

Complaints Annual Report 2020 – 2021

Appendix A – Adult Social Care Statutory Complaints

1. Summary

- 1.1 This report provides an overview of complaints made about Brent Adult Social Care (ASC) services during 2020–2021, 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 makes 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 on our complaint database. 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 The Head of Service should sign all provisional complaint responses and if complainants are still unhappy, they will be 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 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 relates to 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 the complainant’s right to approach the Local Government & Social Care Ombudsman (LGSCO) should they remain dissatisfied.

3. Headlines

3.1 The main headlines from ASC complaints performance are:

- 40 complaints received at the initial stage in 2020/21, a decrease of 49% on 2019/20.
- Highest volume service areas for first stage complaints – Complex Care (40%), Urgent Care (32.5%), Commissioning, Contracting and Market Management (20%)
- 55% of provisional responses were upheld or partly upheld
- 55% of Stage 2 cases were upheld or partially upheld
- 81% 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 2,968 contacts from individuals including contacts made through Brent Customer Services (BCS) and the Duty Team in 2020/21. This excludes any Covid-19 related support requests. ASC assessed 816 service users for homecare services and 103 service users were assessed for residential / nursing services. There were 3,740 individuals, who received section 5 hospital discharge assessments. This means that 0.5% of ASC service users or someone acting on their behalf raised a statutory complaint about a service that they had received in 2020/21.

5. Complaints Received

5.1 In the early part of 2020/21, the country was in the first lockdown for the Covid-19 pandemic. ASC services prioritised ensuring that all vulnerable Brent residents and service users both at home and in residential homes were receiving support. This included the provision of food supplies, personal protection equipment or the maintenance of services. Brent was one of the first Councils in the country to supply Personal Protection Equipment to residential homes, home care providers and service users sourcing their own care. Because of this urgent demand on staff in ASC, the Operational Director ASC, decided to place a hold on complaint handling from April 2020 to the middle of June 2020. During this period, complainants were advised, that their complaint would be logged and placed on hold, until the pressure of work on staff eased. This was consistent with the approach adopted by other councils and the Local Government and Social Care Ombudsman. If the Brent Complaint Service team deemed a complaint needed to be urgently investigated then this was logged and passed to the relevant manager to investigate and respond. All complaints placed on hold had been responded to by the end of July 2020.

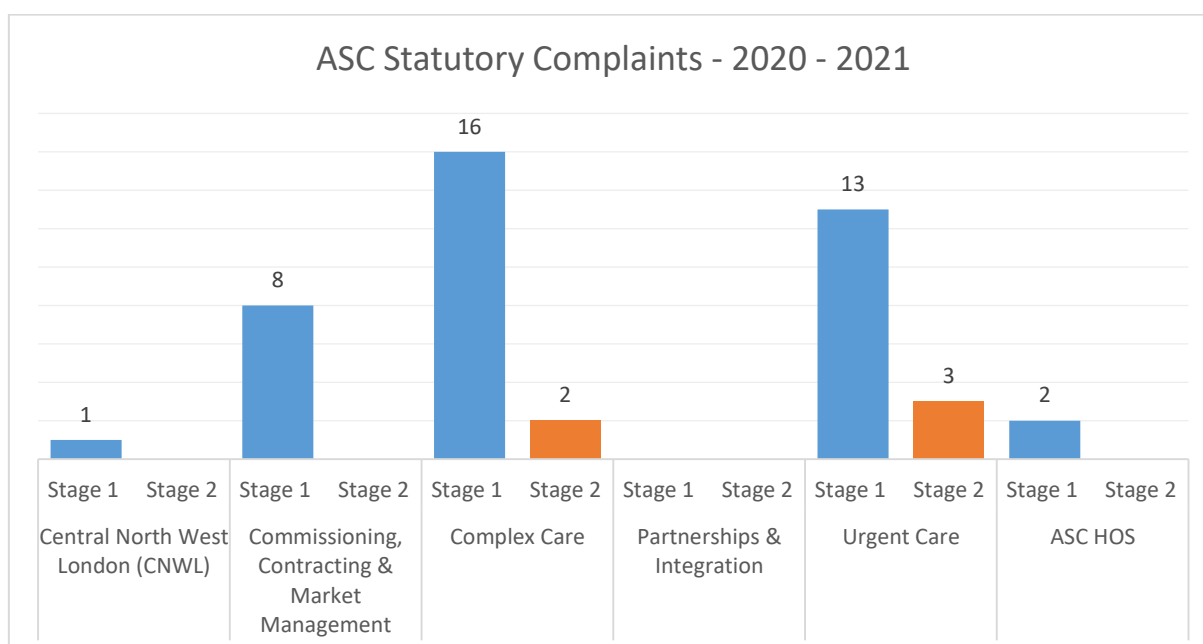
5.2 ASC received 40 (81 in 2019/20) statutory complaints in 2020/21. This figure shows a decrease of 49% in the number of complaints received from the previous year. An analysis of the data for the previous five years shows the average number of complaints received was 81. The lockdowns throughout the year due to the Covid-19 pandemic did appear to have had an impact on the number of complaints received by ASC.

