



MANCHESTER  
CITY COUNCIL

# Annual Complaints Report

**2019/20**

Children and Families (Adults)

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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 2018/2019.

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 stage 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>189</b>	<b>77%</b>
<b>Social care complaints averted</b>	-	<b>105</b>	-
Stage 1 corporate complaints	10 working days	<b>20</b>	<b>70%</b>
Stage 2 corporate complaints		<b>2</b>	<b>50%</b>
<b>All corporate complaints</b>		<b>22</b>	<b>71%</b>
<b>Corporate complaints averted</b>	-	<b>43</b>	-
Ombudsman social care	28 calendar days	<b>5</b>	<b>0%</b>
Ombudsman non social care		-	-
All Ombudsman Complaints		<b>5</b>	<b>0%</b>

During 2019/20 a total of 359 complaints were received which expressed dissatisfaction with services provided by the Adults Service 294 (82%) of these were social care related complaints and 65 (18%) were corporate related complaints.

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, by quickly resolving the concerns raised for the complainant, and therefore the complaint does not need to progress through the formal complaints procedure. During 2019/20 a total of 148 complaints received were averted (105 Social care and 43 Corporate), this is an increase from 123 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 189 formally recorded social care complaints were investigated and responded to in 2019/20. This is a 30 % increase on the previous year (145 in 2018/2019).

Of the 189 complaints responded to, 77% were responded to on time, this is a decrease

on the 88% responded to on time in 2018/19.

74 of the 189 social care complaints investigated were upheld or partially upheld (39%). This is a small increase on the 38% upheld in 2018/19.

The main themes of the social care complaints received were around issues in relation to Delay in Service Delivery followed by Disputed Assessments and Staff Conduct.

During 2019/20 there were no appeals received in relation to reduction in individual budgets.

## **Corporate Complaints**

A total of 22 corporate complaints were responded to in 2019/20. This is an increase from 8 the previous year (175%).

Performance in responding to corporate complaints decreased in 2019/20 with 71% of complaints responded to on time compared to 77% in 2018/19.

Of the corporate complaints handled, 9 (41%) of these were upheld, or partially upheld, which decreased from 50% the previous year. This can be further identified as:

### **Stage one**

Of the 20 corporate complaints handled at stage one, 8 (40%) of these were upheld, or partially upheld. Previous year was 66%.

### **Stage two**

Of the 2 corporate complaints handled at stage two, one was upheld. Last year 0% of these were upheld (2 Stage 2).

The main themes of the corporate complaints received were complaints in relation to the blue badge scheme followed by financial issues and staff conduct.

