

Complaints Annual Report 2022 – 2023

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 2022–2023, 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 the 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 Director, Adult Social Care or the Corporate Director, Adult Social Care and Health. 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 resulted in a change to the names of some of the service areas. For the purpose of this report that data has been amalgamated and represents the new service area names; Access, Information and Long Term Support, Commissioning Contracting and Market Management, Intermediate Care and Principal Occupational Therapist, Learning Disability and Mental Health, and Safeguarding and Principal Social Worker. More details about the services the individual areas provide is included in section 5.2 of this report.

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

- 113 complaints were received at the initial stage of the complaints process in 2022/23, an increase of 53% on 2021/22.
- The highest volume service areas for first stage complaints are as follows – Access, Information and Long Term Support (35%), Intermediate Care and Principal Occupational Therapist (28%), Learning Disability and Mental Health (22%), Commissioning, Contracting and Market Management (13%).
- 62% of provisional responses were upheld or partly upheld.
- 61% of stage 2 cases were upheld or partially upheld.
- 84% of stage 1 complaints were responded to on time and all stage 2 cases were responded to within the stipulated timescales.

4. ASC Service Users

4.1 In order to provide some context in relation to complaints submitted, ASC received 5689 contacts from individuals during this time. 2605 contacts were made through Brent Customer Services (BCS) and the Duty Team in 2022/23. Of those, ASC assessed 937 service users for homecare services and 220 service users were assessed for residential / nursing services. 381 contacts were made through the Mental Health Team, 23 through the EDT Team and 2680 individuals received section 5 hospital discharge assessments.

5. Complaints Received

5.1 In 2022/2023, ASC received 113 stage 1 statutory complaints compared to 74 the previous year, showing a rise of 53% and a year on year increase.

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 Access, Information and Long Term Support, Intermediate Care and Principal Occupational Therapist and Learning Disability and Mental Health. The figures across these areas and details of the services they provide are as follows:

- ***Access, Information and Long Term Support:***

- 5.3 This service is the 'front door' to Adult Social Care services. They are the first point of contact for all residents and health professionals who require ASC input.
- 5.4 The service provides information and advice, guidance and signposting to universal service and assessment (as required) to establish whether a person meets the Care Act eligibility for statutory ASC support. The service works with individuals, families and carers to identify need and provide support as required.
- 5.5 The adult social care service will monitor and review services to ensure the right level of support is provided. Long-term support also comprises Direct services, and includes building-based day opportunities, virtual support and outreach. The service also delivers supported living accommodation and residents using these services are encouraged and supported to maintain their independence, and to live a full and active life.
- 5.6 The service received 35% of all statutory complaints made to ASC, an increase on last year (31% in 2021/2022). This Team handles the more complex support cases and have to manage service users' and families' expectations about the package of care they are entitled to. The complaints that are received by the Team relate to disagreements with the decisions around care packages / assessments, delays in receiving an assessment 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 complaint handling throughout the service and develop a more robust working relationship with the Complaints Service in order to help reduce the number of complaints.

- ***Commissioning Contracting and Market Management:***

- 5.7 Commissioning with ASC is divided in to three thematic areas:
 - community and prevention
 - supported living/extra care and other accommodation
 - residential and nursing.
- 5.8 Each team leads on shaping the market to ensure the Council can meet the needs of the Adult Social Care population. They ensure we are able to prevent dependency by working with the voluntary sector who can offer preventative services that delay the need for ASC intervention.
- 5.9 Commissioning will broker home care services, supported living, extra care and residential and nursing services and ensure appropriate services are available to ASC to meet the assessed needs of individuals who do require an ASC intervention.

