

## **Annual Complaints Report 2016 – 2017**

### **Appendix A – Adult Social Care Complaints**

#### **Summary**

1. This report provides an overview of complaints made about Adult Social Care (ASC) during 2016 – 2017 as required under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, the Health and Social Care (Community Health & Standards Act 2003 and the Local Authority Social Services Complaints (England) Regulations 2006 and the Council's Corporate Complaint Process for all other complaints

#### **Statutory Complaints Process**

2. The Department of Health defines a complaint as, "an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a council's adult social care provision which requires a response"
3. Anyone who has received a service; is currently receiving a service or is seeking a service from us can make a complaint. This includes anyone affected by decisions we make about social care, including a service provided by an external provider acting on behalf of the Council. In such a case they can complain directly to the provider or to us. External providers are required to have their own complaints procedures and must comply with them. They are also required to share this information on complaints and outcomes with the Council.
4. There is only one stage in this statutory process which allows for a provisional and then final decision. All complaints made to the Council are logged and acknowledged. The Council will try to resolve the complaint as soon as possible, and no later than within 20 working days. If delays are anticipated, the complainant is consulted and informed appropriately. All responses, whether or not a timescale has been agreed with the complainant, must be made within six months of receiving the complaint.
5. All complaints are signed off by the Head of Service and complainants are given the opportunity to have their complaint reviewed by the Operational Director, Adult Social Care, Community Wellbeing department. In some cases, some complaints may need to be passed on to the Safeguarding Leads as appropriate, where the complaints process may be suspended in order to allow the safeguarding process to be completed. In cases where the complaint is across several organisations, one organisation will act as the lead and co-ordinate a joint response to the complainant. The final complaint response must set out the Council's standard paragraph advising of their right to approach the LGO should the complainant remain dissatisfied.

#### **Corporate Complaints Process**

6. The Council's corporate complaints process has two stages
  - Stage 1: responded to by the Head of Service
  - Stage 2: Review / Investigation by the Complaints Service team on behalf of the Chief Executive

## Headlines

7. The main headlines from ASC complaints performance are:

- 97 complaints received at the initial stage in 2016/17, 83 Statutory 14 Corporate (10% reduction from the previous year). Year on year reduction in volume.
- Highest volume service areas for Stage 1 complaints – Support Planning & Transitions (44%), Safeguarding & Hospital Discharge team (38%) and Commissioning (7%).
- 48% of Stage 1 cases were upheld or partly upheld.
- 92% of Stage 1 complaints were responded on time, significantly improved performance from previous years.
- £4,295 paid in compensation, a significant reduction on the previous year.

## ASC Service Users

8. There are approximately 3,000 service users in ASC and approximately 3% of these customers or someone acting on their behalf raised a complaint about a service that they had received in 2016-17.

## Complaints Received

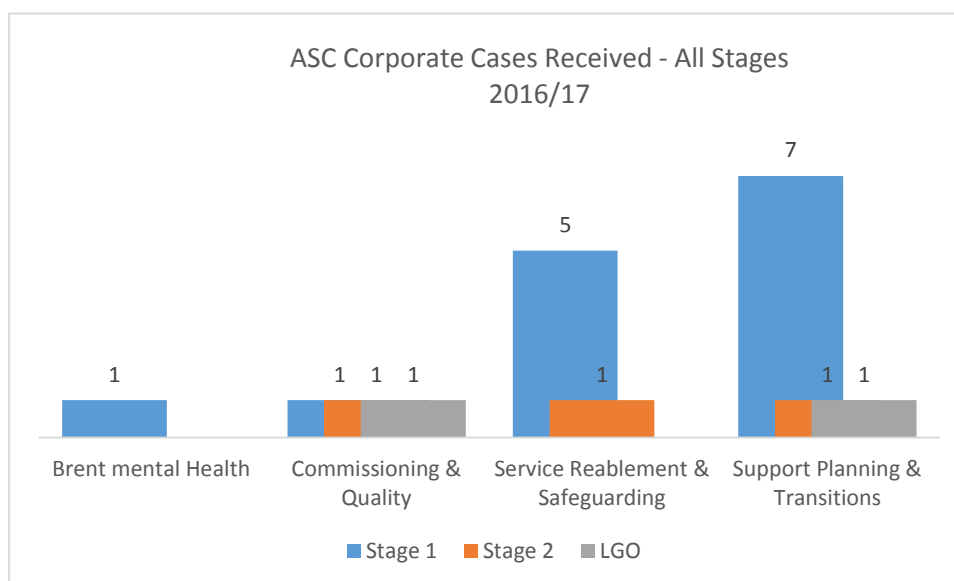
9. ASC received 83 Statutory Complaints and 14 Corporate Complaints a total of 97 complaints. This is a reduction of 10% on complaints received (108) in the preceding year 2015 -16 and a 17% reduction over the last two years. There have been a number of changes in the structure where teams such as the Client Affairs Team have moved from ASC to the Resources department. All Statutory complaints have been included in this report but Corporate complaints are included in the main Annual Complaints Report:

- **Support Planning & Transitions:** received 44% of the complaints made to ASC, this is an increase on the previous year. This team handle the more complex support cases and annual reviews and have to manage the realistic expectations of the families and service users. The complaints received by the team mainly consist of disagreements with the care package the service user has been assessed to receive. These complaints also often relate to disagreements in the type of accommodation that is most suitable for the service user. For example: can the service user reside at home with homecare support; do they need to be placed in a residential care home or live in extra sheltered accommodation. The council also has to consider value for money as well as the needs of the service user when providing services. These are complex and sensitive matters and can lead to disputes.
- **Home Care Providers:** ASC have approximately 1,700 care packages with home care providers and complaints received about homecare packages account for less than 1%. It has been suggested that the council receives a large number of complaints about home care providers, however this is not confirmed by the number of complaints that the council actually receives. The majority of concerns received are reported directly to the home care provider and resolved by them. Concerns are also raised directly with the commissioning team who will resolve such matters directly with the provider. The service user is made aware of the

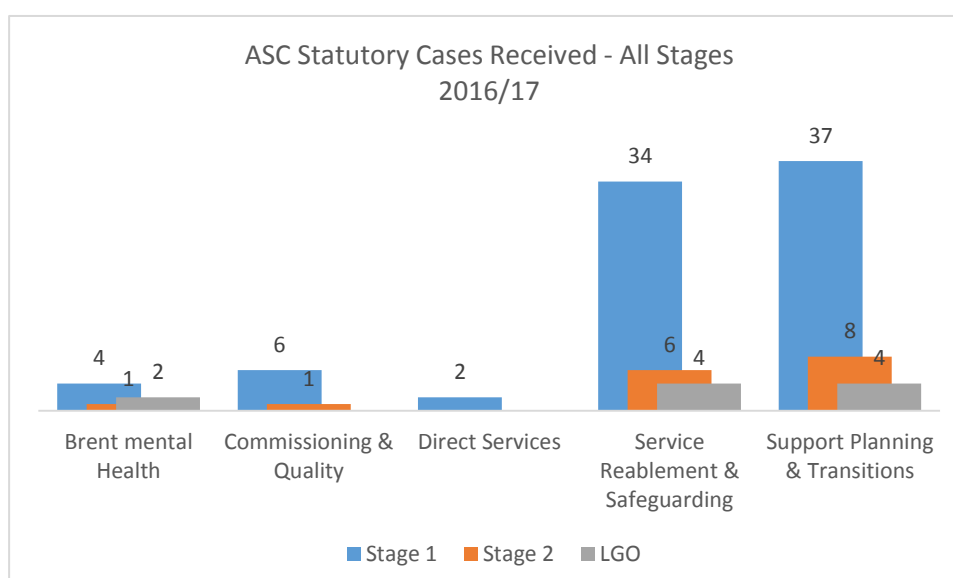
complaints process if they wish to use that route as a possible resolution to their concerns.

