

Purpose: For Information

Committee report

Committee

POLICY AND SCRUTINY COMMITTEE FOR HEALTH AND SOCIAL CARE

Date

14 OCTOBER 2019

Title

ADULT SOCIAL CARE STATUTORY ANNUAL COMPLAINTS REPORT 2018 / 2019

Report of

CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH, AND HOUSING NEEDS

EXECUTIVE SUMMARY

1. This statutory annual report for adult social care complaints is produced in accordance to the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
2. The report provides information on the number and type of complaints received by adult social care for the period 1 April 2018 to 31 March 2019 and the actions and learning adopted to continuously improve the services we provide to those we serve.

BACKGROUND

3. From 1 April 2018 to 31 March 2019 adult social care received 8309 new requests for support. During this reporting period, we supported 182 people to go into permanent residential or nursing care. As at 31 March 2019, the council were providing 375 direct payment personal budgets and 1697 managed accounts to provide care and support for individuals at home.
4. The Department of Health Guidance 'Learning from Complaints' (2006) defines a complaint as: *"An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social services provision which requires a response."*
5. We always aim to provide high quality services that meet the needs and circumstances of individuals and their carers; however, given the personal and complex nature of our services, sometimes things do go wrong. The complaints process is a mechanism to identify problems and resolve issues if things do go wrong or fall below expectation. We try to sort things out quickly and fairly. We want to learn from our mistakes or the concerns that arise as a result of complaints.
6. Adult social care has a dedicated complaints and investigations officer who is responsible for the operation of adult social care complaints policy and associated operating procedures. This post ensures that linkages with the relevant people and processes across the NHS Trust and CCG are maintained and embedded to enable further joint working for complaints that cross organisations when this is

appropriate, and also works with provider organisations to address complaints that are directed at services not directly provided or commissioned by the council.

7. Adult social care complaints are dealt with effectively and are properly investigated. Complainants are treated with respect and courtesy; receive a timely and appropriate response and are told the outcome of the investigation into their complaint.

STRATEGIC CONTEXT

8. By ensuring that all complaints received are dealt with effectively, adult social care is meeting the following requirements, as set out in the corporate plan 2017 – 2020:
 - Vulnerable people are supported and protected
 - People have a place to call home and can live with independence
 - People take responsibility for their own health and well-being

COMPLAINT ACTIVITY 1 APRIL 2018 TO 31 MARCH 2019

9. Complaints can cross over between reporting periods. Activity on the case is reported in the period in which the case is closed and when it is therefore known whether the complaint was upheld; partly upheld or not upheld.

COMPLAINTS	2018 / 2019	2017 / 2018	2016 / 2017
Complaints carried forward from previous reporting period	5	12	6
New complaints received in the period	73	77	82
Complaints actioned and closed in period	70	84	76
Complaints carried forward into following reporting period	8	5	12
Complaints did not proceed to formal complaint (addressed by service)	35	32	35
Complaints referred to other agencies	1	9	11
Complaints not upheld	18	16	14
Complaints partly upheld (complex cases where one or more elements of the complaint was upheld but not the overall complaint)	0	11	8
Complaints upheld	16	16	8
Complaints considered by the LGSCO	8	10	12

10. In 2018/2019, 73 new complaints were received by the complaints team, which equates to less than 1% of the number of new requests for support during this period. This is 73 separately recorded issues. The same person can raise different issues on separate occasions and the actual number of people who made complaints during this reporting period was 66.
11. Having referred on the cases where concerns needed to be dealt with by other agencies or other departments within the council (1 case) and including the 5 cases carried over from the previous reporting period, 77 cases were dealt with directly by the complaints officer. 35 were addressed informally or did not proceed into formal

process, 34 were addressed as formal complaints and 8 had not been completed in the period, and so were carried over to the following reporting period.