- 5.3 A new version of the CRM Dynamics complaint database went live on the 23 November 2020, and as a result, it has been difficult to extract statistics from the three complaint management systems that were being used.

Statutory complaints largely relate to a service users' care needs assessment or the provision of social care needs through either homecare services or residential care. Anyone can approach the Council and is entitled to receive a care needs assessment. The three main areas where ASC receive complaints are Complex Care, Urgent Care and Commissioning, Contracting and Market Management. The Council received significantly fewer complaints across all these areas:

- **Complex Care:** received 40% of all statutory complaints made to ASC, an increase on last year. This team handles the more complex support cases as well as annual reviews and Occupational Therapy assessments. They have to manage service users' and families' expectations about the package of care they are entitled to. The 16 complaints received for the year is five down on the previous year. 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 will often have a higher expectation of the services they should receive than the Council can 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 throughout the service and closer working with the Complaint Service team to reduce the number of complaints.
- **Commissioning Contracting and Market Management:** this team manages the services / contracts for residential nursing homes, homecare providers direct payments and supported living. Complaints relating to these services accounted for 20% of all complaints received by ASC, which is similar to the preceding year. The overall numbers are small: only 8 complaints relating to this area were received in 2020/21, an increase of 1 from the previous year. There is a perception that the Council receives a high level of complaints about its home care providers, however, this is not borne out in the data. The majority of complaints are resolved at the first point of contact and the Council does a lot of work with its home care providers to resolve problems at this stage. 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. There has been an increase in complaints concerning placements in supported living accommodation.
- **Urgent Care:** includes the Duty team, Hospital Discharge team and Adult Safeguarding and accounted for 32.5% of all complaints received by ASC. This is an increase in share of 6 percentage points on the preceding year 2019/20. These complaints related to communication / feedback, disagreement / delays in packages of care being put in place (home care) and delays in being assessed for home discharge or placing patients in a residential setting, and co-ordination with the NHS.

- 5.4 When complaints are received they are directed to the Complaint Service team for triaging. The team will receive complaints by email, self- service on line, telephone and by letter. Brent Customer Services will also pass on complainants to the Complaint Service team. 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. Staff within the Complaints Service team will assist complainants and if required will help them in obtaining an advocate.
- 5.5 The chart below shows the number of ASC statutory complaints received in 2020/21. Of the 40 statutory complaints received, 5 were escalated to the final review stage.



- 5.6 The escalation rate for statutory complaints is 12.5% compared to 21% in 2019/20. This is a decrease of 8.5 percentage points and reflects the work being carried out to resolve any concerns at the provisional stage. 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 were received from the Urgent Care and Complex Care teams. The Complaints team continues to work with the ASC Operational Director and their management team to ensure complaints are proactively dealt with. The Complaints Service team held three 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.

