

**Adult Statutory Complaints  
&  
Adult Social Care Compliments  
Annual Report 2018-19**

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## 1. Purpose of Report

To report statistical information to Members and Officers detailing Telford and Wrekin Council's Adult Social Care complaints and compliment activity from 1 April 2018 to 31 March 2019.

To provide an open resource to anyone who wishes to scrutinise local services.

To outline the key developments and planned improvements to the complaints processes operated by the Council.

To consider how some of the learning from complaints and compliments can be used to improve the overall customer experience.

## 2. Introduction

This is the Complaints Managers Annual Report for Adult Social Care (ASC). It is a statutory requirement to prepare an annual report for each year about the complaints activity within Adult Social Care that will be made available to any person on request;

This must;

- a) Specify the number of complaints received
- b) Specify the number of complaints which were upheld.
- c) Specify the number of complaints that we have been informed have been referred to the Local Government Ombudsman.
- d) Summarise,
  - a. The subject matter of complaints received;
  - b. Any matters of general importance arising out of those complaints , or the way in which those complaints were handled;
  - c. Any matter where action has been or is to be taken to improve services as a consequence of those complaints.

This report provides information about complaints made between 1 April 2018 and 31 March 2019 under the Local Authority Social Services and National Health Service Complaints (England) regulations 2009.

## 3. Context

### Legislation

Section 5 of the Regulations (2009) requires local authorities to consider complaints made by someone who;

- Is receiving or has received services from the authority;
- Is affected, or likely to be affected by the action, omission or decision of the authority.

A person is eligible to make a complaint where the local authority has a power or duty to provide, or to secure the provision of, a service for someone.

The 2009 regulations set a benchmark for all complaints to be investigated within six months. If the complaint is going to exceed this time scale the Local Authority should write to the complainant to advise them of this and explain the reasons why.

The '**corporate**' complaints process is used for anyone else who makes a complaint.

### **What is a complaint?**

A complaint may generally be defined as an expression of dissatisfaction or disquiet about actions, decisions or apparent failings of a local authority's adult social care provision which requires a response. We will always try to resolve problems or concerns before they escalate into complaints. If it is possible to resolve the matter immediately (or within 24 hours) there may be no need to engage the formal complaints process.

The purpose of a complaints process is to resolve concerns raised by service users and their representatives, to deliver outcomes which are appropriate and proportionate to the seriousness of the issues and to ensure that changes are made in response to any failings which are identified.

To achieve this, the approach to handling complaints must incorporate the following elements

- Engagement with the complainant or representative throughout the process
- Agreement with him/her about how the complaint will be handled
- A planned, risk-based and transparent approach
- Commitment to prompt and focussed action to achieve desired outcomes
- Commitment to improvement and the incorporation of learning from all complaints.

A complaint must be made no later than 12 months after;

- The date on which the matter which is the subject of the complaint occurred; or
- If later, the date on which the matter is the subject of the complaint came to the notice of the complainant.

The time limit will not apply if the complaint manager is satisfied that;

- The complainant had good reasons for not making the complaint within the time limit; and
- Notwithstanding the delay, it is possible to investigate the complaint effectively and fairly.

### **Who can make a complaint?**

A complaint may be made by a relative, carer or someone who is acting on behalf of a person who has died, or is unable to make the complaint themselves because of;

- Physical incapacity, or
- Lack of capacity within the meaning of the Mental Capacity Act 2005, or
- Has requested the representative to act on their behalf.

Complaints may be received through a variety of media (phone, letter, email, feedback-form, personal visit etc) and at various points within the organisation (to staff members, via the respective web addresses, direct to the Customer Relationship Team.

## **Adult Statutory Complaints Procedure in Telford and Wrekin Council**

When a complaint is first received, the Customer Relationship Team will carry out an initial assessment of the complaint to determine the issues, the severity and the potential impact and to identify any other organisations that may be involved.

