



Adult Social Care

Annual Complaints & Customer Feedback Report

2017-18

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1. Executive Summary

- 1.1 It is a statutory requirement to produce an annual report about complaints made by, or on behalf of people who receive support or services from Adult Social Care. This annual report also provides a mechanism by which the Council can monitor the quality and effectiveness of services and of its complaints procedure.
- 1.2 This report provides an overview and analysis of all complaints received during the reporting period 1 April 2017 to 31 March 2018; including a summary of identified issues, examples of service improvement and details of future objectives for 2018/19. Comparisons from the previous reporting period, i.e. from 1 April 2016 to 31 March 2017 have been included where available.
- 1.3 The report will be published on the Council's website, and made available to managers and staff, elected members, residents and inspection bodies. During 2017/18, just over 11,144 service contacts were received from new clients by Adult Social Care. At the beginning of April 2017, just over 4220 people were being provided with ongoing long term support.
- 1.4 This report provides information about complaints, compliments and other feedback received by Adult Social Services for the period 1 April 2017 until 31 March 2018.
- 1.5 Under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 it is a statutory requirement to produce an Annual Report which provides information on the quantity of the complaints received and the performance of the Complaints process.
- 1.6 Each Complaint will be acknowledged within 3 days and complainants will be informed of the expected timescale at the outset. In all cases complaints should be dealt with expediently however some complaints of a more complex nature will require more time to investigate and resolve. The maximum amount of time allowed to deal with any complaint is six months. Investigations will be conducted in an impartial, reasonable and proportionate manner. Full regard will be taken of the desired outcomes of the complainant. Where mistakes have been made, we will acknowledge them, apologise and seek to rectify the situation, by prompt, appropriate and proportionate remedy.
- 1.7 Ensuring that complaints are managed effectively at all stages of the procedure by having clear and straightforward systems in place to capture complaints and that these processes are readily accessible to all users, and ensuring decisions are taken as quickly as possible and where fault is found, lessons are learnt which are then fed back into service improvements. We also seek to use our intelligence and work with operational teams to reduce the level of dissatisfaction occurring.

'Minimise Dissatisfaction; Maximise Complaints'

2. Background – Statutory Complaints Procedure

- 2.1 A complaint is defined as any expression of dissatisfaction about the exercise of Social Services functions that requires a response. Complaints that are made orally and can be resolved on the same working day may be excluded from the procedures; all other complaints are dealt with through the complaints procedure.
- 2.2 To be considered a complaint must be made by an eligible person. An eligible person is either (i) a person who receives services or may be eligible to receive services, (ii) a person who is affected, or likely to be affected by the action, omission or decision of the Department, or (iii) a person with sufficient interest or consent acting on behalf of a person described in (i) & (ii).
- 2.3 A complaint must be made within 12 months of the event complained about. This may be extended at the discretion of the Complaints Manager.
- 2.4 A compliment is defined as an expression of thanks for providing excellent service above and beyond normal standards. These will normally be unsolicited and written, and may be from members of the public, other professionals, or from within the Department (but not the line management chain).
- 2.5 Commissioned services are services provided by an external company or voluntary agency on behalf of the Council. Complaints about commissioned services can be made direct to the Council or to the Provider. Complaints made to the Provider can subsequently be referred to the Council for consideration if the complainant is not satisfied.

2.6 Stage One – Local Resolution Stage

This stage provides the opportunity for managers and staff who have responsibility for the case to try and resolve issues of dissatisfaction at a local level as early as possible. The Social Care Complaints Team provides support and guidance to both the complainant and the service manager, to help achieve early resolution and, where things have gone wrong, to ensure that matters are put right quickly with lessons learned captured and fed back into service improvements. The timescale for resolving these complaints is 15 working days.