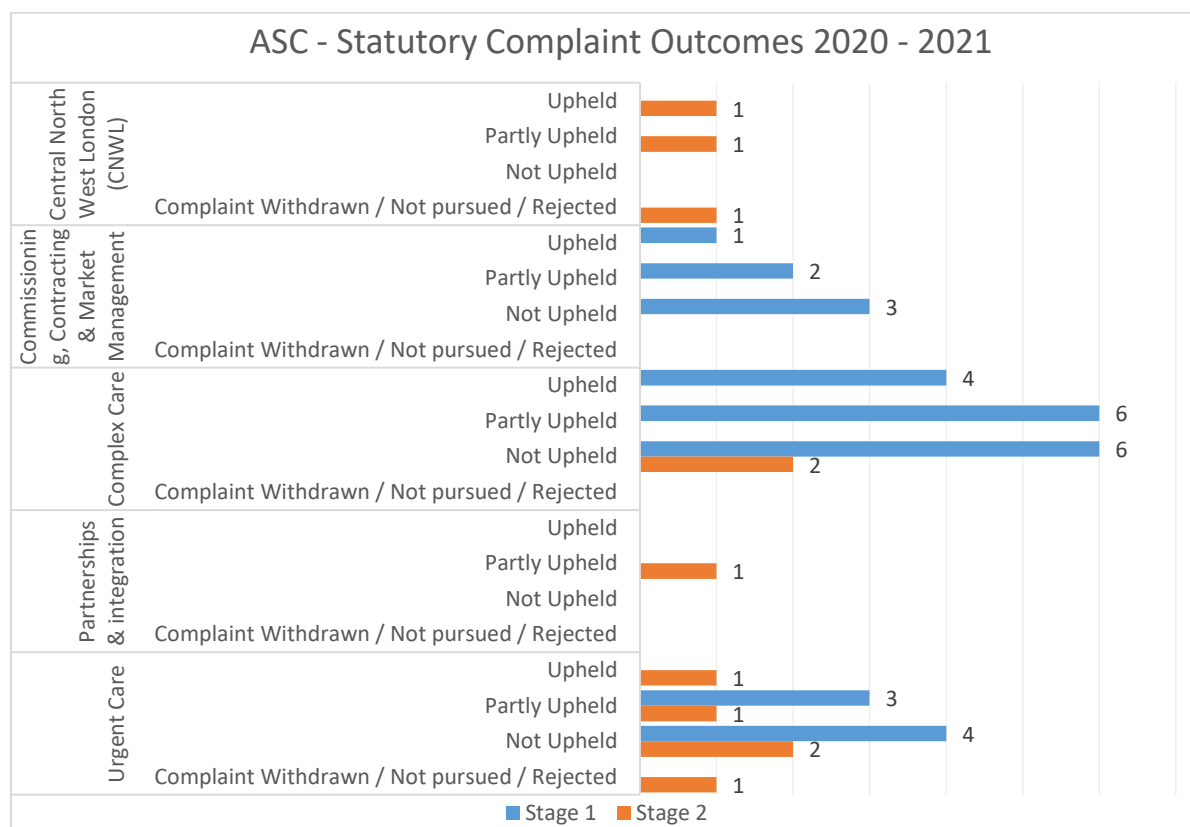
6. Nature / Reasons for Complaints

- 6.1 The root cause of complaints has been recorded for 30 out of the 39 complaints closed at Stage 1 during 2020/21. Complaints about communication accounted for 47% of those complaints, of which some fault was found in 50% of cases (7 out of 14). The other main area was service failure accounting for 43% in which fault was found in

46% of cases. The other 10% of cases related to policy or procedure, where one of the three cases identified some fault.

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 55% of cases; this compares to 38% in 2019/20. The Council welcomes complaints from service users, and outcomes from complaints feed into service improvements and the transformation of services.

7.3 At the final review stage, some fault was found in 55% of cases, which is up from 50% in the previous year 2019/20. The number of final review complaints decreased from 16 in 2019/20 to 9 in 2020/21.

7.4 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.

