

London Borough of Merton Council

Adult Social Care Complaints

Introduction

The handling of complaints about Adult Social Care services is directed by The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

These regulations say every council must:

- Deal with complaints efficiently
- Properly investigate each complaint
- Offer assistance to complainants to enable them to understand the procedure and obtain advice if needed.
- Respond to each complaint in a timely and appropriate way.

The regulations also direct councils to provide an annual report about adult social care complaints and make that report available to any person on request.

There are some data sets that must be included in the annual report, these are:

The number of complaints:

Received : This is the total of the complaints whereby a formal complaint response is requested, or it can be implied that a formal complaint response is required. Not all complaints received result in a formal complaint investigation. Where we cannot formally investigate a complaint, the complainant will be advised, and signposted, where possible, to the correct procedure.

Upheld : These are complaints where there has a service failure has been established. There are generally four outcomes of a complaint, these are:

Upheld – where we agree with the complainant

Partially upheld – where we agree with the complainant in part, but not fully.

Not upheld – where we do not agree that there has been a service failure

Inconclusive – where we do not have evidence to conclude the complaint one way or another.

Referred to the Local Government and Social Care Ombudsman : Adult Social Care Complaints have a single stage, and the Council will do its utmost to resolve complaints. However, if having received a complaint response the complainant remains unsatisfied, they may refer their complaint to the Local Government and Social Care Ombudsman.

Handling: The council should also summarise the subject of the complaints received, how they were handled.

Actions: How issues identified through the complaints process have been or will be addressed in response to the findings.

This report is written to comply with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, the expectations of the Local Government and Social Care Ombudsman and the Council's own Complaints, Comments and Compliments Policy.

Key points

It was expected that complaints would rise, following the relaxing of restrictions put in place during the coronavirus pandemic. During the course of the restrictions some services ceased or changed the way they were delivered. There has been an increase, but complaints did not return to pre-pandemic levels seen prior to 2020.

- The number of compliments received far exceeds the number of complaints, 65 compliments were received in 2021 – 2022.
- A total of 29 Adult Social Care complaints were received, this is an increase of 5 cases compared with the previous year 2020 – 2021, when 24 cases were received. (25%)
- 59% of complaints were responded to within our target timescale of 25 working days. This is a decrease on the previous year when 75% of complaints were responded to in time.
- 24% of complaints upheld this is an increase of 7% on the previous year when 17% of complaints upheld.
- 7 complaints were escalated to the Local Government and Social Care Ombudsman
- 2 complaints were upheld by the Local Government and Social Care Ombudsman

Dealing with complaints about Adult Social Care in the London Borough of Merton

In London Borough of Merton, Adult Social Care Complaints are managed as a function of the Complaints Team, who similarly manage and co-ordinate other types of complaint. These are corporate complaints and children's statutory complaints.

In 2021, following a restructure, the Complaints Team moved to sit within the wider Communications Team with a new head of service and a new team manager. A review of the service took place and a number of improvements to the service have been implemented, with further enhancements planned.

The Complaints Team are knowledgeable in the handling of complaints and operate independently of the service teams. The team acts as an impartial conduit for complainants and the Council's officers, remain available to both throughout the duration of a complaint, providing guidance throughout the process. It is the responsibility of the Service Teams to respond to complaints.

An important function of the Complaints Team is to collect and collate data from feedback received. This assists the council in preventing recurring complaints, identifying training needs and updating policies and guidance.

Unlike other types of complaint, complaints about Adult Social Care are dealt with in a single stage process. The complaints should be answered within 25 working days, but this may be extended to 65 working days where necessary. Having completed the internal process, the complaint maybe referred to the Local Government and Social Care Ombudsman if the complainant remains unsatisfied.

