



## **Adult Social Care**



## **Statutory Complaints & Compliments**

## **Annual Report April 2015 – March 2016**

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## 1. Purpose and Context of Report

### 1.1 Purpose & Scope

The purpose of this report is –

- To report to Members and Officers detailing Leicestershire County Council's (LCC) Adult Social Care complaints and compliments activity from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016
- To set out future developments and planned improvements.
- To meet the Council's statutory duty requiring the production of an annual report each year.<sup>1</sup>

The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 outlines the statutory responsibilities of the County Council.

This report provides analysis and comment for Adult Social Care Services on all complaints managed under the statutory complaints process. Those complainants not qualifying under the statutory process have been considered under the County Council's Corporate Complaints and Compliments Annual Report presented to the Scrutiny Commission.

### 1.2 Background Context

The Adult Social Care Service within the Adults and Communities Department arranges and supports the provision of a wide variety of services to help people to remain living independently in their own homes with increasing levels of choice and control over the support they receive. When this is no longer possible, the department supports residential or nursing care as well as having lead responsibility for safeguarding adults at risk of harm.

This year 10,232<sup>2</sup> people received long-term support from the Social Care service during 2015-16. This figure is a 7% increase from last year.

The department always aims to provide high quality services that meet the needs and circumstances of individuals and their families. The department actively promotes involving clients and carers in shaping services; using their skills and experiences to help ensure they meet customer needs. However, given the personal and complex nature of some adult social care services, sometimes things do go wrong.

The complaints process is a mechanism to identify problems and resolve

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<sup>1</sup> [Statutory Instrument 2009 no.309 \(18\)](#)

<sup>2</sup> Figures supplied by Performance and Business Intelligence Team

Issues. If things go wrong or fall below expectation, the County Council will try to sort things out quickly and fairly. Learning from our mistakes and concerns that are raised is used to make changes and improve services.

Analysis of information about complaints received during 2015 -16 gives Adult Social Care an opportunity to reflect on both the quality of the services it provides and also consider how well it listens and responds to service users.

### 1.3 Local Government Ombudsman Review of adult social care complaints

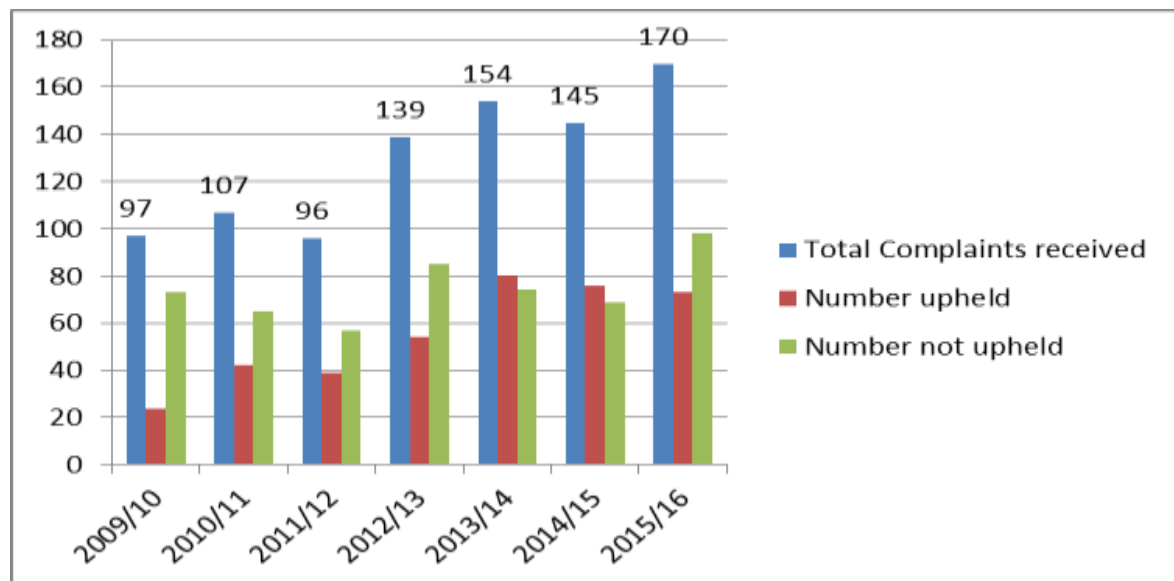
The Local Government Ombudsman has committed to again publish their annual review of adult social care complaints. At the time this annual report is submitted the report is not available but once available this will be published online at

<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/adult-social-care-reviews>

