



Adults & Communities

Social Care

Statutory Complaints & Commendations

Annual Report April 2012 – March 2013

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1. Purpose and Summary of Report

1. To report statistical information to Members and Officers detailing Leicestershire County Council's (LCC) Adult Social Care complaints activity from 1st April 2012 to 31st March 2013 including developments and planned improvements.
2. To meet regulation 18 of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009; which requires the production of an annual report each year
3. For the current year the following Statutory guidance remains relevant:

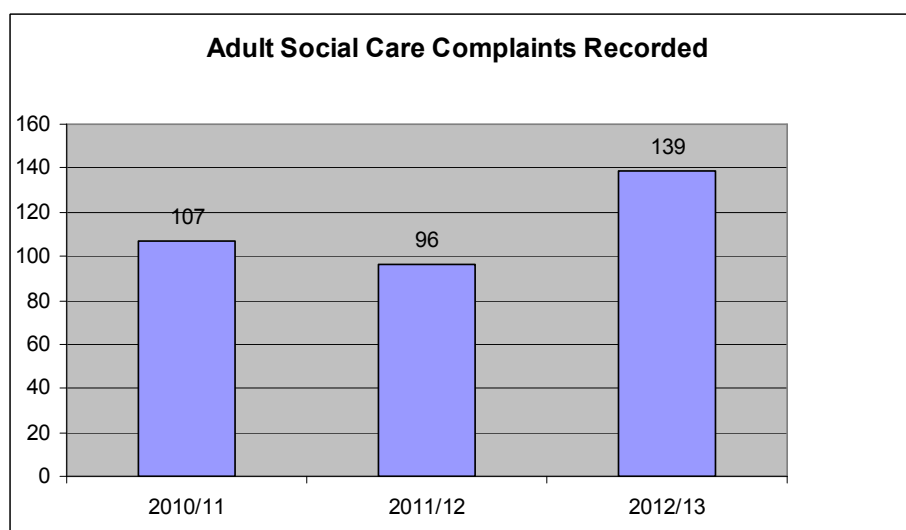
The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009

Listening, Responding, Improving – a guide to better customer care (DH 2009)
4. This report provides analysis and comment for Social Care Services on all complaints managed under the statutory process. Those complainants not qualifying under the statutory process together with commendations across the board are considered under the County Council's Corporate Complaint Annual Report presented to the Scrutiny Commission.
5. It has been agreed that from April 1st 2013, both compliments and complaints concerning the Adult Social Care Customer Service Centre will be included within this annual report. This reflects the depth of enquiry handling which takes place within this area.

