

Health and Adult Social Care Scrutiny Panel

DATE 25th September 2024
REPORT OF Katie Brown
SUBJECT Adult Social Care Complaints
STATUS Open

CONTRIBUTION TO OUR AIMS

The Complaints process contributes to the aim that all adults in North- East Lincolnshire will have healthy and independent lives with easy access to joined up advice and support, helping them to help themselves.

EXECUTIVE SUMMARY

As part of assurance and good governance the Adult Social Care service adhere to 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.' Under these regulations, complainants can raise a complaint or concern to either the provider or the commissioner of the service.

Through the delegations as part of a Section 75 agreement, the ICB Experience Team provide a concerns and complaints management function for adult social work services on behalf of North- East Lincolnshire Council.

The Adults Social Care Statutory Complaints and Compliments Annual Report provides an overview of the activity and analysis of complaints and compliments for the period 1st April 2023 to 31st March 2024.

MATTERS FOR CONSIDERATION

The panel is asked to consider and review the Adults Social Care Statutory Complaints and Compliments Annual Report.

1. BACKGROUND AND ISSUES

1.1 The ICB Experience team received 29 complaints about adult social care last year.

1.2 18 of the complaints fully or partially concerned Focus Independent Adult Social Work:

1.2.1 13 of these concerned case management

1.2.2 5 of these concerned finance

1.3 Of the remaining 11 complaints:

1.3.1 4 were multi agency complaints

1.3.2 3 concerned home care

1.3.3 2 concerned residential care

1.3.4 2 concerned Supported Living

1.4 There were 85 new concerns raised

1.4.1 59 concerned Focus – 17 about finance; 7 about case management; 3 about values and behaviours and 3 about appointments.

1.4.2 11 concerned care agencies

1.4.3 12 concerned care homes

1.4.4 3 concerned supported living.

1.5 The Experience Team were contacted by the Local Government and Social Care ombudsman about 3 cases.

1.6 Of these cases 1 was not upheld and 2 were upheld by the LGSCO.

1.7 There were 20 compliments received by the Experience Team about adult social care.

2. RISKS AND OPPORTUNITIES

The configuration of the delivery of adult social care in North- East Lincolnshire is unique within England and therefore we need to ensure that we are consistent in the delivery of Adult Social Care across the Health and Care Partnership. Although Focus Independent Adult Social Work CIC provide the adult social work service for the council, reputational risks sit with the council.

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

3.1 If the Local Government and Social Care Ombudsman (LGSCO) make a finding of fault against us, then we are obliged to make public the findings. All complaints investigated by the LGSCO are available on their website at www.lgo.org.uk.

3.2 The Experience Team received communication from the LGSCO in relation to 3 cases. Of those 3 cases, 1 was not upheld and 2 were upheld

4. FINANCIAL CONSIDERATIONS

Limited impact and when in rare circumstances a financial remedy is deemed to be appropriate then these are applied on an individual basis.

5. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

The arrangements entered into under Section 75 agreement with the ICB, does not include responding to complaints about under 18 year olds.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The report will not have any impact on climate change or environmental implications.

7. FINANCIAL IMPLICATIONS

The report is providing information on complaints, concerns and compliments

received. As such there are no direct additional financial implications arising. On occasion we may be directed to ensure a financial remedy is made to a complainant and in such cases, these remedies are met within current budgets.

8. LEGAL IMPLICATIONS

All commissioners and providers of NHS and Adult Social Care services adhere to 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.' Under these regulations, complainants can raise a complaint or concern to either the provider or the commissioner of the service. Within North East Lincolnshire specifically and, through the delegations as part of the Section 75 agreement, the ICB Experience Team provide a concerns and complaints management function for adult social work services on behalf of the Local Authority.

9. HUMAN RESOURCES IMPLICATIONS

Any Human Resources implications would be assumed by Focus Independent Adult Social Work service who are commissioned to provide the adult social work service by North East Lincolnshire Council.

10. WARD IMPLICATIONS

People who might make use of the complaints process may live in any ward of the Borough.

