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(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 meeting
Subject:	2023-24 Adult Social Care Annual Complaints Report
Date of meeting:	4 th November 2024
Report by:	John Thomas, Complaints Manager for Adult Social Care
Cabinet Member:	Councillor Matthew Winnington
Wards affected:	All

1. Requested by

Cabinet Member for Community Wellbeing, Health & Care

2. Purpose

- To provide analysis of all complaints and other contacts received during the period of 1 April 2023 to 31 March 2024 for social care services provided to adults in Portsmouth.
- To compare these to the previous 12 months.

3. Information Requested

3.1 Analysis Of Complaints

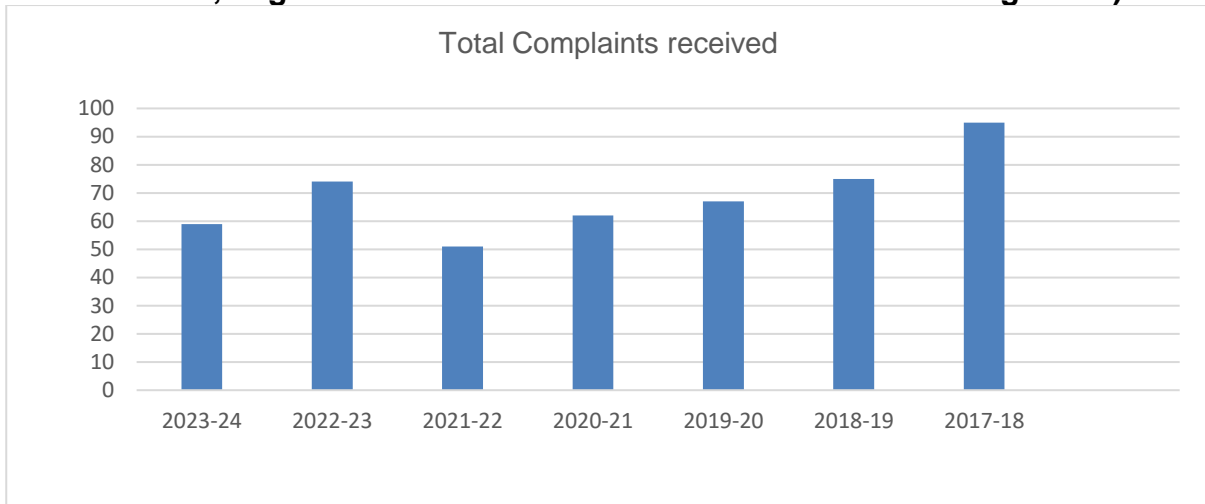
For the financial year 2023/24, there were 59 statutory complaints made about Adult Social Care. Included within 2023/24 are 6 complaints involving an independent provider, compared to 8 in the previous financial year.

To set this into context, the chart below shows total numbers of complaints received in previous years.



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In addition to statutory complaints, there were 31 customer contacts, 14 possible complaints and 7 contacts that were responded to under different procedures.

The number of service users open to Adult Social Care on 23rd April 2024 was 5,673. The 59 complaints received therefore represent 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.

