

**NORTH LINCOLNSHIRE COUNCIL**

**ADULTS AND FAMILIES CABINET MEMBER**

**ADULT SOCIAL CARE ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT  
2015-16**

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

- 1.1 To present the Annual Representations and Complaints Report 2015-16 for adult social care services in line with statutory requirements.

**2. BACKGROUND INFORMATION**

- 2.1 There is a statutory requirement to present an annual report (see appendix), covering representations and complaints received about services delivered under the NHS Community Care Act 1990.
- 2.2 These statutory procedures confer on service users, or representatives acting on their behalf, the right to make representations about our services. They require the Local Authority to address these representations, through a two stage procedure for adult social care services.
- 2.3 The procedure aims to resolve complaints within one stage. There are no timescales specified within the regulations as each complaint is considered according to the issues involved. The second stage of this procedure rests with the Local Government Ombudsman.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 To receive and approve the Annual Representations and Complaints Report for 2015-16 for adult social care services.

**4. ANALYSIS OF OPTIONS**

- 4.1 The complaints procedures and annual report meets the requirements of the NHS Community Care Act 1990.
- 4.2 During 2015-16 there were 28 complaints about adult social care services, which represent very few when compared to the number of open cases and contacts. The annual report provides a summary of the complaint categories and the outcome of the complaint.

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. IMPLICATIONS FROM INTEGRATED IMPACT ASSESSMENT**

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 received this year cited equality and diversity as an issue.

## **7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 None required.

## **8. RECOMMENDATIONS**

8.1 That the Annual Representations and Complaints Reports for adult social care is received and approved.

### **INTERIM DIRECTOR OF ADULT SOCIAL SERVICES**

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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.



# **Adult Social Care Annual Representations and Complaints Report 2015-16**

<b>Status</b>	<b>Date</b>	<b>By Whom</b>
Approved	December 2016	Cabinet Member
Author Update	August 2016 November 2016	Julie Pointon Becky McIntyre
Review Date	May 2017	

## **1. Introduction**

- 1.1 This is the annual report on complaints about Adult Social Care services, 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 This report outlines the complaint's made under the statutory procedure and the actions taken in response.
- 1.3 The Making Experiences Count procedure applies to services that are provided or commissioned by the Local Authority in respect of safeguarding vulnerable adults and ensuring appropriate care and support needs are identified and met 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 Foundation Trust (RDaSH) and complaints in respect of these services are addressed under their procedures and are reported through RDaSH's reporting arrangements.
- 1.4 The statutory procedure that applies in respect of Adult Social Care 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 a person independent of the service, either a manager from another service area or someone who is independent of the Local Authority. Such investigations 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’ and the focus is always on resolution. If the complainant is not satisfied with the response they receive at stage one then the reason for the dissatisfaction is reviewed. A complaint which has not been thoroughly addressed, for example where some elements of the complaint have not been fully looked into, is revisited. Where the complaint has been thoroughly looked into and the complainant is unhappy with the outcome then this too is reviewed to ensure that the outcome is fair and appropriate and that all actions that should be taken have been identified. If following this review there are no further actions that can be taken then the complainant is referred 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 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. When people do not have a family member or friend who can help articulate their views, an advocacy service is available. The council also encourages citizen voice and supports a number of citizen engagement groups which inform strategic planning and service delivery.
- 1.10 The council recognises the value of hearing people’s views and concerns understands that from time to time, despite best efforts, some circumstances warrant the use of the formal complaints procedure and people are actively encouraged to voice their concerns through this mechanism.

## **2 Learning from Complaints**

This section of the report provides an analysis of the complaints that have been received within the year.

### **2.1 Complaints received**

Year	Number of Complaints
2013-14	47
2014-15	40
2015-16	28

The above table indicates that there has been a reduction of around 30% this year in the number of formal complaints made about Adult Social Care Services.

This reduction is due to a number of factors including the increase control that individuals have to choose and commission their own services, the criteria for the allocation of personal budgets is now clear and the information about eligibility for rehabilitation services has improved and also the work of the hospital social work team is providing support with appropriate discharge and smooth transition from hospital.

A more proactive approach has been taken to increase the opportunities for working in partnership with service users and carers which has led to issues been identified at an early stage and services can act quickly to resolve any concerns.

## 2.2 Complaint by Finding

	2013-14	2014-15	2015-16
Upheld in full	11	4	8
Upheld in part	15	15	8
Not Upheld	19	18	10
Not found	2	3	2

Just over half of complaints received in the year were found to be upheld, either in full or in part with under a third of complaints not upheld. Two 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.

Two complainants referred their complaint to the Local Government Ombudsman (LGO). In both cases the LGO made a request for information to the Local Authority and the LGO has yet to adjudicate on the complaints.