When someone contacts the Customer Relationship Team to make a complaint, we acknowledge their complaint within 3 working days. We also offer a meeting with the complainant to discuss the matter and to establish their desired outcome. Agreement is sought on the following points;

- Detailed account of the complaint.
- Complainant's view of the impact, which this has had on him/her.
- Specific reference to any aspect which requires immediate action within the adult safeguarding/protection procedures.
- Details of the outcome(s) which will resolve the matter from the complainant's perspective.
- Whether the subject of the complaint could relate, entirely or partly, to another body (eg an NHS body or an independent care provider) and could therefore need a joint approach (see sections 13 and 14 below).
- How the complaint will be investigated, and by whom.
- How long it should reasonably take to investigate the matter and to provide the complainant with the Council's formal response.
- How often and by what means, the complainant will be updated on the progress of the investigation.
- Whether an advocacy, translation or other support service is required.
- Whether the involvement of an impartial mediator might contribute to a satisfactory resolution of the complaint.

We aim to respond to all Adult Statutory complaints within 25 working days, because of the nature and complexity of some issues it may take longer, and complainants will be informed if this is the case. The time scales may be extended to a maximum of 65 working days.

When the investigation is complete, the manager will write a letter explaining what they have found and what they will do to put things right.

If the complainant is not happy with our final decision, or how we have dealt with their complaint, they can refer the matter to the Local Government and Social Care Ombudsman (LGSCO).

### **Adult Social Services Interactions in 2018/19**

In 2018/19 there were just under 4,000 adults supported by the Council. Out of those, 2,210 received a Long Term service (a service that was expected to continue and not be time limited or low level).

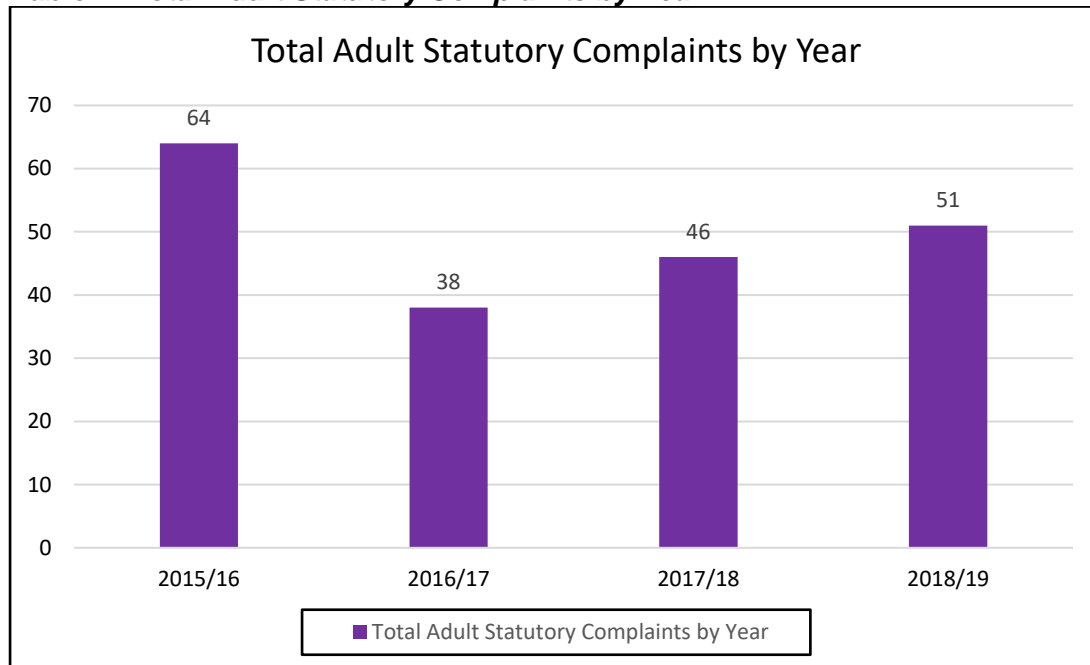
There were 3,800 new contacts in 2018/19 for 2,710 different people, this includes 800 contacts for people being discharged from hospital.

As well as this there were a further 234 reviews for people leaving hospital who were already being supported by the Council before going into hospital and were then discharged back to Council services.

