

Citizen Voice Team

Comments, Compliments

And

Complaints

Annual Report

1st April 2016

-

31st March 2017

Contents

Description	Page No.
1. Introduction	3
2. Background	3
3. Citizen Voice Team Developments	4
4. Analysis of Compliments, Comments and Complaints	6
5. Costings of Complaints	18
6. Equal Opportunities Monitoring	19
7. Learning from Complaints	21
8. Conclusions	24

1. Introduction

- 1.1 The Citizen Voice Team Annual Report focuses on the reporting period 1st April 2016 – 31st March 2017. It explores the number, nature and trends of Compliments, Comments and Complaints made about the provision of services delivered by the Directorate of Adult Social Care and Health.
- 1.2 Comparisons have been made, for the total number of statutory complaints received using statistical information from the previous Annual Reports for periods 2014/2015 and 2015/2016, to enable any trends to be observed.
- 1.3 All data used in this report is for comments, compliments and complaints received during the period 1st April 2016 – 31st March 2017. Additional movement in the figures reported may have taken place since then due to active cases reaching resolution, or being escalated.

2. Background

- 2.1 The Council has a statutory obligation to operate a complaints procedure concerning statutory provision for adults. This is in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. These regulations set expectations for the handling of complaints by Councils, NHS bodies, Primary Care providers and independent sector providers responsible for the provision of NHS and Social Care.
- 2.2 The legislation allows anyone who is in direct receipt of a service and is likely to want to make representations, including complaints about the actions, decisions or apparent failings of a Social Care & Health Directorate access to the statutory complaints procedure. It also allows any other person to act on behalf of the individual concerned where the individual has given their consent for this to happen or where the individual lacks mental capacity and the person can demonstrate a significant interest in the welfare of that individual and that their actions are acceptable and appropriate.
- 2.3 The Objectives of the Complaints Procedure are:
 - (i) Provide an effective means of allowing service users or their representatives to complain about the quality or nature of social services;
 - (ii) Ensure complaints are acted on;
 - (iii) Aim to resolve complaints quickly and as close to the point of service delivery as is acceptable and appropriate;
 - (iv) Give those denied a service an accepted means of challenging the decision made;
 - (v) Provide in defined circumstances for the independent review of a complaint;

- (vi) Give managers and Councillors an additional means of monitoring performance and the extent to which service objectives are being achieved.

2.4 Time Limit - Section 12 of the statutory regulations advise that the complaint must be made no later than 12 months after the date in which the matter which is the subject of the complaint came to the notice of the complainant, unless the complainant has good reason for not making the complaint within this time limit.

3. Citizen Voice Team Developments

The complaints process requires all complaints to be responded to in writing within a statutory timeframe of 6 months. However, the directorate strives where possible to respond to complaints made within the internal agreed timeframe of 20 working days from the date of allocation to the Lead Officer. The Citizen Voice Team continue to listen to complainants, ensure a written response is provided to the complainant, provide an independent advocate to support the complainant through the complaints process if required and ensure the learning from complaints is cascaded across all service areas via the Learning from Complaints discussion group held bi-monthly to improve our services.

- ❖ Staff within the Citizen Voice Team new to complaints have received in-house training in respect of the management of the statutory complaints function.
- ❖ The Team continue to provide complaints training to directorate staff such as newly qualified Social Workers/newly appointed Managers within the directorate and upon request.
- ❖ The reporting function of all active complaints has been reviewed to ensure managers are updated on a weekly basis regarding all of their team's activity to include complaints/requests for service/requests for information/complaints on hold due to issues of safeguarding. This report also highlights compliments received throughout the reporting year.
- ❖ Learning from Complaints - Bi-monthly meetings with social care managers continues to take place subject to manager's availability. During these meetings a maximum of three complaints that have been taken through the complaints process are discussed and from this a briefing paper is provided to all managers within the directorate identifying learning identified highlighting areas of good practice, areas for improvement and recommendations.
- ❖ The Team continue to build strong working relationships with directorate staff and external partners e.g. health to ensure there is a joined up approach when responding to complaints.
- ❖ The Team continue to review the complaints processes to ensure that they are up to date and fit for purpose.

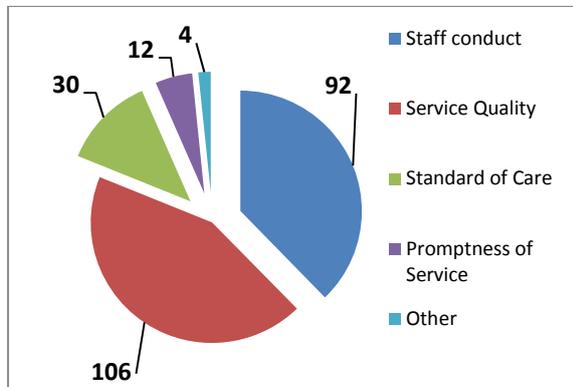
- ❖ Comments, Compliment and Complaint leaflets are distributed to social work teams upon request. The Citizen Voice team web page was also updated to ensure citizens can access the service electronically.
- ❖ Social workers have requested over 5,500 complaints leaflets to take out with them on visits to citizens during this reporting period to ensure the service provided by the Citizen Voice Team is promoted and citizens aware of their right to make a comment, compliment or complaint about the service/s they receive.
- ❖ The Team continues to review and update the following complaints service information:
 - Information captured on the complaint database - Respond Centrepoint.
 - Comments, Compliments and Complaints leaflet
 - Citizen Voice Factsheet: “ Complaint Investigations – Information for Complainants”
 - The web page on the Birmingham.gov.uk website: [Comments, Compliments and Complaints Leaflet](#)
- ❖ The Team continue to work in partnership with corporate complaint colleagues in the management of corporate complaints which are in respect of local authority services that do not fall within the scope of the adult statutory complaints procedure.

