

Complainants who are dissatisfied with the investigation and/or outcome of their complaint may refer to the Local Government Ombudsman for adjudication. No enquires have been received from the Local Government Ombudsman in relation to Adult Social Care or Community Services complaints in 2009/10.

13. Lessons learned

Lessons learned are an important aspect of the Complaints Framework. Tables 2 and 5 respectively outline the context of some improvements that have been put in place as a direct result of complaints and representations received in both Adult Social Care and Community Services.

14. Advocacy

Advocacy provision is routinely highlighted to complainants. Advocacy services are available through local advocacy providers. These include:

- Citizens Advice Bureau (CAB)
- Hartlepool MIND
- Hartlepool Carers

During 2009/10, a total of 6 complainants (Adult Social Care) sought use of an Advocate to support them with their complaints.

15. Conclusions and way forward

We continue to ensure that a person-centred approach is adopted for the handling and investigation of each complaint. This approach has provided a good basis for the introduction of the new complaints policy, 'Listening, Responding, Improving'. We will continue to focus on ensuring that we monitor that: complainants receive appropriate and timely feedback on complaints; appropriate apologies are offered; and any service improvement recommendations are delivered.

Appendix 1

Table 1: Examples of compliments received across adult social care services

“I am writing on behalf of my husband J and myself to say a very grateful Thank You and to your staff who have been so helpful these last few weeks. Especially MG who has bent over backwards to help us in this difficult period. Also the support of telecare and bed lever which are a great help to.

“I didn’t know there was such help to be had and may you continue the good work for the elderly and needy...”

- From the wife of a service user regarding a social worker and support from occupational therapy.

“My elderly aunt recently needed urgent support from your team and I am writing to say ‘thank you’ and to praise CSs help and understanding in a difficult situation. C was efficient, compassionate and empathetic to a confused 90 year old and pro-active in offering solutions in our crisis. Her calm assurance made a difficult situation run smoothly to a successful solution.

My own experiences of social workers (20 or more years ago) had led me to anticipate problems, but I was delighted with the help, support and understanding given by C”

- From a family member regarding a social worker in the Central Team.

“I have received nothing but excellent help from the social services staff, they all have helped me in any way they could. They have been more like helpful friends to me. I really admire them and the work they do, and have benefited from their care and concern.”

- From a service user regarding home care services

“I was lucky enough to receive support for 6 weeks from SC, after I had had a long period of depression for which I was receiving treatment with few results.

It was TOTALLY DUE to the support and encouragement I received from SC that slowly I have regained the want to become engaged again with people, interests, and life in general, and she should be highly complimented. I live alone, have no family within 350 miles her support was important to me.

- From a service user regarding an intensive support worker.

“I phoned social services and AF came to my home to see me regarding a reclining chair. She was really nice towards me and my husband and took all the details from me. Within a fortnight I received the chair and I am really, really pleased with it. I sleep in it, it is so comfortable.

I have had it for 3 weeks now. AF has just been in today to see me and how I am managing. I told her it was a god send. Thank you for your help, you've made me happy."

- From a service user regarding an occupational therapist.

"I am writing with regard to my mother named above. I should have done this earlier but I just wanted to say thank you for all your support and caring attitude over the last few months.

I have found it so comforting to know that I could contact you about anything, knowing that you would sort everything out. You seemed to realise what a distressing time this has been, putting things in to place to ensure a smooth transition from respite to home, even though my mother really wanted to stay in West View Lodge.

I am so sorry we have to lose you and only hope we are assigned someone as good as you. ."

- From the daughter of a service user regarding the Multi-Link Team.

Appendix 2

Table 2: Adult social care completed complaints investigations and actions taken/lessons learned

Reference	Complaint	Action taken/lessons learned
1	<p>The complainant, (KS), the mother of a service user, is unhappy with the resource allocation in relation to her son's current care package and alleges that A&CS Department has not taken full account of her son's needs. The complainant also raises issues which span the care her son received whilst in Children's Services, the transitional period from Children's to Adult Services and more recently with Adult Services.</p> <p>MODERATE IMPACT COMPLAINT</p> <p>PHYSICAL DISABILITIES</p>	<p>Complaint: Not Upheld</p> <p>Complaint investigated by Independent Investigating Officer</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> Formal report issued to complainant and departmental response.
2	<p>The complainant, (PP), the daughter of a service user, is dissatisfied with an increase in her father's care package that, allegedly, has been implemented without discussion with her father or herself. The complainant also advises that there was an arrangement, with the previous Social Worker, that any changes to her father's care package would be discussed with her also.</p> <p>LOW IMPACT COMPLAINT</p> <p>OLDER PERSONS</p>	<p>Complaint: Upheld</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> Team manager visited complainant to discuss complaint. Explanation provided to complainant about the process that should have been followed. An apology was made for this. This was confirmed in writing.

