



HARTLEPOOL
BOROUGH COUNCIL

**Annual Report of
Adult Social Care
Complaints and
Compliments
2022/23**



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1. Introduction

Welcome to Hartlepool Borough Council's Annual Report of Adult Social Care Complaints and Compliments. The report covers statutory complaints and compliments received for adult social care services for the period 1 April 2022 to 31 March 2023.

The report outlines:

- Details of the complaints and compliments received over the reporting period;
- Actions implemented and resulting improvements following enquiries into complaints;
- Performance in relation to handling of complaints.

2. Background

Complaints and compliments are valued as an important source of feedback on the quality of services. Each complaint is investigated and, where appropriate, redress is made. Equally important is the work to improve services to prevent a repeat of failure in service quality and continually improve services.

2.1. What is a complaint?

A complaint is any expression of dissatisfaction about a service that is being delivered, or the failure to deliver a service. The Local Government and Social Care Ombudsman define a complaint as *“an expression of dissatisfaction about a council service (whether that service is provided directly by the council or on its behalf by a contractor or partner) that requires a response.”*

A complaint can be made in person, in writing, by telephone or email or through the council's website. It can be made at any office. Every effort is made to assist people in making their complaint and any member of staff can take a complaint.

2.2. Who can complain?

A complaint can be made by:

- A person who uses services;

- A carer on their own behalf;
- Someone who has been refused a service for which they think they are eligible;
- The representative of someone who uses services or a carer acting on their behalf. This could be with the consent of the service user or carer or in the case of someone who does not have the capacity to give consent (within the meaning of the Mental Capacity Act 2005), where they are seen to be acting in the best interests of that person; or
- Anyone who is or is likely to be affected by the actions, decisions or omissions of the service that is subject to a complaint.

3. Adult Social Care Complaint Framework

3.1. Complaint management arrangements

The statutory complaint function for adult social care sits within the Quality and Review Team under the management of the Head of Service (Quality and Review). The remit of the Complaints Manager's function is:

- Managing, developing and administering the complaint procedure;
- Providing assistance and advice to those who wish to complain;
- Overseeing the investigation of complaints that cannot be managed at source;
- Supporting and training staff; and
- Monitoring and reporting on complaints activity.

3.2. The complaint regulations and procedure

A single level integrated complaints process was introduced on 1 April 2009 with the implementation of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

These regulations place a duty on NHS bodies and adult social care organisations to coordinate handling of complaints and to advise and support complainants through the procedure.

The complaints procedure aims to be as accessible as possible. The policy is flexible to ensure that the needs of the complainant are paramount and allows the Department and the complainant to agree on the best way to reach a satisfactory outcome. On receipt of a complaint the level of impact is determined and complaints are screened according to their content as being red (high impact), amber (moderate impact) or green (low impact). The process for handling the complaint is dependent on the impact.

3.3. Timescales for the resolution of complaints

Staff will always try to resolve problems or concerns before they escalate into complaints and this ensures that, wherever possible, complaints are kept to a minimum.

Since the introduction of the 2009 regulations the only mandatory timescale is that the complainant receives an acknowledgement within 3 working days. The legislation allows for a maximum 6 month timescale to investigate and respond to a complaint. This offers a more flexible approach to the amount of time in which complaints should be dealt with. The Council's policy aims for even the most complex of complaints to be resolved within 65 working days. If timescales cannot be met, a new timescale should be discussed with the complainant. Locally, timescales have been introduced for amber and green complaints of 40 and 20 working days respectively.

There is a time limit of 12 months from when the matter being complained about occurred to when a complaint may be made. After this time, a complaint will not normally be considered. However, there is discretion to accept a complaint after the 12 month time limit where the local authority is satisfied that the complainant had good reason(s) for not making the complaint within that time and where it is still possible to investigate the complaint effectively and fairly.

3.4. Referral to the Local Government and Social Care Ombudsman

If, at the end of the complaints procedure, the complainant remains dissatisfied with the outcome or the way in which their complaint has been handled, they may ask the Local Government and Social Care Ombudsman (LGSCO) to investigate their complaint. Complainants may also approach the LGSCO

directly without accessing the complaints process. In these cases it is usual for the LGSCO to refer them back to the Council for the complaint to be examined through the relevant complaints process before they intervene.

