

# Adult Social Care Complaints & Representations Annual Report 2015/16

## 1. Introduction

Local Authorities are required by law (National Health Services and Community Care Act 1990) to have a system for receiving representations by or on behalf of people in need of Adult Social Care support who have a range of support needs due to a disability or frailty. Services cover assessment and case management, direct service provision or the arrangement of a range of services, including: support at home, day opportunities, supported housing, intermediate, residential and nursing care or provision of equipment.

This report will provide information from comments, compliments and complaints in relation to Adult Social Care services responded to under the Statutory Complaints Procedures, during the period 1 April 2015 to 31 March 2016 with reference to the range of representations received and any trends and issues that emerged.

The Local Authority Social Services and National Health Services Complaints Regulations (England) 2009 changed the process for the handling of complaints within Adult Social Care on the 1 April 2009. The purpose of the revised regulations was to align the complaints processes for Adult Social Care and Health to enable joint handling of complaints across health and social care where appropriate. This also meant that the process was streamlined to a one stage process with a focus on regular dialogue and mutually agreed timescales.

## 2. Summary

- There were 54 statutory complaints made within the year. 33 (61%) of these complaints were fully or partially upheld compared to 64% in 2014/15.
- The Local Government Ombudsman considered 4 enquiries regarding Adult Social Care, 3 of which were not upheld and, as at 26 October 2016, 1 is still awaiting an outcome response from the LGO.

## 3. Promoting Access and Responding to Feedback

Representations from people who come into contact with Adult Social Care and their families provide a useful source of information about quality of service delivery, professional practice and the outcome of decisions we make that affect their care and support. A key part of the complaints process is how, as an organisation, we learn from negative experiences and use this to improve what we do. Adult Social Care Services always welcomes feedback, whether this is positive or negative and there are a number of ways in which people can make their views known.

These include:

- Telephoning or emailing the main City Council Contact Centre
- Direct contact to the service area or team
- Writing or e-mail to [AdultSocialCareCustomerRelations@coventry.gov.uk](mailto:AdultSocialCareCustomerRelations@coventry.gov.uk)

The Coventry City Council Website (accessible via the home page and social care page) also provides information on how to make a complaint, advocacy services and the statutory complaints process.

#### 4. Complaints

Where possible, issues/complaints are handled at point of delivery. It is when a person feels that they are still not satisfied then it is recorded as a formal complaint.

The number of complaints has increased from 33 in 2014/15 to 54 in 2015/16. There is no single identifiable reason for this increase. The number of complaints and their outcomes are detailed below.

Decision	Upheld	Part Upheld	Not Upheld	Open
Complaints	13	20	19	2
%	24%	37%	35%	4%

Where possible issues/complaints are handled at the point of delivery, and it is only when a person feels that they are still not satisfied that it is recorded as a formal complaint and investigated as such. The length of time to investigate and resolve complaints depends on their complexity. Where there are particular complexities that will require an elongated period of investigation a timescale is agreed with the complainant.

#### Statutory Complaints regarding external providers

There is a statutory responsibility for providers of residential and domiciliary care services to have a complaints procedure that complies with the Care Homes Regulations 2001, the Care Standards Act 2000 and the National Minimum Standards stipulated by the Care Quality Commission. There is an expectation that the client pursues a complaint with provider organisations through the providers own complaints procedures. However, if the client is dissatisfied with the response of the provider or, if they wish to pursue the complaint through the statutory adult social care complaints process, they have the right to do so. Where possible, we encourage complainants to utilise the providers' complaints procedures in the first instance as this enables the complaint to be dealt with at source as opposed to through the City Council.

Complaints regarding external providers are monitored through contract monitoring processes and, where required, providers produce action plans to deliver service improvements.

#### 4.1 Timescales

There are no prescribed timescales for the resolution of complaints. The only stipulation within the regulations is that timescales were reasonable and that the complaints process should be concluded within 6 months. It is acceptable to extend this deadline with the agreement of the complainant. Due to the absence of a specific required the approach of agreeing a timescale with the complainant is used. On occasion, and due to unforeseen circumstances the originally agreed timescales may need to be extended, in these instances the complainant is contacted

with an explanation for the delay and the likely revised timescale. As a benchmark for monitoring the timescale for completion of complaints Adult Social Care has an internal guideline that complaints should be completed within 20 working days. For 2015/16 performance against this target is shown in the table below.

<b>Timeliness</b>	<b>In 20 working days</b>	<b>Over 20 working days</b>
Complaints	15	39
<b>Total</b>	28 %	72%

Where the 20 working days timescale has been exceeded this is generally in association with the more complex cases, a number of which include safeguarding issues across more than one agency.

