

Complaints Annual Report 2023 – 2024

Appendix A(i) – Adult Social Care Statutory Complaints

1. Summary

- 1.1 This report provides an overview of statutory complaints made about Brent Adult Social Care (ASC) services during 2023–2024, 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 an adult social care 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. The Council is reviewing the process to ensure that complaints procedures are streamlined.
- 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 of receipt. 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, Community Health and Wellbeing. 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 advise the complainant their right to approach the Local Government & Social Care Ombudsman (LGSCO) should they remain dissatisfied.

3. Headlines

- 3.1 The Adult Social Care department made some changes to team names in March 2022. 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.
- 3.2 The main performance headlines from ASC statutory complaints are as follows:
- 131 complaints were received at the initial stage of the complaints process in 2023/24, an increase of 16% on 2022/23.
 - The highest volume service areas for first stage complaints are as follows – Access, Information and Long Term Support (35%), Learning Disability and Mental Health (23%), Commissioning, Contracting and Market Management (21%) and Intermediate Care and Principal Occupational Therapist (20%).
 - 66% of provisional responses were upheld or partly upheld.
 - 36% of stage 2 cases were upheld or partially upheld.
 - 79% of stage 1 and all stage 2 cases complaints were responded to on time.

4. ASC Service Users

- 4.1 In order to provide some context in relation to complaints submitted, in 2023/24 ASC received 11,087 contacts, 5,697 via Brent Customer Services and ASC supported 2,611 out of hospital. ASC carried out 8,219 assessments and 1,087 mental health assessments, as well as 5,630 reviews. Currently 1,600 people are receiving homecare and 758 people are receiving support in supported living or extra care sheltered housing. At the end of March 2024 ASC was providing funded support to 4,609 people.

5. Complaints Received

- 5.1 In 2023/2024, ASC received 131 stage 1 statutory complaints compared to 113 in 2022/2023 and 74 the previous year, showing a rise of approximately 16% from last year and a year-on-year increase of 77% over the past two years. This is mainly due to more uptake in services.
- 5.2 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.
- 5.3 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 main areas where ASC received complaints were Access, Information and Long-Term Support, Commissioning Contracting and Market Management and Learning Disability and Mental Health. Details of the services they provide and the figures relating to complaints across these areas are as follows:

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

- 5.4 In 2023/2024, the service received 35% of all statutory complaints made to ASC at stage 1. This percentage is the same as last year (35% in 2022/2023) and a slight increase from the year before (31% in 2021/2022). This team deals with more complex support cases and have to manage service users' and families' expectations about the package of care to which they are entitled. 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. Given that this service has restructured since 2021 and taken on a larger amount of cases, this reflects a larger amount of complaints as a result. There has been a concerted effort to improve complaint handling throughout the service and develop a more robust working relationship with the Complaints Service to help reduce the number of complaints.

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

- 5.5 In 2023/2024, complaints relating to these services accounted for 21% of all complaints received by ASC, which is an increase from the previous year (13% in 2022/2023). Overall, 31 complaints were received for this service area in 2023/2024 at stage 1 and stage 2. The increase in complaints from 15 in 2022/2023 to 31 in 2023/2024 is a significant increase of just more than double the number of complaints compared to the previous year. The ongoing pressure on care homes, the cost-of-living crisis, and workforce pressures have likely contributed to more users raising concerns.

- ***Intermediate Care and Principal Occupational Therapist:***

- 5.6 Of the 131 cases received at Stage 1 for ASC, this service received 26 complaints (20% of all complaints received by ASC at stage 1). At stage 2, only one complaint was received from this service meaning overall this service received 27 of the 142 complaints which is 19% of the complaints received by ASC at stage 1 and 2. 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:***