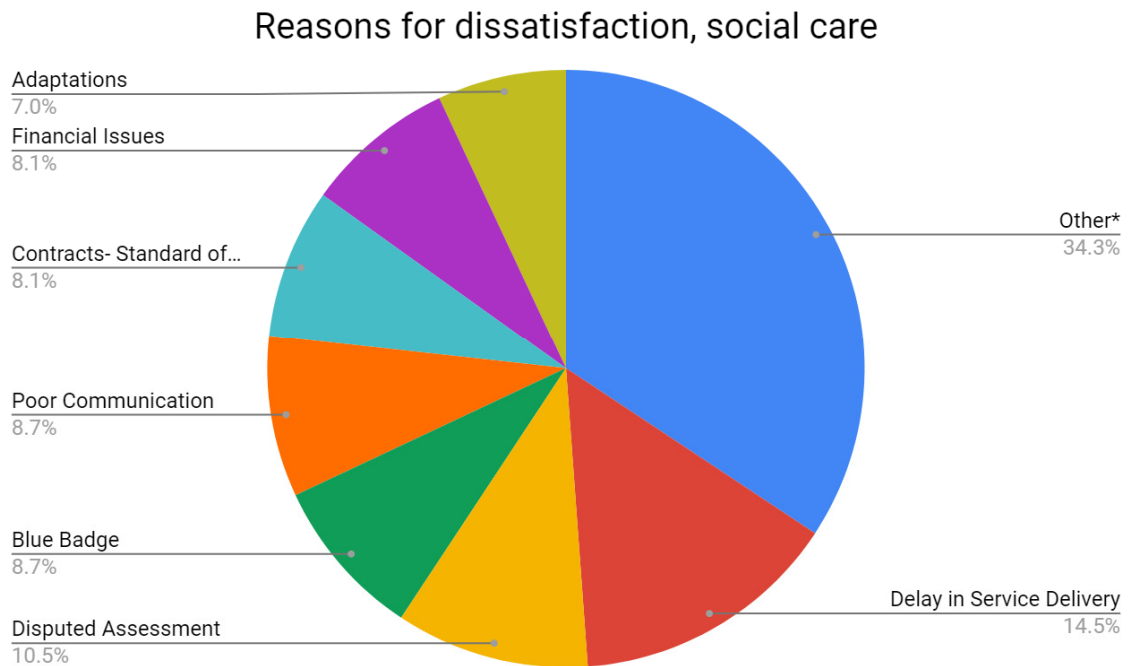
## **Upheld Complaints**

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.

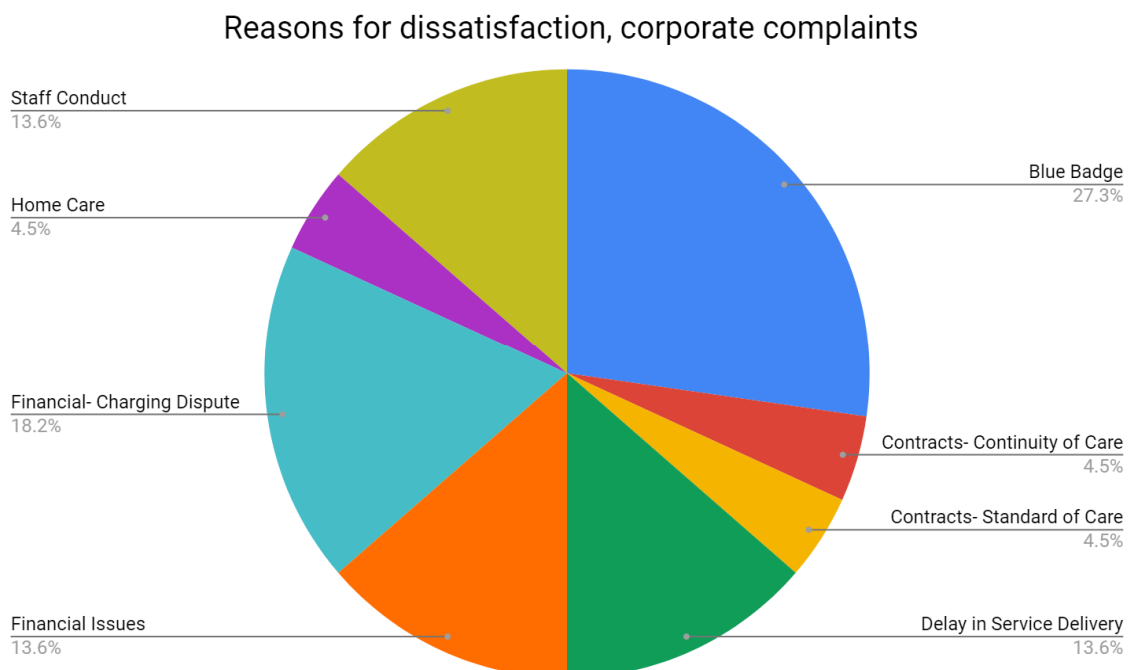
When a complaint is upheld, we will acknowledge with the complainant that the complaint is justified, and apologise for any error where we have not met a citizen's expectations with our service delivery. A learning action plan will be compiled to identify actions required to improve the service following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

### 3.2 Reasons for dissatisfaction

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



*\* Other reasons – Accommodation, Assessment of Need, Carer issues/assessment, Concern for Welfare, Contracts- Communication, Contracts- Continuity of Care, Contracts- Late Calls, Contracts- Missed Calls, Contracts- Staff Conduct, Hospital Discharge, Lack of support, Other, Provision of Service, Quality of Service, Reablement provision, Residential Issues*



## 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 four informal investigations, however for three of the informal investigations, the Ombudsman directed formal decisions of no further action required, one was referred to the Council to investigate under our complaints procedure. This was a decrease compared to the 8 responded in the previous year.

