

## Complaints Annual Report 2021 – 2022

### 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 2021–2022, 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 (stage 1) and a final decision (stage 2). All complaints made to the Council are logged and acknowledged on our internal complaints 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, regardless of whether a timescale has been agreed with the complainant or not, 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 Corporate Director, Adult Social Care and Health or the Director, Adult Social Care. In some cases, complaints may need to be passed to the Safeguarding leads as appropriate and the complaints process suspended in order to allow the safeguarding process to be completed. In cases where the complaint relates to several organisations, a single 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 Adult Social Care department underwent a restructure in March 2022, which has resulted in a change to the names of some of the service areas. These changes have not yet been reflected on the casework management system and therefore this report makes reference to previous service names.

3.2 The main performance headlines from ASC complaints are as follows:

- 74 complaints received at the initial stage in 2021/22, an increase of 85% on 2020/21.
- Highest volume service areas for first stage complaints – Urgent Care (41%), Complex Care (31%), Commissioning, Contracting and Market Management (22%)
- 53% of provisional responses were upheld or partly upheld
- 55% of stage 2 cases were upheld or partially upheld
- 77% of Stage 1 complaints were responded to on time and 4 out of 9 Stage 2 cases were responded to on time.

### 4. ASC Service Users

4.1 In order to provide some context in relation to complaints submitted during 2021/2022, ASC received 2,402 submissions from individuals including contact made via Brent Customer Services (BCS) and the Duty Team. ASC assessed 1,145 service users for homecare services and 398 service users were evaluated for residential/nursing services. This is a significant increase compared to last year where figures were at 816 and 103 service users respectively.

### 5. Complaints Received

5.1 In 2021/2022 ASC received 74 statutory complaints compared to 40 the previous year, showing an increase of 85%. Prior to Covid, an analysis of the data for the previous years' shows the average number of complaints received was 81.

5.2 Statutory complaints largely related 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 received complaints were Complex Care, Urgent Care and Commissioning, Contracting and Market Management. The figures across these areas have been broke down as follows:

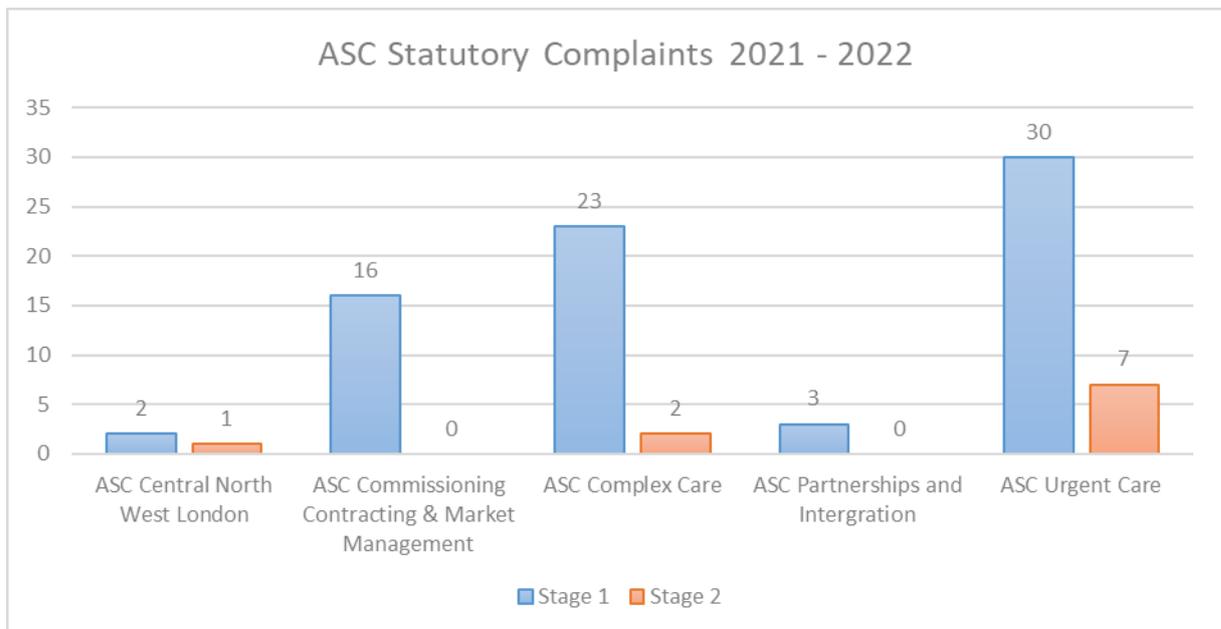
- **Complex Care:** received 31% of all statutory complaints made to ASC, a decrease on last year (40% in 2020/2021). This team handles the more complex support cases as well as annual reviews and Occupational Therapy assessments. They have to manage service users' and families' expectations about the package of care they are entitled to. The 23 complaints received for the year is the average amount of cases received prior to Covid. 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 providing services. These are complex and often sensitive matters and can lead to understandable disputes between the parties involved. There has been a concerted effort to improve case and complaint handling throughout the service and develop a more robust working relationship with the Complaint Service team in order to help 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 22% of all complaints received by ASC, which is slightly higher than pre-Covid levels. Overall, 16 complaints were received for this service area in 2021/22, double the previous year's figures. There is an erroneous 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 pressures on care homes during Covid – with stretched resources, including reduced staffing numbers – did result in a rise in complaints. Nevertheless, the majority were resolved at the first point of contact. The Council worked closely with its home care providers to resolve problems at this early stage. Concerns can be raised directly with the commissioning team who will resolve such matters directly 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 41% of all complaints received by ASC. This is an increase in share of 8% on the preceding year 2020/21. These complaints related to communication / feedback, disagreement / delays in packages of care being put in place (home care) as well as delays in being assessed for discharge to return home or placement in a residential setting, and co-ordination with the NHS.