4. Analysis of Compliments/Comments

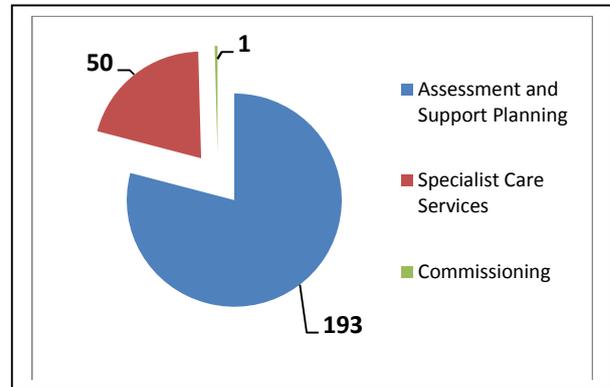
Fig 4.1

Total Compliments received and processed for this reporting period is 244.

Compliments received by type



Compliments received by Service Area



- 4.2 The Citizen Voice Team receive compliments as well as complaints and enjoy being able to share these with the relevant teams and workers. The Citizen Voice team also write directly to the citizen thanking them for taking the time to contact us.
- 4.3 The above chart indicates how many compliments have been received for the period 1st April 2016 - 31st March 2017. In total 244 compliments were received. Service Quality received the majority of compliments for this period with 106 followed by staff conduct with 92.
- 4.4 In 2015/2016 the directorate received 180 compliments so there has been an increase in this reporting period of 64 compliments.
- 4.5 Assessment Support Planning received 193 compliments, 87 higher than the number of compliments received in the previous year and Specialist Care Services with 50 compliments, 22 less than the number of compliments received in the previous year.
- 4.6 The directorate received 14 comments this reporting period, 6 of which related to Specialist Care Services, Commissioning 4 and Assessment Support Planning 4. This was an increase on the previous year when only 2 comments were received.

5. Analysis of Complaints

5.1. Total number of statutory complaints managed

Fig 5.1.2

Complaint Category	2016/2017 Received	B/Fwd from 2015/2016	Totals
Total Number of Complaints Received/Managed Includes Local Government Ombudsman complaints 11 statutory LGO complaints of which 8 went direct to LGO and 3 were premature.	160	59	219
<i>Less complaints withdrawn/unable to process due to lack of consent during the process</i>	11	6	17
Total Number of Statutory Complaints Received and Processed	149	53	202

5.1.3 The Local Government Ombudsman (LGO) investigates complaints from members of the public about services provided by or commissioned by the local authority and provides advice and guidance on good administrative practices and how to improve local service delivery. The public can take their complaint to the LGO if they remain dissatisfied with the outcome of the authority's complaint investigation. [Local Government Ombudsman](#) **The Local Government Ombudsman changed their name in June 2017 to the Local Government and Social Care Ombudsman. They did this to help people know that they look at complaints about all areas of adult social care – including privately arranged or funded care.*

5.1.4 The above highlights the number of statutory complaints received during the reporting period (160), together with the number of active statutory complaints brought forward from the previous year (59), which together make up the total number of statutory complaints managed during the reporting period (219). This table shows there have been (11) Local Government Ombudsman complaints received for this reporting period. 11 complaints received during the reporting period were withdrawn or were unable to be processed due to not receiving the necessary consent during the process. Within those complaints brought forward from the previous year (6) were withdrawn bringing the total number of those withdrawn that were managed during the period to (17).

5.1.5 The Citizen Voice Team have also managed 21 'Your Views' Corporate complaints alongside a further 239 pieces of information/complaints that were assessed as either being not competent to be processed under either the statutory or corporate complaints process or for early resolution processed as requests for service/information (97) or required immediate intervention as they were deemed to need to be progressed as a safeguarding matter (10). This giving a total of **(479)** pieces of complaint information/requests for service managed.

Some examples of those not appropriate for the statutory complaints process include:

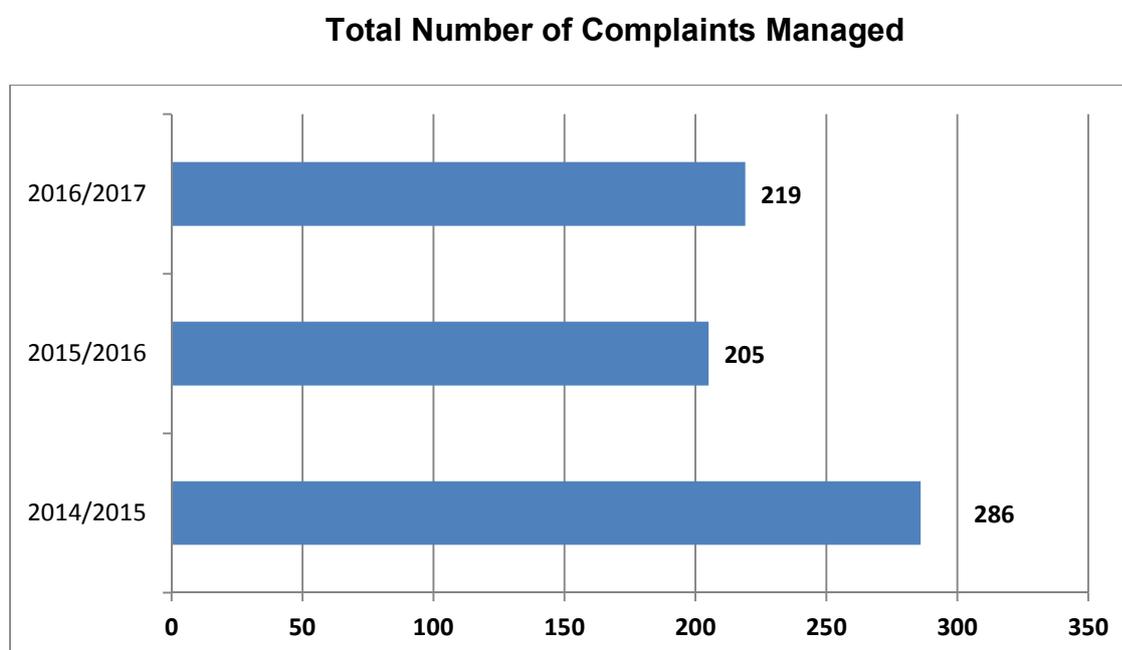
- ❖ Complaint received from a member of the public who was previously employed by a private care home who had been sacked for gross misconduct.
- ❖ Complaint received from a private provider in respect of funding issues regarding a client.
- ❖ Complaint received in respect of Shopmobility no longer operating in the Bull Ring.