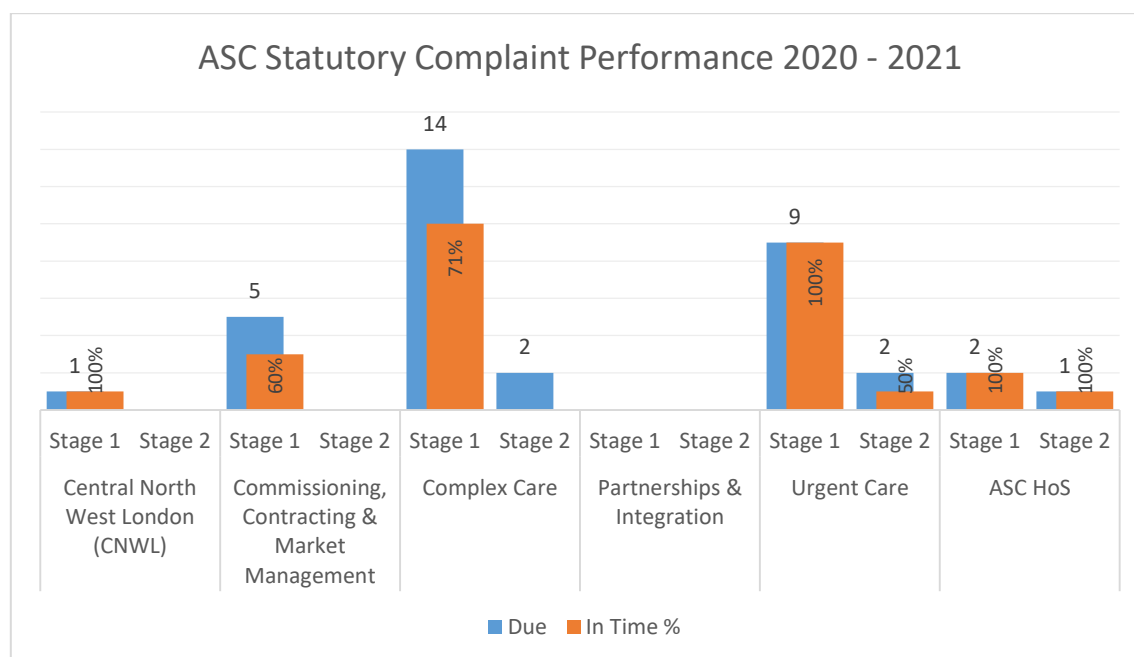
7.5 The Complaints team continues to work with managers in ASC to ensure the quality of complaint investigations and responses provided to the complainant address all issues raised. The Complaints team are also working to ensure that the different teams within ASC work together when dealing with complaints 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.

7.6 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 2020/21:



8.2 ASC responded to 81% of all complaints within timescales, this is a decrease of 11 percentage points on the same period for the preceding year. There is a considerable drop in the number of complaints responded to, in comparison to the preceding year. Of 31 complaints replied to, 6 were slightly overdue. Some cases were put on hold due to the pandemic and then reinstated with new response due dates. Response times are affected by the complexity of cases being investigated, with some cases requiring consultation with the Council's external partners, i.e. the Patient Advice and Liaison Service (PALS), the Clinical Commissioning Group (CCG), and homecare companies. The transition to a new complaints management system has also had an impact, with managers finding it difficult to close cases on the system.

9. Compensation

ASC	Amount
Stage 1 / Provisional	£200
Stage 2 / Final	£850
Ombudsman	£0
Total	£1050

- 9.1 ASC paid a total of £1,050 in compensation for the year 2020/21, which comprised three cases and is £250 higher than the preceding year. In two of the cases compensation was paid at Stage 2 of the complaints process and in one case, compensation was paid at Stage 1. ASC has not been instructed to pay any compensation by the Local Government and Social Care Ombudsman (LGSCO). The compensation at Stage 1 was awarded in recognition of the time taken to resolve some incorrect billing on the social care account. At Stage 2, the first case concerned errors made in the discharge of a resident to their home and the failure to inspect the cleanliness of the home prior to their discharge. In the second instance, compensation was paid for the delay in completing an investigation into a complex case.
- 9.2 All compensation is awarded in accordance with the Local Government and Social Care Ombudsman, Remedies Guidance.