## 2. Complaints and compliments received 2015-16

### 2.1 Complaint Volumes

*Table 1: Adult Social Care Complaints recorded and upheld*

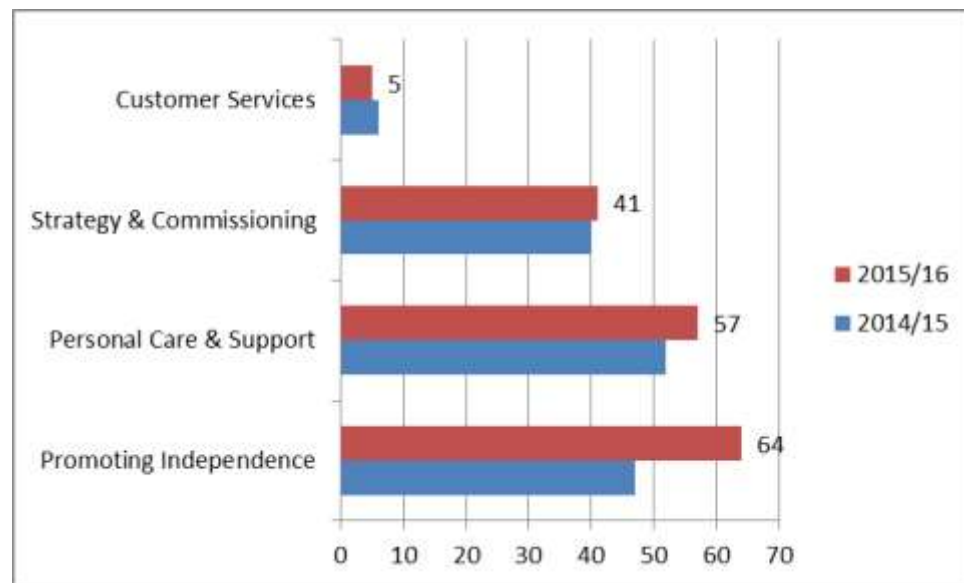


As illustrated above the total number of complaints received this year has increased by 17%. In the context of the last three years, this represents a notable increase but is typical of other regional authorities.

Complaint outcomes are considered in more detail later in this report. The numbers upheld each year are however included in the above graph to show the longer term trend. It is noteworthy that this year saw a big reduction in the number of complaints being upheld which was a key priority outlined in last year's annual report.

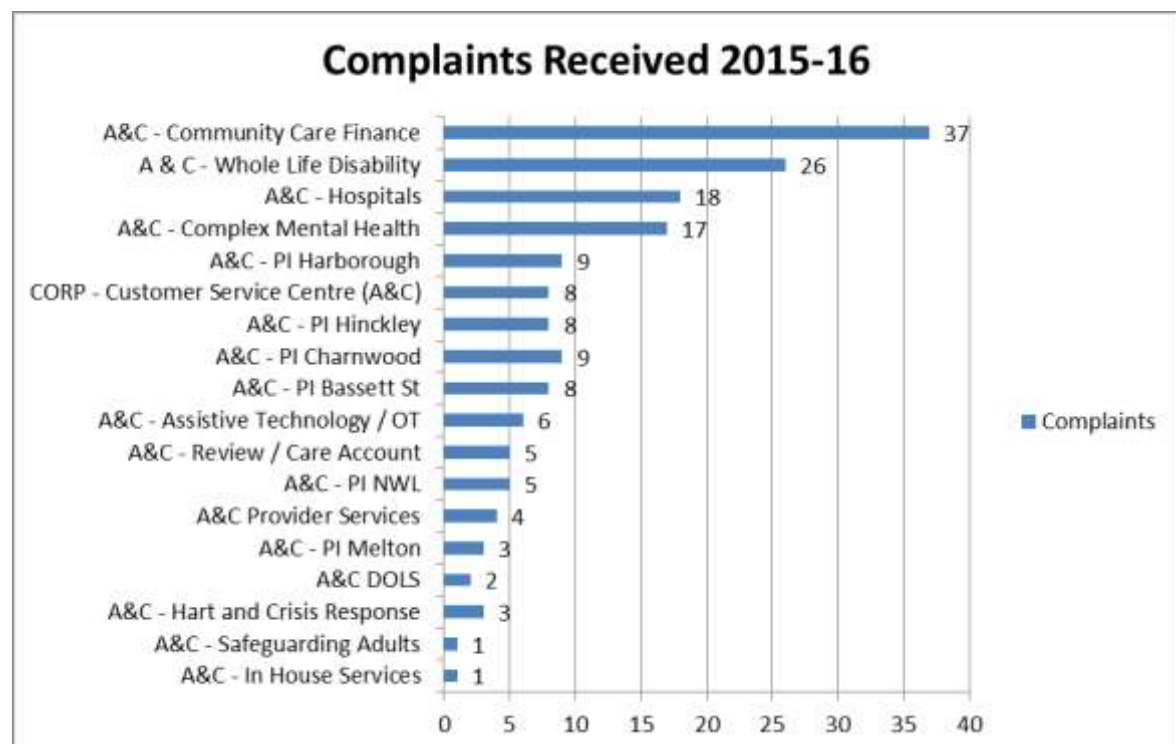
## 2.3 Complaints by Section

Table 2: Adult Social Care Complaints by Directorate



The above table shows complaints by service area for the current year. It is however difficult to draw any immediate conclusions from this data-set as a number of departmental structural changes have been made during the last year

Table 3: Adult Social Care Complaints by Subject



The above graph (Table 3) breaks down complaints by subject Reporting at this level was first introduced last year, though comparative data has not been included due to the significant structural changes mentioned earlier

Reporting at this level may help identify any areas that may be over or under-represented, though with the numbers involved, caution needs to be exercised in drawing any firm conclusions.

