

# COMPLAINTS, CONCERNS & ENQUIRIES

## HEALTH & CARE ADULT SOCIAL CARE

### ANNUAL REPORT

APRIL 2015– MARCH 2016

28<sup>th</sup> June 2016

## Overview

This report provides information about the complaints received by the Adult Social Care Service during 2015-16.

Adult Social Care is part of the Health & Care Directorate at Cumbria County Council and aims to arrange care and support services for adults aged 18 years and older.

We work with adults who have physical disability, learning disability, sensory impairment, mental health needs and substance misuse issues, as well as people who care for others. We support the transition of young people who are transferring from Children's Services to Adult Social Care.

When people have complaints we will listen to them, and, wherever possible, will negotiate and agree a course of action to resolve the complaint. We deal with complaints in a fair and transparent way, treating those who make them with courtesy and respect. We encourage comments and compliments as well as complaints, as part of our commitment to a process of continuous learning and improvement.

### **A personalised response to each complaint**

The arrangements for complaint handling must comply with the statutory requirements as detailed in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Our directorate procedure is in line with the statutory requirements and allows managers dealing with the complaints to take a flexible and personalised approach. The complainant is put at the centre of the process and is expected to contribute to a resolution plan which sets out the nature of the complaint, identifies how the complaint can be resolved, by whom and how long it will take. The overarching aim of the procedure is to resolve matters to the complainant's satisfaction. The specific aims are:

- To acknowledge every complaint within 3 working days identifying a Lead Manager in every case;
- For the Lead Manager to contact every complainant in person within 5 working days;
- To agree a resolution plan identifying the exact nature of the complaint, what the person complaining would like to happen, and how the complaint is to be dealt with;
- Encourage managers to take a flexible and creative approach to complaints;
- Have a second manager involved in every complaint, to oversee the complaint and any investigation or actions agreed; and to sign-off the complaint once everything possible has been done to resolve it;
- Offer excellent customer service to people who wish to make their views known;
- There is an expectation that the majority of the complaints will be resolved within 6 months.

## Key Headlines for 2015-16

- Throughout 2015-16 a total of **128 complaints** were received, a slight **decrease** of 1 from 129 in the previous year
- 87% of complaints were acknowledged within **3 working days**, a fall from 96% in the previous year
- It takes on average **60 days** to process a complaint, an increase from 38 days in the previous year
- The greatest number of complaints received were from service users with a physical disability; however, the greatest rate of complaints were from service users with a **learning disability**
- The greatest number of complaints received were from a **relative** of the service user
- The greatest number of complaints received related to **social work support**; within social work support the key concerns related to **assessment, care management & review**; and **conduct or attitude of staff**
- The greatest number of **concerns and enquiries** received related to **social work support**
- The greatest proportion of concerns and enquiries received are from a **Member of Parliament**, accounting for 78%
- 19% of complaints were **resolved** without the need to escalate to formal stage.
- 44 complaints remain **outstanding**, 34 of those are currently within the **6 month target** while 10 are beyond 6 months
- 75 **compliments** were received
- 6 complaints were referred to the **Local Government Ombudsman**

## Complaints received

Throughout 2015-16, a total of 128 complaints were received, a slight decrease of -1 from 129 in the previous year. The majority of complaints received were statutory complaints accounting for 79.8%. 87% of complaints are acknowledged within 3 working days, a fall from 96% in the previous year. Of those complaints which were received and signed off within the financial year, it took an average of 60 days to process the complaint, an increase from 38 days in the previous year.

It is important to note that an individual can make more than one complaint; numbers of complaints presented in Table 1 below relate to the number of individuals who have made a complaint.

**Table 1: Number of complaints received over the previous 3 years:**

	2013-14	2014-15	2015-16
Number of complaints	185	129	128
% of all complaints acknowledged within 3 working days	95%	96%	87%
Average number of working days to process complaints	52.5	38	60

During 2015-16, Cumbria County Council provided social care support to just over 12,600 adults; this equates to around 1% of complaints for all service users or approximately 10 complaints per 1,000. Table 2 below presents the number of complaints, compliments and enquiries/concerns as a proportion of the number of Adult Social Care service users.

**Table 2: Numbers of service users as a % of complaints, compliments and concerns/enquiries**

	Number	% of service users
Number of Adult Social Care service users	12,600	
Complaints received	128	1.0%
Compliments received	75	0.6%
Concerns/enquiries received	108	0.9%

The greatest number of complaints received were from service users with a physical disability (79), however, the greatest rate of complaints were from service users with a learning disability (16 per 1,000 service users). See Table 3 below.

**Table 3: Numbers of service users by service user group**

Primary group	Number	Rate per 1,000
Learning Disability	23	16.0
Physical Disability	79	9.0
Mental Health	10	8.0

The greatest number of complaints received were from a relative of the service user, accounting for a total of 51 complaints, 39.5% (see Table 4 below).