12. The overall level of adult social care complaints received by the council appears to have stabilised during 2018 / 2019, receiving 4 less complaints in total than the previous year.
13. It is too simplistic to believe that more complaints will always indicate a drop in adult social care services, or vice versa. Numbers of complaints received may mean that people feel able to speak up and that the council is taking a mature approach to encourage feedback as a way of learning and improving services. Therefore, we should focus on reporting complaint outcomes, and the value an investigation can add to remedy a complaint for an individual, at the same time as improving services for those we serve in the wider community.
14. Just over 45% of the complaints (35 cases) dealt with by the complaints team during this period were dealt with by early resolution before the formal process was required. This was achieved by the complaints officer actively working with both the service and the complainant to resolve concerns at an early stage, and so negate the need to use the formal complaint process.
15. This approach provides the complainant with a better service because they are achieving immediate satisfactory outcomes, which is often what the individual wants when a complaint is lodged, and this also saves a considerable amount of senior managers' time taken up by investigation and writing formal response letters.
16. 49% of complaints dealt with and closed by the complaints team during this reporting period were investigated and responded to in formal process.
17. During this reporting period, the average length of time taken to formally investigate a complaint and provide a written response to the complainant was 16.32 working days. This is significantly within the timeframe in the council's own policy, which allows 25 working days for the investigation and provision of a written formal response to the complainant, and also a reduction of 5.54 average days from the previous year.
18. During this reporting period, the complaints officer has once again reduced the average number of days to investigate and provide a formal written response to the complainant, which indicates improved practice and process in complaint handling.
19. Statutory guidance recommends a timescale of up to six months from the time a complaint is received until a written response is provided.
20. Timescales can vary considerably according to the steps that need to be taken to fully address the concerns raised, the complexity of those concerns, the engagement and responsiveness of the complainant, all of which impact on the speed with which resolution can be achieved.

COMPLAINT OUTCOMES

21. Significant work goes into understanding and responding to complaints effectively. The majority of complainants want to get their concerns resolved quickly, and

having someone to talk to that will hear their story and try to put things right helps achieve this.

22. Of the 70 complaints dealt with and closed during this reporting period, 34 cases (40%) were completed in formal process.

NOT UPHELD: 18 cases out of 34 (53%)

23. Of those matters that were not upheld, the issues ranged from failure to complete a social care assessment to failure to provide advice and information. Full and reasoned explanations were provided to each complainant showing that the correct processes had been followed and that the subject of the complaint in question had been advised and supported appropriately by adult social care staff.

UPHELD or PARTLY UPHELD: 16 cases out of 34 (47%)

24. There has been a decrease in the number of cases that were upheld or partly upheld.
25. There were no cases during this reporting period which were partly upheld; in all cases where fault was identified, the complaint was fully upheld.
26. As part of the practice improvement work being undertaken in adult social care, the review and development of system and process continued and this can impact on service delivery in some areas.
27. Complaints which were either upheld or partly upheld in 2018/19 included delays, communication, and provision of advice and information. Work has been undertaken to make improvements in these areas to ensure that the service learns from complaints and that the same errors do not reoccur.
28. Examples of the type of complaints upheld in 2018/19 are given below:
- Communication: Failure to communicate effectively in arranging care and support to support a hospital discharge and failure to communicate effectively when arranging the deep clean of an individual's property.
 - Provision of advice and information: Failure to provide the correct information about charges for adult social care services, and failure to provide accurate advice about the use of a direct payment personal budget.
 - Financial Assessment and Charging: Failure to correctly apply the charging regulations to the financial assessment, and failure to apply charges for the correct period of the service.
 - Care Providers: failure to deliver the expected standard of care and support and communication, withdrawal of care and support at short notice, and failure to respond to a complaint.
29. In all cases where any element of a complaint has been upheld, an apology has been offered and, where appropriate, other steps have been taken to remedy the

concerns raised. In all cases the service areas learn lessons from the complaint to improve processes and systems across the service.

APPEALS ACTIVITY 1 APRIL 2018 TO 31 MARCH 2019

30. The formal adult social care appeals process is a one-stage process and offers a transparent way in which an individual can ask for any decision made about them in adult social care to be reconsidered, for example an assessment of their needs, their independence plan or their financial assessment.
31. The appeal is considered by a different manager at the same (or higher) level than the original decision-maker, and the outcome of the appeal explained to the individual in writing.
32. The appeals process differentiates between matters which are complaints about things which have 'gone wrong', and situations where an individual is asking for a reconsideration and further explanation of a decision made by adult social care according to process. The reporting of complaints and appeals is split to distinguish between the two.