2. Complaints and Commendations Analysis

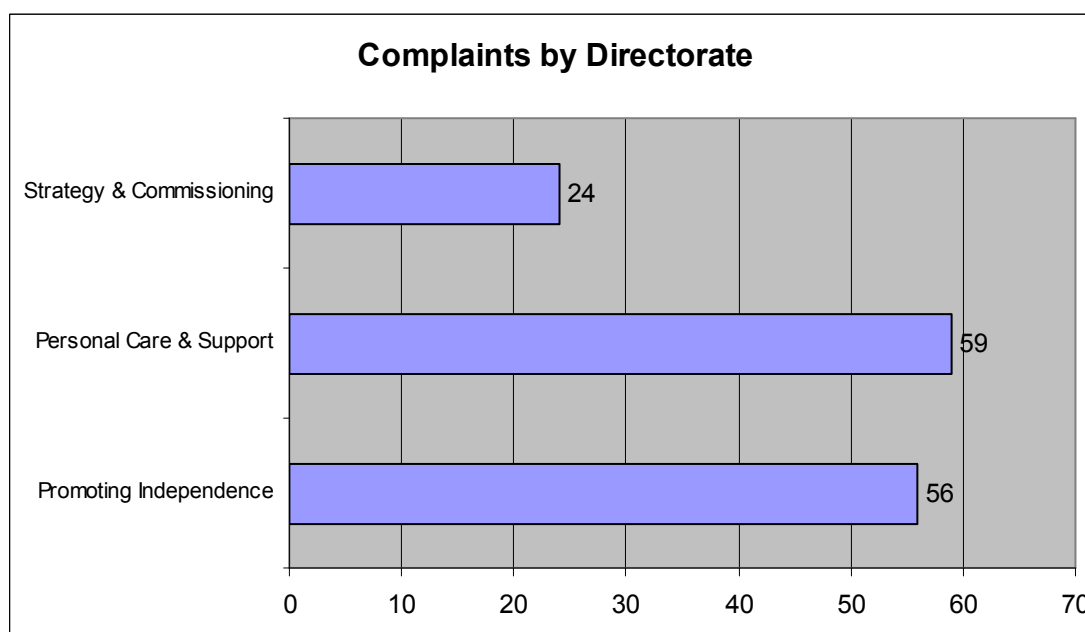
Complaint Volumes

Table 1: Adult Social Care Complaints recorded



6. As illustrated above the total number of complaints received this year for Adult Social Care Services has increased by 43 (44%) since last year. This is a sizeable increase, though it should be noted that some of this is simply down to greater visibility of complaints, notably ones which are responded to by the Director. Much work has been done in this area to ensure these responses are captured and monitored corporately, and as such this increase should not be viewed negatively.
7. The volume of complaints also should be considered in the light of overall interactions across the Department. It is understood that over the year 2012/13, approx 15,000¹ users received a service from the Social Care Department. This is a reduction on previous year (15,900), but when complaint volumes are set against this figure, it is clear an extremely low number of service users do go on to register formal complaints (0.93%).

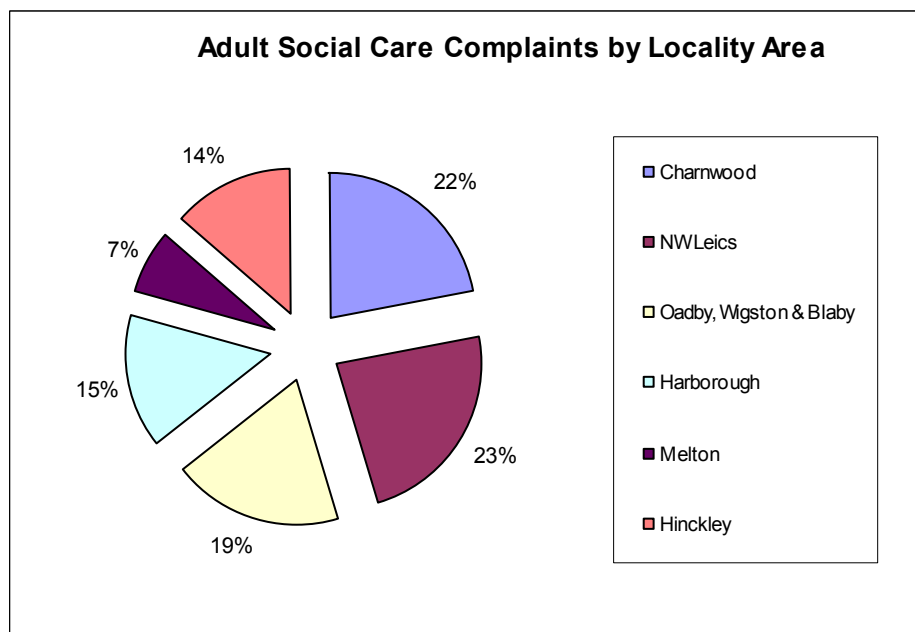
Table 2: Adult Social Care Complaints by Directorate



8. The above table shows the services which have been complained about through the year. There is an even balance between the Personal Care and Support (PCS) and Promoting Independence (PI) teams, whilst a lower number in the Strategy and Commissioning (S&C) area. This is unsurprising given that the S & C services tend to be less customer facing. It is noteworthy that in this area, there has been a significant increase from prior year where just 11 complaints were made.
9. This increase is predominantly down to uplifted volumes of Community Care Finance complaints. During the year this area has seen significant changes as well as the introduction of new systems which created some teething problems through the year. It is anticipated these will reduce again during 2013-14 as the systems become more mature.

¹ Figures supplied by Performance Team and are subject to final quality check.

Table 3: Adult Social Care Complaints by Geographical Area



10. The above breaks down where complaints arise. All complaints received have been mapped against a locality area and the two biggest sectors are North West Leicestershire and Charnwood, with Melton seeing the lowest levels of recorded complaints.