- 5.10 They will oversee and manage all aspects of contract management and quality assurance, working alongside other stakeholders such as CQC/Health watch to ensure the highest levels of care and support are delivered.
- 5.11 This service is also forward facing for all care and support providers in Brent. Ensuring they have responsible officers who can provide ongoing support and help with managing the strategic relationship between the Council and provider market.
- 5.12 Complaints relating to these services accounted for 13% of all complaints received by ASC, which is a decrease on last year (22% in 2021/2022). Overall, 15 complaints were received for this service area in 2022/23. There is an erroneous perception that the Council receives a high level of complaints about its home care providers. During Covid, complaints relating to the service were particularly high given the pressures on Care Homes during this period. The reduction in complaints reflects the ease on pressure nonetheless, the Complaints Service continue to work with the service on practice improvements as seen through the stage 2 responses. The Council works 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.
- ***Intermediate Care and Principal Occupational Therapist:***
- 5.13 This service includes our Hospital Social Work, Home First, Reablement, Sensory and Occupational Therapist Teams. The Hospital Social Work Team will work with the hospitals to ensure vulnerable Brent residents have a safe discharge home or to the most appropriate interim setting and for those who have non-complex needs, they may be supported by the short-term Home first service. Following discharge from hospital, the individuals will receive an assessment to establish the eligibility of their social care needs or review of existing care plan.
- 5.14 The Reablement Service offers intervention to those in need of support in regaining confidence or/and skills to enable them to live as independent as possible.
- 5.15 Occupational Therapists will assess individuals and, in some cases, will provide equipment that allows the person to be safe in their environment as well as promoting their independence.
- 5.16 The Sensory Team holds the visually impaired register so will register the person and work with them to permit them to live as independent as possible.
- 5.17 Occupational Therapists are a valued profession to the service, therefore, through the Principal Occupational Therapist Office we make sure our staff have the right skills and competences to fulfil their role.
- 5.18 Of the 113 cases received at Stage 1 for ASC, this service received 32 complaints (28% of all complaints received by ASC). This service has been changed from Urgent Care as it now includes cases related to Occupational Therapy which previously fell within Complex Care (now Access, Information and Long Term Support).

- ***Learning Disability and Mental Health:***

- 5.19 This service comprises of the Learning Disability Team (LDT), The Mental Health Team (MHT), the SMART Team and the Emergency Duty Team. The LDT and MHT Teams are co-located with Health Teams (CNWL) and they work in partnership to meet the social care needs of residents and to review and support their carers to enable residents to continue to reside in the community. There is a Mental Health Hospital Discharge Team who focus on those people who are inpatients and need care and support in order to return safely to reside in the community.
- 5.20 The Teams' work with individuals who are diagnosed with a mental health condition or a learning disability and whom have eligible social care needs in accordance with the Care Act 2014, to enable them to gain skills, employment, independent, supportive living accommodation, or residential care (as appropriate). Individuals are supported to live as independently as possible, and the Teams ensure they are safe and cared for with dignity and respect.
- 5.21 The Approved Mental Health Practitioner's (AMPH'S) service is managed as part of the Adult Social Care Mental Health Team for those people who are in crisis and require an assessment under the Mental Health Act due to the risk that they pose to themselves or others as a consequence of a breakdown of their mental health.
- 5.22 The Emergency Duty Team Out of Hours is staffed by qualified AMHP's to cover the hours that Brent Council is closed (Evenings, Weekends, nights and bank holidays). The service provides emergency response to crisis situations and safeguards children, young people and adults.
- 5.23 A multi-disciplinary SMART Team also sits in this service. The Team work with individuals who are vulnerable to exploitation, risk, have mental health and substance misuse issues but who struggle to engage with statutory services and require an assertive outreach approach in order to achieve positive outcomes.
- 5.24 This service accounts for 22% of all complaints received by ASC. In previous years, cases relating to the Learning Disability and Mental Health Service were split between ASC CNWL and ASC Partnerships and Integration, which is why there is a noticeable increase this year.

