

# **Annual Complaints Report**

## **2020/2021**

### **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 2020/2021.

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 relate to other services provided by the Council (not including Childrens 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. As mentioned above, 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

**Table 1 – Complaints Types by number**

<b>Complaint Type</b>	<b>Complaints responded to</b>
All social care complaints	140
Social care complaints averted	108
Stage 1 corporate complaints	12
Stage 2 corporate complaints	3
All corporate complaints	15
Corporate complaints averted	7
Ombudsman social care	8
Ombudsman non-social care	N/A
All Ombudsman Complaints	8

2020/2021 has been a challenging year for the Council as we responded to the pressures of the Covid-19 pandemic. The Council also changed how we record complaints and moved over to a new system which has required a period of adjustment as staff adapt to a new way of working. This year's report will therefore differ slightly from previous years.

During 2020/2021 a total of 270 complaints were received which expressed dissatisfaction with services provided by the Council's Adult Social Care Service, 248 (92%) of these were social care related complaints and 22 (8%) 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. A complaint which is averted must be resolved to the complainant's satisfaction within 24 hours.

During 2020/21 a total of 115 complaints received were averted (108 Social care and 7 Corporate), this is a decrease from 148 the previous year.

## **Social Care Complaints**

Unlike complaints which are processed through the statutory children's social care complaints process, which has three stages, the regulations which Adults Services complaints fall under, stipulate there is only a one stage process.

A total of 140 formally recorded social care complaints were investigated and responded to in 2020/21. This is a 26% decrease on the previous year (189 in 2019/20).

62 of the 140 social care complaints investigated were upheld or partially upheld (44%). This is an increase on the 39% upheld in 2019/20.

The main themes of the social care complaints received were around issues in relation to Staff Conduct, Communication, Quality of Service provided, and citizen's who disagreed with a decision.

During 2020/21 there were no appeals received in relation to reduction in individual budgets.

## **Corporate Complaints**

A total of 15 corporate complaints were responded to in 2020/21. This is a decrease from 22 the previous year (32%).

Of the corporate complaints handled, 10 (67%) of these were upheld, or partially upheld, which is an increase from 41% the previous year. This can be further identified as:

### Stage one

Of the 12 corporate complaints handled at stage one, 8 (67%) of these were upheld, or partially upheld, the previous year was 40%.

### Stage two

Of the 3 corporate complaints handled at stage two, 2 were upheld (67%). Last year 50% of these were upheld.

The main themes of the corporate complaints received were complaints in relation Financial Issues, Financial Charging Disputes 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 any errors 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:

**Table 2- Reason for dissatisfaction, Social Care**

<b>Reason for dissatisfaction, Social Care</b>	<b>Number</b>
Staff Conduct	20
Communication quality	14
Advice/Support required	10
Disagree with a decision	10
Financial Issues	9
Concern for welfare	8
Poor level of service or service failure	8
Delay in service delivery	6
Contracts- Staff Conduct /Behaviour	5
Contracts- Standard of Care	5
Lack of support	5
Financial charging dispute	4
Other	4
Accommodation	3
Adaptation Issues	3
Blue Badge	3
Contracts- Communication	3
Hospital Discharge	3
Process/procedure issues	3
Provision of service	3
Assessment of need	2
Breach of confidentiality	2
Day Centre	2
Disputed Assessment	2
Behaviour	1
Contracts- Late Calls	1
Quality of care	1
<b>Total</b>	<b>140</b>

**Table 3 - Reason for dissatisfaction, Corporate**

<b>Reason for dissatisfaction, Corporate</b>	<b>Number</b>
Financial Issues	3
Financial charging dispute	3
Staff Conduct	3
Poor level of service or service failure	2
Advice/Support required	1
Breach of confidentiality	1
Other	1
Communication issues	1
<b>Total</b>	<b>15</b>

## 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 submitted to the LGO. As outlined earlier, 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 in order to resolve the complaint to the complainants satisfaction before the complainant must be signposted to the next stage of the complaints process which is to contact the Ombudsman.

