



Children, Families and Adults Annual Report – Adult Social Services

Complaints, Compliment & Comments

1 April 2016 – 31 March 2017

Children, Families and Adults – Adult Social Services

Annual Report – Complaints, Compliments & Comments

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Introduction

Local Authorities have a statutory duty to publish an Annual report in respect of Social Care Complaints. The purpose of this report is to ensure complaints information for the Children, Families and Adults Directorate is available to the public, Members of Cornwall Council and Staff.

The report is an indication of the importance of feedback from service users and their representatives on the Directorate's performance. Through monitoring and evaluating complaints and compliments, the Directorate's Leadership Team gains information on the services that are delivered to good standard and those that need some improvement. The Directorate then instigates changes to policies, procedures and practices as a result of the learning recorded from complaints and compliments.

This report relates to the full year 1 April 2016 to 31 March 2017 and relates to both statutory and non-statutory complaints closed by the directorate that follow different complaint performance criteria, and contains details regarding the number and type of complaints received by the service including timescales and outcomes and where appropriate any service improvement identified.

It also explains how we achieve our statutory duties in relation to providing Independent Investigators and Advocates for complainants.

It evidences how information from complaints contributes to practice development and service improvement.

The Ombudsman produces an Annual Report and this can be found at: <https://www.lgo.org.uk/information-centre/councils-performance/council/Cornwall%20Council>

Complaints

The Local Authority has a duty to ensure that any individual (or appropriate person acting on their behalf) who wishes to make a complaint about the actions, decisions or apparent failings of a local authorities' social care provision have access to the appropriate Adults social care statutory complaints procedure.

Adults Social Care services complaints are governed by The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This legislation allows individuals to start the process at option 2 which is the independent stage of the complaints process; this is why the Adults complaints are referred to as options.

Complaints which fall outside of the statutory social care regulations but relate to the services provided by Children, Families and Adults are dealt with under the non-statutory Cornwall Council complaints procedure.

The complaints manager attends Senior Manager Team meetings as invited for both Adult's and Children's Social Care in order to provide the appropriate managers with an overview of ongoing complaints and any issues which may have arisen.

It should be noted that LAGAN, the recording and reporting system used for Compliments, Comments and Complaints, produces reports by case closed date. Therefore, if a Option 1 complaint has been closed during this financial year, any subsequent Option 2 or Ombudsman Decision may not be reported until the following year's annual report.

It should be noted that cases investigated by the Ombudsman may not have previously been considered by the council as a complainant retains the right to contact the Ombudsman at any time. However before investigating a complaint the Ombudsman must normally be satisfied that the council has had an opportunity to investigate and to reply.

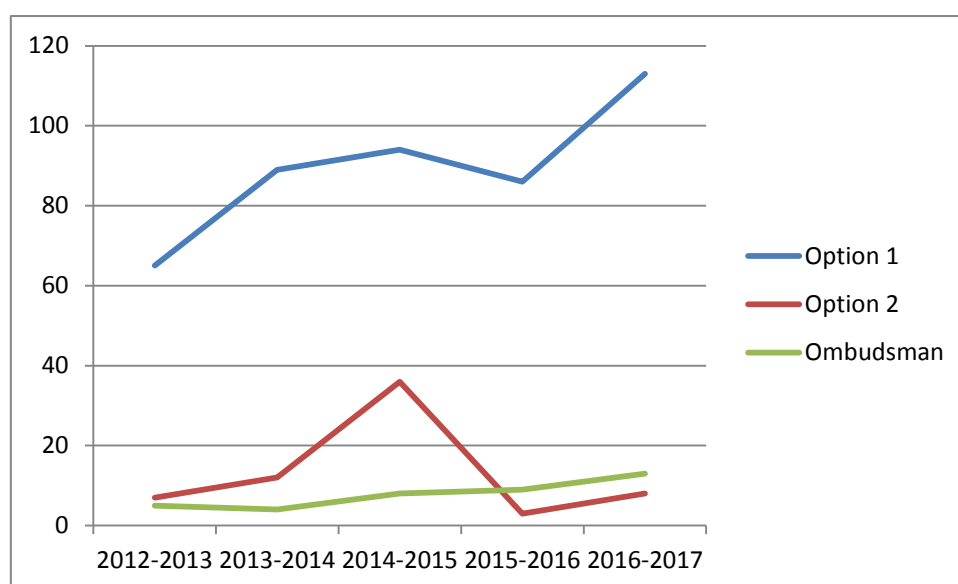
The Ombudsman will consider complaints against School Admissions, School Transport and Charging Assessment that have not been considered under the complaints policy but have been through the relevant appeals route and these will therefore not be shown at Stage 1 and/or Stage 2 in the above table.

