



MANCHESTER  
CITY COUNCIL

# **Annual Complaints Report**

**2017/18**

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## 1. Introduction

The NHS and Community Care Act 1990 requires all Local Authorities with social services responsibilities in England and Wales to have a complaints procedure for people dealing with social care services.

The 2009 regulations 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009' dictate that social care complaints follow a one stage process for complaints to be resolved by the Council. If the complainant remains unhappy with the outcome of their complaint, they have the right to approach the Local Government Ombudsman to investigate their complaint.

Part of the statutory requirement is the production of an annual report on complaints, which is available to members of the public, our staff, and our elected Councillors. This report contains information on social care complaints received about Adult Social Care Services in the financial year 2017/2018.

Complaints which contain an element of social care fall under the statutory Adults Social Care guidelines, however, the Council also has responsibility for processing '*corporate*' complaints which relate to customers who may be dissatisfied with services which are not related to social care, but which are provided by the Children and Families directorate in relation to Adults services. These complaints will follow the Council's two staged complaints process.

## 2. What is a complaint?

A complaint is defined as a written or verbal expression of dissatisfaction about the service provided by the Council.

We deal with two types of complaints – Corporate Complaints and Social Care Complaints. Corporate complaints are those which do not contain elements of social care, so may be relating to staff conduct or in relation to financial payments. Social Care complaints are any complaints received which relate to social care issues, and this will include appeals against a reduction in personal budget.

We aim to acknowledge complaints within three working days and to send a full written response within 10 working days for Corporate Complaints or 20 working days if the complaint relates to social care. Should the investigation proceed beyond this timescale, we will advise the complainant of any delay.

If the complainant requires clarity of any of the points in their complaint response, following investigation, they can return to the Council for further information.

### 3. The complaints we received and how we responded

#### 3.1 Complaints – timeliness of response

##### Summary

**Table 1 – Complaints Types by number and response times**

Complaint Type	Target response time	Complaints responded to	Responded within deadline
<b>All Social care complaints</b>	20 working days	<b>120</b>	<b>78%</b>
<b>Social care complaints averted</b>	-	<b>64</b>	<b>-</b>
Stage 1 corporate complaints	10 working days	<b>56</b>	<b>80%</b>
Stage 2 corporate complaints		<b>9</b>	<b>55%</b>
<b>All corporate complaints</b>		<b>65</b>	<b>77%</b>
<b>Corporate complaints averted</b>	-	<b>42</b>	<b>-</b>
Ombudsman social care*	28 calendar days	<b>3</b>	<b>33%</b>
Ombudsman non social care		<b>2</b>	<b>50%</b>
All Ombudsman Complaints		<b>5</b>	<b>40%</b>

*\*There were 2 social care Ombudsman informal investigations for which decisions were made based on the information provided*

During 2017-18 a total of 291 complaints were received which expressed dissatisfaction with services provided by the Adults Service. This is a 20% increase on 242 received in 2016-17.

184 (63%) of these were social care related complaints and 107 (37%) were corporate related complaints. During 2017-18 we received and responded to 1 appeal against a reduction in personal budget.

Where possible, complaints officers will identify those complaints received which can be resolved prior to a formal investigation (these are known as averted complaints). This initial review can avert the need for a full investigation, and therefore the complaint does not need to progress through the formal complaints procedure. During 2017-18 a total of 106 complaints received were averted (64 Social care and 42 Corporate), this is an increase from 92 the previous year. A complaint which is averted must be resolved to the complainant's satisfaction within 24 hours.

## **Social Care Complaints**

Unlike complaints which are processed through the statutory children's social care complaints process, which has three stages, Adults Services complaints have only one stage.

A total of 120 formally recorded social care complaints were investigated and responded to in 2017/18. This is a 13% increase on the previous year (106 in 2016/17).

It should be noted the number of appeals during both 2016/17 and 2017/18 was consistently lower than in previous years as all services have now fully embedded the new statutory framework within the Care Act 2014 and the majority of customers have now been reassessed.

