

NORTH LINCOLNSHIRE COUNCIL

ADULTS AND HEALTH CABINET MEMBER

**ADULT SOCIAL CARE ANNUAL REPRESENTATIONS & COMPLAINTS REPORT
2016-17**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To present the Annual Representations and Complaints Report 2016-17 for Adult Social Care in line with statutory requirements

2. BACKGROUND INFORMATION

- 2.1 There is a statutory requirement to present an annual report on representations and complaints which have been addressed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, Making Experiences Count.
- 2.2 These statutory procedures confer on service users, or representatives acting on their behalf, the right to make representations about social care services for older people; people with a physical disability and people with a learning disability.
- 2.3 There is a requirement that local authorities address these representations through a two stage procedure. The first stage of the process rests with the local authority and applies the principles of a local resolution based on “do it once, do it right”. The second stage is a referral to the Local Government and Social Care Ombudsman.

3. OPTIONS FOR CONSIDERATION

- 3.1 To receive and approve the Annual Representations and Complaints Report for 2016-17 for Adult Social Care.

4. ANALYSIS OF OPTIONS

- 4.1 The complaints procedures and annual report meet the requirements of The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, Making Experiences Count.
- 4.2 During 2016-17 there were 38 complaints about social care for adults. The annual report provides a summary of the complaint categories and the outcome of the complaints.
- 4.3 The service uses complaints findings to inform service development and improvement. The report provides an overview of the actions taken as a result of complaints information.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 None

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 An integrated impact assessment has not been undertaken as this report presents a summary of findings from complaints that have been investigated in line with statutory requirements.
- 6.2 An accessible and transparent complaints procedure offers a route whereby any potential inequality can be challenged and so helps to ensure that services are able to fulfil their statutory duties in terms of diversity and equality. None of the complaints this year cited equality and diversity as an issue.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 7.1 None

8. RECOMMENDATIONS

- 8.1 That the Annual Representations and Complaints Report for Adult Social Care is received and approved.

DIRECTOR OF GOVERNANCE AND PARTNERSHIPS.

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB
Author: Janet Stopper/Jason Whaler

Date: 14 September 2017

Background Papers used in the preparation of this report:

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

Annual Complaints Report 2016-17



**Adult Social Care
Annual Representations
&
Complaints Report

2016-17**

Annual Complaints Report Adult Social Care 2016-17

1 Introduction

- 1.1 This is the annual report on complaints about Adult Social Care, which have been addressed under the terms of: The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, Making Experiences Count.
- 1.2 It outlines the complaints made under the statutory procedure and the actions taken in response.
- 1.3 The Making Experiences Count procedure applies to social care services that are provided or commissioned by the Local Authority for: people with a learning disability; people with a physical disability and older people. North Lincolnshire's Mental Health Services are delivered by Rotherham, Doncaster and South Humber health trust; complaints regarding these services for this year were addressed under the trust's procedures and reported through their reporting arrangements.
- 1.4 The statutory procedure that applies in Adult Services is a two stage procedure, the first stage rests with the Local Authority, the second stage with the Local Government Ombudsman.
- 1.5 Whilst services work closely with individuals and their family to ensure that people understand what is happening and what will happen following contact or request for care and support, there may be occasions where concerns are raised. The service will offer to address and resolve any concerns informally in the first instance.
- 1.6 Where a more formal response is required people will be directed to the complaints procedure. The first stage of the complaints procedure supports a flexible, proportionate response to the complaint and the way in which complaints are dealt with reflects the significance of the issues of complaint and takes into account the views of the complainant. In most cases, the responsible service will be able to resolve and respond to a complaint and are able to work with individuals who have cause for dissatisfaction to resolve those concerns.
- 1.7 For more complex complaints, or in circumstances where an element of independence is required, complaints are investigated by someone independent of the service, either a manager from another service area or someone who is independent of the Local Authority. These investigations will report to a senior manager on their findings.