In all of the above examples the complainant was correctly signposted by an officer of the Citizen Voice team.

5.1.6 Complaints such as these although not appropriate for the statutory complaints process are required to be dealt with in a timely manner by the staff at the service which may entail for example signposting the complainant, undertaking preliminary enquiries, undertaking research activity, direct dialogue with the complainant or transferring them into the appropriate process such as the corporate complaints process.

5.2 Comparison of total number of complaints managed over the last three years

Fig 5.2.1



5.2.2 The graph shows a comparison of the number of statutory complaints managed during the reporting period over the past three years for information purposes. As indicated there has been an increase from the last reporting

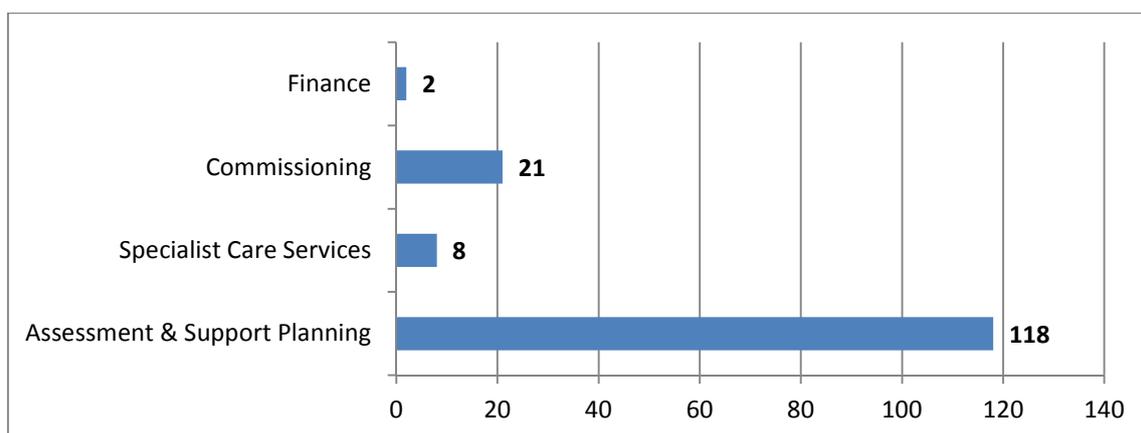
year of 14 statutory complaints managed and over a two year period statutory complaints managed have decreased by 67 (23%).

5.3 Complaints Received by Service Area

Fig 5.3.1

Number of Complaints Received in the Reporting Period 2016/17

(not including complaints withdrawn)



5.3.2 **Finance** - Complaints relating to client financial contributions and the management of direct payments.

Commissioning - Complaints relating to arranging and purchasing of services externally and service provision.

Specialist Care Services – Complaints relating to the directorates internal care services.

Assessment & Support Planning - Complaints relating to the undertaking of eligible need care assessments and ensuring identified eligible needs are met.

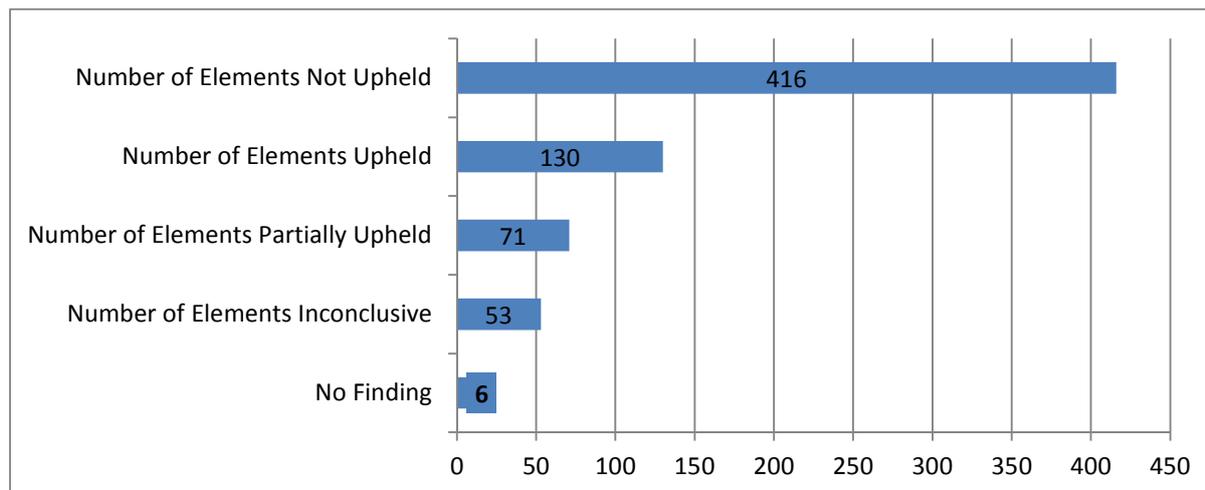
5.3.3 The above chart demonstrates the total number of complaints received and processed by 4 main service areas for Adult Services during the 2016/2017 period. The chart shows that 118 complaints received were in respect of Assessment and Support Planning, Commissioning receiving 21 and the remaining services receiving 10 in total. This information shows a significant increase of 26 in complaints received in respect of Assessment and Support Planning and a slight increase of 4 in complaints received regarding Commissioning. The increase in complaints received by Assessment and Support Planning could be due to the fact that citizens and service users feel more confident in making a complaint. The rise could also be as a result of social workers leaving the complaints leaflet with citizens and service users when undertaking an assessment visit making the process more accessible. There has been a significant decrease by two thirds (16) in complaints received in respect of Specialist Care Services. Complaints received in respect of Finance remain low and consistent in comparison with those received last year (3).

