



**ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**  
**11 SEPTEMBER 2018**

**ANNUAL ADULT SOCIAL CARE COMPLAINTS AND**  
**COMPLIMENTS REPORT 2017-18**

**REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES**

**Purpose of the Report**

- 1 The purpose of this report is to provide the Committee with a summary of the complaints and compliments for adult social care services commissioned or provided by the Adults and Communities Department in 2017-18. The annual report is attached as Appendix A to the report, and the Committee is asked to make any comments.

**Policy Framework and Previous Decisions**

- 2 The Committee last received a report on complaints and compliments on 12 September 2017. This report covered the year 2016-17 and the Committee requested that reports continue to be presented on an annual basis.

**Background**

- 3 The Adults and Communities 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.
- 4 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.
- 5 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.
- 6 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.

- 7 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 Customer Service Centre or allocated workers for urgent consideration as appropriate.
- 8 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 2017-18.
- 9 Complaints and compliments about other aspects of the Adult and Communities Department are reported separately as part of the corporate complaints process.

### **Key Points**

- 10 There was a 14% increase in the number of complaints received in 2017-18 compared to the previous year (186 compared to 163).
- 11 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (9,970), it is clear that a very small percentage go on to make a formal complaint (approximately 1.9%).
- 12 For complaints resolved during 2017-18, there was a decrease in the numbers that were upheld. 42% of complaints were upheld, which was a reduction of 8% from last year.
- 13 During the year, 24 complaints were received by the Ombudsman. This is a significant increase on the previous year (13). The Ombudsman made decisions on 10 cases during the year.
- 14 Significantly, findings of maladministration reduced from seven instances in 2016-17 to two in 2017-18 (20%). No financial remedies were sought by the Ombudsman this year.
- 15 Despite investigating more cases, the low levels of fault found by the Ombudsman provides good re-assurance that the Council is handling complaints appropriately and also that the reduction in complaints upheld should be considered a positive indicator.
- 16 Timescales for responding to complaints slightly lengthened during the year with a 3% decrease in numbers being resolved within the County Council's best practice indicator of 10 working days (54%). 81% were resolved within 20 working days and just one exceeded the maximum time allowed. This was a complex joint complaint with East Leicestershire and Rutland Clinical Commissioning Group which was resolved in 68 working days slightly outside the 65 day timescale.

- 17 Although response timescales still compare favourably to regional neighbours<sup>1</sup>, there is a slow downward trend. This has been highlighted as an area to improve during 2018-19. A slight improvement has been seen through Quarter 1 2018-19 and work continues with the Department to raise performance further.
- 18 Unlike 2016-17, there were no single areas disproportionately represented through complaints volumes.
- 19 The most common complaint theme was around assessments and care-planning. This is a broad area and also where complaints are often around professional decision-making. This may be a factor behind the reduction in complaints upheld this year.
- 20 There have been good examples this year of how systemic learning has been identified and implemented. In 31% of complaints that were upheld, clear actions were highlighted by Investigating Managers that focus on improving future performance. This is a slight increase from 2016-17 but remains an area where the Department can improve.
- 21 Targeted training and work continues through 2018-19 focused both on root cause analysis and improving the consistency and quality of responses.
- 22 There has been a further increase in the number of recorded compliments (147) and efforts continue to be made to work with managers to promote sharing and visibility of all unsolicited compliments.

### **Background Papers**

None.

### **Circulation under the Local Alert Issues Procedure**

None.

### **Officers to contact**

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### **Appendix**

Appendix A – Social Care Statutory Complaints and Compliments: Annual Report - April 2017-March 2018

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<sup>1</sup> Based on discussions within Eastern Region Complaints Managers Group

## **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 11 complaints were handled under joint complaints protocols. Collaborative working between organisations has improved this year following the difficulties highlighted in 2016-17.