



**ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**  
**2 SEPTEMBER 2019**

**ANNUAL ADULT SOCIAL CARE COMPLAINTS AND**  
**COMPLIMENTS REPORT 2018-19**

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

**Purpose of Report**

- 1 To provide members of 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 2018-19. The annual report is attached as Appendix A.
- 2 The Committee is asked to note the report and invited to make comments.

**Policy Framework and Previous Decisions**

- 3 The Committee last received a report on complaints and compliments on 11 September 2018. This report covered the year 2017-18 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 that 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.
- 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 2018-19.
- 10 Complaints and compliments about other aspects of the Adult and Communities Department are reported separately as part of the corporate complaints process.

### **Key Points**

- 11 There was a small decrease in the number of complaints received in 2018-19 compared to the previous year (173 compared to 186). This marks the first decrease in numbers since 2016-17.
- 12 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (9,626), it is clear that a very small percentage go on to make a formal complaint (173 complaints which equates to approximately 1.8%).
- 13 For complaints resolved during 2018-19, the proportion where fault was identified was almost identical to previous year (74 complaints or 43%, compared to 77 or 42%).
- 14 During the year, the Local Government and Social Care Ombudsman assessed or investigated 11 new complaints (approximately 6% of the total volume). This figure is not directly comparable to last year's data due to changes in the way the Ombudsman record data.
- 15 The Ombudsman published Final Decisions on 13 complaints during the year (an increase of two). Fault was found in five instances, an increase from last year (two). Details for each of the cases appear within the appended report.
- 16 During the year an additional "review" step was added to adult social care procedures. This has further strengthened decision making and should ensure any fault is identified and remedied appropriately at a local level and prior to Ombudsman involvement
- 17 This additional step has had some implications to timescales for responding to complaints. 101 (46%) of complaints were resolved within 10 working days (92 or

54% in 2017-18) with 150 (79%) resolved within 20 working days. Importantly no complaints exceeded the maximum time allowed (65 working days).

- 18 The most common complaint theme was again around assessments and care-planning. This is a broad area where complaints are often around professional decision-making.
- 19 There have been good examples this year of how systemic learning has been identified and implemented. In 23 cases (31%) where complaints were upheld, clear actions were highlighted by Investigating Managers that focus on improving future performance.
- 20 Case studies have been included within the annual report to demonstrate how complaints intelligence is driving process change through the department. These focus on three key thematic areas which have emerged during the year around safeguarding, direct payments and advice and information on charging.
- 21 Complaints training has continued through 2018-19 focused both on root cause analysis and improving the consistency and quality of responses. This is now a regular and on-going offer to all departments to ensure new managers can be quickly enrolled on this important learning.
- 22 134 compliments were received during 2018-19. Whilst slightly down on the previous year this continues to add balance to the annual report and recognise the good work that is also taking place across the department.

### **Recommendations**

- 23 The Committee is asked to:
  - a) note the contents of the Adult Social Care Complaints Annual Report, covering the period 1 April 2018 to 31 March 2019;
  - b) provide comment and feedback on the content and analysis within the report.

### **Background Papers**

Report to Adults and Communities Overview and Scrutiny Committee: 11 September 2018  
 – Annual Adult Social Care Complaints and Compliments Report 2017/18 -  
<https://bit.ly/31Cwncg>

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

24. None.

### **Officers to contact**

Jon Wilson  
 Director of Adults and Communities  
 Adults and Communities Department  
 Tel: 0116 305 7454  
 Email: [jon.wilson@leics.gov.uk](mailto:jon.wilson@leics.gov.uk)

Simon Parsons  
Complaints Manager  
Corporate Resources Department  
Tel: 0116 305 6243  
Email: [simon.parsons@leics.gov.uk](mailto:simon.parsons@leics.gov.uk)

## **Appendix**

Appendix A – Social Care Statutory Complaints and Compliments: Annual Report - April 2018-March 2019

### **Relevant Impact Assessments**

#### **Equality and Human Rights Implications**

- 25 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**

- 26 The National Health Service Complaints (England) Regulations 2009 places a duty to co-operate on local authorities and health organisations. During the year, two complaints were handled under joint complaints protocols. Whilst a significant reduction from the previous year, there is no clear evidence that protocols are not being adhered to by the respective organisations.