11. BACKGROUND PAPERS

Complaints and Ombudsman Annual Report, Adult Social Services 2023/2024

12. CONTACT OFFICER(S)

Katie Brown

Katie Brown
Director of Adult Social Care

Complaints and Ombudsman Annual Report

Adult Social Care Services

1st April 2023 – 31st March 2024

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1.0 Introduction and background

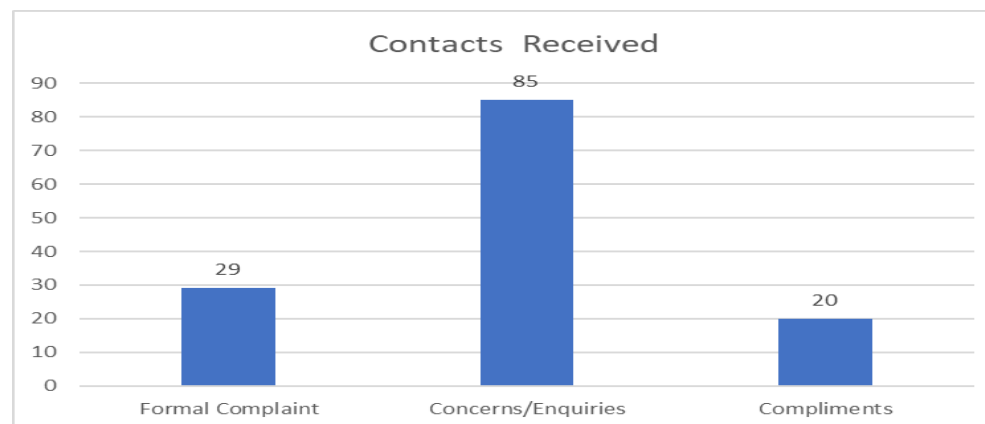
In North East Lincolnshire, the council has been working with its health partners since 2007 in the interests of delivering better integration between health and social care. Clinical Commissioning Groups ceased to exist from the 1st July 2022 with the NHS Humber and North Yorkshire Integrated Care Board (HNYICB) taking its place.

All commissioners and providers of NHS and Adult Social Care services adhere to *'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.'* Under these regulations, complainants can raise a complaint or concern to either the provider or the commissioner of the service. Within North East Lincolnshire specifically and, through the delegations as part of the Section 75 agreement, the ICB Experience Team provide a concerns and complaints management function for adult social work services on behalf of the Local Authority.

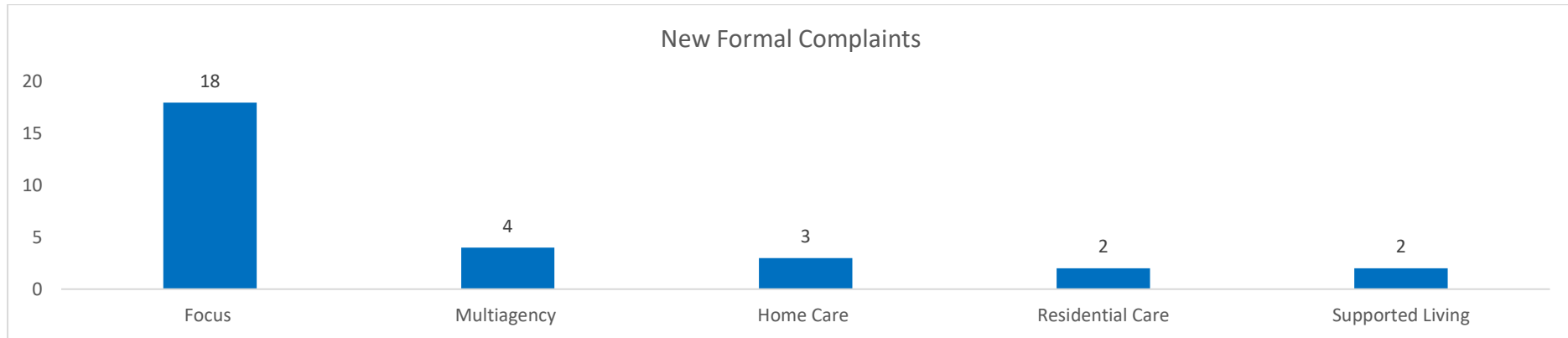
This report therefore specifically relates to contact received and managed by the ICB team in relation to adult social care and adult social work services, for the period 1st April 2023 – 31st March 2024.

2.0 Executive summary

The below graph shows the total number of contacts across all functional domains for the period 1st April 2023 – 31st March 2024



3.0 New Formal Complaints



100% complaints received were acknowledged within the mandated timescale of three working days.

