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Portfolio	Adult Care
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Adult Social Care “Making Experiences Count” policy Review

Executive Summary

- 1.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 places a duty on Local Authorities on the way that complaints about Health and Social Care matters are dealt with.
- 1.2 Adult Care Services are those functions exercised by the Council in accordance with the Care Act 2014, which relate to care and support services to adults with a learning disability, physical disability, a mental health problem, older adults and also to carers. A Health and Social Care complaint are therefore matters which arise from care and support assessments, adult health or adult care services, members of staff working in Adult Care or health services or any policy concerning these.
- 1.3 The “Making Experiences Count - Joint Complaints Process for Adult Care and Health” policy has been in place since 2009. This complaint policy refers to adult care and health matters delivered by Rochdale Adult Care Services that service users or their representatives approach Adult Care about. Not all complaints received by Adult Care are eligible to be considered under the statutory procedure, and where a complaint does not meet the criteria, it will be considered under the Council’s Corporate Complaints Procedure. . <http://www.rochdale.gov.uk/pdf/2018-12-07-corporate-complaints-policy-v5.pdf>
- 1.4 If the matter can be resolved within 24 hours for the complainant, this is not classed as a formal complaint and Adult Care will make every effort to resolve this at this stage. This is a legislative requirement and the 24 hour period cannot be extended. These are termed “Informal Complaints”. Complaints that cannot be resolved informally within 24 hours are therefore formal complaints.

Adult Care have seen a rise in formal complaints it has received over recent

- 1.5 years:

Table 1

Complaints Opened- Quarterly					
Period	Q1	Q2	Q3	Q4	TOTAL
2018/19	7	11	12	15	45
2019/20	12	13	17	13	55
2020/21	17	13	12	19	61
2021/22	13	12	-	-	-

- 1.6 The process for dealing with Adult Social Care complaints is a one stage process. If the complainant remains dissatisfied with the outcome of their complaint they may refer their concerns for consideration by the Local Government & Social Care Ombudsman (LGSCO). Rochdale Adult Care have also seen increases in the number of complaints investigated by the LGSCO. The total number of cases that the LGSCO received about Rochdale Adult Care in 2020/21 was 15 (compared with 11 in Bolton, 10 in Oldham, 5 each in Blackburn, Bury and Tameside). For the first 6 months of this financial year, LGSCO have received 5 new cases, have closed 10, leaving 10 LGSCO ongoing enquiries.
- 1.7 Consideration has been given to the reason for the increase in formal complaints. The increase in the number of complaints escalated to the LGSCO is an indication that members of the public are unhappy with the complaint response that they have received from Adult Care. This may be for a myriad of reasons, but it is apparent that clearer communication with complainants will assist to manage understanding of complaint processes and expectations.
- 1.8 It is proposed therefore to refresh the “Making Experiences Count” process to make it an outward public facing policy to help members of the public be clearer of how Adult Care will respond to their complaint. If agreed, the policy will be placed on the council website in a way that makes it clearer to members of the public how to complain.
- 1.9 An inward facing procedure will be written for Adult Care staff to help make the process when dealing with a complaint explicitly clear. The procedure will contain templates to help provide consistency when responding with a complaint. The procedure launch will be accompanied by training sessions for staff.

Recommendation

- 2.1 That cabinet gives approval to the updated “ Making Experiences Count- Joint Complaints Process for Adult Care and Health” policy in order to improve the customer experience should they need to make a complaint.

- 2.2 That Cabinet agree for clearer signposting to the Adult Care complaint policy on the corporate website

Reason for Recommendation

- 3.1 Currently, the “Making Experiences Count” process acts as both as a policy for members of public as well as the procedure for how Adult Care should handle a complaint.
- 3.2 However, a review of “Making Experiences Count”, following a formal complaint about the process itself, has exposed a real clack of clarity and understandable confusion for members of the public as it provides a detailed explanation on the Corporate Complaints policy, leading complainants understandably expecting their complaint will be dealt with in a similar timescaled, staged fashion.
- 3.3 It gives no real guidance to Adult Care practitioners handling complaints on practice expectations when dealing with a complaint. It has also become clear, following recent complaint escalations within Adult Care that numerous complaints are being dealt with “informally”, when they should have immediately been escalated as “formal”, which is creating additional frustration for members of the public.

