



## **Adult Social Care**



## **Statutory Complaints & Commendations**

## **Annual Report April 2013 – March 2014**

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## 1. Purpose and Context of Report

### 1.1 Purpose & Scope

To report to Members and Officers detailing Leicestershire County Council's (LCC) Adult Social Care complaints activity from 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014 including developments and planned improvements.

To meet the Council's statutory duty requiring the production of an annual report each year<sup>1</sup>

The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 outlines the statutory responsibilities of the County Council.

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 are considered under the County Council's Corporate Complaints and Commendations Annual Report presented to the Scrutiny Commission.

### 1.2 Background Context

The Adult Social Care Service within the Adults and Communities Department arranges and supports the provision of a wide variety of services to help 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 nursing care as well as having lead responsibility for safeguarding adults at risk of harm.

This year 15,949<sup>2</sup> older people and adults of working age received an Adult Social Care service. The department always aim to provide high quality services that meet the needs and circumstances of individuals and their families. The department actively promote involving clients and carers in shaping services; using their skills and experiences to help us ensure we provide the right services. However, given the personal and complex nature of the services, sometimes things do go wrong.

The complaints process is a mechanism to identify problems and resolve Issues. If things go wrong or fall below expectation, the County Council will try to sort things out quickly and fairly. We also want to learn from our mistakes or concerns that arise and will make changes to improve services.

Analysis of information about complaints received during 2013 -14 gives Adult Social Care an opportunity to reflect on both the quality of the services it provides to the people who use the service and consider how well it listens and responds to their needs.

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<sup>1</sup> [Statutory Instrument 2009 no.309 \(18\)](#)

<sup>2</sup> Data supplied by Performance & Intelligence Team

### 1.3 Ombudsman Special Report – Review of Adult Social Care Complaints 2013

In May 2014, the Local Government Ombudsman issued a special report on Adult Social Care complaints covering the 2013 calendar year. This is an important document and is the first time the Ombudsman has issued such a report. The report includes complaint statistics for each local authority as well as all registered care providers about whom the Ombudsman has received a complaint.

The report highlights the impact that people feel when services let them down and comes amidst Ombudsman concerns that it has seen a 130% increase in adult social care complaints since it took on responsibility for registered private care providers in 2009. This makes it the fastest growing area of the LGO's work, with the highest uphold rate for all areas of complaints. Nationally in the last year, there has been a 14% increase in the number of complaints and enquiries received about adult social care.

In setting out a vision for future social care complaints, the LGO also calls for a set of common standards for complaint handling, with mandated data returns to CQC, clear signposting obligations, and the right to advocacy support when complaining about care services. At this point it is unclear to what extent these actions will be taken forward.

Leicestershire County Council does not present as an outlier in this report, with an average complaint per 100,000 residents of 3.1 which is firmly mid-table.

The full report is included as Appendix B of this report and reference will be made to it throughout this report.

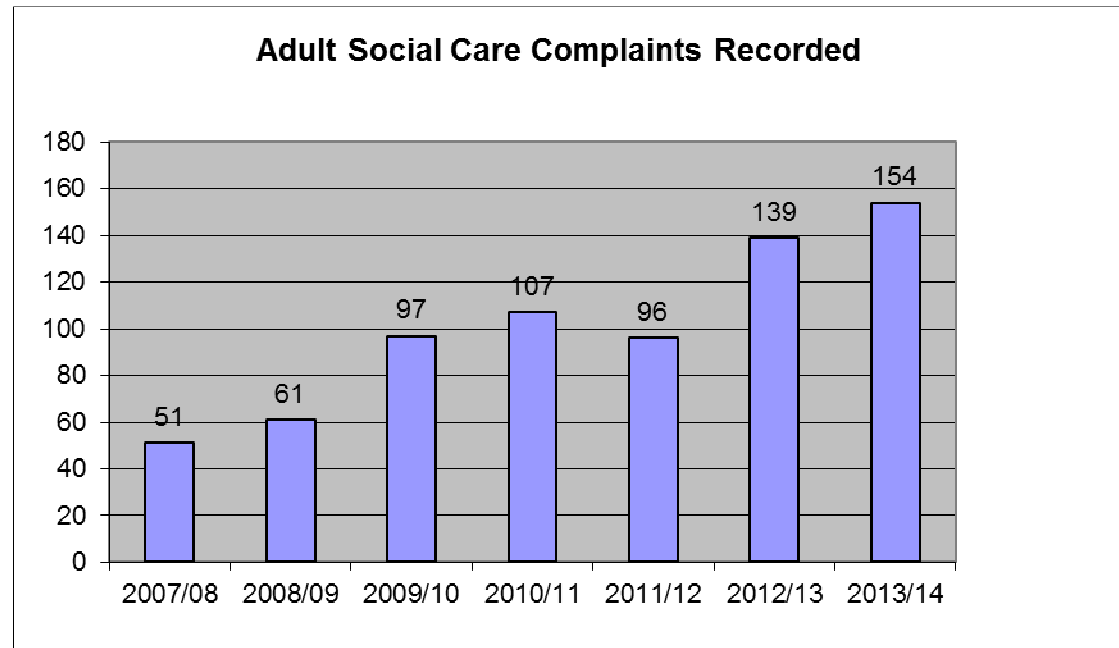
### 1.4 Reform of Health and Social Care complaints regulations

The Department of Health are currently consulting on the introduction of an appeals-based system which would sit alongside the statutory complaints procedure and enable an alternative form of challenging the outcome of any social care assessment. This could, potentially, have significant impact to the work of both the Customer Relations Team and Adult Social Care more generally. The draft regulations indicate a move towards introducing such a mechanism in April 2016 but further consultation on the detail is expected in late 2014.

