

Adult Social Care Annual Complaints Report

2022 - 2023



let's talk
Newcastle

Newcastle
City Council

1. Purpose and Introduction

I. Complaints defined

II. Legislation

III. The Statutory Complaint Procedure in Newcastle

2. Newcastle Complaint Activity

i. Total Complaints Received

ii. Method of Complaint

iii. Themes Trend

iv. Outcomes

v. Themes v Outcomes

3. Ombudsman (LGSCO)

4. Key Learnings

5. Summary of Activity and Findings 2022/3

1. Purpose and Introduction

This is the Complaints Manager's annual report for Adult Social Care. It is a statutory requirement to prepare an annual report for each year about the complaints activity within Adult Social Care. The aim on the report is to:

- learn from mistakes so that we can improve customer experience and outcomes
- encourage people who have cause to complain, to make comments and suggestions to help us make these improvements
- be transparent about the complaints we've received, how we've responded to them and what we've done as a result
- learn from the Authority's complaint procedure, continually evaluating and improving this
- publicise and explain our complaints procedure

Complaints Defined

A complaint may generally be defined as an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social care provision which requires a response.

A complaint must be made no later than 12 months after:

- The date on which the matter which is the subject of the complaint occurred; or
- If later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

This time limit will not apply if we are satisfied that:

- The complainant had good reasons for not making the complaint within that time limit; and
- Notwithstanding the delay, it is possible to investigate the complaint effectively and fairly.

A complaint may be made by a relative, carer or someone acting on behalf of a person who has died, or is unable to make the complaint themselves because of:

- Physical incapacity, or
- Lack of capacity within the meaning of the Mental Capacity Act 2005, or
- Has requested the representative to act on their behalf

Complaints can be made in person, by telephone, in writing, or by e mail to the Complaints Team.

Legislation

Section 5 of the Regulations (2009) requires local authorities to consider complaints made by someone who:

- Is receiving or has received services from the authority;
- Is affected, or likely to be affected by the action, omission or decision of the authority.
- A person is eligible to make a complaint where the local authority has a power or duty to provide, or to secure the provision of, a service for someone.

The 2009 regulations set a benchmark for all complaints to be investigated within six months. If a complaint is going to exceed this timescale the council should write to the complainant to advise them of this and explain the reasons why.

The corporate complaints process is used for anyone else who makes a complaint.

The Statutory Complaints Procedure in Newcastle

We will always try to resolve problems or concerns before they escalate into complaints. If it is possible to resolve the matter immediately (or within 24 hours) there may be no need to engage in the formal complaints process. When a complaint is first received, the Complaints Manager will review the details provided and assess whether an investigation is required under the Statutory Complaints Procedure.

When someone contacts us to make a complaint, we aim to acknowledge their complaint within 3 working days. We also:

- Make sure that we understand their concerns
- Find out what the person wants to happen as a result of their complaint
- Agree a plan with the complainant about who will look into the complaint, and by when
- Keep in regular contact with the complainant
- Act quickly to resolve matters if we can

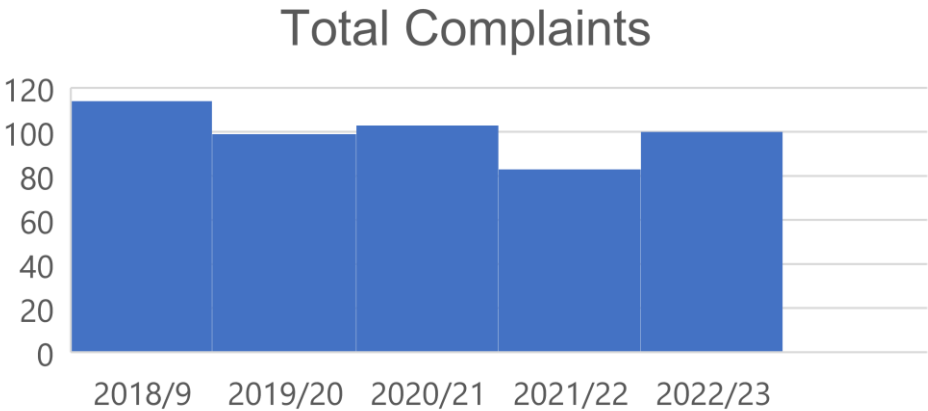
We aim to sort out most complaints within 30 working days. However sometimes because of the nature and complexity of some issues it may take longer, and complainants will be informed if this is the case.

When the investigation of a complaint is complete, the investigating manager will write a letter explaining what they have found and what they will do to put things right. Sometimes, our findings do not fully support the complainant's view of their complaints. However, we always try to give clear reasons for our decisions, explain any misunderstandings and agree a way forward.

If the complainant is not happy with our final decision, or how we have dealt with their complaint, they can refer the matter to the Local Government and Social Care Ombudsman (LGSCO).

