

## Complaints Annual Report 2019 – 2020

### Appendix A – Adult Social Care Statutory Complaints

#### 1. Summary

- 1.1 This report provides an overview of complaints made about Adult Social Care (ASC) during 2019–2020, 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.

#### 2. Statutory Complaints Process

- 2.1 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”*.
- 2.2 Anyone who has received a service, is currently receiving a service or is seeking a service from the Council can make a complaint. This includes anyone affected by decisions the Council 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 the Council. External providers are required to have their own complaints procedures and must comply with them. They are also required to share information on complaints and outcomes with the Council.
- 2.3 There is only one stage in this statutory process which the Council has interpreted as a provisional response and a final decision. All complaints made to the Council are logged and acknowledged. The Council will try to resolve the provisional complaint as soon as possible, and within 25 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 completed within six months of receiving the complaint.
- 2.4 All complaints are signed off by the Head of Service and complainants are given the opportunity to have their complaint reviewed by the Strategic Director, Community Wellbeing or the Operational Director, Adult Social Care. 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 Local Government & Social Care Ombudsman (LGSCO) should the complainant remain dissatisfied.

### 3. Headlines

3.1 The main headlines from ASC complaints performance are:

- 81 complaints received at the initial stage in 2019/20 a decrease of 20% on 2018/19.
- Highest volume service areas for first stage complaints – Complex Care 26%, Urgent Care 26%, Commissions, Contracting and Market Management 21%
- 45% of Stage 1 cases were upheld or partly upheld
- 50% of stage 2 cases were upheld or partially upheld
- 92% of Stage 1 complaints were responded to on time.

### 4. ASC Service Users

4.1 In order to provide some context in relation to complaints submitted, ASC received 2702 contacts from individuals including contacts made through Brent Customer Services (BCS) and the Duty Team in 2019/20. ASC assessed 1,145 service users for homecare services and 168 were assessed for residential / nursing services. There were 3,213 individuals who received section 5 hospital discharge assessments. This means that 1.1% of ASC service users or someone acting on their behalf raised a complaint about a service that they had received in 2019-20.

### 5. Complaints Received

5.1 ASC received 81 (101 in 2018/19) Statutory Complaints in 2019/20. This figure has reverted back to similar figures the Council had received in preceding years, following a spike in complaints received in the period 2018/19.

5.2 There have been a number of changes in the team structures in ASC during the year which has not been replicated in both complaint management systems currently used and therefore may not be reflected in this report.

5.3 A new complaint system went live on the 25 November 2019, and as a result statistics in this report have been collected from the two complaint management systems, the legacy system iCasework, and the new implemented system CRM Dynamics. Unfortunately, the matrix of the two complaint systems do not match and consequently there has been considerable difficulty in reconciling the complaints data from the systems. The current system has been replaced by an updated version in November 2020.

5.4 Statutory complaints centre on the Care Act and largely relate to a service users' care needs assessment or the provision of social care needs either through, homecare services or residential care. Anyone can approach the Council and are entitled to receive a care needs assessment. There has been a decrease in complaints received by the Complex Care team and the Urgent Care teams, although this has been offset by an increase in complaints in the Commissioning, Contracting and Market Management team.

- **Complex Care:** received 26% of all statutory complaints made to ASC which is 13% down compared to last year. This team handles the more complex support cases as well as annual reviews and are expected to manage the realistic expectations of the families and service users in regards to the package of care