## 2. Complaints Analysis

### 2.1 Complaint Volumes

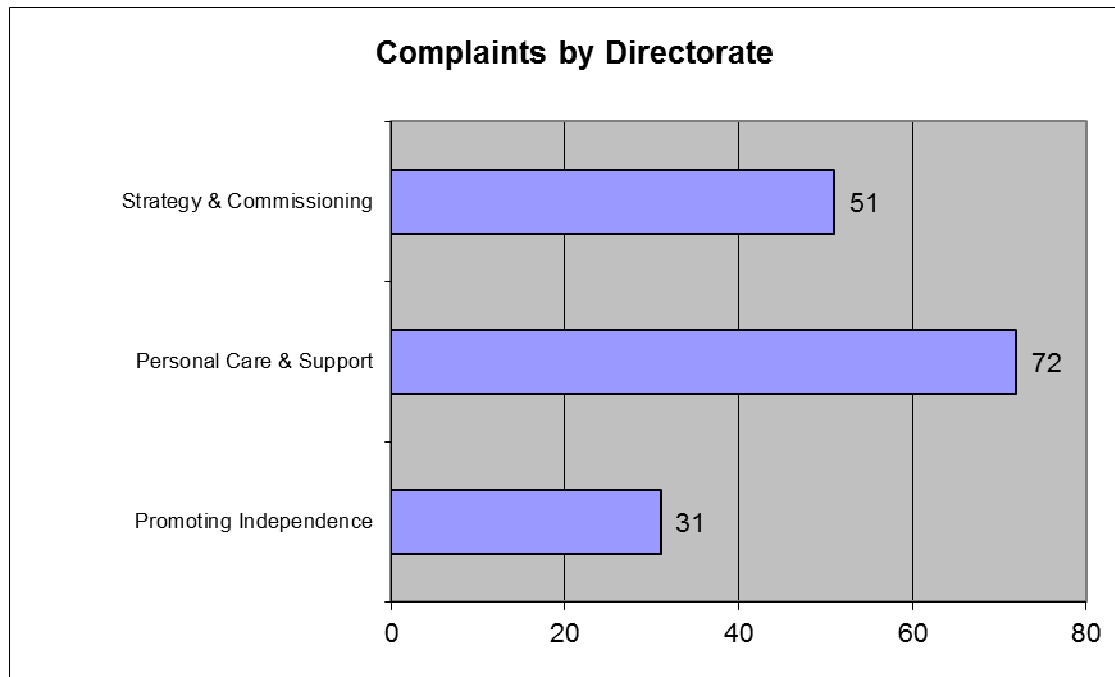
*Table 1: Adult Social Care Complaints recorded*



As illustrated above the total number of complaints received this year has continued to increase. There has been an 11% increase from prior year, though this increase has slowed from that seen between 2011/12 and 2012/13. The longer term trend remains upward particularly when considered within the context of further cuts to social care services over the next few years.