Joint Complaints

11. During the year 2012/13, eight complaints were considered using the Joint Complaints protocol which exists between Leicestershire and a number of partner agencies, including the Leicestershire Partnership Trust (LPT), University Hospitals Leicester (UHL) and Leicester City Council. Recently the new Clinical Commissioning Groups (CCGs) have been included within this protocol as well.
12. In late 2012, it became clear that although an existing protocol existed for managing these joint complaints, there were issues experienced from all sides in enabling timely resolution to complaints being considered under this classification. It was also clear that as a working group, there had been a number of key personnel changes and that the group had not met for some time. As a result, fresh meetings have been established and the first task being undertaken is a review of the current protocol to ensure it is fit for purpose. Further progress will be made over the year 2013/14 and it is anticipated improvements will be realised as a result.
13. Of the eight complaints considered this year, six took longer than one month to resolve and in two cases, this was in excess of three months. These timescales are disappointing and reflect the current problems encountered when managing these joint complaints.

Complaint Causes

14. All complaints are mapped against a number of high level categories which are detailed in Table 4 below.

Table 4: Complaint Categorisation

Issues Raised in Complaints	
Communication	43
- Contact Problems	17
- Co-ordination	10
- Inappropriate	6
- Information Provision	15
- Understanding	4
Staff Conduct	24
Practice & Procedure	35
Service Delivery	66
Confidentiality	1
Plans/assessment	31
Other	1

15. As can be seen from the table above, the issue most commonly raised is Service Delivery, which typically relate to process failings, such as care plans not being followed correctly, invoicing issues or failure of internal teams to co-ordinate effectively
16. The second highest category is communication, and within this sub-set, Information Provision and Contact problems feature highly. Typically this relates to complaints that Social Workers have not kept complainants up to date with affairs, or calls not being returned promptly.
17. Whilst the numbers of staff conduct complaints have increased from prior year, it is worth noting that only 25% (six cases) of these were upheld. In all cases this was down principally to the tone or appropriateness of language used / comments made rather than any wider conduct concerns.
18. Often complaints are about more than one aspect, and as such the totals do not balance with overall numbers. This is considered a weakness and with effect from April 1st 2013, an assessment will be made by the Customer Relations team as to what was the dominant cause for the complaint. This classification will be made using “root cause analysis” techniques which is a recognised best practice approach.

19. A review of the categorisation has also been undertaken to make them more specific than at present. Benchmarking has also been carried out with colleagues in the East Midlands Regional Complaints Group to inform this review. The result is a series of more citizen focused categories better reflecting the services Adult Social Care deliver.

Accessibility

20. Once again the vast majority of complainants describe themselves as White British at 87%, however when set against the local area breakdown as supplied by the Research & Information unit (89% White British) this would appear a good indication of the accessibility of the procedure.
21. 62% of complaints were raised by Females which may suggest a slight gender imbalance but this is not considered significant enough to indicate any accessibility issue.
22. Just 18% of complaints are made by the Service User themselves, with family members the dominant category at 64%. This is not unusual for the services provided by the Department.
23. 8% of complaints were made by individuals acting as advocates, a service the Department continues to offer to service users.

Benchmarking

24. Leicestershire County Council is a member of the East Midlands Regional Complaints Managers Group and the Customer Relations Manager regularly attend meetings of this group. It was recognised in 2012 that it would be useful to undertake a benchmarking exercise to try to compare levels of complaints between organisations. This exercise has produced a first set of data; however has also revealed huge discrepancies in the way different organisations record and classify complaints. It is therefore not considered to as yet add any value to this report. Work continues to hone this data with a view to being able to share in future annual reports.

