



## **THIS ITEM IS FOR INFORMATION ONLY**

**(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)**

**Title of meeting:** Community Wellbeing, Health & Care Portfolio Meeting

**Subject:** Adult Social Care Annual Complaints Report

**Date of meeting:** 7<sup>th</sup> November 2023

**Report by:** Natalie Beckett and John Thomas  
Complaints Managers for Social Care

**Wards affected:** All

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### **1. Requested by**

Councillor Matthew Winnington, Cabinet Member for Community Wellbeing, Health & Care.

### **2. Purpose**

To update the Cabinet Member and spokespeople on the complaints received in Adult Social Care, (ASC) in 2022/23.

### **3. Information Requested**

- An analysis of all complaints and other contacts received during the period of 1 April 2022 to 31 March 2023 for social care services provided to adults.
- Comparison of the complaints and contacts against the previous 12 months.

### **4. Analysis of complaints**

For the financial year 2022/23, there were 74 statutory complaints made about Adult Social Care, compared to 51 in the previous year. Included within 2022/23 are 8 complaints involving an independent provider, compared to 3 in the previous financial year. There was also 1 private provider complaint.

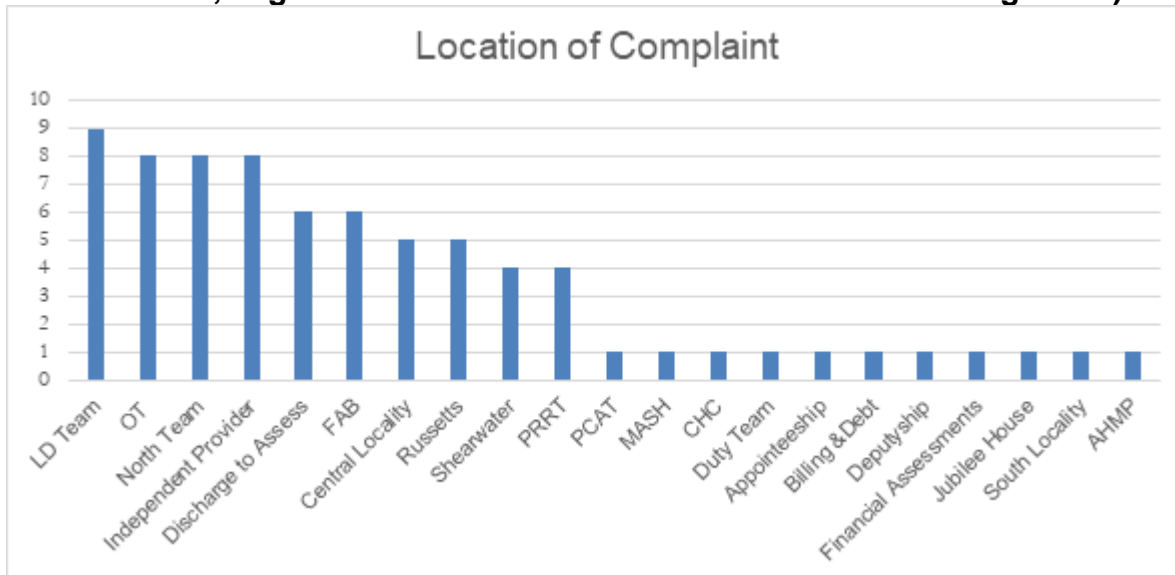
In addition to statutory complaints, there were 18 customer contacts, 13 possible complaints and 6 contacts that were responded to under different procedures.

The number of residents with active contact with Adult Social Care on 5 December 2022 was 8,362. The 74 complaints received therefore represent less than 1% of all the people receiving a service from Adult Social Care.