2.7 Local Government Ombudsman (LGO) stage

If a complainant remains dissatisfied after receiving a response to their complaint, they can take their complaint to the LGO. A complainant can access the LGO at any point; but the LGO normally provides the Local Authority with the opportunity to process the complaint through the statutory procedure before dealing with the complaint. The timescales for responding to the LGO's enquiries (usually 28 calendar days) are set by the LGO and the Council is required to adhere to them.

3. How to make a complaint

We recognise that making a complaint can be a stressful experience and seek to minimise this stress and to make it as easy as possible to make a complaint. The Department encourages any client who has a concern to first speak to a member of staff in the relevant service area. If the problem can be solved on the spot there is no need for the issue to go through the formal complaints process. However if the complaint cannot be dealt with immediately or the client wishes to have a formal response, they can do so:

- In person
- Via our website
- By letter
- By fax
- By email
- By telephone

Full details can be found at: <http://www.wirral.gov.uk/about-council/complaints/complaints-about-adult-social-services>

4. Advocacy

Advocacy in its broader sense is about empowering people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision-making about their own lives.

In general, where service users and carers wish to use an advocate, the Council has commissioned an organisation Ncompass to provide free, confidential and independent advocacy to people who use care and community services in Wirral.

Alternatively, people can contact a relevant disability or carers' organisation for assistance; such as Age UK, Learning Disability Experience or Carers UK. The Social Care Complaints Team can put complainants in touch with advocacy organisations where requested.

5. Confidentiality

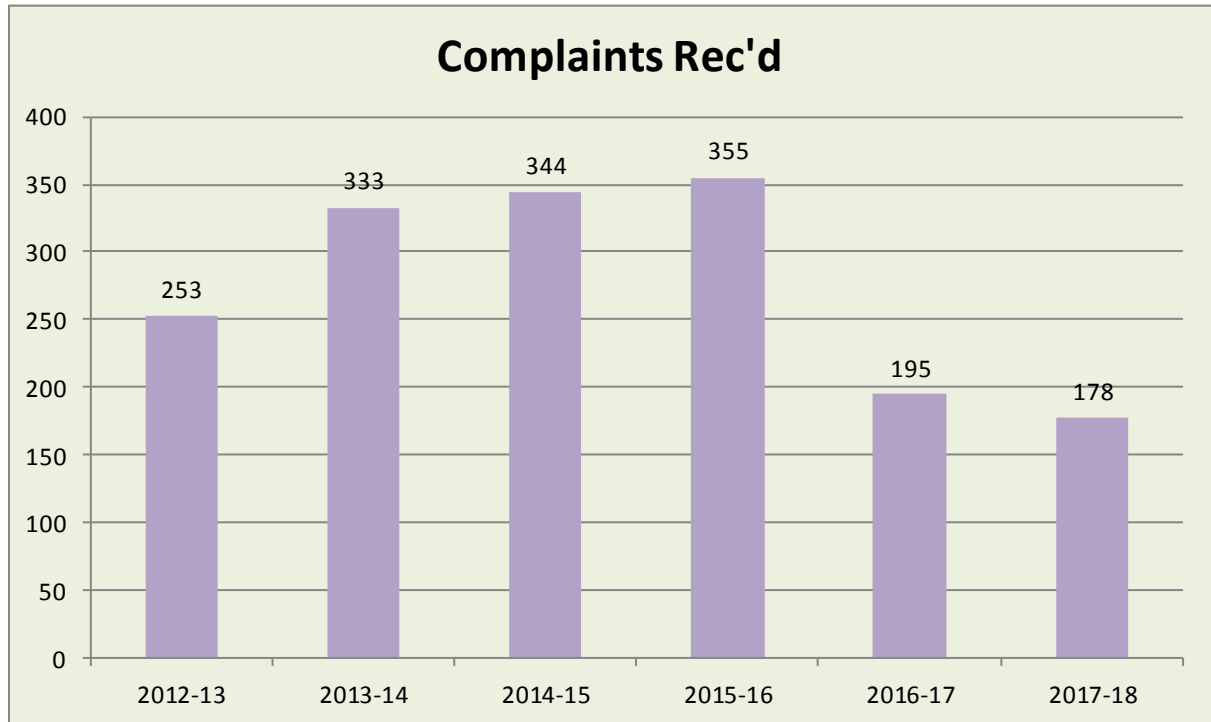
The Council recognises every complainant's right to confidentiality, requiring adherence to the following principles:

- Information given by the complainant must only be used for the purpose intended.
- Information should only be shared between agencies on a need to know basis.
- Information about the complaint and the complainant should be recorded only where it contributes to the resolution of the complaint.
- Information used for monitoring, review and analysis purposes should never be presented in a way that identifies individual complainants.
- Personal data is protected under the Data Protection Act 1998 and General Data Protection Regulations 2018, and service users have a right to see the information the directorate holds on them.

6. Complaints

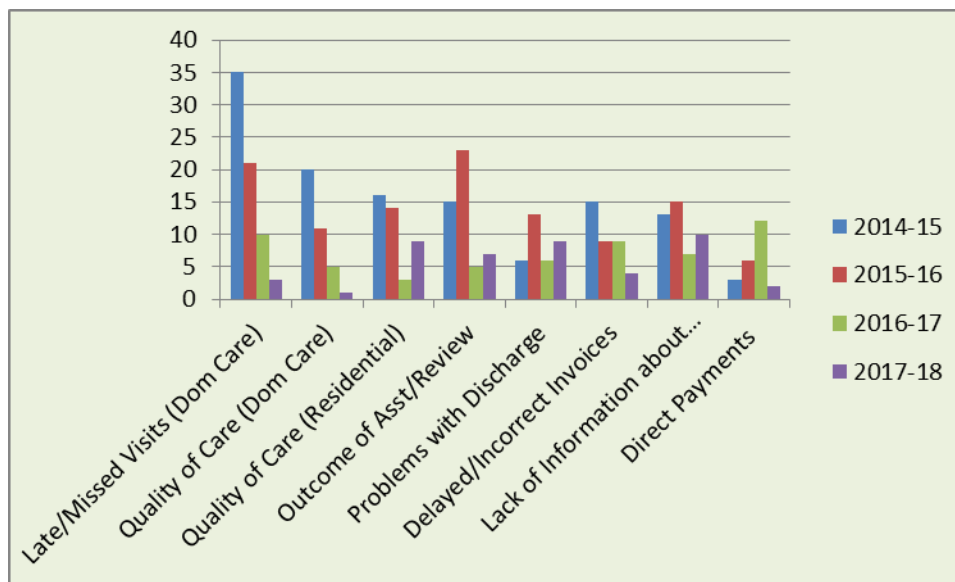
Complaints Received

6.1 The total number of complaints registered in 2017-18 was 178. This is fewer than in previous years, and is explained by the transfer of operational services to the Community Trust.



6.2 The Department receives a wide range of issues across all teams. A significant number of complaints have related to commissioned services.

6.3 A more detailed analysis of the issues complained about, shows that there are some common themes which are illustrated in the table below. This is not a complete list of the issues but illustrates issues that arise regularly over a period of years.



