

**NORTH LINCOLNSHIRE COUNCIL**

**ADULTS, HEALTH AND COMMUNITY WELLBEING  
CABINET MEMBER**

**ADULT SOCIAL CARE STATUTORY REPRESENTATIONS AND  
COMPLAINTS REPORT 2017-18**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To present the annual Adult Social Care Statutory Representations and Complaints Report 2017-18 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 2017-18 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 2017-18 there were 43 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 2017-18 is received and approved.

DIRECTOR: GOVERNANCE AND PARTNERSHIPS.

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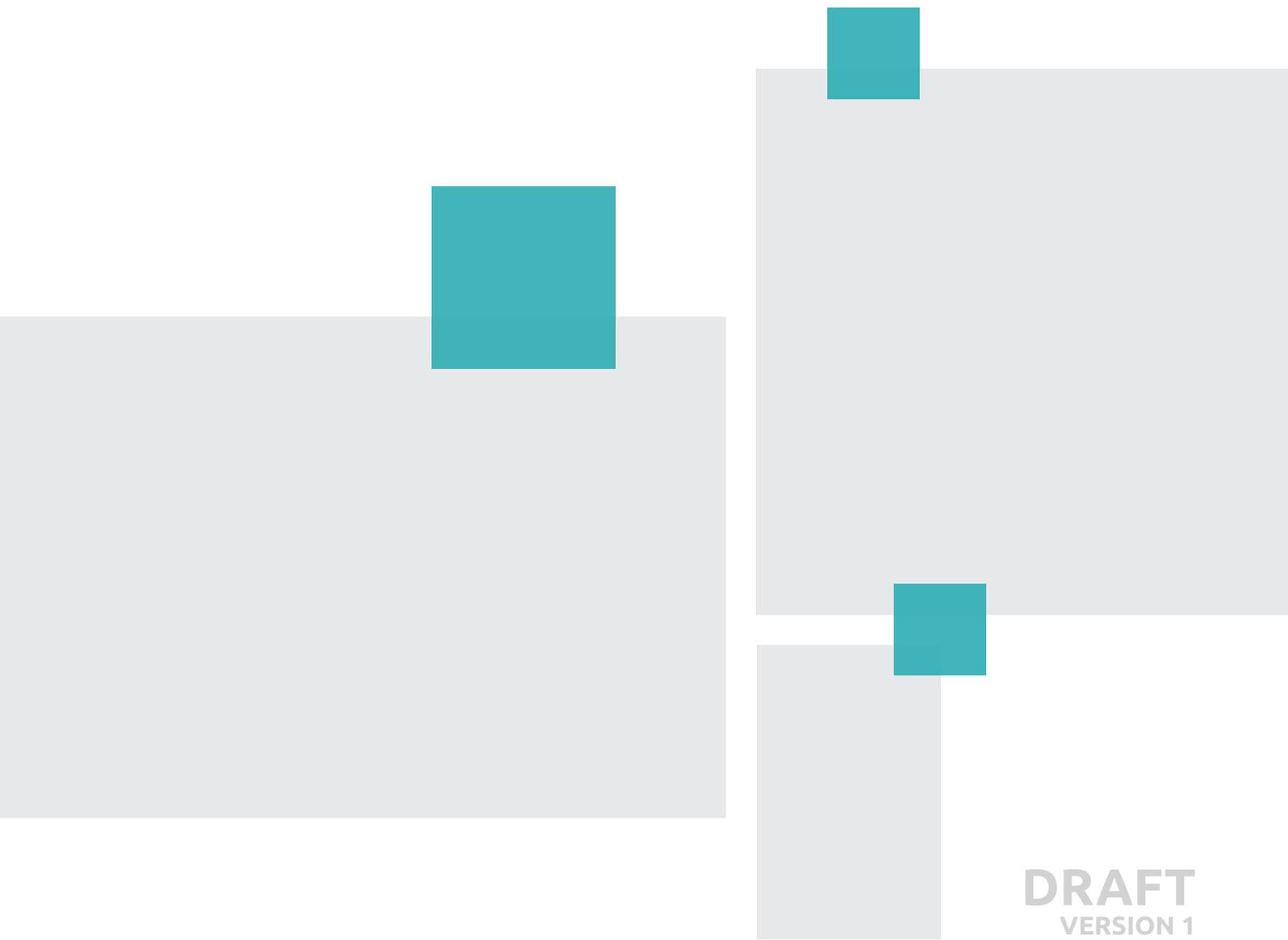
### **Background Papers used in the preparation of this report:**

