

Adult Social Care



Statutory Complaints and Compliments Annual Report April 2017 – March 2018

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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 April 2017 to 31 March 2018.
- To set out future developments and planned improvements.
- To meet the Council's statutory duty requiring the production of an annual report each year.¹

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 sits within the Adults and Communities Department and both arranges and supports the provision of a wide variety of services.

This includes helping 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 home care as well as having lead responsibility for safeguarding adults at risk of harm.

9,970² people received long-term support from the Social Care service during 2017-18. This figure is a 1.5% reduction 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

¹ [Statutory Instrument 2009 no.309 \(18\)](#)

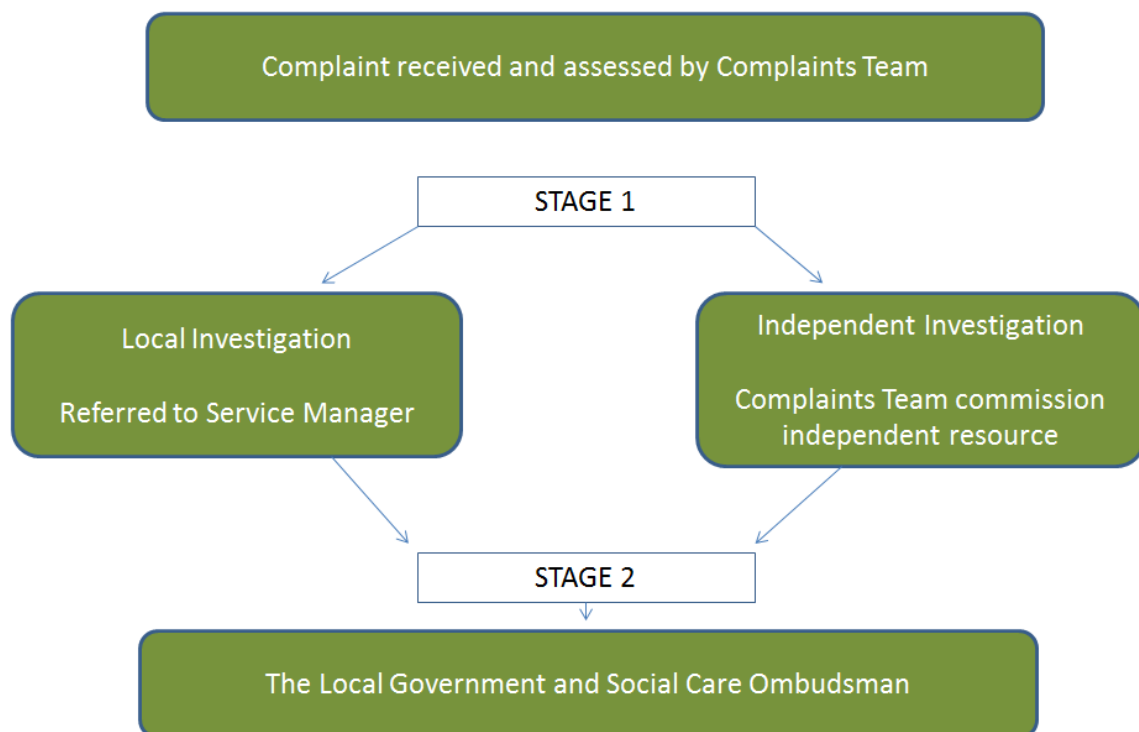
² Figures supplied by Performance and Business Intelligence Team

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 2017 -18 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.

2. Adult Social Care Complaints Procedure

The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 outlines the statutory responsibilities of the County Council. This is broadly set out below:



The above procedure was designed to offer Local Authorities flexibility to resolve complaints in the most appropriate manner. Stage 1 resolution can therefore consist of a number of processes (for example meetings) but the Local Authority must not unduly delay finalising this process which should always be concluded within 65 working days.