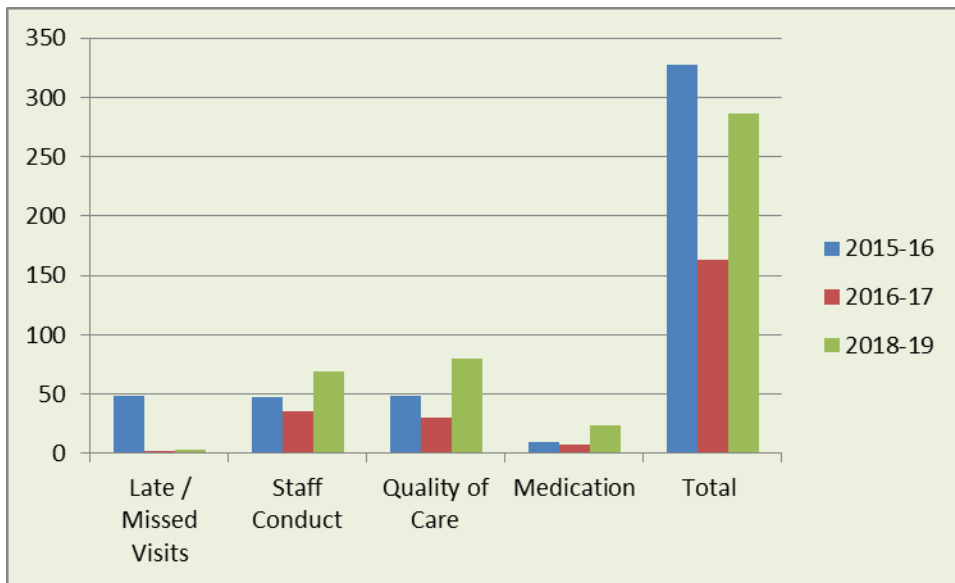
6.4 Most of the complaints received, 79 (%), were resolved at the Local Resolution Stage by Adult Social Care and did not progress to the Local Government Ombudsman. This compares to 91(%) in the previous reporting period of 2016/17.

6.5 Given the budget constraints placed upon the Council at times difficult or sensitive decisions need to be made. We therefore see a number of complaints about financial matters including disputed invoices and a perceived lack of information about charges. This continues although the recording of information provided and discussions held about charges have improved.

Complaints about Care Providers

6.6 A number of services are provided by DASS through commissioned providers. Complaints about services provided for the Department by a Commissioned Provider, may be made to that Provider in the first instance. They may then be referred to the Department if the complainant is not satisfied with the response. Alternatively a complaint about a Commissioned Provider may be made direct to the Department in the first instance. We now require the Commissioned Providers to provide a return detailing the complaints received and details of response the majority of providers have met this requirement. We are looking to implement an automated system of returns for in time for the next reporting period.