Of the 120 complaints responded to, 78% were responded to on time, this is a decline on the 86% responded to on time in 2016/17.

58 of the 120 social care complaints investigated were upheld or partially upheld (48%). This is a decrease on the 55% upheld in 2016/17.

The main themes of the social care complaints received were around issues in relation to concern for welfare and delay in service delivery, followed by issues with Social Care Staff.

## **Corporate Complaints**

A total of 65 corporate complaints were responded to in 2017/18. This is a 48% increase on the previous year of 44 in 2016/17.

Performance in responding to corporate complaints declined in 2017-18 with 77% of complaints responded to on time compared to 82% in 2016/17.

Of the formally recorded corporate complaints handled, 21 (32%) of these were upheld, or partially upheld, which was the same percentage as 2016/17. This can be further identified as:

### **Stage one**

Of the 56 corporate complaints handled at stage one, 17 (30%) of these were upheld, or partially upheld. Previous year was 29% this also included the "old" stage 2's from the 3 stage process

### **Stage two**

Of the 9 corporate complaints handled at stage two, four were partially upheld (44%). Last year 100% of these were upheld. Whilst an upheld complaint can be seen as an indication of poor service, it also highlights that the Council recognises and acknowledges the error and in doing so, has identified recommendations for service improvement.

The main themes of the corporate complaints received were homelessness, and staff issues followed by financial issues.