4. Principles and outcomes

Good handling of complaints and representations involves:

- Keeping the complainant at the centre of the complaints process;
- Being open and accountable;
- Responding to complainants in a way that is fair;
- Being committed to try to get things right when they go wrong; and
- Seeking to continually improve services.

Statutory complaints are underpinned by the following:

- A procedure that aims to be fair, clear, robust and accessible;
- Support being available to those wishing to make a complaint;
- Timely resolution following enquiry into complaints/representations;
- Action taken following complaints and the quality of services improved as a result; and
- Monitoring being used as a means of improving performance.

5. Public information

Information about the complaints and representations framework is accessible via the Council's public access points and also the Council's website at:

https://www.hartlepool.gov.uk/info/20076/adults_and_older_people/93/get_in_touch

Service users and carers are provided with factsheets explaining the procedure when they take up a new service and when support plans are agreed and reviewed.

Information in other formats such as large print, Braille or translation in languages other than English are made available upon request.

6. Summary of representations

6.1. Compliments

Compliments are generally recognised to be an indicator of good outcomes for service users and carers. They also serve to provide wider lessons regarding the quality of services.

During 2022/23, 74 compliments were received relating to adult social care. This is an increase of 17 compliments from 2021/22. These range from an expression of thanks and appreciation in the form of a thank-you card to written communication. In particular, they broadly reflect the work being delivered across adult social care, service users expressing thanks for pieces of equipment which improve their daily living and a general appreciation of the social work teams who have made a difference to the lives of service users and their carers. Appendix A provides some examples of compliments received during the period.

6.2. Complaints received in 2022/23

A total of 24 complaints were received during 2022/23. The number of complaints received has decreased by 1 from last year. Of the 24 complaints received, 2 complaints were resolved within 24 hours and 6 were not considered further leaving 16 complaints investigated. This is a decrease of 3 complaints being investigated from the previous year.

Of the 6 complaints not considered further, this was because:

- 3 complaints were not accepted for investigation because the service user had not provided their signed consent for someone else to act on their behalf in the matter of the complaint;
- 2 complaints were withdrawn by the complainant and were therefore not considered any further; and
- 1 complaint was withdrawn by the Council when the complainant did not communicate further despite repeated efforts by the Council to engage with the complainant.

Of the 16 complaints investigated in 2022/23, 15 complaints have concluded local statutory complaints processes and 1 complaint remains ongoing which will be carried forward to 2023/24.

6.3. Client groups and general data

Adult Social Care			
Client group	2022/23	2021/22	2020/21
Older Persons	10	9	10
Learning Disabilities	1	2	3
Physical Disabilities and Sensory Loss	5	1	3
Adult Mental Health, AMHP and DoLS functions	4	4	5
Contracted Services	4	9	4
Carers	0	0	0
Total number of complaints received	24	25	25

In 2022/23:

- Complaints were received from 7 males and 17 females.
- Complaints which were considered either complex or have a number of elements to them are usually investigated by someone independent of the Council. Independent Investigators were appointed to 3 of the 16 complaints investigated. The remaining complaints were investigated and responded to internally.
- Of the 24 complaints received, 10 complaints were received within the older person's service followed by 5 complaints about physical disability and sensory loss, 4 complaints were received in adult mental health services and 4 complaints were received about contracted service providers leaving 1 complaint within the learning disability service. There was an increase in the number of complaints received in 2022/23 about physical disabilities and sensory loss but a decrease in the number of complaints received about contracted service providers. Whilst complaints about older person's services have generally remained the same over the past 3 years, complaints about the learning disability service have decreased year on year.

- Of the 16 complaints investigated, 3 complaints were received directly from the person concerned. There were 6 complainants who signed their consent for someone else to represent them and act on their behalf in the matter of the complaint, 3 complainants represented a deceased relative in bringing their complaint and 4 complainants represented someone who lacked capacity within the meaning of the Mental Capacity Act 2005.
- Of the 16 complaints investigated, 2 complaints spanned both health and adult social care. In these cases, a joint response to the complainants from the relevant health body and adult social care were sent to the complainants in accordance with statutory complaint regulations.
- Of the 16 complaints investigated, 1 complainant chose to have an advocate to assist them with their complaint.