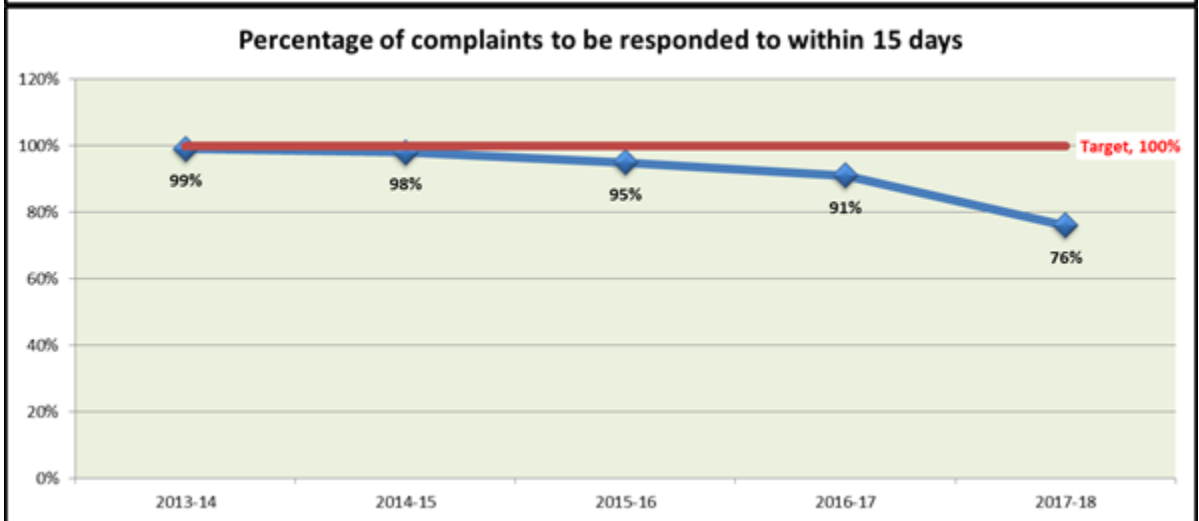
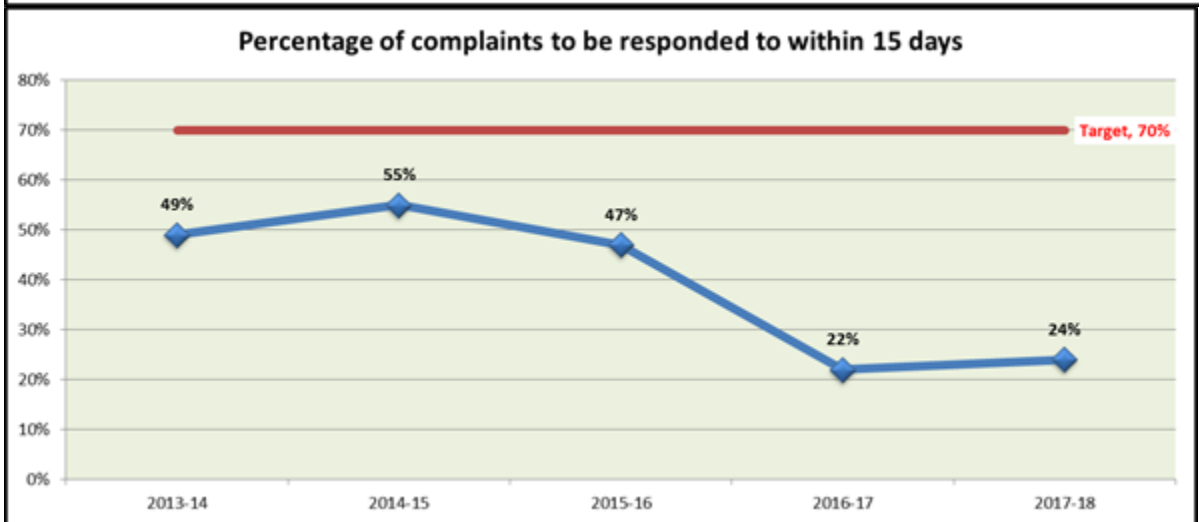
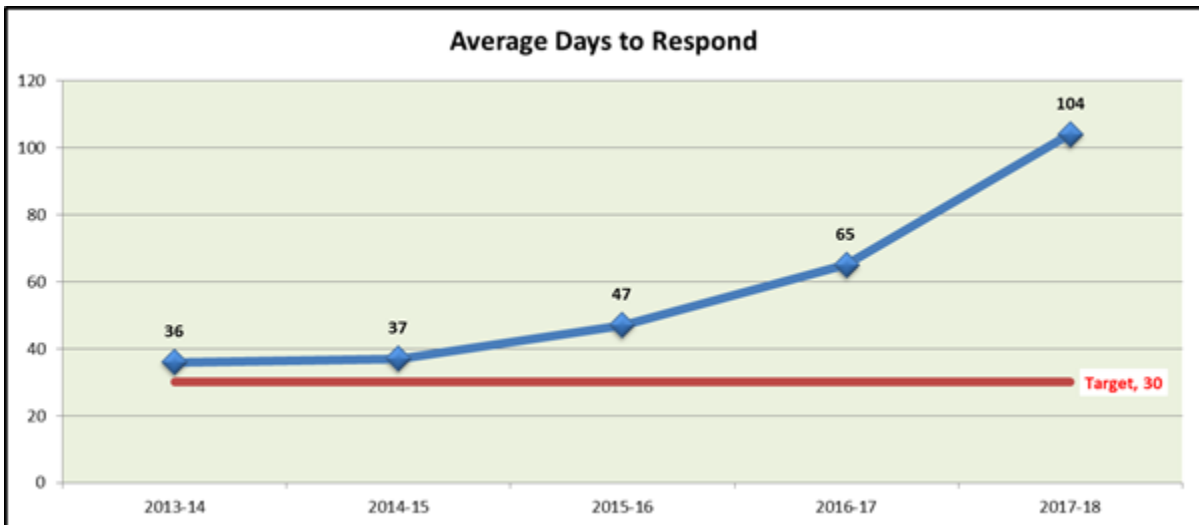
6.7 The issues complained about reflect those received directly by the Council. The number of complaints made in four key areas are shown below, the most common issues being 'Staff Conduct', or the 'Quality of Care', complaints about 'Late or Missed Visits' for domiciliary care remain at an encouraging low level. Alongside complaint Providers reported that 420 compliments were received.



