



Committee report

Committee	POLICY AND SCRUTINY COMMITTEE FOR ADULT SOCIAL CARE AND HEALTH
Date	24 JULY 2017
Title	ADULT SOCIAL CARE STATUTORY ANNUAL COMPLAINTS REPORT 2016 / 2017
Report of/to	EXECUTIVE MEMBER CLARE MOSDELL

EXECUTIVE SUMMARY

1. This statutory annual report for adult social care complaints is produced in accordance to the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
2. The report provides information on the number and type of complaints received by adult social care for the period 1 April 2016 to 31 March 2017 and the actions and learning adopted to continuously improve the services we provide to those we serve.

BACKGROUND

3. From 1 April 2016 to 31 March 2017 adult social care received almost 4500 new requests for support. During the same period, we supported 360 people to go into permanent residential or nursing care.
4. The Department of Health Guidance 'Learning from Complaints' (2006) defines a complaint as: *"An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social services provision which requires a response."*
5. We always aim to provide high quality services that meet the needs and circumstances of individuals and their carers. However, given the personal and complex nature of our services, sometimes things do go wrong. The complaints process is a mechanism to identify problems and resolve issues if things do go wrong or fall below expectation. We try to sort things out quickly and fairly. We want to learn from our mistakes or the concerns that arise as a result of complaints.
6. Adult social care has a dedicated complaints and investigations manager who is responsible for the operation of adult social care complaints policy and associated operating procedures. This post ensures that linkages with the relevant people and processes across the NHS Trust and CCG are maintained and embedded to enable

further joint working for complaints that cross organisations when this is appropriate, and also works with provider organisations to address complaints that are directed at services not directly provided or commissioned by the council.

7. Adult social care complaints are dealt with effectively and are properly investigated. Complainants are treated with respect and courtesy; receive a timely and appropriate response and are told the outcome of the investigation into their complaint.

STRATEGIC CONTEXT

8. By ensuring that all complaints received are dealt with effectively, adult social care is meeting the following requirements, as set out in the corporate plan 2015 – 2017:
 - Protecting the most vulnerable with health and social care, investing in support, prevention and continuing care
 - Ensuring that all the resources available to the island are used in the most effective way in achieving the island’s priorities

COMPLAINT ACTIVITY 1 APRIL 2016 TO 31 MARCH 2017

9. Complaints can cross over between reporting periods. Activity on the case is reported in the period in which the case is closed and when it is therefore known whether the complaint was upheld; partly upheld or not upheld.

	2016/ 17	2015/ 16	2014/ 15
Complaints carried forward from previous reporting period	6	7	10
New complaints received in the period	82	81	77
Complaints actioned and closed in period	76	82	80
Cases carried forward into following reporting period	12	6	7
Cases did not proceed to formal complaint (addressed by service)	35	27	21
Cases referred to other agencies	11	15	12
Cases not upheld	14	21	15
Cases partly upheld (complex cases where one or more elements of the complaint was upheld but not the overall complaint)	8	16	20
Cases upheld	8	3	12
Cases considered by the LGO	12	8	6

10. In 2016/2017, 82 complaints were received by the complaints team. This is 82 separately recorded issues, not necessarily 82 different people making complaints because the same person can raise different issues on separate occasion.
11. Having referred on the cases where concerns needed to be dealt with by other agencies or other departments within the council (11 cases), and including the 6 cases carried over from the previous reporting period, 77 cases were dealt with directly by the complaints team. 35 were addressed informally or did not proceed,

30 were addressed as formal complaints and 12 had not been completed in the period, and so were carried over to the following reporting period.

12. The overall level of complaints received appears to have stabilised during 2016/2017. There was a 10% increase in the number of complaints that were either closed as the complainant did not proceed, or more importantly, they were dealt with by early resolution before the formal process was required. This is a direct result of the complaints manager working with the service and the complainant to resolve the complaints early and so negate the need to use the formal complaint process. This gives the complainant a better service as they are achieving immediate satisfactory outcomes, which is often what is desired when a complaint is lodged and also saves a considerable amount of senior managers' time.
13. The average length of time from the service receiving a complaint for formal investigation to the complaint being closed was 35 working days. This is significantly within the statutory guidance for resolution, which allows up to six months. Timescales can vary considerably according to the steps that need to be taken to fully address the concerns raised, the complexity of those concerns, the engagement and responsiveness of the complainant, all of which impact on the speed with which resolution can be achieved.