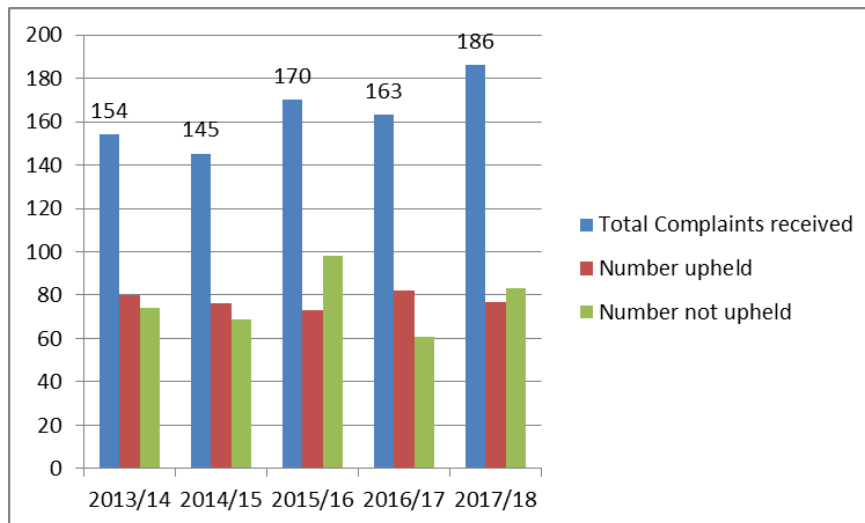
The Local Authority must advise all complainants of their right to approach the Local Government and Social Care Ombudsman should an agreed resolution not be found.

During 2017-18, no independent investigations were commissioned.

3. Complaints and compliments received 2017-18

3.1. Complaint Volumes

Table 1: Adult Social Care Complaints recorded over last 5 years

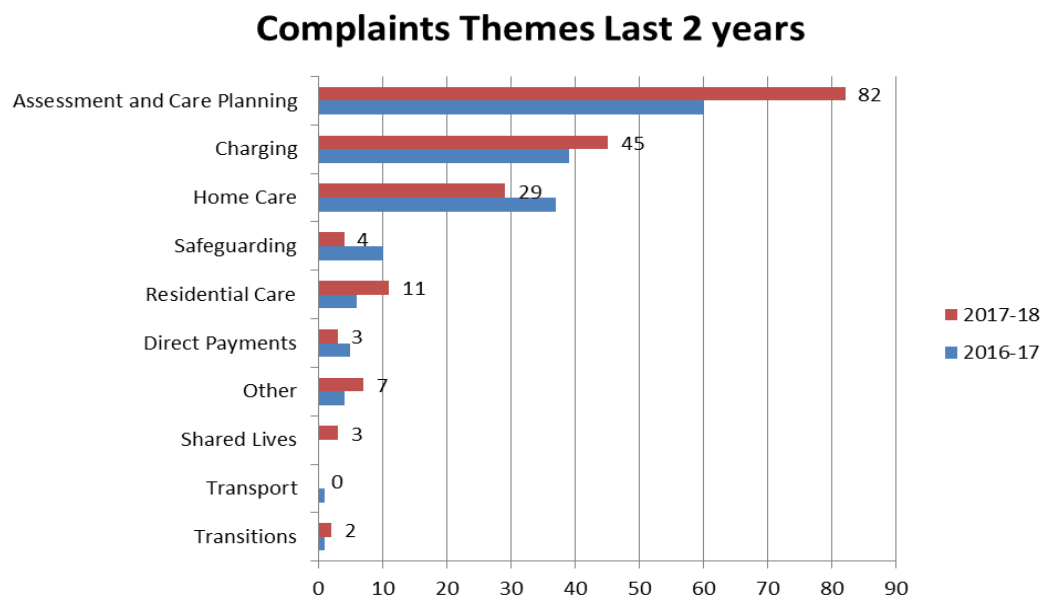


As illustrated above the total number of complaints received this year has increased from 2016-17 (+14%). This broadly reflects the long term average rate of increase.

Complaint outcomes are considered in more detail later in this report but the proportion of complaints upheld each year is included in the above graph to also show any longer term trend.

3.2. Complaints by Theme

Table 2: adult social care complaints by theme



Complaints themes mirror the Local Government and Social Care Ombudsman classifications and can provide helpful insight as to the underlying topics that are generating complaints.