Adult Social Care Complaints

Overview for 2016/17

Number of formal complaints received 2016-17:

	Option (Stage) 1	Option (Stage) 2	Ombudsman
2012-2013	65	7	5
2013-2014	89	12	4
2014-2015	94	36	8
2015-2016	86	3	9
2016-2017	113	8	13



During this reporting period, a total of 113 option 1 complaints were closed, compared with 86 option 1 complaints in the year ending 31 March 2016. These figures represent an increase of 31% in option 1 complaints compared to the year ending 31 March 2016.

During this reporting period, a total of 8 complaints at option 2 were closed, compared with three option 2 complaints in the year ending 31 March 2016. These figures represent an increase of 266% in option 2 complaints compared to the year ending 31 March 2016.

The 2015/16 figure taken from the recording and reporting system is not reflective of the actual number of option 2's closed during this period. However a manual view of the records does not account for the large increase in Step 2 complaints.

It has been previously identified that the Children, Families and Adults Information Governance and Feedback Team were not working in a coordinated way when addressing cases and using the systems, which led to procedure notes being written for all stages of Compliments, Comments

and Complaints. This included guidance on using the systems (LAGAN and EDRMS) correctly. During 2016/7 LAGAN has been used for all cases and being used for reporting.

5.3% of Option 1 complaint investigations completed were escalated to an Option 2 investigation; in addition two complaints went direct to Option 2.

During the 2016/17 reporting period there were 3 cases with a Option 1 and a Option 2 investigation completed within the year.

During this reporting period, a total of 13 Ombudsman final decisions were received, compared with 9 in the year ending 31 March 2016. These figures represent an increase of 44% in Ombudsman complaints compared to the year ending 31 March 2016

Timescales

During the reporting period 2016-17 84% of option 1 complaints were responded to within the timescale detailed within the complaints policy, i.e. 10 working days, or up to a maximum of 20 days with the complainant's agreement.

87.5% of all option 2 complaints were completed within the timescale detailed within the complaints policy, i.e. 25 working days, or up to a maximum of 65 with the agreement of the complainant.

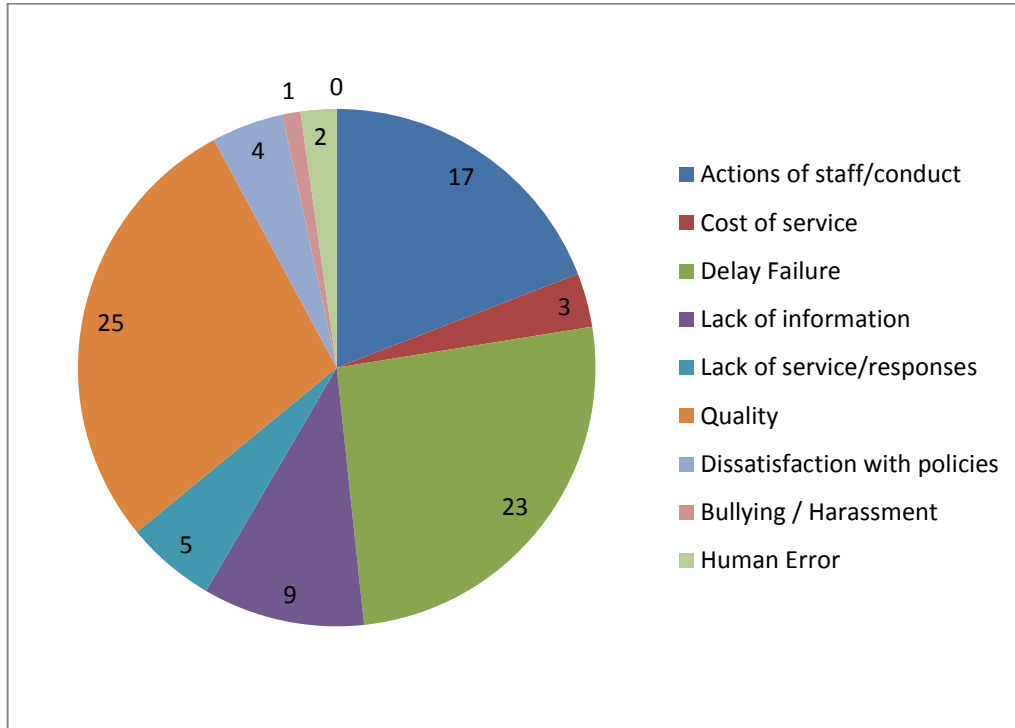
It should be noted that The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 does not impose fixed timescales for completion of Option 1 and option 2 complaints, as the complaint should be investigated in accordance with the complainant's timescales. However, it is usually reasonable to expect a complaint investigation to be completed in line with those for other social care complaints and this is reflected in the Children, Families and Adults complaints policy.