5.4 Complaints Received by Complaint Elements

Fig 5.4.1

Number of Complaint Elements Received in the Reporting Period

(not including complaints withdrawn)



5.4.2 A complaint when received is recorded as one complaint within a unique complaint reference, however, within the complaint there may be a number of different complaint elements and outcomes that are required to be addressed individually. Each complaint element is extracted by the Citizen Voice Team, agreed with the complainant and investigated by the Lead Officer. The Lead Officer provides the complainant with a finding for each individual complaint element.

5.4.3 The above chart highlights the overall number of complaint elements that were investigated within the 149 complaints received. The total number of statutory complaint elements investigated is 676. The majority of elements being not upheld 416 followed by complaint elements upheld 130. Those partially upheld 71 those that were inconclusive 53 and those where no finding could be made 6. (An inconclusive finding is made when the Lead Officer has been unable to find an element either upheld or not upheld based on the information gleaned during the investigation).

In order to try to reduce the number of complaint elements that are upheld/partially upheld the directorate continues to embed a learning from complaints culture. All lead officers investigating complaints are required to complete a learning log where an upheld or partially upheld finding is made, identifying what has been learnt and the action taken to ensure that it does not happen again. A learning from complaints discussion group meeting attended by managers within Assessment and Support Planning is also held

bi-monthly looking at a small number of complaints. Practice issues are extracted that require further attention and areas of good practice highlighted and recommendations made for the wider directorate for future working. This information is then distributed to all social work managers via a briefing note and cascaded within social work teams.

5.5 Complaints Reviewed

5.5.1 Where a complainant remains dissatisfied with the response provided by the Lead Officer a review of the complaint can be undertaken by another senior officer to ensure openness and transparency of the investigation process. The review is a desk top investigation reviewing the original lead officers findings against information held on the adult social care record.

5.5.2 A total of 12 complaints were reviewed following the initial complaint response.

- Assessment and Support Planning – 11 reviews
- Commissioning – 1 review

5.5.3 The findings of the reviewing officer did not change significantly from those of the original lead officers. However, the reviewing process provided further explanation to the complainant to support the findings made.

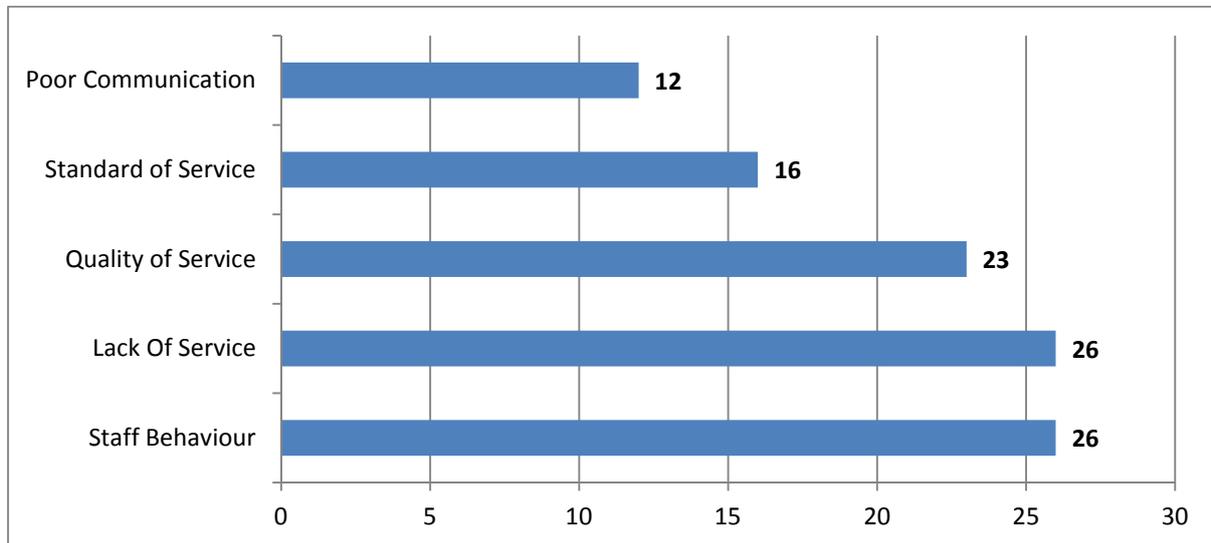
5.6 Complaints Independently Investigated

5.6.1 One independent complaint investigation was commissioned of those complaints received during the reporting period 1.4.16 – 31.3.17. This investigation has a total of 33 complaint elements and 5 desired outcomes; this investigation is still on-going. * *Ongoing independent investigations from complaints received during the previous two years were also managed.*

5.7 Complaints by Nature

Fig 5.7.1

Top 5 Reasons – Feedback Groupings



5.7.2 Each complaint has an overall assigned feedback type and an overall finding made by the Lead Officer. This reporting period sees Staff Behaviour and Lack of Service as the overall feedback type with 26 each as the highest reason for complaints.