## 2.3 Complaints by Directorate

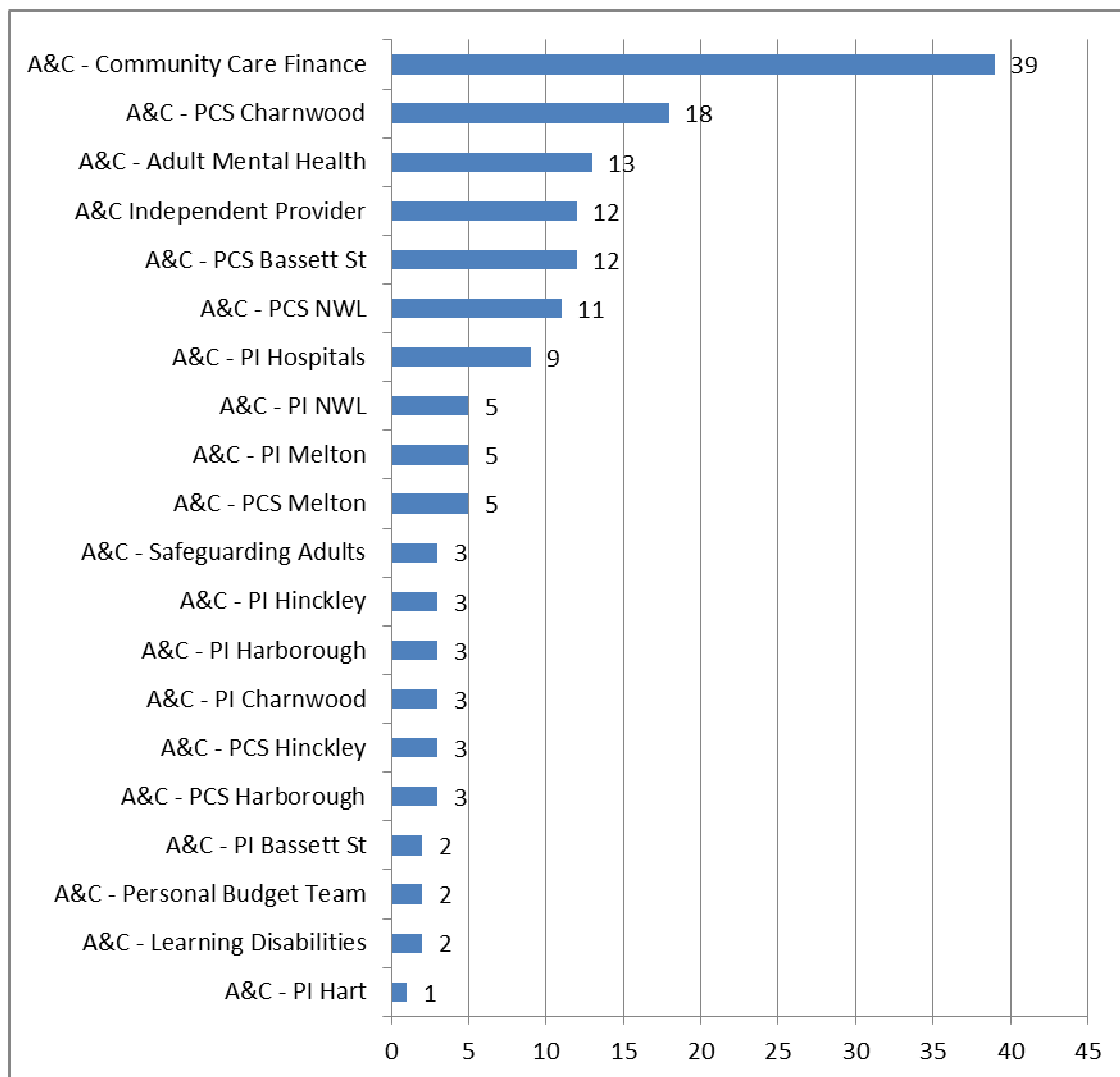
Table 2: Adult Social Care Complaints by Directorate



The above table shows the services which have been complained about through the year. Personal Care and Support saw the highest numbers with Promoting Independence teams seeing the lowest numbers.

Strategy and Commissioning numbers also include those complaints that are about independent providers, though it should be noted these are only after the complainant has attempted to resolve the issues directly with the provider.

*Table 3: Adult Social Care Complaints by Service Area*



The above breaks down where complaints have arisen. All complaints received have been mapped against a service area.

Clearly a major theme this year has been Community Care Finance complaints (which were identified in last year's annual report as being on the increase). It should be noted, however, that both Community Care Finance and Adult Mental Health services cover the whole county so, as such, might reasonably be expected to be higher than individual locality areas.

In addition to the above, 2 complaints were received about social care services offered by the Customer Service Centre and were handled under the corporate complaints procedure. Although the CSC is managed by Corporate Resources Department, it was agreed last year to reference these in future A&C annual reports. These numbers are however low considering the volume of enquiries that are taken by the service centre and a reminder will be issued about the importance of ensuring all complaints are forwarded to the Customer Relations team.

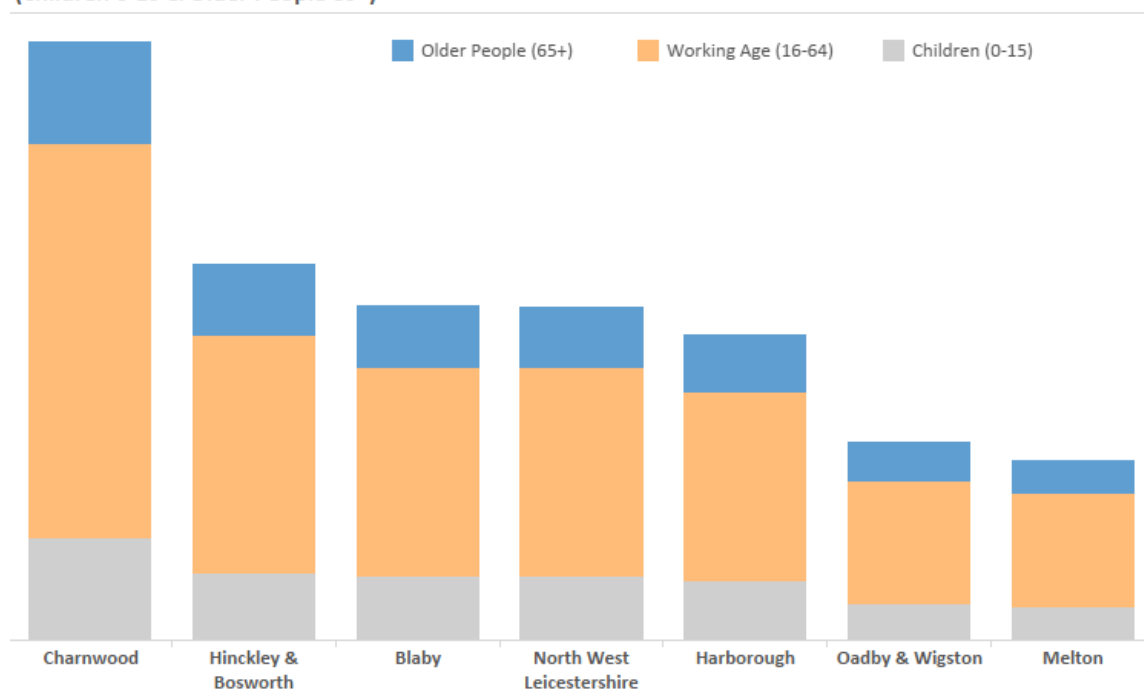
In 2012/13 Adults and Communities Scrutiny Committee noted that it would be helpful to add more context to this data, such as reflecting the different population sizes in the districts and showing complaints received per resident, and the information should generally be presented in a way that added value to the exercise.