6.4. Timescales and the Grading of Complaints

There is a maximum 6 month statutory timescale for investigating and responding to a complaint relating to adult social care. However, the overall aim is to respond to complaints in a timely manner. The likely timescales for investigation are discussed with the complainant at the outset of a complaint investigation and updates on progress of the investigation are provided by the Investigating Officer at regular intervals. There are a range of factors that can impact upon timescales such as:

- Whether the complaint has been considered low, moderate or high impact;
- The number of points of complaint for investigation;
- The availability of the complainant and other key people the Investigating Officer needs to interview;
- The time taken to conduct interviews with key people;
- Seeking appropriate consent for obtaining information from partner agencies and awaiting the necessary information to inform the complaint investigation;
- Reading case files and records and obtaining copies of local policies and procedures;
- Consideration of all available information and the drafting of a complaint investigation report; and

- Carrying out factual accuracy checks on the draft report and providing feedback to the complainant before finalising and submitting the final report.

6.5. Complaints carried forward to 2023/24

Of the 16 complaints investigated, 1 complaint has been carried forward to 2023/24.

6.6. Complaints considered by the Local Government and Social Care Ombudsman (LGSCO) in 2022/23

There was 1 complainant who approached the LGSCO about their adult social care complaint in 2022/23. The LGSCO decided not to investigate because there was no sign of fault with the Council's actions.

7. Actions taken following complaints

Actions implemented are an important aspect of the complaints framework. Appendix B outlines some improvements that have been put in place as a direct result of complaints and representations received in adult social care during 2022/23.

8. Conclusions and way forward

8.1. Going forward

There is an ongoing commitment to ensure that a person-centred approach is adopted for the handling and investigation of each complaint. The Council is focused on ensuring that: complainants receive appropriate and timely feedback on complaints; appropriate apologies are offered; any redress is made and any service improvement recommendations are delivered.

8.2. Action plan

Actions for 2023/24 are as follows:

- Review the adult social care complaints procedure.
- Continue to raise awareness of and promote appropriate use of the complaints procedure for adult social care.
- Continue to raise awareness of lessons learnt from complaints and ensure that they are fed into policies, procedures and practice.
- Continue to remind and encourage the workforce to inform the Quality and Review Team when expressions of thanks have been received. These provide an indication of satisfaction with services and should be recorded and reported.

Appendix A: Examples of compliments received across Adult Social Care

“Throughout her time as mam’s social worker L has been a constant support to the family, working tirelessly to achieve the best outcomes for mam’s care. She has signposted us to various agencies enabling us to support mam the best way we can and her dedication and commitment has been outstanding.”

Carer about a Locality Assessment Team

“Thank you so much to you all for all your support, you have no idea how greatly appreciated it has been. I would have given up without you all over the last 6 months. I only wish we could keep you permanently. Thank you so much again, you are truly angels and certainly don’t get the credit you deserve.”

Service User about the Preventative Mental Health Team

“I would like to express my thanks and appreciation to all involved with installing handrails at my mum’s house. This additional support has made a big difference and also provided her family with assurance that our mum is safer within her home environment. All staff were so helpful and personable, a real credit to the service.”

Carer about the OT service

“A big thank you for all your support and professionalism throughout mam’s assessment period from the very beginning. Decisions have to be made that are very hard. You have made those decisions so much easier with the support you have provided, for that I will be forever grateful. I have nothing but praise for the staff and all involved in mams care, including yourself in this process to get mam to the right place. I wish you all the very best in the future D, you are a credit to your team.”

Carer about a Locality Assessment Team

“G explained everything really clearly, G always put my Mam’s needs at the heart of every conversation. She was extremely attentive and empathetic to our concerns. She spoke to my Mam on a level that she understood and gained her trust straight away, G has been excellent throughout and continues to be. At a time when social workers often get a bad rap, G has been a credit to the Council and has gone above and beyond her role in order to get the best support for my Mam. I am truly grateful.”