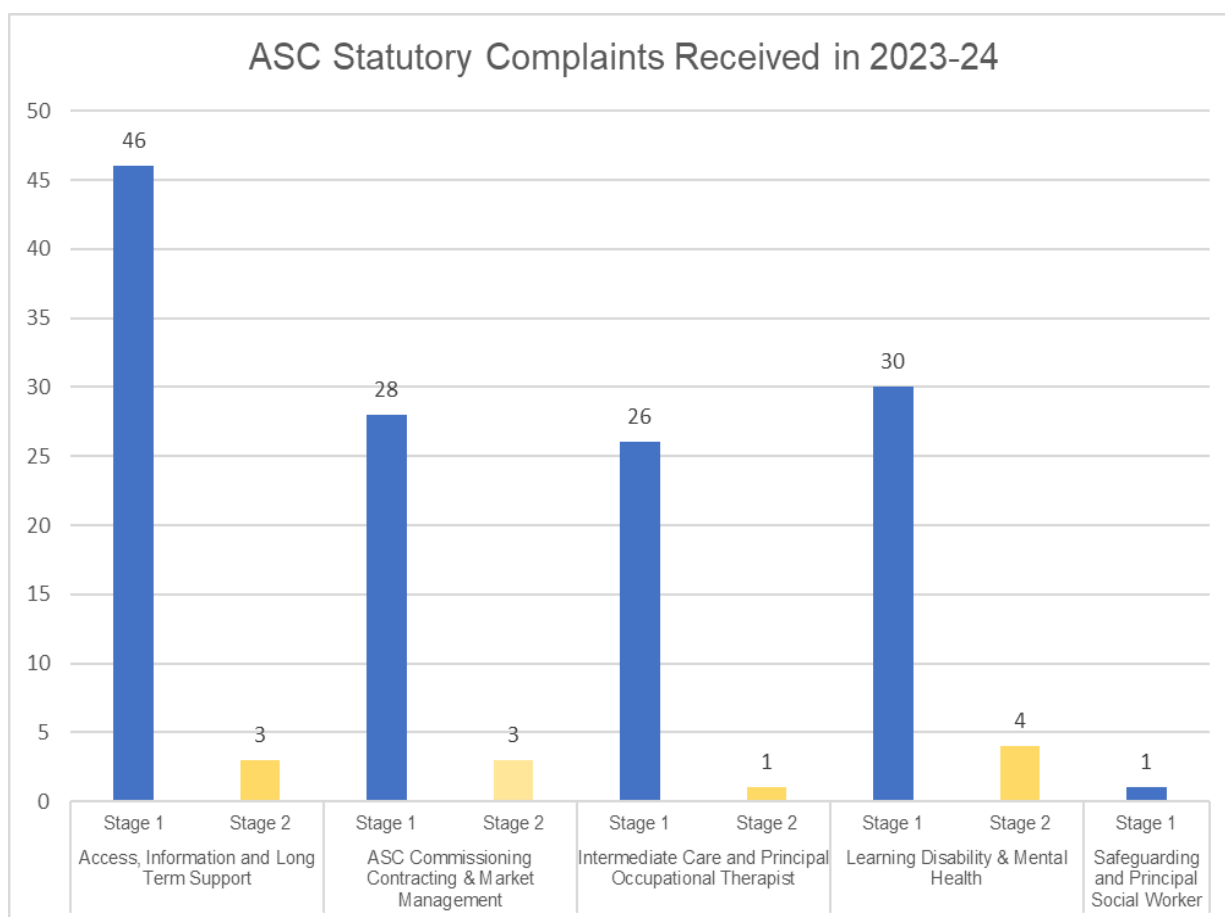
- 5.7 This service accounted for 23% of all complaints received by ASC at stage 1 in 2023/2024, a marginal increase of 1% from the previous year. This service is

smaller in comparison to others in ASC however this service deal with cases of a complex nature.

- **Safeguarding and Principal Social Worker:**

5.8 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.

5.9 The chart below shows the number of ASC statutory complaints received in 2023/2024. Of the 131 statutory complaints received at stage one, 11 were escalated to the final review stage, which is one less than last year. In 2022/2023, 12 complaints were escalated and in 2021/2022 10 were escalated to the final review stage. This indicates a consistent pattern in the escalation rate over the past three years.

