

# COMPLAINTS, CONCERNS & ENQUIRIES

## HEALTH & CARE ADULT SOCIAL CARE

### ANNUAL REPORT

APRIL 2017– MARCH 2018

## Overview

This report provides information about the complaints received by the Adult Social Care Service during 2017-18.

Adult Social Care is part of the People 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 2017-18

- Throughout 2017-18 a total of **107 complaints** were received, an **decrease** of -47 from **154** in the previous year (2016-17)
- **88%** of complaints were acknowledged within **3 working days**, compared to 83% in the previous year
- It takes on average **49 working days** to process a complaint (date received to sign off), compared to 76 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 received 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**
- 102 individuals raised **114 concerns and enquiries**
- The greatest number of **concerns and enquiries** received related to **social work support**
- The greatest proportion of concerns and enquiries received were from a **Member of Parliament**
- 15% of complaints were **resolved** without the need to escalate to formal stage
- 18 complaints remained **outstanding (as at 31<sup>st</sup> March 2018)**, all of which were within the **6 month target**
- 108 **compliments** were received
- 16 complaints were referred to the **Local Government & Social Care Ombudsman**

## Complaints received

Throughout 2017-18, a total of 107 complaints were received, this is a decrease of -47 from 154 in the previous year (2016-17). The majority of complaints received were statutory complaints accounting for 64.5%. 88% of complaints were acknowledged within 3 working days, an increase from 83% in the previous year. Of those complaints which were received and signed off within the financial year, it took an average of 49 working days to process the complaint, a decrease of 27 days from an average of 76 days in the previous year (see Table 1).

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 3 years (2015-16 to 2017-18):**

	2015-16	2016-17	2017-18
Number of complaints	129	154	107
% of all complaints acknowledged within 3 working days	86%	83%	88%
Average number of working days to process complaints ( <i>from date received to sign-off</i> )	99	76	*49

*[\* this is based on complaints which have been closed up to 31<sup>st</sup> March 2018; there are still outstanding complaints therefore this number is subject to change. Previous years' figures have been revised]*

During 2017-18, Cumbria County Council provided social care support to 8,445 adults; this equates to around 1.3% of complaints for all service users or approximately 12.7 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: Number of Adult Social Care Service users as a % of complaints, compliments and concerns/enquiries**

	Number	% of service users	Rate per 1,000
Number of ASC Service users	8,445	-	-
Complaints received	107	1.3%	12.7
Compliments received	108	1.3%	12.8%
Concerns/enquiries received	102	1.4%	12.1

The greatest number of complaints received were from service users with a physical disability (53), at a rate of 10.8 per 1,000 service users; however, the rate of complaints per service user group is greatest from service users with a learning disability. (see Table 3).

**Table 3: Number and rate of complaints by Service User Group**

Primary group	Number	Rate per 1,000
Learning Disability	17	12.6
Physical Disability	53	10.8
Mental Health	15	8.1
Not related to service users	1	n/a
Other vulnerable adult	11	n/a
Not a service user	10	n/a

The greatest number of complaints received were from a relative of the service user, accounting for a total of 54 complaints (50.5%). (See Table 4).

**Table 4: Source of complaint, 2017-18**

Source	Number of cases	% of cases
Relative	54	50.5%
Service User	18	16.8%
Parent	11	10.3%
Member of Public	9	8.4%
Friend	4	3.7%
Professional	3	2.8%
Advocate	2	1.9%
Carer	2	1.9%
Partner	2	1.9%
Service Provider	2	1.9%
TOTAL	107	

**Benchmarking of complaints received** In order to add context to the number and rate of Adult Social Care complaints received in Cumbria, Table 5 presents information from other Local Authorities (statistical neighbours – authorities similar to Cumbria County Council). To date the response is limited, however, from the authorities which have responded, the rate of complaints (per 1,000 ASC service user) is lower in Cumbria.

**Table 5: Benchmarking: Numbers and rates of complaints by other Local Authorities (statistical neighbours) 2017-18**

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
Lancashire	540	22,635	2.4%	23.9
Norfolk	635	39,861	1.6%	15.9
Cumbria	107	8,445	1.3%	12.7

### 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 2017-18 related to **social work support** (63 in total) reflecting previous trends (see Table 6); within the social work support function the greatest key concerns related to **assessment, care management & review**; and **conduct or attitude of staff** (see Table 7).

