

29 October 2013

**Name of Cabinet Member:**

Cabinet Member (Health and Adult Services) – Councillor Gingell

**Director Approving Submission of the report:**

Executive Director, People.

**Ward(s) affected:**

All

**Title:**

Coventry City Council - Adult Social Care Complaints and Representations Annual Report.

1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013

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**Is this a key decision?**

No. Although the matter within the Report can affect all wards in the City, it is not anticipated that the impact will be significant and it is therefore not deemed to be a key decision.

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**Executive Summary:**

Adult Social Care Services have a statutory duty arising from the Local Authority Social Services and National Health Services Complaints Regulations 2009, to provide a system for receiving complaints and representations from people who use its services, or those acting on behalf of users. There is also a duty under the regulations to produce and publish an Annual Report.

The purpose of this report is to present the annual report on complaints and representations received in Adult Social Care from April 2012 to March 2013 (attached as Appendix A). The report provides details of the complaints and representations across Adult Social Care Services in Coventry. The report highlights the service improvements and learning from feedback and includes information on future developments in complaint handling and reporting.

**Recommendations:**

1. The Cabinet Member is requested to endorse the content and approve the issuing of the report.

**List of Appendices included:**

- A) Adult Social Care Complaints and Representations Annual Report 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.

**Other useful documents:**

This report adds to the report "Local Account" presented in September 2013.

[http://www.coventry.gov.uk/downloads/download/1882/adult\\_social\\_care\\_local\\_account](http://www.coventry.gov.uk/downloads/download/1882/adult_social_care_local_account)

**Has it been or will it be considered by Scrutiny?**

No.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

**Report title: Adult Social Care Complaints and Representations Annual Report  
1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013**

**1. Context (or background)**

1.1 Adult Social Care Services have a statutory duty to provide a system for receiving complaints and representations from people who use its services, or those acting on behalf of users. The system provides a means for resolving issues and listening to the views of those who use or are affected by, our services. Where things have gone wrong it enables us to put things right, learn from the experience and make the necessary service improvements.

**2. Options considered and recommended proposal**

2.1 The Local Authority Social Services and National Health Services Complaints Regulations (England) 2009 changed the process for handing of complaints within Adult Social Care. The purpose of the revised regulations was to align the complaints processes for Adult Social Care and Health to enable joint handing of complaints across health and social care where appropriate. This also meant that the process for dealing with complaints via the statutory procedures was streamlined from a three stage process to a one stage process. These regulations came into effect on the 1st April 2009.

2.2 Once a formal statutory complaint response letter has been issued the complainant has the right to contact the Local Government Ombudsman (LGO) if they remain dissatisfied with the outcome of their complaint. During 2010/11 the LGO's powers were extended to deal with complaints about maladministration causing injustice or service failure – this is generally how The Local Government Ombudsman describes what people can complain about connected to adult social care services. The greater use of direct payments and personalised budgets meant that they were able to deal with complaints irrespective of whether the Council arranged the care or the individual. The increasing numbers of people who will arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider. The Local Government Ombudsman also changed procedures to deal with complaints in a triage way and to start publishing reports.

2.3 The 81 complaints received represent less than 1% of users with 116 compliments. Where possible issues/complaints are handled at point of delivery it is when a person feels that they are still not satisfied then it is recorded as a complaint. The length of time to investigate and resolve complaints has increased due to their complex nature. The process involves agreement of a complaint resolution plan and jointly agreed timescales.

2.4 Compared to last year, the overall number of representations has increased. The feedback indicates that:

- Service Delivery and Communication are still the most common topics for receiving feedback
- Positive attitudes and support made a significant difference to service quality

2.5 The Local Government Ombudsman offers an independent, impartial and free service to any member of the public dissatisfied with the way a Council has dealt with their complaint.

2.6 A breakdown of Adult Social Care Complaints where 7 decisions were made by the Local Government Ombudsman between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2013, in relation to Adult Social Care complaints, is shown in Appendix 1.

2.7 It should be noted that the Local Government Ombudsman now has an open publication scheme where they will be publishing on their website the final decision statements on complaints received after 1 April 2013. The annual letters are available through the Local Government Ombudsman's website for the whole council can be found at;  
<http://www.lgo.org.uk/CouncilsPerformance/?letter=C>

### **3. Results of consultation undertaken**

3.1 No specific consultation was undertaken in 2011/12.

### **4. Timetable for implementing this decision**

4.1 Once approved, the Annual Report will be published on the Council's internet pages. Areas for development and improvement will be included within the divisional and relevant team plans.