To address this gap, the County Council's Research and Insight team have been engaged and have provided both District Total Populations and numbers of people who have taken an adult social care service within the 12 month period. The figures are shown in the graphics below

*Table 4: District Populations*

District Total Population						
Blaby	Charnwood	Harborough	Hinckley & Bosworth	Melton	North West Leicestershire	Oadby & Wigston
94,593	168,779	86,389	106,046	50,770	94,018	56,103

**Working Age Population compared against Non Working Age Population  
(Children 0-15 & Older People 65+)**



Using the above data-set it has been possible to calculate the number of complaints made per 100,000 residents. This mirrors one of the measurements used within the Local Government Ombudsman Special Report and shows that there were just 23 complaints recorded per 100,000 residents.

Figures have also been calculated to show the percentage of actual service users who went on to make a formal complaint. The results are shown in Table 5 below



Table 5: Percentage of Complainants per district

DISTRICT	Service Users	Complaints Received	% of Service Users (or family) making a complaint	Complaints per 100,000 people based on District Total Populations
Blaby & Oadby Wigston	3605	35	0.97%	23.23
Charnwood	3822	34	0.89%	20.14
Harborough	1750	10	0.57%	11.58
Hinckley & Bosworth	2625	17	0.65%	16.03
Leicester City	492	2	0.41%	NOT KNOWN
Melton	1058	17	1.61%	33.48
NW Leicestershire	2169	28	1.29%	29.78
Rutland	55	0	0.00%	NOT KNOWN
Out of County	354	3	0.85%	NOT KNOWN
(blank)	19	8		
<b>Grand Total</b>	<b>15949</b>	<b>154</b>	<b>0.97%</b>	<b>23</b>

## 2.4 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 complaints<sup>3</sup>. Leicestershire County Council accordingly has a joint complaints handling protocol 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 2013/14, thirteen complaints were considered using the Joint Complaints protocol. This is an increase on the previous year (8) with the bulk being complaints around hospital discharge arrangements. Work is being undertaken in this area to streamline processes in this key area.

Of the thirteen complaints considered this year, the average response time was a greatly improved 22.65 working days. Only one complaint exceeded the statutory maximum target of 65 working days; however this was because two separate multi-agency meetings were held.

Following the re-introduction of quarterly meetings of this multi-agency group, improvements have been noticed in managing joint complaints and all parties have agreed to a revised operating model which has helped deliver these improved overall response times.

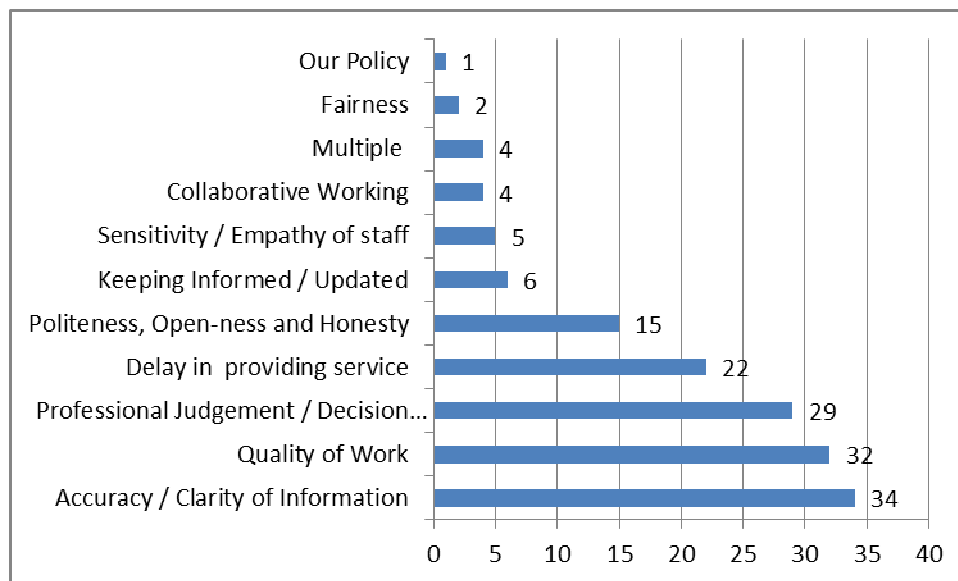
<sup>3</sup> [Statutory Instrument 2009 no. 309 \(9\)](#)

## 2.5 Complaint Causes

Significant effort has been made this year to review each complaint to understand the principal issue that led to it being made.