2. Newcastle 2022/3 Complaint Activity

Total Complaints Received



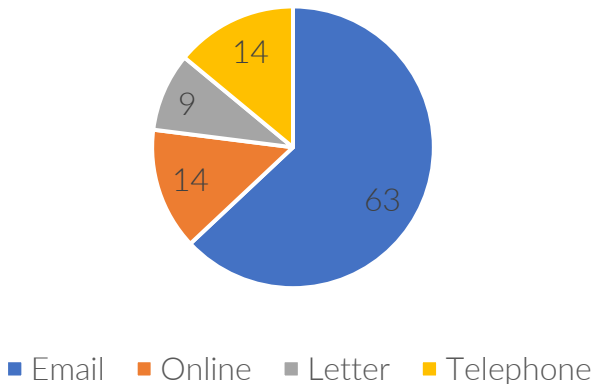
Total Received

In the year 2022/23 a total of 100 statutory complaints were received. This is consistent across previous years but an increase on 2021/2022 of 20%. However, these figures are benchmarked against the recovery from the pandemic and the significant impact on the care sector.

9719 people received Adult Social Care in-house & commissioned services in 2022-23 so there are low rates of statutory complaints compared to the volume of Social Care contacts and activity.

How Complaints are Received

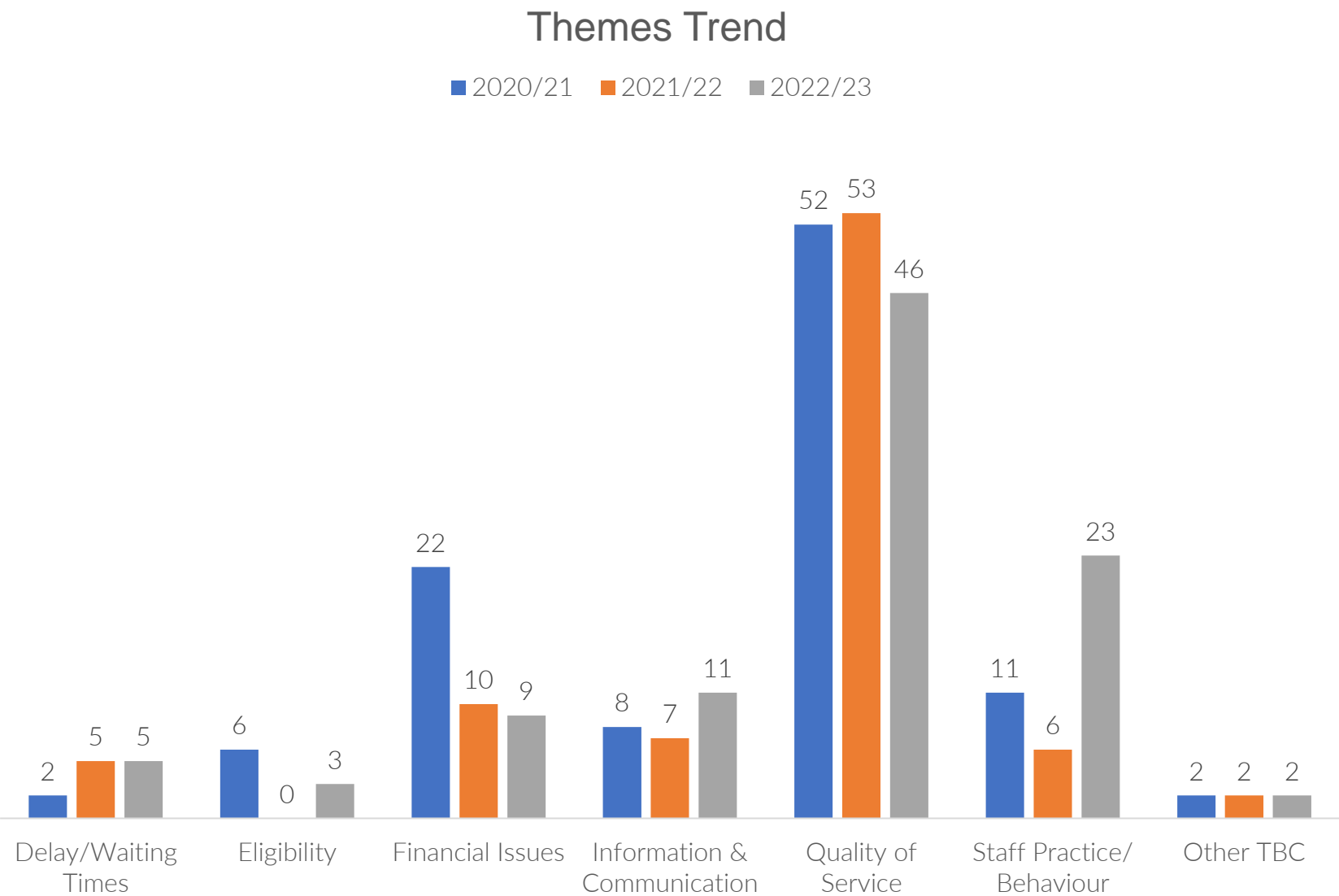
Method of Complaint



How Complaints are Received

The vast number of complaints received by the council were via email. This include complaints which have been submitted online centrally to the Council's Corporate complaints team and are then filtered out to ASC&IS by email.