### **5. Comments from the Executive Director, Resources**

5.1 Financial implications  
There are no direct financial implications arising from the report.

5.2 Legal implications  
The local authority must prepare an annual report for each year which must—

- (a) specify the number of complaints received;
- (b) specify the number of complaints which were decided to be well-founded;
- (c) specify the number of complaints which the responsible body has been informed have been referred to the Local Commissioner to consider under the Local Government Act 1974; and
- (d) summarise (i) the subject matter of complaints that the responsible body received; (ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled and (iii) any matters where action has been or is to be taken to improve services as a consequence of those complaints.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

This Annual Report demonstrates the progress of Adult Social Care in maintaining and improving outcomes for the population of Coventry and contributes to the priorities in the Council Plan to protect the city's most vulnerable residents.

#### **6.2 How is risk being managed?**

A range of risks are presented in the delivery of adult social care services which are managed through the directorate and corporate risk registers, in conjunction with partners

across the city. Regular reviews of each risk are undertaken, and mitigating actions put in place to ensure the overall risks are reduced as much as possible. . A review of the processes is due to take place later in the financial year so as to give assurance that complaints process is working effectively. This will take account of learning from other national reports such as the “Francis report” in relation to the Mid Staffordshire NHS Foundation Trust Public Inquiry and lessons from Serious Case Reviews both nationally and locally as well as proposed changes to regulations.

### **6.3 What is the impact on the organisation?**

The feedback received is used to promote best practice, reinforce policy and procedural requirements and to identify training needs. Where matters of professional conduct are reported the City Council’s Disciplinary Procedure may be invoked. As the Council has to tackle reduced resources staff will also need to be supported to deliver messages in the most appropriate way as it is expected that further complaints will arise as expectations will be greater than the services that can be delivered or delivered in a way people are not expecting.

### **6.4 Equalities / EIA**

Equalities Impact Assessments have been built into the delivery of work within Adult Social Care. There has been a continued drive to embed equality and diversity within operational practice and performance monitoring.

### **6.5 Implications for (or impact on) the environment**

N/A

### **6.6 Implications for partner organisations?**

There are no direct impacts for partner organisations. The Annual Report together with other reports provides an overview of Adult Social Care's performance.

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Mark Godfrey	Deputy Director, Early Intervention and Social Care	People Directorate	10.10.2013	11.10.2013
John Teahan	Business Manager	People Directorate	10.10.2013	10.10.2013
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Finance: Ewan Dewar	Finance Manager	Resources	10.10.2013	10.10.2013
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Director: Brian Walsh	Executive Director	People Directorate	10.10.2013	11.10.2013
Members: Councillor Mrs Gingell	Cabinet Member (Health and Adult Services)	Coventry City Council	14.10.2013	14.10.2013

This report is published on the council's website:

[www.coventry.gov.uk/meetings](http://www.coventry.gov.uk/meetings)

## **Appendices**

**Adult Social Care Complaints and Representations Annual Report  
1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.**

**Appendix A**  
**Coventry City Council**  
**Adult Social Care**

**Complaints and Representations**

**Annual Report 2012/13**

## **Adult Social Care Complaints and Representations Annual Report 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.**

### **1. Introduction**

Local Authorities are required by law (National Health Services and Community Care Act 1990) to have a system for receiving representations by or on behalf of people in need of Adult Social Care support who have a range of support needs due to a disability or frailty. Services cover assessment and case management, direct service provision or the arrangement of a range of services, including: support at home, day opportunities, supported housing, intermediate, residential and nursing care or provision of equipment.

This report will provide information from comments, compliments and complaints in relation to Adult Social Care services responded to under both the Statutory and the Corporate Complaints Procedures, during the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013 with specific reference to:

- The range of representations received and responses to them
- Specific trends and issues that emerged in the reporting year

The Local Authority Social Services and National Health Services Complaints Regulations (England) 2009 changed the process for handing of complaints within Adult Social Care on the 1<sup>st</sup> April 2009. The purpose of the revised regulations was to align the complaints processes for Adult Social Care and Health to enable joint handing of complaints across health and social care where appropriate. This also meant that the process for dealing with complaints via the statutory procedures was streamlined from a three stage process to a one stage process. The Corporate process is driven by specified timescales whereas the statutory regulations focus on regular dialogue and mutually agreed timescales.

### **2. Summary**

The overall number of complaints received equated to less than 1% of the number of people receiving support from Adult Social Care. The feedback indicates that:

- The most common themes represented were:
  - Service - 36
  - Communication and Information-17
  - Professional Conduct-12
  - Finance -8
- Compliments for the service about professional conduct outnumbered complaints
- The Local Government Ombudsman during 2012/13 made decisions on seven complaint outcomes in relation to Adult Social Care as indicated below.