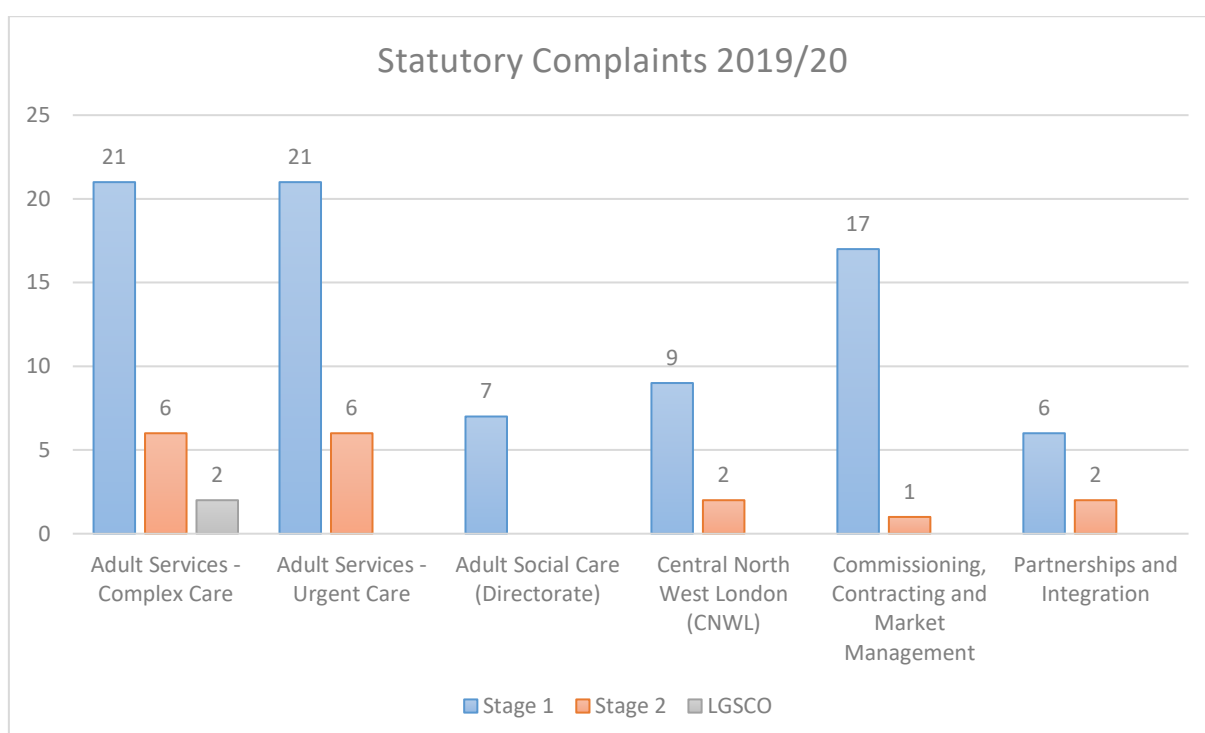
they are entitled to. The total of 21 complaints received for the year reflects on the work completed by the team. This compares to an active case load of approximately 600 cases. The complaints that are received by the team relate to disagreements with the decisions around care packages / assessments, delays in receiving an assessment or Occupational Therapy assessments and complaints concerning communication from social workers. The service users and their families often have a higher expectation of the services the Council is actually able to provide. The Council has to consider value for money, as well as the needs of the service user when it is providing services. These are complex and sensitive matters and can lead to disputes between the parties. There has been a concerted effort to improve case and complaint handling in the team and a willingness to work with the Complaint Service team to reduce the number of complaints. There have been a number of complaints from some families which have bordered on vexatious and need to be managed.

- **Commissioning Contracting and Market Management:** this team manages the services / contracts for residential nursing homes, homecare providers direct payments and supported living. They accounted for 21% of all complaints received by ASC, which is an increase of 14% on the preceding year. In reality the complaints have increased from 7 to 17 complaints, which is minimal in context to the areas that the team cover. There is a perception that the Council receives a lot of complaints about its home care providers, however, this is not borne out in the statistics. There were 7 cases received in 2019/20, about homecare providers which accounts for 8.5% of the overall complaints received in relation to ASC. This is similar to the preceding year. The Council does a lot of work with its home care providers in order to resolve problems at the first point of contact. The majority of concerns received are reported directly to the home care provider and resolved by them. Concerns can also be raised directly with the commissioning team who will resolve such matters with the provider, but service users are also made aware of the Council's complaints process if they wish for their concerns to be investigated by the Council. Other areas of complaints concern placements in a residential setting and supported living.
- **Urgent Care:** includes the Duty team and Hospital Discharge teams and accounted for 26% of all complaints received by ASC. This is a 14% decrease on the preceding year 2018/19. There has been an improvement through the year on reducing the waiting list and ensuring that care assessments are completed. In the preceding year, there had been 19 complaints around this issue. However, although there is improvement in this area, there is concern in the relationship between Brent Customer Services and the Duty Team in relation to the triaging of requests for assessments. The nature of complaints is around communication / feedback, disagreement / delays in packages of care being put in place (home care) and delays in being assessed for the home or placing patients in a residential setting, and co-ordination with the NHS.
- **Partnerships & Integration:** This team manages our Direct Services such as the John Billam Resource Centre and the Council's partnerships with the NHS Reablement team. This team accounted for 7% of the complaints received for ASC which is a decrease of 4% on 2018/19.