Of the 29 formal complaints received, 18 (62%) relate to Focus. This is a slight increase from the previous year when 11 complaints related fully or partially to Focus. Of those 18:

- 13 related to case management
- 5 related to finance issues

Of the 11 remaining new complaints, the primary themes were:

- Implementation of care or ongoing monitoring/ review
- Access, Appointment, Admission, Transfer, discharge

4 of the complaints handled by the team are multi agency and are therefore more complex in both nature and coordination of response. Multi-agency complaints are increasing generally and reflect both the complexities of individuals health and care needs and the dependence on different interfacing organisations within the health and care system.

Closed Formal Complaints

20 formal complaints were closed between the 1st April 2023 and 31st March 2024. Of those closed; 3 were withdrawn; 8 (47%) were closed in timescale and 9 (53%) were closed outside of timescale. 10 complaints are multi-agency and are therefore more complex. Our timescales are also often impacted by the timescales of other provider organisations and their ability to provide their response to us in a timely way.

Of the complaints investigated and closed, 6 (35%) were partially upheld, 9 (53%) were not upheld and 2 (12%) were fully upheld. Of the complaints investigated and closed 3 (18%) were re-opened.

Ombudsmen Referrals and Outcomes

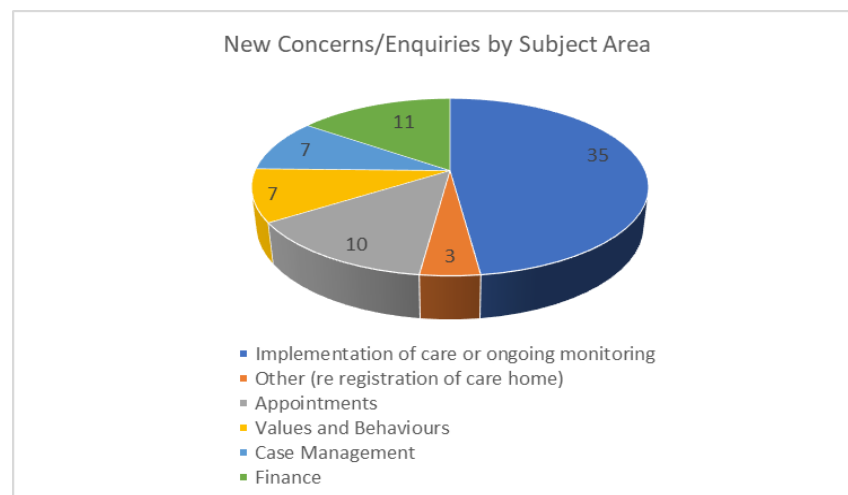
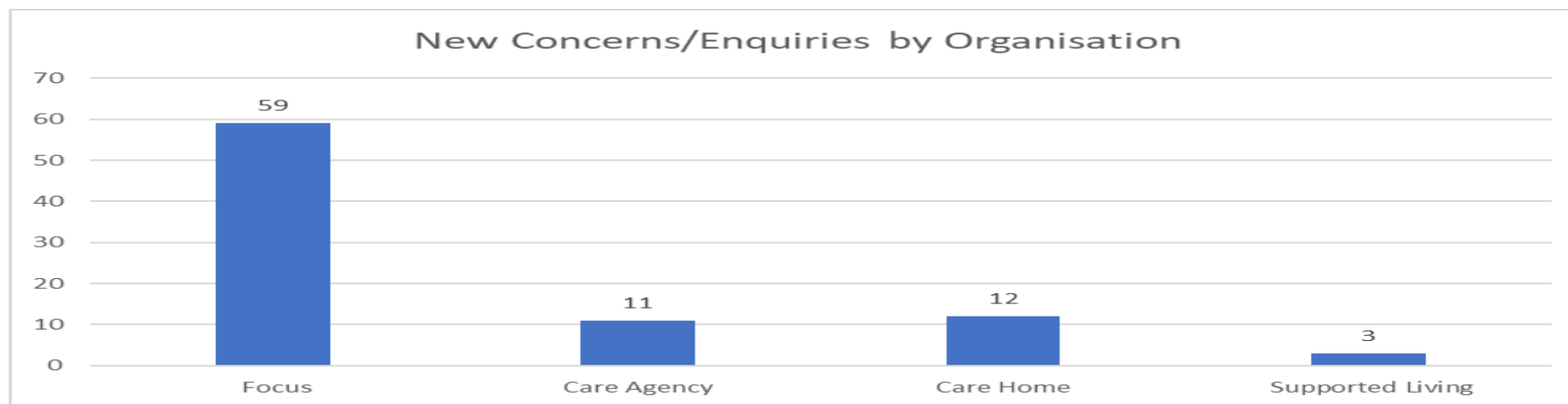
In line with the Complaints Regulations and as informed by the NHS Constitution, complainants have the right to take a complaint to the independent Parliamentary and Health Service Ombudsman (PHSO) or the Local Government and Social Care Ombudsman (LGSCO) if they are not satisfied with the outcome of their complaint or the way in which their complaint has been dealt with, locally. Each complainant is clearly informed of this right in their response letter.