10. Local Government and Social Care Ombudsman Decisions in 2020/21

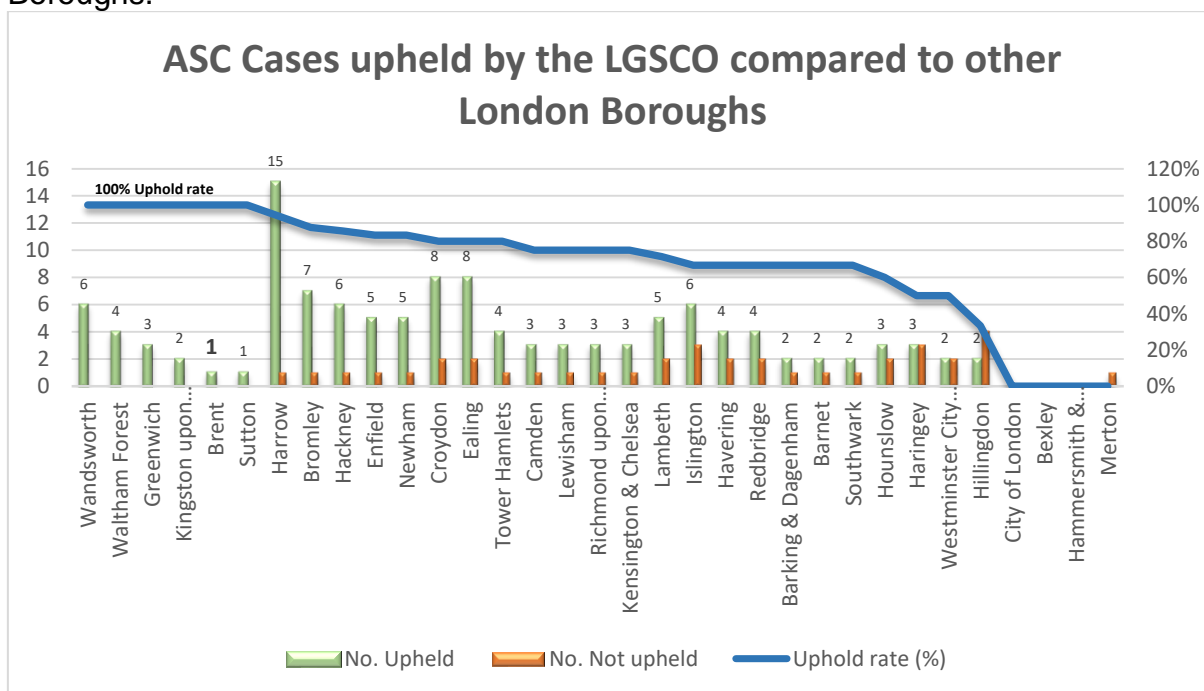
- 10.1 The Local Government and Social Care Ombudsman received 15 complaints and enquiries regarding Adult Social Care. This is a decrease of one compared to last year 2019/20. Of the 15 enquiries received in 2020/21, the LGSCO made decisions on 11 ASC cases. The LGSCO's decisions included referring four cases back to the Council for local resolution as they had not completed the Council's complaints process. Five cases were closed by the Ombudsman after initial enquiries, with no further action to be taken, and one case was closed as invalid/incomplete due to insufficient information being provided. One complaint was upheld by the LGSCO in 2020/21, which is one fewer than in 2019/2020 where two complaints were upheld and continues to decline from 2018/19, where 10 complaints were upheld.
- 10.2 A summary of the complaint upheld by the LGSCO has been provided below:
- The LGSCO upheld the complaint, but stated that there was no maladministration. The complaint was previously investigated under the Council's complaints procedure. The complainant complained that the Council had not provided their mother with respite services and raised problems with the homecare provider. No fault was found with this aspect of the complaint, however due to the excessive contacts from the complainant to the Council, we had placed contact restrictions on the complainant. The LGSCO found that we were entitled to place restrictions on contact but that a review date should have been provided in writing to the complainant.

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 Adult Social Care services complaints. The number of complaints will include corporate and statutory complaints for the department.
- 11.3 The overall uphold rate to the LGSCO has gone up, however in Brent the upheld cases for ASC has actually gone down, with only one detailed investigation being taken

forward which was upheld (although this means the uphold rate is very high at 100%). There were 15 ASC cases referred to the LGSCO and 11 cases decided in 2020/21 of which 1 was investigated and the remaining 10 were either referred back for local resolution by the Council or closed after initial enquiries. This compares to 2019/20, where 16 ASC cases were referred and the Ombudsman made 21 decisions during the same period. Of these, 4 cases were upheld and 3 cases not upheld, with the rest referred back for local resolution or closed after initial enquiries.

11.4 Therefore in comparison with what is happening nationally, ASC in Brent has a favourable comparison. The graph below shows how Brent fares against other London Boroughs.



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 have conducted presentations to the 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 2020/21, ASC and the Complaints Service team received 41 compliments about ASC. The Complaints Service team is working with ASC to ensure they capture all the compliments received by the service.