**Table 4: Source of complaint, 2015-16**

Source	Number of cases	% of cases
Other - relative	51	39.8%
Service user	23	18.0%
Parent	22	17.2%
Carer	8	6.3%
Member of public	8	6.3%
Partner	5	3.9%
Professional	3	2.3%
Advocate	3	2.3%
Service Provider	3	2.3%
Friend	2	1.6%

### Benchmarking of complaints received

During 2015-16, Members of the Adults Scrutiny Advisory Board requested that benchmarking information should be included in future reports where available.

Consequently, a request has been sent to number of 'statistical neighbour' authorities with a view to sharing information on the number and rate of complaints received by service user population. To date the response is limited and the table below contains responses from only 2 other authorities at this stage. Further contact will be made with other authorities to enable a more balanced position to be reported in future.

**Table 5: Benchmarking: Numbers of complaints and rates by other Local Authorities/statistical neighbours, 2015-16**

Local Authority	Number of Complaints	Adult Social Care Service Users	Total complaints as % of Service Users	Rate of complaints per 1,000 Service Users
Lincolnshire	293	11,200	2.6	26.2
Norfolk	635	39,861	1.6	15.9
Cumbria	128	12,624	1.0	10.1

### Service Area (function)

Complaints can be considered under a number of processes depending on what the complaint is relating to. The greatest number of complaints received throughout 2015-16 related to **social work support** (70 in total) reflecting previous trends (see Table 5 below). Within the social work support function, key concerns related to **assessment, care management & review**; and **conduct or attitude of staff** (see Table 6).

**Table 6: Number of complaints received by Service Area (function), 2015-16**

Service Area/Function	Number of cases	%
Social Work Support	70	54.7%
Residential Homes (Cumbria Care)	10	7.8%
Independent Sector Home Care	9	7.0%
Independent Sector Residential or Nursing Care	7	5.5%
Financial Assessment & Charges (Business Support)	6	4.7%
Occupational Therapy	4	3.1%
Home Care (Cumbria Care)	3	2.3%
Commissioning	2	1.6%
Direct Payments administration (Business Support)	2	1.6%
Equipment	2	1.6%
Fees & Charging Policy (Business Support)	2	1.6%
Independent Sector Supported Living	2	1.6%
Supporting People	2	1.6%
Complaints (Customer Support & Care Governance)	1	0.8%
Miscellaneous	1	0.8%
Safeguarding (Customer Support & Care Governance)	1	0.8%
Transport	1	0.8%
Welfare Assistance	1	0.8%
Blank	2	1.6%
Total	128	

**Key concerns of the complaint**

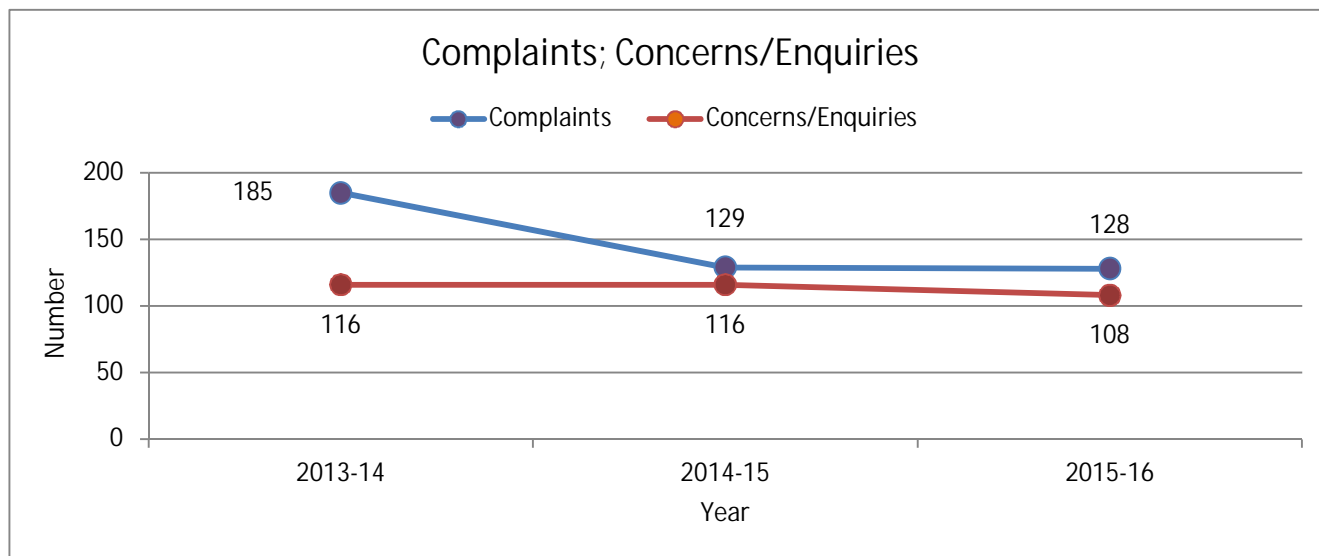
When complaints are received the key concerns are recorded (please note that multiple concerns may be recorded against one complaint therefore totals may not sum). In 2015-16, the top 3 key concerns were: **assessment, care management & review** (32); **delay** (31); and **conduct or attitude of staff** (30); (see Table 7 below).