77% of the complaints received were received by email / online, a slight increase from last year's figure of 69%.



Complaint Reasons

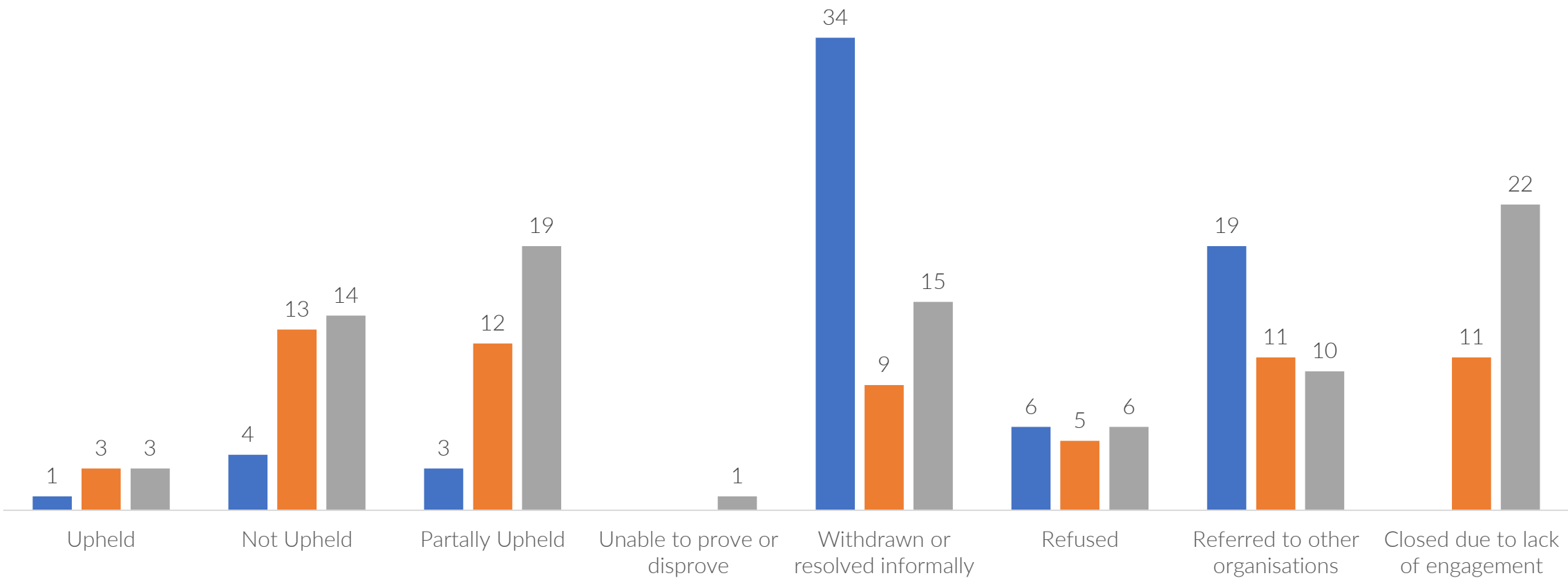
The most prevalent themes of statutory complaints continue to be quality of service (this describes complaint with multiple issues), information and communication issues, and staff practice and behaviour.

In comparison to previous years, the number of complaints concerning staff practice and behaviour has significantly increased. Whilst we have seen an increase in this area, no particular service area, team or individuals have been highlighted as a concern.

Both during the course of a complaint investigation and after the investigation has concluded, recommendations can be made to ensure that learning is embedded.

Outcomes

2020/21 2021/22 2022/23



Outcome	2022/23	2021/22	2020/21
Upheld	3 (3%)	3 (5%)	1 (1%)
Not Upheld	12 (14%)	13 (20%)	4 (6%)
Partially Upheld Refused	19 (19%)	12 (19%)	3 (5%)
Unable to Prove or disprove	1 (1%)		
Withdrawn or resolved informally	15 (15%)	9 (14%)	34 (51%)
Refused	6 (6%)	5 (8%)	6 (9%)
Referred to other organisations	10 (10%)	11 (17%)	19 (28%)
Closed due to lack of engagement	22 (22%)	11 (17%)	
Total	100	64	67

Complaint Outcomes

There are seven possible outcomes that can be reached when responding to a complaint. During the course of the complaint investigation, the Investigating Officer (IO) will make enquiries into the matters complained about. This may include reviewing case files, speaking to members of staff and external partners. When reaching a conclusion, the IO will base their outcome on the information available. Where there is sufficient information to indicate that an individual has suffered injustice and identified fault with the Council, the IO is likely to uphold that complaint either in part or of the complaint in the entirety. Similarly, where there is a lack of information to corroborate or negate the complaint made, the IO may conclude that they have been unable to prove or disprove the complaint.