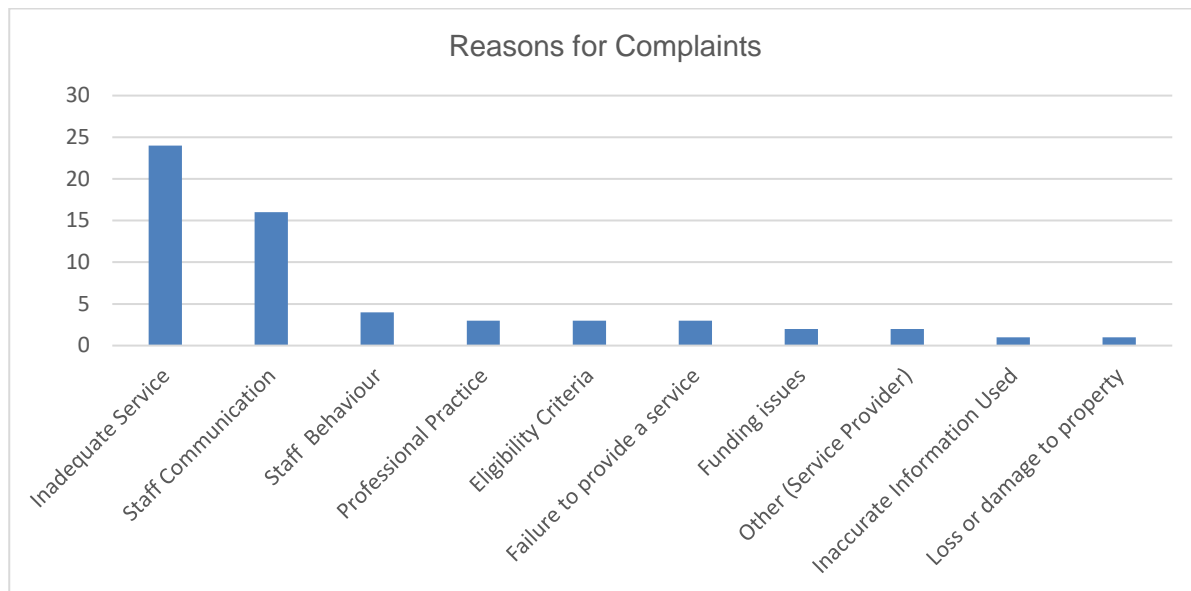




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It is also important to consider the reasons why complaints were made.



Inadequate Service, staff communication and staff behaviour were the most prevalent complaint themes this year, the same as in the previous financial year.

3.2 Performance

Dealing with complaints is a flexible process with timescales agreed with individual complainants. However, under the ASC complaints procedure, the aim is to send complainants a full reply within 15 working days, in line with the recent Local Government and Social Care Ombudsman, (LGSCO) Complaint Handling Code. The Code is issued under the LGSCO’s powers to provide “*guidance about good administrative practice*” to organisations under section 23(12A) of the Local Government Act 1974. For the LGSCO, this Code constitutes important advice and guidance to councils but does not supersede the statutory complaint process already in place for Adult Social Care complaints.

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

Full Reply Performance (working days)	Financial Year 2023/2024	Financial Year 2022/2023
0-15 days	83%	78%
20+ days	17%	18%



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Overall, 83% of complaints received a full response within 15 working days, which is an improvement from last year (78%) with an average response time of 13 days (the same as the previous financial year). Some complaints will take longer than 15 days to investigate and reply, particularly if the matter is complex, there is a need to interview staff or further responses or meetings are required to resolve the complaint. In these instances, complainants are kept informed of the likely delay.

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

3.3 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 3 complaints referred to the LGSCO this financial year compared to 4 in the previous financial year.

The Ombudsman found fault with Complaint 1, some level of fault with Complaint 2 and no level of fault with Complaint 3 as demonstrated in the summaries below:

Complaint 1

Mrs A complained the Council failed to deal properly with the assessments of her sister's, (Mrs B) needs by denying her the support she needed to participate fully in them. The Council failed to address Mrs B's need for family support with assessments. This caused avoidable distress for which the Council should apologise.

This related to a Continuing Health Care assessment that did not address the need for advocacy required for Mrs B to participate in her assessment. Mrs B had limited verbal communication skills and needed assistance to communicate her needs/wishes/choices.

The Council accepted it should have offered the opportunity for Mrs A to act as a representative for Mrs B, as Mrs B had previously given consent for this.

Complaint 2

Mr C complained the Council placed his mother in a nursing home without giving her, or her family, opportunity to object. Mr C complained the Council is now asking for payment of care home fees for this placement. Mr C also complained the Council sent his mother for rehabilitation and respite care when it knew she would not be able to walk or live



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independently again. The Ombudsman found fault with the Council's delay in referring Mr C's mother to a physiotherapist. The Ombudsman did not consider this fault caused a significant personal injustice to either Mr C or his mother.

Complaint 3

Mr D complained the Council was at fault in the way it moved his father Mr E, from residential care to supported living which was not in his best interest as Mr E's health subsequently declined and he passed away. Mr D also complained the Council depleted Mr E's finances and failed to help him apply for benefits leaving him with little money when he died causing distress to the family. The Ombudsman found no evidence of fault in the way the Council considered these matters.

Whilst 59 complaints were made, 56 of these were resolved locally 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.

3.4 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 Manager.

3.5 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.

Category	Number of Complaints 2023/2024
Not upheld	38
Upheld	10
Partially Upheld	8
Other (withdrawn or response not completed at end of reporting period).	3
Total	59

This shows that c31% (n.18) of complaints for Adult Social Care were considered to be justified in some way this year compared to 48% 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).