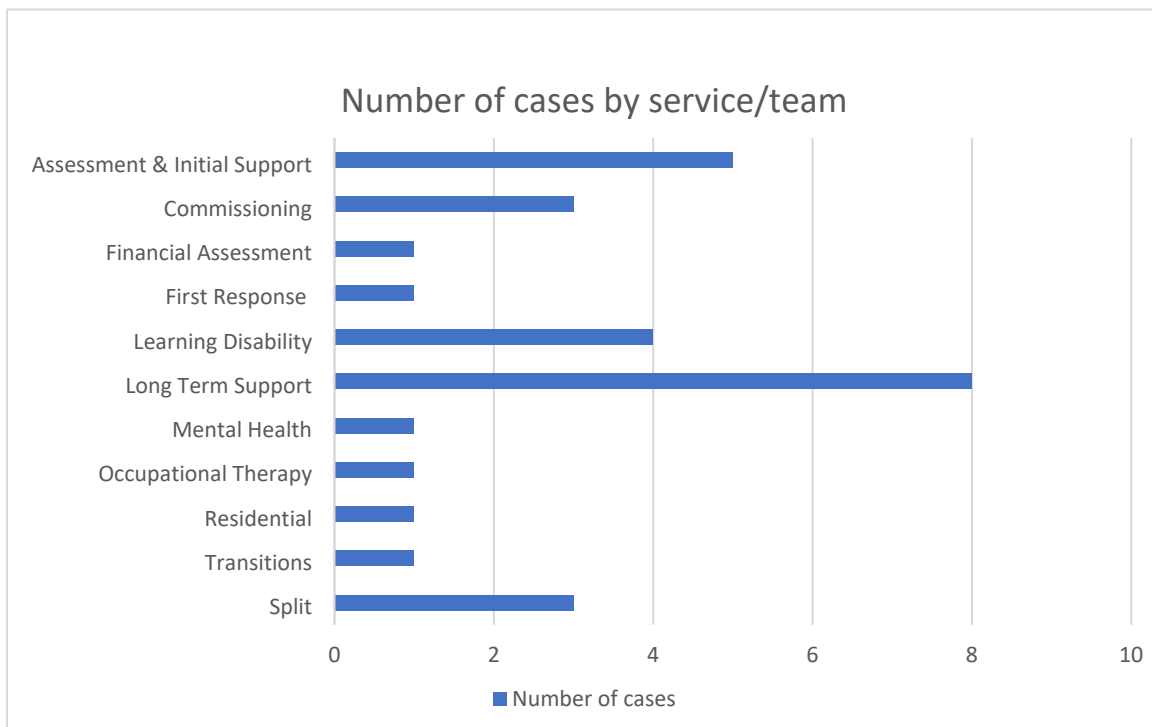
Customer feedback

The Complaints team received 94 feedback items regarding Adult Social Care, 65 of those communications were compliments and identified excellent practice across all teams. This is more than double the number of complaints received (29).



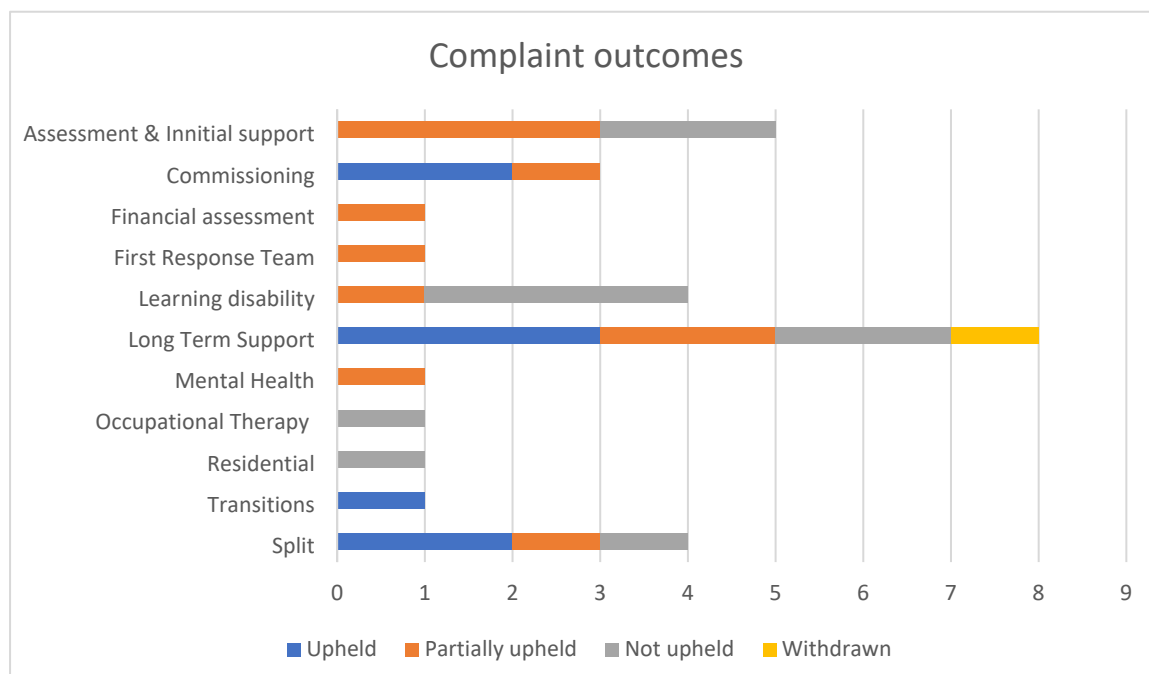
Complaints

The Council received 29 formal complaints regarding Adult Social Care, these are broken down into teams as follows:



Complaint outcomes

Of the 29 complaints submitted, 7 (24%) upheld, 11 (38%) were partially upheld and 10 (34%) were not upheld. 1 complaint was withdrawn during the process.