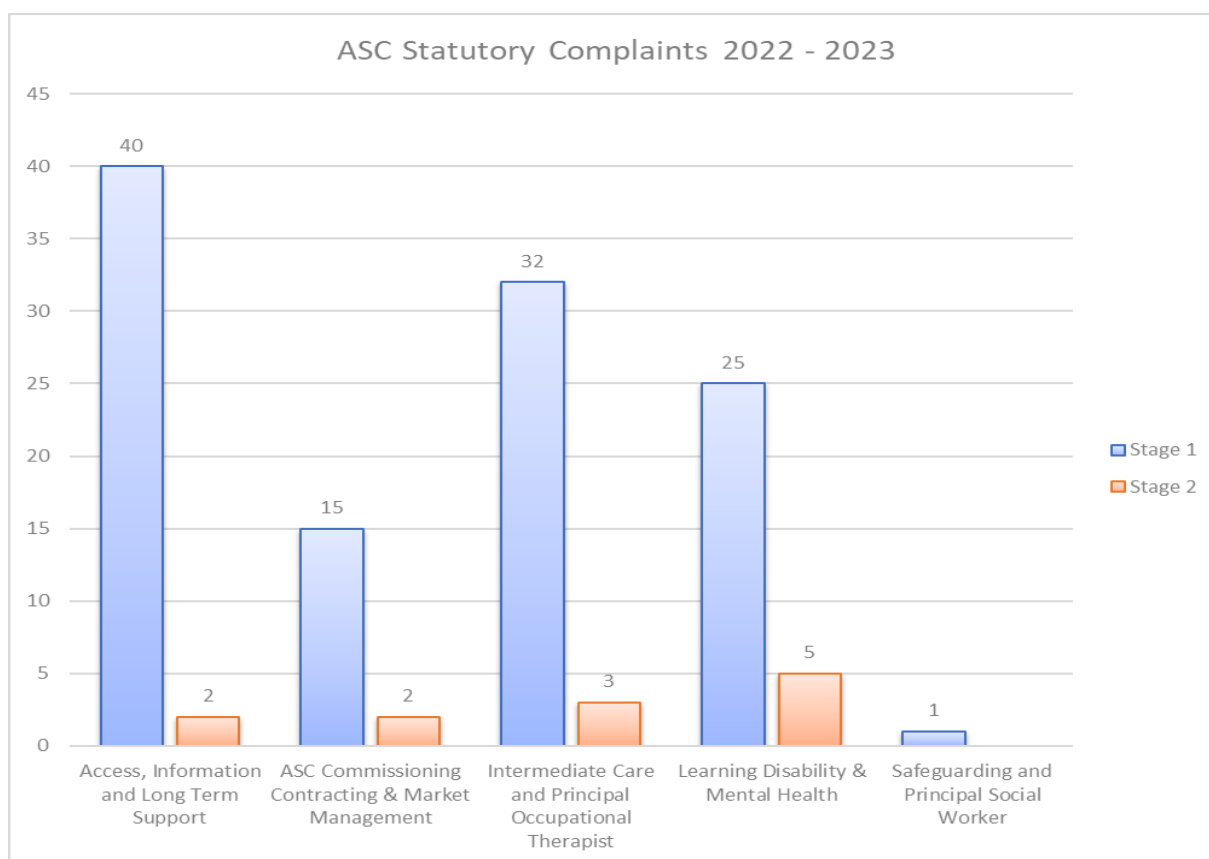
- ***Safeguarding and Principal Social Worker:***

- 5.25 This service includes the Safeguarding Team, the Deprivation of Liberty Team and the Principal Social Worker. They safeguard and promote the wellbeing of adults at risk from abuse and neglect and unlawful deprivation of liberty. The safeguarding of adults is everyone's business; therefore, we ensure all ASC staff and partners have the right skills and competences to fulfil their safeguarding responsibilities.
- 5.26 Social workers are integral to the delivery of adult social care therefore, through the Principal Social Worker office we ensure they have the right skills and competences to fulfil their role by providing ongoing support and training to staff.

5.27 This service rarely receives complaints because issues of safeguarding are usually reviewed within the service areas in which customers are provided support. The one case received related to a Doctor from a GP practice who made a safeguarding referral regarding one of their patients. The Safeguarding Team closed their enquiries however the complainant was not happy about this so requested a complaint investigation.