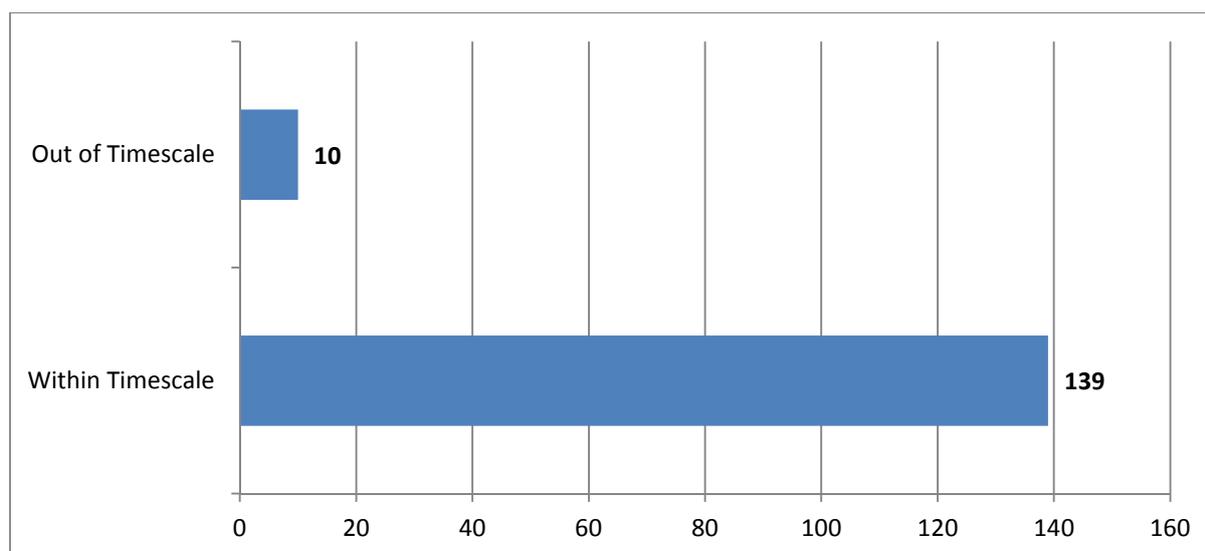
5.7.3. Last reporting year highlighted Staff behaviour as receiving the largest number of complaints with 32. However, this was followed last year by challenging outcome of assessment which does not present as being in the top 5 reasons for complaint for this reporting period.

5.8 Complaint Timescales

5.8.1 All the figures that are reported on in the following table were in respect of complaints received during the current reporting period 01.04.16 – 31.03.17 and not the total complaints managed throughout the reporting period.

Fig 5.8.2

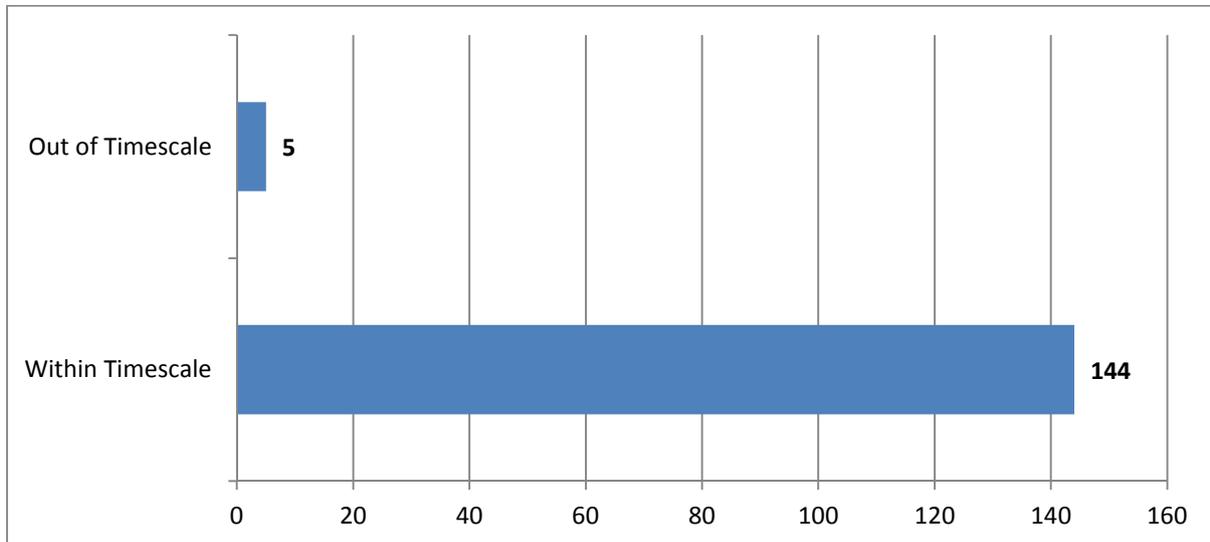
Complaints Acknowledged within Statutory Timescale (not including complaints withdrawn)



5.8.3 The above chart illustrates the time taken to acknowledge complaints. In accordance with legislation there are only two prescribed timescales to adhere to; these are 3 working days to acknowledge receipt of the complaint and six months to respond to a complaint. For this reporting period the service achieved 93% of acknowledgements within the statutory timeframe, just below last year's 96%.