## 4. Adult Statutory Complaints 2018/19

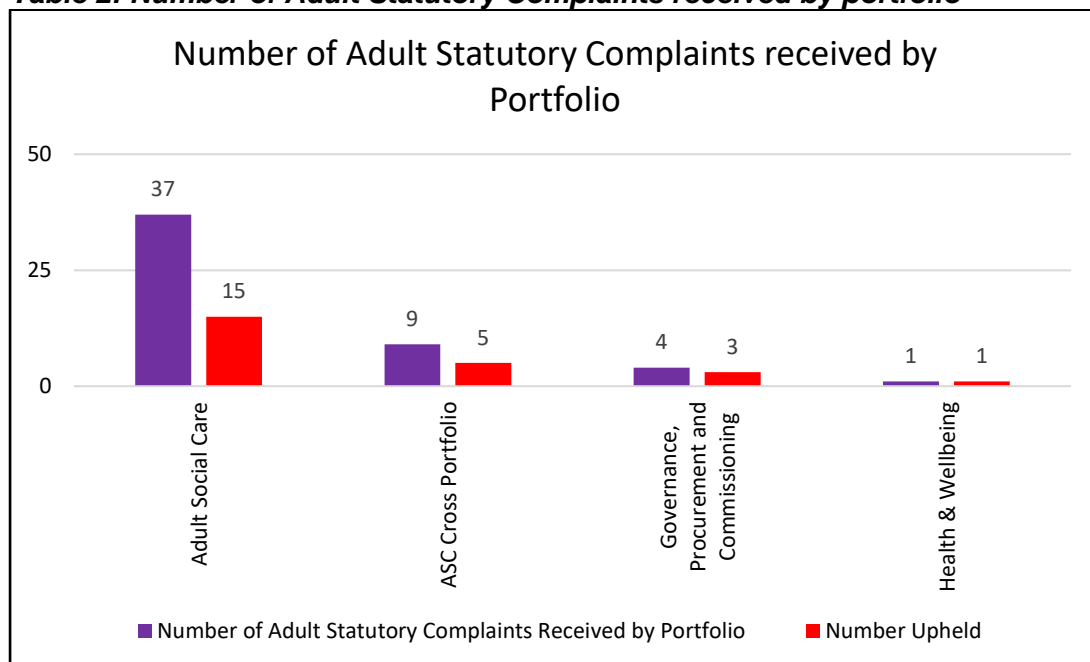
We received 51 Adult Statutory complaints between 1 April 2018 and 31 March 2019, in 2017/18 we received 46 and in 2016/17 we received 38. The table below shows comparisons of the number of statutory complaints over the past three years.

**Table 1: Total Adult Statutory Complaints by Year**



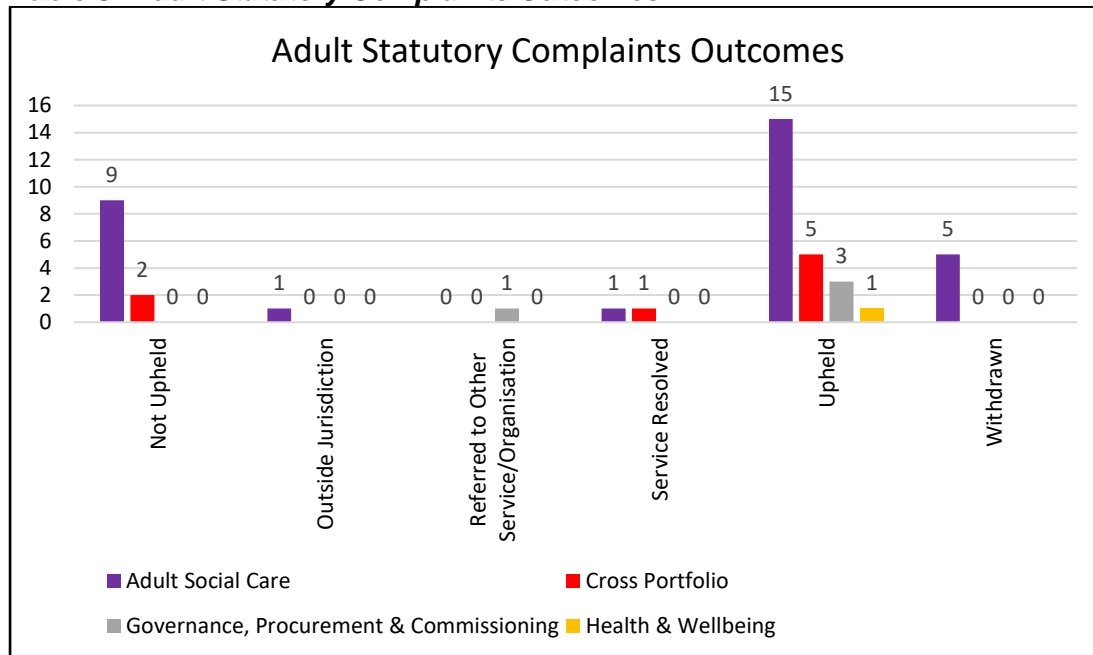
Of the 51 received 44 were completed during the financial year. Below is a table of the statutory complaints received by portfolio against number upheld, these complaints were cross cutting and it was felt that it was appropriate for the complaint to follow the Adult Statutory complaints procedure.