Responding to Complaints

- 6.8 Timescales for responding to complaints are not statutorily prescribed, however they must be as short as reasonably possible to allow for effective consideration. Departmental guidelines are in place to determine what a reasonable timeframe is in most circumstances. Our target is to respond to 70% of complaints within 15 working days and an expectation that all complaints are fully responded to within 6 months.
- 6.9 The average time to respond to complaints has significantly risen and now takes on average 104 days with only 24% responded to in the standard timescale. Also of concern is that nearly 25% of complaints take in excess of 6 months to respond to.
- 6.10 However the Annual Report last year did anticipate that there may be a falling off in complaint response times due to staffing changes in the year 2016-17. The table below demonstrates that this did happen. However if an adjustment is made to consider complaints received in year the performance improves to 36% responses within 15 days, and average time to respond of 41 days.

Response	Performance					Target
	2013-14	2014-15	2015-16	2016-17	2017-19	
Average Days to Respond	36	37	47	65	104	30
Percent of complaints to be responded to within 15 days	49%	55%	47%	22%	24%	70%
Percentage complaints fully responded to within 6 months	99%	98%	95%	91%	76%	100%



6.11 Of the Complaints responded to only one-third were fully upheld, and 50% were not upheld or we were unable to reach a finding. Where complaints were upheld appropriate apologies were made and action taken.

Listening to Users of Services and Learning from Complaints

6.12 Complaints are valuable to the Department. As well as providing an efficient and effective way for users of public services to get their issues addressed, they also offer a chance to gain an accurate picture of the level and quality of service offered from the perspective of the user. They provide free feedback on service delivery and provide a means for the user to have an input into the continuous improvement of the Department.

6.13 A number of recommendations have been made through the year as a result of the outcome of complaints:

- Improvements have been made to how complaints are handled, where the operational service has been transferred to the community trust
- Systems have been put in place to sample check on domiciliary care calls to ensure that they are been implemented in a timely manner
- Review of the call scheduling in domiciliary care to ensure that travel time is adequately allowed for
- A protocol is drawn up on dealing with family disputes where the service user lacks capacity

The Direct Payments Team to agree a process to qualify the record of their input into a care plan so there is no misleading record of their involvement as assessors.

7. Training and Development

Training on complaint handling, customer care, data protection and GDPR can be accessed through the Council's Website. The Social Care Complaints Team is available to support and advise staff; to ensure that best practice is followed during a complaints investigation; and to provide targeted training with individual members of staff and managers on request. In addition in March 2017, a set of revised complaints handling procedures and processes were introduced and made available on the staff intranet.