It is worth highlighting that the four highest areas are all County-wide functions rather than restricted to a specific locality. It follows that these are always likely to generate a higher total volume than locality teams.

The highest number of complaints continues to be related to Community Care Finance. The nature of this team's work is likely to give rise to complaints if things do go wrong as unlike other areas there is not usually an opportunity to verbally discuss concerns (for example during an assessment).

Additionally the team continue to vigorously pursue debt collection by chasing 'low current' debt (under £5k) and 'low aged' debt, which has increased the contact made with the public. Inevitably this has resulted in a number of disputes around accuracy of invoices (some of which have been substantiated).

To put this in context , it is insightful to also look at the number of invoices generated by the team which for 2015-16 was approximately 80,000. Set against this it can be seen only a very small number do have need to raise a formal complaint.

For the services that are restricted to locality areas rather than cross-county functions there are no notable trends emerging.

## 2.4 Joint Complaints

The Health and Social Care complaints regulations place a duty on Local Authorities to work together with health partners in responding jointly to complaints<sup>3</sup>. Leicestershire County Council accordingly has a joint complaints handling protocol, supported by a multi-agency group, which sets out common guidelines and approaches to this. Members include Leicester City Council, the Clinical Commissioning Groups, University Hospitals Leicester (UHL) and the Leicestershire Partnership Trust (LPT)

During the year 2015/16, nine complaints were considered using the Joint Complaints protocol. This is a reduction on last year (15)

There have been large-scale changes in management responsibility for complaints within partner organisations and this has prevented meaningful progress being made to streamline joint complaint handling.

The importance of a co-ordinated approach to complaints handling has been re-emphasised in a recent Better Care Together conference (Learning from

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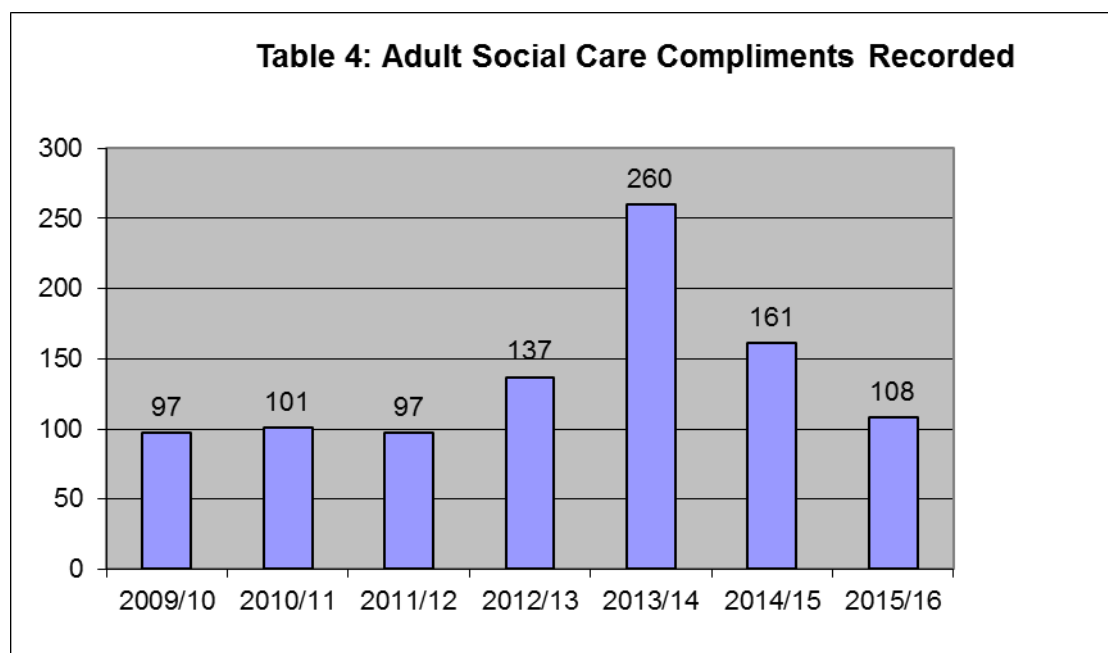
<sup>3</sup> [Statutory Instrument 2009 no. 309 \(9\)](#)

Incidents) and this will hopefully provide a platform to ensure improvements can be made moving forwards.

The recent move of both CCG and LPT complaints officers into County Hall is also likely to prove beneficial in joint consideration of future complaints.

## 2.5 Compliments received 2015-16

Table 4 below shows the long-term trend in compliments recorded.



It is always important to recognise the good work that is being delivered by the department and to provide balance within the complaints annual report. For this reason, the complaints function encourage the recording of un-solicited compliments which can either be submitted directly online or if received by council officers should be passed on for central recording.

A small selection of the compliments received can be found in Appendix A. They show some of the 'real-life stories' where Adult Social Care makes a huge difference to peoples' lives.