- **Safeguarding & Hospital Discharge Team:** accounted for 38% of complaints for ASC. The complaints are centred on the safeguarding team and hospital discharge team. Issues for the safeguarding team relate to the difficulties in managing the expectations of families who are often in dispute with each other over the financial / welfare of the service user. With regard to hospital discharge this generally centres on the assessed needs of the service user and the requirements of their families after the service user has been discharged from hospital.

10. The chart below shows the number of ASC corporate complaints received in 2016/17.

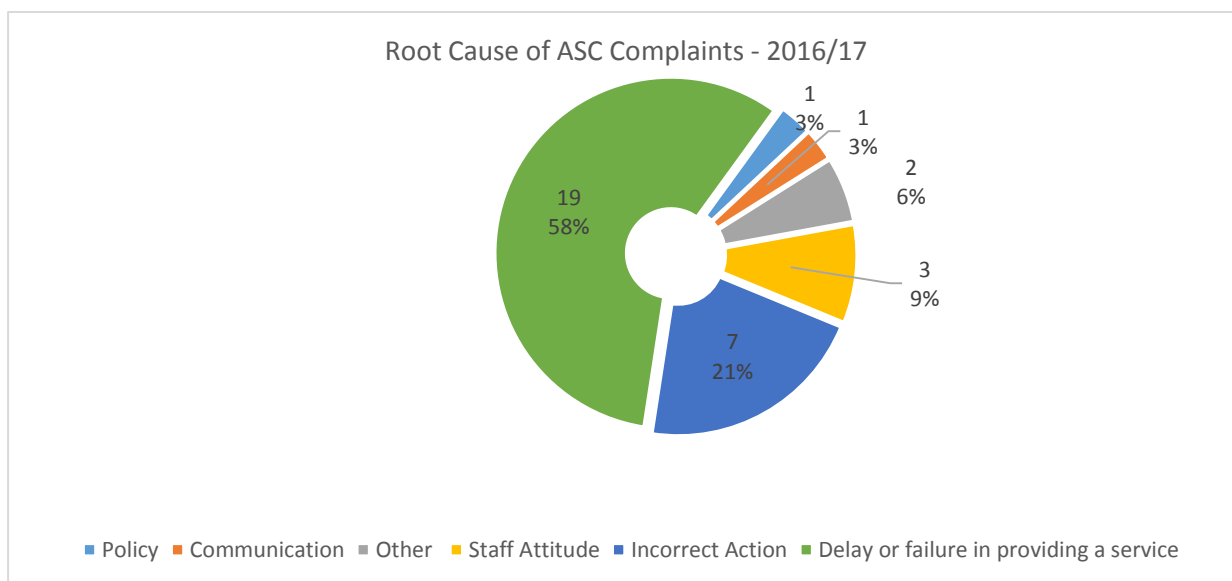


11. The chart below shows the number of ASC statutory complaints received in 2016/17.



12. Of the 85 statutory complaints received, 16 were escalated and were reviewed at the final stage which is comparable with last year. Of the 13 corporate complaints, 3 escalated to the final stage. In total there is a 19% escalation rate as compared to 17% in 2015/16. Over the last year there has been an improvement in complaint handling and managers are working closely with the Principal Complaint Service Officer improving their investigations skills. The Complaint Service team held regular training sessions for ASC managers and staff throughout the year.

