

Report of Head of Complaints

Report to Director of Adult Social Services

Date: 21 September 2016

Subject: Complaints and Compliments Annual Report 2015-16

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?	<input checked="" type="checkbox"/> 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 1st April 2015 and 31st March 2016, 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.
2. The report also talks about updates and priorities for 2016-17 and provides an update on national developments relating to Health and Social Care Complaints Procedures such as the Local Government Ombudsman second Annual Review of Adult Social Care complaints highlighting a number of issues where, nationally, complaints handling could be improved particularly highlighting the need for clear accountability, better signposting, support and positive experience for people who use social care services.

Recommendations

3. The Director of Adult Social Services is recommended to approve the report for publication as required by the regulations.
4. The Head of Complaints, Adult Social Care, will implement this decision once it has been approved.

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 2015 and 31 March 2016, 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 2016-17 and provides an update on developments relating to Health and Social Care Complaints Procedures such as lessons to be learned from the Local Government Ombudsman review of Adult Social Care complaints. The Ombudsman has highlighted the need to work even more closely with commissioned providers by ensuring that, as commissioners, the Council has robust mechanisms in place to hold providers to account for their approach to welcoming and resolving complaints.

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 increasing demand on budgets at a time when customer expectations of what they can expect from Social Care services is high, the focus for the Complaints Team has been to maintain and/or raise the standard of complaints handling by focussing 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 Providing briefings to voluntary sector organisations so that they understand the complaints process to enable them to effectively support people who may wish to access the complaints process.
- 3.3 Attending service users and carers' workshops. This gives us the opportunity to engage directly with service users and carers and to promote the complaints process focussing on what they can expect from the Complaints Service in the event of a complaint.
- 3.4 Providing Complaints Training to front line support and professional staff including staff of commissioned providers, so that they understand the health and social care complaints process and how this dovetails to their systems. Training was provided to 300 support and professional staff.
- 3.5 Continuing to promote the complaints service across all Adult Social Care operational teams by attending their Team meetings sharing the key issues highlighted, the national picture and the impact this will have on their practice.

- 3.6 Strengthening links with our NHS partners and Advonet via the Leeds citywide Complaints Managers Group which is chaired by the Leeds Healthwatch Chief Executive. The aim of the group is to influence and promote best practice in complaints handling across the city and to share learning and good practice.
- 3.7 During the year under review, 618 compliments were recorded. Analysis of the compliments evidence how the Adult Social Care Directorate are meeting the key qualities service users and carers expect from health and social care i.e. being offered choice, treated with dignity, respect and being heard. A summary of the compliments is summarised under 6 of the Complaints and Compliments Annual Report.
- 3.8 466 complaints were recorded compared to 433 in the previous year, representing an increase of just over 7.5%. This tells us that more people are becoming aware of their right to access the complaints procedure. A summary of the complaints is summarised under 7 of the Complaints and Compliments 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.
- 3.9 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 was 98%. During this period the Complaints Service has further improved the monitoring of timescale performance and the support provided to service managers, in an effort to improve performance.
- 3.10 Improving timescale performance in responding to complaints is an on-going key priority.
- 3.11 20 enquiries were made to the Local Government Ombudsman compared to 9 the previous year. A breakdown of the 20 enquiries is detailed in Appendix 5 of the main Report with a summary under 11 of the Complaints and Compliments Annual Report.
- 3.12 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. The return rate in this reporting period was less than 2%. Efforts will be made to understand the reasons for the low return rate and report on this in the next reporting period.

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 2015 and 31 March 2016. 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. No information has been provided about other characteristics. 67% of all complaints have ethnicity recorded, reflecting an increase on 53% the previous year. 99.8% have gender recorded and 86% of complaints state whether the person was disabled or not (an increase on 80% of people willing to provide this information on the previous year. 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.

4.3 Council policies and the Best Council Plan

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. In this reporting period £10,083.22 has been paid in compensation to complainants compared to £4,403.81 in the previous year.

4.4.2 Of this £2,250 was paid out of recognition of significant failings identified by complaints investigations, and of the time, trouble and distress caused by making a complaint.

4.4.3 £6,790.82 was paid to re-imburse costs that the Council has accepted complainants had incurred as a result of the failings identified by complaints investigations.

4.4.4 £1,042.40 of care fees were waived in recognition of failings in service provision.

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.
- 4.5.4 This report is a significant operational decision and is therefore not subject to call in.

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 Team continues to work with staff at all levels to ensure that the complaints procedure is effective and trusted by people wishing to access it. The Complaints Team 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.
- 6.2 The Head of Complaints, Adult Social Care, will implement this decision once it has been approved.

7 Background documents¹

- 7.1 None

¹ 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.