The Complaints team will continue to work closely with the department to try to reflect all the unsolicited feedback received across the teams and ensure visibility in annual reports.

### 3. Complaints resolved 2015-16

#### 3.1 Foreword

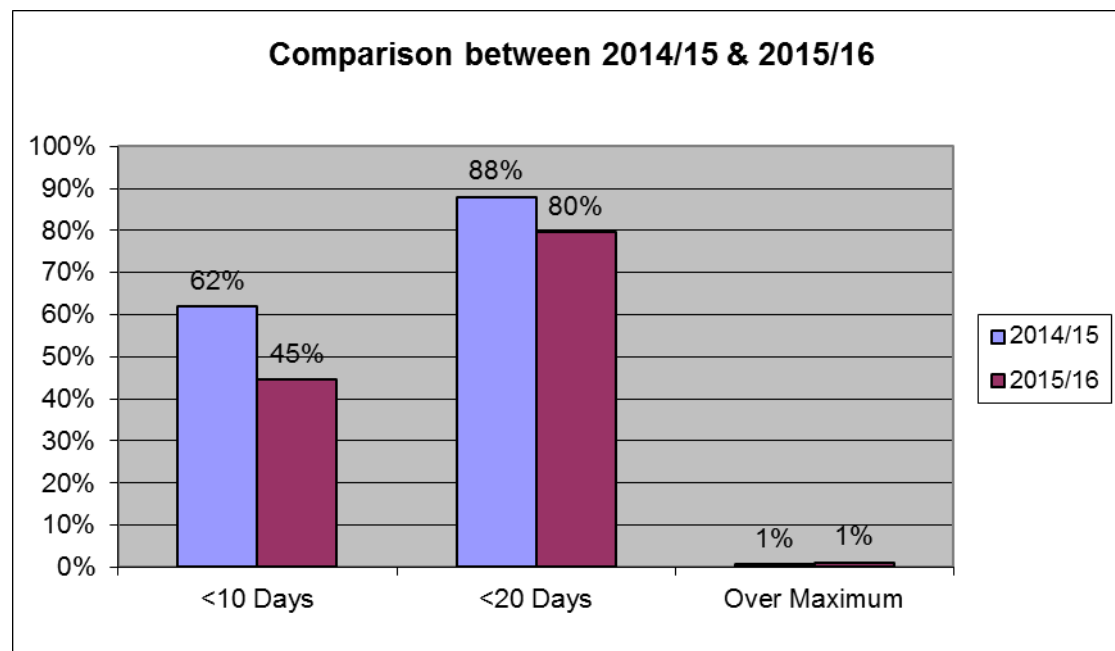
To counter historical gaps in reporting on information where complaints remain open, a change has been made to the mechanism of reporting. This change is reflected in this annual report and sees the key performance indicators for speed of response, outcomes, causes and identified learning being linked to complaints *resolved* rather than received during the reporting period.

This change will ensure that full data sets are able to be presented, both to departments on a quarterly basis, and at year end. It also closes a gap (particularly relevant to Ombudsman complaints) where outcomes did not appear in annual reports as the complaint remained open at the time of issue.

It follows from all of the above that the figures presented below will not match the data presented in section two of this report which focused on complaints received.

#### 3.2 Responsiveness to complaints

*Table 5: Adult Social Care Performance*



Responsiveness experienced a significant dip during the last year with a 17% reduction in complaints responded to within our best practice 10 working days and an 8% reduction at 20 working days.

Whilst the statutory regulations give wide flexibility in terms of response times and allow up to 65 working days for complaints to be resolved, a key expectation of complainants is that their concerns are dealt with promptly.



During 2015-16, there has been a large scale re-structure of the department which may have contributed to the dip in performance and inevitably as resource pressures increase, a reduction may have to be accepted.

Feedback from complainants is that they do understand the challenges facing the Council and are prepared to accept slightly longer response timescales so long as they are kept informed throughout.

