

North Somerset Council

REPORT TO THE ADULT SERVICES & HOUSING POLICY & SCRUTINY PANEL

DATE OF MEETING: 14 NOVEMBER 2019

**SUBJECT OF REPORT: NORTH SOMERSET ANNUAL COMPLAINTS REPORT
2018/19**

TOWN OR PARISH: ALL

**OFFICER/MEMBER PRESENTING: SHEILA SMITH, DIRECTOR OF PEOPLE &
COMMUNITIES AND STEVE DEVINE, COMPLAINTS AND DIRECTORATE
GOVERNANCE MANAGER**

KEY DECISION: NO

REASON: THIS REPORT IS FOR INFORMATION ONLY

RECOMMENDATIONS

It is recommended that Members note the content of the annual report on Adult Social Care (attached), referred to Scrutiny for consideration and any further action.

SUMMARY OF REPORT

1.1 This Annual Report for 2018/19 covers complaints about Adult Social Services, a service provided and commissioned by Adult Social Services.

2. POLICY

2.1 Department of Health Guidance recommends that an Annual Report on the operation of the Complaints Procedure be presented to the Executive Member for Adult Services. This information, as contained in this report, is annually referred to the relevant Scrutiny Panel for comment.

2.2 The main role of the Complaints Manager is to monitor all complaints and have an overview of complaints in order to make recommendations about policies and procedures. The post holder is also responsible for investigating complaints formally and writing reports which are then sent to the complainant and Assistant Directors who act as the Adjudication Officer.

3. DETAILS

3.1 The number of recorded complaints in 2018-19 was 70 compared to 80 in 2017-18.

3.2 The number of recorded compliments in 2018-19 was 54 compliments received. A decrease of 16 from the previous year.

4. CONSULTATION

4.1 Not applicable.

5. FINANCIAL IMPLICATIONS

5.1 There are no cost implications for administering the complaints procedure other than staffing costs.

6. LEGAL POWERS AND IMPLICATIONS

6.1 When considering complaints and complements, the Council must have regard to the following legislation and guidance:

- Local Authority Social Services Act 1970
- Health and Social Care (Community Health and Standards Act) 2003
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
- Department of Health, Listening, Responding, Improving: A guide to better customer care

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

7.1 There are no direct outcomes in terms of climate change to the complaints process for adult care.

8. RISK MANAGEMENT

8.1 A failure to present an annual report would be contrary to Department of Health Guidance.

9. EQUALITY IMPLICATIONS

9.1 The evaluation and analysis of complaints is an important means of monitoring and improving service standards including service access for groups within local communities.

10. CORPORATE IMPLICATIONS

10.1 Legislation and Department of Health guidance requires that an Annual Complaints Report is produced and reported to the responsible organisation.

11. OPTIONS CONSIDERED

11.1 None – Department of Health Guidance recommends that an Annual Report on the operation of the Complaints Procedure is presented to the Executive Member for Adult Services.

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APPENDICES

See Appendix 1 below

BACKGROUND PAPERS

No background papers



**North Somerset Council
People and Communities**

**Annual Complaints Report
Adults Social Care**

1st April 2018 - 31st March 2019

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1 Introduction

1.1 This report presents information about customer feedback received regarding Adult Social Care Services during 1st April 2017 – 31st March 2018. The report provides an analysis of outcomes and trends from the information received during 2018-2019 well as the impact on service delivery and learning from complaints.

1.2 The report is written in line with and takes guidance from the following statutory context:

- Local Authority Social Services Act 1970
- Health and Social Care (Community Health and Standards Act) 2003
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
- Department of Health, Listening, Responding, Improving: A guide to better customer care

2. Statistics

Stage 1 Complaints

2.1 There was a total number of 70 complaints received and dealt with at stage one of the Complaints Procedure – see figure 1 below.