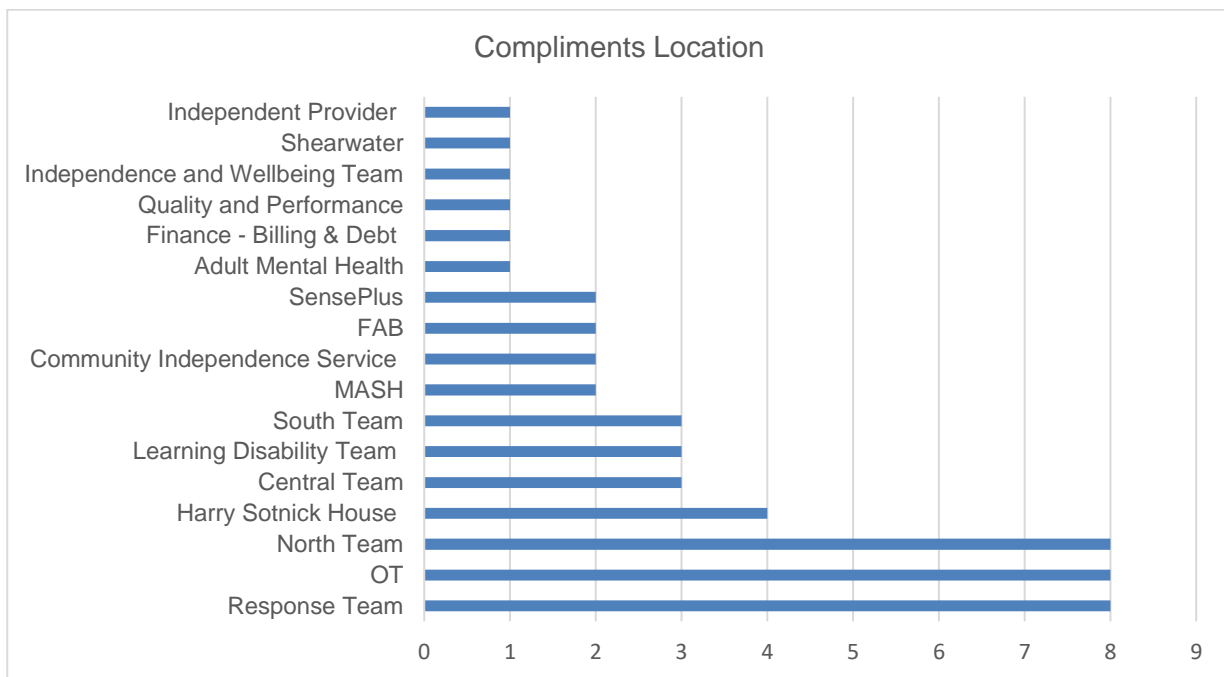


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3.6 Compliments

For the period 1 April 2023 to 31 March 2024, 51 compliments were received for Adult Social Care, a notable increase from the 16 received in the previous year. The increase is a result of an improvement in recording by colleagues. These are broken down by team below.



3.7 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 2023/2024.

3.8 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, enquiries are not included in those figures. In total for this period, we recorded 50 Councillor/MP enquiries for Adult Social Care, a decrease from 78 last year.

3.9 Learning from Complaints

Complaints are an invaluable form of research for the Directorate, helping it to continually learn from complaints and improve the services it provides to vulnerable adults in



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Portsmouth. Improvements from 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 Directorate has learned from complaints received in 2023/24 are shown below:-

- i. An Ombudsman investigation demonstrated robust practice from the social worker, occupational therapist and finance. The resident's wishes were at the forefront of their practice, meaning he was given timely information and advice. They achieved the service user's outcomes and most importantly they documented his capacity to make specific decisions regarding how he wanted to live his life.
- ii. Another Ombudsman investigation led to practitioners being reminded of their responsibilities to consider advocacy and their statutory duties including to review at least once every 12 months, paying particular attention to long term cases where the outcome is protracted because cases are not concluded. This is to ensure that people receive support to meet their Care Act eligible needs as identified through assessments, care and support planning and reviews of their needs.
- iii. Another complaint led to our Finance team reviewing the waiver process and updating guidance related to waivers to support staff to better understand the process for requesting and approving waivers.
- iv. Another complaint led to Financial Assessments and Benefits (FAB) Team Managers shadowing FAB Officers to ensure a consistent approach moving forward.
- v. A complaint about a provider delivering support to our residents with a learning disability, led the team to provide feedback to Portsmouth Hospitals Trust about their management of appointments for this group of residents. The team also considered how ASC can improve the information shared with families when the service is managing concerns about quality in care delivery within commissioned providers. This complaint resulted in liaison with the service provider to develop a clearer communication link for family of a service user and a review of how the Council actively monitor the quality of the care being delivered.

4. Complaints Received by Solent NHS Trust

Adult Mental Health Services in Portsmouth are integrated; Solent NHS Trust is the lead agency, consequently 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.



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5. Training

The Complaints Manager has not led any face-to-face training sessions for internal PCC staff during 2023/24 but has continued to offer e-Learning on Effective Complaint Handling as well as advice to staff on an ongoing basis. Face to face training sessions will restart in September 2024.

The Complaints Manager also now offers weekly face to face Complaints Clinics where staff can discuss any concerns or queries about the complaints process with the Complaints Manager. The Complaints Manager will continue to support operational staff and managers in handling and responding to complaints in the future.

Complaints provide invaluable research for the Directorate and an opportunity for learning from complaints, to disseminate good practice and to achieve more service improvements as a result.

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Signed by (Director)

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