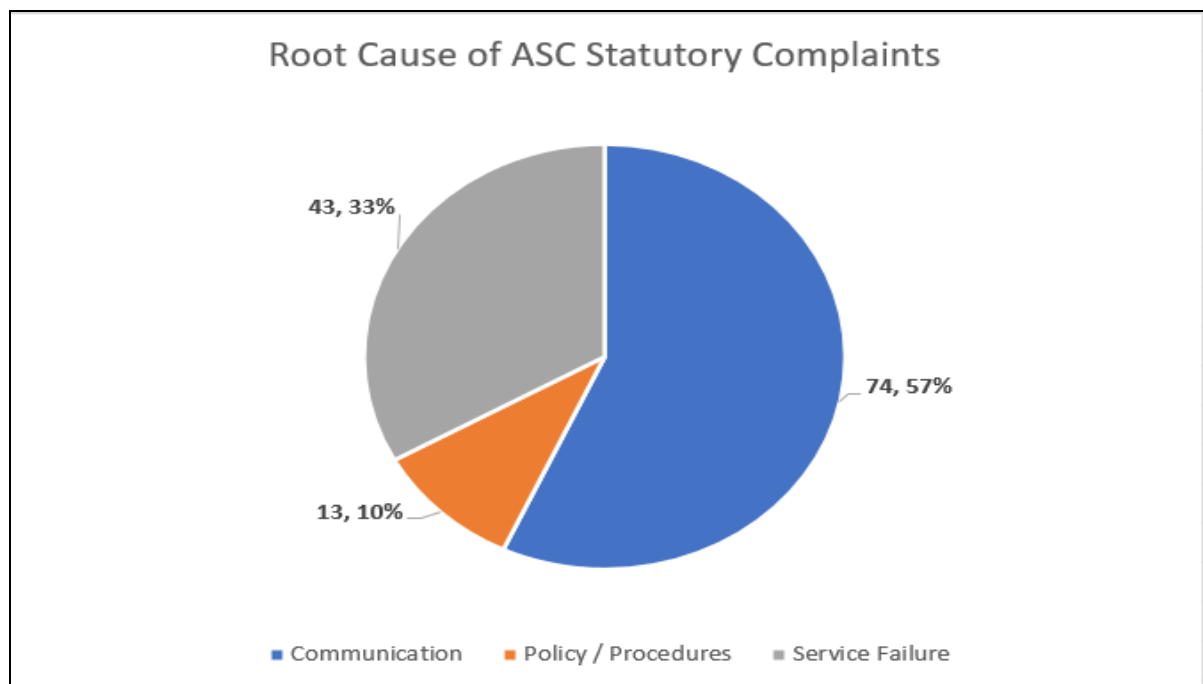


5.10 In 2023/2024, the escalation rate for statutory complaints is 8% compared to 11% in 2022/2023 and 13.5% in 2021/22. The decrease in complaint escalations demonstrates the work being undertaken to resolve concerns at the provisional stage. Outcomes from these cases are discussed later in the report. ASC actively tries to resolve concerns, however, despite this, some of the more complex cases do escalate. The Learning Disability and Mental Health service received the highest

number of escalations to stage to 2, with 4 out of 30 complaints being escalated (13%). However, the service has demonstrated improvement in complaint handling at the first stage as the number of escalated complaints for this service has decreased from the previous year with 20% of cases being escalated in 2022/2023.

