



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
7 SEPTEMBER 2020

ANNUAL ADULT SOCIAL CARE COMPLAINTS AND
COMPLIMENTS REPORT 2019-20

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 2019-20. The annual report is attached as an Appendix.
- 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 2 September 2019. This report covered the year 2018-19 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 social care functions 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 Directorate 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 2019-20.
- 10 Complaints and compliments about all other aspects of the Adult and Communities Department are reported separately as part of the corporate complaints process.

Key Points

- 11 There was a 12% increase in the number of complaints received in 2019-20 compared to the previous year (194 compared to 173). This is in line with the wider organisation which has seen a 39% increase across the last three years.
- 12 When complaint volumes are set against the context of overall numbers in receipt of long-term support during the year (9,503), it is clear that a very small percentage go on to make a formal complaint (194 complaints which equates to approximately 2%).
- 13 For complaints resolved during 2019-20, the proportion where fault was identified was almost identical to previous year (82 complaints or 44%, compared to 74 or 43%).
- 14 During the year, the Local Government and Social Care Ombudsman assessed or investigated 15 new complaints (approximately 8% 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 10 complaints during the year (a decrease of three). Fault was found in three instances, again a decrease from last year (five). Details for each of the cases appear within the appended report.
- 16 As highlighted within the Annual Report, an additional "review" step was added to adult social care procedures part way through last year. 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 does have some implications to timescales for responding to complaints. 73 (39%) of complaints were resolved within 10 working days (84 or 49% in 2018-19) with 146 (78%) resolved within 20 working days.

- 18 At the request of the Committee at its September 2019 meeting, an extra indicator has been added to show complaint responses within 40 working days. This shows that 174 (93%) of cases are responded to within this timescale and just four complaints exceeded the statutory maximum time allowed (65 working days). These were complex cases each involving meetings and, in some instances, waiting for information to be provided by family members.
- 19 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.
- 20 Also, with consideration to the comments made by members of the Committee at its September 2019 meeting, detail is provided within this year's annual report of complaints mapped to each district for the second half of the year. It is the intention that this type of detail will continue to be provided in future annual reports to the Committee and will be used to aid the department to undertake any targeted work as necessary.
- 21 There have been good examples this year of how systemic learning has been identified and implemented. In 24 cases (29%) where complaints were upheld, clear actions were highlighted by Investigating Managers that focus on improving future performance.
- 22 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 thematic areas which have emerged during the year around safeguarding investigations into providers, the importance of clear advice and information on what adult social care can fund and person-centred care planning.
- 23 Complaints training has continued through 2019-20 focused both on root cause analysis and improving the consistency and quality of responses. A further 10 Service Managers completed this training during the year.
- 24 99 compliments were received during 2019-20. Whilst slightly down on the previous year this continues to add balance to the annual report and recognises the good work that is also taking place across the department.

Recommendations

- 25 The Committee is asked to:
- a) note the contents of the Adult Social Care Complaints Annual Report, covering the period 1 April 2019 to 31 March 2020;
 - b) provide comment and feedback on the content and analysis within the report.

Background Papers

Report to Adults and Communities Overview and Scrutiny Committee: 2 September 2019
 – Annual Adult Social Care Complaints and Compliments Report 2018/19
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=5689&Ver=4>

Circulation under the Local Alert Issues Procedure

26. 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

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

Appendix

Appendix – Social Care Statutory Complaints and Compliments: Annual Report - April 2019-March 2020

Relevant Impact Assessments

Equality and Human Rights Implications

27 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

28 The National Health Service Complaints (England) Regulations 2009 places a duty to co-operate on local authorities and health organisations. During the year, 10 complaints were handled under joint complaints protocols using an agreed joint complaints handling framework. No issues were experienced with partnership working.