**Table 7: Complaints - Key Concerns, 2015-16**

Key concern	Number of cases	%
Assessment, care management & review	32	14.7%
Delay	31	14.3%
Conduct or attitude of staff	30	13.8%
Care standard/quality	25	11.5%
Communication & information (including confidentiality)	19	8.8%
Access to services	14	6.5%
Safety or wellbeing	12	5.5%
Continuity of care	11	5.1%
Funding/resources	7	3.2%
Unwanted change	7	3.2%
Dignity & respect	6	2.8%
Direct Payments & Personal Budgets	5	2.3%
Charges: residential care	4	1.8%
Charges: home care	3	1.4%
Aids & adaptations	2	0.9%
Charges: other	2	0.9%
Conduct of other person / resident / client	2	0.9%
Carer issues	1	0.5%
Records	1	0.5%
Transition	1	0.5%
Blank	2	0.9%
Total	217	

Figure 1 below presents the total number of recorded complaints; and concerns/enquiries, over a 3-year period (2013-14 to 2015-16).

**Figure 1: Complaints, concerns/enquiries, by year**



### Outcome of complaints

23 complaints received in 2015-16 have been resolved; while 20 have been closed. 41 cases are awaiting an outcome. Table 8 below presents the outcome of complaints and concerns by a proportion of all cases.

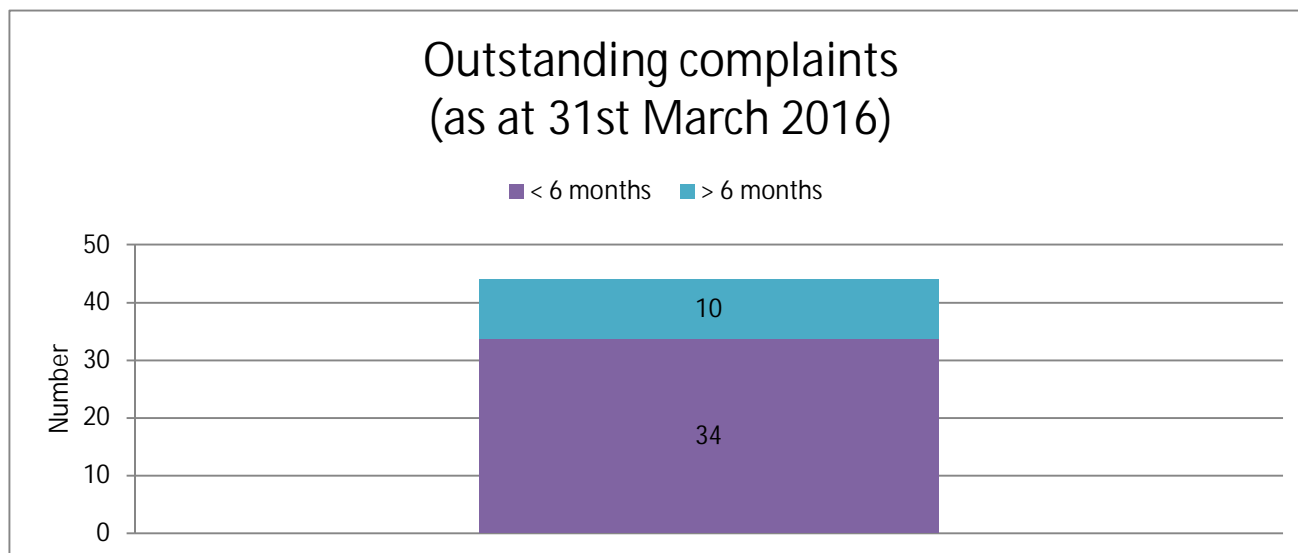
**Table 8: Outcome of complaints, 2015-16**

Outcome	Number	%
Incomplete/Invalid and Closed	7	5%
Closed after initial investigation	7	5%
Referred elsewhere and closed	5	4%
Complaint Not Upheld	9	7%
Partially Upheld	10	8%
Resolved without the need to escalate to a complaint	24	19%
Complaint Upheld	19	15%
Complaint Withdrawn	7	5%
Awaiting Outcome	40	31%
Total	128	

### Outstanding complaints

As at 31<sup>st</sup> March 2016, 44 complaints remain outstanding (including 4 from 2014/15). 34 of those are currently within the 6 month target while 10 are beyond 6 months. Approximately 98% of outstanding complaints are due to circumstances within the council, the remaining 2% are due to hold ups by the complainant.

