

## Report of Head of Complaints

## Report to Director of Adult Social Services

**Date: 18 September 2014**

**Subject: Complaints and Compliments Annual Report 2013-14**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

## Summary of main issues

- 1 The report provides information about compliments and complaints received during the twelve months between 1 April 2013 and 31st March 2014, the work of the Complaints Service within Adult Social Care and about the extent to which services are meeting customers' expectations. The report also describes the action being taken to improve the quality of the social care services in response to customer feedback.

The report also talks about updates and priorities for 2014-15 and provides an update on developments relating to Health and Social Care Complaints Procedures such as Healthwatch, the potential impact of the Care Quality Commission's new inspection process (the 5 essential standards) and the Care Act 2014 requirements.

## Recommendations

2. The Director of Adult Social Services is recommended to approve the report for publication as required by the regulations.

## **1. Purpose of this report**

- 1.1 The purpose of the report is to provide information about compliments and complaints received during the twelve months between 1 April 2013 and 31 March 2014, as required under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
- 1.2 The report also talks about updates and priorities for 2014-15 and provides an update on developments relating to Health and Social Care Complaints Procedures such as Healthwatch, the potential impact of the Care Quality Commission's new inspection process (the 5 essential standards) and the Care Act 2014.

## **2 Background information**

- 2.1 The Social Services and National Health Service Complaints Regulations place a duty on Local Authority Social Services and the National Service to establish and implement a procedure for dealing with complaints and representations.
- 2.2 It is a statutory requirement to produce an Annual Report which provides information on the quantity of the complaints received, lessons learned in response to customer feedback and the adequacy of the complaints procedure.

## **3 Main issues**

- 3.1 The year under review has been a busy, challenging and successful one for the Complaints Service. In a year of on-going change with transformation of services, the focus has been to maintain and/or raise the standard of complaints handling by focusing on strategies that will improve the customer experience when things go wrong. The Complaints Service has been involved in a number of initiatives
- 3.2 Developing further effective partnership working with our NHS Partners, commissioned providers and the voluntary sector. In view of the integration of services, Adult Social Care and Leeds Community Healthcare NHS Trust have developed joint information for its patients and customers within integrated services.
- 3.3 Overseeing effective complaints handling training for front line staff within Adult Social Care Directorate.

334 members of staff have been trained in this reporting year compared to 312 the previous year. Training has been provided to support and professional support in Learning Disability, Mental Health, Physical Impairment and some staff within integrated teams.

The training focuses on customer experience, staff behaviour and the role that staff have in resolving complaints before they become formal. The training is building on the progress made in promoting a positive complaints culture in Adult Social Care Directorate. A correlation is already emerging between frontline staff

training and its impact on positive customer feedback evidenced in 6 of the main report.

The target for the coming year is to provide training to commissioned provider Registered Managers and Supervisors involved in resolution of complaints.

- 3.4 During the year under review, 751 compliments were recorded compared to 678 in the previous year representing an increase of 11%. Analysis of the compliments evidence how the Adult Social Care Directorate are meeting the key qualities patients and service users expect from health and social care i.e. being offered choice, treated with dignity, respect and being heard.
- 3.5 390 complaints were recorded compared to 441 in the previous year, representing a decrease of just over 11%. A summary of the complaints is summarised under 7 of the Compliments and Complaints Annual Report. Appendix 7 of the main report contains examples of the lessons learnt during this reporting period and actions taken to improve the quality of service.
- 3.6 The statutory timescale for acknowledging complaints is 3 working days. In the reporting period, performance against this timescale was 99%.

Whilst the statutory timescale for fully resolving a complaint is now up to six months based on the level of risk and complexity, the service aims to provide an initial response to complaints risk assessed as low within 20 working days. In this reporting period, performance against this timescale improved to 98% compared to 96% the previous year. The significant improvement in timescale performance has been as a result of joint efforts and close working with Chief Officers, Heads of Service, Service Delivery, Team Managers and the Complaints Team. Other initiatives on the go include the highly effective reminder system and monitoring of complaints at risk of going overdue and circulation of schedule of outstanding complaints to Chief Officers.