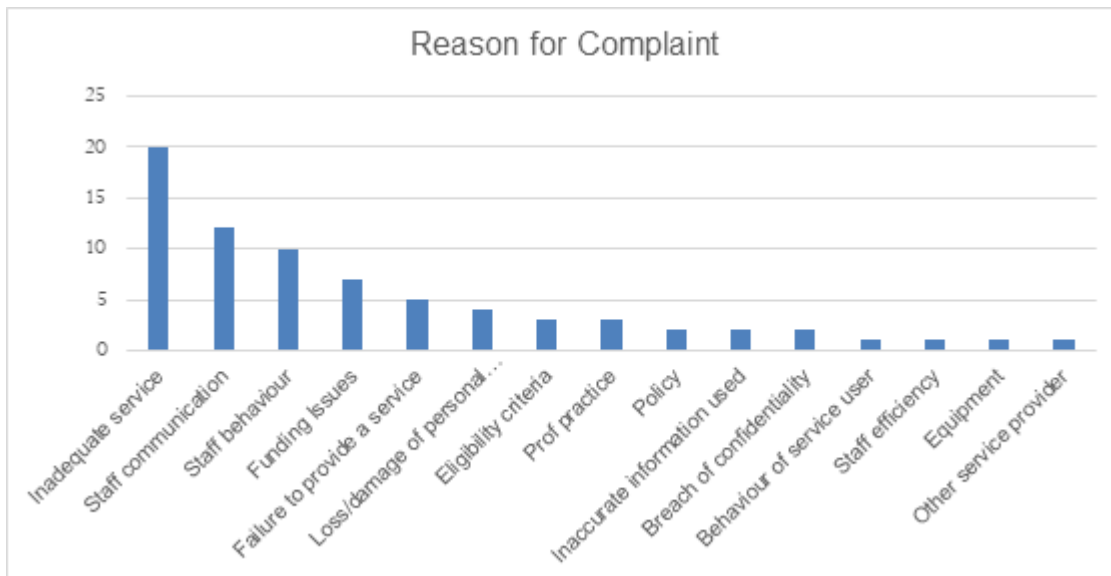
To set the complaints figures in context, the following chart outlines the number of complaints for each location/team.

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It is also important to consider the reasons why complaints were made.



Inadequate service, communication and staff behaviour were the most prevalent complaint themes this year.

**5. Performance**

It is worth noting that there is no specific timescale laid down by national complaints guidance. It is a flexible process with timescales agreed with individual complainants. However, under the ASC complaints procedure, we aim to send complainants a full reply within 10 working days if possible, or if the matter is more complicated, the target timescale is 20 working days. From April 2023 we changed the



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response time to 15 working days in line with Portsmouth City Council corporate complaints team. Staff are encouraged to ensure their responses are proportionate to the complexity and level of investigation required.

The extent to which our timescales have been met can be seen below.

<b>Full Reply Performance (working days)</b>	<b>Financial Year 2022/2023</b>	<b>Financial Year 2021/2022</b>
0-20 days	78% (59% within 10 working days)	79% (60% within 10 days)
20+ days	18%	21%

Overall, 78% of complaints have received a response within 20 working days, which is a slight decrease from last year (79%). 59% of complainants received their reply within 10 working days which is a slight decrease compared to the previous year (60%). Some complaints will take longer than 10 days to investigate and reply to, particularly if the matter is complex, there is a need to interview staff or further responses or meetings are required to resolve the complaint. There are currently 3 outstanding complaints.

The Complaints Managers will therefore continue to highlight the importance of dealing with complaints in a timely way and encourage staff to have a positive attitude to complaints handling. Complaints Managers also encourage managers to make a quick initial assessment of a complaint when they receive it, to enable any immediate issues to be dealt with and to establish that the right person is handling the complaint.

**6. Local government and social care ombudsman cases**

Most complaints continue to be resolved at the early stage of the procedure. If the matter remains unresolved after further responses or escalation of the complaint to more senior managers, then the complainant can refer to the Local Government and Social Care Ombudsman for further consideration.

There were 4 complaints referred to the Local Government and Social Care Ombudsman (LGSCO) this year compared to 1 in the previous financial year.

The Ombudsman found fault with 2 complaints and recommended we did the following:

*Complaint 1: The Council has already apologised to Mrs X and Mrs Y for the failures I have identified above. However, I am not satisfied that an apology is an adequate remedy for the distress caused to Mrs Y and Mrs X.*

*When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although I found fault with the actions of the care provider, I have made recommendations to the Council.*

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*Within one month of my final decision the Council should:*

- *pay Mrs Y £150 to recognise the distress caused because she did not receive care visits on the morning of the Saturday after she returned home from hospital; and*
- *pay Mrs X £200 to recognise the distress, frustration, time and trouble caused by having to care for Mrs Y the weekend after she returned from hospital and the errors in the Council's first response to her complaint.*

*Within three months of my final decision the Council should write to all the home care providers it contracts with to clarify:*

- *that care providers should notify the Council as soon as they become aware that someone they care for has been admitted to hospital; and*
- *what the Council expects care providers to do before cancelling care packages after a hospital admission.*

*Complaint 2 : The Council should, within four weeks of the final decision: • calculate the approximate cost Ms X would have incurred had she received reablement services, deduct this from £810 and refund Ms X the difference • consider the information Ms X provided about the service she received from the second personal assistant and amend the invoice as necessary, • ensure officers conducting needs assessments/advising service users, act in line with the Care Act. Final decision 25. The Council failed to consider Ms X for reablement services. It then failed to provide appropriate advice about direct payments. This resulted in a significant financial loss for Ms X. The Council also failed to consider information Ms X provided about the service she received from a personal assistant.*

The third complaint centred on the Council failing to investigate safeguarding concerns raised by a family member. The Ombudsman did not investigate this because of the length of time that had passed.