Unsurprisingly, the largest segment is also the broadest category around Assessment and Care Planning. This equates to 44% of the overall volume and represents an increase of 8% from last year. This mirrors the most common theme within the most recent Ombudsman report³

The most notable changes from 2016-17 are the decrease in Home Care complaints following stabilisation of the lot providers and the increase in complaints where charging was the primary factor.

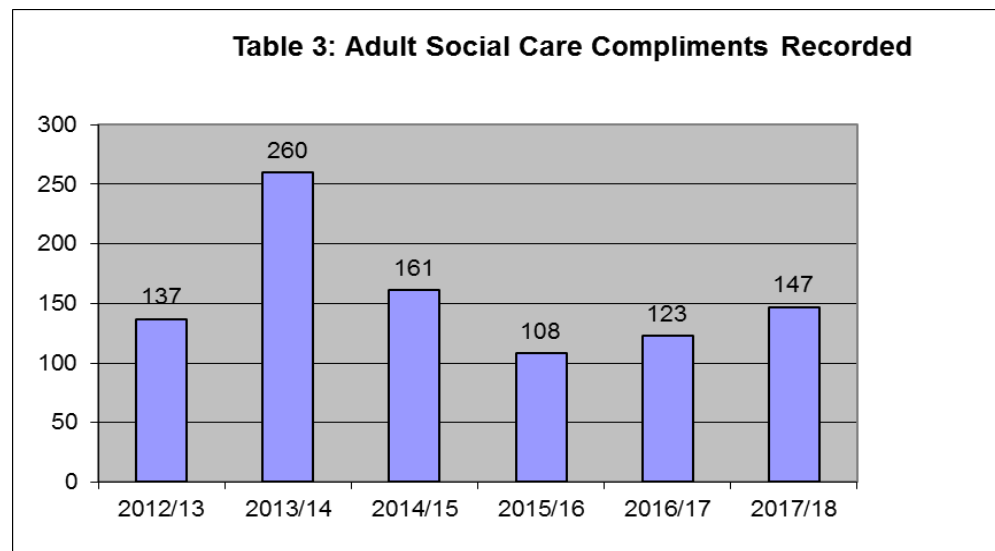
3.3. Joint Complaints

The Health and Social Care complaints regulations place a duty on Local Authorities to work together with health partners in responding jointly to complaints⁴. 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 2017/18, eleven complaints were considered using the Joint Complaints protocol. This is a decrease on last year (14)

3.4. Compliments received 2017-18

Table 3 below shows the long-term trend in compliments recorded.



³ Local Government and Social Care Ombudsman – Review of Adult Social Care Complaints 2016-17

⁴ [Statutory Instrument 2009 no. 309 \(9\)](#)

There has been a further increase in compliments recorded during 2017-18.

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 does 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.

4. Complaints resolved 2017-18

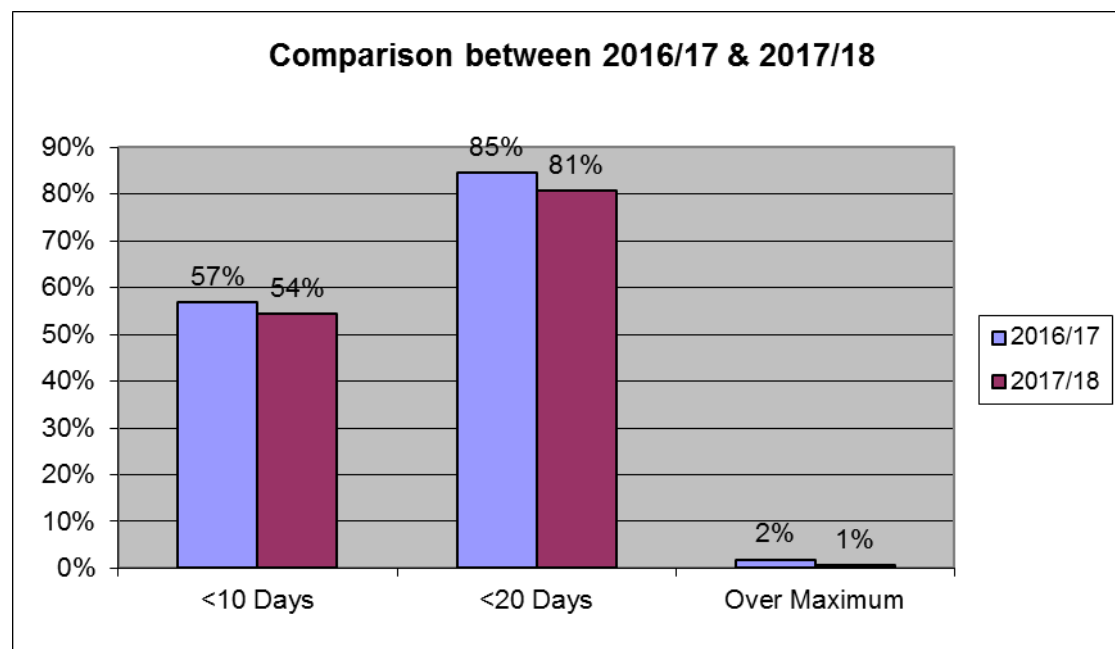
The key performance indicators for speed of response, outcomes, causes and identified learning are linked to complaints that have been *resolved* within any given reporting period rather than received.