5.5 There is a general trend in all areas around communication, whether it be regarding communicating a decision made or explaining the position at that point in time.

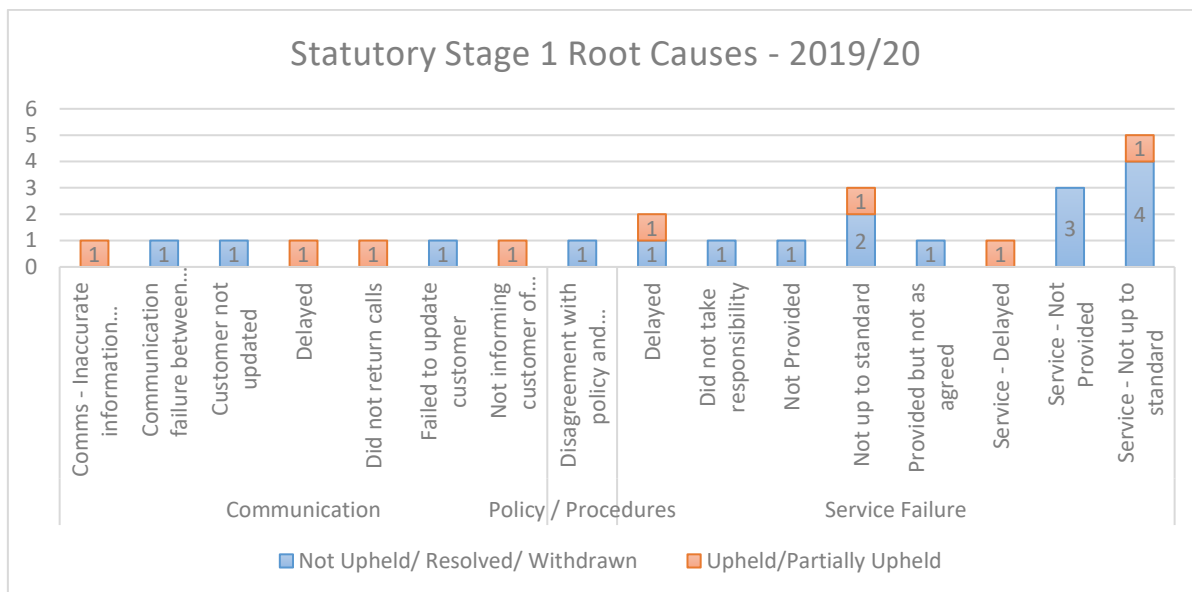
5.6 When complaints are received they are directed to the Complaint Service team for triaging. Of the complaints received, the team received 43% by email, 39% by self-service on line, 11% by telephone and 5% by letter. The ASC Complaint Legislation is explicit that the Council must receive complaints by any means, and in discussions with various disability groups, they have highlighted that access to the ASC complaints process should be easy for all and that not everyone has or is capable of accessing the complaint form on the web-site. The team have provided a telephone number on the web site especially for ASC clients.

5.7 The chart below shows the number of ASC statutory complaints received in 2019/20. Of the 81 statutory complaints received, 17 were escalated to the final review stage and 2 complaints were escalated to the LGSCO. With a reduction in complaints being received at the provisional review stage, this has therefore increased the escalation rate. Simpler complaints are being resolved at the early stage and the more complex cases which strand different teams are the cases that tend to escalate.