Complaints by Service

Service	Numbers ~ 2018-19
Adult care	32
Learning disabilities	4
Independent Providers	5
Contracts and Commissioning	8
Finance and benefits	8
Avon Wiltshire Partnership and North Somerset Council	3
Deprivation of Liberty	4
Community Meals	1
Blue badges	4
North Somerset Council North Somerset Community Partnership	1
Totals	70

Fig 1 – Complaints by Service

Details of those who made a complaint are shown in the following graph – figure

2.

Adults	
Who complained	
Carer	4
Parent	5
Other	2
Solicitor	1
Advocate	3
Professional	1
Relative	42
Service User	12
Totals	70

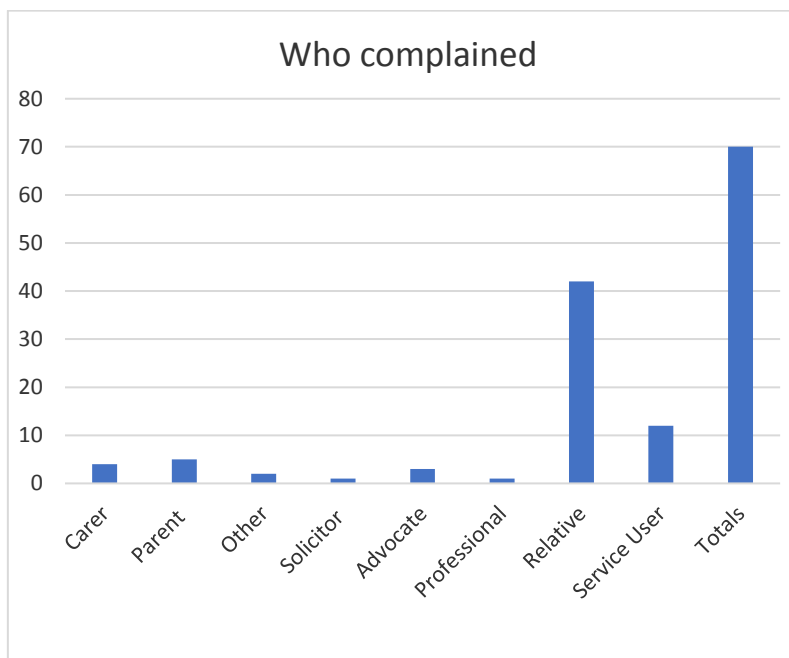


Figure 2 – those who complained

Further Review

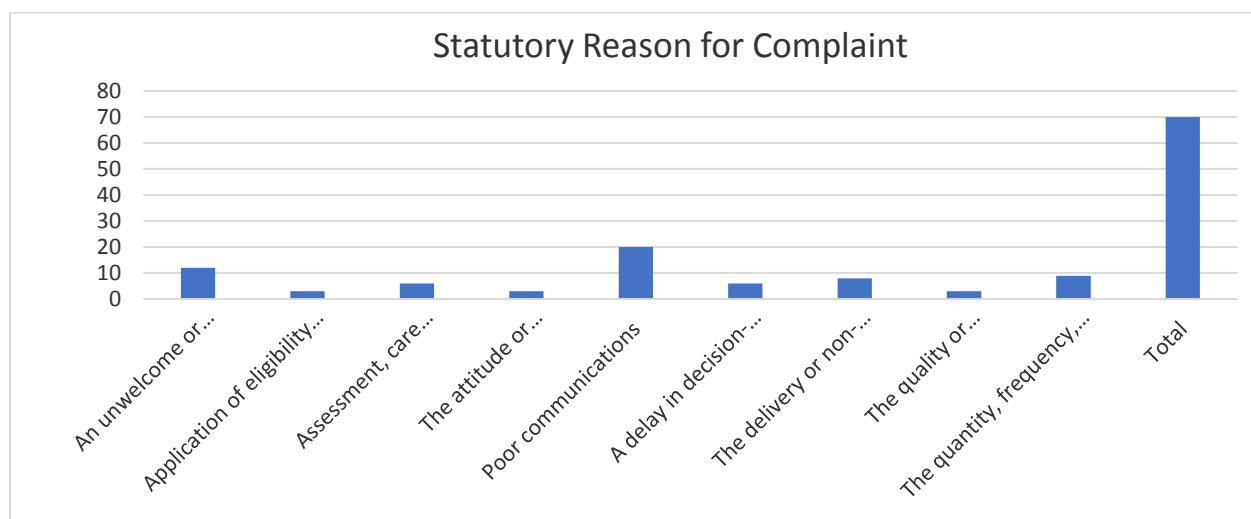
2.2 The Adult Care Regulations dictate what sorts of complaints must be considered as part of the legislative Stage 1 process. These are reported within the paper. The Council does however incorporate a further review to ensure all aspects considered within the Stage 1 formal process have been thoroughly considered by the service manager. There have been 4 of these further reviews this year.