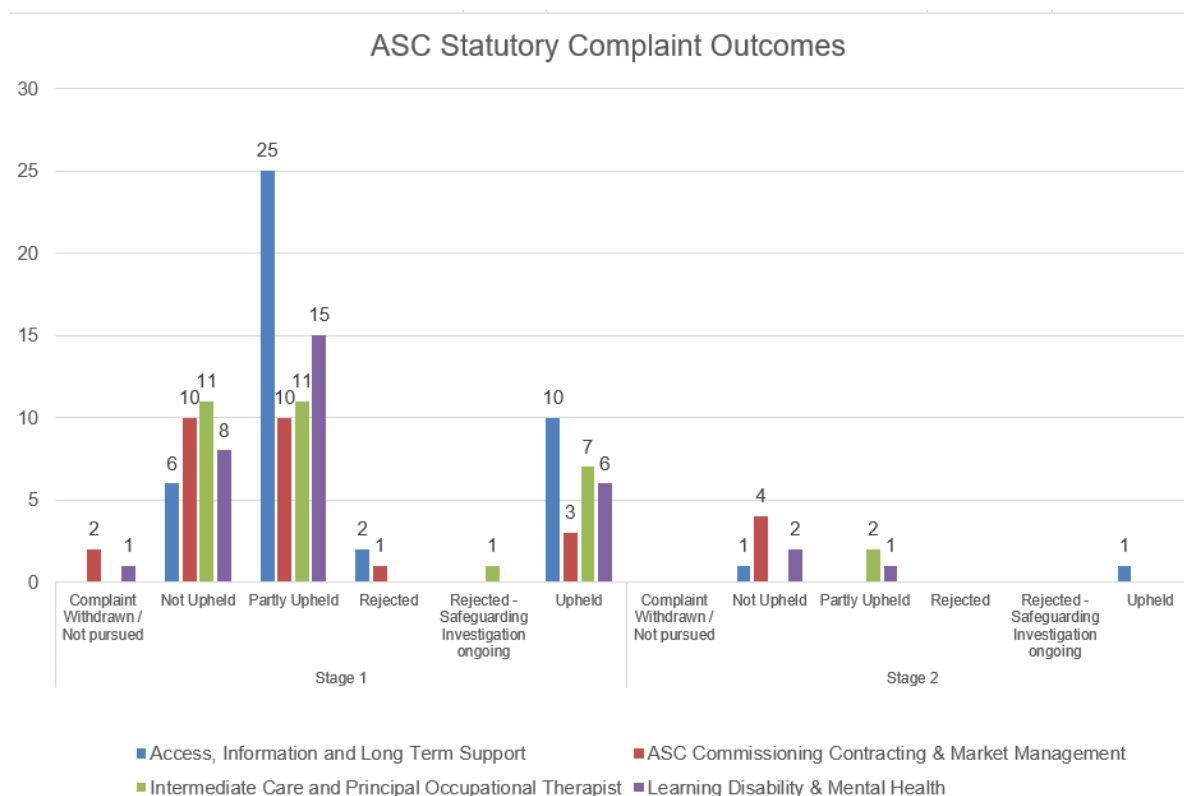
6. Nature / Reasons for Complaints

- 6.1 In 2023/2024, communication issues accounted for 57% of all complaints received, demonstrating an increase from 2022/2023 when this was the case for 50% of complaints. This rise suggests there are still ongoing challenges with keeping service users informed and updated. Service failure accounted for 33% of complaints, showing a decrease from 44% the previous year, indicating some improvement in services. Complaints related to policy or procedure increased to 10%, in comparison to this accounting for 6% in the previous year.