### 13. Nature / Reasons for Complaints

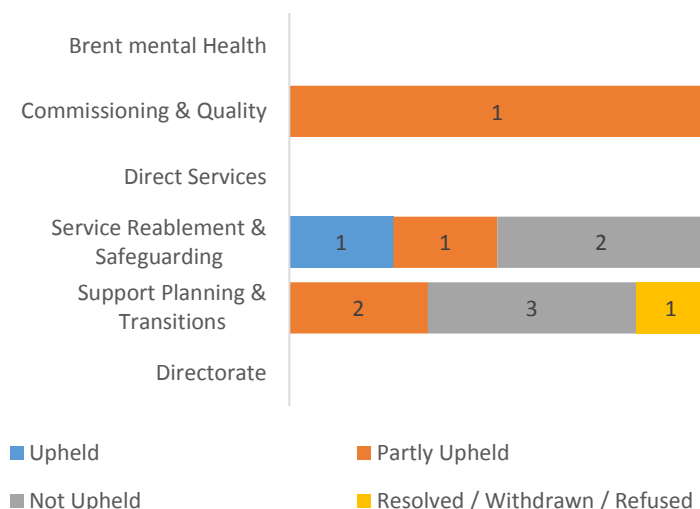


14. Complaints about delay or failure to provide a service accounted for over half of the complaints received. Incorrect Action accounted for 21% of complaints and staff attitude for 9% of cases.
15. It should be noted that complaints about staff attitude usually arise when social workers and service users have not been in agreement about actions taken or a decision that has been made. Complaints of this nature are not usually upheld and service users may subsequently feel that the Council did not meet their expectations.
16. Other examples of the types of issues that lead to complaints are listed below:-
- **Delay/failure to provide a service** – concerns raised about delays with care needs assessments.
  - **Poor communication** - a number of complaints were received regarding telephone calls not being answered and failure to respond to messages.
  - **Incorrect action taken** – when advising a client of their financial assessment the team had backdated the assessment to an incorrect date.