5.8 The escalation rate for statutory complaints is 21% compared to 18% in 2018/19. This is an escalation increase of 3% and reflects on the complex nature of the complaints being received. Outcomes from these cases are discussed later in the report. ASC actively try to resolve problems or concerns; however, the more complex cases do escalate, hence the reason the majority of the stage 2 requests came from Urgent and Complex Care teams. The Complaints Service team continues to work with the ASC Operational Director and their management team to ensure complaints are proactively responded to. The Complaints Service team held two complaint training sessions for ASC managers and staff throughout the year and also attended team meetings to explain the complaint process and present complaint data and feedback.

## 6. Nature / Reasons for Complaints

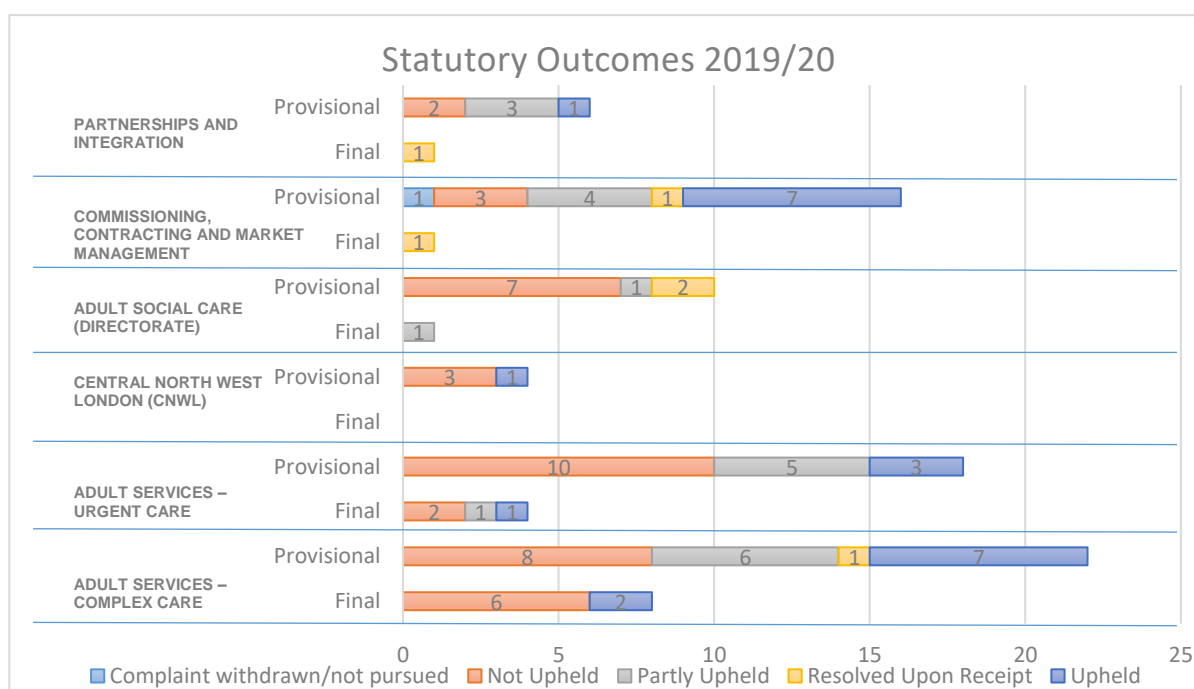


6.1 The recording of root causes has been poor 24 out of 81 cases. This was mainly due to a technical issue with the complaints system that allowed officers to close down complaints without providing a root cause. Complaints about service failure accounted for 67% of those complaints of which fault was found in 19% of cases (3 out of 16). The other main area was Communication accounting for 29% in which fault was found in 57% of cases