3	<p>The complainant, (AM), the daughter of a service user, alleges that her mother's hospital discharge was unsafe. This complaint spans both Adult Social Care and the local acute NHS Trust</p> <p>MODERATE IMPACT COMPLAINT</p> <p>OLDER PERSONS</p>	<p>Complaint: Partly Upheld</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • The local authority led the investigation of this complaint with responses being provided by the local acute NHS trust where relevant. • An explanation was provided to the complainant on each element of her complaint.
6	<p>The complainant, (JE), the carer of a service user, is dissatisfied with the service received from the Independent Sector Home Care Agency appointed to provide the Carers Emergency Respite Care Service.</p> <p>LOW IMPACT COMPLAINT</p> <p>CARER</p>	<p>Complaint: Partly Upheld</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • Explanation provided to the complainant. • Complainant provided the local authority an opportunity to review their procedure and ensure that anyone using the service in the future is provided with a positive experience. • The contracted provider visited the complainant to offer a personal apology.
8	<p>The complainant, (MC), the grandson of a service user, is concerned about several issues in relation to his grandmother's care and the Department's dealings with him in this respect.</p> <p>MODERATE IMPACT COMPLAINT</p> <p>OLDER PERSONS</p>	<p>Seven Elements to complaint:</p> <ul style="list-style-type: none"> • 5 Not Upheld • 2 Upheld <p>Explanation Provided:</p> <ul style="list-style-type: none"> • Formal report and Departmental response issued to complainant.

9	<p>The complainant, (GB), the son of a late service user, is unhappy with a delay in the reimbursement of care package monies following the death of his mother.</p> <p>LOW IMPACT COMPLAINT</p> <p>OLDER PERSONS</p>	<p>Complaint: Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> • Telephone call made to complainant to discuss complaint • Explanation provided to the complainant that it was the result of human error that the reconciliation request / subsequent refund was not completed within appropriate timescales resulting in the delay. Complainant indicated that although he is now aware the staff member made the mistake, he did not wish to apportion blame to the worker as she managed his mother's case very well throughout, and he acknowledged that "we all make mistakes sometimes". The complainant considered the matter resolved. • Covering letter and cheque sent to the complainant.
10	<p>The complainant, (CR), the daughter of a service user, is unhappy that information in relation to a first point of contact was not provided by the Social Work Officer to another organisation as she, allegedly, requested. The complainant is also unhappy that her elderly parents were contacted directly by the other organisation which the complainant had wished to avoid. This complaint spans Adult Social Care and the Local Mental Health Trust.</p> <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Upheld</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • Joint visit made to complainant with mental health trust. • Apology offered for the oversight. • Records amended to identify the complainant as the named contact person.

11	<p>The complainant, (PH), the father of a service user, is unhappy that his son has been assessed as contributing towards the cost of his care. The complainant alleges the Social Worker indicated his stay would be free for the first 6 weeks.</p> <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Partly Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> • Explanation provided and confirmation that the sum of £272.72 would not be pursued.
12	<p>The complainant, (EB), a service use, is unhappy with a proposed change of care agency/care workers. The complainant wishes to remain with her existing provider (Direct Care and Support Team) as opposed to an independent sector care provider.</p> <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Partly Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> • Explanation provided and agreement reached for service user to remain with the Direct Care and Support Team until the point the service user may need more support which would be provided by the Independent sector.