5.3 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 website. The team have provided a telephone number on the website especially for ASC clients. Staff within the Complaints Service team will assist complainants as necessary, and if required will assist them in obtaining an advocate.

5.4 The chart below shows the number of ASC statutory complaints received in 2021/22. Of the 74 statutory complaints received, 10 were escalated to the final review stage.



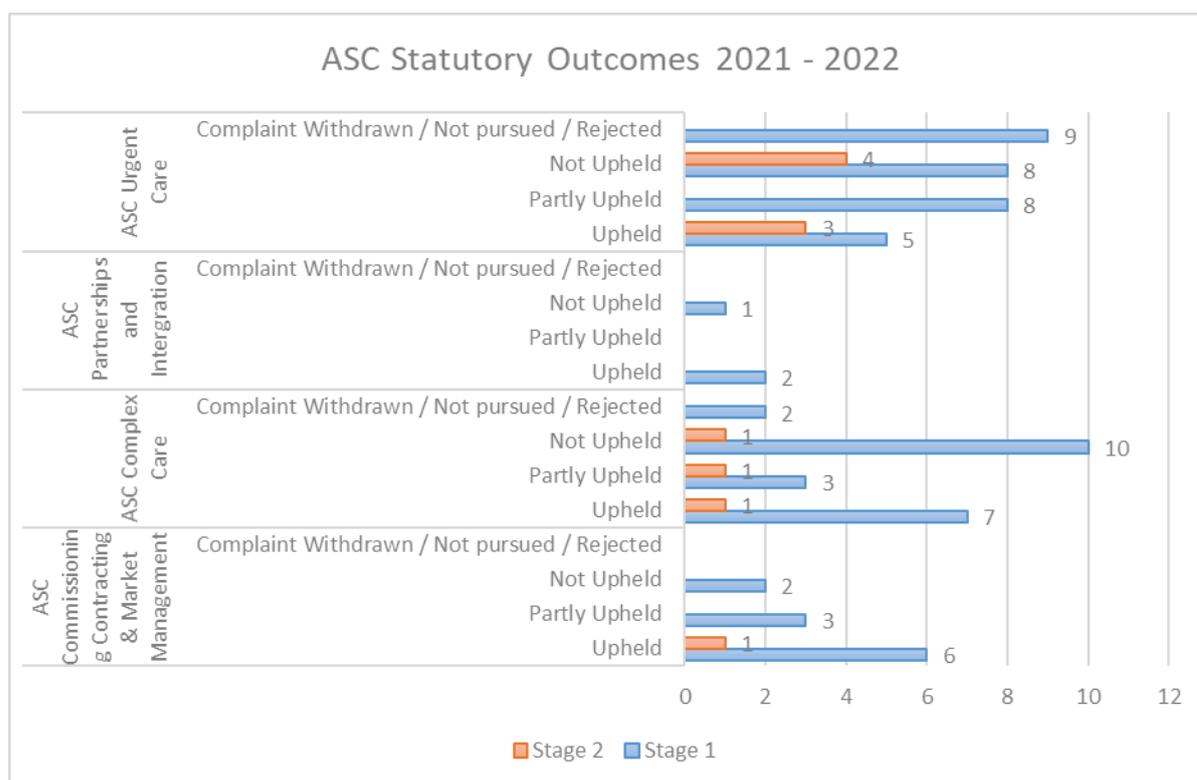
5.5 The escalation rate for statutory complaints is 13.5% compared to 12.5% in 2020/21. This is an increase of 1% percentage points and reflects the work being carried out to resolve concerns at the provisional stage (given the increase in complaints post-Covid). Outcomes from these cases are discussed later in the report. ASC actively tries to resolve problems and concerns. Despite this, the more complex cases do escalate, hence why 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 quarterly complaint training sessions for ASC managers and staff throughout the year and also attended DMT meetings to explain the complaint process and present complaint data and feedback. This has strengthened the working relationship between the service areas and led to an increase in officers requesting advice from the Complaints Team on the quality of their responses. Due to staff turnover, we have run these sessions more frequently to ensure responses remain of a good standard and are circulated in a timely manner.