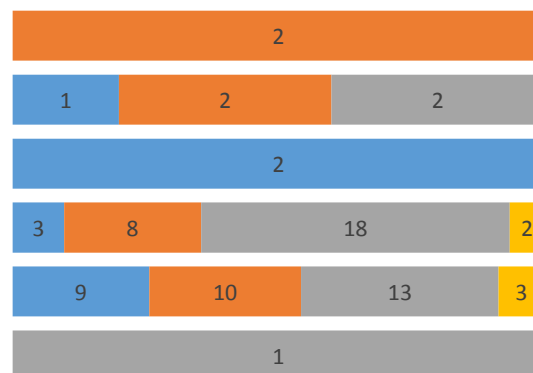
## Complaint Outcomes

17. The chart below shows the outcome of complaints at Stage 1 and final review stage:

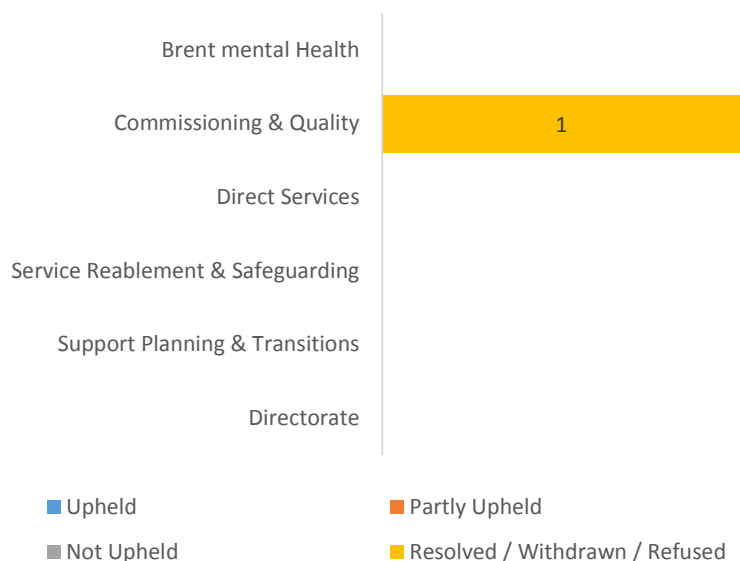
ASC Stage 1 Outcomes - Corporate



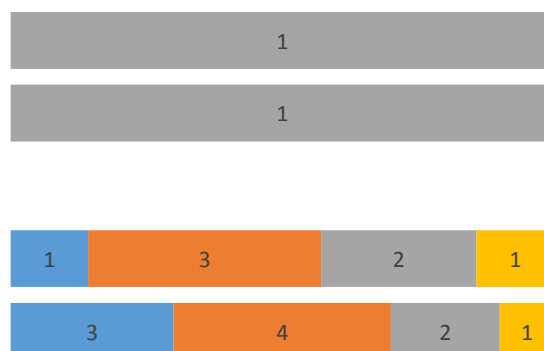
ASC Stage 1 Outcomes - Statutory



ASC - Stage 2 outcomes - Corporate



ASC Stage 2 outcomes - Statutory

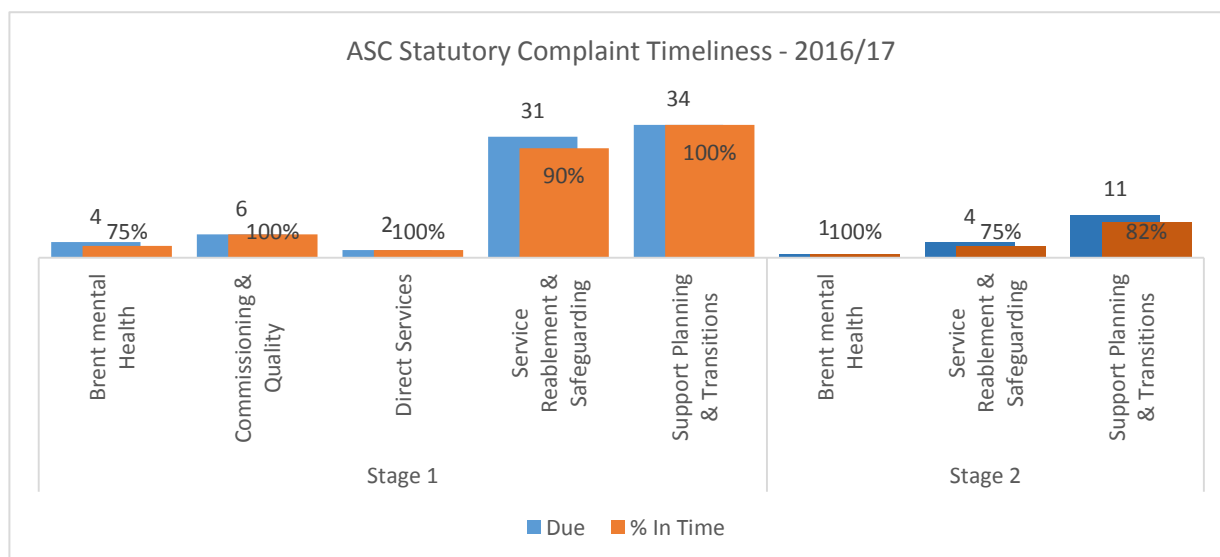
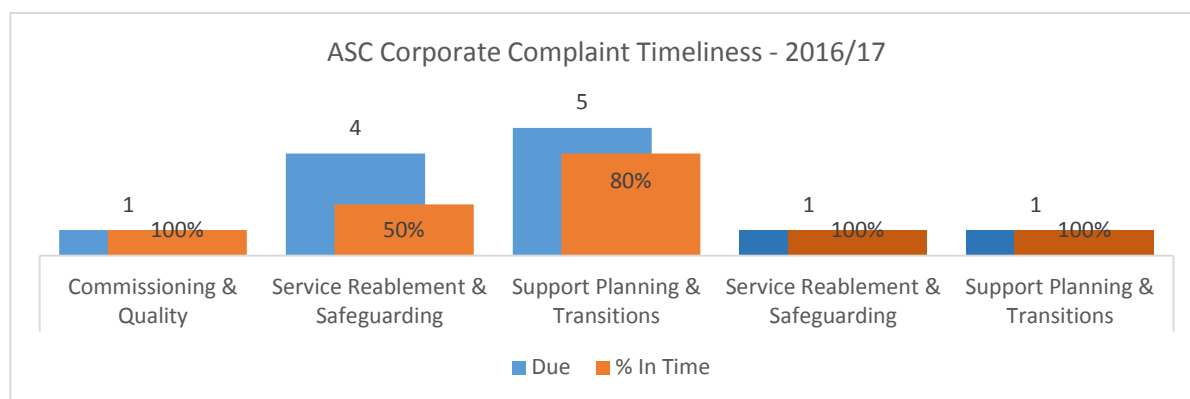


18. Complaints received for both Corporate and Statutory at the first/provisional stage shows that some fault by the Council (upheld or partly held) was found in 48% of cases. This compares to 65% in the year 2015/16.