6.2 Where some fault was found, these concerned explaining the process and how decisions have been reached.

## 7. Complaint Outcomes

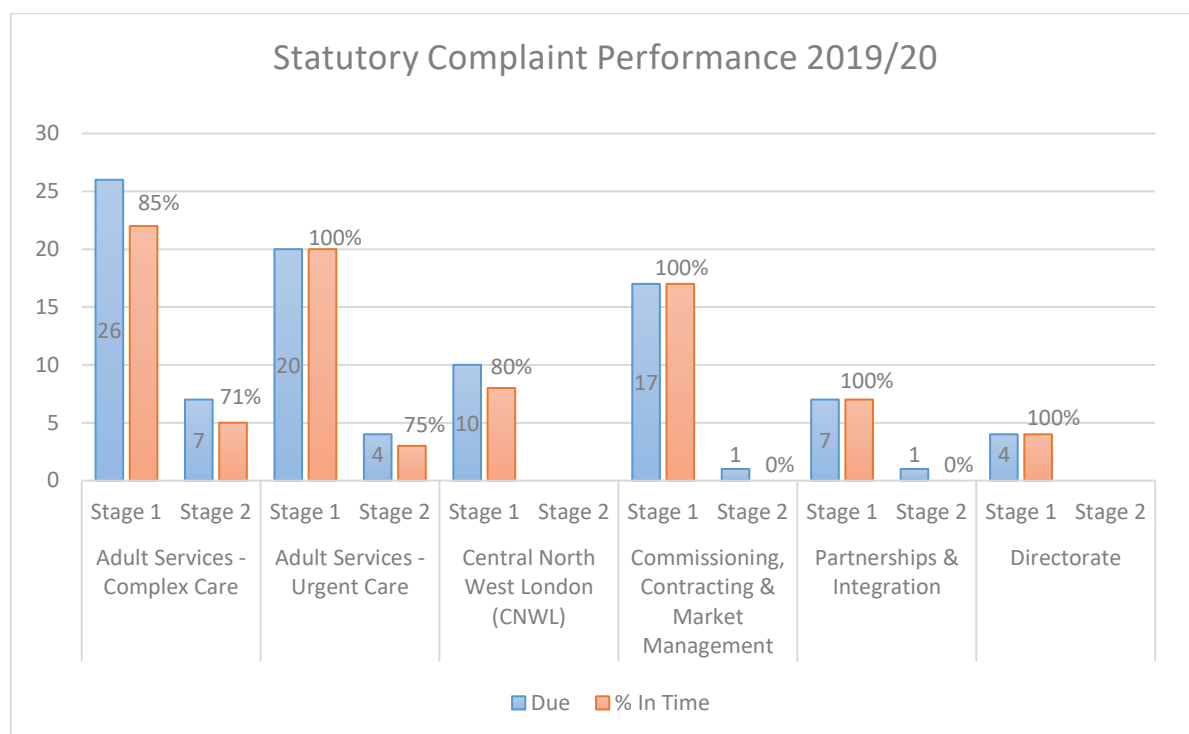
7.1 The chart below shows the outcome of statutory complaints at Stage 1 and final review stage:



- 7.2 Complaints received at the first / provisional stage shows that some fault (upheld or partly upheld) by the Council was found in 38% of cases; this compares to 45% in 2018/19. The Council welcomes complaints from service users about the services we provide, and outcomes from complaints feed into service improvement and the transformation of services.
- 7.3 At the final review stage some fault was found in 50% of cases, which is up from 38% in the previous year 2018/19. The number of final review complaints increased from 13 in 2018/19 to 16 in 2019/20. The reason why there has been an increase in cases where fault has been found at final review is due to the complexity of the cases being escalated to the final review stage.
- 7.4 The complaint escalation rate has increased despite fewer cases received in 2019/20 in comparison to the previous year.
- 7.5 Where complaints are complex and involve a number of teams, they tend to escalate to the final review stage. The complaint service team continues to work with ASC to review the accuracy and quality of the stage 1 responses, where they have escalated to the final stage, and will be reporting the findings to the ASC management team in order to implement strategies to reduce the number of escalations.
- 7.6 Although ASC has introduced an appeal service, numbers show that the appeal process is rarely used. This indicates that service users are still using the complaint process in order to argue their case to retain or improve their care package and protect their services. Service users should be encouraged to appeal decisions made.
- 7.7 The Complaints Service team continues to work with managers in ASC to ensure the quality of complaint investigation and responses provided to the complainant address all issues raised. The Complaint Service team are also working to ensure that the different teams within ASC work together when dealing with complaints about services that crossover the various teams. The very nature of some of the complaints are complex and service users and their families will take their complaint through to the final stage.
- 7.8 Some service improvements identified at the Final Review stage have been included in point 14 - Learning from Complaints.