A number of compliments have been received from Care Providers regarding the support provided by ASC during the pandemic. Below are examples of compliments that staff in ASC have received:

- *Learning Disability Team*

“Thank You. Wow

It was just two months yesterday that Mummy left us. Look what you have done for her children in eight weeks. Thank You.”

- *Commissioning Contracting & Market Management*

From the manager at Voyage Care “All of us would like to thank Brent Commissioning team for the outstanding work you are doing to keep us all supplied with PPE and the daily updates and calls you are fantastic and when this is over would like to meet you in person to say thank you”

- *Commissioning Contracting & Market Management*

From the property manager at MHA Homes “Our Regional Director commented today on how helpful you have been in helping supply our homes in Brent with PPE. Times are extremely difficult in the care sector at the moment, as they are in many other areas of society as well, and the support you have given to our amazing colleagues and residents in the homes is very much appreciated. Take care and a big thank you for helping us keep our residents and colleagues safe.”

- *Urgent Care - Reablement*

“I just wanted to drop you a note to say what a star xxxx has been, my mum was taken ill with Covid and once she was discharged from hospital with no care package in place I contacted Brent Adult Social Services and was put in touch with xxxx. She has been fantastic from the first phone call until the care package was removed last week. She was caring kind and beyond professional in every way. You hear some bad press about local authorities but from my experience dealing with xxxx it has been nothing but great and I know you are all under great pressure especially during these current circumstances.”

- *Complex Care Team*

This was a compliment concerning the council’s visibility assessment officer “The major breakthrough came when she was introduced to her sensory support worker, whose involvement has been the prime driver in transforming xxxxx life. xxxxxx would particularly like to pay tribute to xxxxxx, whose unique role as a blind person herself, with exceptional caring qualities, extensive knowledge and experience of sensory training requirements and numerous useful contacts in the world of the visually impaired have been critical to this process. These qualities have been fundamental to transforming xxxxxxxx life from that of a desperate deaf and blind mother to a person of confidence collaborating with The Vision

Foundation (formally the Greater London Fund for the Blind) on fundraising and arranging awareness events at the children’s school.”

- *Complex Care Team*

“I wanted to let you know how wonderful xxxx has been in supporting me through the process of applying to Brent Council to fund ongoing care home fees as the savings approached the threshold. xxxx has been patient and painstaking throughout, and the outcome they will receive full funding from the council for the care home fees, is a huge weight off my mind.

My husband and I agreed to accept LPA, and it has worried me greatly what would happen once the funds ran out. xxxxx has helped me manage the transition needed to secure the future, and ensure that at 92, blind and with advanced Alzheimers, they are able to remain for the rest of their life in the excellent care home where they have lived since 2018.”

14. Learning from Complaints

14.1 Learning from complaints provides opportunities for services to be improved and shaped by customer experience.

14.2 ASC have introduced the practice of reflecting on their work on a monthly basis. ASC has also implemented a skills academy for staff and pathway training. In conjunction to this there has been a drive to use fewer 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:

Problem Identified	Service Improvement
<ul style="list-style-type: none"> • You told us that we needed to ensure that before service users are discharged from hospital, the property is suitable for occupation 	<ul style="list-style-type: none"> • All staff in HDT were reminded to ensure homes are inspected prior to any discharge if there are any concerns highlighted
<ul style="list-style-type: none"> • To Improve the flow of work at the front door 	<ul style="list-style-type: none"> • Review of the processes at the start of the customer journey and the interface between Duty and Brent Customer Services.
<ul style="list-style-type: none"> • Improve working practice within ASC 	<ul style="list-style-type: none"> • Project to develop operational guidance
<ul style="list-style-type: none"> • Waiting times 	<ul style="list-style-type: none"> • To review everyone on the waiting list, to improve communication with service users

<ul style="list-style-type: none">• Lack of guidance and information for staff in order to advise residents.	<ul style="list-style-type: none">• Resource directory commenced to improve understanding of the wealth of services that can keep people safe and well outside of statutory interventions.
<ul style="list-style-type: none">• To improve pathway for access to identify and liaise with GP's when there are concerns about an adult	<ul style="list-style-type: none">• Agreement reached with CCG to establish pathway to quickly enable GP details