During 2013-14, a decision was also taken to map complaints against the Council's revised Customer Service Standards which were launched in April 2014. As a key source of customer feedback, complaints often form an important part of evaluating how well the County Council is performing against these Standards. Table 6 below summarises these findings.

*Table 6: Complaint causes*



As can be seen from the table above, the issue most commonly raised is around the accuracy and clarity of information. This year the majority (67%) of these related to Community Care Finance and financial processes. There are however other examples such as;

- Failure to update systems to reflect death of a service user
- Failure to record thought processes around decisions made

This category is also the most likely to see complaints upheld and it is therefore recommended that this is prioritised as an area for improvement by the Director.

The next highest category is the quality of the Council's work. This is, however, a broad category ranging from not 'doing the basics' well enough (e.g. poor quality letters or not doing things we have promised), through to the thoroughness of a social care assessment or report. Examples under the heading "Quality" includes -

- No care package being set-up to coincide with hospital discharge date
- Concerns with family members not being involved in decision-making
- General quality of care being delivered by a provider

Professional judgement is at the heart of the work of most social care teams and, as such, it is unsurprising that this category also features prominently. Typically these are responded to through a line manager reviewing how the officer has made the decision. The following are a few examples of complaints recorded under this category -

- Concerns that safeguarding referral was not taken seriously
- The outcome of an OT assessment
- Decision made to end financial support

It is re-assuring, however, to see that this category of complaint has a low level of complaints upheld - 17%. This suggests that, in the vast majority of cases, officers are making sound professional decisions.

Delays in providing service - with 22 complaints - are the next highest category with OT waiting lists accounting for 7 of these.

It is worth also mentioning that in the category 'Keeping customers informed and updated', the adult social care service tends to perform better than other departments with just 6 complaints featuring this as the prime cause.

The full breakdown of complaint causes and their respective outcome appears below. In the 2014-15 report year on year analysis will be shown.

*Table 7: Complaint causes and respective outcomes*

<b>Cause</b>	<b>Number</b>	<b>% Upheld (Partly or Fully)</b>
Accuracy / Clarity of Information	34	85%
Quality of Work	32	41%
Professional Judgement / Decision making	29	17%
Delays in providing service	22	54%
Politeness, open-ness and honesty	15	60%
Sensitivity / Empathy of staff	5	40%
Keeping Informed / Updated	6	66%
Collaborative Working	4	50%
Our fairness to you	2	0%
Multiple	4	100%
Our Policy	1	0%

## 2.6 Who Complains and Accessibility?

Just 24% of complaints are made by the Service User themselves, with family members the dominant category at 69%. This is not unusual for the services provided by the Department.

Just 1 complaint was made by an independent advocate, a service the Department continues to offer to service users. An additional 5 complaints were brought by MPs or County Councillor's acting on behalf of service users.

Although some equalities monitoring data is collected by the Customer Relations team, it is currently anonymous and therefore cannot be allocated against individual service areas. The overall results appear in the Corporate Complaints Annual Report. Due to process changes made recently, it is anticipated that in the 2014-15 Annual Report this data will be able to be supplied.

A full Equalities and Human Rights Impact Assessment will also be carried out by the team this year to ensure that both equality and human rights analysis is undertaken and to mitigate any adverse impact on all protected characteristic groups