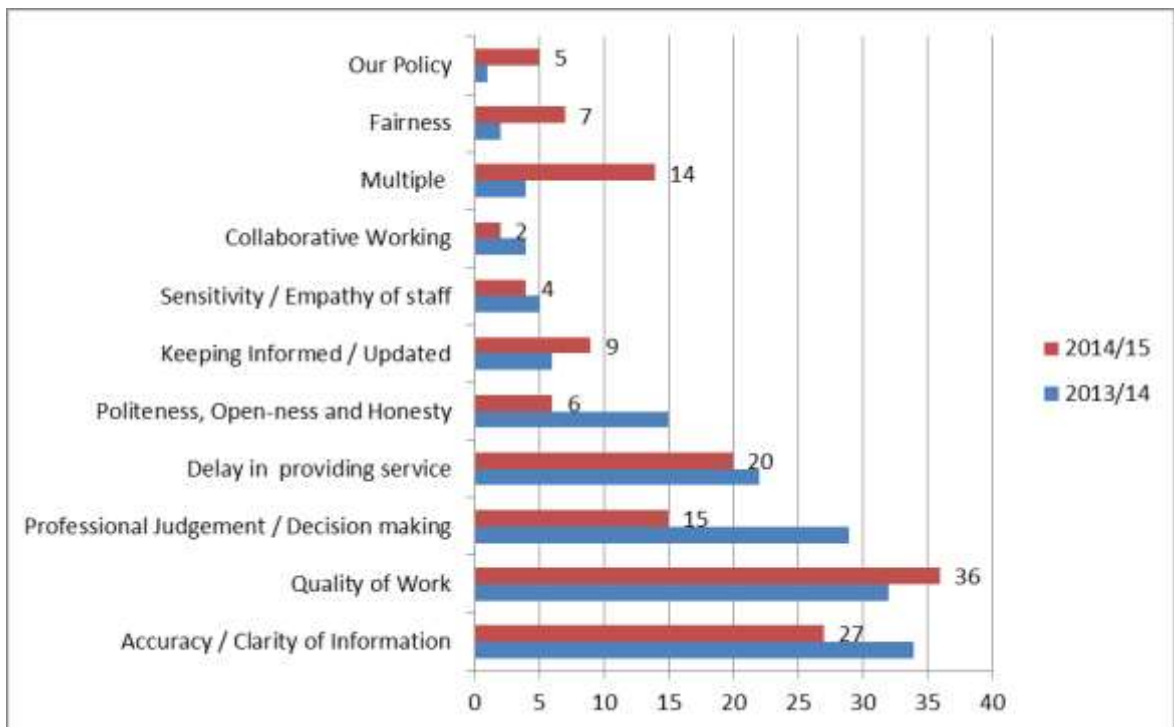
Whilst many managers do promptly discuss any likely delays with the complaints manager, there are still too many occasions whereby extensions are requested on deadline day and this is an area where improvements can be made.

All of the above does suggest some signs of pressure on managers in balancing competing demands and it is recommended that discussions are held at a service level to explore how further improvements can be made.

### 3.3 Complaint Causes

During 2013/14, a new approach was introduced to try to improve understanding of the main causes leading to complaints. This has been repeated this year and the results for both years are shown below in table 6.

*Table 6: Complaint causes*



Whilst a number of the causes remain at similar levels, there are some interesting variances this year, in particular:

- 1) A significant rise in complaints about multiple service areas. Inevitably this adds complexity to the response and may be a contributing factor behind the afore-mentioned reduction in response times
- 2) A decrease in complaints regarding politeness of staff which reduced to half the number recorded in 2013-14. Whilst few were upheld, it is a positive sign that there has been a considerable reduction in complainants citing this as the main factor.
- 3) A decrease in complaints challenging professional decisions or judgement exercised by officers. This suggests a greater emphasis on explaining, and evidencing, how decisions have been reached. This is further evidenced by a decrease in complaints citing concerns with accuracy of information, essential to make proper and informed decisions.

The full breakdown of complaint causes and uphold rates appears in Table 7 below.

*Table 7: What causes complaints?*

<b>Cause</b>	<b>Number</b>	<b>% Upheld (Partly or Fully)</b>
Accuracy / Clarity of Information	27	78%
Quality of Work	36	39%
Professional Judgement / Decision making	15	13%
Delays in providing service	22	77%
Politeness, open-ness and honesty	6	0%
Sensitivity / Empathy of staff	4	75%
Keeping Informed / Updated	9	77%
Collaborative Working	2	0%
Our fairness to you	7	28%
Multiple	14	50%
Implementing our policy	5	20%