Local Government Ombudsman (LGO)

2.3 Nine complaints have been made to the Ombudsman this year. The outcomes of these are as follows. One complaint did not warrant investigation by the LGO. (The LGO won't investigate a complaint where there is a likelihood, they are unable to find fault). Four complaints have been investigated and no fault has been found. Four complaints have been investigated and fault has been found. Firstly the LGO found fault in the way the Council has dealt with a service user's transitions from one year to the next whilst on a residential placement. In the second case the LGO found fault regarding a placement and a subsequent unsatisfactory safeguarding investigation. The third related to quality of care within a care home, care management issues and safeguarding. The final complaint was about finding a care home placement, the charging for the placement and in not following up on a carer's assessment. One complaint is currently being investigated.

Statutory reason for complaint categories	Adults
An unwelcome or disputed decision	12
Application of eligibility and assessment criteria queries	3
Assessment, care management and review concerns	6
The attitude or behaviour of staff	3
Poor communications	20
A delay in decision-making or provision of a service	6
The delivery or non-delivery of service	8
The quality or appropriateness of a service	3
The quantity, frequency, change or cost of a service	9
Total	70

Figure 3 – complaint categories



Some complaints cover more than one subject area
Fig 4 – Complaints by Subject

Joint Complaints

- 2.4 Joint protocols for dealing with complaints that cross over agencies and services are in place. These have been reviewed this year and found to provide and achieve more robust procedures and joint working outcomes. Joint protocols are made with Avon and Wiltshire Mental Health Partnership NHS Trust (Avon and Wiltshire Partnership), North Somerset Community Partnership (NSCP), NHS South West Clinical Commissioning Group and Weston General Hospital.

Eight complaints were dealt with jointly with our partner agencies, 6 with Avon and Wiltshire Partnership and 2 with North Somerset Community Partnership. 4 of the complaints were not upheld. 2 part upheld and 2 inconclusive.

Timescales

- 2.5 The average response times for complaints in 2018/19 was 7.6 days and an improvement upon the 2017/18 figures of 8.8 days. 83% of all complaints were responded to within the ten-day timescale the Council works towards, a small increase on last year. The main reason for delays has been at the request of a manager asking for additional time to complete the response adequately. Requests such as this are agreed with the complainant. On some occasions there has been delay when the

complainant has not been notified. This is an area we continue to work towards improving.

Complaints during the period 2015-2019

Year	2015/2016		2016/2017		2017/2018		2018/2019	
Stage	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Further review	Stage 1	Further review
Number of Complaints	75	1	83	1	80	5	70	4