Complaints categories

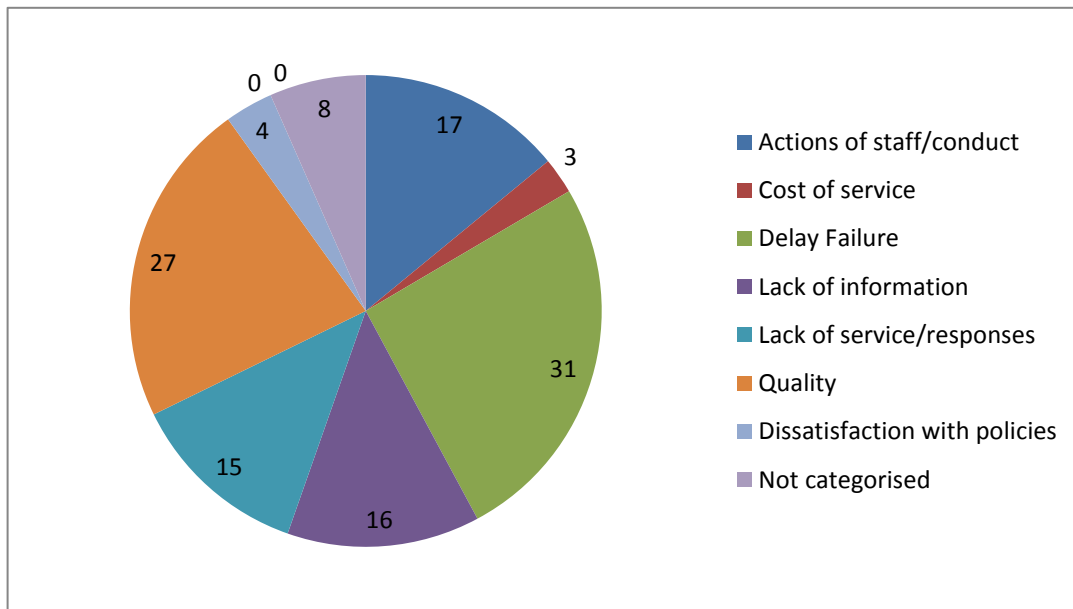
The categories below give an overview of the types of complaints received for both Option 1 and Option 2 complaint investigations.

	2015-16	2016-17
Actions of staff/conduct	17	17
Cost of service	3	3
Delay Failure	23	31
Lack of information	9	16
Lack of service/responses	5	15
Quality	25	27
Dissatisfaction with policies	4	4
Bullying / Harassment	1	0
Human Error	2	0
Not categorised	0	8