7. Complaint Outcomes

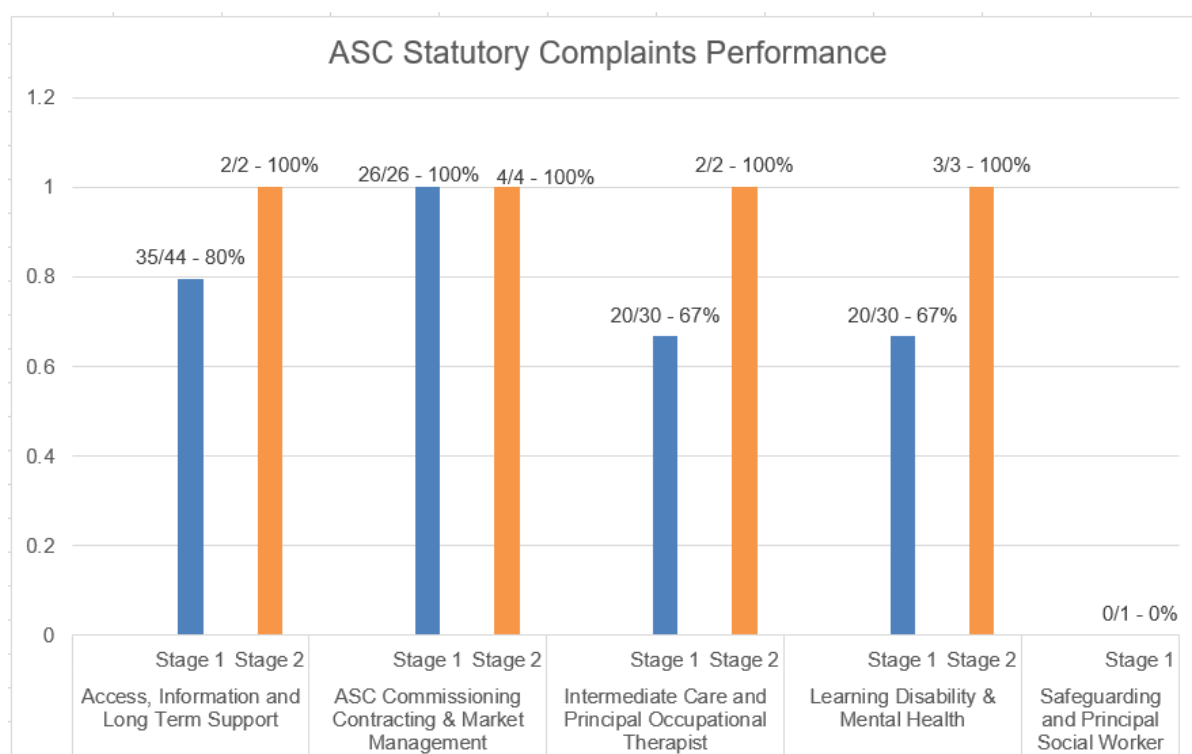
- 7.1 The chart below shows the outcome of statutory complaints at stage 1 and final review stage:



- 7.2 Complaints received at the provisional stage show that some fault (upheld or partly upheld) by the Council was found in 66% of cases, showing an increase compared to some fault being found in 62% of cases in 2022/2023 and 53% in 2021/22. This shows a willingness to accept fault and make service improvements.
- 7.3 Complaints of a complex nature and which involve a number of teams are more typically escalated to the final review stage. At the final review stage, some fault was found in 36% (4/11 stage 2 complaints received) of cases, this is a significant decrease from 2022/2023 where some fault was found in 61% of cases as well as from 2021/22 where 55% of complaints were either upheld or partly upheld. This relates to a greater acceptance of fault at the provisional stage meaning that no further fault is found at the final stage.
- 7.4 The Complaints Service continues to work with ASC to review the accuracy and quality of stage 1 responses, where they have escalated 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 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 timeliness across the various ASC service areas in 2023/24:



8.2 In 2023/2024, ASC responded on average to 79% of all stage 1 complaints within timescales, a decrease from 84% in 2022/2023. Stage 2 response times have remained consistent from last year, with all cases responded to on time providing a 100% performance rate for the investigated cases.

9. Compensation

ASC	Amount
Stage 1 / Provisional	£100
Stage 2 / Final	£800
Ombudsman	£1,850
Total	£2,750

9.1 ASC paid a total of £2,750 in compensation for the year 2023/24, comprising seven cases. This was the same number of cases awarded compensation as the preceding year where ASC awarded £3,450 in total in compensation for seven cases. Compensation was awarded in one case at stage one, with £100 being paid. At stage 2, one case was also awarded compensation, and this amounted to £800 which was awarded due to service failures and for the distress and inconvenience caused in pursuing the complaint. Five cases were awarded compensation at the Ombudsman stage, with the highest amount awarded at this stage being £1000.