**Table 6: Number of complaints received by Service Area (function), 2017-18**

Service Area/Function	Number of cases	%
Social Work Support	65	58.9%
Fees & Charging Policy (Business Support)	9	7.5%
Independent Sector Home Care (Independent Sector)	4	3.7%
Financial Assessment & Charges (Business Support)	4	3.7%
Miscellaneous	3	2.8%
Occupational Therapy	3	2.8%
Commissioning	2	1.9%
Community Services	5	3.7%
Independent Sector Residential or Nursing Care	2	1.9%
Residential Homes (Cumbria Care) (Cumbria Care)	2	1.9%
Supporting People	2	1.9%
Client Affairs (Business Support)	1	0.9%
HR	1	0.9%
Safeguarding (Customer Support & Care Governance)	1	0.9%
Transport	1	0.9%
Welfare Assistance	1	0.9%
Direct Payments Allocation	1	0.9%
Total	107	

**Key concerns of the complaint**

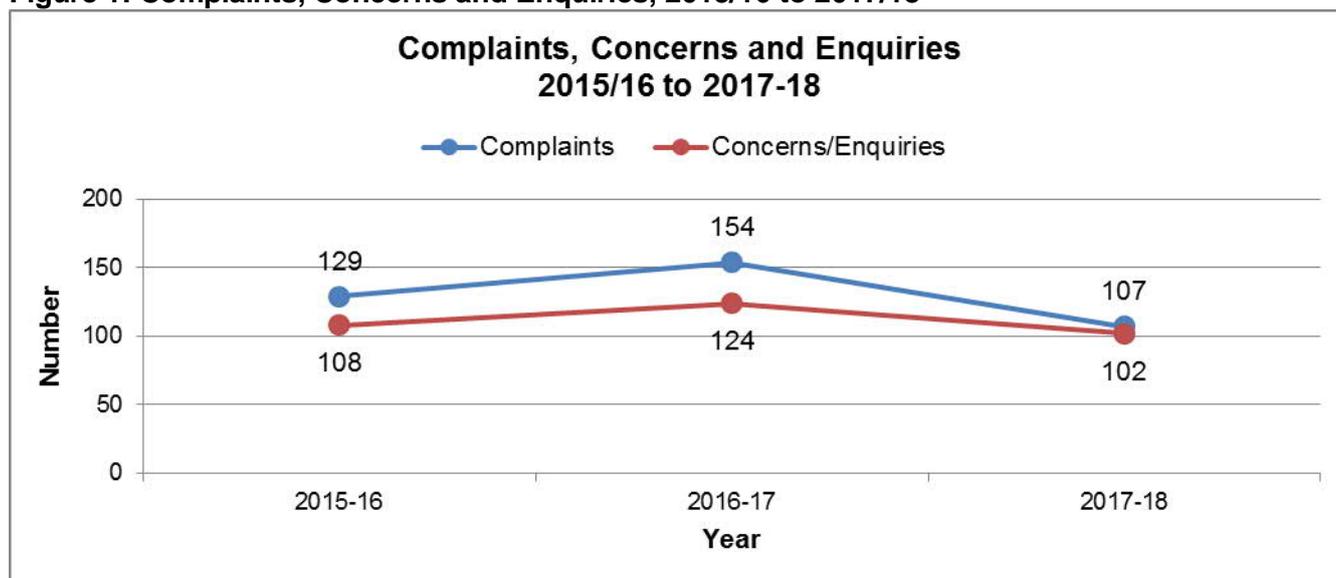
When complaints are received the key concerns are recorded (please note that multiple concerns may be recorded against one complaint therefore totals may not sum). In 2017-18, the top key concerns were: **assessment, care management & review** (24); and **conduct or attitude of staff** (23). See Table 7.