Fig 5.8.4

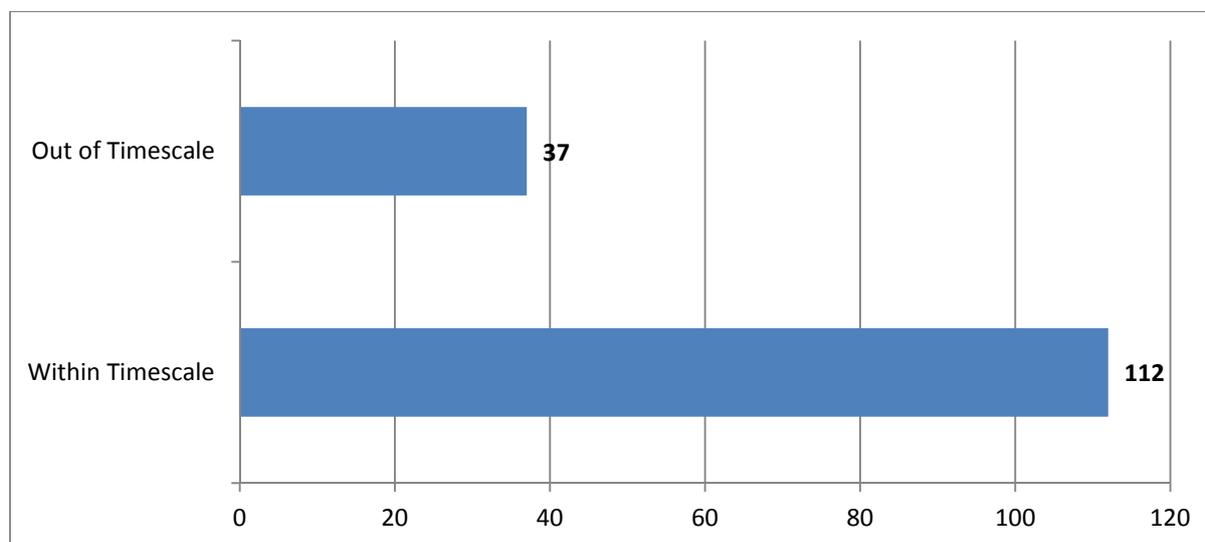
**Complaint Response Statutory Timescale
(not including complaints withdrawn)**



5.8.5 The chart above illustrates the number of complaints responded to within the statutory timeframe of six months. 144 (97%) were responded to within the six month period. Last year's response timeframes were 98% which is consistent.

Fig 5.8.6

Complaint Response Internal Timescale (not including complaints withdrawn)



5.8.7 The service has written clear internal time-frames for the responding to complaints which has been incorporated into the Directorates complaints procedures.

5.8.8 The internal performance indicator set is that 70% of all complaints should be responded to within 20 working days (from the date the complaint is allocated to the lead officer) with the exception of those deemed as more complex (where there may be a number of individual complaint elements to investigate and/or a number of key staff required to be interviewed) whereby a response date is agreed with the complainant.

5.8.9 The chart above illustrates the number of complaints responded to within the agreed internal timeframes. 112 (75%) of complaints received a response within the agreed timeframe; however, 37 (25%) of complaints were not responded to within the agreed timeframe. 37 of the complaints that were out of internal timeframe did receive a response within the statutory timeframe of six months. Last year 74% of complaints were responded to within timeframe and 26% out of timeframe.

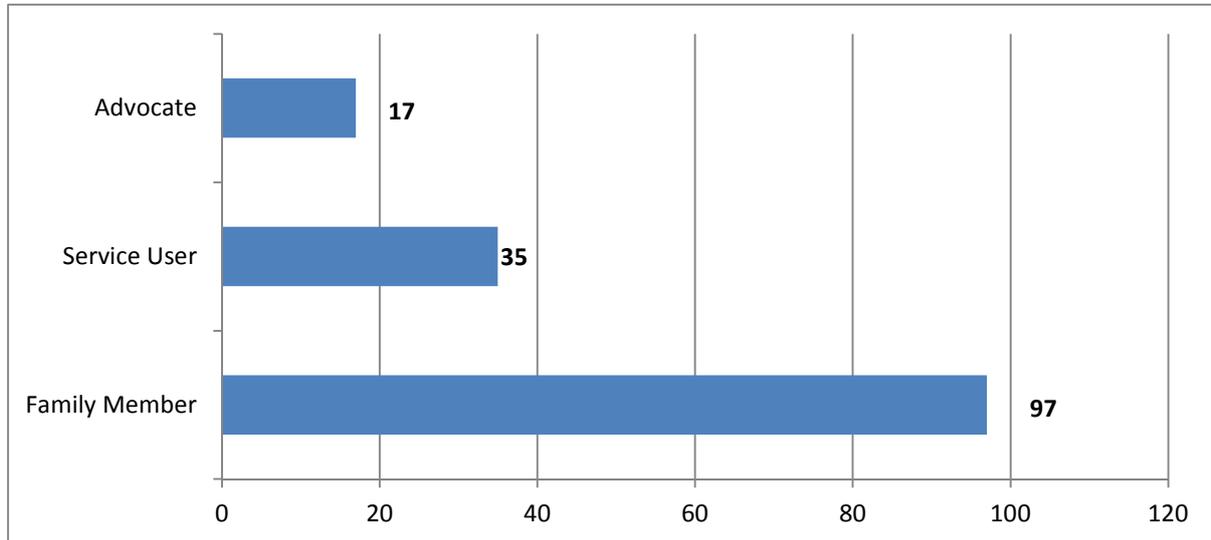
5.8.10 Of the 37 out of timeframe there is no set pattern in respect of service area. The amount of time a response is late varies between one day to 4 months.

5.9 Complaint Source

Fig 5.9.1

Chart below shows from whom the complaints were received for the reporting year 2016-2017.