19. At the final review stage fault has been found in 55% of cases (corporate and statutory). There has been an increase in complaints being escalated from both Support Planning/Transitions and Safeguarding/Hospital Discharge teams to the final review stage.
20. The Complaints Service team is working with managers in ASC to ensure the quality of the complaint investigation and the explanations provided to the complainant addresses all the issues raised. The very nature of these cases are complex and service users and their families will sometimes proceed through the complaint process and escalate to the final stage.

### Timeliness of Responses

21. The chart below shows Stage 1 complaint response times across the various ASC service areas in 2016/17:



22. ASC responded to 92% of all complaints within timescales as compared to 78% in 2015/16, this was an improvement of 14% points on the preceding year and over the last 2 years performance has improved by 35% points. Although this is still below the council's target of 100% it shows year on year improvement and there is a continued focus within the department to achieve the council's target of 100%.

## Compensation

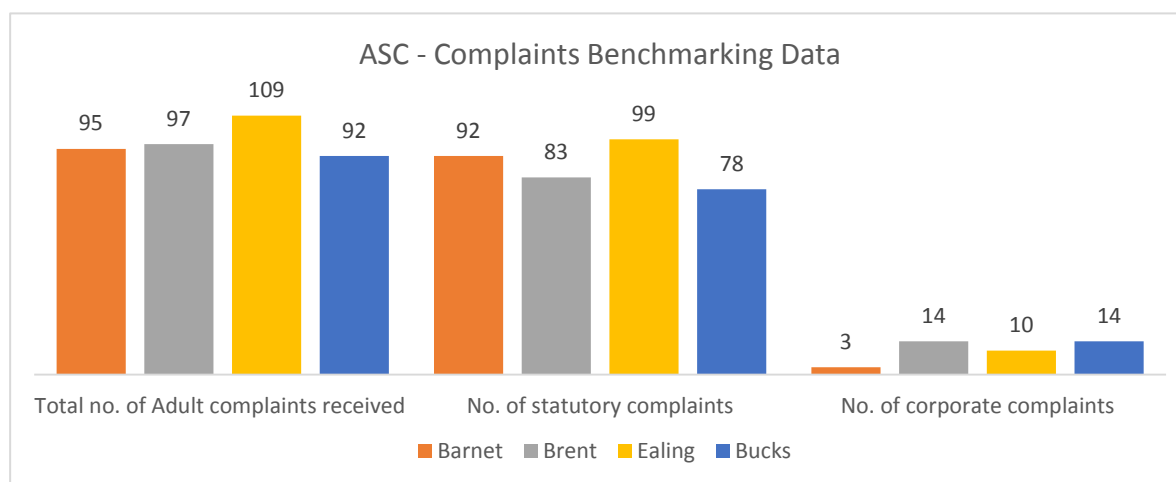
23. There has been a reduction in compensation paid out in 2016/17. In total ASC paid £4,295 in compensation. This was a reduction of £3,464 on 2015/16. No compensation payments were made at Stage 1. Seven cases were paid compensation at the final review stage. The LGO also awarded compensation in one case. As part of the training carried out by the Complaints Service Team an emphasis has been placed on remedies which includes considering when compensation should be awarded. The Council follows the guidelines that are published by the Local Government Ombudsman.

## Local Government Ombudsman Decisions in 2016/17

24. The Local Government Ombudsman received 35 referrals for ASC up from 21 the previous year. The information below shows the outcome of these referrals, 6 referrals were closed after initial enquiries, and 16 were referred back to the Council's own complaint procedure. Twelve cases were investigated of which 2 cases were not upheld, 7 cases are still in the process of being investigated. Three cases were upheld as follows:
- **Case 1:** the Council had failed to act correctly in the way they discharged someone with mental health needs from aftercare services. The Council agreed to review their procedures
  - **Case 2:** the Council had unreasonably delayed in handling a claim for disability related expenditure and when completing a financial assessment failed to assess a client's needs properly or address the carer's needs.
  - **Case 3:** the Council had accepted fault in the actions of Care agencies in some aspects of care. There was no evidence of fault with the council in responding to the complainants concerns.
25. The number of ASC complaints upheld is similar to the previous year.

