

# **Department: Community and Housing**

**Date: October 2019**

## **Subject: Adult Social Care Complaints Annual Review**

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### **1. Report & executive summary**

- 1.1 It is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, to produce an annual report about complaints made by, or on behalf of, people who receive support or services from Adult Social Care. This annual report also provides a mechanism by which the council can monitor the quality and effectiveness of services and of its complaints procedure.
  - 1.2 Complaints are recognised as a valuable tool in helping officers to understand the concerns of residents in the delivery of services and have an important role in both supporting the improvement of those services and holding services to account.
  - 1.3 This report provides an overview and analysis of all complaints received during the reporting period 1 April 2018 to 31 March 2019, including a summary of identified issues, examples of service improvement and details of future objectives for 2019/20. The report shows a slight jump in the number of complaints received this year compared to previous years.
  - 1.4 The report will be published on the council's website, and made available on request, to managers and staff, elected members, residents and inspection bodies.
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### **2. Details**

- 2.1 Complaints, including Local Government and Social Care Ombudsman (LGSCO) complaints are monitored by the Complaints team. Performance for the number of complaints dealt with in time, the number of complaints escalated to Stage 2 and LGSCO complaints answered in time are corporate performance indicators.
- 2.2 In line with the Local Authority Social Services and NHS Complaints Regulations 2009, the council has a one stage process for Adult Social Care complaints. The timescale for responding is 25 working days, which can be extended by 40 working days to a maximum of 65 working days.
- 2.3 The council will provide advice and support and work with complainants and social care providers to find an effective and swift resolution to complaints.

### 3. Stage One Complaints received

- 3.1 The total number of stage one Adult Social Care complaints received in 2018/19 was 47, a 57% increase from the number received in 2017/18 of 30. The previous year of 2016/17 was 31 received.

Stage 1	2016/17	2017/18	2018/19
Access and Assessment*	21	22	42
Commissioning	7	4	4
Direct Provision	1	0	1
Split between teams	2	4	0
<b>Total</b>	<b>31</b>	<b>30</b>	<b>47</b>

\*Access & Assessment is the service's social work function

- 3.2 Complaints broken down by section for 2018/19 are as follows, with only 70% of all Adult Social Care complaints responded to in time against the target of 90%.

Team	% responded in time
Access and Assessment	74%
Commissioning	25%
Direct Provision	100%
<b>Overall Total</b>	<b>70%</b>

- 3.3 The types of complaints received are as follows:-

#### Access and Assessment

- Level of care.
- Care charges / funding.
- Delays in responding / lack of contact.
- Staff attitude.
- Not following procedures.
- Safeguarding issues.
- Direct Payments.

#### Commissioning

- Level of care.
- Safeguarding issue.
- Delays in dealing with Direct Payments.

#### Direct Provision

- Level of care.

3.4 These can be put into the below themes:-

- **Policy and Decision** – usually relates to an outcome of an assessment or a service request that has not been agreed
- **Staff Attitude** – primarily around customer service issues, or where a worker said they would do something; but did not
- **Poor Quality** – mainly about the quality of reports and administration of case management
- **No Provision** – where a service was agreed but not provided
- **Level of Provision** – a marked increase in complaints about the level of care / care package
- **Communication** – usually about calls, messages, emails, etc. not being responded to in a timely manner
- **Delay** – where a formal or informal deadline is set to provide a service; but is missed and provided much later

3.5 Of the 47 complaints received in 2018/19, 17 of these were upheld and 17 were partially upheld totalling 72% of all complaints received. An increase of the previous year 2017/18 where 67% were partially upheld or upheld and comparable to 70% in 2016/17.