- 1.8 The principle in dealing with complaints in one stage is to 'do it once do it right' with the focus on resolution. If the complainant is not satisfied with the response they receive at stage one, then the reason for the dissatisfaction will be reviewed. Where the complaint has been thoroughly looked into and the complainant is unhappy with the outcome then this too will be reviewed to ensure that the outcome is fair and appropriate and that all actions that should be taken have been identified. If the response has been a complete response and no further actions can be taken then the complainant will be referred to the Local Government Ombudsman for stage two of the procedure.
- 1.9 More people are choosing to have a personal budget in the form of a direct payment, which enables them to take control of the services they choose by arranging provision directly. The decision around what kind of support would best meet their needs is therefore with the individual and increasingly people are taking more control of their services. The views of individuals' experience of services are sought in a number of ways, including through the assessment process and at reviews, through surveys and specific consultation events.
- 1.10 There are a number of mechanisms for incorporating the views of people, and the council encourages citizen voice and supports a number of citizen engagement groups which inform strategic planning and service delivery.
- 1.11 When people do not have a family member or friend who can help articulate their views, an advocacy service is available which can offer support to service users in representing their views about their services and to those who may wish to make a complaint.
- 1.12 The representations procedure for Adult Social Care is also a route by which our customers can let us know what they think about our services. The council recognises the value of hearing people's views and concerns and understands that from time to time, despite best efforts, some circumstances warrant the use of the formal complaints procedure. In doing so, the council seeks to ensure that the responses are timely, open and robust so that customers are assured and services utilise learning from complaints to improve.
- 1.13 It is important that access to the complaints procedure is as straightforward as possible for anyone who wishes to use it. Information about the procedure is made public through leaflets and with information on the Council website and through information about the procedure shared for example at start of service. The council wants individuals and their representatives to understand how to make a complaint

and ensure that our colleagues understand their role in offering advice and support to anyone who approaches them with a concern.

2 Complaints Summary & Learning

This section of the report provides an analysis of the complaints that have been received within the year 2016-17. All complaints within this section were addressed at stage one (Local Authority stage) of the procedure

2.1 Complaints received

| Year | Number of Complaints | Adult services service users * | Percentage of complaints to service users |
|---------|----------------------|--------------------------------|---|
| 2014-15 | 40 | 1,961 | 2.0% |
| 2015-16 | 28 | 1,851 | 1.5% |
| 2016-17 | 38 | 1,962 | 1.9% |

(The number of adults aged 18+ receiving a long term support service as of the 31st March in the relevant year)*

The above table indicates that there has been a small increase in the number of formal complaints made about Services to Adults compared to 2015-16 but the number is in line with the level received the year before that (2014-15).

Complaints however continue at an extremely low level in comparison to the number of service users as illustrated in the table above.

2.2 Complaint by Finding

| | 2014 -15 | | 2015-16 | | 2016-17 | |
|----------------|---------------|-------------------|---------------|-------------------|---------------|-------------------|
| | <i>Number</i> | <i>Percentage</i> | <i>Number</i> | <i>Percentage</i> | <i>Number</i> | <i>Percentage</i> |
| Upheld in full | 4 | 10% | 8 | 28.6% | 9 | 23.6% |
| Upheld in part | 15 | 37.5% | 8 | 28.6% | 9 | 23.6% |
| Not Upheld | 18 | 45% | 10 | 35.7% | 9 | 23.6% |
| Not found | 3 | 7.5% | 2 | 7.1% | 11 | 28.9% |

Just under half of the complaints we have received in the year were found to be upheld, either in full or in part, with just under a quarter of complaints not upheld. A higher number than usual, eleven complaints, were not found, which means that there was not enough information on which to reach a conclusion about whether the complaint was substantiated or otherwise. In these cases, the complaints procedure offers acknowledgement that an individual is not satisfied, however the concern cannot be proven.