APPEALS	2018/2019	2017/2018
Appeals carried forward from previous reporting period	2	1
New appeals received in the period	16	14
Appeals actioned and closed in period	18	13
Appeals carried forward into following reporting period	0	2
Appeals did not proceed to formal process (addressed by service)	4	2
Appeals not upheld	11	5
Appeals upheld	3	6
Appeals considered by the LGSCO	2	2

33. In this reporting period, a total of 16 appeals were received and 2 cases were carried over from the previous reporting period. 4 appeals did not proceed into formal process, and therefore 14 appeals were dealt with in formal process.
34. 11 appeals were not upheld (79%) and 3 appeals were upheld (21%). There were 0 cases carried forward into the next reporting period.
35. In the 3 cases where the appeal was upheld, a new assessment of need was completed with the individual in one case, a revised independence plan was agreed in another case, and a new financial assessment was undertaken in a third case.

LOCAL GOVERNMENT SOCIAL CARE OMBUDSMAN (LGSCO) INVESTIGATIONS

36. In the 2018/19 reporting period, 8 complaint matters were considered by the LGSCO.
37. All eight cases were considered and completed by the LGSCO during the reporting period. There was one case where fault was found and two cases where no fault was found. The LGSCO confirmed they would not investigate three cases, one

complaint was withdrawn, and one complaint was discontinued as sadly the complainant passed away during their investigation.

38. In the one case where fault was found, the LGSCO recorded their outcome as 'fault with maladministration and injustice'. The LGSCO instructed a remedy to be paid, together with safeguarding practice improvements and training to be undertaken.
39. The following actions and learning has been undertaken in this case:
 - An independent report was commissioned to review all the available evidence and information in a fair and objective way, and include the complainant in the process
 - An independent advocate was appointed to ascertain the views and wishes of the vulnerable adult
 - A service action plan has been implemented to undertake the recommended actions and lessons learned identified by the independent report
40. This position is once again improved from the previous reporting period 2017/18 when the LGSCO found fault by the council in 2 of the 7 cases they investigated. It continues to be a significantly improved position from the 2016/17 reporting period when the LGSCO found fault in 7 of the 9 cases they investigated.
41. In the 2018/19 reporting period, 2 appeal cases were investigated by the LGSCO after neither of these appeals was upheld in the council's formal process. Following their investigation, the LGSCO agreed with the council's decisions in both of these appeals, and no fault was found.
42. The LGSCO Annual Review of Complaints 2018 / 2019 includes all types of local authority complaints, of which adult social care forms only one part. Of the complaints investigated by the LGSCO, the council has an uphold rate of 32%, in comparison to 55% being the average uphold rate of similar authorities. The LGSCO are 100% satisfied that the council has successfully implemented their recommendations to remedy complaints.

LEARNING FROM COMPLAINTS

43. The complaints officer has developed a quarterly report for the adult social care service board which reflects on the lessons learned from complaints, how these have been adopted in practice and the impact this has for the people we serve and their lives.
44. The following sample demonstrates some of the learning leading to improvements within adult social care services resulting from complaints during 2018/19.
 - A mandatory staff induction is essential to ensure that consistent, quality process and practice are maintained throughout the department. The business support team now deliver a monthly half-day induction session for all new starters to cover all aspects of their service area: deputyship, financial assessment and charging, single point of commissioning, personal assistants, direct payments, complaints and appeals, the communications pathway, policies and good practice guidance.