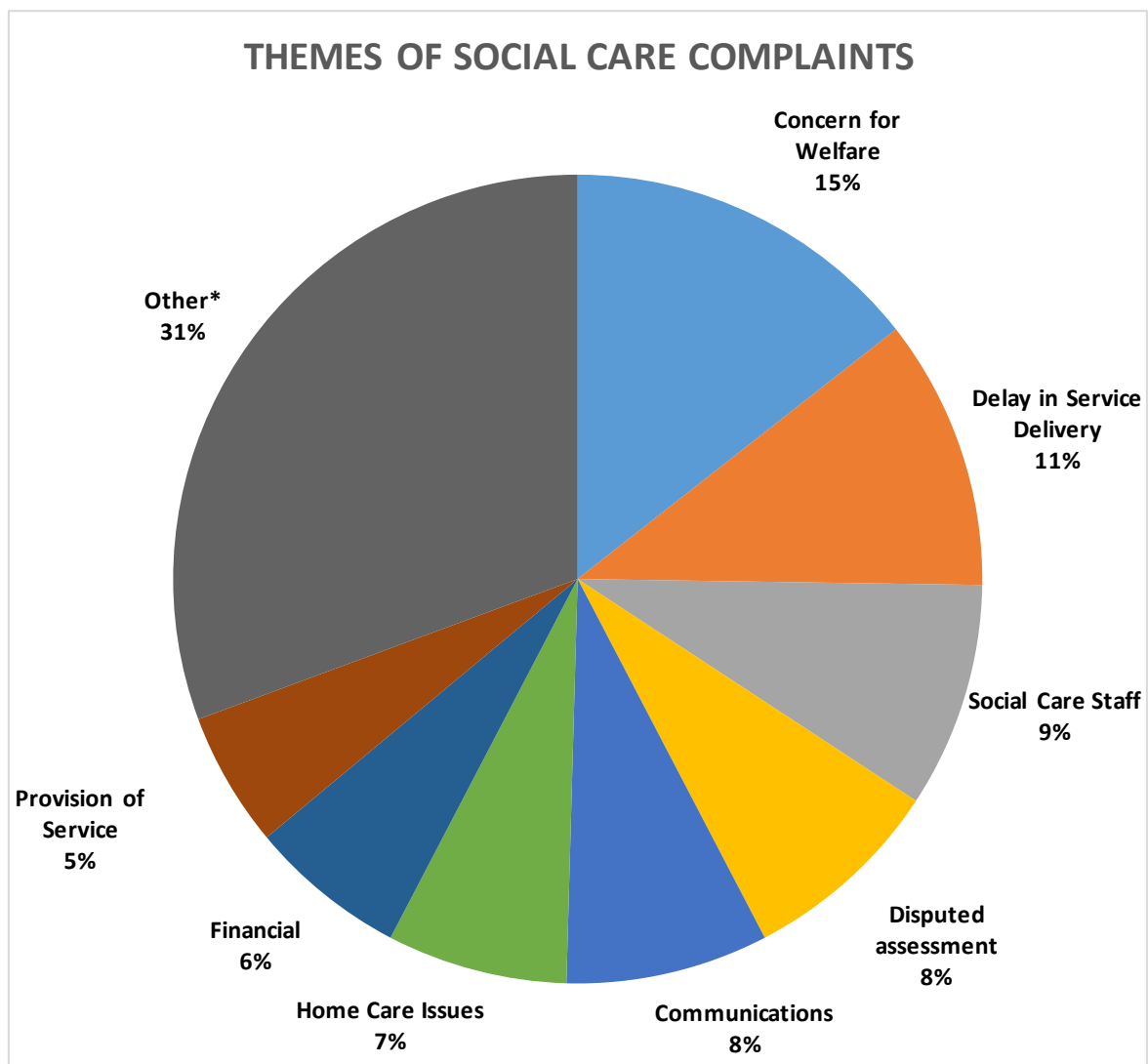
## Upheld Complaints

Where a complaint is upheld, we will acknowledge that the complaint is justified, and apologise for any error where we have not met citizen's expectations with our service delivery. A learning action plan will be compiled to identify actions required to improve the service following the complaint investigation. The complainant will be advised of the actions we will take to ensure the error does not occur again.

### 3.2 Reasons for dissatisfaction

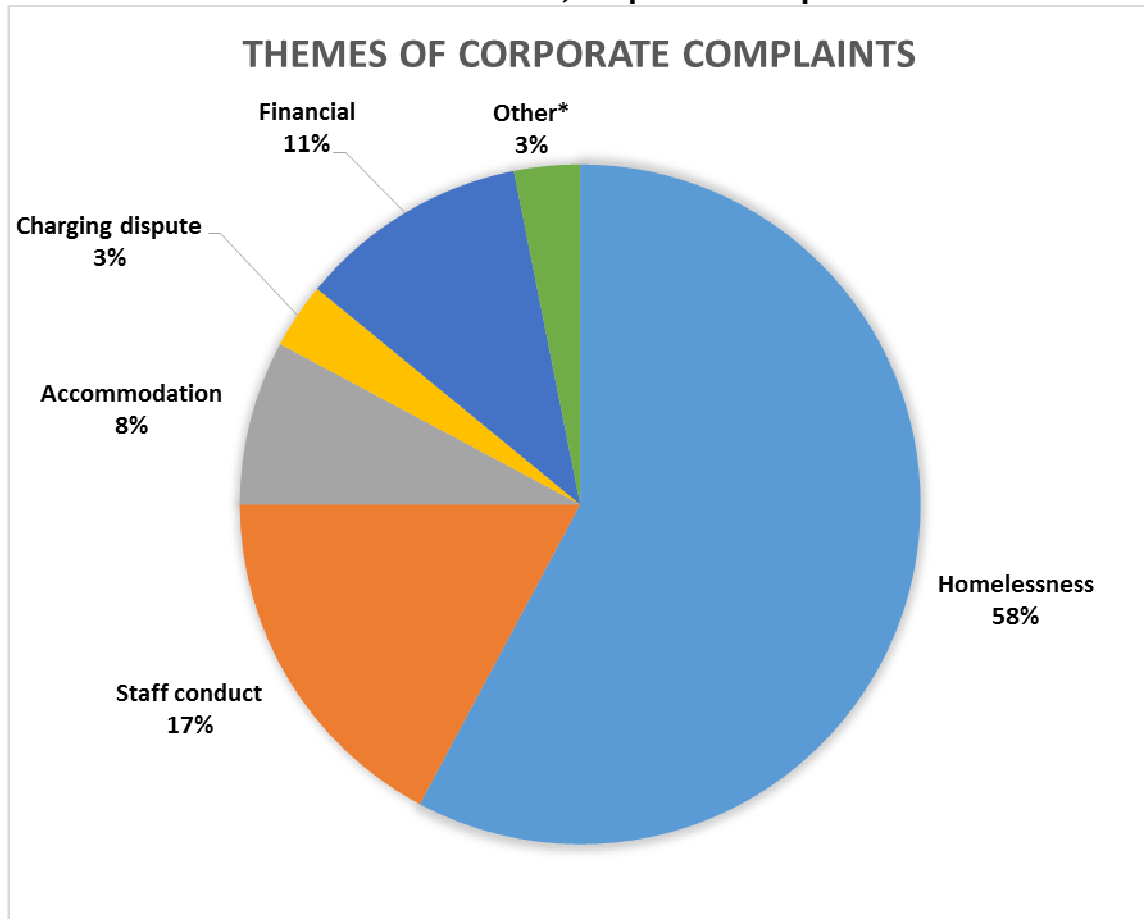
The main areas of dissatisfaction in relation to complaints are summarised below:

**Chart 1 – reasons for dissatisfaction, social care**



*\* Other reasons – Adaptations, Quality of care, Assessment of need, Carer issues/assessment, Lack of Support, Charging Dispute, Mental Health Assessment and Hospital Discharge.*

**Chart 2 – reasons for dissatisfaction, corporate complaints**



*\* Other reasons – Provision of service and 'other'.*

## **Local Government Ombudsman**

When a complaint is received from the Local Government Ombudsman (LGO) on behalf of a citizen, the Council is given a timescale of 28 calendar days to provide a response to the LGO. Responses are often complex, lengthy and require a large volume of appendices to be collated, catalogued and returned to the LGO. Unlike complaints which are processed through the statutory children's social care complaints process, which has three stages, Adults Services complaints have only one stage of local resolution before the complainant must be signposted to the next stage of the complaints process which is to contact the Ombudsman.

The total number of LGO complaints responded to during the year was five formal and two informal investigations, however for the two informal investigations, the Ombudsman directed formal decisions.

This was a slight increase compared to the three responded in the previous year. Of the Five complaints formally responded to, 4 were upheld (80%), 1 was not upheld. The two informal investigations were both upheld.

The Council received 11 decisions from the Ombudsman on complaints investigated during the period 1 April 2017 to 31 March 2018, some of those 11 decisions related to complaints investigated in the previous year 2016-17. Of those 11 decisions received 7 were upheld.

Detail on the findings and the remedies put in place can be seen in the table below.

**Table 2 – Ombudsman decisions upheld and remedies**

Decision	What did the Council Do Wrong	Remedy
Case A Upheld: Maladministration and Injustice	Complainant felt the Council had not supported her son with his finances and, did not communicate effectively with the family in relation to placements for the son.	The Council apologised for the social worker's failure to keep the complainant updated on her son's progress and for its failure to ensure he was appropriately supported to manage his benefits.
Case B: Upheld: No Further Action	Complainant's mother had died in in November 2016. In March 2017 the complainant received a call from the Council offering an assessment for her mother. Officers had failed to update the social care records correctly to show the lady had died. The officer who made contact had checked the social care record, but had failed to notice the death notification.	In response the Council offered a sincere apology for the distress it had caused. Our remedy was to ensure the officers concerned were provided with refresher training on checking social care records and in making sure that death notifications are properly recorded. The Council will ensure that the importance of properly updating records is stressed in training materials.
Case C Not Upheld: No maladministration	The Mental Health Trust (GMMH) and the Council jointly investigated a complaint, the outcome of which was that the Trust would work with the complainant to learn from the mistakes it made in not assessing her needs as a child. The Trust rejected any financial payment to the complainant without explanation, and then failed to make any further contact to discuss learning from its actions and using her experience as a tool/training aid for staff.	<p>Whilst this complaint is not upheld by the Ombudsman, this decision is in relation to the Council's actions.</p> <p>Fault was found with the actions of the Trust and they agreed to apologise to the complainant, and agreed to discuss an appropriate provision of therapeutic support to meet the complainant's needs. The Trust also agreed to make a payment of £1000 to remedy any uncertainty and distress caused by the Trust whilst investigating the complaint.</p>