**Table 2: Number of Adult Statutory Complaints received by portfolio**



The table below shows the outcomes of all complaints for Adult Social Care.

**Table 3: Adult Statutory Complaints Outcomes**

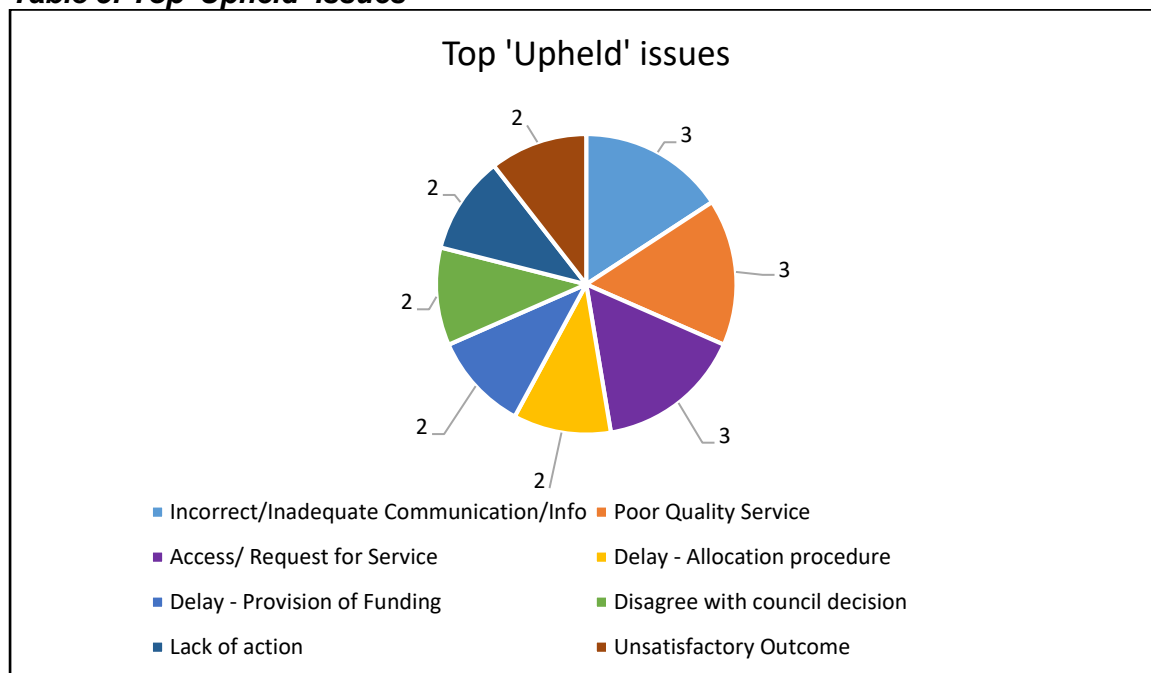


Of the 44 complaints completed, 54% (24) were upheld, 25% (11) were not upheld and 20% (9) were dealt with via another method.

## 5. Issues for 'upheld' complaints

Of the upheld complaints the top 5 issues raised were as detailed in the table below;

**Table 5: Top 'Upheld' Issues**



**Lack of action-** These concerns entailed failings in communication and discharge planning, and lack of communication following the Social Worker leaving the Authority, the case was not reviewed and no deferred payment was agreed.

**Poor Quality of Service-** These concerns related to care home providers and the monitoring process involved to ensure that they are providing the correct serviced this included issues in medication, temperature within the home, unhappy with Social worker response, returned home with no care package and care package changing and no communication with relatives. Also a delay in notifying a termination of contract at a care home and the reasons, which resulted in relatives having a reduce amount of time to act.

