

Adult Social Care Complaints

**Annual report
April 2017 to March 2018**



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1. Introduction

This is the Complaints Manager's annual report for Adult Social Care (ASC). 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 2017 and 31 March 2018 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. 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.

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

Responsibility for statutory complaints rests with the Chief Executive, delegated to the Director of People. This function is managed within the People Directorate to ensure independence from Adult Social Care services.

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 the department 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 Ombudsman.

2.5 Outcome of complaints

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

- Upheld
- Not upheld
- Partially upheld
- Not able to prove or disprove
- Refused
- Withdrawn
- Referred to other procedures
- Referred to another organisation

3 Summary of statutory complaints

3.1 Number of complaints received

We received 95 statutory social care complaints between 1 April 2017 and 31 March 2018; in 2016/17 we received 94 statutory complaints. The table below shows comparisons of the number of statutory complaints over the past three years.

Year	Number of complaints received
2017/18	95
2016/17	94
2015/16	73

Of the 95 complaints that were received in 2017/18, 71 were completed during the financial year.

3.2 Subject matter of complaints

Subject matter	Number	Percentage
Service Quality Issues	38	45%
Information and Communication	22	25%
Staff practice and behaviour	14	16%
Financial issues	8	9%
Delay/Waiting Times	4	5%
Total	86*	100%

*Excluded 4 complaints where further information was required at the time of reporting, and 2 referred to other procedures.

Regular reports of all active complaints along with 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 (LGO)

The Local Government Ombudsman 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, although they 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; this is usually dependent on the vulnerability of the person concerned.

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 one Adult social care complaint that was received and escalated to the LGO between 1 April 2017 and 31 March 2018.

5 Outcome of complaints

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

- Upheld
- Not upheld
- Partially upheld
- Not able to prove or disprove
- Refused
- Withdrawn
- Referred to safeguarding procedures
- Referred to another organisation

Of the 95 complaints that were received in 2017/18, 71 were completed during the financial year and 24 complaints remained open at the end of the financial year.

The table below shows the outcome of the 71 complaints completed between 1 April 2017 and 31 March 2018:

Outcome	Number of complaints					
	2015/16		2016/17		2017/18	
	Number	%	Number	%	Number	%
Upheld	8	14%	7	9%	5	7%
Not upheld	19	32%	22	29%	17	24%
Partially upheld	12	20%	21	28%	25	35%
Withdrawn	8	14%	9	12%	15	22%
Refused*	10	17%	6	8%	5	7%
Not able to prove or disprove	2	3%	0	0%	1	1%
Referred to safeguarding procedures**	N/A	N/A	6	8%	0	0
Referred to another organisation***	N/A	N/A	4	6%	0	0
Referred to Corporate Complaints/other NCC	-	-	-	-	3	4%
Total	59	100%	75	100%	71	100%

* 'Refused' was added as a category in 2015/16 – previously all refused complaints were included under the 'withdrawn' outcome.

** 'Referred to safeguarding procedures' was added as a category in 2016/17 – previously all of these complaints were included under the 'withdrawn' outcome.

***'Referred to another organisation' was added as a category in 2016/17 – previously all of these complaints were included under the 'withdrawn' outcome.

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.

The following table shows the themes of learning outcomes relating to complaints that were completed in 2017/18 and the number of complaints where this theme was identified. It is not possible to provide percentages as some complaints have more than one learning outcome and other complaints have no learning outcomes.

Theme of learning outcomes	Number of complaints citing the learning outcome theme
Financial processing	10
Communication	9
Timeliness of service response	3
Record keeping	3
Staffing	2
Financial support	1