Case D Not Upheld	Complainant felt Council unfairly calculated his financial assessment and felt he was penalised due to receiving industrial injuries benefit.	Ombudsman found that the Council had followed its policy, law and guidance appropriately when calculating contributions towards the cost of care.
Case E Not Investigated: No Further Action	Complainant unhappy with the information contained in a referral held by the Council, had complained to the Council and records were amended as a result of the complaint	The Ombudsman did not investigate the matter further as it was unlikely to lead to a different outcome and the complainant could complain to the Information Commissioning Officer if necessary.
Case F Upheld: Maladministration and Injustice	Complainant felt that there was a delay in approving her brother's personal budget after his mother's death and that this left her unable to pay carers.	The Council accepted the LGO's settlement to backdate the date that the budget was implemented.
Case G Upheld: Maladministration and Injustice	Complainant felt the Council had handled her Homelessness application incorrectly leading to a missed offer of suitable social housing.	<p>The Council agreed to apologise to the complainant, and make the following payments:</p> <ul style="list-style-type: none"> <li>- £300 for stress inconvenience and frustration caused by poor handling of the application,</li> <li>- £100 time and trouble payment,</li> <li>- pay £200 per month from the date of the missed offer until an offer of suitable social housing could be made (£1800),</li> <li>- pay any unavoidable costs the complainant incurred due to having to terminate a Private Rented property to take up a social housing property.</li> </ul> <p>The Council also agreed to remind staff about the requirement to issue all decisions in writing regardless of whether an applicant will accept an offer of temporary accommodation.</p>

Case H Upheld: Maladministration and Injustice	Complainant unhappy with the lack of contact from the Council following an adult safeguarding referral she made on behalf of a relative. The Council accepted its officers should have contacted her and apologised for their failing.	The Ombudsman closed this complaint because the Council had already acted to remedy the injustice to the complainant
Case I Upheld: Maladministration, No Injustice	Complainant unhappy that the Council and a care provider had not properly helped her in looking after her disabled adult son and in having contact with him. There was fault because the care provider mistakenly sent the wrong medication when complainant's son visited her.	<p>As part of the Council's investigation of the initial complaint the care provider accepted that they should not have provided the wrong medication. The Council conducted a safeguarding enquiry which it took seriously. It also worked with the care provider to ensure its processes are robust in future.</p> <p>There was fault by the care provider which vicariously means fault by the Council. But the ombudsman did not consider this caused an injustice that warranted further investigation by, or remedy from, the Ombudsman.</p>
Case J Upheld: Maladministration and Injustice	The Council failed to ensure the complainant received adequate and consistent support in line with their care plan and failed to take appropriate action to deal with the recent request for additional hours of support.	The Council agreed to apologise and make a payment of £200 to recognise the avoidable distress this situation had caused.
Case K Upheld: Maladministration and Injustice	The Complainant claimed the Council delayed its decision on her homelessness application, complained about the attitude of the Officer who dealt with her case, and, the Council's refusal to assist in the storage of her property.	The Council agreed to make a payment of £200 to recognise the unnecessary uncertainty because of the failure to conduct a timely review. The Council agreed to review its correspondence, and provide additional training to staff in this area.

## 4. Political enquiries received and timeliness of response

**Table 3 – Political enquiries**

Type of MP Enquiry	Target response time	Enquiries responded to	Responded within deadline
MP/Councillor social care enquires	10 working days	211	78%
MP/Councillor non social care enquires	10 working days	266	68%

Political enquiries are defined as enquiries received from Elected Members of the Council or Members of Parliament acting on behalf of their constituents. During the reporting period the directorate received a total of 477 political enquiries. This was an increase of 15% on 416 the previous year.