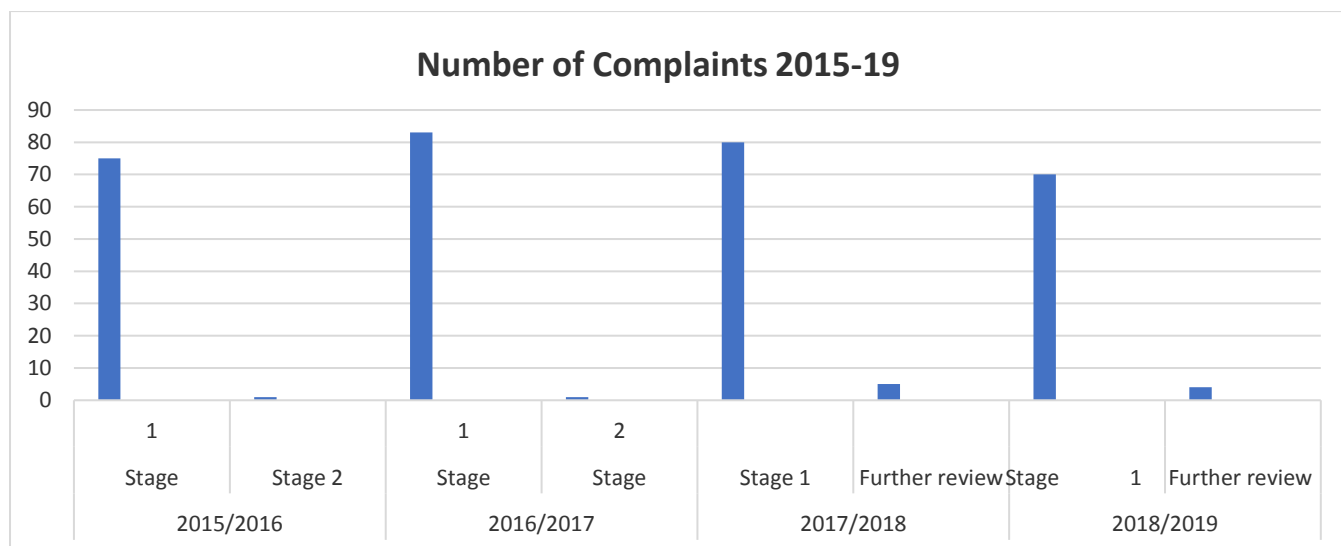


Fig 5 – Complaints 2015 – 2019

Themes of complaints

2.6 The nature of complaints is captured below:

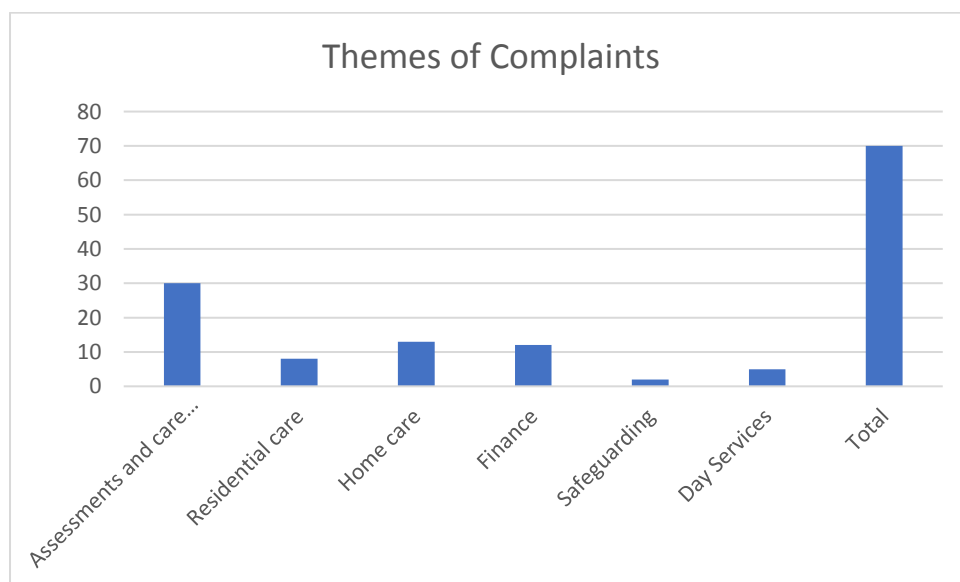


Fig 6 – Themes of complaints

Adults	
Themes	Number
Assessments and care planning	30
Residential care	8
Home care	13
Finance	12
Safeguarding	2
Day Services	5
Total	70