This is important as it ensures that full data sets are able to be presented, both to departments on a quarterly basis, and at year end. It also avoids the scenario whereby Ombudsman findings of maladministration might not appear in annual reports (where outcomes are not known at the time of production).

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*.

4.1. Responsiveness to complaints

Table 4: Adult Social Care Performance



There has been a slight drop in responsiveness to complaints during 2017-18, with a 3% reduction in those responded to within 10 working days. With 81% of all complaints responded to within 20 working days, this remains healthy performance across often complex subject matters.

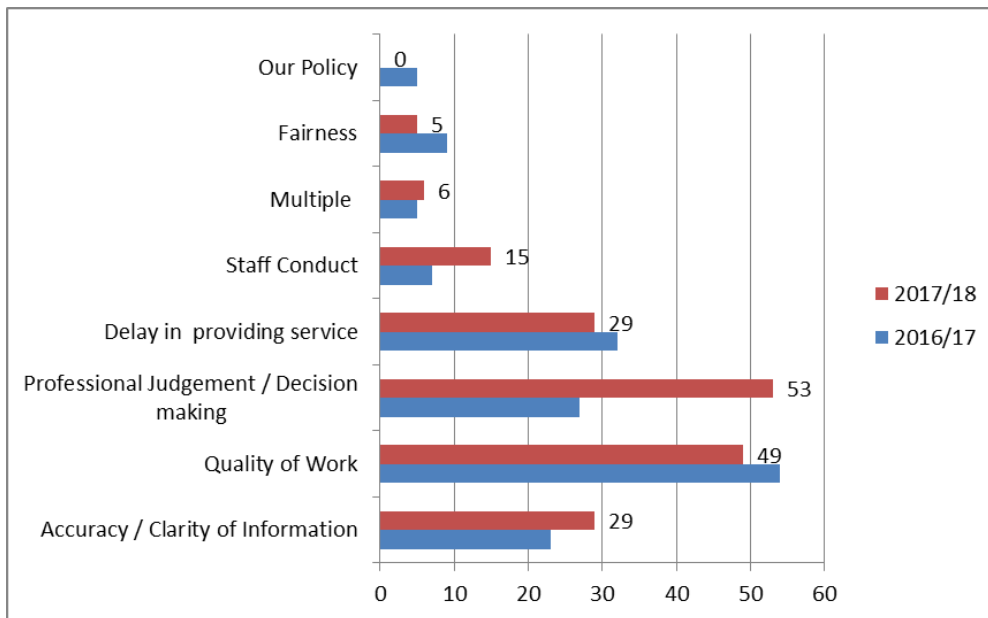
Whilst the statutory regulations give wide flexibility in terms of response times and allow up to 65 working days for complaints to be resolved, a key expectation of the public is that their concerns are dealt with promptly and this report provides good assurance of the department's commitment to this.

Just 1 complaint was not responded to within the statutory maximum timescale of 65 working days. This was a joint agency complaint with East Leicestershire Clinical Commissioning Group and was delayed by clarification of a CHC appeal.