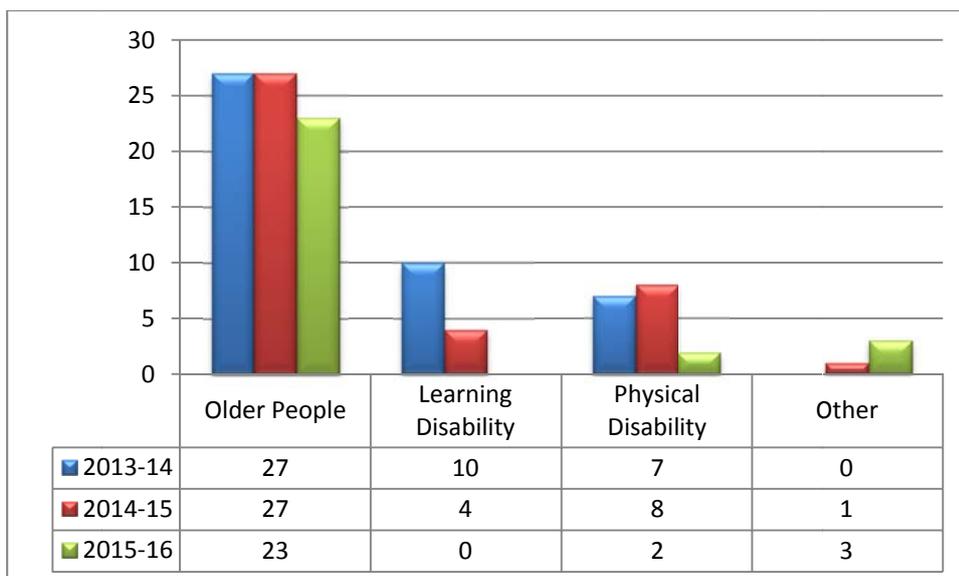
### 2.3 Complaints by Complainant

Complainant	Service user	Relative	Other
2013-14	10	34	3
2014-15	5	33	2
2015-16	3	20	5

Consistent with previous years complaints have in the main been made by a relative on behalf of service users. Based on feedback, some service users do not wish to make a complaint about a service on which they rely or feel unable to articulate what they are dissatisfied with. Generally, support to articulate views is provided by the people closest to the service user, their relatives, however, where this is not possible people can access the advocacy service, which the council commission to help people express their views, including raising a complaint.

The directorate endeavours to make sure there is clear and easy to understand information about Adult Social Care Services available on the council website, through leaflets or via the Adult Information Service. This includes information about how people can make a complaint.

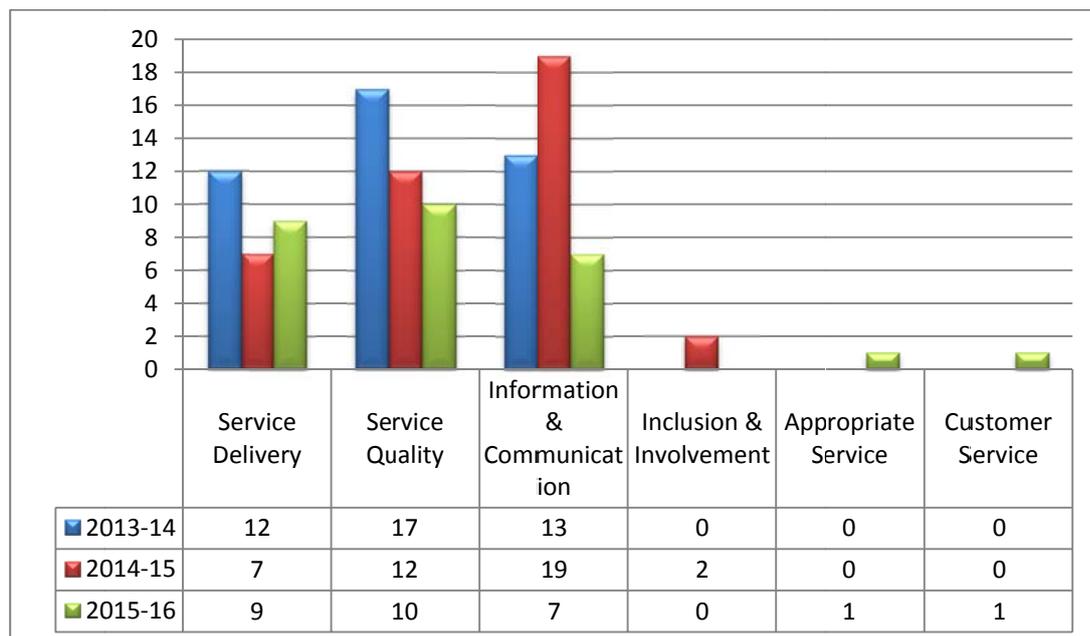
### 2.4 Complaints by service user group



The above chart shows the total of complaints made by service user group. The majority of complaints are in respect of services to older people, which reflects the fact that this population represents the majority of the people who use Adult Social Care Services and is consistent with previous years. The care needs of older people can fluctuate more frequently, requiring services to be responsive at short notice. This can present challenges in terms of both assessment and provision. Relatives of older people are able to voice concerns through the complaints process and sometimes their concerns are different to the person in receipt of services.