73% of all enquiries were responded to within the 10 day deadline for responding to enquiries which is a decrease in performance from 93% the previous year. The target for dealing with enquiries within 10 working days is 96%.

Of the 477 political enquiries 267 were from Councillors and 210 were from MPs.

The main themes for these enquiries were Homelessness (233), Concern for Welfare (51), Adaptations (34), and Assessment of need (34).

### Non Political Enquiries

There was a total of 88 non-political enquiries in 2017/18.

81 of these were regarding homelessness, of which 49 were specifically about the newly established Longford Centre and were submitted as part of the Council's public consultation.

## 5. How we have improved our service as a result of complaints

We recognise that when things go wrong, we need to learn from the mistakes made to ensure that we reduce the likelihood of the same mistake happening again. Any complaint which is upheld will identify errors made on the part of the Council, and will identify actions and potential service improvements which need to be made as a result of the complaint investigation.

These actions are categorised as high or low risk learning points. High risk are those actions identified from Ombudsman Investigations, issues which affect all services across the City as opposed to one individual team, or those complaints which require

significant change to team practices. These will often also involve a high degree of injustice for the customer.

Learning actions from cases identified as high risk are compiled into an action plan and allocated to appropriate managers to be implemented within a set deadline.

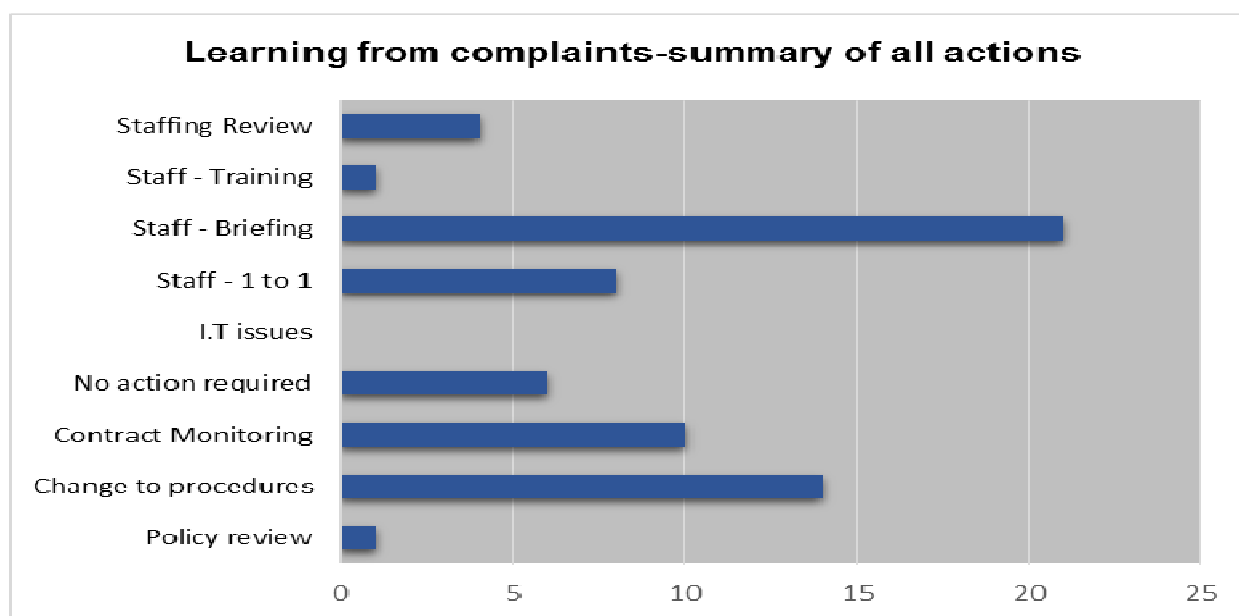
During the 2017/18 period we recognised 61 opportunities for service improvement across the whole directorate. The areas of the service where those opportunities were identified are detailed below.