- 3.7 Improving timescale performance in responding to complaints is an on-going key priority.
- 3.8 The cost of commissioning independent investigations and mediation in this reporting period was £16,673.75 compared to £7,837.45 in 2012/13. This figure includes 6 cases which were commissioned in 2012-13 but billed in 2013-14 totalling £14,350.85. The actual cost of independent investigations including mediation for the financial year 2013-14 is, therefore, £2,322.90.
- 3.9 25 complaints were made to the Ombudsman compared to 24 the previous year. Of these, 10 related to the Directorate's new responsibilities for the assessment of Disabled Parking Permits (Blue Badges). In 9 of these cases the Ombudsman found no fault in the decision not to award a blue badge. In the remaining case the Ombudsman discontinued her investigation as a re-assessment had been offered.

12 of the 15 remaining complaints made to the Ombudsman related to Access and Care Assessment and Care management cases. In 4 of these cases the Ombudsman declared that she had completed her investigation and was satisfied

with the actions the Council had taken and it was not appropriate to issue a Public Report. In 2 of the cases the Ombudsman decided the most appropriate way of resolving the complaints were by recommending a Local Settlement. In one case the Ombudsman decided that the complaints were outside her jurisdiction.

A breakdown of the Ombudsman enquiries and the findings are detailed in Appendix 5 of the main report.

The Complaints Service sends a satisfaction questionnaire to all complainants after they have received a response to their complaint. The purpose of the questionnaire is to seek complainants' views on how easy they found it to complain and how satisfied they are with key aspects of the process and outcome.

This year 35 (9%) complainants returned questionnaires. 83% of respondents said they found it either very easy (46%) or quite easy (37%) to make their complaints. Satisfaction with the time taken to respond increased to 74% with respondents being very satisfied and 28% being quite satisfied. 52% of respondents were satisfied with the outcome of their complaint, which compares to 57% last year, with 29% reporting that they were very satisfied and 23% that they were quite satisfied.

Amongst the 15 complainants who were dissatisfied with the outcome of their complaint the reasons given were:-

6 respondents (17%) said that they found it difficult to complain. They gave a variety of reasons as to why they felt this way. Of these 3 said that they were not confident that their complaints would do any good. Some respondents reported that they had feared adverse consequences from making a complaint, with 1 stating that they were worried about reprisals by workers and 1 was concerned that their service may be withdrawn. 1 respondent said that workers had not helped them to complain and 1 said that they did not know who to make their complaint to. 3 gave other reasons why they found it difficult to complain, one being that a worker had filled out their complaint form without checking the complaint with them; another complainant was worried that they would be labelled as racist and another who made a mixed sector complaint about health and social care felt that no one agency would take responsibility and that a worker may be scapegoated. The above feedback will be shared with staff as part of the frontline effective complaints handling training.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The Compliments and Complaints Annual Report details standards of consultation and engagement with all key stakeholders and the extent to which services are meeting customers' expectations.
- 4.1.2 Analysis of the compliments received and meetings with complainants, service users and/or their carers to discuss and try and resolve their complaints evidence

extensive consultation between staff and the relevant service user and/or their carer.

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 This report is being presented for information about compliments and complaints received during the twelve months between 1 April 2013 and 31 March 2014. It is therefore, not relevant to undertake an equality impact assessment.

However, all complaints are subject to equality monitoring which now includes all the equality characteristics protected through legislation (age, disability, gender, race, religion or belief and sexual orientation). Information is most frequently provided on ethnicity, gender and disability. 62% of all complaints have ethnicity recorded, reflecting a slight decrease on 64% last year. 97.2% have gender recorded and 81% of complaints state whether the person was disabled or not. A breakdown of the equality related information provided by complainants is detailed in Appendix 6 of the main report.