**Disagree with Council Decision-** These concerns related to disagreement with a decision to discharge a customer home. Whilst these complaints were upheld this is because whilst the decisions was considered correct, the service did acknowledge some failings in communications and responding to telephone calls. One customer wanted to highlight the 'disconnection in the information flows which should accompany patients who are attended by multiple agencies'.

**Delay – Allocation Procedure-** This case involved errors made by an early help practitioner, and there was a delay in finding a care provider.

**Delay- Provision of Funding-** These concerns related to lack of communication regarding a funding commitment put on 'hold' during a period of rehabilitation and a delay in Financial Case Management calculating the contribution to care provider and a delay in contracts because there was no contract set up with preferred provider.

**Access/ Request for Service-** These complaints centred on the quality of the care packages that were in place and where the provider did not provide the correct level of care. For example the carer attending the customer left medications on worktops and the care package provided was not to standard, as the carer only stayed a few minutes.

One complaint highlighted a delay in obtaining a care package or finding an alternative, which in this case had taken over 6 months to obtain an alternative. Other cases also experienced delay in obtaining or sourcing alternative care packages.

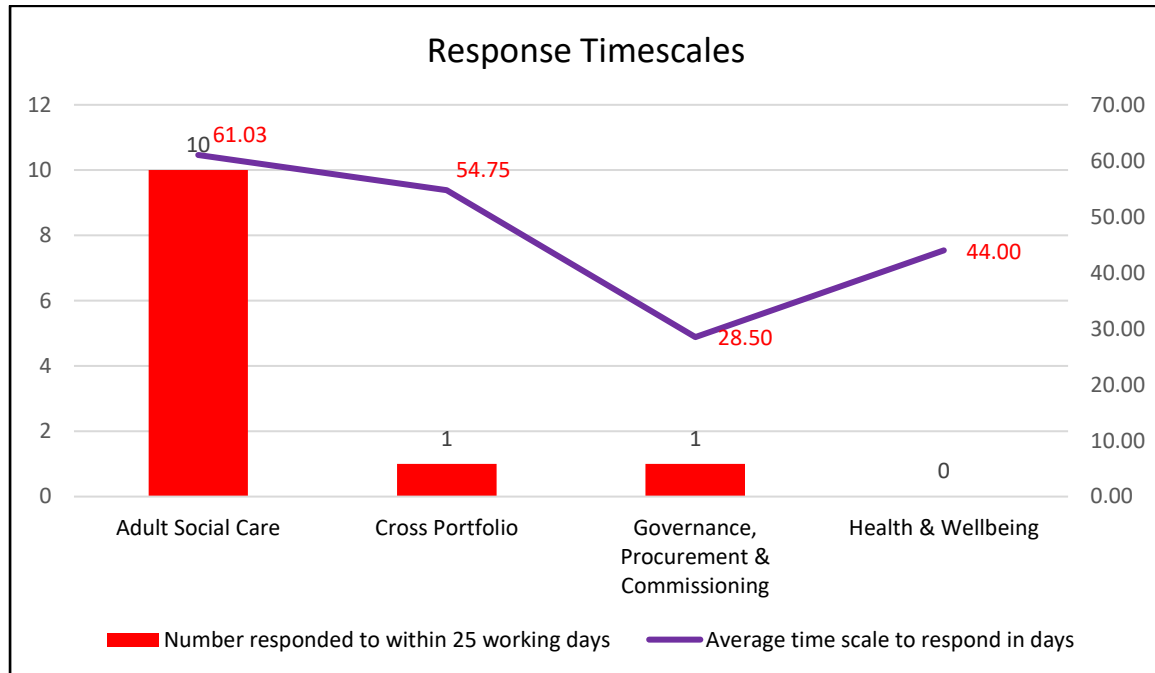


## 6. Timescales for Responses

In 2018/19 the average number of days to respond to an Adult Statutory complaint across all portfolios was 56.5 working days, this exceeds the initial 25 working day target as outlined in Telford & Wrekin's Adult Statutory Complaints policy.

Please see table below;

**Table 6: Response Timescales**



The total number of days to respond to an Adult Statutory Complaint by Adult Social Care portfolio was 61 days.