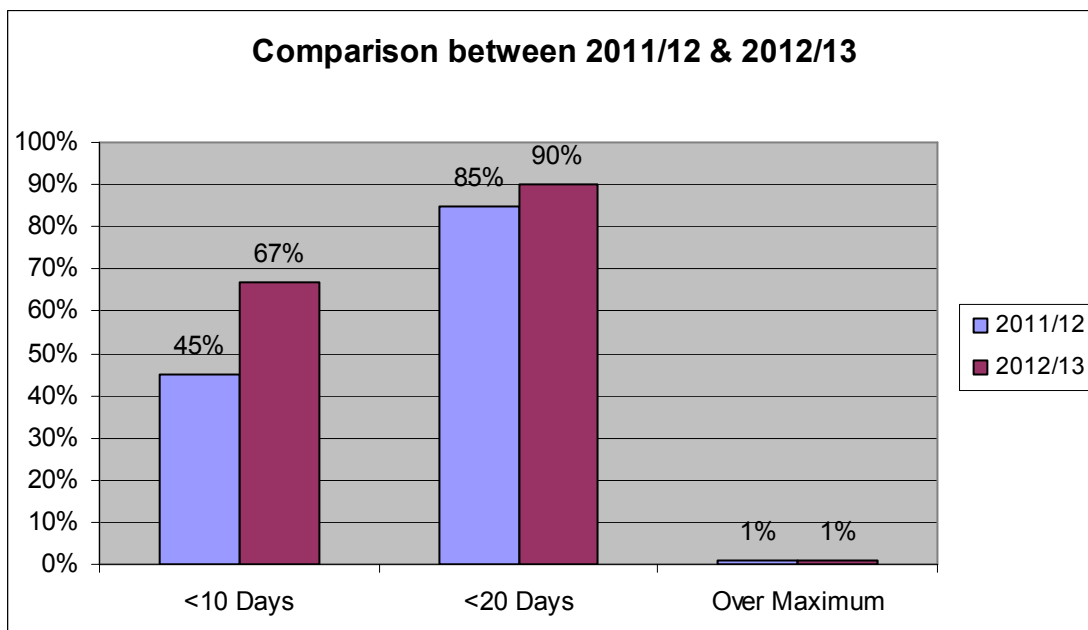
Adult Social Care Compliments

25. 137 compliments were recorded against Social Care Services during 2012/13 which marks a significant increase on prior year (98). In particular the Homecare Assessment and Reablement Team (HART) team has seen a large rise in recorded compliments, with 39 alone coming in the final quarter for this team. It is encouraging to see greater visibility of the good work that is being delivered by the department which has been a key objective of the Customer Relations team this year. A small selection of the comments received appears below.

- “You have really been there for me and helped me see that I can do this and there is hope...You are both fantastic people and deserve so much credit for what you do”
 - “I am completely overwhelmed by your dedication and compassion. Your patience is immeasurable, your skill-set vast”
 - “Really responsive at a time of family crisis”
 - “Thank you for an open, relaxed yet professional approach & Thanks to the lads who installed the hoist who were quick & tidy and explained everything clearly”
 - “The service is excellent...we had some good laughs, which helps in patient recovery....Thanks to everyone, I will always remember with pleasure the care I had and I'm now fully recovered to "go it alone"
 - “The service you provided was excellent. You all cheered me up. I was very low after spending five weeks in three different hospitals. I am making real progress now”
26. The Customer Relations Team will continue to work closely with departments to try to reflect all the positive feedback received across the teams.
27. With numbers of compliments now increasing, further efforts will be made to categorise these in greater depth moving forwards. This will assist the department in understanding what good performance looks like.

Performance against timescales: How responsive have we been?