The fourth complaint was about the care the complainant's mother received at Shearwater. The initial draft decision has been received and the Ombudsman has found fault with the council.

Whilst 74 complaints were made, these figures indicate that 69 of these were resolved internally in a manner acceptable to the complainant. This is very positive as we strive to resolve all complaints without the need for complainants to approach the Ombudsman.

### **7. Advocacy**

The complaints leaflet advises people that they can get help if they need it to make a complaint. This can be an informal arrangement with a friend or family member or more formally through an advocacy organisation organised by the Complaints Managers.

### **8. Proportion of complaints upheld**

It is interesting to review the outcomes of complaint investigations i.e. the proportion that were justified to some degree by the manager who responded and investigated.

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<b>Category</b>	<b>Number of Complaints 2022/2023</b>
Not upheld	30
Partially upheld	23
Upheld	13
Withdrawn	3
Other (withdrawn or response not completed at end of reporting period).	5
<b>Total</b>	<b>74</b>

This shows that 48% (36) of complaints for Adult Social Care were considered to be justified in some way this year compared to 59% last year. In such cases, every effort will be made to identify actions that could improve service in the area concerned (please see Learning from Complaints on the next page).

### **9. Complaints received by Solent NHS Trust**

Our Adult Mental Health Services are integrated, where Solent NHS Trust is the lead agency and all complaints are logged and handled by them. The details of complaints logged by Solent NHS Trust for Adult Mental Health Services will be included in their Annual Report.

### **10. Compliments**

Compliments for services are received annually. For the period 1 April 2022 to 31 March 2023, we received 16 compliments for Adult Social Care, a small decrease from the 19 received in the previous year. These are broken down by team below.

<b>Team Name</b>	<b>Number of Compliments</b>
Shearwater	4
North Team	3
OT Team	3
FAB Team	2
Royal Albert Day Centre	2
CHC Team	1
Russets	1

### **11. Persistent complaints policy**

The council's Corporate Complaints Policy provides guidance on dealing with the small number of complainants who are persistent or unreasonable, taking up an unwarranted amount of council resources or impeding the investigation of their complaint. We have not had to use this policy in 2022/2023.



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**12. Councillor and MP enquiries**

Another way in which service users may contact us is through their Councillor or MP. If a complaint is made by a Councillor or MP it will be included in the complaints figures shown earlier in this report. However, if it is only an enquiry it is not included in those figures. In total for this period, we recorded 78 Councillor/MP Enquiries for Adult Social Care, a large increase compared to 44 last year.

**13. Learning from complaints**

Complaints are an invaluable form of research for the department, helping it to continually learn from complaints and improve the services it provides to vulnerable adults in Portsmouth. Learning can take many different forms, for example, changes in working practices, amendments to policy, changes to service, staff training etc.

Some examples of how the department has learned from complaints received in 2022/23 are shown below.

We received a complaint about a lost TV. Unit manager spoke again to maintenance team to remind of the process if a TV breaks or is unsafe in future. They have been instructed to check all residents TV's and ensure they are identified as belonging to Shearwater or the resident and clearly labelled on the back and are on the inventory.

In response to comments regarding a bill and the fact that entries are not all printed in date order, the FAB team are now looking to work with our IT provider to try and resolve this issue.

Following a complaint to the FAB team about a payment that was made and not recorded properly, the team have been reminded of the importance in ensuring correct information is obtained and double checked prior to submitting the entry.

**14. Training**

The Complaints Managers have not undertaken any face-to-face training sessions for internal PCC staff this year but continue to offer ELearning for PCC staff on Effective Complaint Handling as well as advice to staff on an ongoing basis. We are looking at re-starting our face-to-face training in April 2024.

The Complaints Managers will continue to support operational staff and managers in handling and responding to complaints in the future. Complaints provide invaluable free market research for the department and we aim to continue to increase our learning from complaints, to disseminate good practice and to achieve more service improvements as a result.

.....  
Signed by (Director)



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**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location