Team	Upheld	Partially Upheld	Not Upheld	Total
Access and Assessment	15	15	12	42
Commissioning	2	1	1	4
Direct Provision	0	1	0	1
<b>Total</b>	17	17	13	47

3.4 Reasons why complaints were upheld or partially upheld are as follows:-

#### **Access and Assessment**

- Poor / delayed communication
- Poor record keeping
- Delay / confusion about referral pathways
- Delays in assessment
- Incorrect reduction in care package
- Safeguarding process / reviews

#### **Commissioning**

- Poor communication
- Level of care from carers

## Outcomes

3.5 Where complaints are being upheld or partially upheld, it is required that the response will state the outcome and what actions will be taken to rectify the matter. Examples of the remedies Adult Social Care have put in place are as follows:-

- Apologies given and face to face meetings offered.
- Missing service given.  
Review of case with relevant managers to establish what went wrong and to avoid a repeat.
- Support plan and assessment to be reviewed and amended as necessary.
- Documentation to be forwarded in a timely manner and this monitored.
- Reviewing our processes and protocols to ensure that we are consistent and fair, despite our limited resources.
- Refresher training regarding 'ordinary residence' and relocation in particular.
- Improving communication between organisations and with vulnerable people and their families.
- Compensation given.

## 4. Local Government and Social Care Ombudsman (LGSCO) Enquiries

4.1 In 2018/19, the LGSCO contacted the council about nine different Adult Social Care complaints, 25% of the total number received by the council which is an increase on previous years.

4.2 The LGSCO may contact the council with a 'Final Decision' without investigation on cases that upon initial review are outside the LGSCO's jurisdiction.

4.3 Seven out of nine or 78% Final Decisions were 'Upheld' in some way, this shows us that we need to do more work on resolving complaints locally.

4.4 Where fault has been found the council has worked to correct, remedy and change its procedures to ensure it does not happen again.

4.5

Ref.	In time	Decision	Remedy	Compensation
17005795	No	Upheld: maladministration and injustice.	Provide an apology for the above faults and distress.	N/A
17015623	Yes	Not upheld: No maladministration	N/A	N/A
18001124	Yes	Upheld: maladministration and injustice.	Review all service users who have received	The Council should pay Mr X £100 for avoidable time and distress caused for

Ref.	In time	Decision	Remedy	Compensation
			reablement or intermediary care to identify whether they have been incorrectly invoiced for care. Ensure relevant staff are aware of the statutory guidance on charging for reablement and intermediate care.	incorrectly invoicing him for his care.
17 007 480	Yes	Upheld: maladministration and injustice.	Produce guidance on reasonable adjustments for adult social care staff involved in needs assessments and reviews. After it publishes this guidance, that it provides some training for staff in its implementation.	N/A
18 008 986	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council.	N/A
17 019 042	No	Upheld: maladministration and injustice.	Apologise to for not responding to her December 2017 complaint [children to action]	N/A
17020074	Yes	Upheld: maladministration and injustice.	Send a corrected invoice for Mr Y's care.	N/A
18007788	No	Upheld: maladministration and injustice.	Apologise and ensure that financial information is provided to service-users in a more timely manner so all parties are aware of the	Pay her £250 in recognition of the uncertainty and distress caused.

Ref.	In time	Decision	Remedy	Compensation
			implications of the options available.	
17 008 006	Yes	Upheld: maladministration and injustice.	Apologise for the distress and the time and trouble caused by the faults identified. It should also backdate the increase in the personal budget and carry out an assessment to establish if day time care support, including general housework and cleaning duties, can be completed within ten hours of 'active' support.	N/A
18 008 986	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council.	N/A

## 5. Next steps

- 5.1 Learning from complaints, needs to be more rigorous and evidenced in the response and in our revised procedures.
- 5.2 A refresh on the information available on how to complain on the council's website will be undertaken, to ensure it is accessible to all.
- 5.3 We are seeing a trend of complaints with ASC complaints where decisions made at the funding forum are not acceptable to the service user or their carers/families. The issues being raised within are;
  - Not being able to attend the panel meeting and provide more info
  - Not being given a written record of the meeting to challenge it
  - Provide independent info supporting their view
  - Not being able to appeal against decisions reached.

This has been raised with service managers and a way forward being worked on.