The Ombudsmen's investigate complaints made to them and decide whether the actions taken (by the provider or commissioner) have caused an injustice to the person affected and if the complaints process has taken any steps to remedy the injustice, if well founded.

The Experience Team received communication from the LGSCO in relation to 3 cases. Of those 3 cases, 1 was not upheld and 2 were upheld with delays in implementing care and website information being key themes from both. The recommendations included:

- Financial remedy
- Apology letters
- Updates to the NELC and HNYICB websites in relation to complaints

4.0 New Concerns

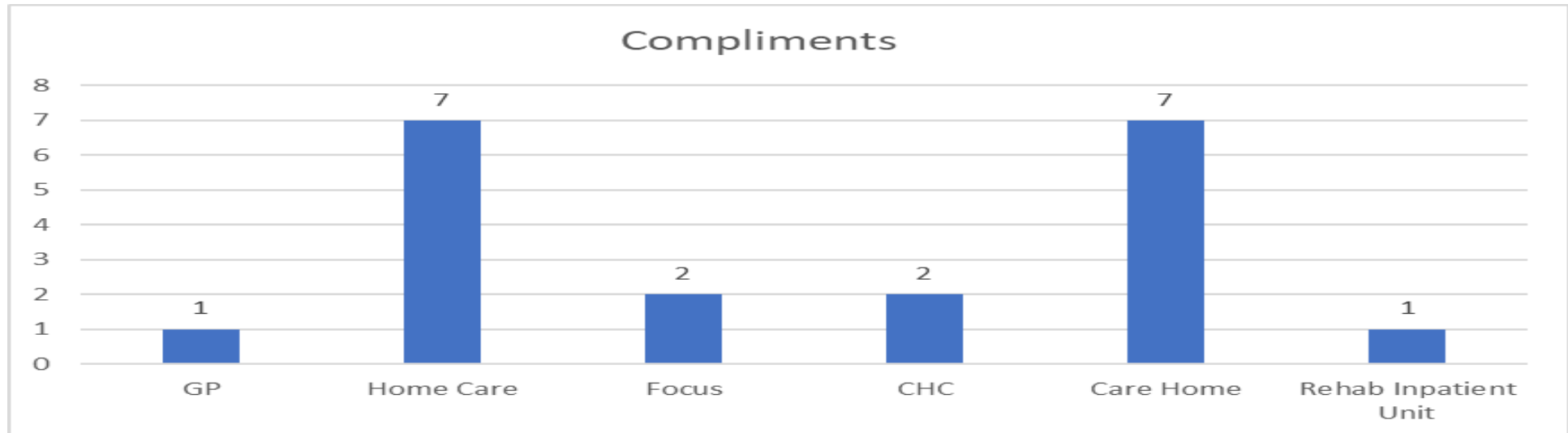


Of the 85 new concerns received, the highest proportion were in relation to Focus at 59 (69%). Of the 59; 17 related to finance, 7 related to case management, 3 related to Values and Behaviours and 3 related to appointments

Concerns for NEL Providers are low however, wherever possible, individuals are encouraged to raise their concerns 'at source' to try and resolve and maintain relationships in the most efficient way.

Echoing the subject area's within formal complaints, 35 of the 59 concerns related to Implementation of care or ongoing monitoring (59%) This ranges from concerns about assessments that have taken place to care delivery against the assessments.

5.0 Compliments



Thank you for all your care whilst spending some time in Cambridge Park Rehabilitation Unit, the staff there listened to me, they were caring, and I received excellent care, and give them a 5 star review.

XXX based at Newgrove House, was supportive and actively involved and engaged in my assessment - and this was no trouble to him, despite him being very busy. Thank you.