### 3.4 Complaint Outcomes

*Table 8: Adult Social Care complaints recorded by outcome*

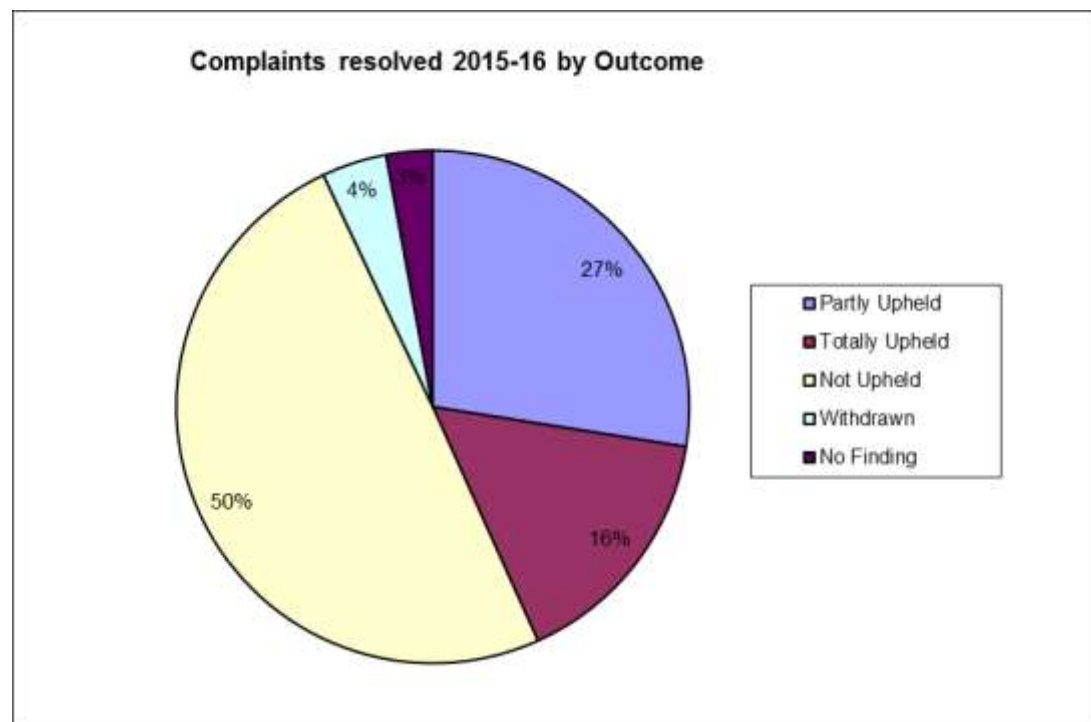


Table 8 above shows that 43% of complaints were upheld either fully or partly. This is a reduction on last year by 9%. This is a positive downward trend from last year.

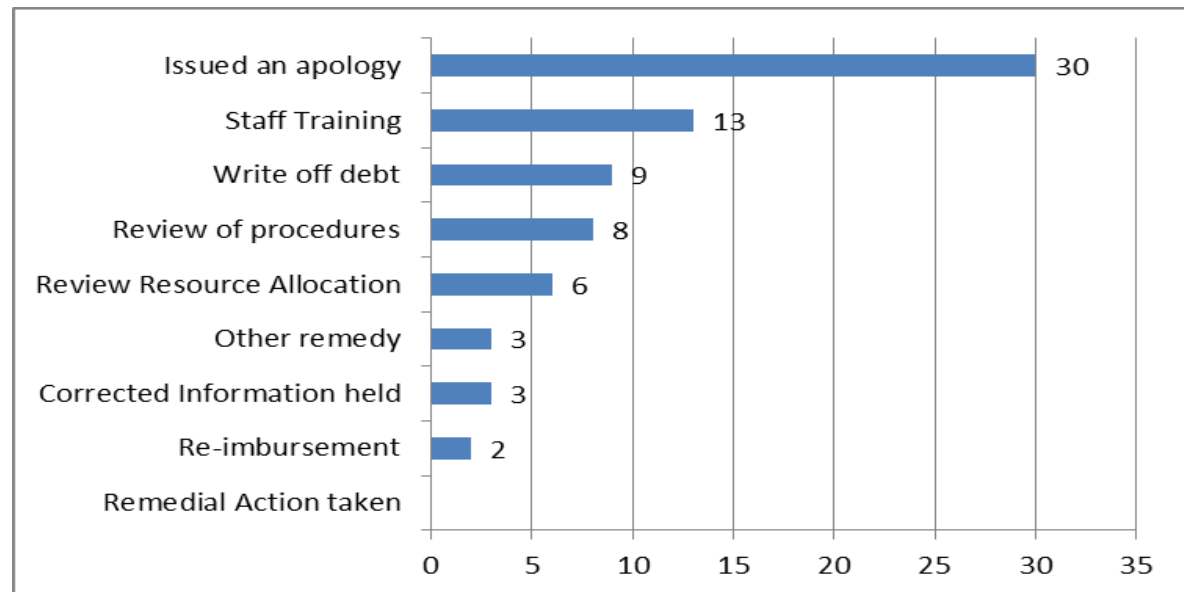
Whilst the Ombudsman has not yet published their annual report on social care this year, it is timely to remind that the top level findings from their annual review for 2014-15 highlighted adult social services as the area most likely to be upheld at 55%.

## 4 Learning from Complaints

### 4.1 Corrective action taken

Each of the 74 complaints either partly or fully upheld have been reviewed to ascertain what action the department has taken to learn from the complaints and avoid such issues occurring in the future. The results are shown below.

*Table 9: Actions taken in response to complaints*



In 30 cases (41%) an apology was seen as the appropriate action, typically when events had moved on or the issues had already been addressed.

Investigating officers are also asked to explore whether there are systemic issues which need further action to prevent future complaints. The most likely additional action here was undertaking staff coaching or training (13 cases). This included the following:

- Reminder of our customer service standards and the need to issue timely responses to phone calls / e-mails
- Diversity training
- Refresher training on use of IAS

To better illustrate some of the ways in which complaints intelligence has helped inform future changes and developments some of the stories and the actions that have been taken are set out below.