## 6. Nature / Reasons for Complaints

6.1 We record root causes of complaints at stage 1. Root cause of complaints about communication accounted for 41% of those complaints. The other main area was service failure accounting for 58% whilst the remaining 1% of cases related to policy or procedure.

## 7. Complaint Outcomes

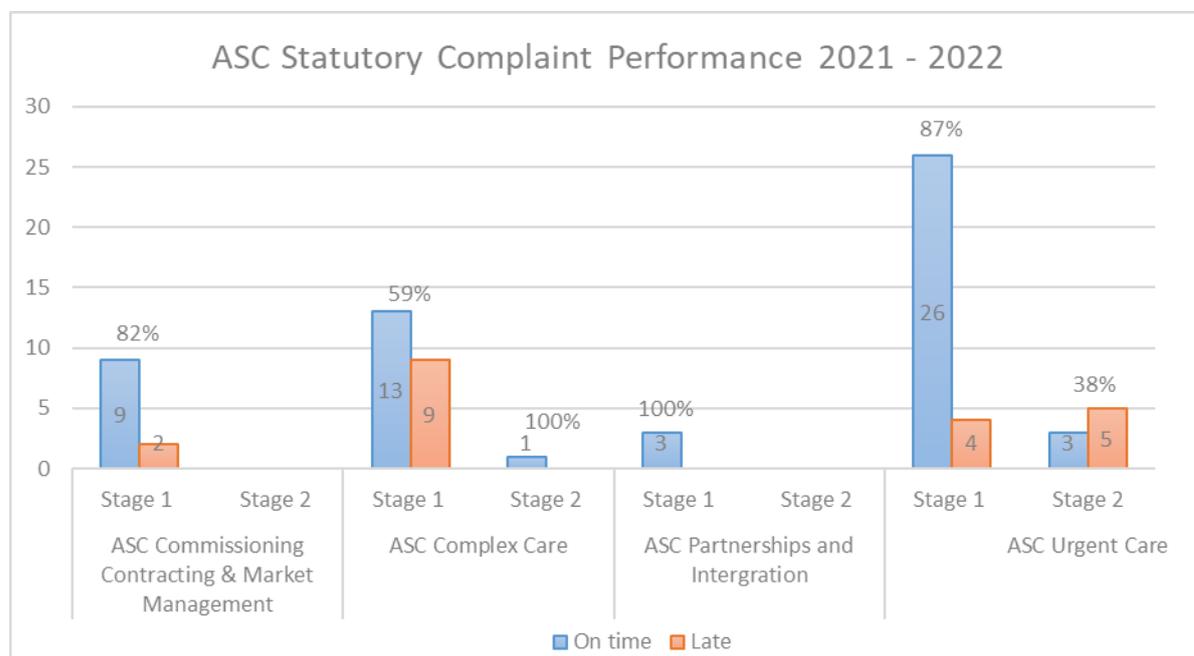
7.1 The chart below shows the outcome of statutory complaints at stage 1 and final review stage:



- 7.2 Complaints received at the provisional stage shows that some fault (upheld or partly upheld) by the Council was found in 53% of cases - this compares to 55% in 2020/21. The Council welcomes complaints from service users, and outcomes from complaints feed into service improvements and the resulting transformation.
- 7.3 At the final review stage, some fault was found in 55% of cases, the same as in 2020/21. However, the number of final review complaints rose from 9 in 2020/21 to 11 in 2021/22.
- 7.4 Complaints of a complex nature and which involve a number of teams more often than not are typically escalated to the final review stage. The Complaint Service team continues to work with ASC to review the accuracy and quality of stage 1 responses (where they have moved up 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 Service team are also working to ensure that the different departments within ASC are better coordinated when dealing with complaints about services that crossover the various teams by providing advice and regular complaints training. 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 2021/22:



8.2 ASC responded to 77% of all stage 1 complaints within timescales, a decrease of 4 percentage points on the same period for the preceding year. Conversely, there was a considerable increase in the number of complaints responded to when compared to figures for the preceding year. Of the 66 complaints replied to, 15 were slightly overdue. The increase from 31 complaints due last year to 66 due this year correlates to some of the cases being put on hold due to the pandemic and then reinstated with new response due dates but also a lot of issues being raised after the pandemic rather than during the pandemic. Response times were impacted by the complexity of cases under investigation, with some 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.

## 9. Compensation

ASC	Amount
Stage 1 / Provisional	£100
Stage 2 / Final	£5,050
Ombudsman	£0
<b>Total</b>	<b>£5,150</b>

9.1 ASC paid a total of £5,150 in compensation for the year 2021/22, which comprised of five cases, £4,100 higher than the preceding year. In four 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 negative experience of care staff from a particular care agency. At stage two, the highest amount paid was £1,950 for the contribution towards care costs and to compensate for the time and trouble in pursuing the complaint and delay in responding to it.

- 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 2021/22**

10.1 The Local Government and Social Care Ombudsman (LGSCO) Received 11 complaints and enquiries regarding Adult Social Care. This is a decrease of one compared to 2020/21. In total, 118 decisions were made by the LGSCO in 2021/22 of which 12 related to ASC, comparable to the previous year where 11 decisions related to ASC. The LGSCO's decisions included referring four cases back to the Council for local resolution as the Council's complaints process had not been completed. One case was closed by the Ombudsman as the complaint had not been made within the stipulated 12 month timeframe from when the issue first arose. Detailed investigations were carried out in 7 cases. Of those, 5 were upheld (four more than in 2020-21 and 2 were not upheld).

10.2 The uphold rate to the LGSCO for ASC cases is 71%, which is less than the previous year at 100%, however this was due to only one ASC complaint being investigated and upheld.