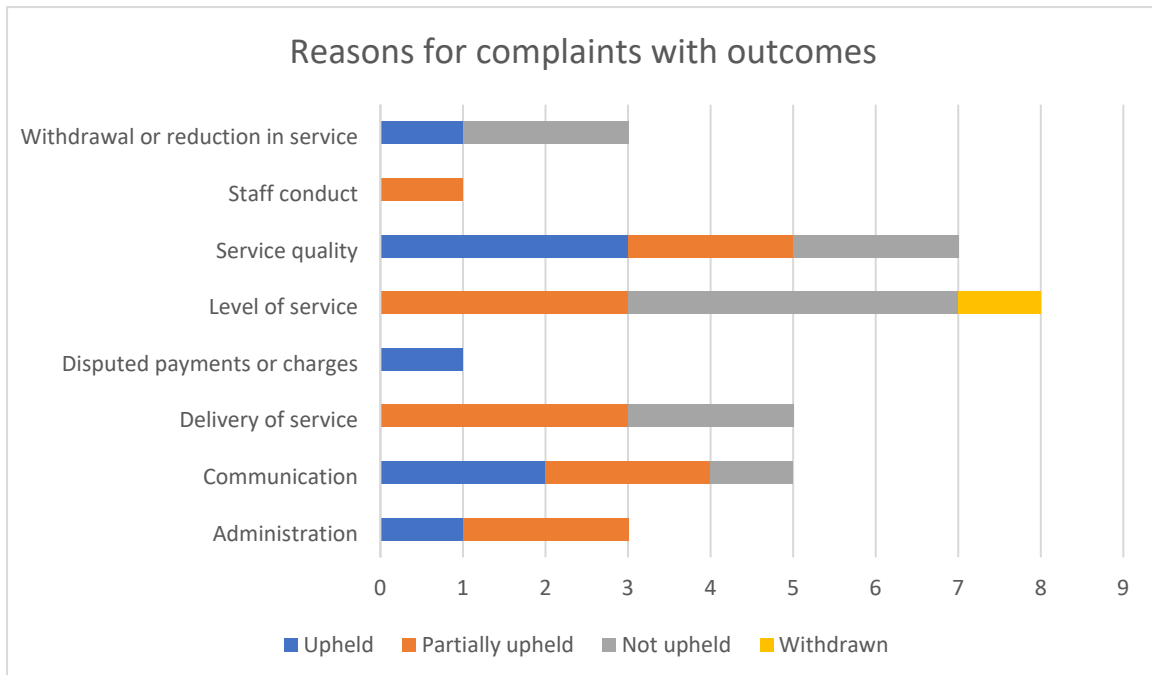


Reasons for complaint

Adult social care packages vary by individual, and people describe their circumstances in different ways. Therefore, there are challenges to categorising complaints by reason as it is somewhat subjective. Some complaints include multiple issues which means that the outcomes don't tally with the number of complaints received. 29 complaints were received 33 outcomes have been recorded.

This year 8 principal reasons for complaint have been identified.

- **Administration:** This is a general administration complaint.
- **Communication:** This usually refers to a lack of response to attempts to contact a team or an action being taken (or not taken) without informing the client or representative.
- **Delivery of service:** This may refer to the timeliness of service delivery, environment, location of service delivery.
- **Disputed payments of charges:** Where the service user queries an invoice.
- **Level of Service:** This refers to the amount of support a client is receiving against their expectation – it is not necessarily based on a new decision.
- **Quality of service:** This relates to the quality of service, but not to a specific individual.
- **Staff conduct:** This relates to the behaviour of a specific employee.
- **Withdrawal or a reduction of service:** This follows a decision to reduce or withdraw a service.



Although there were 29 complaints, there are 33 outcomes on the chart above, this is to reflect multiple issues made in some complaints.

Level of service was the most common reason for complaint, covered by reduction/withdrawal of complaints and level of service categories. However, it was not a category where there were a lot of upholds which indicates a difference in expectation and service provision.

Escalations to Local Government and Social Care Ombudsman (LGSCO)

A total of seven complaints were escalated to LGSCO regarding London Borough of Merton’s adult social care services. The LGSCO does not fully investigate all cases that are referred to it, as they do have exceptions based on jurisdiction and time. However all cases are logged and assigned a reference number. Three cases were closed at initial stages and four cases progressed to further investigation. The LGSCO issued four final decisions in the year 2021-2022.

- One case was not fully investigated.
- No fault was found in one case.
- Fault was found in 2 cases. The full reports can be accessed from the LGSCO website.

The cases are outlined below as summarised by the LGSCO, the full decisions are available on the LGSCO website [Decisions - Local Government and Social Care Ombudsman](#). The case numbers can be typed into the search facility.

LGSCO Case Ref	20 004 448
Decision	Upheld
Category (as defined by LGSCO)	Covid-19
Date of final decision	
Division	Access & assessment
Team	Older people
Summary	
<p>Ms X complains the Council failed to assess her father's (Mr Y's) needs properly, failed to identify an indicative personal budget or agree a final budget. The Council failed to meet Mr Y's needs after his capital fell below £23,250 and failed to assess the risk to him from moving to another care home. This left him paying for his own care when the Council should have been helping to fund it. It should refund Mr Y, apologise to his daughter and pay her financial recompense.</p>	

LGSCO Case Ref	20 011 610
Decision	Not upheld
Category (as defined by LGSCO)	Domiciliary care
Date of final decision	
Division	Access & assessment
Team	Older people
Summary	
<p>The Council considered Ms X's circumstances properly and offered care and support appropriate to her eligible assessed needs. It was not fault on the part of the Council to change to commissioned services instead of Direct Payments, in accordance with its policy.</p>	

LGSCO Case Ref	20 007 386
Decision	Upheld
Category (as defined by LGSCO)	other
Date of final decision	10 August 2021
Division	Access & assessment
Team	Older people
Summary	
<p>Mrs X complained the Council moved her aunt, Ms Y, into a residential home without notifying her or her husband Mr X. Mrs X further complained that when Ms Y later died in hospital, the Council again failed to inform her family. Mrs X said because of this she and Mr X lost the chance to say goodbye to Ms Y or help with her funeral arrangements, which caused them significant distress and upset. There was fault when the Council failed to notify Mr and Mrs X after Ms Y moved into residential care and did not follow the correct process when it cleared Ms Y's home of its contents. The Council has agreed to provide an apology and remind its staff of the importance of the contacting next of kin when a service user is moved into residential care. This is a satisfactory resolution which addresses the fault identified.</p>	