You said	We Did
There is a lack of clarity around who is dealing with my enquiry	<p>Identified that a major cause of this was when enquiries had been handled in CSC but then needed to go out to Locality Offices.</p> <p>Agreed a process for notification letters to be sent out advising that case would be on a waiting list and manage estimated waiting times</p>
Communication is not effective enough to families when going through a hospital discharge process	In collaboration with our colleagues in UHL, more robust communication systems have been put in place between all our staff and hospital discharge co-ordinators to ensure smoother discharges
We are not clear enough where individuals will have to fund their own care on the implications for them.	The importance of clear and unambiguous communication has been highlighted along with the importance of documenting all such communications on IAS
It takes too long to find care packages particularly in the rural areas of the County.	We recognise this can be a problem and have worked with our Health partners to develop our new "Help to Live at Home" framework. This should deliver significant improvements to the administrative processes in sourcing care packages

The cases above show good evidence of how learning from complaints is helping shape how we deliver our services. It is suggested, however, that more can still be done in this area to challenge and improve practices.

This is evident from the fact that, for only 38% of upheld complaints, managers were able to identify clear and obvious process or staffing improvements. Whilst an improved position from last year, this may suggest that managers are not fully equipped to analyse complaints sufficiently.

To help assist with this, the Complaints team will monitor more closely upheld complaints and a new complaints steering group has been established which has a standing item on learning from complaints and to share good practice.

The theme of capturing learning has also been discussed at the Regional Complaints Managers Group and unanimously agreed as an area most authorities could improve on.

The Complaints Manager is the Chair of this regional group and will bring back learning from this forum to the council and to be shared as appropriate.

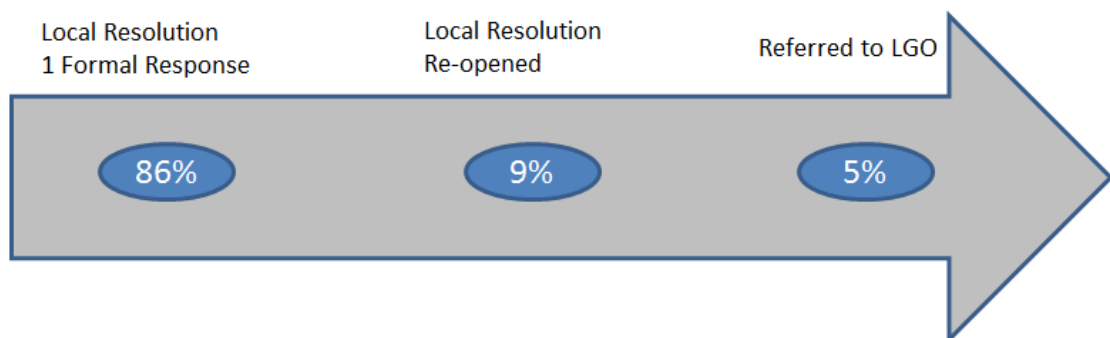
## 5 Local Government Ombudsman

### 5.1 New complaints received by the Ombudsman 2015-16

The statutory social care procedure is a two stage process with the Ombudsman as the second stage. However, before complaints are escalated to the Ombudsman, it is important that a flexible approach is taken to ensuring that every opportunity has been taken to resolve the matter.

On occasions, complaints are re-opened for further investigation prior to an Ombudsman referral. Predominantly this is where new issues arise or it is felt there is an opportunity to further clarify responses made at Stage 1. With this in mind, it is interesting to look at where complaints are resolved along the pathway.

*Table 10: Complaint escalations*



According to data supplied by the Local Government Ombudsman, their office received enquiries on 8 complaints during 2015-16

### 5.2 Complaints resolved by the Ombudsman 2015-16

The Ombudsman made decisions on eleven cases during the year with two cases being upheld. The details for these two cases appear below:

1. Complaint regarding the quality of care the Council commissioned for complainant's father. The Ombudsman found fault with the Provider's failure to report Mr T's deteriorating condition and how long the subsequent investigation took. The Council accepted the Ombudsman's findings and agreed to apologise and pay the family £750 by way of remedy payments.
2. A complaint into how the Council carried out a safeguarding investigation and the subsequent protection plan created. The Ombudsman found a number of faults regarding how the investigation was carried out and asked

the Council to formally apologise, make a payment of £500 and commit to drawing up a comprehensive action plan to address the shortcomings highlighted.

For the remaining cases –

- Three cases were referred back to the Council as premature.
- In three cases the Ombudsman decided not to investigate, either because there was no evidence of any fault, or the complaint concerned matters outside of her jurisdiction.
- In three cases, the Ombudsman, after detailed investigation, was happy with the actions the Council had taken.

The relatively low level of maladministration is noteworthy and suggests that the vast majority of complaints have been dealt with effectively by the department. This further validates the reduction in volumes of complaints upheld and gives confidence that these have been adjudicated appropriately.

## **6 Monitoring the Process**

The Customer Relations Team continues to support Adult Social Care Services to manage and learn from complaints. The key services offered are -

1. Complaints advice and support
2. Production of Performance Reports
3. Liaison with Local Government Ombudsman
4. Quality Assurance of complaint responses
5. Complaint handling training for Operational Managers
6. Scrutiny and challenge to complaint responses

Assistance continues to be routinely provided to Locality Managers in drafting responses to complaint investigations. This helps ensure a consistency of response and that due process is followed.