Of the 37 complaints received by Adult Social Care, 31 have been completed, 11 of the 31 responses were sent within the 25 working day timescale. However, 11 out of the 31 exceeded the 65 working day time scale. Two further complaints responded to under Cross Portfolio exceeded the 65 working day time scale.

It is clear that across all portfolios the average number of working days to respond to the complaints exceeded the initial 25 day timescale, however, the average days for all portfolios did not exceed the extended 65 working days, as outlined in the Council's policy.

All complaints, except one were responded to within 6 months, this customer was contacted and advised of the reason for the delay as stipulated in the legislation.

**Recommendation:** Going forward services need to ensure that they are prioritising complaints and responding within the stated timescales, where there are unforeseen delay's the Customer Relationship Team should be notified immediately so that we can notify the customer and advise them of the date they should expect their response.

## 7. Learning from Adult Statutory Complaints

Complaints are a valuable source of information which can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from complaints to improve the experience for others.

Lessons can usually be learned from complaints that were upheld but also in some instances where no fault was found but the Authority recognises that improvements to services can be made.

Occasionally during the course of an investigation issues will be identified that need to be addressed over and above the original complaint. The Customer Relationship Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

The Customer Relationship Team will provide ongoing daily advice and support to managers around complaints management and resolution and responding to representations.

### **Positive Improvements:**

Below are examples of positive changes that have resulted from learning from complaints;

- People transferred from hospital to a Nursing or Residential Home on Friday afternoon or Saturday will be followed up by a Social Worker on Saturday, ensuring a level of reassurance.
- Discharge plan from rehabilitation bed- The case holder will ensure that all actions are completed. The case holder will ensure that all actions are completed prior to discharge.
- Discharge process has been reviewed.
- The Fact Finding Assessment document must be more detailed, when describing a persons' situation, especially where medication is concerned.
- Ongoing discussions with Social workers in professional development in supervision.
- Implemented a duty system which will enable close monitoring of individuals waiting social work support. Urgent visits when required are a part of this duty system to help resolve issues quickly.
- Where a person being cared for or their family contact us or a practitioner to say the care is not of the agreed standard, investigations will take place, rather than requesting another agency take the care on.
- We recognise that care agencies are having challenges recruiting however, Councils Commissioning Team are working with agencies to improve this.
- The Commissioning Team is working with the domiciliary care market and skills for care to ensure providers have right skills to deliver care.
- Geographic Zones for care agencies have been established.
- Brokerage officers are now adding daily notes regarding the progress of searches for care packages.
- Complaints handling guidance to be developed concerning consent.
- The Council website has been updated to reflect part of the DFG guidelines, it also makes clear that retrospective funding for adaptations that have started or been completed will not be approved.

## **8. Complaints made to the Local Government and Social Care Ombudsman (LGSCO)**

The LGSCO has authority to investigate when it appears that our own complaints process has not resolved the complaint. Complainants can refer their complaint to the Ombudsman at any time, although they will generally refer all complaints back to us, if they have not been through the complaints processes first. In exceptional circumstances the, however the Ombudsman will look at things earlier; this is usually dependant on the vulnerability of the person concerned.

The Council were notified of five Adult Social Care complaints that were received and escalated to the LGSCO between 1 April 2018 and 31 March 2019.

One case remains open, one no fault found, one premature complaint, one no consent given.

There was one case where the LGSCO investigation found fault in the way in which the Council has carried out the care assessment and planning for the customer and also in the way that the complaint has been handled.

The actions agreed with the LGSCO were to write to the customer with an apology, recognise the customer's distress and time and trouble in the form of monetary compensation. Review and report back on how it deals with cases where the care provider's response to Brokerage Team indicates it cannot provide the full support specified in the persons support plan; ensure that the Council retains a copy of the completed care package request form and the Brokerage Team sends the care providers in the person's social care case records so it is available in the event of any later dispute or complaint.

Whilst one finding of fault has been confirmed in 2018/19 the low number of complaints investigated by the Ombudsman suggests that investigations and responses undertaken are clear and transparent.

## **9. Concluding Comments**

This annual report shows that whilst in the vast majority of cases the Council manages complaints well and is committed to putting right anything that has gone wrong there remains clear opportunities to improve in a number of areas. Although the number of complaints received has increased over the last 3 years this is against a backdrop of major reductions in government funding for local authorities and particularly for adult social care services.

For Adult Social Care the number of complaints upheld is high in comparison with the number received.