## **8. Timeliness of Responses**

- 8.1 The chart below shows Stage 1 complaint response times across the various ASC service areas in 2019/20:



8.2 ASC responded to 92% of all complaints within timescales, this is a slight decrease on the same period for the preceding year. In effect out of 85 complaints replied to, only 7 were slightly overdue and considering the complexity of some of the cases investigated, in which some cases required consultation with our external partners, i.e. the Patient Advice and Liaison Service (PALS), the Clinical Commissioning Group (CCG), and homecare companies, the performance is as expected. Although this figure is below the Council's target of 100%, there has been considerable improvement in performance in recent years. The commencement of the Corona virus pandemic did affect performance in March 2020. ASC have a continued focus to ensure that they achieve the Council's target of 100%.

## 9. Compensation

ASC	Total	
	No of Cases	Amount
Stage 1 / Provisional	0	£0
Stage 2 / Final	3	£800
Ombudsman	0	£0
<b>£ per Case</b>	<b>£267</b>	<b>£800</b>

9.1 ASC paid a total of £800 in compensation for the year 2019/20, which comprised of three cases and is £300 down on the preceding year. In all three cases compensation was paid at stage 2 of the complaints process and ASC have not been requested to pay any compensation by the Local Government and Social care Ombudsman. In two cases compensation was paid due to the delay in providing a service and the third case was due to the lack of communication when reducing a care package. The total amount paid compares favourably when you reflect on the numerous services being provided. The Council follows the guidelines that are published by the Local Government and Social Care Ombudsman when considering compensation.

## 10. Local Government and Social Care Ombudsman Decisions in 2019/20

10.1 The Local Government & Social Care Ombudsman received 16 complaints and enquiries regarding Adult Social Care. This is a decrease of 48% compared to last year 2018/19, where 31 complaints and enquiries were received. In 2019/20 the LGSCO made decisions on 21 ASC cases. Of the decisions made, 11 cases were referred back to the Council for local resolution as they had not completed the Council's complaints process. One case was closed by the Ombudsman after initial enquiries with no further action to be taken, and two cases were closed as invalid/incomplete due to insufficient information provided. Of the remaining 7 cases, 3 cases were 'not upheld' and 4 cases were 'upheld'. This is a significant decrease of the 6 upheld cases (60%) in 2018/19. Two of the four cases upheld concerned blue badge decisions. In both these cases the complaints were referred directly to the Ombudsman without the Council being given the opportunity to address them through the complaints procedure. The Council agreed in both cases to reconsider the decisions and the Ombudsman was satisfied that the remedy had been completed. The LGSCO classify complaints regarding blue badges under Adult Social Care, but in Brent these are reported under Customer and Digital Services and categorised differently, therefore these have not been included in this report. The remaining two cases which were upheld are detailed as follows:

- **Case 1:** The LGSCO upheld the complaint, which had previously been investigated under the Council's complaints procedure. The complainant complained that the Council delayed in reviewing their needs and responding to their requests for more help. There was some delay on the part of the Council in reviewing the complainant's needs but no evidence that caused them significant injustice as a result. The Council put in place an additional allocation of time for socialisation and referred them for floating support to help them with paperwork. The Council also reminded all officers of the customer promise service standards in relation to correspondence and communication with customers.
- **Case 2:** The LGSCO upheld the complaint which had previously been investigated under the Council's complaints procedure. The complainant complained that the Council failed to let the service user return to the family home and did not help attending church. There were serious safeguarding concerns in this case. The Ombudsman decided there was no fault with the Council's handling of our service user decision to remain living at the care home. The Council had assessed their mental capacity to make a decision to where they live and had provided an Independent advocate. However, although in his care plan, the council could not evidence that the care home was assisting the service user to attend Church. The Council have asked its contractors to clearly follow care plans and record actions they take including when services are refused.