The total number of formal LGO complaints responded to during the year was eight, this was an increase compared to the five formal investigations responded in the previous year (60%). Of the eight complaints formally responded to, two were upheld (25%), two were not upheld (25%), the remaining four had not received a decision from the Ombudsman during the reporting year.

There were also seven informal investigations received from the LGO, two were closed after initial enquiries, two were referred to the Council to investigate under our complaints procedure and three were escalated to full investigations.

The Council received four decisions from the Ombudsman during the period 1 April 2020 to 31 March 2021, one of those four decisions related to complaints investigated in the previous year 2019/20. Of the four decisions received two were upheld and two were not upheld.

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

**Table 4 – Ombudsman decisions upheld and remedies**

<b>Decision</b>	<b>What did the Council Do Wrong?</b>	<b>Remedy</b>
Ms A Upheld: maladministration & injustice – no further action, already remedied	Ms A complains about inaction by the Council during her father’s discharge from hospital and also that the Council did not properly consider her father’s wellbeing in its dealings with her and her father. There was fault by the Council because of an inappropriate comment by one of its officers. The complaint is closed because the Council acted to remedy that injustice.	The Council apologised to Ms A and her father
Mrs B Upheld: maladministration & injustice	The Council was at fault in the drafting of Mrs B’s care plan and the response to her daughter’s first complaint. It reviewed the response and upheld some aspects of the complaint, but there was a delay.	The Council was required to: <ol style="list-style-type: none"> <li>1. Make a payment of £500 to Mrs B and send a letter of apology for the distress and anxiety caused by the omissions and delay in its processes.</li> <li>2. Expedite Mrs B’s annual review.</li> <li>3. Review Mrs B’s request for specialist footwear to be included in her DRE</li> <li>4. Review the Council’s processes for handling DRE with a view to expedite the way in which decisions are reached.</li> </ol>

#### 4. Political enquiries received and timeliness of response

##### Political enquiries

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 222 political enquiries. This was a decrease of 26% on 299 the previous year.

**Table 5 – Political enquiries**

<b>Political enquiries by service area</b>	<b>Number</b>
Social Care and Learning Disability	130
Business Delivery	51
Commissioning	30
Finance	2
Public Health	9
<b>Total</b>	<b>222</b>

An additional 26 enquiries were averted or referred elsewhere (either to another service within the Council or organisation).

**Table 6 – Political enquiries, theme of enquiry**

<b>Theme of Political Enquiry</b>	<b>Number</b>
Concern for welfare	50
Advice/Support required	24
Adaptation Issues	21
Provision of service	13
Referral	11
Assessment of need	10
Blue badge	8
Delay in service delivery	7
Financial Issues	7
Contracts- Standard of Care	6
Accommodation	5
Equipment	5
Contracts- Communication	5
Other*	50
<b>Total</b>	<b>222</b>

\*Other includes: Behaviour, Disputed Assessment, Infection Control, Policy Issues, Contracts-Staff Issues/Agency Number, Disagree with a decision, Homecare Mobilisation, Hospital Discharge, Lack of Support, Poor level of service or service failure, Access to Services, Carer issues/assessment, Contracts-Continuity of Care, Contracts-Lost Property, Contracts-Missed Tasks, Contracts- Staff Conduct, Contracts Standard of Care, Day Centre, Financial-Charging Dispute, Funding, Lack of contact, Nationwide Health Concerns, Process/procedure issues and Quality of care.

## Non-Political Enquiries

There was a total of 22 non-political enquiries in 2020/2021 of which the main theme was Advice/Support required. A non-political enquiry is an enquiry from members of the public which will usually relate to our process or procedures, is generally asking for advice or information, and is not an expression of dissatisfaction.