5.28 When complaints are received, they are directed to the Complaints Service for triaging. The Team will receive complaints by email, online through the web form or My Account, telephone and by letter. Brent Customer Services will also refer complainants to the Complaints Service. The ASC complaint legislation is explicit that the Council must receive complaints by any means. The ASC complaints process should be easy for all to access, and therefore the Team have provided a telephone number on the website especially for ASC clients. Staff within the Complaints Service will assist complainants as necessary, and if required will assist them in obtaining an advocate.

5.29 The chart below shows the number of ASC statutory complaints received in 2022/23. Of the 113 statutory complaints received, 12 were escalated to the final review stage, which is two more than the previous year 2021/22.



5.30 The escalation rate for statutory complaints is 11% compared to 13.5% in 2021/22. This is an improvement and reflects the work being carried out to resolve concerns at the provisional stage. Outcomes from these cases are discussed later in the report. ASC actively tries to resolve concerns however despite this, the more complex cases do escalate. The Learning Disability and Mental Health service received the highest

number of escalations to stage 2, with 5 out of 25 complaints being escalated (20%).

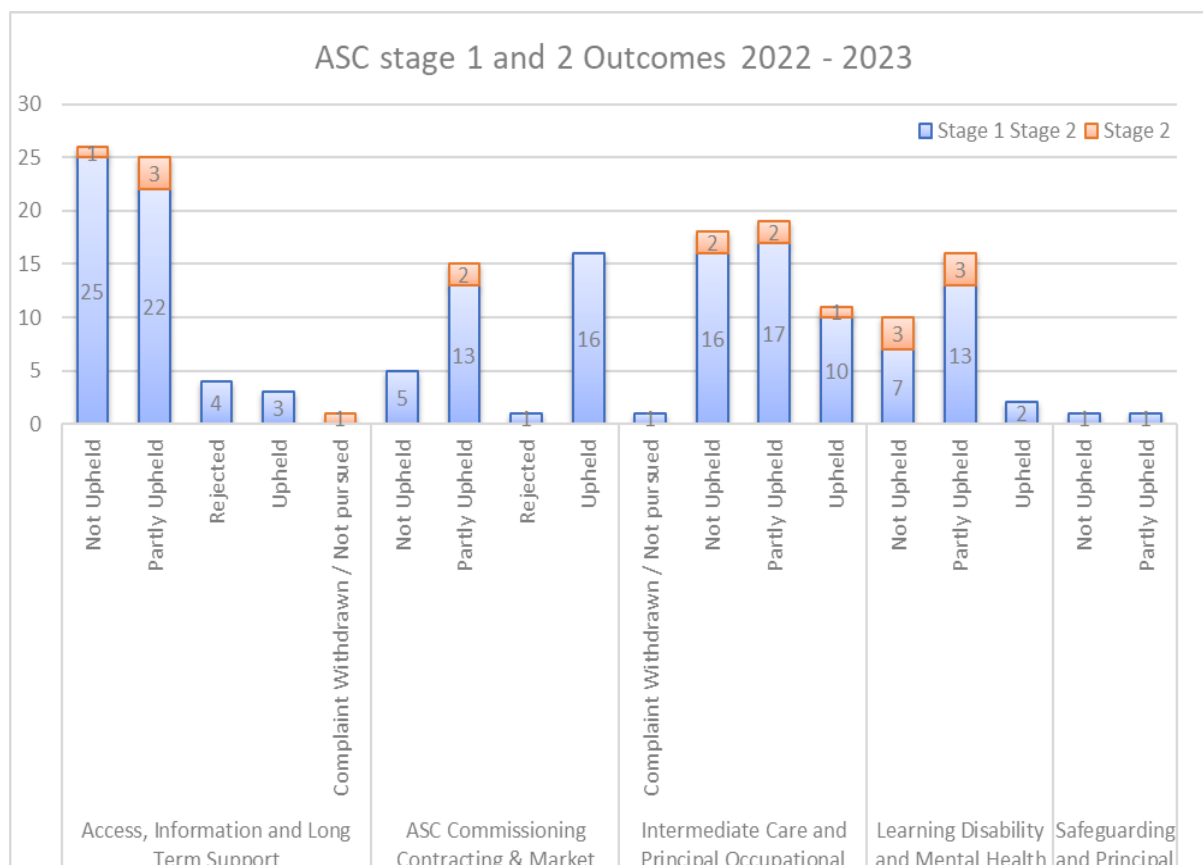
5.31 The Complaints Service continues to work with the ASC Director and their Management Team to ensure complaints are proactively dealt with. The Complaints Service held quarterly complaint training sessions for ASC managers and staff throughout the year and also attended DMT meetings to explain the 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 Service 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. In 2022/23, root cause of complaints about communication accounted for 50% of all complaints received. This was mainly due to the complainant not being kept informed or updated. The other main area was service failure accounting for 44% which mainly related the service not being up to standard, whilst the remaining 6% of cases related to policy or procedure.