4.2. Complaint Causes

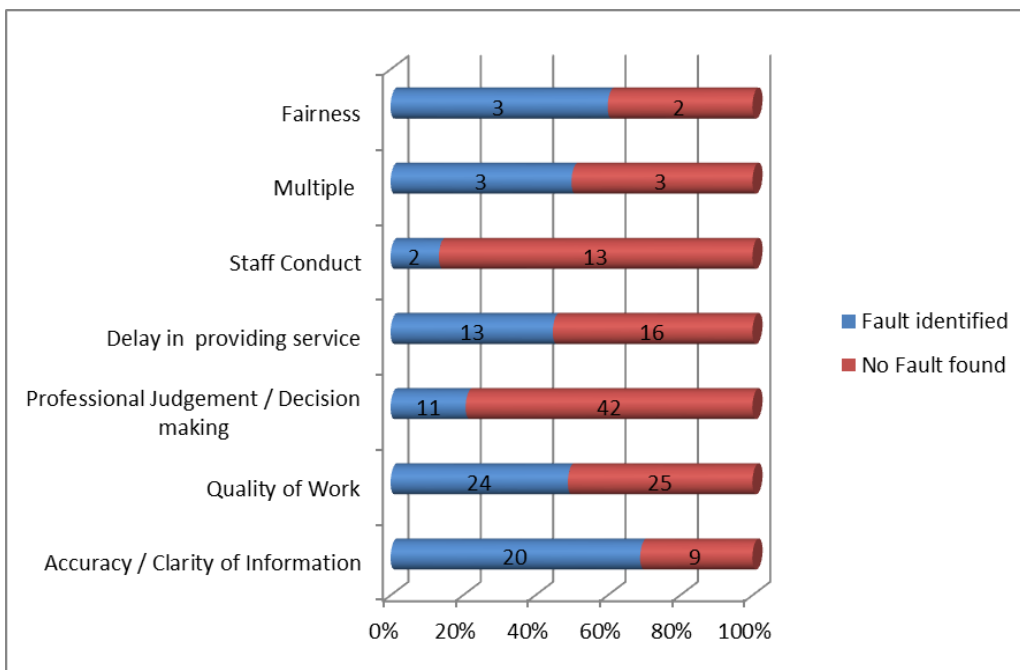
The Complaints team undertake analysis of each complaint to try to understand the significant factor. This can help prioritise areas for the department to focus on improving. The results for 2017-18 are represented below along with comparative data for 2016-17.

Table 5: Complaint causes last two years



Complaint causes are useful but must also be considered in conjunction with the number of cases where fault was identified within each category. This is set out in the table below.

Table 6: Complaint causes last two years



This year saw the most common cause being Professional Judgement or Decision making. Typically this is manifested through an unwelcome decision and in such cases the complaints procedure offers the ability to request a review of the decision making to ensure that it was soundly made.

Social care often entails judgement decisions to be made and in this context it is pleasing to note that in only 26% of the instances did the reviewing manager find any fault with the thinking.

Also of note is that although the numbers of complaints citing poor staff conduct rose compared to last year, encouragingly in only 2 cases was fault found. In both instances this was around poor choice of language which had inadvertently caused upset. Reflective discussions were held with the relevant officers.

