

# **Adult Social Care Complaints**

**Annual report  
April 2018 to March 2019**



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## 1. Introduction

This is the Complaints Manager's annual report for Adult Social Care. It is a statutory requirement to prepare an annual report for each year about the complaints activity within Adult Social Care that will be made available to any person on request. This must:

- a) Specify the number of complaints received
- b) Specify the number of complaints which we decided were well-founded
- c) Specify the number of complaints that we have been informed have been referred to the Local Government Ombudsman
- d) Summarise:
  - The subject matter of complaints received;
  - Any matters of general importance arising out of those complaints, or the way in which those complaints were handled;
  - Any matters where action has been or is to be taken to improve services as a consequence of those complaints.

This report provides information about complaints made during the twelve months between 1 April 2018 and 31 March 2019 under the Local Authority Social Services and National Health Service Complaints (England) regulations 2009.

## 2. Context

### 2.1 Legislation

Section 5 of the Regulations (2009) requires local authorities to consider complaints made by someone who:

- Is receiving or has received services from the authority;
- Is affected, or likely to be affected by the action, omission or decision of the authority.

A person is eligible to make a complaint where the local authority has a power or duty to provide, or to secure the provision of, a service for someone.

The 2009 regulations set a benchmark for all complaints to be investigated within six months. If a complaint is going to exceed this timescale the council should write to the complainant to advise them of this and explain the reasons why.

The corporate complaints process is used for anyone else who makes a complaint.

## **2.2 What is a complaint?**

A complaint may generally be defined as an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social care provision which requires a response.

A complaint must be made not later than 12 months after:

- The date on which the matter which is the subject of the complaint occurred; or
- If later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

This time limit will not apply if we are satisfied that:

- The complainant had good reasons for not making the complaint within that time limit; and
- Notwithstanding the delay, it is possible to investigate the complaint effectively and fairly.

## **2.3 Who can make a complaint?**

A complaint may be made by a relative, carer or someone acting on behalf of a person who has died, or is unable to make the complaint themselves because of:

- Physical incapacity, or
- Lack of capacity within the meaning of the Mental Capacity Act 2005, or
- Has requested the representative to act on their behalf

Complaints can be made in person, by telephone, in writing, or by e mail to the Complaints Team.

## **2.4 The Statutory Complaints Procedure in Newcastle**

We will always try to resolve problems or concerns before they escalate into complaints. If it is possible to resolve the matter immediately (or within 24 hours) there may be no need to engage in the formal complaints process. When a complaint is first received, the Complaints Manager will review the details provided and assess whether an investigation is required under the Statutory Complaints Procedure.

When someone contacts us to make a complaint, we acknowledge their complaint within 3 working days. We also:

- Make sure that we understand their concerns
- Find out what the person wants to happen as a result of their complaint
- Agree a plan with the complainant about who will look into the complaint, and by when
- Keep in regular contact with the complainant
- Act quickly to resolve matters, if we can

We aim to sort out most complaints within 30 working days. However sometimes because of the nature and complexity of some issues it may take longer, and complainants will be informed if this is the case.

When the investigation of a complaint is complete, the manager will write a letter explaining what they have found and what they will do to put things right. Sometimes, our findings do not fully support the complainant’s view of their complaints. However we always try to give clear reasons for our decisions, explain any misunderstandings and agree a way forward.

If the complainant is not happy with our final decision, or how we have dealt with their complaint, they can refer the matter to the Local Government and Social Care Ombudsman (LGSCO).

### 3. Summary of statutory complaints

#### 3.1 Number of complaints received

We received 114 statutory social care complaints between 1 April 2018 and 31 March 2019; in 2017/18 we received 95 statutory complaints. The table below shows comparisons of the number of statutory complaints over the past three years.

Year	Number of complaints received
<b>2018/19</b>	<b>114</b>
2017/18	95
2016/17	94

Of the 114 complaints that were received in 2018/19, 83 were closed at the time of reporting.

#### 3.2 Subject matter of complaints

Subject matter	Number	Percentage
Service Quality Issues	60	53%
Information and Communication	14	12%
Staff practice and behaviour	20	17%
Financial issues	10	9%
Delay/Waiting Times	10	9%
<b>Total</b>	<b>114</b>	<b>100%</b>

Regular reports of all active complaints and timescales are provided to the Assistant Director of Adult Social Care. These show an overview of all active complaints and allow for early resolution of issues as well as identifying where agreed timescales are not being met.

Both during the course of a complaint investigation and after the investigation has concluded, recommendations can be made to ensure that learning is embedded as a

result of complaints that have been upheld. The implementation of recommendations is monitored to ensure that changes occur to improve service delivery. This ensures that the organisation learns from the feedback and complaints it receives from the users of the service.

The Complaints and Customer Relations Team provide ongoing daily advice and support to managers around complaints management and resolution and responding to representations.

#### **4 Complaints made to the Local Government Ombudsman**

The Local Government Ombudsman (LGSCO) has authority to investigate when it appears that our own complaints process has not resolved the complaint. Complainants can refer their complaint to the Ombudsman at any time; however, the Ombudsman will generally refer all complaints back to us if they have not been through our complaints process first. In exceptional circumstances however, the Ombudsman will look at things earlier.

The Ombudsman provides a free service, but must use public money carefully. They may decide not to start or continue with an investigation if they believe:

- It is unlikely they would find fault, or
- It is unlikely they could add to the previous investigation by the Council, or
- They cannot achieve the outcome someone wants

The Council were notified of nine Adult Social Care complaint that were received and escalated to the LGSCO between 1 April 2018 and 31 March 2019.

#### **5 Outcome of complaints**

There are seven possible outcomes that can be reached when responding to a complaint these are:

- Upheld
- Not upheld
- Partially upheld
- Unable to prove or disprove
- Refused
- Withdrawn
- Referred to other procedures or organisations

Of the 114 complaints that were received in 2018/19, 83 were closed at the time of reporting, and 31 remained open. The following table shows the outcome of the 83 closed complaints.

Outcome	Number of complaints					
	2018/19		2017/18		2016/17	
	Number	%	Number	%	Number	%
Upheld	8	10%	5	7%	7	9%
Not upheld	12	14%	17	24%	22	29%
Partially upheld	20	24%	25	35%	21	28%
Unable to prove or disprove	4	5%	1	1%	0	0%
Withdrawn	22	27%	15	22%	9	12%
Refused	5	6%	5	7%	6	8%
Referred to other organisations or procedures	12	14%	3	4%	10	13%
<b>Total</b>	<b>83</b>	<b>100%</b>	<b>71</b>	<b>100%</b>	<b>75</b>	<b>100%</b>

## 6 Learning from complaints

Complaints provide invaluable information which may be used to identify issues in services, help staff learning and also identify any risks and so improve services for the future.

Improvement actions/recommendations arising from complaints fall into three main categories:

- Remedial action for individual complaints
- Improving social work practice and delivering training
- Establishing or changing existing processes, policies or procedures.

### a. Examples of remedial action for individual complaints

- Apology to complainant
- Review and/or reimbursement of charges
- Immediate allocation to social worker to arrange a social care assessment

### b. Examples of improving social work practice and delivering training

- Commissioners worked with care providers on improved communications with Adult Social Care
- Importance of accurate updating of social care records raised in supervision by Adult Community Team Managers

- Social Work teams attended Effective Record Keeping training, and best practice reinforced by Team Managers in Team meetings

**c. Examples of establishing or changing existing processes, policies or procedures**

- Review by managers of systems for contacting service users
- Improved telephony system introduced to enable messages to be taken in the absence of a social worker to address switchboard difficulties