- 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 2023/2024

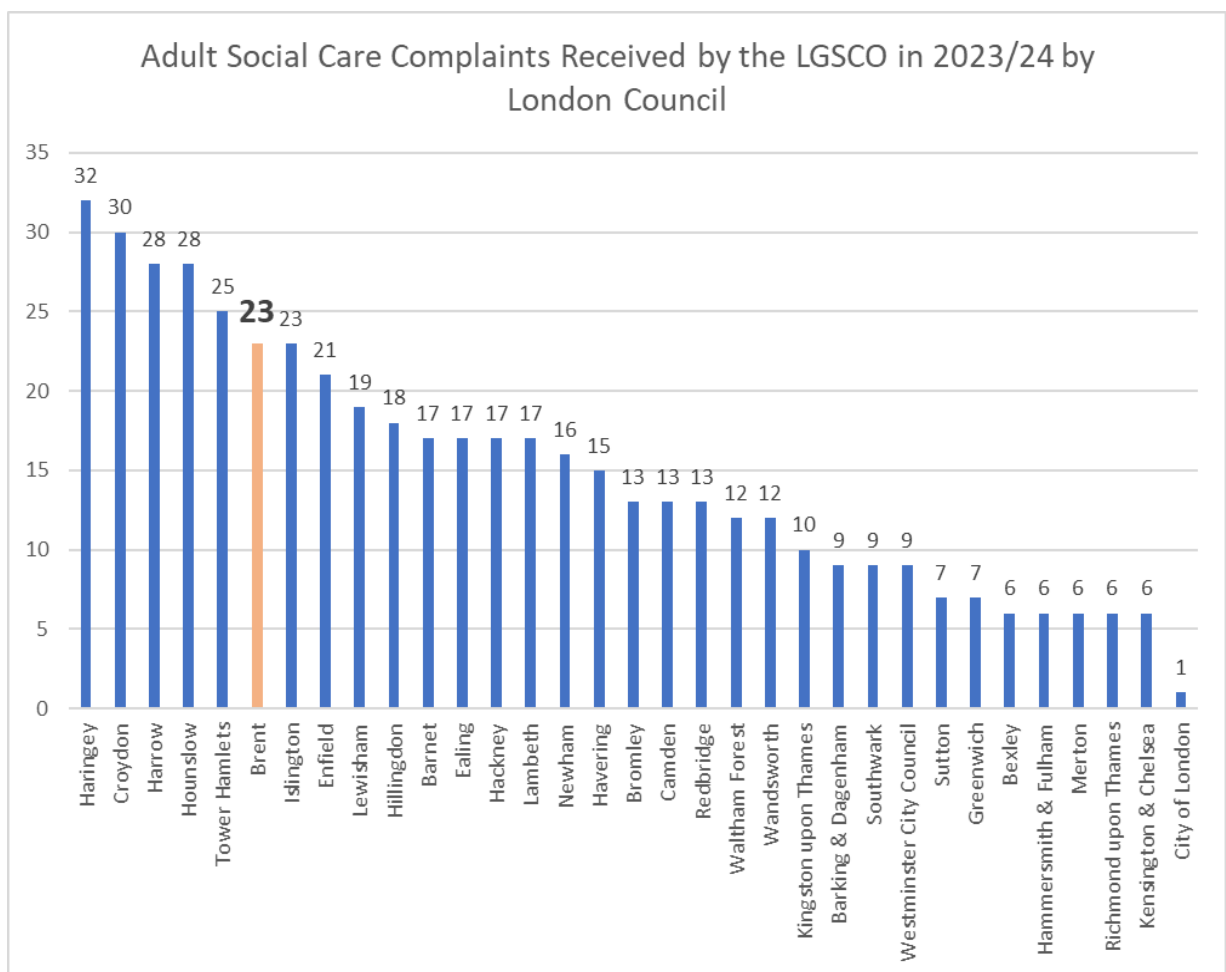
- 10.1 The Local Government and Social Care Ombudsman (LGSCO) provide statistics for cases received and decisions made during the financial year as a complaint that has been received in one period may be decided in the following financial period. In 2023/2204 the LGSCO received 141 complaints (corporate and statutory) and enquiries across the Council and of those 23 related to Adult Social Care, which is nine more than the previous year. In total, 139 decisions were made by the LGSCO in 2023/24 for Brent of which 25 decisions related to ASC, which is twelve more when compared to the previous year where 13 decisions related to ASC. The LGSCO's decisions included referring nine cases back to the Council for local resolution as the Council's complaints process had not been completed. Five cases were closed by the Ombudsman as there was insufficient information or invalid information to proceed, one case was closed as advice had been given and three cases were closed after initial enquiries as there was no worthwhile outcome achievable by investigation. Detailed investigations were carried out in 7 cases. Of those, 6 were upheld (the same as 2022/23) and 1 was not upheld. Five of the cases upheld were statutory cases and a summary for them has been provided in section 10.3. The other two 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 86%, which is more than the previous year at 75%. The Ombudsman have explained that they have become more selective about the complaints they look at in detail, prioritising where it is in the public interest to investigate. It has meant that changes in upheld rates last year and this year are not solely down to the nature of the cases referred to them.
- 10.3 A summary of the complaints upheld by the LGSCO is provided below:
- One of the complaints centred around the support provided by the Mental Health Team and issues of recognising the relevant support required. The complaint was partly upheld at stage 2 and the Ombudsman made additional recommendations such as meeting with the client to discuss their needs and providing a formal apology letter.
 - Another case was a long-standing case which we had commissioned an independent investigator to review at stage 2. The Ombudsman took a considerable amount of time to investigate this case due to the complexities and made various recommendations such as ensuring the Council is carrying out joint investigations with the relevant Trusts, paying additional compensation and ensuring the outcomes of a safeguarding review is shared with the complainant.
 - This complaint was that the Council and the NHS Trust who cared for the complainant's brother failed to follow correct procedures when he was being discharged from NHS treatment. The Ombudsman requested a financial assessment be back dated to the complainant's brother's discharge in November 2021.