## Benchmarking

26. Brent Council belongs to the North West London Social Care Complaint managers group. The Council has benchmarked the volume of complaints received against eight of our Central and West London neighbours. With regards to statutory complaints we have come third in the table behind Hillingdon and Buckinghamshire; with regards to all complaints we have come third behind Hillingdon and Barnet.



## Customer Feedback and Engagement

27. The majority of customer contact with the Complaints Service team is reactive in that the team responds to direct contact from customers and their representatives when they report a problem with a service. The Complaints Service team has attended meetings with some provider and community organisations to introduce themselves and provided advice on the complaint processes. Through the initial contact the team has managed to resolve a number of complaints at the point of contact e.g. Delayed OT assessments / care assessments finding early resolutions to invoicing / billing queries that could have turned into more formal complaints.

## Compliments

28. Customers and their representatives are encouraged to tell the Council if they are satisfied with their care or to highlight good service. People can send feedback to the Complaints Service team or ASC directly. In 2016/17, ASC and the Complaints Service team received 19 compliments about ASC. This is a 50% increase on the previous year. Some of these compliments were not logged on iCasework and the Complaints Service team is working with ASC to improve the logging of compliments on the system. Three examples of compliments are as follows:

- From a service user who required the service of an Occupational Therapist**

*"I have been disabled for over 8 years, in that time I have had many occupational therapists, (OT) some have been good some bad (not all Brent Council). What I can say about Mr R from the first meeting I knew this OT actually understands what I need. The biggest problem for a disabled person is someone understanding their background and most of all LISTENING to him or her. I am happy to say Mr R ticked all the above and has gone above and beyond, what he has done in the short amount of time has changed my life for the better. He has been excellent in all cases from the initial meeting to the follow up and follow through*
- From a relative**

*"I know the Purchasing team have worked really hard to investigate placements and understand both the urgency and the real needs of their relative. Both the family and I really appreciate the Placement manager keeping us constantly updated and their understanding and empathy they have*



*shown to the family. The communication was a reassurance in a very difficult time. There has been a genuine care from the whole team for the family”*

- **From a Mother** *“I am writing to express my heartfelt gratitude for the help and support given by our Social Worker. They have been able to recognise any shortfalls in our life and has managed to put in place the appropriate support to fulfil these shortfalls and make sure my daughter and I have the help we need. The Social Worker has been thoughtful and has always gone the extra mile to be there for us. We are truly grateful for their presence in our lives*

## Learning from Complaints

29. Learning from complaints provides opportunities for services to be improved and shaped by customer experience. ASC managers are encouraged not only to respond to complaints fully but to identify learning points that can help improve services. Here are some examples of how customer feedback has changed and improved service delivery:

Customer Feedback - ‘You Said’	Service Area Changes - ‘We Did’
You told us that you did not want the care package when you were discharged from hospital.	<ul style="list-style-type: none"> <li>• We found that we had put the package of care in place on the advice of the hospital.</li> <li>• We agreed to cancel the care package and remove all financial charges. It was agreed to review the process of providing care to service users discharged from hospital.</li> </ul>
You have told us that you had requested a care assessment for your relative due to her finances reducing below the financial threshold for support. You were still paying for care and the savings were nearly exhausted	<ul style="list-style-type: none"> <li>• We carried out an assessment and backdated the support to the point that the savings went below the threshold. We reviewed the waiting list to ensure that such cases were prioritised.</li> </ul>
The complainant said that we had not protected their relative from being moved abroad	<ul style="list-style-type: none"> <li>• We agreed that there were practice issues regarding communication and safeguarding managers have been made aware of these issues. We also agreed to share the need for detailed risk assessments to be completed with team managers</li> </ul>

**Martin Beasley**  
Principal Complaint Officer