**Complaint Source - Top 3
(not including complaints withdrawn)**

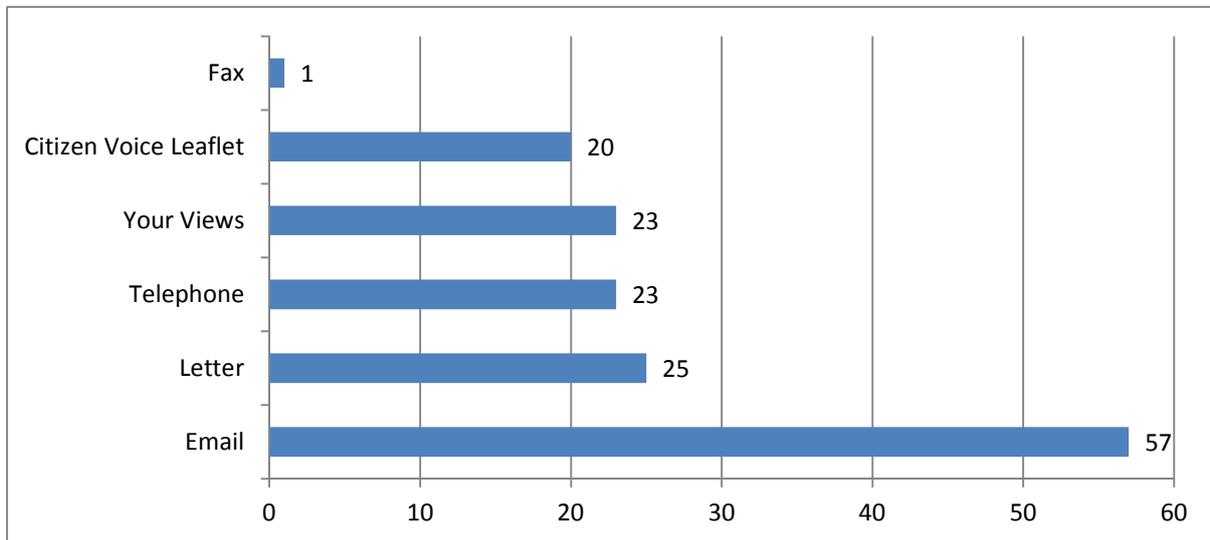


5.9.2. The above indicates from whom complaints have been received, it is evident from these statistics that family members have made the highest number of complaints with 97 (65%) which is higher than last year's figures with 67 (49%) being received. Service users themselves made the second highest number of complaints, 35 (23%).

5.10 Method of Making a Complaint

Fig: 5.10.1

Complaint Receipt (not including complaints withdrawn)



5.10.2 The above chart indicates how complaints were received. Again their continues to be stability in the use of electronic methods of making a complaint i.e., Email (57), via Birmingham City Council on line 'Your Views' complaints (23) which gives a total of 80 showing that complainants remain confident in using electronic access to the service and similar to those received electronically last year (67).

6. Costing of Complaints

6.1. Breakdown of Costing for Complaints for period 1st April 2016 - 31st March 2017

Fig 6.1.2

Costs	Totals
Complainant	£81,765.43
Compensation	£32,500.00
Reimbursement	£49,265.43
Investigation Officers	£14,796.95
Professional Time (Independent Person)	£14,523.60
Travel Cost (Independent Person)	£273.35
Grand Total	£96,562.38

6.1.3 The costings have been calculated for payments made during the reporting period against those complaints received during the reporting period and those complaint investigations that were on-going from previous years. This reporting period sees an increase to costings reported on last year.

The overall spend for last year being £21,524.56. A notable increase this reporting period in compensation and reimbursement. Investigation Officer costings remain consistent. This year's costings are broken down into two main areas of spend:-

- Compensation/Reimbursement - £81,765.43 (*This expenditure is in respect of 6 complaint cases*)
- Investigation Officers - £14,796.95 (*This expenditure is in respect of 9 complaint cases*)

7. Equal Opportunities Monitoring

7.1 This section is applicable to service user information only.

7.1.2 In the following section, data on the sexual orientation of service users is not provided. Some people are not comfortable disclosing their sexual orientation as part of monitoring information; therefore the Citizen Voice Team does not currently gather this information.

7.2 Disability

Fig 7.2.1

Disability/Client Group
(not including complaints withdrawn)

Comparison to client base	Complaints where disability/client group known	% of Complaints where disability/client group known	Total number of Clients known to the directorate	% of total number of clients known to the directorate
Physical Disability	35	24%	1,612	12.77%
Learning Disability	26	17%	2,194	17.39%
Mental Health	29	19%	509	4.04%
Older Adults	52	35%	8,292	65.74%
<i>Not Known</i>	7	5%	7	0.06%

7.2.2 The above table shows a graphical breakdown of Service User disabilities/client group. The percentage of complaints received for the vulnerable client group is not reflective of the number of clients known. There has been a decrease in the majority of service users disability/client group information not completed 7 this was 19 the previous year.

7.3 Ethnicity

Fig 7.3.1

Ethnicity	Number of complaints where ethnicity is known	% of complaints where ethnicity is known	Total Number of Clients known to directorate	% of Total number of Clients known to directorate
White - UK	88	59%	8,160	67.05%
Black-African Caribbean	12	8%	1,343	11.03%
Pakistani	15	10%	919	7.55%
Indian	5	3%	521	4.28%
Irish	9	6%	537	4.41%
White - Other	8	5%	249	2.05%
Other	4	3%	301	2.47%
Bangladeshi	1	1%	134	1.10%
<i>Not Known</i>	<i>7</i>	<i>5%</i>	<i>7</i>	<i>0.06%</i>

7.3.2 The proportion of service users where ethnicity is unknown has reduced significantly from last year (13) to 7. The majority of services users for which the complaint relates to and choose to describe themselves as white-UK 88 followed by Black-African Caribbean 12.