Key Points for Consideration

- 4.1 The way that Health and Social Care complaints are dealt with is set in legislation. The process cannot be altered. However, it is hoped by making the written process clearer that this will help make the process clearer to both members of the public and to the Adult Care staff who are enacting the process.
- 4.2 It is recognised that the practice within Adult Care has inadvertently not always been compliant with the expectations in the legislation, particular in relation to the understanding that “informal” complaints need to have a resolution to the satisfaction of the complainant within 24 hours.
- 4.3 The impact on clarifying the process for Adult Care practitioners will mean a better customer experience for those that need to raise a complaint. However, the impact of clarifying the difference between “informal” and “formal “complaints” for practitioners will have the likely consequence of appearing to increase the number of complaints the service receives as more complaints currently dealt with as “informal” will be classed as “formal” and will be more visible on the corporate complaints tracker.
- 4.4 This should not be considered a negative impact, but in fact gives greater scrutiny of all complaints being dealt with by the service.

4.5 Adult Care senior management team have agreed that there needs to be stronger internal assurance of complaints which will now receive monthly scrutiny by the senior management team so more timely escalations are better managed. The assurance will include better visibility of management of individual complaints, including oversight of acknowledgement, action plan setting, timescales for investigation and a rationale for any extension to timescales. Complaints will be added to the Director of Social Services dashboard and be reported to Adult Care Strategic Partnership Board for oversight.

4.6 This will provide better oversight of all complaint outcomes and ensure that any learning is recognised and acted upon to make improvements to service provision.

4.7 Ultimately, such oversight should reduce the numbers of complaints that members of the public escalate to the LGSCO.

Alternatives Considered

4.8 The alternative is to continue with the current version of “Making Experiences Count” on the corporate website. It is already known from customer feedback that the written guidance is unclear to members of the public. Not making changes could lead to a continued increase in complaints being progressed to the LGSCO, leading to reputational damage for the council and potential financial impact on the council. Both these factors will impact on residents. Not making changes could also lead to potential legal challenges.

Costs and Budget Summary

5.1 The total cost of agreed local settlements for LGSCO complaint decisions during 2020-21 was £1,000 against 4 upheld cases. However, it needs to be recognised that the LGSCO halted their investigations at the start of the COVID-19 pandemic and Adult Care are still awaiting LGSCO decisions on complaints that were escalated to the LGSCO in 2020-21.

5.2 Whilst there is no direct financial impact on making the complaints process clearer to members of the public, it is hoped that clearer internal procedures on dealing with complaints will prevent some cases from being escalated to the LGSCO with resulting financial settlements.

5.3 However, it does need to be recognised that there will be an impact on officer time to improve the process, in terms of training time for staff and improved monitoring of complaints across the service.

Risk and Policy Implications

- 6.1 Adult Care are governed by statutory duties in the way that complaints are handled. It is clear that there needs to be refreshed expectations for Adult Care employees on handling complaints.
- 6.2 There are risks of legal challenge by allowing the continued version of “Making Experiences Count” available to the members of the public as it is causing confusion, evidenced by a couple of recent formal complaints.

Consultation

- 7.1 Consultation on the suggested written content within “Making Experiences Count” has been taken with the Corporate Complaints Team and also with the Senior Management Team of Adult Care. It needs to be stressed that the process has not been changed, which is set in legislation, but the guidance has been made clearer to members of the public, following receipt of a formal complaint about the lack of clarity in the current version.

Background Papers	Place of Inspection
8. There are no background papers, all relevant information is embedded in the attached proposed policy document.	Not applicable

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