Of the five complaints formally responded to, two were upheld (40%), one was not upheld (20 %), the remaining three had not received a decision from the Ombudsman during the reporting year. Of the four informal investigations three were closed after initial enquiries, one, as advised above, was referred to the Council to investigate under our complaints procedure.

The Council received nine decisions received from the Ombudsman during the period 1 April 2019 to 31 March 2020, some of those nine decisions related to complaints investigated in the previous year 2018-19. Of those nine decisions received four 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**

<b>Decision</b>	<b>What did the Council Do Wrong</b>	<b>Remedy</b>
<i>CASE A : Upheld: maladministration and injustice</i>	Delay in completing a care assessment for complainant.	provide an apology for the delay in completing the care assessment and; take steps to complete the complainant's care assessment and support plan.

<p>CASE B <i>Upheld: maladministration and injustice.</i></p>	<ul style="list-style-type: none"> <li>• Citizen was the victim of abuse when staff at the Care Home refused to help resident to the toilet; and</li> <li>• the Care Home should have reported this to the Council as a safeguarding concern.</li> </ul> <p>As the Council commissions the care home we are responsible for the service and the actions of the service providing them.</p>	<p>provide an apology for the failings and the distress caused to the complainant and relative.</p>
<p>CASE C: <i>Upheld: maladministration and injustice.</i></p>	<p>The Council failed to deal properly with the complainant and her parents when safeguarding concerns were raised. The Council delayed in contacting the citizen about the safeguarding concerns and delayed in reassessing needs.</p>	<p>A written apology for the failings and compensation of £300 to the complainant for the distress caused and time and trouble in pursuing the complaint; £1,600 compensation paid to the deceased 's estate;</p>
<p>CASE D: <i>Upheld: maladministration and injustice.</i></p>	<p>Joint investigation with Greater Manchester Mental Health Foundation Trust (GMMH): Whilst this complaint was upheld, Social Worker's practice throughout was good, however, although choices of accommodation were offered an updated nursing assessment was not shared with two of the homes which suggested to the family, which left uncertainty about the choice of accommodation</p>	<p>The Council and the Trust apologised in writing to the complainant for the uncertainty about the choice of accommodation, and for the distress she experienced in the way she was asked to sign third party documentation.</p> <ul style="list-style-type: none"> <li>• GMMH agreed to pay the complainant £400 to acknowledge the injustice caused.</li> </ul>



## 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	247	75%
MP/Councillor non social care enquires	10 working days	52	79%

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 299 political enquiries. This was an increase of 15% on 260 the previous year.

76% 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 299 political enquiries, 174 were from Councillors and 125 were from MPs.

The main themes for these enquiries were Concern for Welfare (21%), Adaptations (19%), Blue Badge Parking Scheme (11%) and Assessment of Need (7%).

### **Non Political Enquiries**

There was a total of 24 non-political enquiries in 2019/20 of which the main theme was Contracts- Continuity of Care.

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

We recognise that when things do 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.

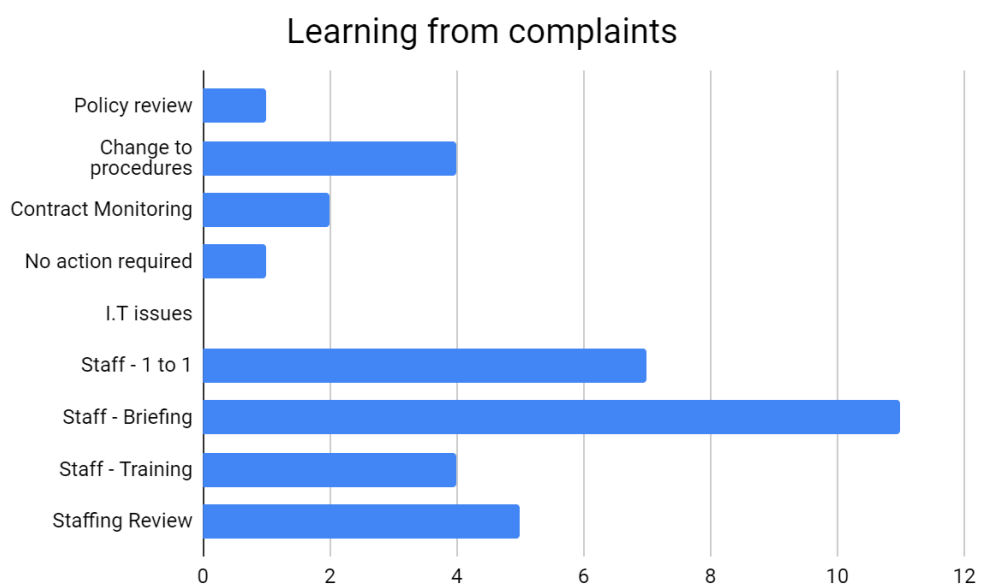
During the 2019/20 period we recognised 37 opportunities for service improvement across the whole directorate. The areas of the service where those opportunities were identified are detailed below.