8. Integrated Services

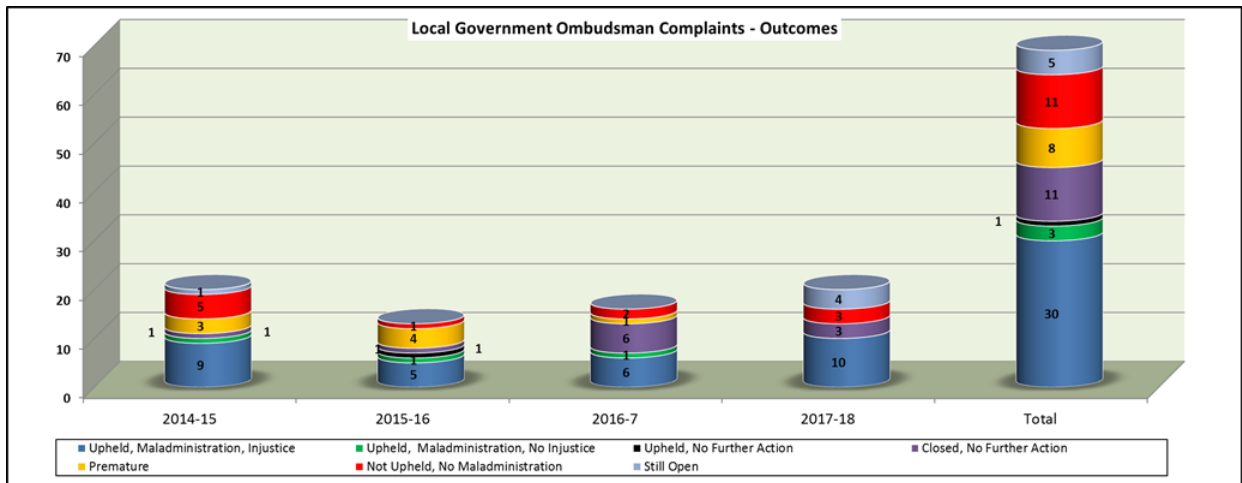
Wirral's health and social care services are provided in partnership with health agencies within the borough, Adult Social Care work in close partnership with these agencies, with many services integrated with staff from both the NHS and Wirral Council. The complaints processes are provided and managed separately for each agency, and performance information set out in this report is specifically about the Council aspect of the complaints procedure.

9. Local Government Ombudsman Complaints

9.1 We have received 20 complaints from the Local Government Ombudsman in the past year. We have had no Public Reports issued against the Department in the past year and only ten complaints were upheld. During the reporting period 2017/18, a total of 20 complaints were made to the Local Government Ombudsman, with 20 being investigated. Out of these, 3 were not upheld; and 4 are still under investigation.

9.2 The outcomes are shown below:

Outcome	2014-15	2015-16	2016-7	2017-18
Upheld, Maladministration, Injustice	9	5	6	10
Upheld, Maladministration, No Injustice	1	1	1	0
Upheld, No Further Action	0	1	0	0
Closed, No Further Action	1	1	6	3
Premature	3	4	1	0
Not Upheld, No Maladministration	5	1	2	3
Still Open	1	0	0	4
Total	19	13	16	20



9.3 Of those complaints that were found to be “Upheld, Maladministration and Injustice” a number had already been addressed through the Departmental Complaints process, with rectification already made. Consequently no further action was required by the Council as the Ombudsman was satisfied with steps we had already taken.

9.4 The Department, in accordance with good practice informs each complainant of the right to complain to the Local Government Ombudsman. We also seek to have a positive relationship with the Ombudsman and agree early resolution where possible.

10. Looking Forward

- 10.1 Last year and this year are transitional years for complaints management. In June 2017 a section of the operational Social Work service were transferred to the Community Trust; In August this year the remainder of operational Social Work service transfers to Cheshire and Wirral Partnership Trust. This will have an impact as significant number of complaints will be dealt with by the NHS.
- 10.2 The Complaints Management function for Adult Social Care is now located in the Integrated Commissioning Hub working alongside the Clinical Commissioning Group. As part of this we have adjusted our standard timescale to 25 working days; with the target remaining at 70%.
- 10.3 Further work will be undertaken to automate how we capture complaints performance information from commissioned providers to ensure that we can identify trends and feed into the commissioning cycle

David Jones
Complaints Manager
August 2018