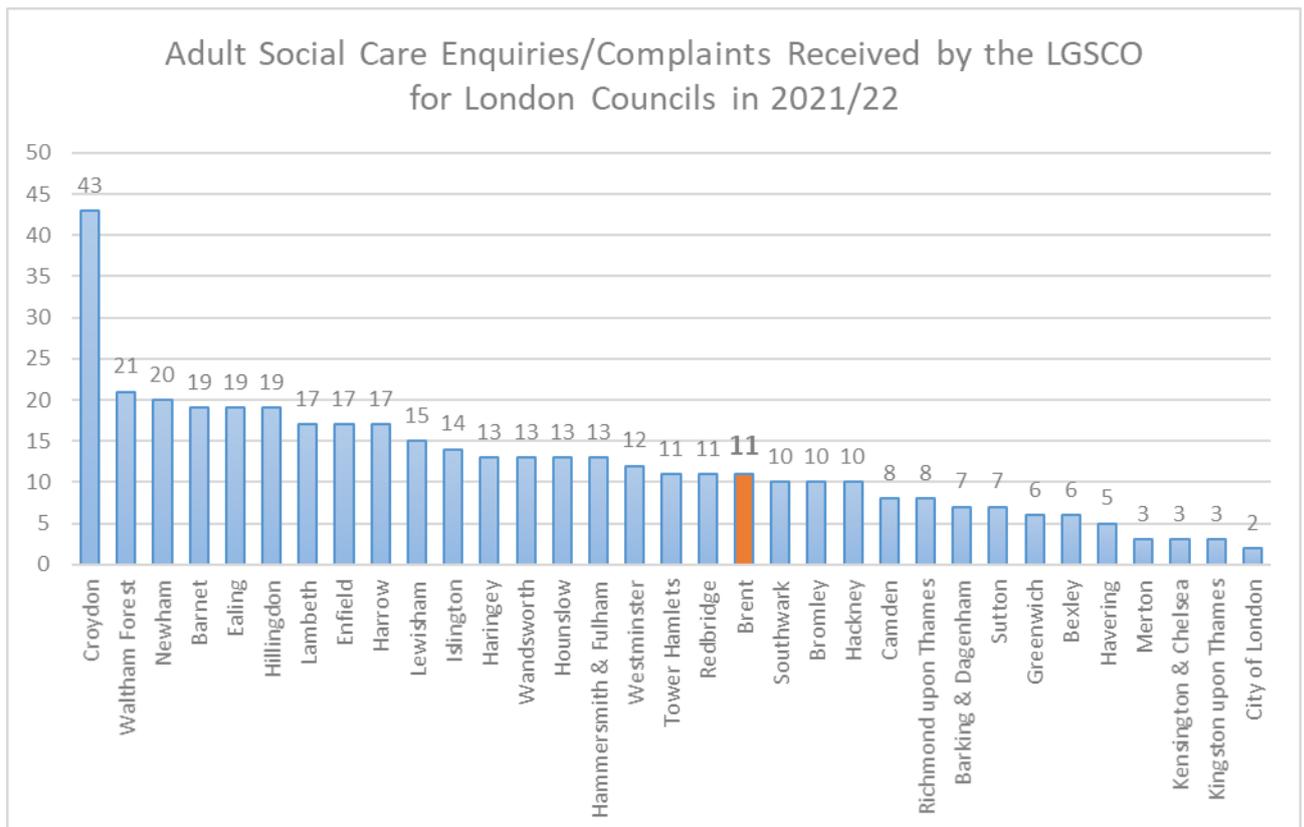
10.3 A summary of the complaints upheld by the LGSCO is provided below:

- The LGSCO received a complaint relating to both CNWL and Brent (integrated service at the time) for failing to safeguard the complainant's brother. The LGSCO reviewed without Council complaint's process given the severity of the complaint. The Council agreed to all recommendations made and a final decision was issued.
- Another case related to long-standing issues regarding a DFG and OT assessment. The LGSCO recommended a reassessment for OT and compensation for lack of support in removing her possessions and time and trouble in pursuing the complaint.
- Complaint regarding services provided by a care home: At stage 2 the Council apologised for not listening to the concerns raised by the complainant and offered £1350 (50% of his contribution charges for his care) and an additional £600 for delays and time and trouble making the complaint. The LGSCO agreed with all of our stage 2 recommendations and also asked that we issue a letter of apology.
- Another complaint was in relation to how the Council calculated the complainants care cost contributions. The LGSCO found the Council was not at fault in the way it calculated the contribution, rather how it dealt with the complaint itself. No further action was recommended.
- The LGSCO received a complaint about the quality of food parcels the Council had been providing to vulnerable residents at the start of the pandemic. The LGSCO recommended the Council issue an apology and pay £200 in compensation.

## 11. Benchmarking Data

11.1 Brent Council belongs to the North West London Social Care Complaint Managers Group. Unfortunately, many Councils have not yet completed their Complaints Annual Report or are reluctant to share their data. The graph below shows data provided by the LGSCO in regards to the number of Adult Social Care complaints/enquiries received for each London borough. This includes corporate as well as statutory complaints.

11.3 In terms of complaints/enquiries received by the Ombudsman in relation to ASC, Brent have had a relatively low number compared with other Councils.



## 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. Through this initial contact, the team, in conjunction with ASC managers, has been able to resolve a number of complaints at an early stage of contact e.g. delayed OT assessments / care assessments, identifying resolutions to invoicing / billing queries that could have progressed to formal complaints.