Learning from complaints

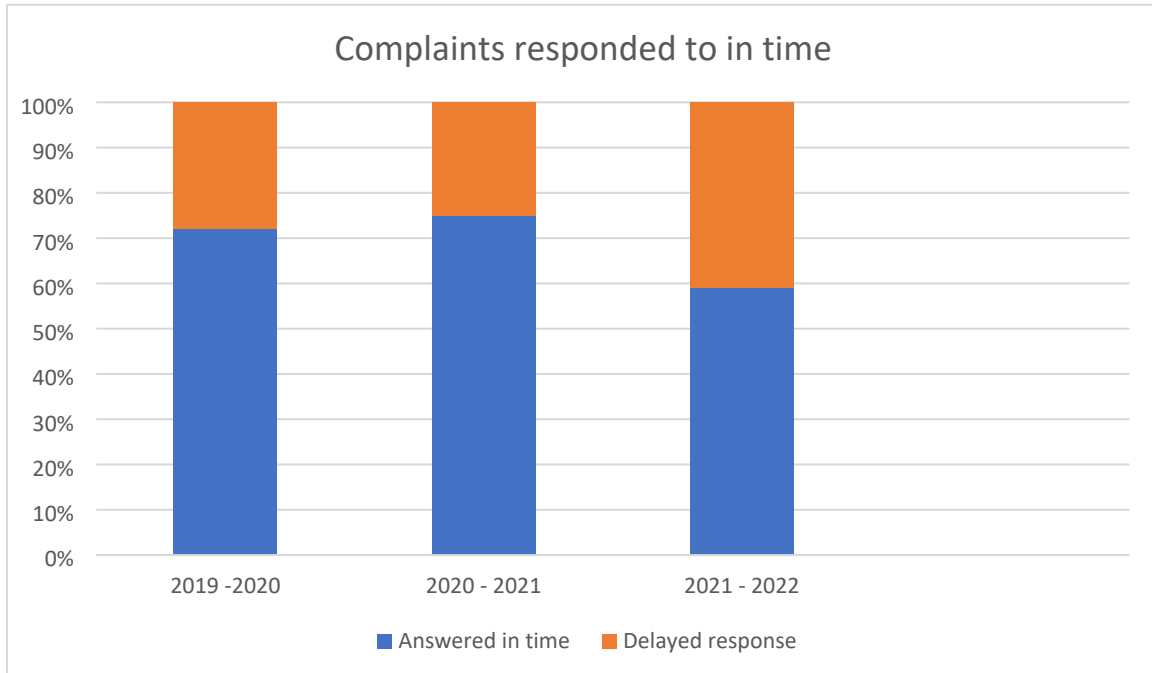
Adult Social Care	
Theme	Action
Reviewing Mental Health Team Service	Service to be evaluated by AD to see what changed if any are required to improve working and partnership working with MHT.
Carry out a person-centred risk assessment before deciding someone's needs can be met at another care home;	<p>A flow chart and risk assessment to be introduced by Principal Social Worker (PSW). This is to be used when any client is moving care homes in order that risks are identified and mitigations are actioned.</p> <p>The new process and documentation will be launched at a learning event led by the adult PSW.</p> <p>The process will be monitored at the outcomes forum when practice and process is scrutinized.</p>
Responds to requests for information about third-party top-ups for care home fees;	Flow chart to be introduced and launched by PSW to routinely point towards external sources of information and advice on 3rd party top ups. Flow chart and process will also advise people take financial advice before agreeing to pay a 3rd party top up.
Sending care and support plans out without delay	<ul style="list-style-type: none"> • Timeliness of sending out support plans to be monitored by PSW and Quality assurance manager within the audit process. • Issues of sending out documentation in a timely way also to be discussed with all managers at managers meeting. • Managers to monitor timeliness of support plans being sent out during case closure and transfer checklist. • Remind staff to share draft care and support plan with individual they are working with and/or those they want to have a copy • If additional information is received, ensure staff are reviewing and adding to assessments/care and support plans. These are draft until family have reviewed so can be amended.
Concerns regarding a provider and monitoring	<ul style="list-style-type: none"> • Merton Council acknowledges that it is important to have regular quality assurance checks so that the standard of service can be improved and maintained, introduced 3 weekly checks to continue to be carried out by a contract monitoring officer. There is a checklist for the provider to adhere to, which will show evidence of improvement and minimise risks. • The provider are also using an electronic monitoring system to log the start time and end time of each care call. This will provide evidence if the times are not consistent with our commissioned time slots for care calls. The Contracts officer will also carry out spot checks on the electronic monitoring system. • The provider have recently recruited 5 new carers, which will have a positive impact on the availability and punctuality of carers covering care calls on time.