### 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.

**Table 7 - Learning categories in terms of risk**

Learning Theme	Risk Level High	Risk Level Low
Contract Management review	0	8
ICT/technology review	0	4
No Action Required	0	5
Other	0	5
Policy Review	0	2
Procedural review	1	5
Process	0	1
Staff 1:1	1	14
Staff briefing	0	26
Staff levels/workload review	0	1
<b>Total</b>	<b>2</b>	<b>71</b>

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

**Table 8 – Summary of learning actions**

<b>Learning Root Cause</b>	<b>Risk Level High</b>	<b>Risk Level Low</b>
Failure to follow process/procedure	1	23
Policy/procedure/service	1	2
Inadequate staffing levels	N/A	3
Inappropriate Behaviour	N/A	4
Incorrect/no Advice Provided	N/A	12
N/A	N/A	7
Staff caused a delay	N/A	6
Staff lack of knowledge/training	N/A	8
Technology/ICT failure	N/A	6
<b>Total</b>	<b>2</b>	<b>71</b>

The main root cause identified from complaints across the directorate were failure to follow process/procedure, followed by Incorrect/no Advice Provided.

## **6. Compliments**

During the year 1 April 2020 to 31 March 2021, the Directorate received a total of 80 written compliments. This is a decrease from 96 the previous year.

Some examples of compliments received are detailed below.

“Just want to say Thank You for all of your support, I appreciate it. The bathroom looks brilliant, perfect to support my nana’s needs. You have been very professional throughout. We could do with more people like you in this world!”

“I just want to say a massive thank you to you for all the hard work you put in to finding a carer for ‘Miss B’ for the next few weeks. It has been an amazing support for me and so far is working really well. ‘Miss B’ loves the girls who she has been allocated.”

“I am writing to inform you of how happy our family was with the efforts made on ‘Ms G’s’ birthday by the staff at Northfields. Especially ‘Officer A’, that made a birthday banner for ‘Ms G’, a buffet and presents. The staff are all very caring and thoughtful. Me and the rest of the family are very happy with how ‘Ms G’ is being cared for at Northfield.”

“The Care by all staff was incredible phenomenal by each and everyone. The Support Workers went above and beyond the Care they gave ‘Miss T’. From ‘Miss T’s’ personal needs, her medication, her meals, her daily routine to her bed time requirements. Their lively supportive banter and chatting certainly help ‘Miss T’s’ daily life. ‘Miss T’ has become friendly with all the Staff and has built up an excellent rapport on a daily basis. ‘Miss T’s’ personality shone and her mental health, happiness and well being as definitely flourished.”

“The son of “Mrs C” wanted to thank all the staff at Community Alarm for always checking that his mother was ok helping to keep his mother in her home safely.”

“Can't praise the Council social services enough. Awesome social worker for my amazing 90 year old dad, post-Covid. Brilliant support to move him home from intermediate care.”

“The Social Worker made it her priority to go and see the patient in view of his diagnosis and the current Covid restrictions on hospital visiting, his family had been unable to visit. I witnessed the exchange between the social worker and the patient, and I wanted to express just how kind, caring, considerate and thoughtful she was. The social worker spoke with such, pure, honest compassion, offering him the much needed verbal reassurance that he was safe and offered her assurance that she would ensure his wife knew how much he loved her. Furthermore she offered him gentle strokes across his forehead, the simple touch that many patients in hospital are so vitally missing during these unprecedented times. Although the patient was dying, the look on his face when he saw someone familiar and who had clearly offered him such kindness prior to his admission was beautiful.”

## **7. Final comments**

Whilst we are unable to comment on performance this year due to the change in our recording system, there has been an overall decrease in the number of complaints the services have received. This may be due to improvements in the services or due to the global pandemic and National Lockdown preventing some services from operating.

The number of Local Government and Social Care Ombudsman enquiries has increased during 2020/21.

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 2020/21 staff have had to evolve the way in which we work whilst we prioritised the safety of our citizens. We maintained our complaints service throughout the pandemic and faced the challenge of the majority of Council staff working from home and also working on frontline services, throughout the pandemic diverting them away from their day to day jobs.

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.