3. Compliments

3.1 There were 53 compliments received. Thus is a decrease of 6 from the previous year.

Carers service	3
Adult Care	26
Brokerage	1
Finance and Benefits	3
Occupational Therapy	18
Contracts	1
Community Meals	3
Total	53

Fig 7 - Compliments by Team

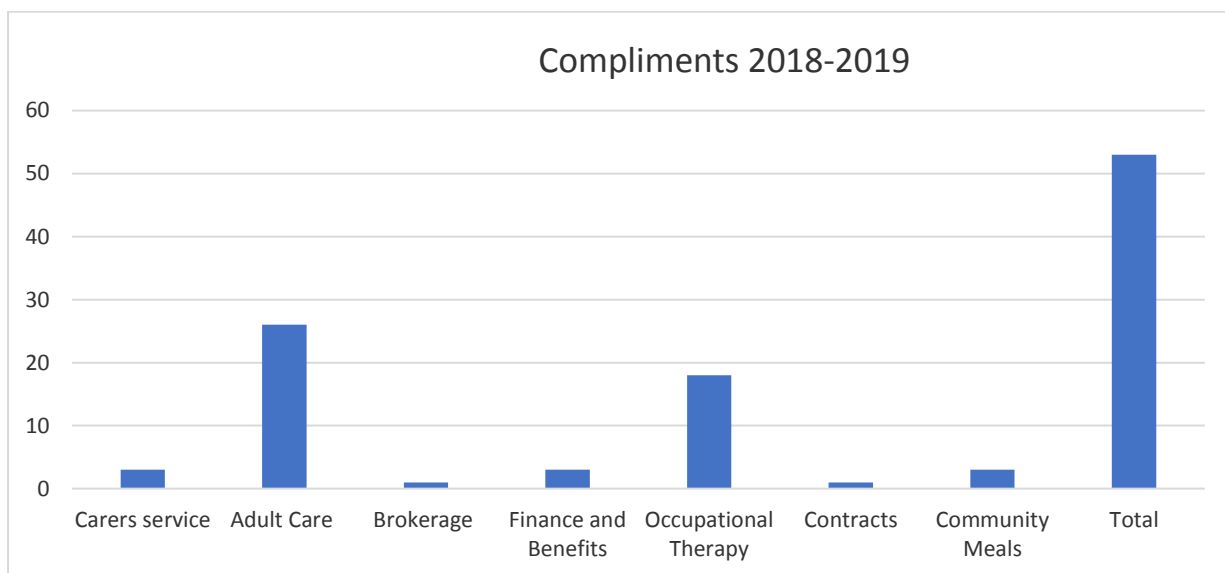


Fig 8 - Compliments by Team

3.2 Compliments can reflect just one person, a service or a team of people. All compliments are passed to the relevant Service Manager and Assistant Director/Head of Service. They are also included in staff newsletters. Examples of compliments received this year include:

From the beginning of contact with Social Services, the members of staff (who are simply awesome) and especially our appointed Social Worker. I simply cannot praise their efficiency, speed of service, professionalism and empathy highly enough. The care manager has delivered. So, thank you to them. We as a family really appreciate your efforts.

I cannot thank the member of staff enough, and her brokerage team. They managed to get my very poorly Dad and Mum in the same nursing home where they time together. Thank you so much.