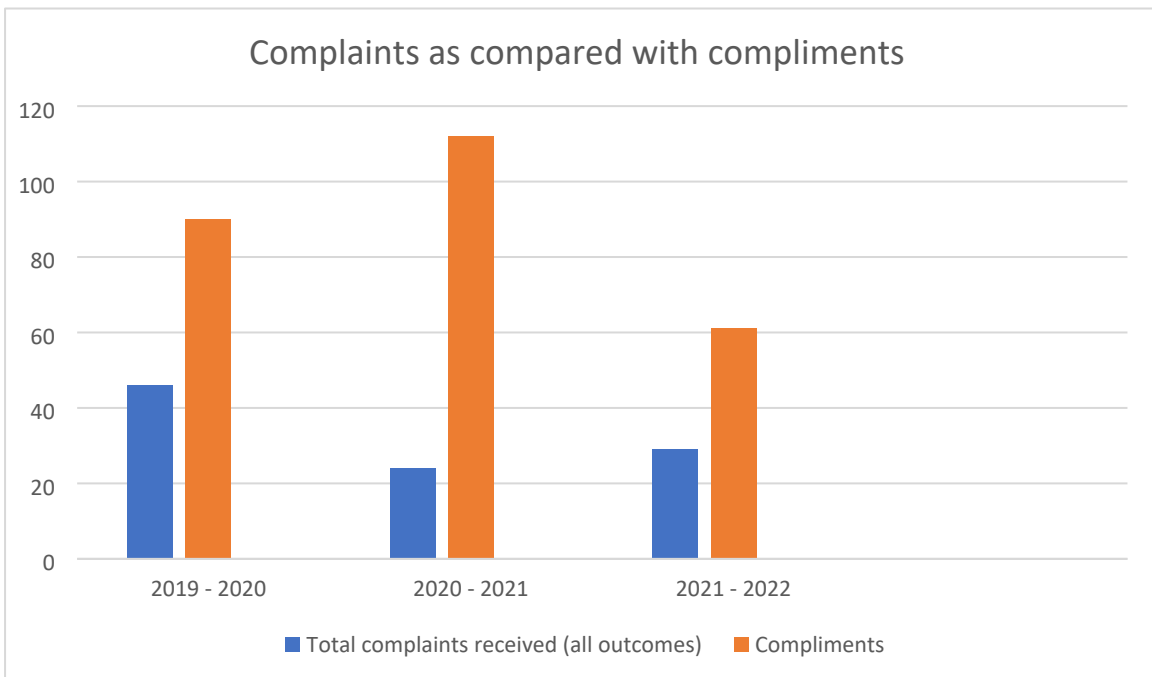
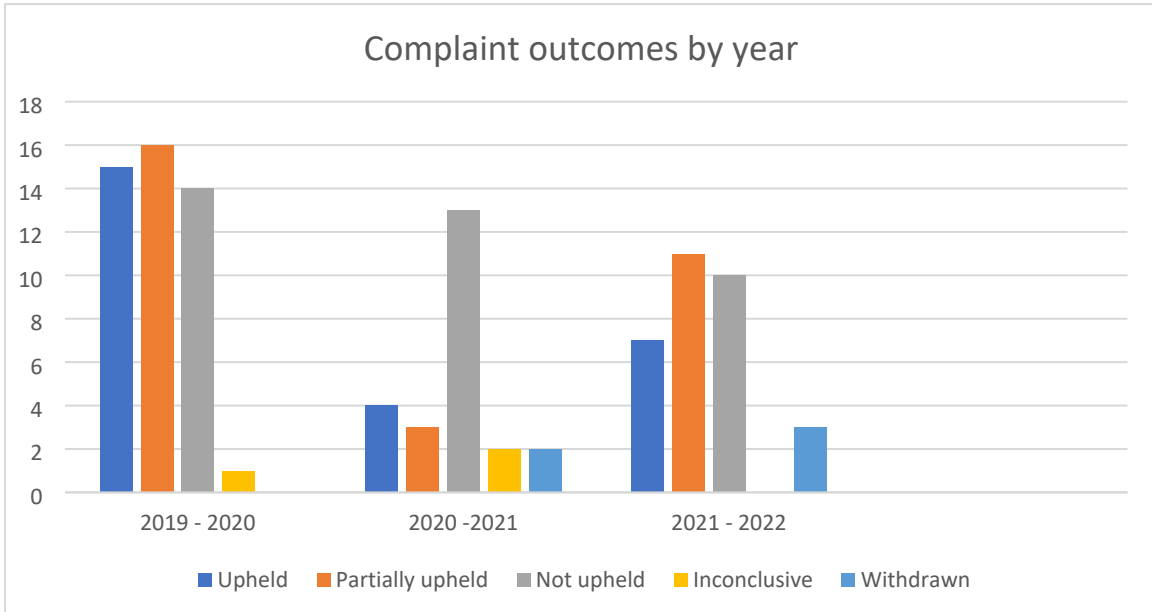
Quality of Care – Provider concerns	<ul style="list-style-type: none"> • identified a need for change in system on mosaics to identify provider concerns issues. • identified a new provider concerns process and protocol required. current workshop and meeting ongoing. • Threshold for when provider concern becomes safeguarding to be revised and updated.
Communication with People with Lived experience, and families	<ul style="list-style-type: none"> • Staff member involved reminded of the importance of returning calls when we say we will and she has acknowledged how frustrated and distressed this left the person feeling. • The whole team has also been reminded of their responsibilities to complete referrals as soon as possible and to give feedback to our customers and their families and carers as to what will happen next. • Remind LA staff that they should contact the PLE or NOK as a matter of courtesy prior to attending CHC or other MDT meeting as a courtesy call to introduce self. • Notify PLE and family when worker leaves, and reallocation. • Ensure staff are aware that prior to complaint there is an option for manager to speak with people with concerns directly. • Highlight the need for responses to emails be done in a timely manner, particularly where complaints are involved at managers meeting. • Communication appears to be an ongoing theme in a number of the complaints – further work around practice to take place, including Practice Guidance to be developed around Communication for all staff, including top tips.
Delay in undertaking assessment – over 4 weeks	<ul style="list-style-type: none"> • Currently developing, and will be introduction of new computer system to managers to keep track of how long assessment are taking. • Performance indicators to be introduced to supervision as standard to be discussed. • QAM – identify overdue assessment monthly with manager/Assistant Team manager
Property Disregard	<ul style="list-style-type: none"> • That there is a clearer process for acknowledging and resolving requests for properties to be disregarded when assessing an individual’s ability to contribute to the cost of their care • To develop and implemented by the Council’s Financial Assessment Team. This to be completed by April 2022.