The reduction in complaints about Learning Disability services and Physical Disability services reflects in part that fewer complaints are being made in relation to personal budgets and the reviewing of budgets, as that process has become well established and understood by both service users and their relatives and carers. There were a very small number of complaints from people with mental health issues in respect of access to community services, re-ablement services and the costs of care 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 and illustrates that service delivery, service quality and information and communication were the principal cause of concern this year.

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 fully aware of Adult Services 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 have shown a significant decline and this can be seen to be reflective of the person centred approach to the assessment for and provision of services.

Complaints about Adult Social Care have raised the following issues:

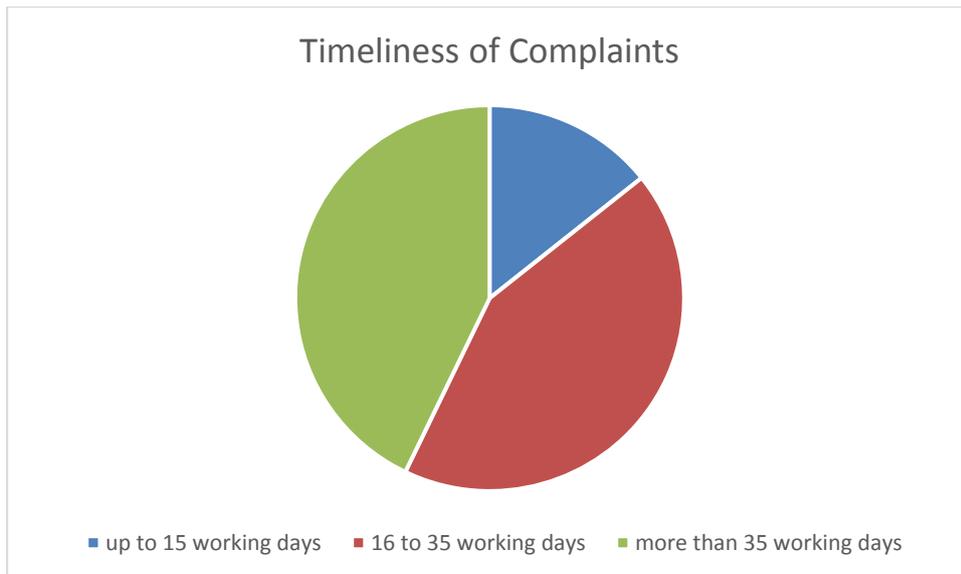
- Assessment;
  - Quality of the assessment
  - Delays in reviews and assessments
  - Lack of communication and consultation about an assessment
  - Views of service user/carer not being listened to during the assessment
  - Advice and information given about charges for service
- Provision
  - That external home care calls were not being completed
  - Process of admission to residential provision
  - That options for residential provision were not offered
  - That the home support service was inadequate
  - Delay in confirming that an appropriate service would be put in place
- Communication
  - Services were withdrawn with little preparation
  - Lack of clarity about provision of service
  - Inappropriate provision of housing
  - Change of worker without notice

In response to complaints about Adult Services we have:

- Supported the service user to have appropriate services of their choice
- Confirmed that actions taken were in line with service user wishes
- Reviewed financial assessment processes
- Addressed with provider issues of communicating with family
- Made agreements with family around communication
- Developed public information in relation to service charges
- Ensured improved communication and handover processes
- Developed of information leaflets about the role and ethos of Rehabilitation services
- Reached agreement around charges for service and waived charges where appropriate
- Issues reminders to staff about timely responses to service requests
- Made representation to the hospital in respect of discharge processes
- Ensured that individuals have a known point of contact
- Confirmed that delays were due to ensuring that necessary equipment was in place

### **3. Timescales**

The statutory complaints process for Adult Social Care Services does not specify mandatory timescales for the resolution of complaints. The service aims to resolve complaints in line with the Council's complaints policy, however, it is also recognised that as the procedure is a one stage approach the nature and complexity of the complaint may determine the length of time taken. The timeliness of complaints are monitored to ensure they are responded to in a timely manner. In general the more complex a complaint the longer will be taken to resolve. The table below shows that the majority of complaints were resolved in less than 35 working days. The complaints which took longer involved co-ordinating information from across multiple teams and where the complexity of the issue required more detailed enquiries. Improvement of timeliness will be prioritised during 2016/17 by services.



#### **4. Monitoring**

Information from complaints is shared in a number of ways:

- Meetings with service managers and principal managers as required. These meetings review complaints considering 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.
- Complaints are reported on within corporate performance reporting presented to the council's senior management and elected members at their quarterly review of council performance. These reports provide an overview of numbers of complaints, broad subject areas of the complaint, complaints upheld and actions taken.
- 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.

#### **5. Access**

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 available at customer access points across service and on the Council's website. The Council aims to resolve issues raised at the earliest point and staff can offer advice and support to service users and carers who approach them with a concern. Independent guidance and support is available through an independent advocacy service.