## 2.7 Performance against timescales: How responsive have we been?

*Table 8: Adult Social Care Performance*

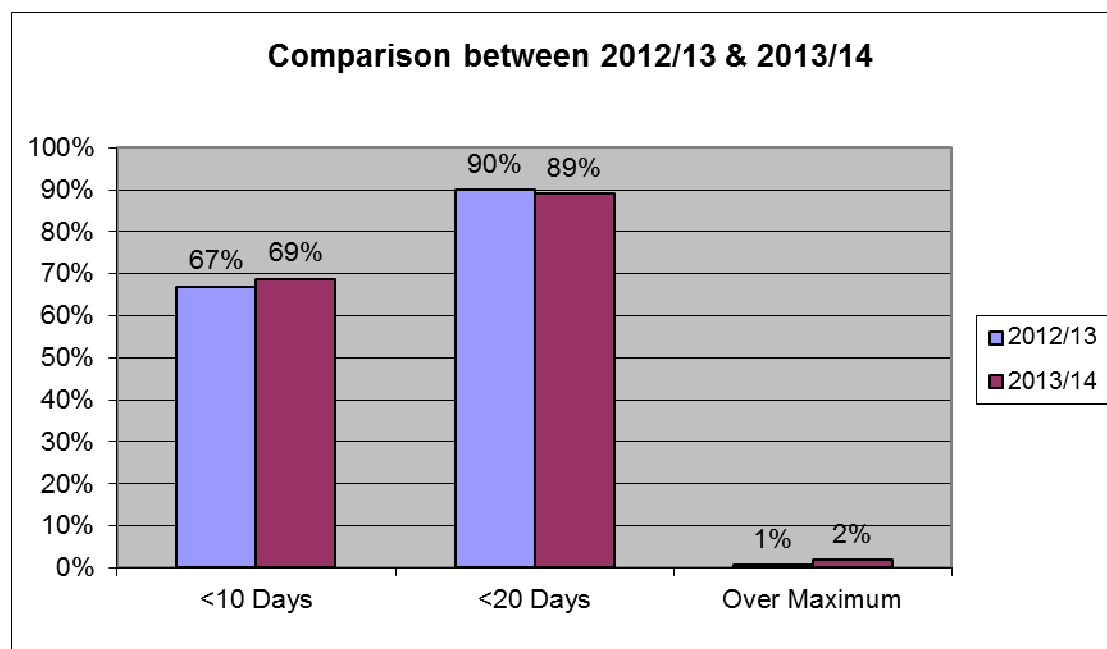


Table 8 above shows the time taken to respond to complaints, providing a comparison between the current reporting year and the previous one. The table shows consistently strong performance against the internal, best practice target of ten working days, with 69% now achieving this target. Complaints that are more complex in nature are sometimes given a 20 working day response time and performance has remained excellent in terms of compliance with this indicator at an impressive 89%. Given the complexities of social care complaints these are pleasing figures.

Three complaints were recorded as outside of the statutory timescales of 65 working days. One was a complex joint complaint involving multiple agencies and the other two cases resulted in being managed through safeguarding investigations. In each case the complainant was kept informed throughout as to

the status of their complaint and as such the Customer Relations Manager has no concerns over these.

## 2.8 Complaints Outcomes & Resolutions

*Table 9: Adult Social Care complaints recorded by outcome*

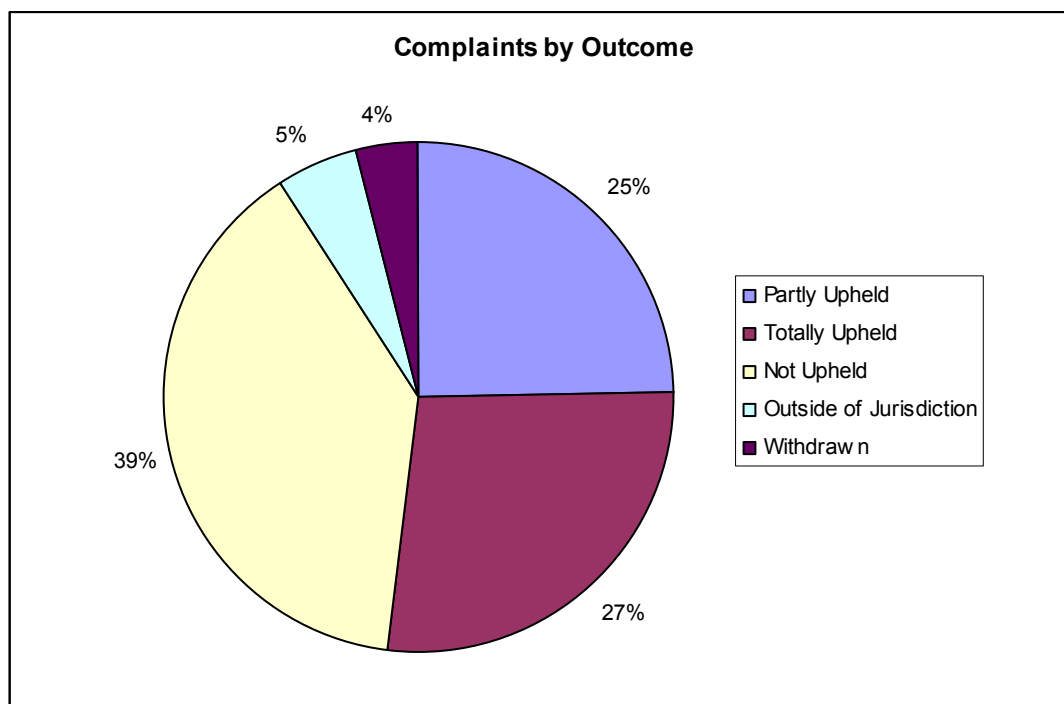


Table 9 above shows that a majority (52%) of complaints were upheld either fully or partly. This is an increase on last year (39%)

Some of this is simply down to the increased numbers of complaints about accuracy of information which is more likely to result in a firm conclusion. However, there would also seem to be an increased willingness by managers to accept and cede certain elements of fault. This is a positive cultural change with the emphasis being “what can we learn from the experience?” rather than “can we defend our position?”

As noted in the 2012-13 Annual Report, a change was made this year to add a further two outcomes of “Withdrawn” and “Outside of Jurisdiction”. Previously, complaints that were discontinued for these reasons were recorded as “not upheld”. However, it was felt that this was inaccurate and the new categories better represent the actual outcome.

