



## Committee report

Committee	<b>POLICY AND SCRUTINY COMMITTEE FOR HEALTH AND SOCIAL CARE</b>
Date	<b>13 JULY 2020</b>
Title	<b>ADULT SOCIAL CARE ANNUAL STATUTORY COMPLAINTS REPORT 2019 / 2020</b>
Report of	<b>CABINET MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH AND HOUSING NEEDS, CLLR CLARE MOSDELL</b>

---

### 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 2019 to 31 March 2020 and the actions and learning adopted to continuously improve the services we provide to those we serve.

### BACKGROUND

3. From 1 April 2019 to 31 March 2020 adult social care received 7085 new requests for support; this is the number of Initial Contact Assessments not unique people. During this reporting period, we supported 226 people to go into permanent residential or nursing care; this is the number of brand-new placements not moves. As at 31 March 2020, the council were providing 304 direct payment personal budgets and 1789 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 officer who is responsible for the operation of adult social care statutory 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 2019 TO 31 MARCH 2020

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.

<b>COMPLAINTS</b>	<b>2019 / 2020</b>	<b>2018 / 2019</b>	<b>2017 / 2018</b>
Complaints carried forward from previous reporting period	8	5	12
New complaints received in the period	75	73	77
Complaints actioned and closed in period	75	70	84
Complaints carried forward into following reporting period	8	8	5
Complaints did not proceed to formal complaint (addressed by service)	31	35	32
Complaints referred to other agencies	2	1	9
Complaints not upheld	24	18	16
Complaints partly upheld (complex cases where one or more elements of the complaint was upheld but not the overall complaint)	11	0	11
Complaints upheld	7	16	16
Complaints considered by the LGSCO	7	8	10

10. In 2019/2020, 75 new complaints were received by the complaints team, which equates to just over 1% of the number of new requests for support during this period. This is 75 separately recorded issues, not necessarily 75 different people making complaints because the same person can raise different issues on separate occasions.
11. Having referred on the cases where concerns needed to be dealt with by other agencies or other departments within the council (2 cases) and including the 8

cases carried over from the previous reporting period, 73 cases were dealt with directly by the complaints officer. 31 were addressed informally or did not proceed into formal process, 42 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 stable during 2019 / 2020, receiving just 2 more complaints in total than the previous year.
13. It is a simplistic view to believe that more complaints will always indicate a drop in the standard of 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, the focus should always be on reporting complaint outcomes, and the value an investigation can add to remedy a complaint for an individual, at the same time as improving practice and services for those we serve in the wider community.
14. Just over 42% of the complaints dealt with by the complaints team during this reporting period were dealt with by early resolution before the formal process was required. This was achieved by the complaints officer being proactive and working collaboratively with 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 is an approach endorsed by the Local Government and Social Care Ombudsman, encouraging local authorities to “fix matters upstream” wherever possible, and giving credit for this effort if they do have to then become involved later. An early resolution approach provides the complainant with a better experience because they are achieving immediate satisfactory outcomes, which is often what the individual wants when a complaint is lodged. Adopting this approach can also save a considerable amount of senior manager time taken up by a formal investigation and written response.
16. 58% 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 18.83 working days.
18. 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 demonstrates robust, effective statutory complaint handling practice. Statutory guidance recommends a timescale of up to six months from the time a complaint is received until a written response is provided.
19. 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 can impact on the speed with which resolution can be achieved.

## COMPLAINT OUTCOMES

20. Significant work goes into understanding and responding to complaints effectively. Most 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.
21. Of the 73 complaints dealt with and closed during this reporting period, 42 cases (58%) were completed in formal process.