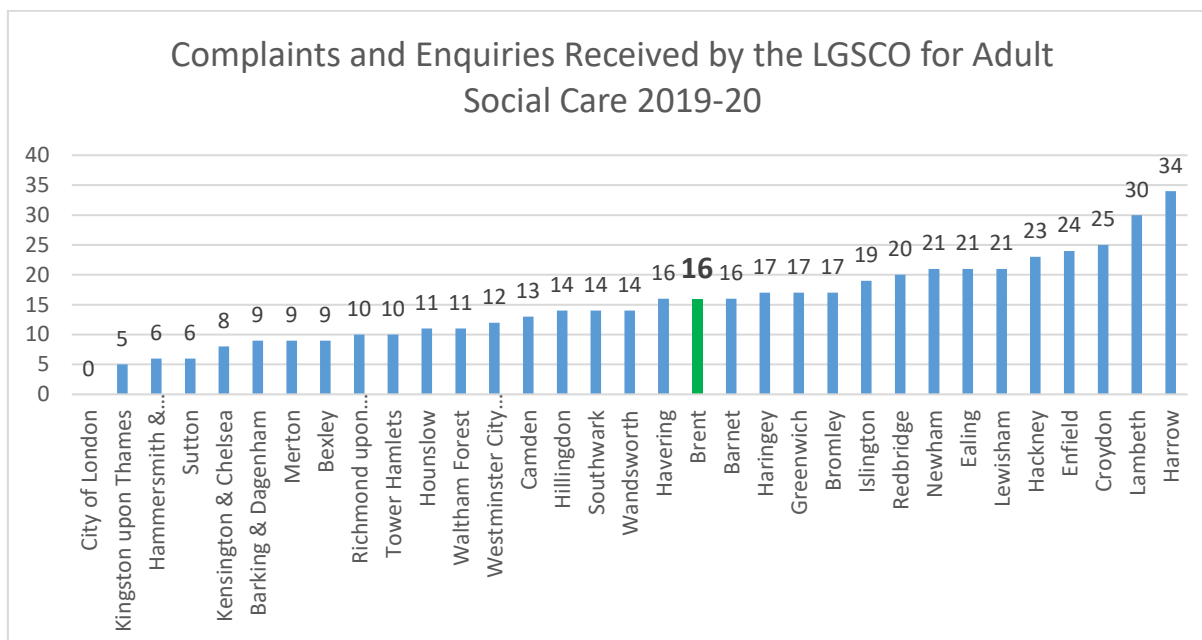
## 11. Benchmarking Data

11.1 Brent Council belongs to the North West London Social Care Complaint managers group. Unfortunately, due to the current pandemic it has been difficult to gather benchmarking data. Many Councils have not yet completed their Complaints Annual Report and therefore the data is not available. Data from the Local Government and Social Care Ombudsman has been provided in regards to complaints in relation to



Adult Social Care services. The number of complaints will include corporate and statutory complaints for the department and complaints concerning Blue Badges.

11.2 Brent Council is joint 19th lowest with Havering and Barnet Councils for complaints that were escalated to the Local Government and Social Care Ombudsman. This is over 50% less than the borough with the highest amount of complaints received by the LGSCO, Harrow with 34 Adult Social Care complaints received.



## 12. Customer Feedback and Engagement

12.1 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. Through the initial contact, the team has managed with ASC managers, to resolve a number of complaints at the first 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. The team has conducted presentations to Disability Forum and have also attended meetings to introduce the ASC complaints procedure and provide advice on the ASC complaint processes.

## 13. Compliments

13.1 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 2019/20, ASC and the Complaints Service team received 33 compliments about ASC. The Complaints Service team is working with ASC to ensure they capture all the compliments received by the service. Below are examples of compliments that staff in ASC have received:

- *Hospital Discharge Team*

*Firstly, I must say it is so nice to work with you! You are so efficient and a fabulous communicator, and an excellent Social Worker.*

*Secondly, thanks for the update! Amazing that the carpet has been replaced already. I will get in touch with her then about when she thinks it will all be done by, so we can get equipment delivered. If they've already done the carpet and started on the furniture then we might be able to discharge from here shortly."*