The Customer Relations Manager also meets with the department's Intelligent Client each quarter to talk through complaints matters. The scope of this meeting has recently been broadened to include a senior officer from the social care branch and to discuss directly any emerging trends

Quarterly performance reports are produced and delivered at Strategic Leadership Team (SLT). Effective from Quarter 1 2016-17 these reports will now also be shared with the Lead Member for Adults and Communities.

## 7. **Complaints Team – Work Priorities for 2016-17**

During 2016/17, the team will focus on a number of initiatives as set out below

- Working with the department to generate improvements to the timeliness of responding to complaints.
- Building on the positive progress made this year in reducing the levels of complaints upheld
- Maintaining the low levels where the Ombudsman finds fault.
- Using the regional and national complaints managers forum to share best practice and improve how the complaints procedure is administered
- Improving working relationships with Health colleagues, to enable smoother joint complaints handling.
- Generating greater examples of where we have used complaints data to drive service improvement.

## 8. **Final Comments**

In times of change and austerity it is vital that service users are provided with a complaints process that is easy to access and fair. This year's Annual Report shows that Adult Social Care does listen and respond to comments and complaints.

It is encouraging that after two successive year on year increases, during 2015-16 the number of complaints upheld reduced. In many ways this is a more significant indicator than a volume increase.

The Complaints Manager would also highlight a couple of themes which would lead to further improvements

- **Recognition of the importance of keeping service users informed**

Complaints intel often features stories where the complainant believes that little or no action is taking place. Upon review it usually emerges that this is not the case but rather that the Council has failed to explain what action it is taking or how soon to expect a response. Often this can nip complaints in the bud and provide re-assurance that we are dealing with the situation.

Whilst this sounds a basic expectation, there is evidence that on occasion officers get caught up in processes at the expense of communicating back to the end user as to what they are doing.



- **The importance of collaborative working with complaints team**

For the most part complaints are responded to within the deadlines set, however there are still occasions whereby complaints deadlines expire and there has been no communication to update either the complainant or the complaints team. This can lead to difficult conversations which could be avoided if extensions were requested ahead of time. Our aspiration should be that complainants should not be having to make contact with the complaints service to chase up responses but we still fall short of meeting this aim.

## Appendix A: Sample of compliments received 2015-16

- Thank you so much (Nora) for your support over the last couple of weeks. It has made such a difference to all of us to know that we are not alone.

Mum called the agency this morning and has already spoken to a carer who will be coming Tuesday-Staturday. My brother is taking Dad out for a day on Monday. I can't express what a relief it is to all of us and to Mum and Dad in particular. They are both visibly brighter and have been laughing about it all this morning. (**Melton – Locality Team**)

- A big thank-you (Glenda) for helping to get the full funding for mum's fees at the Knoll...You have no idea what a relief it is for myself, my wife and of course mum who will be able to stay where she has made lots of friends and receives good care. (**Harborough – Locality Team**)
- Just a few words to the carers...thank you for your help and company I will miss you all.. you all do an excellent job (**HART**)
- My dad always looked forward to seeing the drivers (I Care) and enjoyed the meals delivered. You all made a real difference to his life and enabled him to stay in his own home (**I Care**)
- I just wanted to pass on my thanks to Esther and Amie for all of their support with the formatting change to our Invoices. They have both been more than helpful and have always answered queries to the best of their abilities and been a big help (**Community Care Finance**)
- Rang to say thank you for all the help with her mother. They are now looking at getting her Home now. Julie wanted to say how calm, professional, helpful and supportive Martha has been – (**Hospitals**)
- Thanks for all help and support with the safeguarding investigation into Hinckley House – (**Safeguarding**)
- Thanks for being so caring and understanding at the assessment for my mother's ongoing health care (**Bassett Street – Locality Team**)
- Could not fault the CERT team...Lynne certainly did her homework looking for things to attract M getting out of her home and enjoying life...many thanks for all your help (**In House Services**)
- Dad and I just wanted to say we appreciated the visit and found the items shown very interesting. We both said how competent and helpful you were and I noticed that, when you spoke to Dad you were clear and informative and it helped him to make decisions regarding the items offered. Hopefully this should make everyone's life a little bit easier. (**Assistive Technology**)
- I wanted to say a big thank you to Adrienne for her help....She listened to me and my concerns and responded to them positively and without hesitation....there was no suggestion of passing the matter on to EDT as it

was going to run after hours as I am sure it would have been all to easy to do. Adrienne efficiently and quickly arranged the SPR's on call to attend the Police Station to assess her – **(Complex Mental Health)**

- We wanted to let you know how much we appreciated Lisa's help. She has shown immeasurable concern and understanding along with provided us with as much practical help and advice within her remit as possible . Her manner has been gentle, friendly and helpful. **(Dom Review)**
  
- For several months we have had more than one client living here as a Community Client. Their needs are a little complex at times and there are often regular changes to their payments. The contact between Bridge St and your staff has been very good in that we receive responses quickly and regularly and questions and queries are answered too about what can happen when trying to find new ways to support clients with challenging financial situations. A clear improvement on situation 12 months ago **(Community Care Finance)**

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