- 4.2.2 From July 2010, the Council Customer Services in collaboration with the Council Equalities Team issued new guidance for recording equality related complaints. The focus was changed from purely equality monitoring the complainant to focusing on the nature of the complaint which may cause the service user an inequality. There were no equality related complaints in this reporting period.
- 4.2.3 Overall, data demonstrates that fewer people are willing to provide information relating to equality monitoring. The focus is to continue focusing on the nature of any complaint which may cause the service user an inequality.
- 4.2.4 Data also demonstrates that the proportion of people from a non-UK/white background making a complaint is lower than both the proportion of the same groups receiving a social care service. This is an established trend and a better understanding of the reasons for this lack of recourse to the Complaints Procedure is required. A study focused on service users from an ethnic minority group will be commissioned through one of the user involvement organisations over the next year.

## **4.3 Council policies and City Priorities**

- 4.3.1 The number of compliments and complaints received involving service users and carers of Social Care Services, commissioned providers and health partners have provided opportunities to promote partnership working with all key stakeholders. The compliments received also demonstrate how Adult Social Care Directorate is meeting the city priorities.

## **4.4 Resources and value for money**

- 4.4.1 Under Section 92 of the Local Government Act 2000, Local Authorities are empowered to remedy any injustice arising from a complaint. It is now the practice to consider small ex gratia payments by way of recompense for costs incurred or compensation for a distress caused as a result of a matter complained

about. The Local Government Ombudsman also has powers to direct the authority to pay compensation and to recommend the amount.

- 4.4.2 The cost of formal investigations including mediation rose from £7,837.45 in 2012-13 to £16,673.75 in 2013-14. This figure includes 6 cases which were commissioned in 2012-13 but billed in 2013-14 totalling £14,350.85. The actual cost of independent investigations including mediation for the financial year 2013-14 is, therefore, £2,322.90.
- 4.4.3 Under Section 92 of the Local Government Act 2000, Local Authorities are empowered to remedy any injustice arising from a complaint. It is now practice to consider small ex gratia payments by way of recompense for costs incurred or compensation for a distress caused as a result of a matter complained about. The Local Government Ombudsman also has powers to direct the authority to pay compensation and to recommend the amount.

#### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations (2009) place a duty on Councils and the NHS to establish and implement a procedure for dealing with complaints and representations. The complaints procedure is a two-stage process, the first stage being consideration by the Council and the second being investigation by the Health or Local Government Ombudsman.
- 4.5.2 A person is eligible to make a complaint under the statutory complaints procedure where the Local Authority and the Health Service have a power or duty to provide or secure a service.
- 4.5.3 The Courts would normally expect a complainant to have exhausted the statutory complaints process before initiating legal proceedings. Where there are serious operational failures and a public report and apologies are offered, it is possible that a complainant would take that as an admission of liability and as grounds to make a legal claim. Should any complainant choose to make a legal claim the legal claim would be passed to the Council Insurance Services and/or to Legal Services for their attention. None of the complaints in this reporting period were subject of either a legal or insurance claim.

#### **4.6 Risk Management**

- 4.6.1 It is a statutory requirement to produce and publicise a Complaints Annual Report which provides information on the quantity of the complaints received and the adequacy of the Complaints Procedure. Failure to produce and publicise the Annual Report would be in breach of the statutory requirement.
- 4.6.2 The timescales for acknowledging and responding to complaints are a statutory requirement; failure to respond within agreed timescales would breach the Complaints Procedure regulations.
- 4.6.3 The Directorate's timescale performance is reported corporately and contributes to the corporate performance indicator. The Directorate's performance has

sustained improvements made the previous year. 98% of complaints have been responded to within agreed timescales and led to Adult Social Care retaining its excellent green status i.e. within a range of 95% to 100%.

- 4.6.4 Complaints to the Local Government Ombudsman can result in a public report being issued by the Ombudsman. No complaints to the Ombudsman in this reporting year were the subject of a public report.

## 5 **Conclusions**

- 5.1 Complaints continue to be a complex and difficult service area with both legal and insurance implications. The Complaints Service looks forward to a period of productive change with on-going collaboration with both internal and external partners to improve social care service delivery to the citizens of Leeds.

## 6 **Recommendations**

- 6.1 The Director of Adult Social Services is recommended to approve the report for publication as required by the regulations.

## 7 **Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.