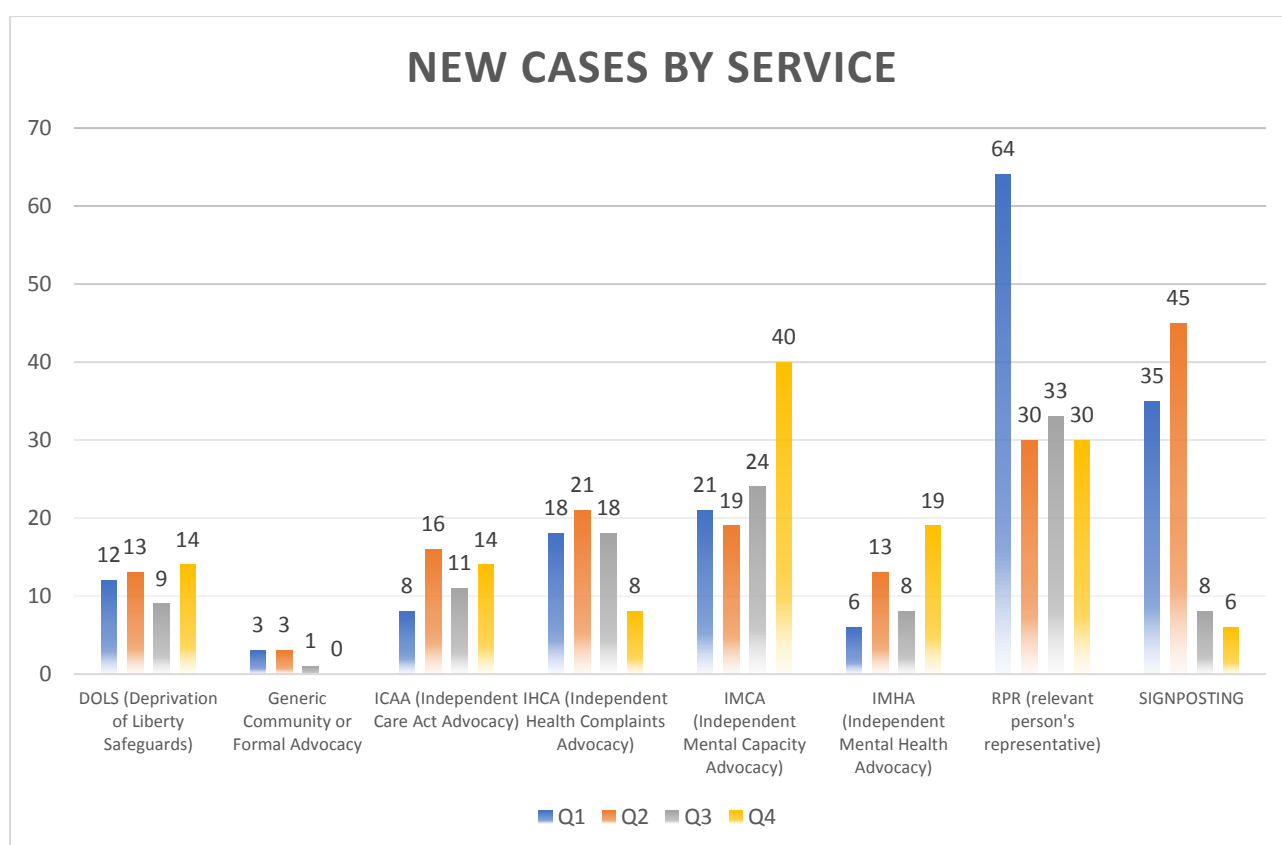
The service user's daughter fed back how happy she was with all the support that you provided to her mother and herself during the assessment including keeping them updated and clearly explaining everything that was happening. She advised that your warmth and understanding nature made the process much less stressful. She wanted to highlight your professionalism and they are very grateful for your support in what has been a very difficult time for them.

4. Advocacy

4.1 Advocacy was used to help to resolve three complaints this year. The Advocacy Service is called '1 in 4'. It is worth noting that most of complaints come from the service user's family and, in doing so, they are advocating on behalf of the service user. Just under 80% of complaints are from family members.

4.2 The Council has access to several advocacy services. Each one is commissioned dependant on the complainant and their needs.

Overall the advocacy provision in North Somerset was as follows:



5. Trends, Learning and Service Improvements

5.1 The current Complaints Manager has been in post for over 4 years. The stability of the position has enabled the processes to be well-served with the average response times for complaints being 7.6 days. This is a small improvement on last year's 8.8 days. There has been a notable drop in compliments. The Complaints Manager would like to highlight the importance of sending out feedback leaflets when closing cases, so good work can be captured.