## Ombudsman Decisions

Category	Count
To discontinue investigation	2
Out of Jurisdiction	1
Not to initiate an investigation	3
Investigation Complete, satisfied with authorities actions, not appropriate to issue report	1
<b>Total</b>	<b>7</b>

Details of the numbers and types of other complaints at each stage are shown in Appendix 1: Statistical Data.

### 3. Promoting Access and Responding to Feedback

Representations from people who use our services and their families provide a useful source of information about quality of service delivery, professional practice and the outcome of management decisions. A key part of the complaints process is how, as an organisation, we learn from negative experiences and use this to improve service delivery. Adult Social Care Services always welcomes feedback. There are a number of ways people can make their views known. These include:

- Telephoning or emailing the main City Council Contact Centre
- Telephoning the People Directorate Office (publicly advertised complaint contact telephone number).
- Direct from the service if the issue has not been resolved.
- Writing or E-mail to the Adult Social Care Customer Relations Team
- The Coventry City Council Website (accessible via the home page and social care page) provides information on how to make a complaint, advocacy services and the statutory complaints process
- The corporate Speak Up We're Listening leaflets are available at all Council reception points and made available off site on request

As with previous years, most complaints have been received by e-mail but 30 of those were through the Contact Centre.

#### 3.1 Compliments – 116 compliments were received in the year

Compliments tell us what people appreciate about the support they receive and the way it is provided to them. They are a valuable source of feedback and importantly can be used to encourage and motivate staff. Every compliment reported to the Customer Relations Team is registered. By their nature, compliments are generally unexpected and considered to be an 'extra', and as such there is (unless actively prompted) a tendency for individuals and teams to underreport their compliments to the Customer Relations Team. The majority of compliments being for the in house provider services.

#### 3.2 Complaints – 81 complaints were received in the year

The number of complaints increased on the previous year (48). This represents less than 1% of users overall. 63 of the 81 complaints were registered as statutory adult social care complaints. 43% of the complaints were not upheld/withdrawn or redirected.

### 3.2.1 Corporate Complaints

Of the above complaints 18 were dealt with as corporate complaints mainly by external bodies and therefore did not follow the Adult Social Care process. These complaints were mainly in relation to standard of service or finance

### 3.2.2 Statutory Complaints about external providers.

There is a statutory responsibility for providers of residential and domiciliary care services to have a complaints procedure that complies with the Care Homes Regulations 2001, the Care Standards Act 2000 and the National Minimum Standards. There is an expectation that the client pursues a complaint with provider organisations through their own complaints procedures. However, if the client is dissatisfied with the response of the provider or if they wish to pursue the complaint through the statutory adult social care complaints process, they have the right to do so. This was previously through case law, but in October 2009 this was embedded in the regulations. Where possible, we do encourage complainants to utilise the providers' complaints procedures in the first instance.

In relation to external providers, the Adult Social Care Commissioning Team investigate these complaints and, where required, action plans are put in place to ensure service standards were improved.

### 3.2.3 Satisfaction with Complaints Handling

Satisfaction with complaints were measured by sending evaluation questionnaires to complainants about their experience but this has not proved to be meaningful and further consideration needs to be given into how to better evaluate performance in complaints handling.

### 3.3.4 Timescales

There are no prescribed timescales for resolution. The only stipulation within the regulations is that timescales were reasonable and that the complaints process should be concluded within 6 months. It is acceptable to extend this deadline with the agreement of the complainant. The focus is on mutually agreed timescales by the Investigating Officer and the Complainant. Responses are often more complex and have to be more comprehensive and meaningful and take some time to investigate. Where originally agreed timescales have been extended, the complainant has been contacted and given an explanation for the delay.

The timescales for responding to corporate complaints remain unchanged. For details of the timescale performance on Complaints see Appendix 1.

## **4. Messages, Learning Points and Service Improvements**

Social Care services are committed to learning from customer feedback. Where complaints highlight that things have gone wrong, managers must identify any remedial and developmental action required to improve service delivery. Feedback from compliments provides an equally valuable message; clearly affirming when services make a difference and personal qualities have added value to the outcome for users and carers.

Complaints are classified in terms of specific areas of activity including, Adult Protection, Communication and Information, Discrimination, Environment and Equipment, Management Decisions, Professional Conduct and Service Delivery. However complaint often have several elements within them

This section reflects users' views on the 3 most common areas of feedback, which represent 80% of the mentioned items within the complaints.

## **4.1 Most Common Areas of Feedback**

Similar to last year the top 3 most common areas of feedback are:

- Service Delivery,
- Communication and Information
- Professional Conduct.

