

Annex B - Research on information about social care complaints

Extract from The Local Government and Social Care Ombudsman report (March 2019):

- “Since 2010-11, we have seen a steady increase in the number of care provider complaints and enquiries we receive. This could be partly attributed to a growing awareness of our role, with care providers improving the way they signpost people to us in their complaints procedures.
- However, of more concern is the steady increase in the uphold rate of the complaints we take on to investigate. Last year we received 442 complaints and enquiries, and upheld 69% of investigations about care providers. This compares with 3,106 received and 62% upheld, across all adult social care services including councils.
- When we uphold a complaint, and make recommendations to put things right, in almost all cases care providers work proactively with us to do this. It is extremely unusual for a care provider not to follow our recommendations. Out of more than 25,000 services provided by care providers in England, the 442 complaints and enquiries we received, and the 213 recommendations, we had only one instance of non-compliance last year. Further details can be found in our [Annual Review of Adult Social Care Complaints 2017-18](#).
- In the very rare instance that a care provider refuses to follow recommendations, we use our powers to publish a notice holding the provider publicly to account and include it in our annual report laid in parliament.
- The clarity of information given to care users is a key issue in many of the complaints we investigate about independent care providers, particularly regarding care planning, unclear fees, billing/invoices, lost or damaged personal property, provision of unclear information.”

Social care guidance and publications

Name of publication	Date of publication	Summary of the publication	Best practice/ good example
<p>Complaints about social care</p> <p>An appendix to the Healthwatch toolkit for local Healthwatch</p> <p>A Quality Matters Healthwatch England resource</p>	<p>July 2017</p>	<p>This is designed to help local Healthwatch help scrutinise local social complaints systems. It gives details of the differences between the NHS and social care systems particularly the fact that no national data is collected and there is no statutory duty to provide advocacy</p> <p>All local authorities must have a complaints procedure which adheres to the Complaints regulations 2009 but each authority has a separate Complaints Handling policy and there is no set time for the investigation but if it lasts longer than six months the complainant must be given reasons why.</p>	<p>This appendix could help Healthwatch to start to look in more detail at social care complaints.</p> <p>There is a general description of the complaint procedure on the BHCC council web site but it is not clear how to get access to the actual policy.</p> <p>The annual complaints report is incorporated into the Customer Insight Report 2017/18 but it is impossible to sort out how many social service complaints were received.</p>
<p>Single Complaints Statement</p> <p>Healthwatch Local Government and Social Care Ombudsman</p> <p>Part of Quality Matters</p>	<p>July 2018</p>	<p>Explains what people should be able to expect when making a complaint. Under six headings:</p> <ol style="list-style-type: none"> 1. Encouragement and reassurance 2. Respect and involvement 3. Simple process with well 	<p>This single complaints statement is clear and concise- and it could be extremely beneficial if all local organisations could be persuaded to use it</p> <p>It could form the basis for a Healthwatch leaflet.</p>

		<p>trained staff</p> <ol style="list-style-type: none"> 4. Taken seriously and know what will change as a result 5. Follow simple process when more than one organisation is involved 6. Clear information on what to do if you are not happy with the result <p>There are two separate guides, one for users and another for providers.</p>	
<p>Review of Adult Social Complaints 2017/18</p> <p>Local Government and Social Care Ombudsman</p>	<p>Nov 2018</p>	<p>This gives the national figures of complaints referred to the Ombudsman and how many were upheld.</p> <p>Individual local authority's figures can be accessed.</p>	<p>These are the only national figures for social care complaints where it is possible to compare one authority with another but it is only a very rough indicator.</p> <p>They have created a good practice approach to managing compliments and complaints. This was developed with Healthwatch England in consultation with the sector under the 'Quality Matters' initiative. The Quality Matters initiative is a shared commitment by everyone who uses, works in and supports adult social care. The guidance does not provide useful information for complainants</p> <p>They have a host of resources on their website and a training programme to help improve complaint handling:</p> <p>Care provider resources - an online</p>

			<p>resource including Template complaint procedures template complaint letters, posters of how to contact the Ombudsman and how to guides</p> <p><u>Complaint handling training courses</u> - which are available to book</p> <p><u>E-newsletters</u></p> <p><u>Our decisions</u> - published investigations providers can learn from</p> <p><u>Practitioner guidance</u> - how to handle Funded Nursing Care payments</p> <p><u>Annual Review of Adult Social Care Complaints</u></p> <p><u>Quality Matters</u> - leaflets for both providers and care users</p>
<p>Competition and Markets Authority</p> <p><u>Care homes: consumer rights for residents and their families</u></p> <p>ALSO</p> <p><u>Care homes and consumer law: short guide for businesses</u></p>	<p>November 2018</p>	<p>The CMA is a non-ministerial department who work to promote competition for the benefit of consumers, both within and outside the UK. Their aim is to make markets work well for consumers, businesses and the economy. This summary sets out what people need to know when choosing or living in a care home, and where they can go for further advice on their consumer rights</p>	<p>This provides advice about choosing a care home, but includes a section about what to do when something goes wrong. It gives links to CAB, Age UK and <u>Independent Age, the Relatives & Residents Association</u> where people can contain more info, so it doesn't actually provide any best practice itself</p> <p>The guide for businesses sets out the expectation for care homes if a complaint is made</p>

<p>Creating a learning culture in social care</p> <p>Healthwatch England</p>	<p>September 2019</p>	<p>HWE looked at how easy local authority social care complaints reports were to access</p> <p>Key findings were:</p> <ul style="list-style-type: none"> • Reports are becoming less accessible to the public -of 152 local authorities only 55 reports were made publicly available in 2017/18, compared with 72 the previous year • Reports focus on numbers not learning • Local government needs a more consistent approach • There is a lack of common language on complaints 	<p>Examples of best practice being applied by some local authorities was identified:</p> <p>Some reported on numbers of complaints with advocacy support</p> <p>Some highlighted that most concerns related to care homes and provided action plans for improving them</p> <p>Some described their joint complaints procedures (working with NHS and advocacy providers)</p> <p>Some contained themes, lessons learned and key policy decisions and monitoring systems to measure improvements</p>
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Other notable publications

[Hard Truths: The Journey to Putting Patients First](#) (January 2014) - Government response to Robert Francis' inquiry into the failings at Mid Staffordshire NHS Foundation Trust

[A Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture](#) (Clwyd-Hart Review into NHS complaints systems, October 2013)

[Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry](#) (Robert Francis Inquiry, 2013)