COMPLAINT OUTCOMES

14. Significant work goes into understanding and responding to complaints effectively. The majority of complainants want to get their concerns resolved quickly, and having someone to talk to that will hear their story and try to put things right helps achieve this.
15. Of the 88 complaints dealt with during this reporting period, 30 cases (34%) were dealt with in formal process.
16. **NOT UPHELD: 14 cases out of 30 (47%)**
17. Of those matters that were not upheld, the issues ranged from concerns raised about the accuracy of a social care assessment to issues around social care practitioner's behaviour. Full and reasoned explanations were provided to each complainant showing that the correct processes had been followed and that the subject of the complaint in question had been advised and supported appropriately by adult social care staff.
18. **UPHELD or PARTLY UPHELD: 16 cases out of 30 (53%)**
19. There has been an increase in the number of cases that were upheld and partly upheld. This may be attributed to the fact that the service is under increasing pressure with reduced staff resources (vacant positions, and difficulty recruiting and retaining new staff) and the subsequent increased demands on existing staff's workload. There have been substantial changes in systems and processes for teams throughout 2016/17 and this has also impacted in some areas on the service delivered.

20. Complaints which were either upheld or partly upheld in 2016/17 fell under the following categories: communication, staff conduct and financial issues. Categories which were upheld last year include delay, safeguarding, and care provider concerns. Work has been undertaken to make improvements in these areas to ensure that the service learns from complaints and that the same errors do not recur.
21. Examples of the type of complaints upheld or partly upheld in 2016/17 are given below:
- Communication and contact issues with the social care teams - in particular failure to keep individuals and their families updated with progress / outcomes of assessments, and failure to keep appropriate contact with individuals to update them where work in the service is ongoing, and they should be kept informed of steps being taken whilst there are delays.
 - Financial communication – failure to record (and so unable to evidence) that charges for care placements were explained to an individual (although there has been improvement in this area from last year's figures).
22. In all cases where any element of a complaint has been upheld, an apology has been offered and, where appropriate, other steps have been taken to remedy the concerns raised and to learn lessons from the complaint to improve processes and systems across the service.

FORMAL LOCAL GOVERNMENT OMBUDSMAN (LGO) INVESTIGATIONS

23. In the 2016/17 reporting period, twelve matters were considered by the LGO. Three cases were still being investigated and decisions were awaited from the LGO at the end of the reporting period.
24. Following the LGO investigation into the nine cases completed by the LGO during the reporting period, there were two cases where no fault was found and seven cases where fault was found.
25. Of the seven cases where fault was found by the LGO, two cases identified that there was no injustice caused to the person concerned and five cases identified that there had been injustice caused to the person or their representative.
26. The following actions and learning was undertaken in these cases:
- We offered an apology in two cases for the lack of an invite for the family to a multi-disciplinary hospital discharge planning meeting
 - We provided training for staff to highlight the timely completion of regular reviews, avoiding delays in support planning when assessments are unsigned and the importance of continuity of care when people transfer between areas
 - We paid a backdated direct payment personal budget following a delay in providing care and support when a person moved into our area.

- We adjusted an invoice payable for a respite stay which had been incorrectly over-charged

LEARNING FROM COMPLAINTS

27. The following sample demonstrates some of the learning leading to improvements within adult social care services resulting from complaints during 2016/17.
28. A revised third party top-up payment policy and procedure has been developed and implemented into practice across the directorate. This ensures that clear information about top up payments is given to an individual and their family at time of their admission to residential or nursing care. The new process includes the person's signed commitment to support these payments during the placement, mitigating the financial risk to the council.
29. The social care good practice guidelines document has been written and delivered to all adult social care staff in February 2017. The guidelines include a variety of information on the way we work, our responsibilities, sections on our teams and processes to which we work. The document is underpinned by the Care Act 2014 and the Professional Capabilities Framework which are embedded throughout. The guidelines are a living, breathing document and as such will be continually updated to include current practice.
30. Effective communication is a topic which has been addressed both individually with staff, in group work and at their team meetings. Having difficult conversations with people, for example, about delays and financial matters, is something which is being supported and encouraged with all staff. This is to avoid creating difficult situations for people we serve, and at the same time avoid the escalation of issues into the complaints process.
31. As a result of the Healthwatch report "Care at Home" published in January 2017, changes and improvements have been and continue to be made both to social care practice and the provision of advice and information for people who fund their own care.
32. The complaint manager is currently developing a quarterly update for the leadership team that will reflect on the lessons learned, how these have been adopted in practice and the impact this has for the people we serve and their lives.

ADVOCACY SERVICE

33. Some complainants may encounter difficulty in dealing with the complaints process. It is important to adopt a person-centred approach and recognise when there may be a different way needed to address a person's concerns. Whilst family members are often effective advocates, at times it is helpful to provide independent trained advocates to assist with complaint issues.
34. More generally, the Department recognises the need to improve awareness of, and availability to, independent advocacy services.

35. In the 2016 / 2017 reporting period, two complaints were brought to the attention of adult social care via independent advocacy service SEAP. In both cases, due to the complainant's circumstances, the advocate requested that the service offered a local resolution meeting rather than go through the formal complaints procedure providing a written response.
36. The complaints and investigations manager facilitated these multi-disciplinary meetings (one held jointly with health colleagues attending) achieving satisfactory conclusions for each complainant. Both complainants noted their thanks for this individual approach and the chance to meet with the service to resolve their issues.