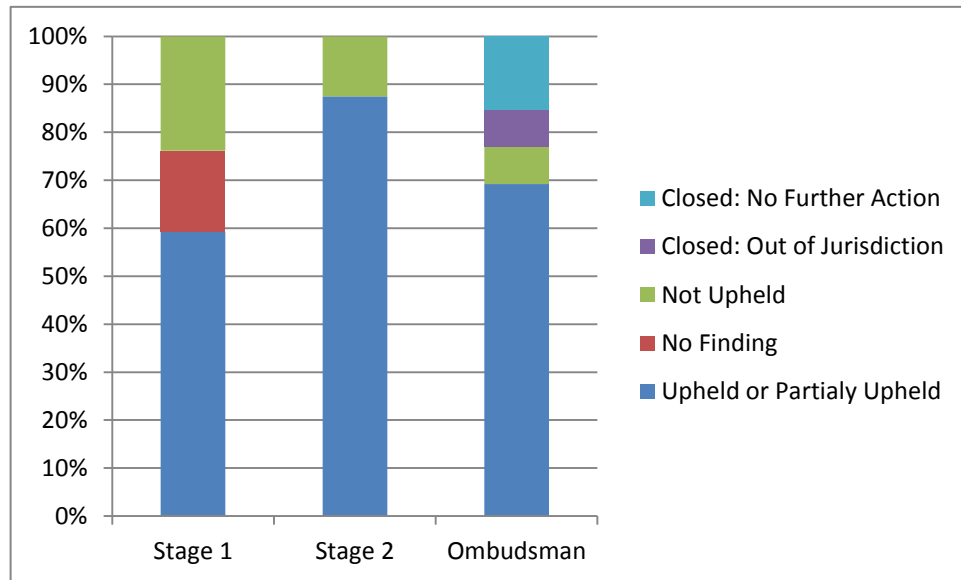
Complaint categories 2015/16



Complaint categories 2016/17



Complaints Outcomes



Option 1

Total received - 113

Of the option one complaints completed within the reporting period the outcomes were that 59.3% were either upheld or partially upheld, 23.9% were not upheld and the remaining 16.8% reached a no finding conclusion.

Where this is the outcome the recording and reporting system expects Lessons Learned and Actions to be recorded following the complaint investigation and the Children, Families and Adults Information Governance and Feedback Team to monitor these.

A total of £3,750 was paid in compensation payments for three cases. This included £3,200 reimbursement for care, the remaining amount was paid due to the distress caused and in recognition of the time and trouble taken raising concerns with the Council.

Option 2

Total received – 8

87.5% of option 2 complaints were either upheld or partially upheld. Where this is the outcome the recording and reporting system expects Lessons Learned and Actions to be recorded following the complaint investigation and the Children, Families and Adults Information Governance and Feedback Team to monitor these.

It should be noted that The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 allows individuals to start the complaints process at option 2. In recent years until April

2015 printed material available to the public increased the number of those asking for their complaint to go direct into the Option 2 process as they felt that the local resolution with the social care teams concerned had already been tried or they felt strongly that the complaint was serious enough to warrant a more thorough investigation. It is of particular note this usage has decreased since 2014/15.

50% of investigations were undertaken by a commissioned Independent Person, the total cost to Adult Social Care for these investigations was £4,900. The average cost per case being £1,225. Whilst some can cost around £700 other, more complex investigations can cost in the region of £2-3,000.

Compensation was awarded by the Adjudicating Officer for one option 2 investigation. This amounted to £800 for reimbursement of one month's transition funding.

Complaints referred to the Local Government Ombudsman (LGO)

During this reporting period 13 complaints were referred to the Ombudsman.

Upheld – Maladministration & Injustice -	Closed after initial enquiries - out of jurisdiction	Closed after initial enquiries - no further action	Not upheld: no further action
9	1	2	1

Compensation was awarded by the Ombudsmen in regards to seven of the nine cases where the finding was 'Upheld – Maladministration and Injustice', totaling £8,900. These payments ranged from £200 in recognition of the distress and injustice caused to £6,500 for the injustice suffered as a result of the Council's delays.

Non-Statutory Complaints

Complaints which fall outside of the statutory social care regulations but relate to the services provided by the Children, Families and Adults are dealt with under the non-statutory Cornwall Council complaints procedure.

Overview

The number of formal complaints closed during the period and processed under the non-statutory (Cornwall Council) complaints policy is as below:

		Option 1	Option 2	Ombudsman
Adult Care and Support	2015/16	0	0	0
	2016/17	6	0	0
Commissioning, Performance & Improvement (including Charging Assessment)	2015/16	18	1	1
	2016/17	6	0	4
Total	2015/16	18	1	1
	2016/17	12	0	4

It should be noted that cases investigated by the Ombudsman may not have previously been considered by the council as a complainant retains the right to contact the Ombudsman at any time. However before investigating a complaint the Ombudsman must normally be satisfied that the council has had an opportunity to investigate and to reply.