- A “Social Care Jargon Buster” written by ‘think local act personal’ and endorsed by the Social Care Institute for Excellence has been circulated to all adult social care staff in the newsletter and made available as a document on the department webpages. This provides a useful guide for individuals and their families to support them in their contact with the various agencies and departments involved in their care and support.
 - The Safeguarding Adults Board has worked to refine the multi-agency guidance on how to recognise and respond to safeguarding issues, to ensure that workers are fully competent in how we meet our respective duties and responsibilities in doing so. The council has delivered its’ revised programme of training and awareness to ensure that all staff are aware and fully competent in how they meet their duties and responsibilities within the multi-agency guidance to recognise and respond to safeguarding issues. This new training was developed in conjunction with, and approved by, the Isle of Wight Safeguarding Adults Board, and was in response to an independent review of safeguarding practice.
 - The internal end-to-end Personal Assistant process was reviewed to ensure that there are robust handovers between social work practice and business support teams, and that all teams are clear on their roles and responsibilities within this process.
 - The authorisation (‘panel’) form was re-written and delivered through best practice forum sessions to all staff. The new version form supports a person-centred, strength-based approach which focusses on the individual to ensure ‘their voice’ is heard in the submission for authorisation.
 - Details of the accident and incident reporting process and the use of online Workrite forms were circulated to all staff. The importance of reporting incidents and the need to support staff via formal and informal supervision when incidents have occurred in the course of their work was promoted.
 - The ‘Deep Clean and Property Clearance’ form was reviewed and updated to improve both the communication and quality of the information discussed and recorded with the individual when this type of work is necessary. The new form was circulated to social work practice, together with updated instructions included in the Social Care Good Practice Guidelines to support workers when using this form.
45. The adult social care nominated complaints officer now sits within a practice development unit led by the Principal Social Worker, including two practice development leads and a policy and systems lead.
 46. This unit focusses on the active dissemination of research and national best practice. It works closely with the council’s learning and development unit in the creation and implementation of the department’s learning and CPD programme.
 47. By situating the complaint and compliment function in the PDU the intention is to “normalise” learning from both as part of the departments wider efforts to improve the quality of professional practice.
 48. The weekly quality assurance forum reviews a random selection of casework across the service on a team by team basis. This review includes assessments, plans, compliments and complaints, learning and development records, sickness records, supervision and team meetings records. To ensure their review is

comprehensive, the forum also contact the individual concerned to establish first hand their experience with the service.

49. The quality assurance forum reports its findings back to the relevant team ensuring that best practice and learning is embedded.

ADVOCACY SERVICE

50. Some complainants may encounter difficulty in dealing with the complaints process. It is important to adopt a person-centred approach and recognise when there may be a different way needed to address a person's concerns. Whilst family members are often effective advocates, at times it is helpful to provide independent trained advocates to assist with complaint issues.
51. 43 of the 77 complaints dealt with in this reporting period were represented by an informal advocate on behalf of an individual; 56%. The informal advocates were mainly family members, some of whom were legally appointed to act as Lasting Power of Attorney, others acting on a purely informal basis to raise concerns on behalf of their relative.
52. There were no complaints received in this reporting period where the complainant was represented by a formal advocate.

TRAINING AND AWARENESS

53. The complaints and investigations officer continues to deliver regular complaints and appeals awareness sessions to all teams across adult social care. This team-based approach refreshes awareness of the complaints and appeals processes, outlines how individuals can access the formal process, and promotes best practice approaches to resolve concerns at the earliest opportunity.
54. The sessions are also used to highlight current trends in complaint and appeal reporting and to discuss examples of best practice to avoid receiving undue complaints and appeals.
55. The complaints and investigation officer has also attended the various provider forum meeting during this reporting period. Raising awareness of robust complaint-handling procedures, the work of the Local Government and Social Care Ombudsman and an opportunity for collaborative discussion supported providers to work towards positive outcomes when issues are encountered in the course of their work.

COMPLIMENTS

56. It is important to recognise when things go well in adult social care and in particular when a compliment is received for individual members of staff for their good work.
57. All compliments are recorded and included in the monthly report to service board, and knowing this improves staff morale and helps them feel valued.

58. The compliments received are displayed in the adult social care working area on floor two of county hall.
59. We recorded 182 compliments during the reporting period 2018/19, a 22% increase from the number recorded in the previous reporting period. Examples of the compliments received during this period include:

"Thanks for meeting mum and myself on Friday. I was very pleased you could meet me so soon, and the genuine concern you showed. Thanks once again for your kind concerns and help".

"I just wanted to say Graham your Tech, was amazing yesterday. We had a very complex patient to transfer out of bed, dismantle the old one and make way for the profiling one he brought and put together. He went above and beyond in helping and I just wanted you to know what a great team you have."