The directorate will continue to work closely with directorate colleagues to ensure all citizens/service users are aware of the complaints process and how to access this should they need to do so. Social Workers are required to provide a complaint leaflet to all clients when undertaking an assessment.

8. Learning from Complaints

8.1 This is the fourth year the directorate have been able to provide information captured through the complaint learning tool.

Fig 8.1.2

Learning identified	Specialist Care Services	Joint Commissioning	Finance	Assessment and Support Planning
Total Number of Complaints Received within each area	8	21	2	118
Total Number of Complaints where Learning Identified	3	0	1	59

Individual Officer Learning Identified	Specialist Care Services	Joint Commissioning	Finance	Assessment and Support Planning
Apology				12
Communication				11
Clear Instruction to Staff Member/s				2
Finance				1
Performance Management				1
Provide a Service				2
Staff Development				3
Recording of Information				3
Total Individual Learning	0	0	0	35
Evidence Received				20
Evidence Outstanding	0	0	0	15

General Learning Identified	Specialist Care Services	Joint Commissioning	Finance	Assessment and Support Planning
Apology	1			26
Clear Instruction to Staff Member/s	2			2
Communication			1	21
Performance Management				1
Provide a Service				7
Recording of Information				3
Review a Policy				3
Staff Development				2
Total General Learning	3	0	1	65
Evidence Received	1		1	21
Evidence Outstanding	2	0	0	44

Overall Total Learning	3	0	1	100
Total Evidence Received	1	0	1	41
Total Evidence Outstanding	2	0	0	59

- 8.1.5 The table overleaf breaks down the learning elements identified over the four main service areas. Assessment and Support Planning with a total of 59 complaints where learning has been identified (100 learning points), followed by Specialist Care Services with 3 complaints (3 learning points) and Finance with 1 complaint (1 learning point).
- 8.1.6 Evidence received to inform that each learning identified has been actioned has not all been provided to the Citizen Voice Team. Of the 104 learning aspects identified evidence has been provided for 43.
- 8.1.7 Learning evidence is not currently captured in respect of complaints that relate to commissioned services as any learning would be for the external provider to take forward.
- 8.1.8 The Learning from Complaints meeting is held bi-monthly to discuss the detail of learning from complaints received in relation to Assessment and Support Planning (ASP) including Local Government Ombudsman complaints. The Learning from Complaints meeting is chaired by a Social Work Team Manager, and has Social Work Team Manager representation from all Assessment and Support Planning service areas. Within this forum a maximum of three complaints which have been through the complaints process and determined by the Lead Officer that the learning needs to be cascaded across the directorate are discussed. A managers briefing note is then compiled detailing key learning identified, practice issues, areas of good practice and recommendations made.

Learning from complaints is a standard agenda item in social work team meetings and it is expected that the content of the managers briefing note is utilised to cascade learning to ensure consistency in practice and learning across Assessment and Support Planning.

Some Key Learning Identified:-

- Repeat themes of complaints in terms of copies of assessments not provided and issues with communication.
- Lead Officers to advise Citizen Voice Team from the onset if there is any reason as to why they should not investigate the complaint in respect of any previous case involvement. Where the manager is unable to investigate due to previous involvement another appropriate manager will be appointed as Lead Officer.
- Incomplete response where a joint response required.
- Need to clarify information with the complainant if unclear as to what the complaint elements for investigation are.
- Consent to progress a complaint is required where a person is deemed to have mental capacity and a complaint is made by a third party.

- Need to evidence that where a family wish to place a loved one in a home where a top up of fee is required that the social worker ensures a home that can meet the adult's assessed care needs not requiring a top-up of fee is offered and recorded.

Examples of Practice Issues Identified:-

- E-mails – the language contained within e-mails should always be professional.
- Directorate expectations in relation to determining next of kin to be clarified and communicated to workers.
- Template response letter – Lead Officers to check all response letters to ensure that headings not utilised within the response are removed.

Examples of Good Practice Identified:-

- Review process is offered to the complainant.
- The Lead Officer was not the manager involved in the complaint and so impartial.
- The Lead Officer contacting the complainant in order to clarify complaint elements.
- Data Protection adhered to.

Examples of Recommendations made from the Learning from Complaints bi-monthly meeting:-

- Correspondence with the Citizen Voice Team – Managers need to be clear whether information being sent to the Citizen Voice Team is for information only as to how a complaint is being dealt with locally, or whether it is a request to come through the complaints process because the complaint has not been responded to locally within the required timeframe.
- Social Workers to check and update next of kin recorded on care first.
- Issue of transfer between standard and complex teams to be fed in to review of Customer Journey.

9. Conclusions

- 9.1 There has been a significant increase in the number of compliments received this reporting period.
- 9.2 A high number of contacts have been received for this reporting period (479). Many of the contacts have been dealt with promptly as requests for service/requests for information (97) in order to bring about early resolution for the citizen/service user.
- 9.3 Of those contacts made 149 complaints were taken through the statutory complaints process.
- 9.4 The overall number of complaint elements being investigated within these complaints remains high. If each element was recorded as a separate complaint the statistical information would be 676 complaints rather than 149.
- 9.5 The Team continue to work in close partnership with directorate management and staff to ensure our citizens, service users, carers and representatives are provided with a high level of customer service.
- 9.6 The Directorate continues to strive to meet its internal target of responding to complaints and will continue to improve on this performance for the forthcoming year.
- 9.7 The team continue to review active complaints on a regular basis ensuring all complaint cases are looked at and directives provided as how to progress matters to ensure no complaint is left to drift within the system.
- 9.8 The team are fully aware of the challenges that face the directorate in respect of budget cuts now and in the future and will continue to deliver the best service it can to all the citizens it serves.

Fran Zain
Citizen Voice Team Manager
Citizen Voice Team