TRAINING AND DEVELOPMENT

37. The complaints and investigations manager has delivered complaints awareness refresher training to all teams across adult social care. This team-based training refreshed awareness of the complaints process, outlined how service users can access the process and explained how to resolve complaints at the earliest opportunity. The training was also used to highlight current trends in complaint reporting and discussed examples of best practice to avoid receiving undue complaints. This training will continue to be refreshed annually and delivered to the teams through the adult social care team meetings. The council also commissioned the LGO to deliver training "effective complaint handling for staff in adult social care" and this was well attended by social care managers at all levels.

APPEALS

38. During the reporting period, we have developed a new adult social care appeals process which was implemented in October 2016.
39. The new appeals process is a one-stage process and offers a transparent way in which an individual can ask for any decision made about them in adult social care to be reconsidered, for example an assessment of their needs, their independence plan or their financial assessment.
40. The appeal is considered by a different manager at the same (or higher) level than the original decision-maker, and the outcome of the appeal explained to the individual in writing.
41. The new appeals process has helped to differentiate between matters which are complaints about things which have 'gone wrong', and situations where an individual is asking for a reconsideration and further explanation of a decision made by adult social care according to process.
42. In line with the introduction of the new appeal process, from October 2016 the reporting of complaints and appeals has been split to distinguish between the two. Therefore this reporting period does not yet include a complete data set in relation to appeals.

43. A new system solution is currently being developed to record and manage both complaints and appeals. This system will provide more detailed reporting capabilities in both areas going forward.
44. From the introduction of the new process in October 2016 to the end of the reporting period, there were 14 adult social care appeals received. Ten cases were not upheld and four cases were upheld.
45. In the cases where the appeal was upheld, in 2 cases we updated the social care assessment based on the extra information provided in the appeal, and in 2 cases we agreed a revised independence plan for the individual concerned.

COMPLIMENTS

46. It is important to recognise when things go well in adult social care and in particular when a compliment is received for individual members of staff for their good work. All compliments are recorded and included in the monthly report to service board, and knowing this improves staff morale and helps them feel valued.
47. We received 41 compliments during the reporting period 2016 /17. Examples of the compliments received include:

"Thanks for your hard work and kindness in arranging matters for mums discharge"

"Thanks and gratitude for the quality of service provided and the kindness and caring shown by staff"

"Thank you for all your support. Your professionalism support and kindness has made a difficult time so much less stressful for us all. It has been a pleasure working with you."

(From a provider in relation to a care home audit) "I found the officers very helpful and gave excellent guidance and support"

FINANCIAL / BUDGET IMPLICATIONS

48. There are no financial / budget implications in connection with this report.

LEGAL IMPLICATIONS

49. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 requires the responsible body to prepare an annual report which must specify the number of complaints received. A complaint may be made by a person who receives or has received services from a responsible body or a person who is affected, or likely to be affected, by the action, omission or decision of the responsible body.
50. Every effort has been made to respect the confidentiality of the complainants, and this means that descriptions of the kind of concerns raised through the complaints process can only be described in general terms.

EQUALITY AND DIVERSITY

51. There are no equality and diversity implication in connection with this report.

CONCLUSION

52. A robust complaints process and complaints reporting are able to support adult social care in a number of ways:

- Building better relationships and increased satisfaction of the people we serve
- Identifying and implementing service improvements for the people we serve
- Free market research and feedback from the people we serve
- Identifying training needs for staff
- Informing policy and budget planning for the service
- Identifying better use of resources which saves time and money for the authority

53. We have taken the opportunity to use the Healthwatch report “Care at Home” published in January 2017 to improve our service going forward.

54. One of the key areas identified in their report was improvements to the support provided for people who fund their own care, an issue raised in a complaint during this reporting period. Changes and improvements have been made both to social care practice and the provision of advice and information for these people when they contact adult social care.

55. We are working to develop an improved system solution to record and manage adult social care complaints. Whilst this is still in development stage, it will provide improved reporting opportunities, together with improved efficiencies in workflow management and implementing learning from complaints.

56. Adult social care knows it is crucial to have in place an effective, accessible and fair process for service users’ comments to be heard and resolved wherever possible. Our complaints process provides this opportunity and is integral to the statutory functions of the department. Our local user survey is used to support the formal complaints information and also provides a balance of compliments, in relation to the services and experiences of people using the services.

57. We acknowledge that things can go wrong and with increasingly limited resources, prioritised to meet the needs of the most vulnerable, complaints will be made. There is no easy solution, particularly given the significant financial challenges currently being faced by all councils. However, we do know that in these times it becomes increasingly important to support and promote principles of being fair, open, and timely in our response to complaints.

RECOMMENDATION

58. Members are requested to note this report.

Contact Point: Helen Babington Complaints and Investigations Manager ☎ 821000 extension 6542 e-mail helen.babington@iow.gov.uk

DR CAROL TOZER
Director of Adult Social Care

CLLR CLARE MOSDELL
Executive Member for Adult Social Care