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

North Lincolnshire

# Adult Social Care Statutory Representation & Complaints Report

Annual Review 2017-18



**DRAFT**  
VERSION 1

# Introduction

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.

It outlines the complaints made under the statutory procedure and the actions taken in response.

**This report is set out as follows:**

- Introduction and Executive Summary
- Section 1: Statutory Services for Adult Social Care
- Section 2: Analysis of Complaints
- Section 3: Complaint by Complainant Type
- Section 4: Complaint by Finding and Issue
- Section 5: Statutory Timescales
- Section 6: Local Government and Social Care Ombudsman (LG&SCO)
- Section 7: Reporting and Monitoring
- Section 8: Conclusion

# Executive summary

## Volume:

- There were 5 more complaints relating to Adult Services than in the previous year. This represents a slight increase as a proportion of the number of people due to the number who receive social care support decreasing in 2017/18.
- The proportion of complaints that were found to be upheld, either in full or in part was 42% which was similar to the previous year.
- 4 complaints were considered by the Local Government and Social Care Ombudsman, with none being upheld.
- The highest complaint category, was in respect of services for older people, which mirrors last year.

## Timeliness:

Complaints should be concluded wherever possible within fifteen working days of the complaint being received; this can be extended up to up to no more than twenty working days, if the complaint is more complex. In 2017-18 the response times are as follows:

- 35% of complaints were answered within 15
- 9% of complaints were answered within in 20 working days
- 26% of complaints were answered within 21-30 working days

## Reason:

- Service quality was the main reason for complaints followed by service delivery.
- The majority of complaints were received from relatives of the individuals receiving a social care service
- A recurring theme over the last year is around the understanding of Direct Payments and charges for Adult services.

# Section 1:

## Statutory Services for Adult Social Care

- 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.
- 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 and Social Care Ombudsman.
- 1.5 The council's Adult Services work closely with the individuals who require social care support to ensure that they and their families understand what is happening and what will happen following any contact or request for care and support. There may be occasions where concerns and enquiries are raised from both an individual and their family on their behalf. In the first instance the council will offer to address and resolve any concerns informally. This may stop the need for the individual making a complaint, as issues are addressed as soon as they occur.
- 1.6 Where a more formal response is required people will be directed to the council's complaints procedure and the Customer Contact and Relationship Manager will act as a central, impartial role to ensure that a thorough investigation is carried out and a full response is given to the complainant or their advocate. The response is delivered as a letter, email or face to face meeting, as appropriate to the individual.
- 1.7 We aim to conclude a complaint within fifteen working days of the complaint being received; for more complex complaints the period is extended to twenty working days.
- 1.8 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. A full response is supplied to the complainant and they are kept fully informed throughout the process of the investigation.
- 1.9 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 advised that they can refer their complaint to the Local Government and Social Care Ombudsman for stage two of the procedure.

- 1.10 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.
- 1.11 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.
- 1.12 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 and develop service as appropriate.
- 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 on the Council website.
- 1.14 An advocacy service is available to service users and their family when they need assistance with any concerns or complaints they may have with Adult Services.



# Section 2:

## Analysis of complaints

2.0 This section of the report provides an analysis of the complaints that have been received within the year 2017-18. All complaints within this section were addressed at stage one (Local Authority stage) of the procedure.