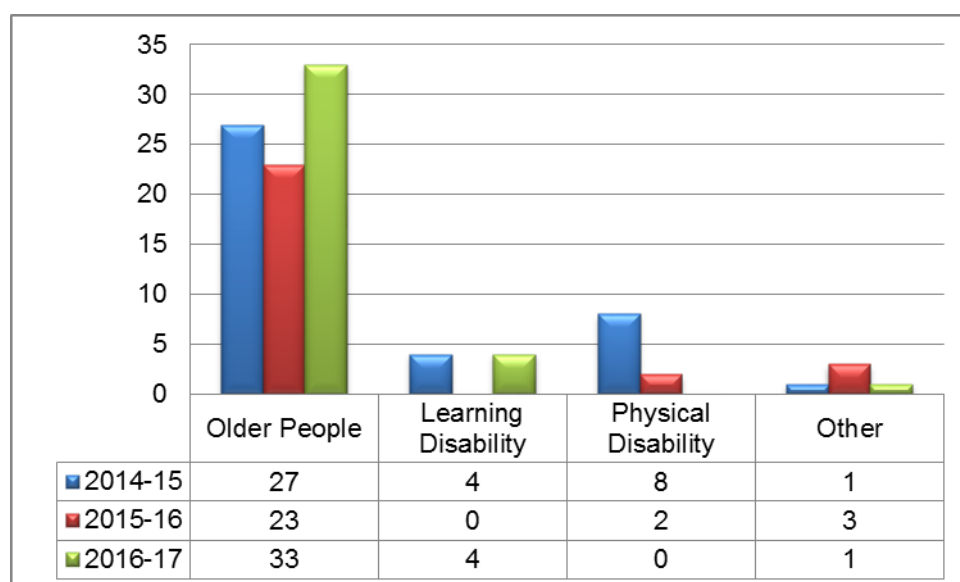
2.3 Complaints by Type of Complainant

| Complainant | Service user | | Relative | | Other | |
|--------------------|---------------------|-------------------|-----------------|-------------------|---------------|-------------------|
| | <i>Number</i> | <i>Percentage</i> | <i>Number</i> | <i>Percentage</i> | <i>Number</i> | <i>Percentage</i> |
| 2014-15 | 5 | 12.5% | 33 | 82.5% | 2 | 5% |
| 2015-16 | 3 | 10.7% | 20 | 71% | 5 | 12.5% |
| 2016-17 | 4 | 10.5% | 31 | 81.6% | 3 | 7.9% |

Consistent with previous years, complaints have in the main been made on behalf of service users by a relative. Based on feedback, people using the services do not wish to make a complaint about a service on which they rely and that they may need support in order to raise concerns. Often this support is provided by the people closest to them.

The service is open to hearing from individuals who have a worry or a problem with a service so that they can seek to take action. The council endeavours to make sure that information about Adult Social Care Services is easy to access on the council website, through leaflets or via the Adult Information Service. This includes information about how people can make a complaint.

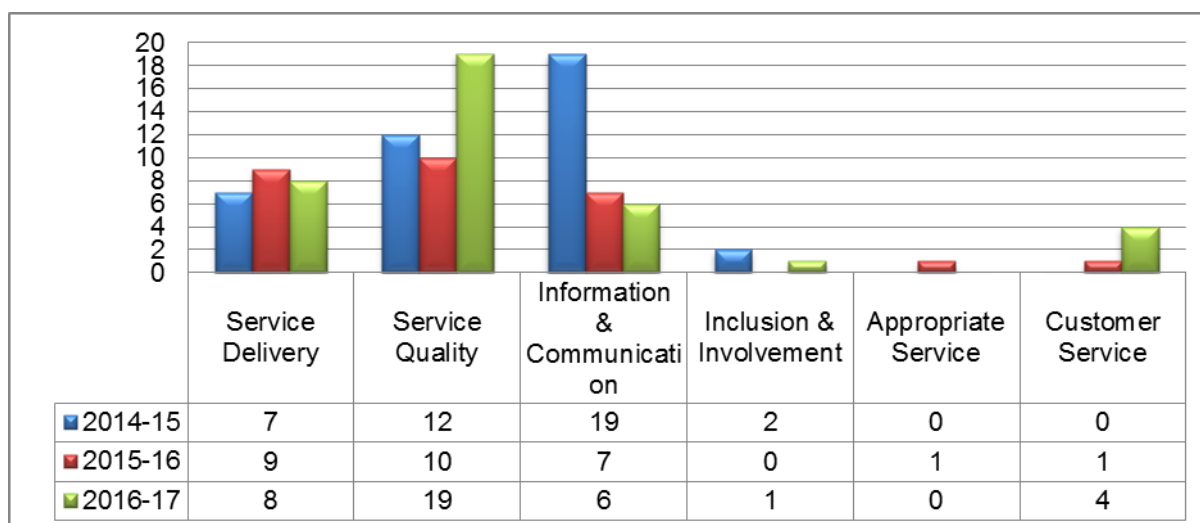
2.4 Complaints by Service User Group



The vast majority of individuals with whom Adult Services come into contact during the year have needs related to ageing, which can fluctuate more frequently and that require responsive services at short notice. This can present challenges in terms of both assessment and provision and understandably this will create a higher proportion of issues and concerns. Relatives of older people are also able to make a complaint and sometimes their concerns are different to the person in receipt of services.