The Ombudsman will consider complaints against Charging Assessment that have not been considered under the non-statutory (Cornwall Council) complaints policy but have been through the relevant appeals route and these will therefore not be shown at Stage 1 and/or Stage 2 in the above table.

Timescales

During the reporting period 2016-17 100% of stage 1 complaints were responded to within the timescale detailed within the Cornwall council complaints policy, i.e. 10 working days, or up to a maximum of 20 days with the complainant's agreement.

Complaints referred to the Local Government Ombudsman (LGO)

4 complaints were referred to the LGO during this time period for:

	Upheld – Maladministration & Injustice -	Upheld: maladministration, no injustice	Closed after initial enquiries - out of jurisdiction	Closed after initial enquiries – No further action	Not upheld: no maladministration
Charging Assessment	1	0	0	1	2

No compensation was awarded by the Ombudsmen to the complainants of these cases.

Comments

A comment is an issue or view expressed by a customer, such as a suggestion on how we might improve our services or a request for further information or guidance. Comments may cover a broad range of issues including areas where the Council is unable to classify as a complaint.

The number of comments closed during the reporting period is as below:

	2015/16	2016/17
Adult Care and Support	7	4
Adult Transformation and Commissioning	2	1
Total	9	5

Compliments

The Directorate monitors the number of written compliments that members of staff receive. It should still be noted that all managers are reminded regularly about the importance of sharing compliments received with the Complaints Team.

The compliments that are recorded highlight important areas of work that are being conducted well. Where good practice or practice that exceeds expectation is so warmly received, it is important to see whether any aspects of that work can be transferred to other areas.

The number of compliments closed during the reporting period is as below:

	2015/16	2016/17
Adult Care and Support	124	67
Adult Transformation and Commissioning	4	3
Total	128	40

The decrease in compliments received for Adult Care and Support since October 2015 is due to the transfer of the Short Term Reablement and Planning Service (STEPS) outside of the service.

Conclusion

The number of complaints received by the Directorate shows an increase compared to the previous two financial years. The level of complaints can fluctuate when assessed monthly or quarterly (fluctuation can be caused by implementing new services or reduction of services).

It is difficult to suggest that the lower number of complaints in 2015/16 suggests that the severity of the same has reduced, because it is known that the use of the relevant systems to record and monitor complaints was not consistent across the 2015/16 year.

Complaints in previous years that have been considered by the Local Government Ombudsman have increased and this could be because in the last two financial years, the Councils advice from the Option 1 process has given their contact details in relation to advice and guidance. The Ombudsman has advised that this is not appropriate as they will not review complaints at an earlier stage of a complaints process. The team have:

- removed the advice previously given to take complaints to the Ombudsman at an early stage;
- given improved advice to complainants about what the Ombudsman will consider; and
- challenge an Ombudsman enquiry or initial decision notice so that the Ombudsman only receives information directly related to the investigation that they are required to undertake.

Planned Activity for 2017/2018

- Deliver training to services in the directorate in handling complaints
- Report evidence of Lessons Learned review process
- Proactive triage feedback with early service resolution
- Greater coordination, liaison and challenge with the Local Government Ombudsman to resolve issues;
- Reporting of data to Directorate Managers by Information Governance and Complaints Manager in detail;
- Improved communication with other public sector complaints to review best practice – attendance at South West Complaints Managers’ meetings;
- Extend the training available to our commissioned Independent Investigators and monitor their individual performance on an annual basis.

The Information Governance and Complaints Team has developed and implemented during 2016/2017 a system to track outcomes from complaints. The “lessons learned” approach will be a method to maintain and review improvements. During 2017/18 a reporting timetable will be developed so that this so that the Information Governance, Participation and Complaints Manager can formally report to the Directorate Leadership Team.

During 2017/18 we will be reviewing the current offer to managers responding to Stage 1 complaints and implement training and support to assist with this. The team will also attend Senior Management team meetings to share LGO outcomes and identified trends.

A figure not formally recognized by our LAGAN statistics are the number of potential complaints and concerns raised that the team resolve outside of the complaints system. Trying to resolve matters early and quickly reduces unnecessary distress to the complainant and reduces the cost to the directorate and we will continue to maintain this level of triage work moving forward.

We will continue to develop the procedure for complaints about commissioned service providers and be able to report on these cases.

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Children, Families and Adults

08 August 2017

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