Complaints that are labelled as “Outside of Jurisdiction” are usually where, upon investigation, it is found that either other agencies are better placed to respond, or it is more appropriate to consider the matter under other procedures (e.g. Safeguarding investigation).

## 2.9 Local Government Ombudsman Complaints

The Ombudsman made enquiries on 18 complaints during 2013-14. This is an increase on last year (13). Approximately 11% of complainants go on to take up their complaint with the Ombudsman.

In six 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 eleven cases, the Ombudsman, after detailed investigation, was happy with the actions the Council had taken. In 2 cases this involved local settlement with the Ombudsman; neither involving financial compensation.

The Ombudsman cited maladministration with injustice in just one complaint. There were 3 similar judgements last year. The details of this case are -

- Ms A complained about the charges imposed by the Council for her daughter's stay in a residential placement. The Council had verbally indicated that there would be charges, but had not confirmed this in writing. The Ombudsman found fault with this and asked the Council to waive three months charges up i.e. until the point the complainant had accepted that charges were liable. The Council agreed with this proposal and settled on this basis.

Whilst it should be noted that there is still scope for complaints initially considered during 2013/14 to be brought to the Ombudsman, the absence this year of any significant findings of maladministration is noteworthy and suggests that the vast majority of complaints have been dealt with effectively by the department.

### 3 Learning from Complaints

#### 3.1 Corrective action taken

Each of the 80 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.

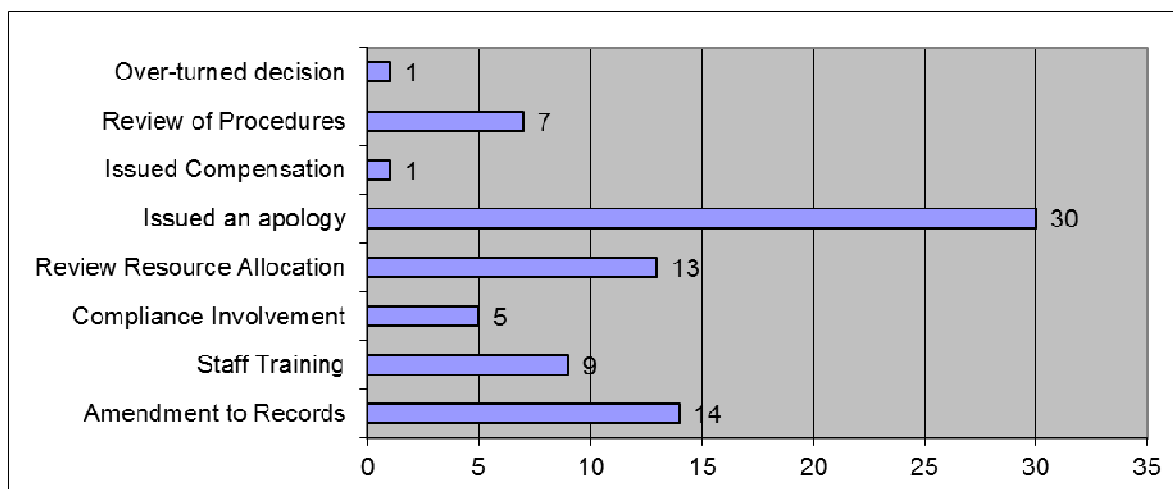
Table 8 below provides a breakdown of the action taken. From this it can be seen that in 38% of cases an apology alone was seen as the appropriate action. Typically this is where things had already been corrected or there is no opportunity to influence things further.

Amending records is the next highest area (14), which is almost exclusively correcting records which directly produce invoices.

In 13 cases, the department reviewed the resources assigned to the case, either through a re-assessment or re-prioritising the case.

In 9 cases, direct staff supervision was undertaken to address performance, whilst in 7 cases a review of procedures was agreed.

*Table 10: Corrective actions taken*



Examples of specific remedial actions taken include the following -

- Implementation of an auto-acknowledgement system within Community Care Finance section to give confidence that referrals have been received.
- A general reminder to be issued about the importance of trying to deliver the outcome of assessments in person to enable an opportunity to discuss.
- Reminder issued to ensure minimum of 1 month notice given when making changes to transport provision.

- Undertake a review of letter templates to ensure they are clear and fit for purpose. The Customer Relations Manager is assisting with this
- Remind Locality Managers of the need to notify Community Care Finance team when changes are made to support plans.
- Specific staff training to be provided around support available to carers

#### **4 Commendations 2013-14**

260 commendations were recorded across adult social care services during 2013/14. This marks a further 89% increase on last year (137).

In particular, the HART team has seen large numbers captured with 149 commendations coming for this area alone.

It is encouraging to again see greater visibility of the good work that is being delivered by the Council and an increasing number of managers passing compliments to the Customer Relations Team for formal recording. Increasing the number of commendations reported in this report has been an objective of the Customer Relations Team and it is encouraging to see that this year commendation volumes exceed complaint volumes.

A small selection of the commendations received can be found below. They show some of the real-life stories where Adult Social Care makes a huge difference to people's lives.