5.2 Communication is an area needing constant improvement in all teams in adult social

care. Service Managers acknowledge this and continue to develop strategies for improvements. 28% of all complaints included communication as part of the complaint. Although a broad theme, this can be broken down into key areas:

- Dissatisfaction may arise from the accuracy of the care plan and the social workers judgement.
- The need for clearer explanations about the reasons for the involvement of social care, including clear explanations regarding the charging of services, and evidencing this has happened
- There may be a breakdown in relationships where the service user may request a change of social worker. This is to be considered on a case by case basis by the team manager.
- Dissatisfaction when telephone calls are not returned, and the person is unable to speak to the social worker as quickly as they would like
- Allegations of poor and unprofessional practice. Where complaints related to a worker, the complaints procedure will put on hold whilst investigated under the HR procedures.

Tensions inevitably arise when the service user and family have differing views with regards to care needs of a loved one. The work of all those involved in adult social care in complex and difficult decisions are taken daily. There is always a need to communicate decisions made and the reasons for these. The complaints received highlight the need for keeping service users central to this process.

- 5.3 One complaint focused on the charging for community meals. Following the complaint, the local authority reviewed the position and agreed that the absence of a means test for community meals could be detrimental to those in exceptional financial hardship. As a result, steps to develop a new process for implementation have been taken and was implemented early 2019.

The process allows for consideration of an individual's financial position to determine the level of contribution towards the additional cost of cooking and delivering the community meal, together with the additional welfare check. The local authority is keen to ensure that a person has maximised their income and explored all entitlement to benefits to enable them to afford their own food. This approach will also enable support to ensure uptake in benefits where appropriate. The hardship process will allow for a reduction in the additional cost of preparation and delivery with the core cost of the meal being met by the individual.

- 5.4 The Complaints Manager recognises that complaints can cross more than one service area. In these circumstances, a joint response is required. The advice is to send the responses to the Complaints Manager to coordinate and send out a joint response on behalf of the Council.

- 5.5 The greatest number of complaints have been in relation to Adult Care Locality Teams where 32 complaints have been made. When one considers the nature of the work of these services which includes Care Assessments and Occupational Therapy assessments, a higher level of criticism is not unexpected. Complaints have been received due to disagreements with the level of need that has been assessed by the social worker or waiting times for assessments. The teams are not complacent and have a process in place where such criticisms are scrutinised by the Team Manager who forms a response to the complainant from all the information gathered. This is a method that has and continues to work well.

5.7 The level of complaints cannot always be taken as a measure of poor quality or practice. Some criticisms are fundamentally about resources which include concerns about the levels of funding available and waiting lists for popular services. An apology and explanation can go a long way to address the concerns when services, however stretched, do not meet the expectations of service users. An early apology and dialogue can sometime prevent the Council's need to make a financial redress or change the provision of a service. Early engagement can provide reassurance that the Council or care provider can offer a satisfactory remedy. Equally as important, staff training, or procedure change can prevent further injustice if processes or procedures are found to no longer be appropriate.

5.8 In one complaint the local authority was found at fault for not following up the offer for a carer's assessment. As a result, there has been learning. A factsheet was sent to all frontline managers and practitioners in the Adult Care service and was posted on our Intranet for reference. It reminded front-line staff of the importance of keeping full and proper records, particularly where a carer refuses a carer's assessment and it clarified the message to front-line staff to ensure they are aware of the importance of following up carer's assessments and ensuring that support is provided to carers. The carers lead attended team meetings with Adult Care teams to train staff through presenting this document alongside discussions about the councils' legal duties to carers, and the ways in which the local authority can support them.

5.9 The Council had removed the Blue Badge reminder process for badge holders to renew their badges following the three-year issue period. A complaint was made and as a result the local authority reviewed its position. An Equality Impact Assessment was reviewed regarding the decision with the impact subsequently assessed as being 'Low'. All badge holders (or their carers) would be required to take responsibility to remember to renew their badge and the badge expiry date is printed clearly on the Blue Badge that is often in regular use. Applicants are also advised of their personal responsibility to renew the application before expiry on receipt of the Blue Badge. Subsequently, the introduction of a new, national, online Blue Badge application system has facilitated an electronic option for a renewal reminder for people applying online, further reducing the cohort impacted by this decision.