**Figure 2: Outstanding complaints, as at 31<sup>st</sup> March 2016**



### **What did we learn?**

Following the completion of the complaints process, Managers are asked to identify any possible learning from the complaint, either for their own staff or team or with implications across the directorate. They are recorded and passed to the Lessons Learned Group which agrees actions for the Directorate and identifies further learning and monitors the progress. It is worth noting that completed records and Learning Logs are not always returned to the Complaints Team therefore full and accurate reporting is not possible.

### **Summary of some of the lessons learnt in 2015-16**

- Improve staffing shortages – ensure residential homes have adequate staff in order to avoid any adverse effect on service delivery (Service: Residential)
- More information is required when completing pre-admission assessments (residential homes)
- Improvement and flexibility in communication required between practitioners and the complainant/service user i.e. face-to-face contact can be more effective (Service: Adult Social Care)
- Ensure all appropriate people/staff are involved in the decision making process (Service: Adult Social Care)
- More robust Contingency Plans to be put in place for vulnerable service users (Service: Adult Social Care)
- Monitoring of personal care to be more vigilant; ensure appropriate paperwork is completed and any issues immediately report to other professional bodies if appropriate i.e. Safeguarding/CQC Notification



## Local Government Ombudsman

Service users have the right to approach the Local Government Ombudsman (LGO) at any time to make a complaint. The LGO will normally pass the complaint back to the Local Authority if the complainant has not yet given the Council an opportunity to resolve the complaint; the LGO may also pass the complaint back to the Local Authority if they consider that there is more we can do to resolve the complaint.

Throughout 2015-16, a total of 6 complaints were referred to the LGO. Table 9 below provides a breakdown of the decisions made by the LGO.

**Table 9: Local Government Ombudsman decisions, 2015-16**

Ombudsman decision	Number
Decision not yet made	1
Not upheld	1
Not to initiate an investigation	1
Upheld	3

## Concerns and enquiries

The public can raise a concern or make an enquiry without making a complaint. Throughout 2015-16, 108 individuals raised a total number of 134 concerns, a fall from 204 in the previous year. The greatest number of concerns and enquiries related to **social work support (75)**. Table 10 below presents a breakdown of concerns and enquiries by service function.

**Table 10: Number of Concerns and Enquiries received by Service Area (function), 2015-16**

Service Area/Function	No of cases	%
Social Work Support	75	56.0%
Financial Assessment & Charges (Business Support)	14	10.4%
Commissioning	8	6.0%
Day Care (Cumbria Care)	6	4.5%
Blue Badges (Customer Support & Care Governance)	5	3.7%
Miscellaneous	4	3.0%
Supporting People	4	3.0%
Independent Sector Home Care	3	2.2%
Independent Sector Residential or Nursing Care	2	1.5%
Occupational Therapy	2	1.5%
Residential Homes (Cumbria Care)	2	1.5%
Transport	2	1.5%
Client Affairs (Business Support)	1	0.7%
Direct Payments Administration (Business Support)	1	0.7%
Home Care (Cumbria Care)	1	0.7%
Safeguarding (Customer Support & Care Governance)	1	0.7%
Blank	3	2.2%
Total	134	

The greatest number of concerns and enquiries received were from a Member of Parliament, accounting for a total of 84 concerns and enquiries, 77.8% (see Table 11 below).

**Table 11: Source of concern or enquiry, 2015-16**

Source	Number of cases	% of cases
Member of Parliament	84	77.8%
Other – Relative	9	8.3%
Member of public	5	4.6%
Parent	4	3.7%
Service provider	2	1.9%
Service user	2	1.9%
Friend	1	0.9%
Professional	1	0.9%

### Compliments

Throughout 2015-16 a total of 75 compliments were received. Compliments are no longer recorded in the Respond system therefore we are unable to report the details.

### Monitoring and reporting of complaints

Throughout 2015-16 there has been increased management of monitoring and reporting of Adult Social Care complaints, along with an improvement in communication of this information. Detailed quarterly reports are now produced which are shared with Departmental Management Teams' and at monthly Performance Clinics with Assistant Directors and Senior Managers. This reporting will continue throughout the next financial year.

### Future priorities

During 2016/17, the focus will be on improving the handling of complaints, and through increased management oversight at performance clinics seek to:

- improve the timeliness of handling complainants and in particular the average time taken to reach a resolution.
- improve learning from complaints and compliments to ensure that a robust mechanism is in place for sharing potential practice development with appropriate managers in Health and Care Services.
- increase the breadth and use of benchmarking information from our statistical neighbours,