7. Complaint Outcomes

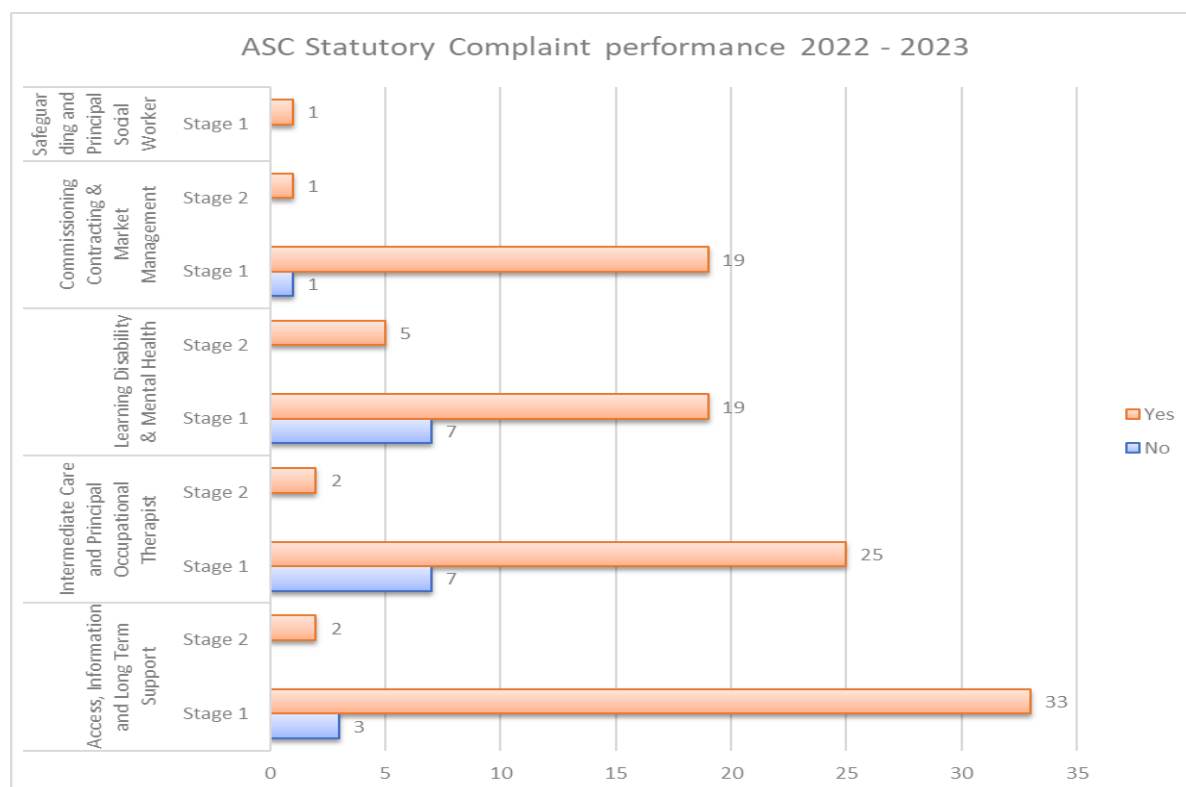
7.1 The chart below shows the outcome of statutory complaints at stage 1 and final review stage:



- 7.2 Complaints received at the provisional stage shows that some fault (upheld or partly upheld) by the Council was found in 62% of cases - this compares to 53% in 2021/22. The Council welcomes feedback from service users, and outcomes from complaints feed into service improvements.
- 7.3 At the final review stage, some fault was found in 61% of cases, this is slightly more than 2021/22 where 55% of complaints were either upheld or partly upheld.
- 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 Complaints Service 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 report the findings to the ASC Management Team in order to implement strategies to reduce the number of escalations.
- 7.5 The Complaints Service 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 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.
- 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 complaint response times across the various ASC service areas in 2022/23:



8.2 In 2022/23, 115 stage 1 statutory complaints were due, which is an increase of 49 complaints compared to 2021/22. Nevertheless, ASC responded to 84% of all stage 1 complaints within timescales, an increase of 7 percentage points on the same period for the preceding year. Stage 2 response times have also improved with all cases responded to on time providing a 100% performance rate on the ten cases that were investigated compared to 4 out of 9 cases responded to on time the previous year.

9. Compensation

ASC	Amount
Stage 1 / Provisional	£900
Stage 2 / Final	£1,350
Ombudsman	£1,200
Total	£3,450

9.1 ASC paid a total of £3,450 in compensation for the year 2022/23, comprising seven cases, £1,700 - two cases less than the preceding year. Compensation at stage 1 was paid out in one case. At stage 2, four complainants were awarded compensation and in one of those cases, the Ombudsman also offered additional compensation of £500. There were a further two cases which escalated to Ombudsman stage where the Ombudsman recommended the Council pay £200 and £500 compensation respectively. The compensation at stage 1 was awarded in recognition of the period in which the complainant's brother was not made subject to a Deprivation of Liberty Safeguard. At stage two, the highest amount paid was £750 for the time and trouble in pursuing the complaint and delay in responding to it.

9.2 All compensation awarded by the Council is 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 14 complaints (corporate and statutory) and enquiries regarding Adult Social Care, which is three more than the previous year. In total, 94 decisions were made by the LGSCO in 2022/23 of which 13 related to ASC, comparable to the previous year where 12 decisions related to ASC. The LGSCO's decisions included referring three 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 there was insufficient information to proceed and another case was closed after initial enquiries as there was no worthwhile outcome achievable by investigation. Detailed investigations were carried out in 8 cases. Of those, 6 were upheld (one more than in 2021/22) and 2 were not upheld. Three of the cases upheld were statutory cases and a summary for them has been provided in section 10.3. The other three cases were corporate cases and a summary has been provided in the Annual Complaints cover report.