Response times are also a concern, whilst the Customer Relationship Team does update the customers of delays and extended timescales we should be reaching the initial timescale of 25 working days, often, however we are surpassing this. Although the average number of days to respond to Adult Statutory complaint is 56.5 working days, which is within the extended 65 working day target.

Adult Social Care has developed a service level complaints guide, which should increase the number of responses sent in line with the timescales. The Customer Relationship Team will also continue to escalate those that have exceeded timescales going forward to the Assistant Director.

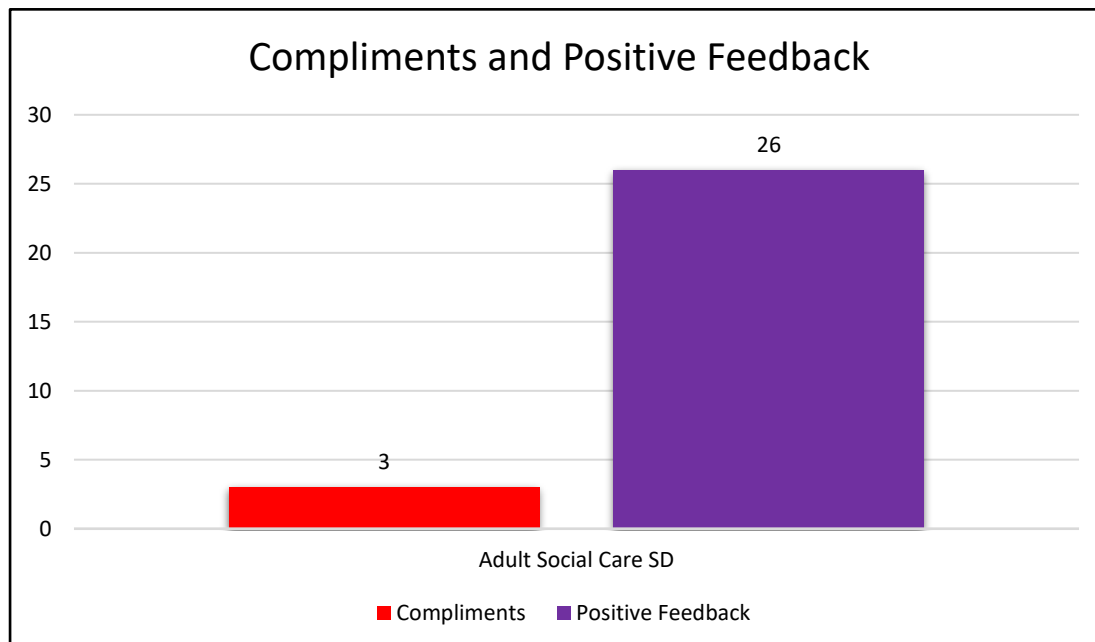
The Council's Adults Statutory Complaint Policy will also be reviewed this year. The Customer Relationship Team will continue to work with senior leadership teams to effectively utilise complaints intelligence to support positive improvements to service delivery.

## 10. Adult Social Care Compliments 2018/19

A compliment is only logged where a service or officer has gone '**above and beyond**' their role.

Three compliments were recorded across Adult Social Care during 2018/29. This is a significant drop from 2017/18 which reflects the new process that was introduced in 2017 where some compliments which were a simple 'thank you' for providing a service and these are now sent to the employee and their line manager and not logged as a formal compliment and are logged as positive feedback only. Adult Social Services received a total of 26 instances of positive feedback in 2018/19.

**Table 7: Compliments and Positive Feedback**



### Compliments received

1. *'Customer rang on behalf of her husband to express her thanks for a good service received from the OT Team. Rang to cancel that her husband did not require the arm chair, but the officers, Graham and Adam turned up and adapted George's settee to make it more comfortable. The customers are very grateful to Sandra and her team for their support.'* - **Occupational Therapy**
2. *'I should like to express how much I appreciate all the help and understanding, professionalism and genuine kindness given to me which was above and beyond anything that I had expected.'* - **Adult Social Work Lakeside South**
3. *Brenda has really gone above and beyond her working role to ensure EW gets home as a soon as possible, after the failed attempt on Tuesday. If only there were more people out there like Brenda in the caring profession.'* – **Adult Social Work Wrekin**