2.1 Complaints received compared to previous years:

Year	Number of Statutory Complaints	Individuals accessing Adult Services*	Percentage of complaints to individuals
2015-16	28	1851	1.5%
2016-17	38	1962	1.9%
2017-18	43	1685	2.5%

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

The table indicates that there has been an increase of 5 complaints about Adult Services compared to 2016-17. The percentage of complaints to service users has also increased, due to a decrease in the number of Adult Service users being lower than 2016-17. Complaints continue to represent a low level in comparison to the number of people who have a long term support service.

# Section 3:

## Complaint by complainant category

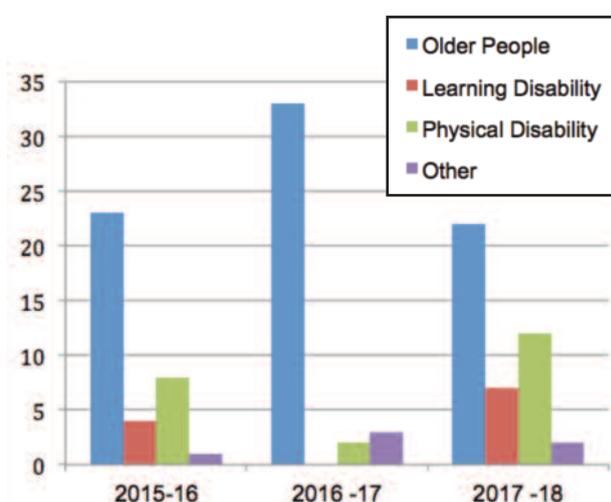
3.0 This section illustrates the percentage of Complainant by Type in comparison to previous years.

Complainant	Service User		Relative		Other (Advocate etc.)	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>2015-16</b>	<b>3</b>	<b>10.7%</b>	<b>20</b>	<b>71%</b>	<b>5</b>	<b>12.5%</b>
<b>2016-17</b>	<b>4</b>	<b>10.5%</b>	<b>31</b>	<b>81.6%</b>	<b>3</b>	<b>7.9%</b>
<b>2017-18</b>	<b>17</b>	<b>39.5%</b>	<b>26</b>	<b>60.5%</b>	<b>0</b>	<b>0%</b>

3.1 The majority of complaints have been made on behalf of individuals by their relatives. Often the support to make a complaint is provided by the people closest to them, however during 2017/18 more individuals have made a complaint for themselves.

3.2 The council endeavours to make sure that information about Adult Services is easy to access on the council website or via the Adult Information Service. This includes information about how people can make a complaint.

3.3 Complaints by Service User Group:



- 3.4 Complaints regarding services to older people remain the highest, which is consistent over the three year period, albeit that there has been a 33% decrease in 2017-18 from the previous year of complaints received from older people. Services to older people often have to be provided at short notice which can present challenges in terms of both assessment and provision and understandably this can create a higher proportion of concerns.
- 3.5 Relatives of older people often make complaints on their behalf regarding the services that has been received and sometimes their concerns are different to the person in receipt of the service. This is managed sensitively with all concerned to ensure everyone can represent their view.
- 3.6 The disability service has received 10 complaints more than the previous year. These complaints relate to a range of issues including delays in assessment, lack of appropriate support put in place and issues around communication. The team have put arrangements in place to ensure early response with management oversight so that concerns can be promptly addressed to avoid escalation.
- 3.7 A recurring theme over the last year is around the understanding and clarity of Direct Payments and charges for Adult services.