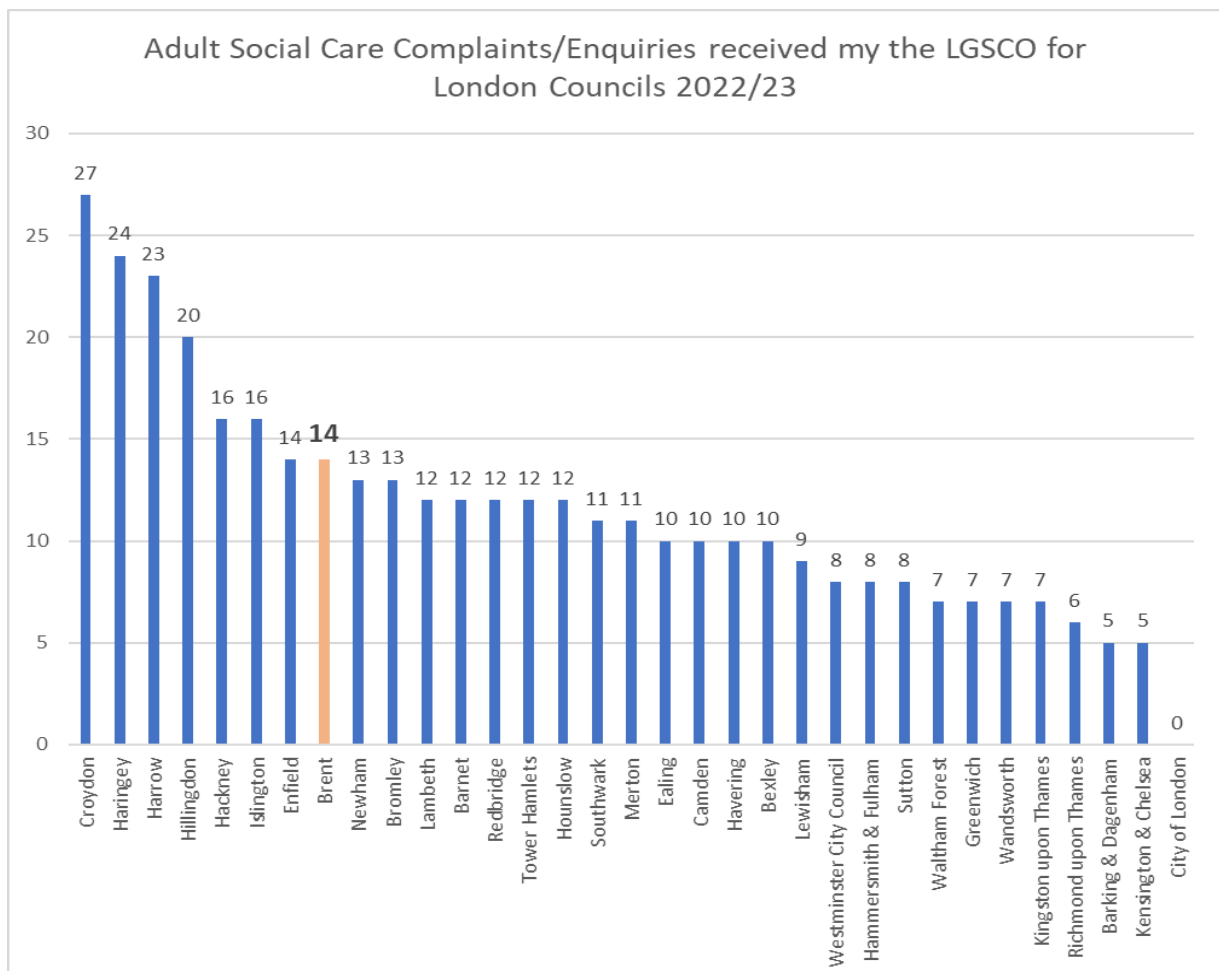
10.2 The uphold rate to the LGSCO for ASC cases is 75%, which is slightly more than the previous year at 71%.

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

- A complaint related to the Council's failure to meet care needs. The Ombudsman found that the Council did not fail to meet the complainant's father's care needs however it caused avoidable distress by failing to respond to the complainants request for a new social worker.
- Another complaint related to the delays in finding an appropriate nursing home placement. The Ombudsman found that the Council's response to the complaint was unclear and cause unnecessary frustrations to the complainant.
- The Ombudsman received a complaint relating to adaptations to the complainant's father's home. The complainant raised concerns about the OT and their attitude. They also complained that the equipment provided following an OT assessment was not suitable. The complainant raised issues with the Ombudsman that were not raised at stage 2 such as delays in 24-hour support and issues of DFG referral which were investigated by the Ombudsman. The Ombudsman upheld this and recommended several remedies.

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 with regards to the number of Adult Social Care complaints/enquiries received for each London borough.



11.2 The graph includes corporate as well as statutory complaints. In terms of complaints/enquiries received by the Ombudsman in relation to ASC, Brent has a higher number of complaint/enquiries referred compared with other Councils. However, this is almost half of the number of complaints/enquiries Croydon had and only three higher than last year. The figures provided do not necessarily mean that the complaint/enquiries were warranted.