"The support and service I have received to help sort our family situation and my safety has been outstanding. Bryan has been my advocate at all meetings. Anthea has been there for all questions and support at points of real crisis. We cannot thank you enough for everything the department has done. The department really does "see the person in the patient" as the Trust requires. They have involved myself and my husband in all decision-making and I really could not have felt more supported. I have written to let you know of the very positive experience that I have had. I know that I have posed a problem with my age of 46 - and that Anthea has spent time trying to find a place of safety for me. I understand that this has taken time and I really do appreciate it so very much. Having been a sister, senior nurse and worked for the NHS for 26 years, I appreciate the challenges that multi-disciplinary teams face. My only wish is that I could return to work and give back all the wonderful care that I have received over the past 2 months. Thank you for everything Bryan and Anthea, I wish you both and the department all the very best for the future."

"We have nothing but praise for everybody who has visited and helped Douglas to be more independent."

"You've done an amazing amount of work to support DN in getting home which is her views and wishes and in her best interest."

"I just wanted to take this opportunity to thank you and your staff for the kind and compassionate assistance you gave to my dad on the several occasions he had to call you out. Your staff were always cheerful and considerate in their dealings with dad and he always said to me that he was so lucky to be able to call on such kind people. I would be grateful if you could pass on the family's sincere thanks for all the kind help your staff gave dad during the last couple of years of his life."

"Your summary in your annual review of my mother's care actually moved me to tears. It was so accurate it could have been written by myself! A testament to the time you have invested into my mother's review. Thank you. I have been dealing directly with my mother's dementia for over eight years now and it doesn't get any easier. When people other than family treat Rosaleen with dignity and respect it really moves me. Despite not being able to say how she is feeling or what she would like etc she can communicate in other ways. She is a happy soul at

Northbrooke because she is treated and cared for so well by staff there. Visiting her is the highlight of my life."

"I am writing to thank the service for the care and support given to my cousin in the last few weeks of her life.... Adult Social Care was able to set up the Outreach Reablement Team which started on Christmas Day and continued until her death..... Everyone who attended her gave such good service and concern for her welfare.... I feel so grateful to all the people involved for such dedicated care. I cannot thank you enough."

"The care and support I received were nothing short of exceptional and a huge thank you from my family is due. The difference in the way I feel is totally due to your 'no pressure policy' with advice and support the priority, and back-up. Thanks again for everything!!"

60. To support individuals to have the opportunity to feedback and comment on our services we sent out 1105 National Social Services ASC Survey England, 352 of which have been received back, a return of 32%. The results of these are embargoed at present and will be provided to scrutiny through the normal reporting routes later in the year.
61. Additionally, 812 Local Satisfaction Surveys were also sent out to those who did not receive the national survey. 212 of these have been received back, a return of just over 26%. Of the 212 surveys returned, just over 73% of individuals described themselves as being satisfied with the services they receive.

FINANCIAL / BUDGET IMPLICATIONS

62. There are no financial / budget implications in connection with this report.

LEGAL IMPLICATIONS

63. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 requires the responsible body to prepare an annual report which must specify the number of complaints received. A complaint may be made by a person who receives or has received services from a responsible body or a person who is affected, or likely to be affected, by the action, omission or decision of the responsible body.
64. Every effort has been made to respect the confidentiality of the complainants, and this means that descriptions of the kind of concerns raised through the complaints process can only be described in general terms.

EQUALITY AND DIVERSITY

65. There are no equality and diversity implication in connection with this report.

CONCLUSION

66. A robust complaints process and complaints reporting are able to support adult social care in a number of ways:

- Building better relationships and increased satisfaction of the people we serve
- Identifying and implementing service improvements for the people we serve
- Free market research and feedback from the people we serve
- Identifying training needs for staff
- Informing policy and budget planning for the service
- Identifying better use of resources which saves time and money for the authority

67. Adult social care recognises it is crucial to have in place an effective, accessible and fair process for service users' comments to be heard and resolved wherever possible. Our complaints process provides this opportunity and is integral to the statutory functions of the department. Our local user survey is used to support the formal complaints information and also provides a balance of compliments, in relation to the services and experiences of people using the services.
68. We acknowledge that things can go wrong and with increasingly limited resources, prioritised to meet the needs of the most vulnerable, complaints will be made. There is no easy solution, particularly given the significant financial challenges currently being faced by all councils. However, we do know that in these times it becomes increasingly important to support and promote principles of being fair, open, and timely in our response to complaints.

RECOMMENDATION

69. Members are requested to note this report.

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