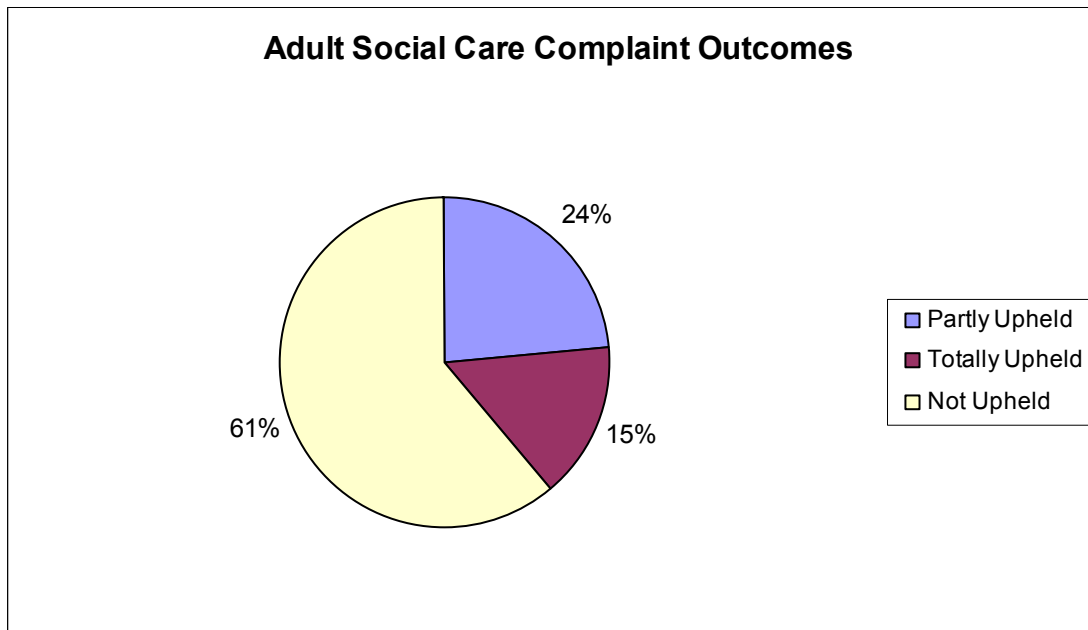
Table 5: Adult Social Care Performance



28. Table 5 above shows the detail of time taken to respond to complaints, providing a comparison between the current reporting year and the previous one. The table shows an improved compliance with the internal best practice target of ten working days, with 67% now achieving this target. Performance has also improved in terms of compliance with the 20 day timescale at an impressive 90%. Given the complexities of social care complaints these are pleasing figures.
29. One complaint was recorded as outside of the statutory timescales of 65 working days. This was a complex joint complaint between the County Council and the LPT. The difficulties in ensuring timely resolution of joint complaints have already been mentioned and will be a key item to improve during 2013/14.

Complaints Outcomes & Resolutions

Table 6: Adult Social Care complaints recorded by outcome.



30. Table 6 above shows that a majority (61%) of complaints responded to were “not upheld”. Just 15% were fully upheld, with a further 24% of complaints having some element of the complaint upheld.
31. The fact that only 15% of complaints are recorded as “fully upheld” does not necessarily mean that complaints received are not reasonable or have no value. It is always important to listen to what we are being told about our service in order to put matters right at the earliest opportunity, and to learn and improve.
32. It should also be noted that some of the complaints classified as “not upheld” concern matters which are outside of our jurisdiction to respond to, for example those about decisions reached in Court. It is proposed with effect from April 1st

2013 to record these under a separate category of “Not Applicable” which better reflects the decisions reached.