- *Commissioning - Supported Living including NAIL programme*

*"I wanted to send you this email to convey how much my family and I have appreciated the social worker's help during the transition in care homes. Despite my father being his primary concern, I feel the SW has gone the extra mile in order to ensure the family have been fully involved and informed of my father's move. He has gotten involved and has been far more hands on with my father's move than he has had to be - and this shows the passion and dedication he has for his job. I received updates every step of the way and he ensured the family were comfortable and answered as many questions as he could. The SW often saw things that needed to be addressed far earlier than I could and this also helped considerably."*

- *Community & Preventative – Commissioning*

*"Thank you so much for your help in locating a residential home placement for my mother. I would like to express to you that I appreciate everything you have done to assist, especially when sometimes I became somewhat indecisive. Thank you for your time, patience and extra effort you spent explaining the process involved, in great detail. You certainly know your job. I am happy with the decision I eventually made. I am pleased to say that without delay, my mother has now moved into her new care home and is adjusting. I believe that she will settle in her new home very well. To you I am so grateful."*

- *Complex Care Team*

*The service user had a privately funded placement in a care home and had now extinguished their funds and were looking for assistance from ASC.*

*"Well what can I say except here is an angel of a person who has come to assist us and without a shadow of doubt they have been absolutely terrific. Me and my family heard so much about how stretched social services are and how difficult it is to work with Social workers and how one keeps chasing and chasing and seldom gets a quick response.*

*Well to tell you the truth what we have experienced is complete opposite. They have been attentive, caring, and displays tremendous patience and empathy and above all is punctual and responds to things effectively and quickly. We could not have asked for anything more and there is without no negative or adverse things we have to say about them. Had it not been for them and their approach to their job and desire to truly help people I am not sure we would have got where we did in speed with which things happened. They have worked close with me and my*

*family though out and also helped us deal with the NHS.*

*It's been an absolute pleasure to deal with the SW and they have displayed and provided significate care and support to me and my family and all there work has been of high quality and well beyond our expectations."*

## 14. Learning from Complaints

- 14.1 Learning from complaints provides opportunities for services to be improved and shaped by customer experience.
- 14.2 Improvement in services, in which complaints feed into have been led with the employment of a Principal Social Worker. As part of this work ASC have introduced the practice of only a monthly basis of reflecting on their work. There has also been the implementation of a skills academy for staff and pathway Training. In conjunction to this there has been a drive to use less agency staff and employ more permanent staff which has improved the skills level and responsibility to our service users.
- 14.3 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 complaints have changed and improved service delivery:

Customer Feedback - 'You Said'	Service Area Changes - 'We Did'
<ul style="list-style-type: none"> <li>You told us that you had requested a care assessment and attached documents. Our computer system had quarantined the email and no notifications were sent out.</li> </ul>	<ul style="list-style-type: none"> <li>Brent council's IT department have installed new software to prevent this happening again.</li> </ul>
<ul style="list-style-type: none"> <li>You have complained that you were offered incorrect advice</li> </ul>	<ul style="list-style-type: none"> <li>ASC have reminded all managers and staff about providing the correct information to service users.</li> </ul>
<ul style="list-style-type: none"> <li>You told us you had been advised that you had been referred for a Level Access Shower. Due to delays this took 12 months to approve.</li> </ul>	<ul style="list-style-type: none"> <li>ASC have reminded staff to ensure all actions are followed through. There is presently a difficulty in employing and retaining Occupational Therapists and ASC are continually reviewing their recruitment practice.</li> </ul>
<ul style="list-style-type: none"> <li>You felt that in a case where someone is suffering from dementia that a face to face care assessment should have taken place and that a telephone assessment is not suitable as the service user just agrees</li> </ul>	<ul style="list-style-type: none"> <li>ASC has reminded all staff that although we do telephone assessments they must consider the health of a person and if required should arrange face to face care assessments.</li> </ul>
<ul style="list-style-type: none"> <li>The LGSCO upheld a case where ASC had commissioned a care home for a service user. The Home had not assisted our service user to either attend Church or record that they had declined to attend</li> </ul>	<ul style="list-style-type: none"> <li>ASC have reminded Care homes to ensure they follow Care Plans and keep appropriate records</li> </ul>