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

Service area	Low Risk	High Risk
Social Care and Learning Disability Services	18	2
Business Delivery	12	0
Commissioning	4	0
Finance	1	0
Public Health	0	0
<b>All Services</b>	<b>35</b>	<b>2</b>

The main actions identified from service improvements across the directorate were for staff briefings to be held, followed by staff 1:1 sessions to discuss required improvements in performance or practice.

**Chart 3 – Summary of learning actions**



## 6. Compliments

During the year 1 April 2019 to 31 March 2020, the Directorate received a total of 96 written compliments. This is an increase from 78 the previous year.

Some examples of compliments received are detailed below.

*I would like to take this opportunity to thank you for very much for giving us a new lease of life for my parents. The Wet Room and the Central Heating are brilliant it has really helped my Dad out a treat,,he has more confidence now when he goes for a shower.*

*I spoke to you about my uncle's care and the chat we had put me at ease, but more importantly you followed through with actions and kept me and my uncle up to date. I am deeply touched by your care towards your patients and am grateful it's you looking after my uncle.*

*My sincere thanks to the team who have looked after me. Your staff have been a credit to your team, they have always been pleasant and a pleasure during their daily visits to my home, always arrive with a smile and a hello which is very welcome when you are struggling to do certain things and getting frustrated or a little down in the dumps so to speak. I cant single any one person out because they all showed equal care and concern*

*I would personally like to thank you so much for your support throughout the last months of Dad's life. From the moment you introduced yourself Mum and I immediately felt at ease and nothing was too much trouble. A true caring and kind professional is how I would sum you up. I know you will always go that extra mile for families in their times of need as you did for us.*

*I wish to express my deepest gratitude for all your arrangements to ensure my safety on return from hospital, you met all my needs including personal care. I congratulate you on your efficient and very dedicated staff who were so attentive and caring.*

## 7. Final comments

Overall performance across all areas of responding to complaints, enquiries and Local Government Ombudsman enquiries has decreased during 2019/20, this alongside the fact that the number of complaints and enquiries has also increased, when compared to the previous year's performance.

During 2019/20 the major complaint areas were changes to the Blue Badge Parking Scheme introduced by Central Government which impacted upon existing Blue Badge holders, and the Council's recommissioning of homecare providers. By law, the Council has a duty to review arrangements we have in place for services we commission, as such, Homecare Providers were invited to bid for homecare contracts across the city, showing how they would deliver high-quality services for those people who need them. As a result of the tender, some Homecare Providers were awarded contracts in place of current providers, which impacted on citizens in receipt of those services.

The Council is committed to continuing to improve 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 closely with the Senior Management Team to identify further areas for improvement when responding to complaints and enquiries.

We will continue to endeavour 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 2019/20 we have worked hard to ensure that for those complaints which are upheld, learning actions have been identified and lessons learnt to improve service delivered to the citizens of Manchester. We will also continue to consider, where fault is identified, appropriate remedies at an early stage in the complaint process.

The team will be looking to provide bespoke training around specific procedures such as third party top ups which we know has led to some complaints this year. We will continue to provide training to all staff across the Adult Social Care directorate, which will focus on problems our citizens face when errors occur or process is not followed as it should be. We will be working with Adult Social Care Commissioners and colleagues in Performance and Quality Improvement services as we look to improve our homecare services. 2020/21 is once again expected to be a challenge for Adults Services, the Homecare recommissioning will continue, and as this report is finalised, we remain in the midst of the Coronavirus pandemic which will almost certainly impact on services, and is expected to have an impact on complaints received.