### 4.1.1 Service Delivery

Central to the Adult Social Care function, standards of care and service delivery, eligibility for services, care plan issues and timeliness in receiving services, characterise the feedback in this category. In keeping with previous years, the majority of feedback falls into this group. 44.4% of complaints received were in some way related to service delivery and this has to be considered against the impact of meeting or exceeding user and carer expectations.

### 4.1.2 Communication and Information

When users and their families are referred for support, they require information about things they have not encountered before. They also need to be kept informed of progress and decisions. Representations of this nature are categorised in terms of the provision, quality, method and timelessness of information as well as accuracy and security of personal data. The most common complaints are from users or family members who feel they have not been kept informed or when there has been a delay to information being provided.

21% of complaints received were about communication and information. This aspect of work needs constant attention by managers and staff, as the importance of quality and timely communication can never be underestimated and to keep service users and other stakeholders informed is often an additional contributing factor in the other recoded areas such as service delivery and professional conduct.

### 4.1.3 Professional Conduct

This represents a slight decrease from last year in this category. However when people complained in this category it also involved other elements, the major additional contributing factor being communication. This has to be looked at in the context of the overall number of cases involved and the amount of compliments received which is credible evidence of the difference an individual can make to outcomes. Where fault was found as in previous years supervision, training and where necessary Human Resources procedures enacted were the most common actions taken by managers. As the Council has to tackle reduced resources staff will also need to be supported to deliver messages in the most appropriate way as it is expected that further complaints will arise as

expectations will be greater than the services that can be delivered or delivered in a way people are not expecting.

## **4.2 Conclusions**

Whilst the numbers are low we are striving to improve services and have analysed the complaints received and drawn the following conclusions;

### 4.2.1 Volume

The number of complaints is higher with the system being improved to ensure complaints are recorded. The complaints are more complex and normally there is more than one issue to be resolved. This is reflected in the time taken to respond to a complaint. In certain cases investigations were started but the issues were found to be already being dealt with or needed redirecting to other organisations.

### 4.2.2 Learning

Timely and clear communication is important to delivering an excellent service as maintaining a sense of support and empowerment. Communication can have a significant impact on the user and carer perception of service delivery and can be the catalyst for overall dissatisfaction whilst the user sees it as a lack of service delivery. This area of practice needs constant reinforcement for all managers and staff.

### 4.2.3 Resolution

Apologies and explanations are a standard basis for resolution and a feature of formal responses. However, the success of outcomes is subject to timeliness, creative solutions, positive relationships and appropriate remedial action. Re-assessment, reimbursement, change of worker, change of care provider or provision of expert services, again featured amongst the resolution outcomes.

### 4.2.4 Service Improvement

Actions intended to bring about service improvements typically involved enhancing and reinforcing the importance of communication for example a leaflet in relation to Grab rails was developed. A review of the processes is due to take place later in the financial year so as to give assurance that complaints process is working effectively. This will take account of learning from other national reports such as the "Francis report" in relation to the Mid Staffordshire NHS Foundation Trust Public Inquiry and lessons from Serious Case Reviews both nationally and locally as well as proposed changes to regulations.

## **5. System Development**

In October 2010 the role of the Local Government Ombudsman expanded to include complaints made by people who are classed as self-funders. This also included social care clients who are in receipt of personal budgets and those already on Direct Payments, where the complaint concerns external service providers; as yet we have not seen any impact in relation to this change.

## Appendix 1 – Statistical Data

### Adult Services Data

#### Complaints received

Corporate	18
Statutory	63
<b>Total</b>	<b>81</b>

#### Reason for Complaint in more detail.

Category	Count	%
Standards of Service	36	44.4%
Communication	17	21.0%
Staff Conduct/Performance	12	14.8%
Finance-assessments	8	9.9%
Delay in service	3	3.7%
Care plan - service	2	2.5%
Safeguarding procedures	2	2.5%
Access/eligibility-service	1	1.2%

Please note that a complaint can have more than one reason code, the above is given to reflect the major items within the complaints.

#### Decisions

Decision	Upheld	Part Upheld	Not Upheld	Withdrawn/already in process /Referred elsewhere
Corporate/Statutory	25	21	25	10
%	<b>30.86%</b>	<b>25.93.%</b>	<b>30.86%</b>	<b>12.35%</b>

#### Timeliness

a) Complaints acknowledged on time,

Timeliness	On time	Not on time
Corporate	13	5
Statutory	53	10
<b>Total</b>	<b>66 (81.5%)</b>	<b>15 (18.5%)</b>

b) Completed

Timeliness	In 10 days	Over 10days
Corporate	5	13
Statutory	11	52
<b>Total</b>	<b>16 (19.8%)</b>	<b>65 (80.2%)</b>