## Section 4:

# Complaint by finding & issue

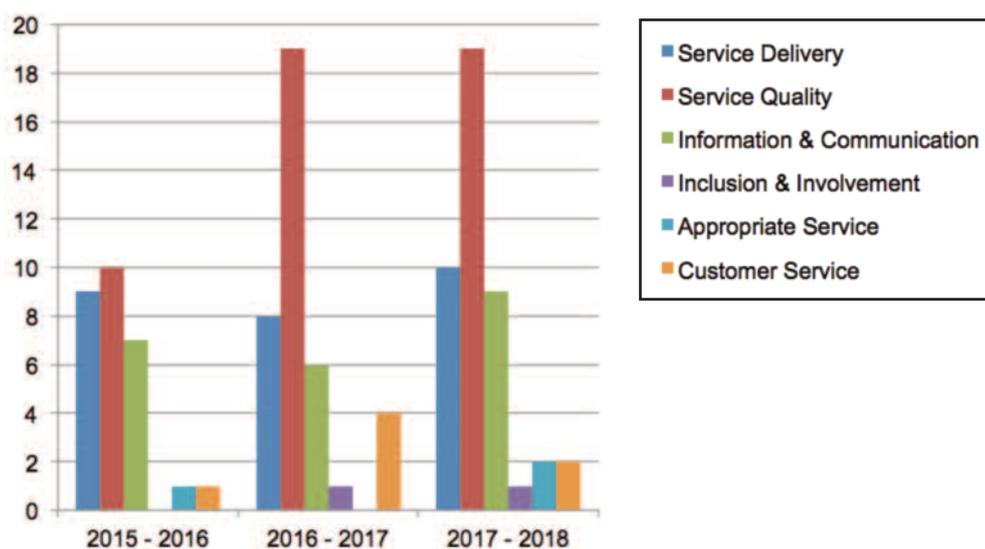
### 3.3 Complaints by Service User Group:

	2015-16		2016-17		2017-18	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>Upheld in Whole</b>	8	28.6%	9	23.6%	5	11.6%
<b>Upheld in Part</b>	8	28.6%	9	23.6%	13	30.2%
<b>Not Upheld</b>	10	33.7%	9	23.6%	21	48.9%
<b>Not Found</b>	2	7.1%	11	28.9%	4	9.3%

4.1 The majority of complaints were not upheld or not found, there has been a slight reduction in the number that were upheld in whole or part.

4.2 Four complaints have been concluded in 2017-18 without a clear outcome and these are categorised as not found. This is due to the nature of the complaints being received where sometimes an outcome from the complaint is not achievable. For example, this can occur when a complaint is made about something said in a conversation that has taken place, where the conversation was not recorded or had no witnesses.

3.3 **Complaints by Service User Group:**



4.4 The chart shows the main category of concern or issue for the complainant. Complaints often have more than one element of concern, for example a complaint may concern the customer service of a social worker and also a complaint about the clarity of direct payments.

4.5 Complaints about service quality arise where there are issues, for example delays or inadequate standards, with the standard of the service being delivered, rather than concerns about the nature of the service itself. The chart illustrates that service quality was the principal cause of concern and the same number was received in this category for the previous year.

4.6 Complaints about service delivery are about whether a support has been provided or what the complainants consider is the failure to provide a service. This is the second highest category of complaint, with two more complaints received in this category in comparison with the previous year.

4.7 Issues of information and communication relate to complainants concerns that they are not made fully aware of the service's actions, plans or decision making. Direct payments and charges for services usually fall under this category as complainants often say that they were not communicated with appropriately regarding these. Complaints about information and communication show a slight increase of 3 compared to the previous year.

4.8 Complaints about inclusion and involvement are around complainants and their families feeling they have not been appropriately involved or have been excluded from processes in which they consider they should have been a part of. This has again remained a low category this year, with only one complaint categorised under this category, which is the same as the previous year.

4.9 The category appropriate service has received 2 complaints and these were regarding the decision to offer home support rather than residential care as requested.

4.11 **Complaint Issues and Actions:**

The specific issues within complaints and the responses to complaints in 2017-18 are summarised in this section. Complaint issues and responses are grouped into the broad themes: assessment; service provision and communication and involvement, as follows:



2016-17	2016-17
<b>Assessment</b>	
The advice about financial contributions and personal budgets was not consistent	Made improvements to the way we have conversations with the individual about financial assessment and contributions
There were delays in the assessment process	The assessment process has been reviewed to ensure everyone receives 'person centred planning'
The assessment outcome was not appropriate	Confirmed provision of appropriate service
<b>Service provision</b>	
The service provided was not appropriate	Used the feedback to learn from complaints to identify how service delivery can continually improve
The support was not in line with the care plan	
The standard of service did not meet expectations	
The service provides was not timely	Took action to ensure that referrals for assessment are more timely
Care was not delivered in an organised way	Provided further clarity around the criteria and eligibility for Adult Services
<b>Communication and involvement</b>	
The family have not been involved as much as we would like	Reviewed processes to ensure that families are involved and that the appropriate communication channels are used to meet individual need
The channels of communication were not appropriate	
The information about service provision and charges was poor	Reviewed of the support plan documentation and the training provided for staff  Provided training for staff regarding service provision
We are not satisfied with the outcome of the safeguarding enquiry	Reviewed safeguarding investigations and offered further information in relation to outcomes and measures taken to address the issues raised and improved the process for prioritisation of referrals

- 4.12 A particular theme this year is where complainants have complained about Direct Payments and charges for Adult Services. The complainants state that there is a lack of information, understanding and clarity regarding the guidelines and how they can be used.
- 4.13 To learn from these complaints and moving forward the policies and procedures have been updated and the guidance has been reviewed to make them easier to understand. Training is to be delivered to key personnel to ensure that everyone understands the guidance and adopts a consistent approach across this area. The communication with service users will be clearer in the future, with support planning for personal budgets provided.
- 4.14 The following developments have been undertaken within Adult Services as a direct result of receiving complaints:
- Adult Services invite people who have shared concerns and complaints back in to the service to see how the service has improved. This has proved beneficial as people can see the difference and if they cannot change something they have explained the reasons why
  - Complaint themes are captured and changes have been implemented accordingly
  - A new structure has been implemented which has used information gathered by feedback from service complaints and issues
  - There is a service user afternoon tea event to consult with service users to find out their views
  - There is a commitment to 'Moving with Dignity' especially around single handed patient care
- 4.15 Adult Services have received the following Service Awards and recognition in 2017-18:
- Adult Services have been selected by the Government "Parliamentary Review" which is in recognition of the integrated work undertaken in the service
  - Home First has been 'highly commended' by judges of The Municipal Journal's Achievement Awards in the category of Care and Health Integration
  - Adult Services have been nominated for an award for the Gateway to Care by our Health colleagues, which is an internal award within the NHS

## Section 5:

# Statutory timescales

- 5.0 Complaints should be concluded wherever possible within fifteen working days of the complaint being received; this can be extended up to up to no more than twenty working days, if the complaint is more complex.
- 5.1 35% of complaints were responded to within 15 working days and a further 9% were responded to within 20 working days. Due to the nature and complexity of complaints, the time taken to conclude some complaints were beyond the target, however 26% of complaints were responded to within 21 – 30 days. A very small minority took over 51 days. The Council continuously reviews its processes to identify areas for improvement and are confident that the timeliness will improve in 2018/19.

## Section 6:

# Local government and social care ombudsman

- 6.0 The second stage of the statutory procedure for Adult Services is investigated and responded to by the Local Government and Social Care Ombudsman (LG&SCO).
- 6.1 There have been four complaints referred to the LG&SCO this year, compared to three in the previous year. None of the four complaints received this year have been upheld. The LG&SCO determined that the council was not at fault on one of the complaints, three were not investigated: one complaint was submitted too long after the incident and two complaints had not been investigated by the council at stage one so LG&SCO unable to consider. Two other complaints were closed by the LG&SCO after the first screening.

# Section 7:

## Reporting and monitoring

7.0 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. This is an opportunity to learn from complaints and improve service delivery.
- Complaints 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 development.



# Section 8:

## Conclusion

8.0 This report has given an overview of the statutory procedure for complaints about Adult Services for the Year 2017-18. 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 complaints process in 2018-2019 by:

- Robust monitoring of responses to complaints so that time scales are met
- Quality checking of complaint responses to ensure a standard approach
- Improve corporate monitoring and reporting processes for complaints
- Reviewing public information to ensure that it reflects changes to policy and procedure and continues to be accessible
- Policies and procedures regarding Direct Payments and charges for Adult services have been updated and the guidance is being reviewed to make them easier to understand
- Staff to be given training on Direct Payments and charges for adult services so that a consistent approach is adopted