The consistency of the availability of care in North Somerset can be problematic. The capacity issues in North Somerset are not unique. Most authorities across England are also struggling with capacity; these issues are significant across the South West. Providers are managing to recruit staff but not at the pace to meet the existing waiting lists and the number of new referrals received each week. This has led to waiting lists for home care. Brokerage are regularly meeting with our Providers to discuss the issues with recruitment and retention of staff with an aim to find a resolution. If there are complaints regarding care, North Somerset can offer a direct payment and further care management maybe required to reduce risk and carers stress.

5.10 The Complaints Manager has developed an agreement with the Contract and Commissioning Team to communicate with them when a complaint is made about Service Providers, such as residential care homes. A decision is made jointly about how the complaint will be dealt with, depending on the complainant's circumstances such as if they self-fund their care. Irrespective of this, the compliance officers are given the information about the complaint which can contribute to future compliance visits or discussions with the provider.

- 5.11 Clear boundaries are in place to distinguish between a complaint and an issue to be managed by the Adults Safeguarding Team. The Safeguarding Team have received complaints from families unhappy with communication channels and decisions made. The Adults Safeguarding Manager responds to complaints swiftly to ensure minimal distress is caused to families. These are dealt with under safeguarding procedures and reported via the reporting mechanisms of the Safeguarding Board.
- 5.12 Joint protocols for complaints have been developed to create robust relationships with Avon and Wiltshire Partnership, North Somerset Community Partnership, Clinical Commissioning Group, and Weston General Hospital when managing complaints that cross over agencies. It aims to identify a lead agency to provide one response, which incorporates information from each service area as necessary.
- 5.13 The Complaints Manager has simplified the process of responding to complaints. Whilst the Stage 1 response process will remain the same, if the complainant remains dissatisfied, they can request a further review undertaken by the Service Lead. This replaces the traditional stage 2 which, in terms of the Local Government Ombudsman's requirements, is not necessary.

6 Benchmarking with our neighbours and Local Government Ombudsman

- 6.1 There is no straight forward way to compare complaints across councils as there are no nationally agreed performance indicators for social care complaints. It would therefore be difficult to compare 'like with like' complaints. The outcome of complaints is categorised into 3 groups - upheld, partially upheld and not upheld. Interestingly, National Local Government Ombudsman (LGO) statistics show an increase with respect to finding fault in complaint investigations from 63% to 66% of cases. North Somerset Council is currently below National average, showing 50% of LGO investigations demonstrating fault. This figure is broadly consistent with the local authority's own complaints showing some degree of fault with 55% of complaints.

7 Summary

- 7.1 We are pleased to report a small decrease in complaints this year from 80 in 2017-18 to 70 in 2018-19. The system of capturing and monitoring complaints continues to work well. It is felt these systems have started to present a more accurate picture of complaint activity.
- 7.2 The Complaints Manager will continue to maintain links and communication with teams by various methods, for example, by attending team meetings and a visible presence within the People and Communities Directorate both at the Town Hall and at Castlewood. In addition, the Complaints Manager attends Adult Care management meetings to give a brief review of complaints received and issues raised.
- 7.3 A significant amount of complaints are made by the family of the service user. It is key to highlight the need and bridge the gap with communicating directly with service users regarding complaints and developing ways to increase direct feedback. The Complaints Manager has altered the stage complaints acknowledgements letter to include a link for the complaints process and what can happen next if dissatisfied.
- 7.4 Case Tracker is being introduced across the organisation on a phased basis. We are currently testing the system for Adults Social services and Children's services which will follow in early 2020. The target date for all services going live is March 2020.

The benefits to date are increased reporting information, allowing us to see the root causes and themes of all complaints, increased visibility of Stage 1 complaints across the organisation, increased visibility and automated reminders of due dates for complaints for all officers to improve response times and saved time through managing cases in one system with multi-user access.