- This complaint was that the accommodation provided to the complainant's brother under s117 of the Mental Health Act was inappropriate. The Ombudsman found that the Council could have done more to address the complainant's concerns at the time they were raised.
- This complaint related to the complainant's mother's capacity to manage her financial and property affairs. The Ombudsman awarded compensation for this. There was also a delay in responding to an allegation of physical abuse which the Ombudsman was satisfied was remedied at stage 2.

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.

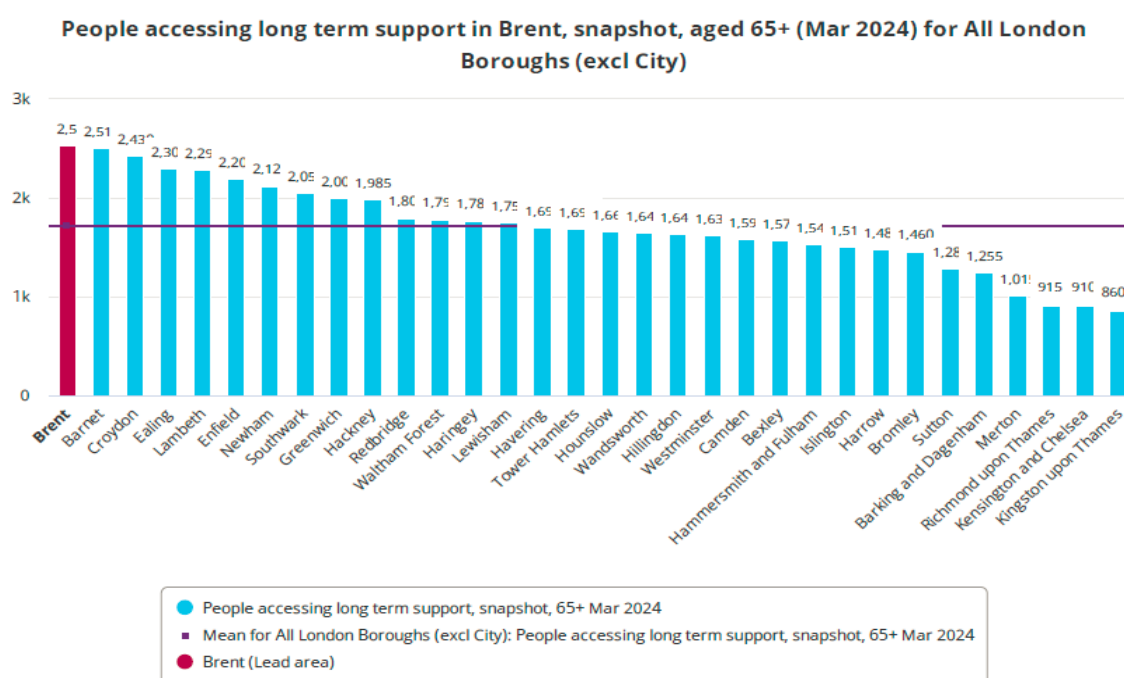
11.2 The graph below shows data provided by the LGSCO with regards to the number of Adult Social Care complaints/enquiries received for each London borough.