### **NOT UPHELD: 24 cases out of 42 (57%)**

22. Of those matters that were not upheld, the issues raised 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: 18 cases out of 42 (43%)**

23. There has been a slight increase in the number of cases that were upheld or partly upheld.
24. Complaints which were either upheld or partly upheld in this reporting period included delays, communication, and provision of advice and information. Work in these areas is ongoing to ensure that learning is embedded, and improvements are achieved.
25. Examples of the type of complaints upheld in 2019 / 2020 are given below:
  - Communication: failure to communicate effectively in arranging care and support to support a hospital discharge.
  - Provision of advice and information: failure to provide accurate and timely information about charges for adult social care services.
  - Financial Assessment and Charging: failure to correctly apply the charging regulations to the financial assessment.
  - Delay: failure to arrange timely assessments.
26. 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.
27. In all cases the service areas learn lessons from the complaint to improve practice, process and systems across the service.

## APPEALS ACTIVITY 1 APRIL 2019 TO 31 MARCH 2020

28. The formal adult social care appeals process is a one-stage process and offers a transparent way in which an individual can ask for a reconsideration of any decision

made about them in adult social care, for example an assessment of their needs, their independence plan or their financial assessment.

29. 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 is explained to the individual in writing.
30. 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.
31. The reporting of complaints and appeals is therefore split to distinguish between the two.

<b>1. APPEALS</b>	<b>2019/2020</b>	<b>2018/2019</b>	<b>2017/2018</b>
Appeals carried forward from previous reporting period	0	2	1
New appeals received in the period	13	16	14
Appeals actioned and closed in period	13	18	13
Appeals carried forward into following reporting period	0	0	2
Appeals did not proceed to formal process (addressed by service)	0	4	2
Appeals not upheld	4	11	5
Appeals upheld	9	3	6
Appeals considered by the LGSCO	1	2	2

32. In this reporting period, a total of 13 appeals were received and there were no cases carried over from the previous reporting period. All appeals received were dealt with in formal process.
33. 4 appeals were not upheld (31%) and 9 appeals were upheld (69%). There were no cases carried forward into the next reporting period.
34. Of the 9 appeal cases which were upheld, in two cases a further assessment was carried out, in four cases the assessment was updated based on additional information provided in the appeal process, the independence plan was updated in one case, and in two cases the original decision was revised by the manager hearing the appeal.

#### LOCAL GOVERNMENT SOCIAL CARE OMBUDSMAN (LGSCO) INVESTIGATIONS

35. In the 2019/20 reporting period, 7 complaint matters were considered by the LGSCO.
36. Three cases were completed by the LGSCO during this reporting period. There were two cases where fault was found following investigation, and the LGSCO confirmed they would not investigate one other case. There are four cases still being investigated by the LGSCO at the end of this reporting period, and therefore the outcomes remain undetermined and are carried over into the next reporting period.

37. In one case where fault was found, the LGSCO recorded their outcome as “fault found, maladministration no injustice”. There was no fault found with statutory adult social care practice, rather the element of fault found was the corporate application of the council’s unacceptable behaviour policy. The LGSCO instructed a revised letter be sent to the individual making clearer the restrictions applied under the corporate policy, and ensuring the current dated policy was quoted. The council’s monitoring officer complied with the LGSCO instruction and accordingly sent the revised letter to the complainant.
38. In the other case where fault was found, the LGSCO recorded their outcome as “fault found with maladministration and injustice”. The council failed to fully implement an individual’s support plan, including carer support for their son, and it also raised the son’s expectation of being paid for their caring role, taking too long to decide about this. The LGSCO instructed a letter of apology be provided by the council for the complainant, together with making a remedy payment. Both requested actions were complied with by the council in the timescale expected by the Ombudsman, and the council also took the following steps to improve practice and implement the learning from this matter:
- The Quality Assurance Forum monitors and audits supervision records to gain evidence of the quality and frequency of supervision, which in turn also includes evidence of caseload management and oversight and supporting staff with communication difficulties.
  - Direct Payment Refresher Training was delivered by the direct payment team and this subject will be revisited again in future CPD workshops to provide ongoing learning opportunities for all staff.
39. In the 2019 -2020 reporting period, 1 appeal case was accepted for investigation by the LGSCO. This investigation remains ongoing at the end of this reporting period, and the outcome is undetermined and therefore carried over into the next reporting period.
40. The LGSCO Annual Review of Complaints for this reporting period is yet to be issued by the Ombudsman. In their 2018 / 2019 report, all types of local authority complaints, of which adult social care forms only one part, were reported. Of the complaints investigated by the LGSCO, the council had an uphold rate of 32%, in comparison to 55% being the average uphold rate of similar authorities in that period. The LGSCO are 100% satisfied that the council has successfully implemented their recommendations to remedy complaints.