- "A big thank you to all the Home Care team who looked after me following my fall. You have all been so kind"
- "So impressed with the speed...I got a big help...all the equipment is brilliant...Thanks to all concerned"
- "Before we entered on this venture we were very apprehensive but we needn't have worried...each and every one of them (carers) were a credit to you. They gave the impression they wanted to be there and it was not just a chore"
- "Very pleased with help and support..Mr G spoke to my dad with great care and respect and was always a phone call away..can't speak highly enough"
- "I would like to thank you for the commitment and dedication D has shown Mr X and his family. She is truly an angel who has changed the fortune of my family"
- "Thanks for helping us place T. Without your support and compassion the last few months would have been far more difficult"



The Customer Relations Team will continue to work closely with departments to try to reflect all the positive feedback received across the teams.

## **5 Monitoring the Process**

The Customer Relations 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

During this reporting period, no complaints handling workshops have been run for Adult Social Care managers. The Customer Relations Team is keen to promote this facility further over the next year.

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.

Quarterly performance reports are written and presented to the Departmental Management Team (DMT). The Customer Relations Manager also meets with the department's Intelligent Client each quarter to talk through complaints matters.

## **6. Customer Relations Team – Work Priorities for 2014-15**

The Customer Relations Team comprises just two officers – the Customer Relations Manager and a Complaints Officer.

During 2014/15, the team will focus on a number of initiatives, some of which are corporate and some specific to Adult Social Care -

### **6.1 Corporate Initiatives**

- Continuing to ensure the complaints procedure is accessible and that advocacy arrangements are promoted appropriately. The Equality & Human Rights Impact Assessment will help inform this.
- Introduction of a mechanism to monitor and evidentially audit that actions agreed, as part of a complaint response, have been carried out.
- Production of a Customer Feedback Framework which sets out principles for departments to adopt and ensure we commit to the feedback promises set out in the Council's new Customer Service Standards.

## 6.2 Adult Social Care Initiatives

- Ensuring that all managers understand the statutory complaints procedure as well as the support and guidance available to them.
- Undertake a review of the social care complaints procedure to ensure that the key messages from both the Ombudsman special report (see section 1.3 above) and the emerging themes from the Care Act 2014 are considered and incorporated as appropriate. The Ombudsman's key principles and questions are set out below.

As a <b>social care provider</b> do you:	<b>Accessible complaint processes</b>	<b>Effective complaints handling</b>	<b>Accountable services</b>
	<ul style="list-style-type: none"> <li>&gt; provide clear information about how to complain and the role of the ombudsman in a form that meets your customers' needs?</li> <li>&gt; clearly explain to the customer their right to take their concerns to the ombudsman?</li> </ul>	<ul style="list-style-type: none"> <li>&gt; ensure that staff understand their roles in responding to complaints?</li> <li>&gt; have clear management oversight of complaint handling?</li> </ul>	<ul style="list-style-type: none"> <li>&gt; actively seek feedback from the users of your service?</li> <li>&gt; have mechanisms for independent scrutiny of your service?</li> </ul>

## 7. **Key Themes & Concluding Comments**

### 7.1 Key Successes & Areas for Improvement

The Customer Relations Team would highlight a number of successes this year as follows -

- The low findings of maladministration by the Local Government Ombudsman
- The continuing strong performance in terms of response time-scales
- Commitment by departmental managers to engage with the Customer Relations team as a 'friendly critic' helping improve processes.
- However, there is also one clearly identified area for improvement –

#### **Invoicing remains a key source of concern**

This issue alone accounts for 25% of all complaints received. It is also the most likely issue to be upheld.

At the heart of this is inaccurate data which, in turn, generates inaccurate invoices. Whilst some of this can be attributed to a series of manual work-arounds following

the introduction of a new computer system (Controc) and the migration to a new operating system; there are also wider issues with locality teams not advising the Community Care Finance team of important changes. This appears to be more of a cultural issue which requires improvement.

Whilst local action plans have been put in place by Community Care Finance managers to generate improvements and indeed some have been made, the Customer Relations Manager believes there are process issues that cannot be fixed by the Community Care Finance team alone and it is suggested these should be reviewed holistically by the Director to ensure the necessary improvements are made. It is understood that a work programme is underway to progress this important initiative.

Despite the above comments, it should also be noted that the department generate tens of thousands of invoices during the year and as such complaints remain a very small percentage.

## 7.2 Final Comments

It is clear that the Adult Social Care service recognises it is important to have in place an effective, accessible and fair means for client's comments and complaints to be heard and resolved, wherever possible. The complaints process described in this report provides this opportunity and is integral to the statutory function of the department.

Regrettably, things can, and do go wrong. With increasingly limited resources targeted at meeting the needs of the most vulnerable, it is no surprise to see overall numbers of complaints continuing to increase. The Customer Relations team expect this trend to continue through the next year as further efficiencies and service reduction exercises are implemented.

In times of change and austerity it is, however, even more important to ensure the complaints process is easy to access and fair. This year's Annual Report shows that Adult Social Care does listen and respond to comments and complaints and that these do inform their practice, influence service development and drive continuous improvement.

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