Merton Integrated Learning Disability Team and Transition Team	
Theme	Action
<p>COMMUNICATION</p> <ul style="list-style-type: none"> Lack of communication with clients/ families, other professionals-not keeping people updated on progress and actions Lack of contact details for workers resulting in families and customers feeling unsupported 	<ul style="list-style-type: none"> Team Discussion on the importance of regular contact and clarity on actions and decisions . Accurate recording of actions for evidence providing when things done and who has been communicated with and how Provision of contact details / telephone / emails etc
<p>TIMELINESS</p> <ul style="list-style-type: none"> Delays in assessments commencing and work being completed 	<ul style="list-style-type: none"> As above – clear communication on actions and the reason for any delay Staff discussion with supervisors on caseload management Improving referral meetings and decisions
<p>ASSESSMENT PROCESSES</p> <ul style="list-style-type: none"> Assessments not provided or not provided in a timely way to customer and or family . Staff waiting for forum decisions rather than sharing assessment promptly 	<ul style="list-style-type: none"> Clarification on Care Act processes Staff utilising Adult Social Care Pages for guidance Appropriate use of supervision – strengthening supervision processes.
<p>DISAGREEMENT on ASSESSMENT / LEVEL OF SUPPORT</p> <ul style="list-style-type: none"> Customer or representative not agreeing with assessment outcome and support level i.e. Direct Payment level 	<ul style="list-style-type: none"> Staff outline process for assessment and likely outcome with clarity and manage expectations as early as possible .

Performance

There is no legally defined period by which statutory complaints about adult social care have to be responded to. However, London Borough of Merton's complaint policy states that these complaints should be responded to within 25 working days. There is an option to extend to 65 working days where necessary. This might be where a complaint is particularly complex and/or involves a third party. The key performance indicator is 90% of complaints to be responded to in time.