13	<p>The complainant, (AL), the daughter of a deceased service user, is unhappy with the arrangements relating to the collection of OT equipment following her father's death, subsequent confusion of which Departments were aware of the change in circumstances as well as a letter, addressed to her late father, received from another Department some 4 months after his death.</p> <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Partly Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> • Explanation provided of how the A&CS Department and the Chief Executive's department had become aware of the death of the complainant's father. • Adaptation Service (Regeneration and Neighbourhoods) distributed satisfaction survey without first checking for any changes in circumstances. Regeneration and Neighbourhoods have rectified this.
15	<p>The complainant, (LC), a service user, alleges that she was not informed that the temperature setting on her level-access shower would be pre-set to a maximum temperature. The complainant is unhappy that she is unable to control the temperature settings and queries whether this policy will be implemented retrospectively to all other service users who have previously had level-access shower installed.</p> <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Partly Upheld</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • Team manager visited the complainant to discuss her complaint. • Letter issued to complainant outlining findings. • OT Practice improved by recording the water temperature setting on the person's care plan.
17	<p>The complainant, (CT), the daughter of a service user, is unhappy with a decision reached around her mother's hospital discharge. This complaint spans both health and social care.</p> <p>MODERATE IMPACT COMPLAINT</p>	<p>Complaint: Not Upheld</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • The local NHS acute trust led the investigation of this complaint. • The Local Authority provided a response to the complaint which was incorporated into a written response to all elements raised.

19	<p>The complainant, (SH), the brother-in-law of a service user is unhappy with the decommissioning of the frozen meals service.</p> <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Partly Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> Strategic Commissioner visited complainant to discuss situation and identify possible alternatives.
21	<p>The complainant, (TV), the brother of a service user, was unhappy with the practice of the Social Worker involved in his sister's care following his brother-in-law's hospital admission, The complainant also alleges that his sister's case was closed inappropriately.</p> <p>MODERATE IMPACT COMPLAINT</p> <p>OLDER PERSONS</p>	<p>Complaint: Partly Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> Explanation provided in relation to process carried out by the Social Worker. Acknowledgment that the closure letter sent was inappropriate and apology was issued.
22	<p>The complainant, (NF), the nephew of a service user, is unhappy with the information provided to him by the Social Worker working with his aunt to facilitate her safe discharge from hospital on 23.12.09. the complainant is also unhappy with information provided to him from a previous Social Worker when arranging an increase in his Aunt's care during a period of ill health in 2008</p> <p>LOW IMPACT COMPLAINT</p> <p>PHYSICAL DISABILITIES</p>	<p>Complaint: Partly Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> Explanation provided of the process for admission into a care home and the contribution policy. Acknowledgement that there may have been a misunderstanding in communication. Reimbursement of £88.43 for extra care provided to the complainant's aunt following hospital discharge in 2008.

23	<p>The complainant, (YT), a service user, alleges that:</p> <ul style="list-style-type: none"> • She had no contact from the Social Worker for 5 months and she was not informed by her previous Social Worker that she was moving to another team. • There was a lack of information around the options that were available to support the complainant in her role as a parent. <p>LOW IMPACT COMPLAINT</p>	<p>Complaint: Upheld</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> • Explanation provided • Apology issued for the lack of pro active social work support as well as for not making clear a referral would need to be made to children's services if the complainant's situation changed and she needed support with her children.
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Appendix 3

Table 3: Examples of compliments received across community services

“We spent a lovely day visiting the Museum and HMS Trincomalee and plan a return visit in the not too distant future. We have also informed our family and friends what a great place it is to visit

Please pass on a big ‘Thank You’ to the members of staff involved – you have a great team working for you”

- From visitor to the Museum and HMS Trincomalee

“I would like to thank the library staff for the fantastic service they have provided over the last six weeks.

At St Hild’s Church of England School we have been involved in a local history project over the last six months. One of the areas identified by learners was family history. I contacted the library to see if they could help with the delivery of these sessions, they were very helpful and have since run me a six week programme.

All the learners have commended on how efficient and knowledgeable SM is”

- From a project development worker about staff at Central Library.

“I would like to thank you for the excellent Exercise for Life programme which is currently running in Hartlepool. My husband aged 72 has high blood pressure which is controlled by medication and was diagnosed with C.O.P.D. last October. He has not taken any real exercise since being retired. He asked the doctor if he could have a GP Referral. He was allocated to a class taken by ES at Mill House on Monday afternoons. He found the class very suitable for his condition and I felt confident that he was extremely well monitored by ES.

We are very fortunate indeed to have these excellent very caring services available in Hartlepool and wish to complement you on your excellent well qualified tutor who made my husband feel so much at ease and given him so much encouragement .”

- The wife of individual attending the Exercise for Life Programme.