**Table 7: Complaints - Key Concerns, 2017-18**

Key concern	Number of cases	%
Assessment, care management & review	24	15.4%
Conduct or attitude of staff	23	14.7%
Communication & information (including confidentiality)	16	10.3%
Delay	16	10.3%
Continuity of care	14	9.0%
Access to services	10	6.4%
Charges: home care	9	5.8%
Charges: residential care	8	5.1%
Safety or wellbeing	8	5.1%
Care standard/quality	5	3.2%
Conduct of other person/resident/client	4	2.6%
Funding/resources	4	2.6%
Charges: day care	3	1.9%
Dignity & respect	3	1.9%
Direct Payments & Personal Budgets	3	1.9%
Registration Service	2	1.3%
Unwanted change	2	1.3%
Charges: other	1	0.6%
Transition	1	0.6%
Total	156	

Figure 1 below presents the total number of recorded complaints; and concerns/enquiries, over a 3-year period (2014/15 to 2016-17).

**Figure 1: Complaints, Concerns and Enquiries, 2015/16 to 2017/18**



**Outcome of complaints**

84 complaints received in 2017-18 have been resolved; while 23 cases are awaiting an outcome. Table 8 below presents the outcome of complaints by a proportion of all cases.

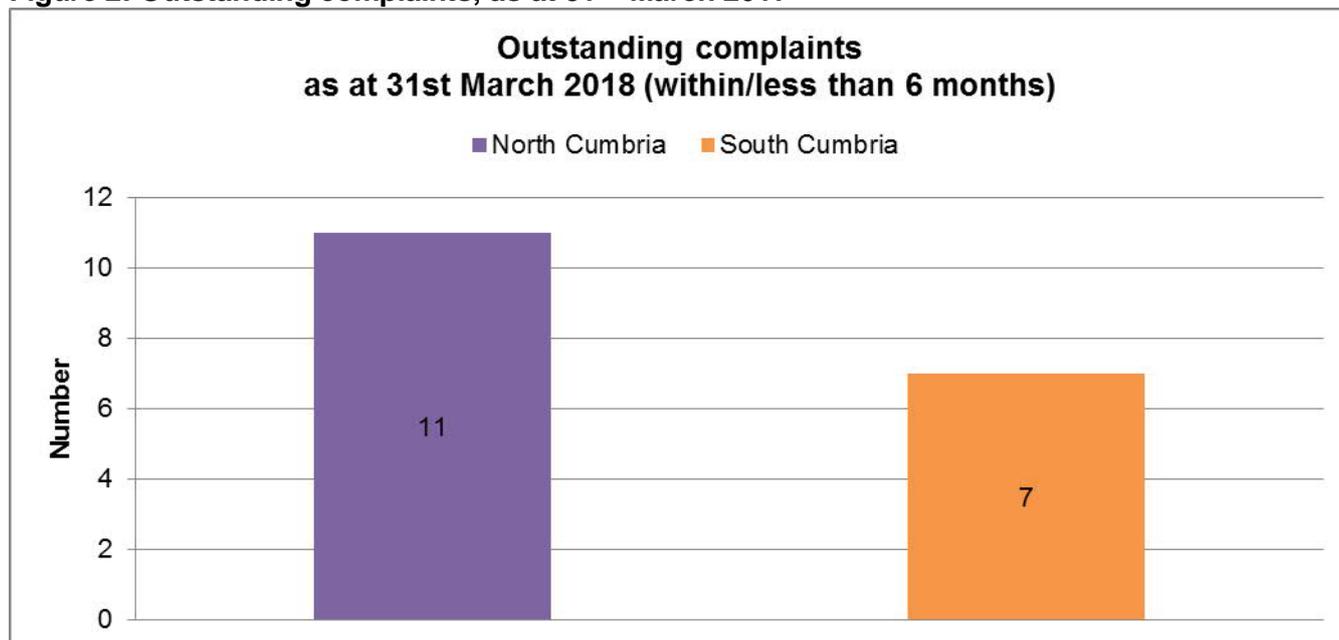
**Table 8: Outcome of complaints, 2017-18**

Outcome	Number	%
Partially upheld	21	19.6%
Upheld	19	17.8%
Not upheld	17	15.9%
Resolved	16	15.0%
Withdrawn	6	5.6%
Closed	5	4.7%
Awaiting outcome	23	21.5%
<b>Total</b>	<b>107</b>	

## Outstanding complaints

As at 31<sup>st</sup> March 2018, 18 complaints remained outstanding (compared to 20 in the last period). 11 outstanding complaints related to service users in the North of the county, while 7 were service users in the South. All outstanding complaints were within the 6 month target (see Figure 2). The majority of outstanding complaints (10) related to **social work support**.