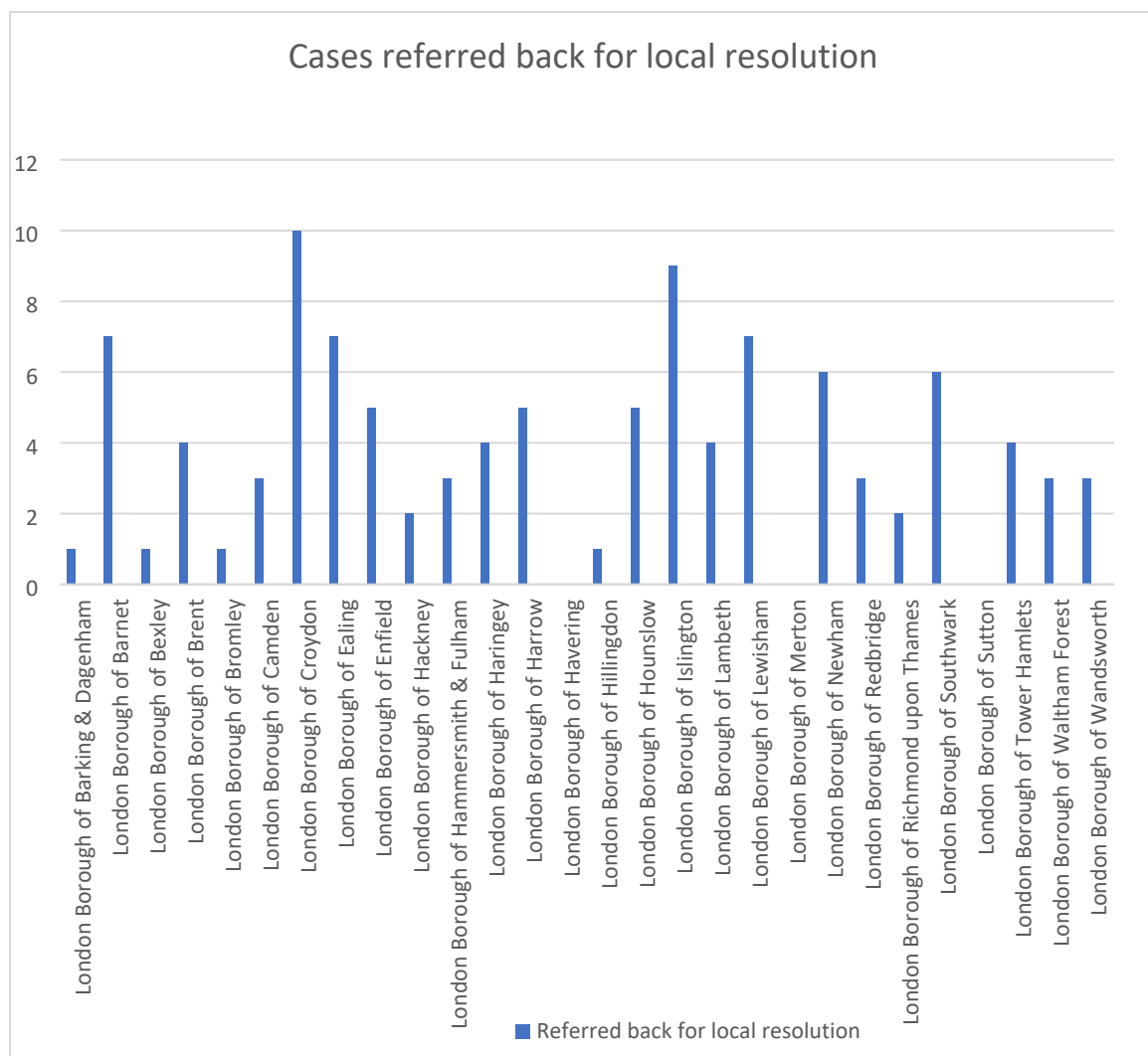




Benchmarking with other London Boroughs

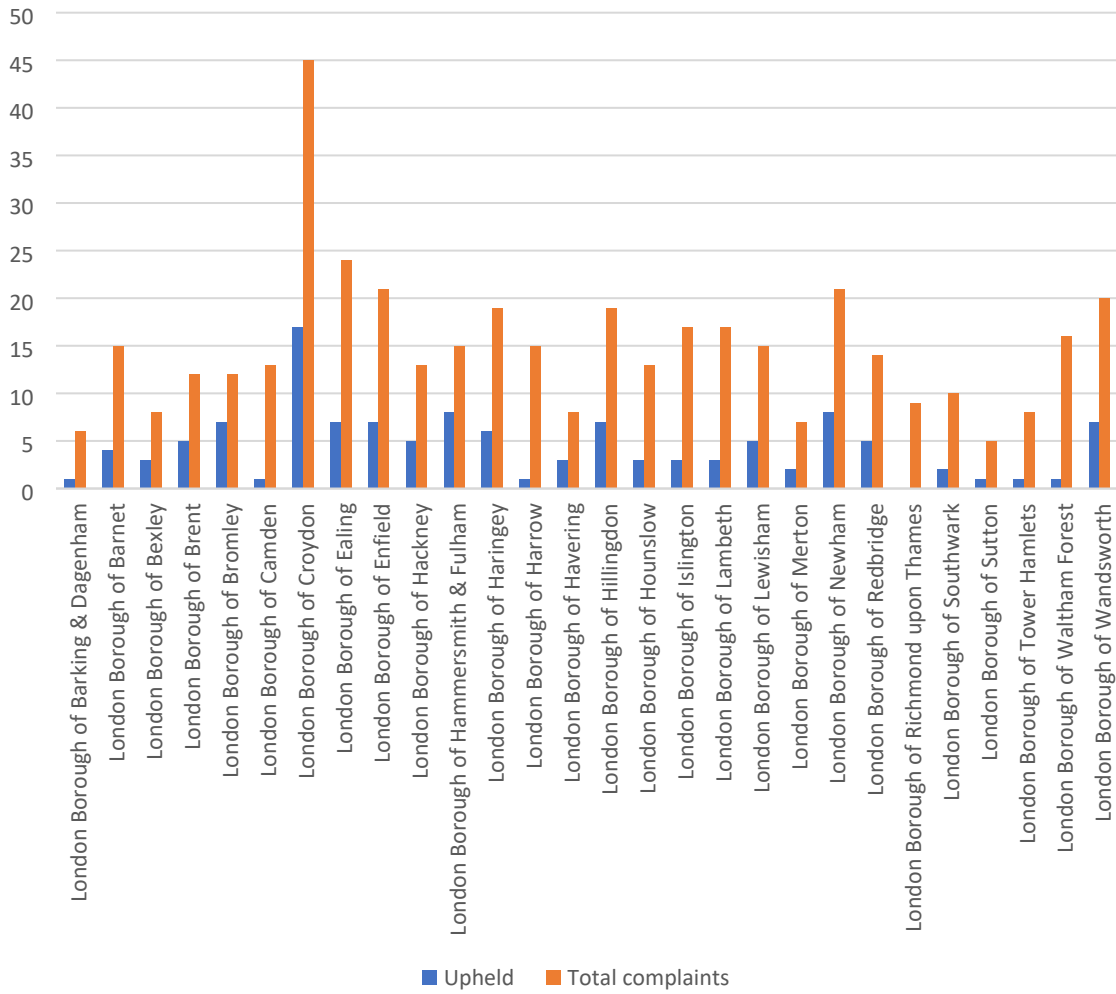
The LGSCO publish a lot of data regarding the performance of local authorities as well as best practice guidance and reports. This is useful and allows for comparison between similar authorities. Data is available for all of England and Wales, however, it is most relevant to compare the performance of London Borough of Merton with other London Boroughs.