4.3. Complaint Outcomes

Table 7: Adult Social Care complaints recorded by outcome

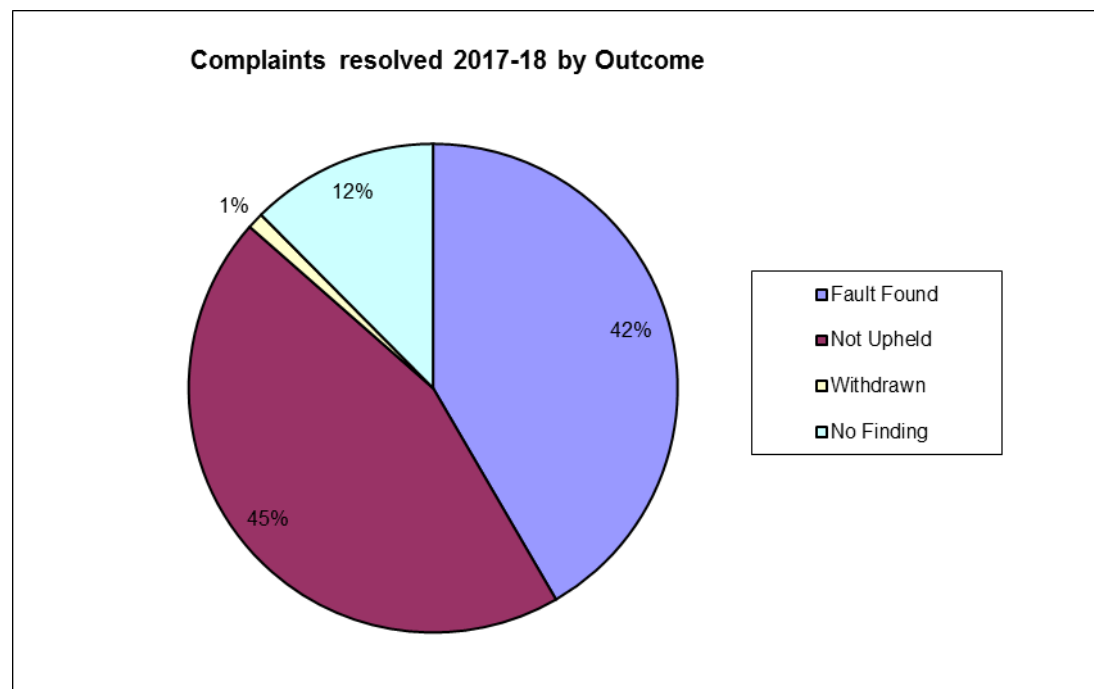


Table 7 above shows that 42% of complaints were upheld. This is a decrease on last year by 8%.

5. Learning from Complaints

Complaints are a valuable source of information which can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from complaints to improve the experience for others.

Lessons can usually be learned from complaints that were upheld but also in some instances where no fault was found but the Authority recognises that improvements to services can be made.

Occasionally during the course of an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

5.1. Corrective action taken

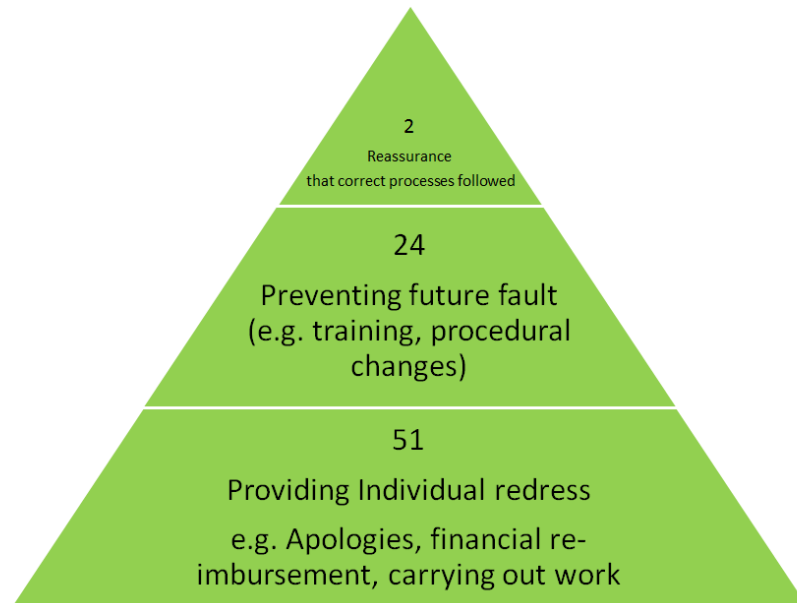
All of the 77 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Remedial action typically consists of both individual redress (e.g. apology, carrying out overdue work) and wider actions that may affect many. On some occasions, fault has already been remedied so the complaints process is used to re-assure that appropriate action has been taken.

Table 8 (overleaf) depicts the actions taken during 2017-18. This shows that in 31% of instances, clear actions were identified which should improve service for other members of the public. The most common of these is staff training but this category would include replacing faulty equipment, reviewing local policies and providing additional resources to help deal with demand.