Carer about the Hospital Discharge service

“Wanted to pass on her thanks and for their manager to know how extremely pleased she is for their help, they are lovely men, polite and hard working. SU is moving south to live with her daughter and she plans to take the handyperson leaflet with her to show the folk there what a brilliant service Hartlepool run and how this should be taken up by all councils.”

Carer about the Handyperson service

“I’d just like to say a special thank you to you and all your department for allowing me to stay in my home for more years hopefully.”

Service User about the OT service

“Thanks to all the team who have provided her and her husband with support over the past 4 years. She said the service has been life changing for her and that the staff have all been wonderful. L said the Council should be proud of the team and the service it provides.”

Service user about a Locality Assessment Team

Appendix B: Examples of complaints and actions taken in Adult Social Care

Details of complaint/Outcome	Actions following findings
<p>The complainant (a service user) was unhappy about some adaptations works carried out under a Disabled Facilities Grant.</p> <p>The complaint was responded to by an Assistant Director.</p>	<p>The complaint investigation found areas where some improvements could be made before the actual works started on site. These were:</p> <ul style="list-style-type: none"> • Where the works included a specialist trade(s), they should be routinely included at the pre-start meeting; and • Matters discussed and agreed upon at the pre-start meeting should to be confirmed in writing to all parties before site works commence. <p>An apology was provided to the complainant for the disruption caused.</p>
<p>The complainant (a representative of the service user) expressed her dissatisfaction about a number of missed visits made by the commissioned service provider to the service user as part of her care and support plan.</p> <p>The complaint was responded to by an Assistant Director.</p>	<p>As an interim measure, whilst a new electronic scheduling system was being fully implemented, the care provider developed a manual co-ordination process with a daily call-checking procedure. This action was monitored by the Council's link officer.</p> <p>An apology was provided to the service user for the missed visits and the action taken by the care provider to prevent a reoccurrence was explained. The Council also reimbursed the service user her financial contribution for the missed visits.</p>

<p>The complainant (a representative of the service user) was unhappy about some aspects of an assessment carried out by an Approved Mental Health Practitioner (AMHP).</p> <p>The complaint was independently investigated.</p>	<p>Although the Independent Investigator did not uphold the complaint made, the Council implemented a recommendation made which will enhance the AMHP practice guidance.</p> <p>The Council welcomes the external scrutiny of Independent Investigators in this regard. Their independent scrutiny adds value to learning from complaints and enables wider service improvements to be implemented as a result of a single complaint made.</p>
<p>The complainant (a representative of a deceased service user) expressed her dissatisfaction about the care her late relative had received in a residential care home commissioned by the Council. The complainant was particularly dissatisfied with the quality of care and a lack of dignity shown towards her late relative.</p> <p>The complaint was independently investigated.</p>	<p>The Independent Investigator made some recommendations for service improvement for the care home which included improved record keeping and reviewing empathy training. This was shared with the care home and will be monitored by the Council's link officer.</p> <p>The Council agreed to include a statement within the general information section of each care home's Quality Standards Framework report to confirm whether or not the care home has en-suite facilities and remind Social Workers to encourage service users and their relatives to view a care home including a bedroom where possible.</p> <p>An apology was provided to the complainant as well as some financial redress in recognition of the faults identified in the independent investigation report.</p>

<p>The complainant (a representative of a deceased service user) was unhappy about a timescale given to him to respond to correspondence. The complainant asserted the timescale was insufficient because of a number of factors including the need to seek independent advice before responding.</p> <p>The complaint was responded to by an Assistant Director.</p>	<p>The Council accepted that the timescale to respond was insufficient and provided an apology to the complainant.</p> <p>Staff were reminded to provide a realistic timescale for a reply to correspondence, ensuring all relevant factors and any external influences are taken into account which may impact upon the time to respond.</p>
<p>The complainant (a representative of a services user who lacked capacity within the meaning of the Mental Capacity Act) expressed her dissatisfaction with a delay in the implementation of her relative's care and support package.</p> <p>The complaint was responded to by a Team Manager.</p>	<p>Although the care and support package had been agreed, the complainant's preferred care provider could not start the care package immediately. There had been some miscommunication about this and an apology was made. An alternative interim option was offered to the complainant which was accepted until their preferred care provider could commence the package.</p>