#### LEARNING FROM COMPLAINTS

41. 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.
42. The following sample demonstrates some of the learning leading to improvements within adult social care services resulting from complaints during 2019 / 2020.

- Reflective feedback with the community reablement teams reinforced the importance of reablement teams completing financial assessment and charging paperwork, explaining this to individuals and those involved with their care and support at the start of a service, and checking their understanding of this.
- The reablement service carried out a review of the start of service letter to improve the explanation and parameters of the service provided to an individual.
- A 'Lunch and Learn' session was held engaging social work practice to refresh the functions of the Single Point of Commissioning Team (SPOC) and the process for referring into SPOC and PA brokerage. SPOC developed guidance for social work practice to set out what they would expect to see in a referral for a direct payment and this guidance was disseminated across practice.
- To improve the quality of electronic social care recording, several steps have been taken. New Paris forms were developed and delivered across social work practice, supported by 'good recording' examples and good recording guides (generic and specific for each Paris form). The Mental Capacity Act toolkit included a good practice guide for completing and recording Mental Capacity Assessments and Best Interest Decisions. The Social Care Officer Capabilities Framework provided a professional capability framework rainbow arch for social care officers outlining expectations and capabilities, including recording.
- A new supervision policy continues to be embedded across all social work practice teams. The Quality Assurance Forum regularly monitors and audits supervision records to gain evidence of the quality and frequency of supervision, which in turn evidences caseload management and oversight, and supports staff with any communication difficulties.

### ADVOCACY SERVICE

43. 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.
44. 53 of the 73 complaints (73%) dealt with in this reporting period were represented by an informal advocate on behalf of an individual. 7 of the 13 appeals (54%) dealt with in this reporting period were represented by an informal advocate.
45. 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.
46. There were 2 complaints and 2 appeals received in this reporting period where the complainants and appellants were represented by a formal independent advocate.

### TRAINING AND AWARENESS

47. The complaints officer continues to deliver regular complaints and appeals updates to all teams across adult social care, refreshing awareness of the complaints and

appeals processes, outlining how individuals can access the formal process, and promoting best practice approaches to resolve concerns at the earliest opportunity.

48. The sessions are also used as an opportunity to highlight current trends in complaint and appeal reporting and to discuss examples of best practice to avoid receiving undue complaints and appeals.
49. The complaints officer is working with the council's learning and development team to develop an online e-learning training module for all adult social care staff to support their response to complaints and appeals, including investigation techniques and the writing of formal written responses.

## COMPLIMENTS

50. 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.
51. All compliments are recorded and included in the monthly report to service board and knowing this improves morale and helps staff feel valued.
52. The compliments received are displayed and made visible for all staff in the department on floor 2 of County Hall.
53. We recorded 184 compliments during the reporting period 1 April 2019 to 31 March 2020. Examples of the compliments received during this period include:

*"\* spoke to me on my first day back home, I was all over the place, I didn't know what was going on and I had so many issues with the surgery, and medications/pharmacy and sorting out the care I needed. \* was calm and sorted me right out, with all of it. \* made sure I was ok and kept me on track. I want to come and shake her hand and truly thank her for her amazing work. There is not commendation high enough for what I feel she has supported me with, and I certainly wouldn't be where I am now without her".*