**Table 4 – Learning categories in terms of risk**

Service area	Low Risk	High Risk
Social Care and Learning Disability Services	30	1
Business Delivery	14	1
Commissioning	12	1
Finance	4	1
Public Health	0	0
Homelessness	1	0
<b>All Services</b>	<b>61</b>	<b>4</b>

The main actions identified from service improvements across the directorate were staff briefings followed by the requirement to change procedures following complaint investigations.

**Chart 3 – Summary of learning actions**



## 6. Compliments

During the year 1 April 2017 to 31 March 2018, the Directorate received a total of 107 written compliments. This is a decrease from 123 the previous year.

Some examples of compliments received are detailed below.

- I am compelled to write to you and say thank you so much for all the help and support you have given me and my family. We have all been so overwhelmed by xxxxx progressive illness and the impact it's having on all four of us that we literally could see no light at the end. Your news yesterday still hasn't hit me as I'm so used to not receiving anything positive that it's going to take me a while to absorb this amazing, uplifting news. Thank you for understanding.*
- When I broke my arm I did not know what I was going to do and how I was going to manage by myself. I was then put in touch with xxxxxxxx who put things into place and sorted a care team to come into my home. These ladies are worth their weight in gold, nothing was too much trouble for them, thank you so much for bringing them into my life I will miss them so much*
- I would just like to say how much me and my family appreciate what you have done regarding my sister. Her social worker has done so much and my sister has now got her life back on track, all due to her and the input she gave us. I can't thank her enough for all her hard work.*
- I am writing to thank you for the speedy attention when my stair lift failed a few weeks ago. You sent a very polite young man who came every other day to fit batteries until the new part was fitted. He fitted it, and its fully working again. Many Thanks*
- Thank you for this service, I was a little nervous to have it but all the staff were great, and they helped me to get back to normal. I thought they would be bossy but they were not like that at all. And if I needed them again, I would say yes please*

## 7. Final comments

Overall performance across all areas of responding to complaints, enquiries and Local Government Ombudsman enquiries has declined during 2017/18 when compared to the previous year's performance. However, there was an overall increase in the number of complaints and enquiries received, again when compared with the previous year.

The Council is committed to improving our performance activity across all areas of our complaints process in responding to complaints and enquiries. We will continue to ensure Complaints Officers fully support Investigating Officers in ensuring our investigation responses are delivered on time and are fit for purpose.

Complaints Officers will be working with the Senior Management Team to identify areas of concern and how performance in responding to complaints and enquiries can be improved.

We will also be looking to improve our response times involving the Local Government Ombudsman, as well as reducing the numbers of complaints which are upheld both at a Council level and also by the Local Government Ombudsman. During 2017/18, we have been looking at how we resolve complaints, and the remedy we offer when we have found fault in our practice. We will also consider complaint remedies in the coming year with a view to resolving complaints without the need for the Ombudsman to become involved.

We will continue to provide training to social work staff particularly around problems which occur for our citizen's when errors occur or process is not followed as it should be. We will be working with colleagues in Homelessness Services to identify ways of reducing the number of enquiries received by the service, but also providing training in investigating and responding to complaints with a view to ensure a thorough and transparent complaint investigation is completed.

2018/19 is once again expected to be a challenge for Adults Services, particularly around complaints and enquiries in relation to the numbers of homeless people sleeping on the streets of Manchester, as well as the number of people who are presenting to the Council as Homeless and who require emergency accommodation, and the increasing problem of begging in the City Centre..

Adult care services have transferred to the Manchester Local Care Organisation (MLCO) as part of the transformation programme around the integration of health and social care. This will provide much more opportunity for collaborative working with our health colleagues around complaints resolution and learning, some of which is already underway. As this transition is in the early stages, these developments and the impact of them on complaints management will be reported again more closely in the next Annual Report.