Angelic Care staff have made huge positive changes in my life and wish they could be given an award or gold star.. They have made life so much easier.. The carers go above and beyond, and do extra tasks within their time, such as washing up, cleaning the floors, hanging out washing. I have complete confidence in them - they have been 'fantastic'.

I would like to confirm from my experience and observations over many years of being a funeral director that I have always seen the upmost dignity, care and respect shown from all the staff at Cranwell Court.

From the initial call to ourselves, from observing and listening to them speaking to the relatives a professional, warm and friendly approach to any concerns or questions the family may have. The knowledge and support they can offer to all families is excellent. From our perspective the care of the deceased and their dignity is observed at all times and it is nice to see they actually care and are not going through the motions. Last offices are always carried out to the highest standard and the deceased is presented and handed over to us into our care correctly and dignified, and as always nothing is too much trouble. The building from our view is accessible, easy to isolate and make private, well maintained and always clean and well staffed.

6.0 Lessons Learnt

- A complaint raised highlighted that services in Adult Social Care are chargeable services, and as a result all staff are to be reminded of the importance of providing financial information and ensuring this is recorded.
- Following a complaint regarding financial thresholds falling, refresher training and case file audits will be carried out at regular intervals to ensure lessons are learnt.
- Guidance has been developed following a complaint which identified dirty and mouldy accommodation following a tenant who moved out, as follows:
 - A thorough oversight of each property from inclusion housing. Creative support to have an oversight and report to the housing manager to investigate if service users are refusing access to properties.
 - Where service users are reluctant to maintain their personal flats discuss with social workers regarding a private cleaner if this is financially viable to do so. is being developed for Care Homes in relation to managing refusals of care, with and without capacity. Once in place, local teams will update the Mental Capacity Act training and Safeguarding Training to reflect the new guidance.

7.0 Reflections

When reflecting on the 2023/2024 period, in comparison to the previous year, the key points to note are as follows:

Formal Complaints

Complaints received in relation to adult social care services or adult social work increased from 18 to 29

- Formal Complaints received in relation to Focus increased from 11 to 18
- Themes remain the same for complaints year on year and primarily relate to implementation of care or ongoing monitoring/ review and access, appointments, admission, transfer, discharge
- Although timescales are not where hoped to be, there has been an improvement year on year. 91% of complaints were closed outside of timescale in 2022/ 23 in comparison to 53% in 2023/24.
- There has been a slight increase in referrals to the Local Government and Social Care Ombudsman (LGSCO); from 1 to 3 year on year. Based on the Association of Directors of Adult Social Care Services (ADASS) return, this number is comparable to other local authorities in the Humber and Yorkshire region or lower.
- The 1 LGSCO case from 2022/23 was upheld. 2 of the 3 cases this year were also upheld.

Concerns

- Concerns received in relation to adult social care or adult social work services increased from 51 to 85 year on year
- Of these concerns, there has been a 12% increase year on year of those relating to Focus. Efforts are being made with Focus colleagues to resolve concerns informally before they escalate to the formal process which may account for some of the increase.
- Themes remain the same in comparison to the previous year and are consistent with those seen through the formal process

Compliments

- There has been a significant decrease in compliments logged which is being explored further in terms of processes.

8.0 Future Developments

Progress against the ambitions from the 2022/2023 period are detailed below:

2022/2023 ambition	Progress Update
Ensuring communication to the public is clear on the ICS website and on how best to access support for a concerns, complaints, and compliments. This will include a review specifically of the information that is on any NEL Council websites and literature	Complete
Build relationships between the newly merged Experience Team and our Focus and Local Authority colleagues	Ongoing but actions taken as below: <ul style="list-style-type: none"> • Refresher training undertaken with Focus colleagues • Meeting with Focus colleagues and the Assistant Director for Adult Social Care in respect of processes and expectations • Regular liaison with key colleagues in Focus
Develop effective systems and processes for responding to more contacts within timescale and, for the purpose of learning and improving	Developing: <ul style="list-style-type: none"> • An action plan process has been included in the newly developed Standard Operating Procedure • Further work required to enhance this process so that the learning enables change to practice and improves experience

In addition to the ambitions that will carry forward into the next year, new ambitions include

2023/2024 ambition	Progress Update
1. (New) Review and update the HNYICB Managing Complaints Policy to ensure it is still reflective of all the changes described	
2. (New) Further develop complaints and concerns reporting, utilising the newly implemented system to make the intelligence more meaningful	