**Figure 2: Outstanding complaints, as at 31<sup>st</sup> March 2017**



## 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.

## Summary of some of the lessons learnt in 2017-18

- Robustly revisited our policy and procedures regarding resident safety and the security of the dementia unit and made significant improvements (Service: Residential)
- The importance of good customer service and communication skills cascaded throughout Cumbria Care Homes with the aim to promote effective communication and contribute positively to overall quality care and to avoid any unnecessary distress or confusion (Service: Residential)
- Cumbria Care to develop a written protocol for admissions to their day services and share this with the social work teams (Service: Adult Social Care & Cumbria Care)

- ASC to link with Cumbria Care regarding availability of placements at Day Services with an aim of forward planning to support transition in the future. A project to be developed to ensure that those attending the day service have an appropriate level of need (Service: Adult Social Care)
- The importance of providing timely information to families and customers on their right to an IMCA and Advocacy support for RPR (Service: Adult Social Care)
- The importance of acknowledging the Dols process is robustly followed up by care homes within operational teams (Service: Adult Social Care)
- Advice and training in relation to case note recording and the importance of responding to correspondence (Service: Adult social Care)

### **The Local Government & Social Care Ombudsman**

Service users have the right to approach the Local Government & Social Care Ombudsman (LG&SCO) at any time to make a complaint. The LG&SCO 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 LG&SCO 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 2017-18, a total of 16 complaints were considered by the LG&SCO. Table 9 below provides a breakdown of the decisions made by the LG&SCO and shows a comparison with cases referred in 2016-17.

**Table 9: Local Government Ombudsman decisions,**

Ombudsman decision	Number 2016-17	Number 2017-18
Closed after initial enquiry	5	2
Not upheld	2	6
Referred back for local resolution	4	4
Upheld	3	4
Total cases referred	14	16

Details of the 4 cases that were upheld by the Ombudsman are shown below including the remedy and learning action from the case.

Description/Decision	Remedy/Learning action
<p>Mr and Mrs X complained the Council failed to provide a suitable care package to meet their granddaughter's (Miss G's) eligible care needs when her regular day care placement permanently excluded her.</p>	<p>Pay Miss G £600 to acknowledge the lack of care provision from November 2015 to March 2016;</p> <p>Pays Mr and Mrs X £200 to acknowledge the effect on their physical and emotional wellbeing of caring almost full-time for Miss G from November 2015 to March 2016.</p> <p>Learning action from the case: Final decision shared with the service as a reminder to staff to ensure that if there is any information or evidence that suggests circumstances have changed in a way which might affect a care plan, they should immediately carry out a review to decide if the care plan needs revision.</p>
<p>Mr B complained about his late mother Mrs A's care. The Council commissioned Jemcare (the Agency) to provide Mrs B's care.</p> <p>There was poor communication between the Agency and the Council, a failure to carry out risk assessments, report changes to Mrs A's condition and to carry out a timely review of her care. This caused Mr B avoidable distress.</p>	<p>To recognise Mr B's avoidable distress, the Council accepted the LG&amp;SCO recommendation to make a payment of £150 to Mr B.</p> <p>Following the handling of the original complaint as learning from the incident the Council (having already apologised) took action to avoid a recurrence which included speaking to social work staff and to the Agency involved.</p>
<p>A care home complained that the Council failed to take responsibility for making care arrangements for one of its residents between 2015 and 2016.</p> <p>The Ombudsman accepted there was an agreement between the care home and the resident and/or her attorney for the placement. That was the basis for the residence in the first place. However, in August 2015 the care home made the Council aware of the resident's inability to pay for her care.</p>	<p>The remedy was financial redress for the quantifiable loss. The actual care costs for the resident were over £580.00 per week at the self-funding rate. The Council agreed to pay the outstanding sum to the care home of £19 068.75</p> <p>Learning action from the case: The actions taking leading to the original decision were reviewed by a Senior Manager to understand where the failure had occurred in not progressing the assessment and funding when originally identified. The findings were shared with the service officers involved.</p>
<p>The Summary of the Parliamentary &amp; Health Service Ombudsman decision advised:</p> <p>The Ombudsmen will not investigate Mrs D's complaint about flaws in her mother's hospital discharge and assessment of eligibility for NHS continuing healthcare (CHC).</p> <p>The Council and Trust have already accepted some flaws in their actions</p>	<p>N.B. This case has been listed as 'Upheld' by the LG&amp;SCO but was satisfactorily resolved before the LG&amp;SCO involvement so no remedy action was required.</p> <p>Learning action from the case: Staff reminded of the need for adequate communication with service users. This particular matter was raised directly with social workers involved. The Complaints Team provides regular updates to directorates on reasons for complaints and areas for improvement with</p>

and have apologised to Mrs D. The CCG has agreed to accept a late request for a review of CHC eligibility.