In 14 instances financial redress was arranged to ensure that the complainant was put back in the position they would have been in had the fault not occurred. This is a vital part of the complaints process and this report provides re-assurance that managers are taking the appropriate action. Typically this is re-imburement of care costs where these had either been calculated wrongly or there was evidence that clear explanations were not given.

Table 8: Actions taken for upheld complaints 2017-18



5.2. Service Improvements during 2017-18

Research shows that a primary driver for making complaints is so that lessons can be learned and processes improved. It is also a key part of an effective complaints procedure to demonstrate this organisational learning so that in turn the public can feel confident that complaints do make a difference.

Case studies can be a powerful way of promoting this and to illustrate some of the positive action taken this year from complaints, three examples are set out below:

5.2.1. A's Story – Requesting a Carers Assessment

A contacted the Council experiencing significant carers strain due to the complex health needs of his daughter. He requested an assessment in his own right.

After making a number of unsuccessful attempts to progress this matter he contacted our Complaints team.

Actions taken

The Council's investigations found a number of issues with the way these requests were being handled which did not support timely processing of the applications. This was further exacerbated by a 30% increase in requests for carers' assessments.

In response the following actions were taken:

- Immediate recruitment of a temporary resource within the Customer Service Centre to help load assessments.

- Significant process re-design including simplifying the form and automated uploading (removing the need for re-keying data).
- Recruitment of permanent resource to focus specifically on a range of enquiries from carers and to ensure they are supported in a timely and efficient manner.

5.2.2. J's Story – Unreliable home care provision

J contacted the Council on behalf of her mother who was experiencing regular issues with care calls being late or in some instances missed entirely. After several attempts to resolve things directly with the provider she contacted the complaints team for assistance.

Actions taken

The Council's investigations agreed that there was a lack of consistency in the timings being provided by the care provider.

The Council held talks with the provider in order to agree how the care package could be managed and were able to agree acceptable changes to timings of calls. The Council also offered the family the option of direct payments which could be used to commission an alternative provider of choice if for any reason there were further concerns.

Periodic contact was made with the family who were satisfied with the changes made.

5.2.3. D's story – Lack of clear information regarding charges

D contacted the Council on behalf of his father seeking assistance with understanding how his father would have to contribute to care costs.

D felt bewildered by the lack of clear information as to how this would work and contacted the Complaints section out of frustration with this.

Actions taken

D's experience is not uncommon. We recognise that charging for social care is a complex area and we needed to do more to make information easier to understand and more readily available.

In response, the Council has put significant effort into improving the information on our web-site around paying for care. The paying for care pages are now much clearer about most people having to contribute towards their care and support needs.

We have also seen a clear reduction in complaints where the Council could not evidence discussions had been held about care costs.

6. Local Government Ombudsman

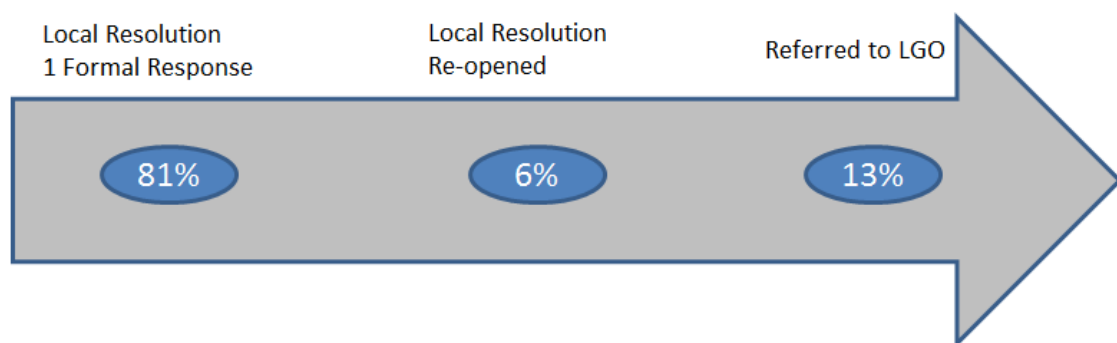
6.1. New complaints received by the Ombudsman 2017-18

As has been explained already, 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.