*"You recently carried out a review for our son \* and we wanted to thank you for understanding his needs and ringing us today to confirm that he is awarded an extra 5 hours a week so that he can improve his life with a PA to help him. His life has been very isolated, and this will really make a big difference to him, as well as helping us to continue caring for him as we get older. Your grasp of the issues facing him has made a big difference and we are very grateful to you for your insight and understanding."*

*"I'm looking forward to seeing you in person. You really made a very special impact on my life at a very low time".*

*"I just wanted to thank you so very much for making her last weeks so special and for giving us the chance to build wonderful memories spend quality time together..... all our thanks again for making her end journey so comfortable and happy."*

*"I just wanted to send a quick email in recognition of \* and all the hard work she did with regards to her recent involvement with \*\*. She worked incredibly hard and was diligent and tenacious with regards to supporting \*\*. I noted that she was often*



*working long outside office hours, tackling every problem with whatever she could to get a result. She appeared to prioritise her workload pro-actively recognising that time was of the essence with \*\*, she recognised what worked best for him and embraced this. I really feel that it was her support and hard work that achieved the end result. I know we are not out of the woods yet, but she was a pleasure to work with as she embraced every issue and tried to come up with a solution for every challenge she faced. Thank you \* for all your hard work it was very much appreciated."*

*"All the support workers have been interesting and very helpful people, and I have enjoyed their company as well as their input - they have provided an invaluable service - many thanks indeed".*

*"I would like to say that I am very impressed with the reaction, professionalism and the efficiency of the \*. At the start of the day we were shocked with what we found at \*\*'s home and after speaking with \* we feel supported with our concerns and know that \*\* will be offered assistance where needed, by the right professionals very quickly and we are very thankful".*

*"I know that people do amazing work all the time however I want to thank everyone personally who went that extra mile to ensure the safety of \*\*".*

*"\* has worked really hard to move 3 clients to alternative accommodation due to the closure of Holly House and the outcomes for all 3 have been positive. Holly House has been their home for a number of years, so without \*\*'s positive support, the move could have been very different. "*

54. To support individuals to have the opportunity to feedback and comment on our services we sent out 1089 National Social Services ASC Survey England, 438 of which have been received back, a return of 40.2%. The results of these are embargoed at present and will be provided to scrutiny through the normal reporting routes later in the year.

#### FINANCIAL / BUDGET IMPLICATIONS

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

#### LEGAL IMPLICATIONS

56. 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.
57. 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

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

## CONCLUSION

59. A robust complaints process and complaints reporting supports adult social care and the people we serve in several ways:

- Access to first-hand 'lived experience' which 'takes the pulse' of the people
- Builds better relationships and improves the satisfaction within the community
- Identifies and delivers service improvements
- Free market research and feedback
- Identifies training needs for staff
- Informs policy and budget planning for the service
- Identifies better use of resources which in turn saves time and money for the local authority

60. Adult social care recognises it is crucial to have in place an effective, accessible and fair process for individual's comments to be heard and resolved wherever possible. The statutory complaints process provides this opportunity and is integral to the statutory functions of the department. The survey is also used to support the formal complaints process and provides a balance of compliments and feedback from the experiences of people using the services.

61. We acknowledge that things can go wrong and with increasingly limited resources being prioritised to meet the needs of the most vulnerable, complaints will always be made. There is no easy solution, particularly given the significant financial challenges which continued to be faced by all councils. However, we do know that during these times it is even more important to support and promote the principles of being fair, open, and timely in our response to complaints.

## RECOMMENDATION

62. Members are requested to note this report.

Contact Point: Helen Babington Nominated Complaints Officer Adult Social Care  
☎ 821000 extension 6542 e-mail [helen.babington@iow.gov.uk](mailto:helen.babington@iow.gov.uk)

DR CAROL TOZER  
*Director of Adult Social Care*

CLLR CLARE MOSDELL  
*Cabinet Member for Adult Social Care,  
Public Health and Housing Needs*