“My husband and I attend water and chair mobility exercises and we wish to convey our sincere thanks to you and your team for helping us achieve a much better quality of life.

When we started the exercises we had very restricted movements in muscles and joints but the improvement is remarkable.

We were discussing this with other members of the class and decided to express our thanks in a letter. I wrote the letter and others express their wish to sign it and it snowballed and as you can see it is now quite a large ‘thank you’.

We really do appreciate what you are organising for the disabled people in our town and a heartfelt thank you for all.

- From a group of people who use Sports Developments activities.

“We have the pleasure of using Owton Manor Library. We can’t praise the staff enough – each and everyone is a credit to the library. They are helpful, knowledgeable and take time with advice also finding books for me that I myself couldn’t find.

I explain the type of book I like to read and they always come up with a ‘Good Read’.

The library itself is warm and friendly place – I cannot praise it more. We will continue to use your facilities for many years to come – thank you.

- From an older couple who access their local library.

Appendix 4

Table 4: Community services complaints investigation and actions taken/lessons learned

Reference	Complaint	Action taken/lessons learned
1	The complainant, (LB), alleges that a member of the Community Services staff swore at him during an incident which occurred on 4.7.09	Complaint: Unable to Substantiate. Explanation Provided: <ul style="list-style-type: none"> • Responding Officer met with complainant to discuss the incident. • Letter sent outlining findings. Complainant advised without any independent witnesses, this allegation could not be substantiated either way.
2	The complainant, (JB), a user of a Leisure Centre, is unhappy that the facility did not take card payments and was unable to 'hold' spaces until the user returned with cash payment	Complaint: Not Upheld. Explanation Provided: <ul style="list-style-type: none"> • Responding Officer telephoned complainant to discuss complaint. • Complainant advised about procedure whereby staff have been advised that must take payment with the booking as well as outlining the reasons why staff cannot 'hold' places. • Outlined card payment system being considered

3.1

3	The complainant, (PW), a young person (10 years) who uses the play equipment in a local park, was unhappy that her clothing and legs were left with 'black marks' on after using the swings. The complainant alleged that the 'black marks' were from the rubber swing seat.	<p>Complaint: Partly Upheld.</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • A letter confirmed that an inspection of the play equipment would take place to assess the swing seats and an apology was also provided. • A further letter was sent to explain that rubber seats did not appear to be breaking down thus causing the 'black marks'. It appeared the 'black marks' were being caused by the sticky tree sap falling from the branches that overhang the playground. The playground inspector was arranging to get the tree branches cut as these were not only causing a problem to the playground but also for people using the bowling green situated next to the playground. In the meantime, the playground inspector has been trying to keep the seats clean.
4	The complainant, (JP), the son of an allotment holder, is dissatisfied with the issue of a 'notice to quit' and has raised a number of elements of complaint around his dealings with Allotment staff.	<p>Complaint: Partly Upheld</p> <p>Complaint investigated by independent investigating officer.</p> <p>Explanation provided: formal response issued to complainant and departmental response</p>

5	The complainant, (IE), a library user, is unhappy with the noise levels during an event held in the Central Library on 11 November 2009 and alleges a dismissive response to his dissatisfaction from the Library Manager	<p>Complaint: Partly Upheld.</p> <p>Explanation provided:</p> <ul style="list-style-type: none"> • The venue was one of a number of venues participating to support a day of activities promoting physical activities considered beneficial to peoples health. • Explanation shared that perhaps we were not fully aware of how loud the music was going to be when it was agreed. •
6	The complainant, (DS), a user of a parks & countryside facility, is unhappy with several aspects of his dealings with the Centre Manager.	<p>Complaint: Unsubstantiated.</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • Extensive historical background, conclusions and way forward specified. <p>Note: complainant wishes for review by Portfolio Holder.</p>
7	The complainant, (MM), is unhappy with the inappropriate activity occurring in or around the allotment site opposite his home. The complainant alleges the plot holders are responsible for this inappropriate activity.	<p>Complaint: Unable to Substantiate.</p> <p>Explanation Provided:</p> <ul style="list-style-type: none"> • Meeting held with complainant and explanation provided of what could and couldn't be achieved in terms of enforcement action and where the council need to work in partnership with other agencies. It was pointed out that it is unlikely there will be swift resolution. Complainant agreed for the council to fit a camera outside of his home to record any activity.