There has been an increase in complaints about services to people with a learning disability and a reduction in complaints about services to people with a physical disability. Increasingly people with a physical disability are in receipt of personal budgets and direct payments and are therefore in control of their own services and support.

2.5 Complaints by Main Issue



Complaints often have more than one element, for example a complaint may concern both the quality of an assessment and delay in the outcome of the assessment. The above chart represents the main issue in the complaint.

Complaints about service delivery are about whether a support has been provided or what the complainants consider is the failure to provide a service.

Complaints about service quality arise where there are issues, for example delays or inadequate standards, with the service being delivered, rather than concerns about the nature of the service itself.

Issues of communication and information relate to complainants concerns that they are not made fully aware of the Service's actions, plans or decision making. Complaints about inclusion and involvement are around complainants feeling they have not been appropriately involved or have been excluded from processes in which they consider they should have been a part.

Complaints about information and communication continue to show a significant decline and this can be seen to be reflective of the person centred approach to the assessment for and provision of services.

Customer service complaints relate to standards of customer service and can reflect the way in which complainants consider they have been treated. These are often the most difficult complaints on which to reach a finding as they concern the way in which someone feels about, or their perception of, an event.

The above chart illustrates that service quality was the principal cause of concern in 2016/17.

Local Government Ombudsman Adjudications

The second stage of the statutory procedure rests with the Local Government Ombudsman (LGO)

There have been three adjudications from the Local Government Ombudsman in the year, these related to complaints made in the previous year (2015-16). In two cases the Ombudsman supported the Local Authority findings and in the third made recommendations in relation to prompt review of service, clear advice around the complaints procedure and record keeping in residential establishments.

No complaints in 2016-17 were referred to the LGO.

2.6 Complaint Issues and Actions

The specific issues within complaints and the responses to complaints are summarised in this section. Issues and responses are grouped into broad themes:

- **Assessment**
 - Advice and information given about financial contribution
 - Delay in assessment completion and outcome
 - Delay in allocation
 - Assessment outcome inappropriate
- **Provision**
 - An appropriate service was not provided
 - Service standards
 - Service not provided in a timely way
 - Response to a concern about service provision
- **Communication**
 - Response to enquiry about service
 - Outcome of safeguarding enquiries
 - Lack of information about service provision
 - Advice about services

Complaint Response

In response to complaints about Services, the Council has:

- **Assessment**
 - Improved clarity that where an individual being assessed has capacity then discussions around financial assessment and contributions for service is held with them and not family members.
 - Reimbursed charges where appropriate
 - Confirmed provision of appropriate service
 - Improved process and manager oversight of allocation of referrals
 - Reached agreement around lines of communication
 - Reviewed assessment to ensure person centred planning

- **Provision**
 - Explained the criteria for services
 - Reassessment undertaken
 - Reviewed service
 - Taken action to ensure that referrals for assessment are more timely

- **Communication**
 - Supported staff to attend customer service training
 - Provided teams with information in respect of information sharing protocols.
 - Reviewed safeguarding investigations and offered further information in relation to outcomes and measures taken to address the issues raised.
 - Improved system of transfer between teams
 - Improved process for prioritisation of referrals

Monitoring

Information from complaints is shared in a number of ways:

- Meetings with senior managers. These meetings review complaints to consider specific issues in relation to individual complaints and identifying any themes and cross cutting issues.

- Information is included in regular service performance monitoring reports. Services report on complaints within their routine performance monitoring arrangements, thus informing the service about qualitative aspects of performance and ensuring the information is integral to service monitoring and service development.
- An Annual Complaints Report is presented to the Cabinet Member. Reporting at this level allows for consideration of the implications for wider strategic and policy

3. Conclusion

This report has given an overview of the statutory procedure for complaints about Adult Services for the Year 2016-17. It has summarised and reviewed complaints received over the year and the actions taken to resolve them.

We shall continue to develop and improve the process in the coming year by:

- Undertaking a review of the procedure to ensure its continued effectiveness
- Continuing robust monitoring of responses to assure quality and timeliness.
- Contributing to improved corporate monitoring and reporting processes for complaints and performance management arising from the council's transformation based restructure and new ambitions
- Reviewing public information to ensure that it reflects changes to policy and procedure and continues to be accessible

Council Strategy, Information & Outcomes

North Lincolnshire Council

September 2017

Version: 1.1 Final