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 high number of complaint/enquiries compared with other Councils. There are five

London boroughs that had a higher number of complaints received. The complaints received are nine higher than the previous year for Brent, however, generally the number of complaints received regarding ASC across London is increasing, with a total of 379 received last year compared to 491 received this year for all London Councils. The figures provided do not necessarily mean that the complaint/enquiries were warranted but does show that ASC complaints are on the increase.

- 11.3 The data below from the Local Government Association also shows that Brent is supporting the most people aged over 65+ which means more complaints are to be expected. In addition to this, there are Councils supporting fewer people who are seeing more ASC LGSCO complaints than Brent.



Source: Department of Health and Social Care, Monthly statistics for adult social care (England), People accessing long term support, snapshot, aged 65+, Data updated: 15 Jul 2024

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 informally 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 2023/2024, ASC and the Complaints Service received 27 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*

“As always, thank you for being efficient, supportive and above all patient with me and my mum’s case”.

“This is such a great outcome for all of us. I am particularly happy for X; and I hope she settles well in her new home. I must mention the amount of work that X and her team put into making this a success story! I applaud them on the attention paid to detail! Never seen a team work so well!”

- *Access, Information and Long Term Support*

“Hi X I would like to start by thanking you personally for your assistance with helping my parents arrange respite care for my gran.

From the initial call, it was clear that you understood our requirements and the desperate situation we were in, you went beyond the scope of duty to ensure the correct outcome was achieved in a very short time frame. Updates were provided in a timely manner and any questions we had were responded to without delay”.

“I wanted to thank you for your assistance in securing a new care agency for my mum. You have made a significant difference in my mum's life, as well as a significant difference to my role caring for her. The situation had become very difficult and the new care agency has already made a positive impact on my mum's well-being, and we are cautiously optimistic about the quality of care she will receive now”.

- *Intermediate Care and Principal Occupational Therapist*

“Dear XX, Many thanks for your email and thank you for all your help, it has been extremely helpful. Thank you for being so kind and patient with my father, it is greatly appreciated”.

- *Safeguarding and Principal Social Worker*

“I spoke to XX from the foodbank this evening. XX and XX contacted her after your meeting with them and were told her that you were very kind, sensitive and really helpful. They are all so relieved and grateful to you and your colleague. Thanks so very much for helping them and for being so sensitive and victim focused. Thank you for sharing all that you are doing to assist XX.

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. Throughout 2023/24 we

continued to gather and analyse feedback from service users and carers (gathered as part of Adult Social Care Outcomes Framework (ASCOF) returns and locally), as well as complaints, enquiries and requests. The results from our most recent Adult Social Care Survey 2023/24, broken down by demographic groups, show that overall, 87% of people are happy with the care and support they receive. Most people feel they have a good quality of life and feel safe.

14.2 Brent ASC considers the learning from complaints and compliments an integral part of their Quality Assurance process. Dependant on the learning points identified, ASC operate several different methods for developing and sharing improvement to their practice across the services. These may include, but are not limited to, the following:

- Development of new guidance and practice updates
- Practice updated and disseminated in supervision, team meetings or learning forums
- Provision of training and development
- Case file audits to ensure the quality of practice
- Sharing the learning from complaints with other areas within the Council e.g. Brent Customer Services

14.3 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. ASC have recently launched a Coproduction and Community Partnership approach to promote and engage with residents and partners in the coproduction and codesign of services to better reflect needs and develop services that matter most to people with the intention of reducing the number of complaints received.

14.4 ASC carry out quarterly reviews of complaints via DMT to share learning and agree actions to be implemented to address complaints by type and issues. To ensure service standards and recommendations as a result of complaints, ASC carry out direct engagement with staff teams to clarify service standards and expectations.