The Local Government and Social Care Ombudsman made enquiries of the Council on 24 complaints during the year. This represents approximately 13% of the overall complaints.

Table 9: Complaint escalations



6.2. Complaints resolved by the Ombudsman 2017-18

The Ombudsman made decisions on ten cases during the year with just two cases being upheld (20%). This represents a significant reduction on last year where the Ombudsman found fault in seven instances (63%)

Brief details for the two cases where fault was found appear below:

- Complaint regarding decision making of Emergency Duty Team following a safeguarding referral made. The Council accepted there was fault in how this was recorded and actioned which led to a missed opportunity to take immediate action to safeguard the individual.

The Council in response carried out a comprehensive action plan which included training of all EDT workers and a more rigorous quality assurance process.

- A complaint regarding charges applied for home care. The complainant disputed the amount due citing issues with missed care calls. Whilst the Council accepted some evidence of short or missed calls, this would not have affected the amount the complainant had to pay as the costs remained significantly over their assessed charge.

The Council (in recognition of the service failings) offered a 10% reduction on the invoice and the Ombudsman ruled that this was an appropriate remedy offer.

For the remaining cases –

- In two cases the complaint was referred back to the Council as Premature. This is when the Council has not fully exhausted our local complaints procedures
- 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.

Decisions made by the Local Government and Social Care Ombudsman during 2017-18 provide substantial assurance that the Council is appropriately responding to complaints and where applicable offering appropriate remedies.

It is important to note by way of context that Adult Social Care has been the category where the Ombudsman finds most fault during the last two years at an average of 54% nationally. Against this backdrop the Council's performance compares very favourably.

7. Monitoring the Process

The Complaints 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.

Complaints training is also offered to managers and 15 social care managers took part in this training during the year.

The Complaints Manager also meets with the department's Intelligent Client each quarter to talk through complaints matters.

Quarterly performance reports are produced and delivered at Strategic Leadership Team (SLT) and shared with the Lead Member for Adults and Communities.

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 provides a number of examples of how complaints intelligence directly drives and improves service delivery.

During 2018-19, the key priorities for the Complaints team will be rolling out further support and training for managers as well as specific work on more in depth root cause analysis to ensure that we continue to learn the important lessons that complaints can deliver.

Appendix A: Sample of compliments received 2017-18

- I just wanted to say huge thank you for your help-it's so much appreciated by my mum & dad & myself. I wish everyone within Social Services was as proactive, kind & helpful as you have been – **ADULTS CSC**
- You were extremely thorough and seemed to understand the situation the family were in during your review visit - **2 WEEK REVIEW**
- Please pass on all the family's thanks and appreciation for your recent help with respite stay – **OA CHARNWOOD**
- Compliments to your staff and especially F. In the family meeting yesterday. the way she handled the meeting and dealt with everything was first class – **OA HINCKLEY**
- Just wanted to let you know that the carers are fantastic...their help has been invaluable to me – **HART**
- Thanks to M for all your assistance with helping T confirm his place...we can all sleep easier now – **TRANSITIONS**
- I would like to draw to your attention the help that H has given me whilst I have been sorting out care for my mother & her husband... within half an hour all my concerns/worries had gone...I now had a clear understanding of how much support the Council would give and how much would be self-funded...H always has time for you and explains everything in a clear " non-complicated" way...At a time when you are looking for support and understanding he has stood out – **COMMUNITY CARE FINANCE**
- I must commend the very high standard of the Best Interest assessment and Mental Capacity assessment undertaken by A – **DOLS**
- Thanks to T for all the support given to father before his death...exceptional care was provided - **OA Melton**
- We wish to thank the OT department for the outstanding care they have given. Thank you so much – **OT**
- Thanks for all your support during discharge from hospital...I would not have managed without you...It's an amazing service – **HOSPITALS**
- Thank you for providing such an excellent service. I am really impressed by your speed of your response and the clarity of the information that you have provided. – **PERSONAL BUDGET TEAM**
- C is quite possibly one of the nicest and most professional officers that I have ever dealt with and a pleasure to work with her - **SAFEGUARDING**

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