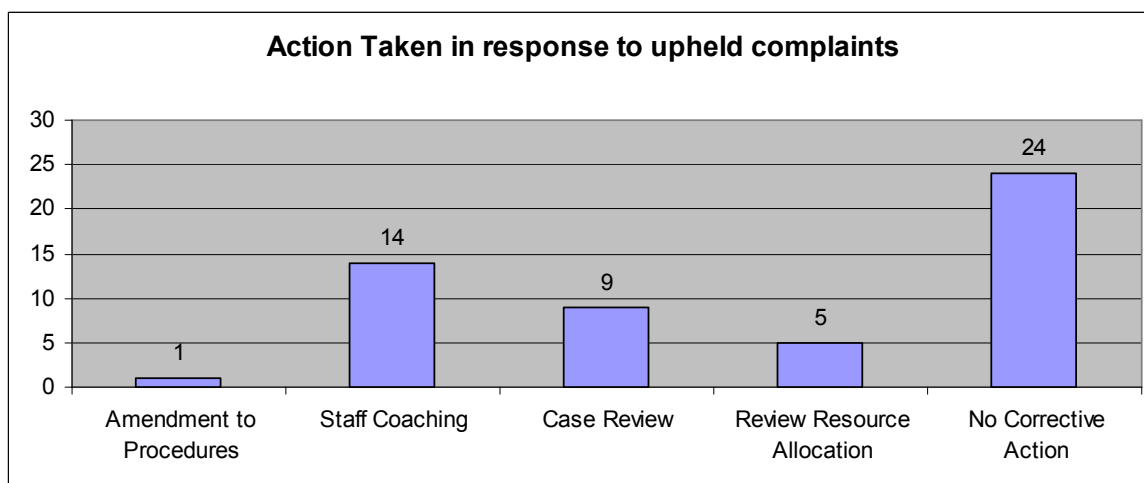
Local Government Ombudsman Complaints

33. The Local Government Ombudsman investigated 13 cases during 2012/13 which is slightly more than in prior year (9) but remains proportionally equivalent to the number of overall complaints with an escalation rate of 9% across both years.
34. In three of the above cases, the Council agreed local settlements, with 2 of these involving a financial remedy.
35. In one case, £6000 was agreed despite it being made very clear by the Ombudsman that failings were not attributable to County Council staff, but rather a care home that the Council commissioned. As a direct result of this ruling, contracts with providers have been amended to enable the council to claw-back monies from providers for any future liability of this type.
36. The other case resulted in a smaller time and trouble payment of £350 being made in recognition of delays in providing support and distress caused.
37. The final local settlement involved no financial remedy as such, but rather the Council agreeing to a change in how we applied care charges to a service user.
38. Two cases remain open with the Ombudsman with no provisional view yet reached.
39. In the remaining 8 cases, the Ombudsman discontinued her investigations citing no or insufficient evidence of maladministration on the Council’s part.

Learning from Complaints

Corrective action taken

40. Each of the 53 complaints either partly or fully upheld have been reviewed to ascertain what action the department has taken to learn from the complaints and avoid such issues occurring in the future.
41. Table 7 below provides a breakdown of the action taken. From this it can be seen that in 24 cases, it has not been clear any specific remedial action has been taken, the highest category. It is anticipated that there will be a number of cases where there is no specific action taken, typically where things have already been corrected or there is no opportunity to influence things further; however it is recognised that opportunities exist to reduce this figure moving forwards
42. Staff coaching is the next highest category, followed by Case Reviews, which include where Safeguarding reviews have been instigated following the complaint.

Table 7: Corrective actions taken

43. Specific actions taken include the following

- Increase in staffing within the Service Centre to promote swifter response times
- Amendments to office practice to ensure requests for support are followed up effectively
- Instigation of two Safeguarding reviews into practices of independent care homes
- Introduced more flexible system within the Fairer Charging team to cater for short respite breaks.
- Allocation of regular staff to enable a more person centred care plan.
- Reviewed Hospital Discharge process and how the department works with Health colleagues to ensure smooth discharge processes.

Satisfaction Surveying

44. Leicestershire County Council has for some time carried out post complaint satisfaction surveying in efforts to gauge the effectiveness of the complaints handling service. For some time it has been felt that the results give little value as they are heavily skewed by the outcome of the complaint. For example those whose complaints were upheld tend to rate the service highly whereas those rejected rate it poor.
45. In addition to this response rates through 2012-13 have been poor and a decision has been made not to include this data within the annual report.
46. This challenge is far from unique to Leicestershire County Council, nevertheless it is accepted that a vehicle to assess satisfaction levels does

need to exist. A review of how best to achieve this and garner meaningful results is currently being undertaken.

Summary: What have we done well and where can we improve?

What are we doing well?

- Response timescales have improved further to a very strong position
- Continued low numbers of complaints seeking escalation to the Ombudsman
- Customer Relations and Adult Social Care continue to work in partnership building on the relationship developed in previous years

What do we need to improve?

- Improve effectiveness of the joint complaints protocol
- Improve identification and recording of learning from Adult Social Care complaints.
- Ensure all Team Managers (particularly new appointments) fully understand the statutory complaints procedures and are aware of the support available from the Customer Relations team.

3. Monitoring the Process

47. The Customer Relations team continue 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.
48. During this reporting period, no complaints handling workshops have been run for Adult Social Care managers. The Customer Relations team are keen to promote this facility further over the next year.
49. 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.
50. Quarterly performance reports are created and presented to the Departmental Management Team (DMT). The Customer Relations Manager also meets with the departments Intelligent Client each quarter to talk through complaints matters.

51. During 2013/14, the Customer Relations team will focus on:

- Improving the learning from complaints considered at Stage one. This will be helped by more detailed root cause analysis by the Customer Relations unit.
- Continuing to increase the visibility of compliments across the department and building on the analysis carried out of this area
- Maintaining the strong track record of timely complaint responses.
- Work with Learning & Development to incorporate complaints handling as a mandatory module for all Team Managers. Reminders will also be issued to existing managers summarising the support the Customer Relations team offer.

4. Final Comments

52. Overall this has been another positive year for complaints management across the Adult Social Care Services. During the year, there has been a change of the designated complaints manager, but this has been a smooth transition, and a number of positive developments have been made in terms of ability to record and track complaints.

53. The Customer Relations Team continues to get strong support and commitment from Locality Managers and Heads of Service, emphasised by the excellent response timescales achieved.

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