An investigation by the Ombudsmen is unlikely to achieve more for Mrs D and her mother.

communication with service users highlighted as an area for focus.

## Concerns and enquiries

The public can raise a concern or make an enquiry without making a complaint. Throughout 2017-18, 102 individuals raised a total number of 114 concerns, a decrease from 146 concerns in the previous year. The greatest number of concerns and enquiries related to **social work support** (45) (see Table 10).

**Table 10: Number of Concerns and Enquiries received by Service Area (function), 2017-18**

Service Area/Function	No of cases	%
Social Work Support	45	39.5%
Community Services	12	10.5%
Commissioning	11	9.6%
Fees & Charging Policy (Business Support)	11	9.6%
Misc	10	8.8%
Equipment	2	1.8%
Home Care (Cumbria Care) (Cumbria Care)	2	1.8%
Independent Sector Home Care (Independent Sector)	2	1.8%
Independent Sector Residential or Nursing Care (Independent Sector)	2	1.8%
Occupational Therapy	2	1.8%
Blue Badges (Customer Support & Care Governance)	1	0.9%
Client Affairs (Business Support)	1	0.9%
Direct Payments Administration (Business Support)	1	0.9%
Financial Assessment & Charges (Business Support)	1	0.9%
Safeguarding (Customer Support & Care Governance)	1	0.9%
Supporting People	1	0.9%
(blank)	9	7.9%
Total	114	

The greatest number of concerns and enquiries received were from a Member of Parliament, accounting for a total of 53 concerns and enquiries (52.0%). See Table 11.

**Table 11: Source of concern or enquiry, 2017-18**

Source	Number of individuals	%
Member of Parliament	53	52.0
Other relative	17	16.7
Member of Public	16	15.7
Service User	8	7.8
Parent	4	3.9
Councillor	2	2.0
Carer	1	1.0
Professional	1	1.0
Total	102	

## Compliments

Throughout 2017-18 a total of 108 compliments were received. A reduction of 35 from the previous year total of 143.

## Monitoring and reporting of complaints

Throughout 2017-18 the Complaints Team have produced a monthly tracker showing open complaints which supports Adult Social Care teams in the monitoring and chasing of complaint responses in their areas. The tracker is shared with ASC Managers and Assistant Directors through Sharepoint. Going forward detailed quarterly reports will be produced and shared with Departmental Management Teams. The first report will be available in January 2019.

## Planned Development 2018-19

As part of the Council's Customer Services Strategy 2018-22, which aims to put customers at the heart of everything we do and provide quality services at a reduced cost, Complaints as a priority service has been identified as one of the initial services to undergo a redesign. The table below sets out the proposed actions for 2018-19 as part of the redesign and the benefits the changes are expected to provide.

Overview	Key deliverables	Target Dates	Measures of success
Improvements to ensure making a complaint is as easy as possible, developing a learning culture to help ensure complaints inform service improvements, development of tools to support greater visibility and ownership of complaints and reasons for complaints, and provision of targeted support for services with high volumes of complaints such as Adult	Corporate complaints policy revised.  N.B. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 used for Adult Social Care complaints is a statutory process.	By end of September 2018.	Improvements to service based on learning from complaints and more efficient handling of complaint enquiries.
	Complaints dashboard and trackers introduced	From June 2018	Target deadlines for dealing with complaints are met.

Services.			
	Complaints information used to inform delivery	From September 2018.	To ensure number of complaints upheld by the LG&SCO remain low.
	Online improvements for making a complaint	By the end of December 2018.	Reduced costs in handling requests.
Reshaped approach to complaints	By the end of December 2018.	A quality service delivered at a reduced cost.	