12. Customer Feedback and Engagement

12.1 The majority of customer contact with the Complaints Service 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 or ASC directly. In 2022/23, ASC and the Complaints Service received 40 compliments about ASC compared to 16 the previous year. 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*

“Good morning xxxxxx, I write on behalf of my siblings to say a big, big thank you for all you did for our mom xxxxxxx, to be able to move to xxxx nursing home. xxxxx, your professionalism, empathy, care, love, encouragement, help and support is unique. It shows you really and truly love your job. We cannot thank you enough. It is only God who will repay you for all you did for xxxx. Remain blessed.”

- *Learning Disabilities and Mental Health Services*

“Couldn't help appreciating how much of a help I've got from you today. I've had to deal with many public civil servants but never in my 22 years in this country have I experienced the devotion, dedication, untiring, resolute and attention to details in the service you provided before. I salute your indefatigable service-oriented willing to help is. I stand humbled. Have a nice weekend and see you again on Tuesday.”

- *Access, Information and Long Term Support*

“I would just like to say write a big THANK YOU to xxxxx for her support in the final that Mrs xxxx has now signed her Tenancy for xxxxxxxx , In my darkest of this procedure she lifted me up with positive words If there is a employer of the month year please consider her

I know i will be in touch again with Adult social care , but thank you again for your support and information ,I see light at the end of the tunnel.”

- *Intermediate Care and Principal Occupational Therapist*

“I am emailing you today to let you know how pleased my family and I are at the care and support received from your social worker xxxx xxxx.

Following my dads accident in July when he broke his shoulder and after discharge from hospital he needed home care. This was obviously an upsetting time for us as a family and my father who was losing part of his independence. xxxx was in touch with us throughout and on his first visit to my dads home I was touched by his empathy and compassion, he had patience with my dad and answered all of his questions. He liaised with me right up til this week.

An effective care package was put in place through a good agency and dad got first class care, when this needed to be extended xxxx dealt with it seamlessly and towards the end he supported me to set up a further two weeks paid for by ourselves. Please pass on our thanks and gratitude to xxxx.”

- *Safeguarding and Principal Social Worker*

“I wanted to say thank you for your analysis of the case you presented yesterday and your attention to detail. I appreciated that you gave us clear professional judgements in this sad and concerning case.

I believe the vast majority of Safeguarding professionals come to work wanting to do a good job and it's up to the safeguarding board and our reviews to establish what prevents that happening.”

14. Learning from Complaints

14.1 Feedback from adults who experience social care services offers important insights into what we do well and what we can improve on. Brent ASC considers the learning from complaints and compliments as an integral part of our Quality Assurance process. Dependant on the learning points identified, we operate several different methods for developing and sharing improvement to our practice across the services. These may include, but are not limited to, the following:

- Development of new guidance and practice updates
- Practice updated disseminated in supervision, team meetings or learning forums
- Provision of training
- Integration within the case file audit process from 2021/22 the key areas of learning included the following: A need to improve aspects of communication between officers and people with social care experience
- A need to review and refresh the safeguarding adults' processes, guidance, forms and letters.
- Direct discussion with those professionals involved with the individual complaints Interactive learning sessions via Brent's internal Continuous Professional Development forums as part of the Skills Academy.

14.1 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.

- 14.2 Learning from the lived-experiences 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 and, improves communications and strengthens relationships.
- 14.3 Part of Adult Social Care's commitment through the Skills Academy, is to support staff to receive training to develop skills in ensuring that information provided to residents is clear and feedback is timely. This compliments the Council's Customer Promise regarding expectations that customer care should continue to be communicated in a timely, polite and respectful manner. 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.
- 14.4 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.
- 14.5 Adult Social Care have developed processes for learning from complaints, and these continue to develop within the department to support best practice and improve resident experiences. 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.
- 14.6 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 has identified the need to strengthen communications sent via emails. Generic email addresses are created for teams. 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.
 - The Statutory Complaints Manager attends regular DMTs to ensure themes and emerging issues are addressed.