There may be occasions whereby the Council cannot accept a complaint and an issue a 'refusal' notice. This may be when a complaint has been submitted on behalf of a 3rd party, who have not consented to that individual pursuing a complaint on their behalf.

Complaints may also not be investigated if 12 months has elapsed since the incident complained about and no good reason is provided in respect of the delay in submitting the complaint.

On occasions where a complaint does not fall under the remit of Adult Social Care, we will liaise with the customer to make the appropriate arrangements and transfer the complaint to the appropriate service to progress.

Complaints may also be closed when a complainant no longer wishes to engage the council or is not in a position to progress the complaint.

Complaint v Outcomes

Outcome v Themes	Delays & Waiting Times	Eligibility	Financial Issues	Information & Communication Issues	Quality of Service	Staff Practice and Behaviour	Other/ TBC	Total
Upheld	0	0	1	1	1	0	0	3
Not Upheld	2	0	1	0	8	2	0	14
Partially Upheld	1	0	2	0	12	3	1	19
Unable to Prove or disprove	0	0	0	0	0	1	0	1
Withdrawn or resolved informally	1	0	1	3	6	4	0	15
Refused	0	1	1	3	1	0	0	6
Referred to other organisations	0	0	1	1	4	4	0	10
Closed due to lack of engagement	1	2	1	2	11	6	0	22
Total + (Open cases)	5	3	9 (1)	11 (1)	46 (4)	23 (3)	2 (1)	100

Complaint v Outcomes

Complaints are typically varied by their nature. Some complaints may seem straightforward and easy to fix – such as a miscommunication or a delay with a service. However, complaints can also be extremely complex and sensitive.

Quality of service and staff practice and behaviour have been identified as the two most commonly complained about themes. However, when broken down further, only a small number of these complaints have been upheld.

Regarding the number of closed complaints, many of the issues were resolved over time outside of the complaints process. These can include complaints about a care package which are redressed as a priority.

3. Ombudsman

The Authority's complaint procedure is supported by both the Local Government and Social Care Ombudsman (LGSCO)

The LGSCO can review and / or investigate complaints from members of the public who consider they have experienced injustice because of maladministration by the Authority, typically once the complaint has exhausted the Authority's complaint procedure.

The Ombudsman provides a free service; but must use public money carefully. They may decide not to start or continue with an investigation if they believe:

It is unlikely they would find fault, or

It is unlikely they could add to the previous investigation by the Council, or

They cannot achieve the outcome someone wants

2022/3

The Council were notified of 6 Adult Social Care complaints that were escalated to the LGSCO between 1 April 2022 and 31 March 2023. They found that

2 of the cases were a premature referral and that the complainant had not yet completed the Council's process; the LGSCO made the decision not to investigate 3 of the cases.

For the one case that they LGSCO investigated in full, fault was found with the Council's actions and the Ombudsman recommended 2 actions for the Council which included an apology and a remedy payment.

4. Summary of improvement actions and recommendations

Complaints provide invaluable information which may be used to identify issues in services, help staff learning and also identify any risks and so improve services for the future. Improvement actions/recommendations arising from complaints fall into three main categories:

- Remedial action for individual complaints
- Improving social work practice and delivering training
- Establishing or changing existing processes, policies or procedures

Examples of key learning for this year include:

- Improved communication and clearer terminology.
- Regular care package reviews.
- Better support to service managers around complaints handling.
- Improved record keeping and monitoring.

5. Key Priorities 2023/24

Reflections and Priorities 2023/24

- Enhanced customer experience

It is important that the outcomes of the complaints process are fully understood by all our customers. This will allow us to better manage expectations. By updating our website and online complaint form we hope this will allow our customers a better opportunity to tell us what has gone wrong and what they can expect from us to try and put this right. We will develop a FAQ section to aid understanding.

- Roll out of new complaint system

A new complaint recording system was launched in October 2023 which will support with robust record keeping and complaint monitoring.

- Improved learning and development

Better support for our service managers when investigating complaints. Emphasis on early intervention and regular contact with the complainant to gain a shared understanding and work towards desired outcomes. Learning reflection and implementation of best practice. Adopting learning opportunities where appropriate and monitoring implementation.

Review complaints training across service managers to support with effective investigations.