London Borough of Merton performs well when compared with other London Boroughs, the number of Adult Social Care complaints remains low, despite a slight increase in cases in 2021-2022. No complaints have been sent back for local resolution, and the number of complaints upholding through the LGSCO is very low.



This is an important indicator of effective complaints handling. Residents will often approach the LGSCO for resolution when they have not had their complaint responded to in time, or where they do not wish to approach the local authority directly. London borough of Merton is one of only three London boroughs to have had no complaints referred back for local resolution.

Total complaints referred to LGSCO by London Borough



Compliments received

Service team

Compliments

Assessment & Initial Support

"You are always so prompt and helpful with your replies. This is such a breath of fresh air. Thank you again for your willingness to help and support."

Financial assessment

"Dear Mx XXXX,

I have been having dealings with XXXXXX over the last couple of years in connection with my elderly aunt and uncle, both now deceased.

She has been so kind, patient and understanding in dealing with their financial arrangements. She has been particularly helpful in connection with their deaths. Nothing has been too much trouble so I wanted to convey my gratitude to her and to your Department for the advice and assistance you have given me.

Many thanks".

First response team

"Just to give you an update. Thank you for everything you have done. I will have a coffee and cake and think of you."

Long term support

"Friendliness, empathy and kindness. Excellent understanding of needs. Provide a fantastic service and do LBM proud."

Mental health

Dear XXXX, This is the feedback regarding XXXXX and her interactions with myself, I would like to thank her for her humanity and empathy in dealing with myself at a very emotional time for us all, she showed such care and compassion in her calls and I am very grateful for her support, I hope your team are very proud to have such a lovely lady working alongside you all.

As an extra I would also like to thank you yourself for your manner on the telephone, having had dealings with other professionals in my working life you are also a breath of fresh air and are much appreciated.

XXXXX XXXXXX".

Occupational therapy

"XXXXX XXXXX was outstanding and was absolutely remarkable with everything she has recommended. Many thanks to her"

Effectiveness of the complaint procedures

The LGSCO has recently released its Annual Adult Social Care report in which it expresses concern about the low level of complaints regarding Adult Social Care across all councils.

Although a low number of complaints is desirable, it can indicate a loss of trust or faith in the system or can be a result of poor accessibility. A complaint rate of between 1 and 3 % of service users is considered healthy.

Complaints can be made through a number of channels including telephone, email, post, face-to-face, however, the process is not well advertised. It has been established that it is difficult to make a complaint to the Council. There is no complaint form available either in a hard copy or electronic format. Complainants are often unsure what to write and officers can be frustrated by missing information.

For service users of Adult Social Care, this is likely to be particularly problematic as they are a particularly vulnerable group who present with learning difficulties, mobility or sensory disabilities.

The problem is further compounded by the single stage process for complaints about Adult Social Care.

As part of the Complaints Service Review, explained further below, it has been proposed that a draft outcome stage be introduced to the Adult Social Care process. This will encourage complainants to discuss the outcome of their complaint with the council before a final response is issued.

There has been an initial review of the complaint resolution service. As part of the review a number of high-level recommendations were made. These were:

1. A revision of the Complaints, Comments and Compliments Policy should be carried out
2. Improve access to the Complaint Service
3. Introduce a case management System
4. Additional staff resource for the Complaints Team
5. Support culture change in attitudes to complaints

1. A revision of the Complaints, Comments and Compliments Policy should be carried out

The Complaints Policy has been reviewed and further recommendations have been made to make the policy clearer. A new document has been drafted to sit alongside the policy with comprehensive complaint handling guidance to be made available to all staff. This high-level recommendation will be finalised once some of the other recommendations have been completed.

2. Improve access to the Complaint Service

At present there is no complaints form either in paper form or available on the website. This is being addressed, with a web-based form having been drafted. This will allow people to make complaints across a range of devices such a mobile, tablet, laptop computers.

Adult Social Care service users may not have access to electronic devices and therefore, it is appropriate that a hard copy is made available.

Both the online and hard copy forms are due to become available in Spring 2023.

3. Introduce a case management System

The Complaints Team are working with the IT team and Infosys to develop a Microsoft Dynamics based case management system. This project includes:

- A webform for submitting complaints – which will help us to capture the information required to fully investigate a complaint at the first point of contact, we will also request the characteristics of the complaint, which is a data set missing at present.
- The complaints form should be accessible across a range of devices such as mobiles, tablets, laptops and in hard copy.
- Improved reporting and tracking of complaints and resolutions
- Ability to link complaints to gain full picture.

4. Additional staff resource for the Complaints Team

A new, full-time, Complaints Officer has been recruited into the Complaints Team.

5. Support culture change in attitudes to complaints

The Complaints Team has done a huge amount of work to change its image within the Council, and to raise its profile as a support to residents and service teams.

The way in which complaints are received and acknowledged has been revised. Complainants now receive a document with a detailed summary of their complaint points. They are invited to check the complaint points and discuss any amendments prior to investigation.

Service teams now have clarity over the points to be investigated and have access to in person or video guidance to complete complaint responses.

All complaint responses are quality checked and sent out via the complaints team mailbox, which helps to prevent escalations.

Service Teams are encouraged to consider lessons to be learned through complaints.

The Complaints Team run Team Development Sessions every week, to which other services are invited to take part