



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
12 SEPTEMBER 2017

ANNUAL ADULT SOCIAL CARE COMPLAINTS AND
COMPLIMENTS REPORT 2016-17

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of Report

- 1 To provide members of the Adults and Communities Overview and Scrutiny Committee with a summary of the complaints and compliments for adult social care services commissioned or provided by the Adults and Communities Department in 2016-17. The annual report is attached (as Appendix A) together with a departmental response to the key themes (Appendix B).
- 2 The Committee is asked to note both the report and the departmental response and invited to make comments.

Policy Framework and Previous Decisions

- 3 The Committee last received a report on complaints and compliments on 6 September 2016. This report covered the year 2015-16 and the Committee requested that reports continue to be presented on an annual basis.

Background

- 4 The Department has a long standing statutory duty to have a complaints process in place for adult social care. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, effective from 1 April 2009, introduced a two stage process with flexible investigation methods and timescales to suit the nature and complexity of the complaint. If the complainant is unhappy with the outcome after stage one, they can ask the Local Government Ombudsman (LGO) to investigate.
- 5 The regulations provide a framework for those handling a complaint relating to a local authority's social care functions - this includes directly provided services and independent services provided through commissioning.
- 6 The actions, omissions or decisions of the local authority in respect of a social care function are covered; the regulations do not, however, apply more generally to independent providers.
- 7 People who are paying for their own social care (self-funders) may complain to the local authority, for example about assessment or failure to assess. Services people have arranged or purchased themselves are not covered but the local authority could

be challenged if it commissions those services, for example, why it has commissioned a sub-standard service, or whether it is performance managing contracted services sufficiently.

- 8 The Adults and Communities Department is contacted on a daily basis by service users, carers and other interested parties to share concerns, request information or seek clarity on care arrangements. These queries are dealt with at a local level within care teams or through the Director's office without recourse to the formal complaints process. The Complaints Team do, on occasion, also receive queries and concerns that suggest an adult requires immediate support or raise safeguarding concerns. Such reports are best handled outside of the formal complaints procedure and are referred into the Adult Social Care Customer Service Centre or allocated workers for urgent consideration as appropriate.
- 9 Under these regulations, there is a further requirement to produce an annual report that reviews the effectiveness of the complaints and compliments procedures and provides a summary of statistical information. The attached report fulfils this requirement and presents a summary of the complaints handled in 2016-17.
- 10 In 2016, it was agreed with the Director of Adults and Communities that, to complete the loop and show how complaints drive service improvement, a departmental response would be issued each year.
- 11 Complaints and compliments about other aspects of the Adult and Communities Department are reported separately as part of the corporate complaints process.

Key Points

- 12 There was a marginal decrease in the number of complaints received in 2016-17 compared to the previous year (163 compared to 170). This represents a 4% decrease and halts a medium term trend of year on year increases.
- 13 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (10,112), it is clear that a very small percentage go on to make a formal complaint (approximately 1.6%)
- 14 For complaints resolved during 2016-17, there was an increase in the numbers that were upheld. 50% of complaints were upheld, which was an increase of 7% from last year.
- 15 During the year, 13 complaints were received by the Ombudsman. This is an increase on the previous year (8). The Ombudsman made decisions on 14 cases during the year finding maladministration in seven instances¹. Financial remedies totalling £1,135.01 were recommended and accepted by the Council.
- 16 Although the number of complaints upheld by the Ombudsman increased during 2016-17, the levels of financial redress was reduced from last year. The reason for this is that typically fault identified was administrative in nature and remedies were primarily time and trouble payments only.

¹ Some complaints were received by the Ombudsman in 2015-16 but resolved within the current reporting year hence the difference in figures between received and resolved complaints

- 17 Timescales for responding to complaints improved during the year with a 12% increase in numbers being resolved within the County Council's best practice indicator of 10 working days (57%). 85% were resolved within 20 working days and just three exceeded the maximum time allowed (65 working days). In each case there was a reliance on other organisations to complete the Council's response.
- 18 The implementation of Help to Live at Home during the year had impacted significantly on complaint volumes with 24 being received in 2016/17. A comprehensive stabilisation plan had been implemented and this area is now considered to be stable.
- 19 The second key theme this year centred on waiting lists for mental health workers. There were 35 complaints received in this area with the majority being about delay. In response an action plan was launched which has led to significant reductions in the waiting lists.
- 20 Care charges and invoicing has been the highest area of complaints for the last few years but during 2016-17 this area saw a 47% reduction in complaints received. There have been a number of process improvements which have helped bring this volume down.
- 21 There has been an increase in the number of recorded compliments (123) and efforts continue to be made to work with managers to promote sharing and visibility of all unsolicited compliments. It is recognised this figure is unlikely to be fully representative.

Recommendations

- 22 The Committee is asked to:
 - a) note the contents of the Adult Social Care Complaints Annual Report, covering the period 1 April 2016 to 31 March 2017.
 - b) provide comment and feedback on the content and analysis within the report.

Background Papers

None.

Circulation under the Local Alert Issues Procedure

None.

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List of Appendices

Appendix A – Social Care Statutory Complaints and Compliments: Annual Report - April 2016-March 2017

Appendix B – Director of Adults and Communities Response to the Annual Adult Social Care Complaints and Compliment Report 2016-17

Relevant Impact Assessments

Equality and Human Rights Implications

23 The Adults and Communities Department supports vulnerable people from all the diverse communities in Leicestershire. Complaints and compliments are an important way of ensuring that service responses are fair and equitable to all sections of society. This report does not highlight any specific equal opportunities implications.

Partnership Working and Associated Issues

24 The National Health Service Complaints (England) Regulations 2009 places a duty to co-operate on local authorities and health organisations. During the year 14 complaints were handled under joint complaints protocols. Whilst in general this process has worked well, there have been some issues regarding complaint management from Arden GEM who had responsibility for continuing healthcare matters. During the year a new provider (Mid Lancashire CSU) took over responsibility for these areas and it is hoped that this will ensure improvements moving forwards.