## 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 are able to send feedback to the Complaints Service team or ASC directly. In 2021/22, ASC and the Complaints Service team received 16 compliments about ASC. The Complaints Service team is working with ASC to ensure they capture all compliments directly received by the service. Below are examples of compliments that staff in ASC have received:

- *Commissioning Team*

*“Please can I take this time to thank you for all of your help so far with this complex investigation, you have been so helpful and forthcoming with information, and your efforts have really helped us in progressing this matter further – so please accept a genuine heartfelt thank you from us for all of your help. Wishing you all the best for the future.”*

- *Learning Disabilities and Mental Health Services*

*Thank You So Much!!!!!!*

*Thank you so much for coming to meet and speak with our trainees on the LXP training. You were amazing and your visit had such a positive impact on the group, we can't thank you enough.*

*Meeting you in the flesh, listening to you and your journey was a bit like meeting a unicorn for the group.....it really challenged their beliefs and experiences of people working in this sector, especially in Brent. The group feedback about the training has been extraordinarily positive, especially in having the opportunity to meet you and hearing you speak so thoughtfully about your role.*

*You were awesome and a massive hit with the group.*

*I am so grateful for your generous contribution!*

- *Reablement and Home First Team*

*“Would really like to say thank you for everything, all your help, you have been a great blessing to myself and my mum. It was great to see you and have your support for the past few months.”*

- *Complex Care Team*

*“I can't thank you enough for all your hard work, You have worked tirelessly to help me, as soon as you took my case on. You took the time to read my medical notes, learn my name and who I am as a person. I wasn't just another patient X...*

*I'm finally seeing a light at the end of a very dark tunnel. I personally called Brent and put in a formal acknowledgement of all your hard work. You managed to sort my case out in less than a week and I had been waiting since last year. I saw this quote and*

*it is the definition of you. A person who has made my life worth living again. Brent has an incredible caring social worker!*

*“Social workers are there to make life worth living.*

*They provide hope in the midst of loss, find resources for those who have none.”.”*

- *Commissioning Team*

*“I wanted to thank you for raising safeguarding concerns re my mother-in-law. xxxx, xxxx and i all really appreciated the opportunity to discuss our concerns regarding xxxx’s care in a moderated forum where the participants’ primary concern was the quality of her care.”*

## **14. Learning from Complaints**

- 14.1 Learning from complaints provides a welcome opportunity for services to be improved and shaped by customer experience.
- 14.2 Teams across Adult Social Care regularly receive comments and feedback from residents and / or carers and generally these issues tend to be resolved directly by frontline operational staff.
- 14.3 Learning from the lived-experience of residents using services can help identify where services, policies and procedures can be improved, helps to ensure that senior managers are informed of issues that are important to residents, improve communication and strengthen relationships.
- 14.4 As part of Adult Social Care commitment through the Skills Academy, is to support staff to receive training to develop skills on ensuring that information provided to residents is clear and feedback is timely. This compliments the Council’s Customer Promise regarding expectations regarding customer care to continue to communicate timely, being polite and respectful. We have planned learning events that will be held six monthly, in which themes and outcomes from complaints are shared with teams and reflections of the learning is discussed at a team level. This learning will also contribute to training plans and development of best practice and quality in Adult Social Care.
- 14.5 Professional standards, such as the quality of the processes and procedures around social work activity, and delays in service are also the subject of complaints. When raised, managers have taken the opportunity to look for ways to improve services, which has been reinforced by the department’s refresh of its Operational Guidance. The Operational Guidance sets a clear commitment to always aim to assess residents in a timely manner including the need to review care & support plans and clarify whether the current service can continue to meet those needs on an annual basis.
- 14.6 Adult Social Care have developed processes for learning from complaints, and these continue to develop within the department to support best practice and improved resident experience. The information and themes captured from these processes are used in a number of ways, such as dissemination of themes to managers, to improve systems and procedures and to inform measurement of performance, quality control and quality improvements.

14.7 Some of the service improvements that have been implemented by ASC as a result of complaint outcomes include:

- All teams are undertaking random monthly audit of files to ensure better record keeping. The Monthly Case File Audit report is shared with the Principal Social Worker so that identified strengths and learning are incorporated into training.
- Through the New Ways of working project, the service have identified the need to strengthen communications sent via emails. Generic email addresses are created for each team. This will facilitate swift communication and prompt responses.
- A schedule of training has been provided to all ASC staff via monthly newsletters which included complaints handling, report writing and MCA and DoLs training.
- Quarterly commissioning meetings have been set up with all service managers and their teams to provide more robust site monitoring by the commissioning team.
- Statutory Complaints Manager attends regular DMTs to ensure themes and emerging issues are addressed.