In future years the ability to meet the 20 day guideline will reduce further as management capacity in Adult Social Care reduces (complaints require investigation by a manager).

## **4.2 Ombudsman Enquiries**

The Local Government Ombudsman received 4 complaints regarding Adult Social Care in Coventry for 2015/16. The outcomes of the complaints are shown below;

<b>Category</b>	<b>Count</b>
Upheld	<b>0</b>
Not Upheld	<b>3</b>
Still Open	<b>1</b>
<b>Total</b>	<b>4</b>

As a comparison, there were 4 Local Government Ombudsman complaints in 2014/15, 1 was upheld and 3 were not upheld. The relatively low numbers of Ombudsman referrals indicates that complainants are generally satisfied with how the complaint has been managed by Adult Social Care.

## **5. Messages, Learning Points and Service Improvements**

Social Care services are committed to learning from customer feedback. Where complaints highlight that things have gone wrong, managers must identify any remedial and developmental action required to improve service delivery. Feedback from compliments provides an equally valuable message; clearly affirming when services make a difference and personal qualities have added value to the outcome for users and carers.

### **5.1 Most Common Areas of Feedback**

A complaint will usually cut across multiple themes and will have more than one complaint category recorded. The themes of these complaints can be summarised as follows:

<b>Category</b>	<b>%</b>
Standards of Service	83%
Communication	15%
Financial issues	19%

### **5.1.1 Standards of Service**

83% of complaints received were related to standards of service. This includes service delivery, assessment of eligibility for services and timeliness in receiving services. A challenging element of working in Adult Social Care is notifying people that they are not eligible for support from the City Council, or explaining to them that their needs can be met in other ways to support provided by the City Council. These are often emotive and challenging situations which can stimulate complaints where people do not agree with the social workers views. Also, where people are eligible for support from the City Council there can be a delay in support being put in place due to service availability, this again, is an area that can stimulate complaints.

### **5.1.2 Communication**

When users and their families are referred for support, they require information on subjects they may have not encountered before. They also need to be kept informed of progress and decisions in processes that often appear confusing. Representations of this nature are categorised in terms of the provision, quality, method and timelessness of information as well as accuracy. The most common complaints are from users or family members who feel they have not been kept informed, when there has been a delay to information being provided, or feel officers are not getting back to them or they do not have a direct line of communication to the person they have been dealing with.

15% of complaints received were about communication and information. This is a significant change on the previous year (64%).

### **5.1.3 Financial Issues**

The complaints received around financial issues were varied. These included continuation of payments being received when services had ceased and direct payments missed. Although varied complaints commonly related to a breakdown in information flowing from one team to another and system errors which impacted on finance processing. Where this occurred matters were rectified and payments were amended accordingly.

## **5.2 Conclusions**

### **5.2.1 Volume**

Although the number of complaints has increased from 33 in 2014/15 to 54 in 2015, this is similar to the level of complaints received in 2013/14. Earlier indications show that this higher level of complaints is continuing in 2016/17. It is important not to draw too many conclusions from the volume of complaints as this is as much an indicator of people feeling more able to complain as it is of an overall declining standard of service. It should also be noted that a recent report of the Local Government Ombudsman (Review of Adult Social Care complaints 2015/16) reported an increase in the volume of complaints relating to Adult Social Care.

### **5.2.2 Learning**

In 2015/16 the following has been put in place to achieve improvement as a result of complaints:

- The learning elements from complaints captured in service areas on a regular basis as part of the business management process

- Practice improvements following complaints regarding management of Deprivation of Liberty Safeguards (DOLS)
- The All Age Disability Improvement Programme (following a service review) will incorporate learning from complaints
- Issuing Social Workers with business cards to be given to clients so there is a direct line of communication

## **6 Service Improvement for 2016/17.**

The following improvement initiatives are being progressed to ensure representations are better used to deliver improvement:

1. Compliments around Adult Social Care were not routinely sent to the relevant team for recording. Going forward compliments will be captured by the complaints team and sent to the relevant Head of Service on a quarterly basis.
2. There is a need to implement a formal learning process from the outcome of complaints and a quality assurance framework for Adult Social Care, to include complaints, in under development. A way to review this and have oversight has been introduced in the All Age Disability and Mental Health teams in Q2 of 2016/17.
3. There needs to be a consideration of an achievable and deliverable timescale for responses to complaints with monitoring of achievement against this. A new RAG (red, amber, green) reporting process has been introduced which should improve timeliness in 2016/17.

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