

Statutory Complaints Report Adult Social Care

London Borough of Wandsworth

2019 - 2020



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1. Introduction

- 1.1 The production of a complaints report is a statutory complaints requirement for adult social care to provide an overview of the complaints received and handled through the Local Authority's statutory complaints procedure. This report is designed to meet this requirement of Adult social care and is a public document.
- 1.2 The Local Authority has a duty to ensure that any individual (or appropriate person acting on their behalf) who wishes to make a complaint about the actions, decisions or apparent failings of a local authority's social care provision have access to the Adults statutory complaints procedure.
- 1.3 Wandsworth Council's social care complaints are managed within the remit of the Resident Engagement division.

2. Legislation

- 2.1 There is a legal requirement for the Local Authority to have in place a complaints procedure, in accordance with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 for the management of social care complaints.
- 2.2 The Regulations cover Adults social care and Health services and/or any of its commissioned services and/or independent services.

3. Overview of the Statutory Adults Complaints Procedure

- 3.1 The complaints procedure is a single stage process for both Health and Social Care services. Complaints should be recorded and monitored by the complaints team. All complaints should be assessed for risk by the complaints team liaising with the relevant social care team. Complaints that are deemed very high risk will be referred to the appropriate investigation route such as invoking safeguarding procedures.
- 3.2 The complainant can expect a response within 25 – 65 working days and by 6 months. The complaint can be progressed to the Local Government and Social Care Ombudsman following the final response from the Local Authority or at any time.
- 3.3 A complaint is defined as *“an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult social services provision that requires a response.”*
- 3.4 Complaints can be made by the service user receiving a direct service from Adults social care or by a person on their behalf such as an advocate or family member where the service user has provided their written consent.

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- 3.5 Where a service is provided by a contractor on behalf of the Council, a complaint can either be made directly to the provider service or to the complaints team.
- 3.6 Service users who fund their own care for services that are regulated by the Care Quality Commission do not fall under this procedure.
- 3.7 Complaints will be considered if they are made within 12 months of the incident although the Council can apply their discretion to waive this time limit in some instances.

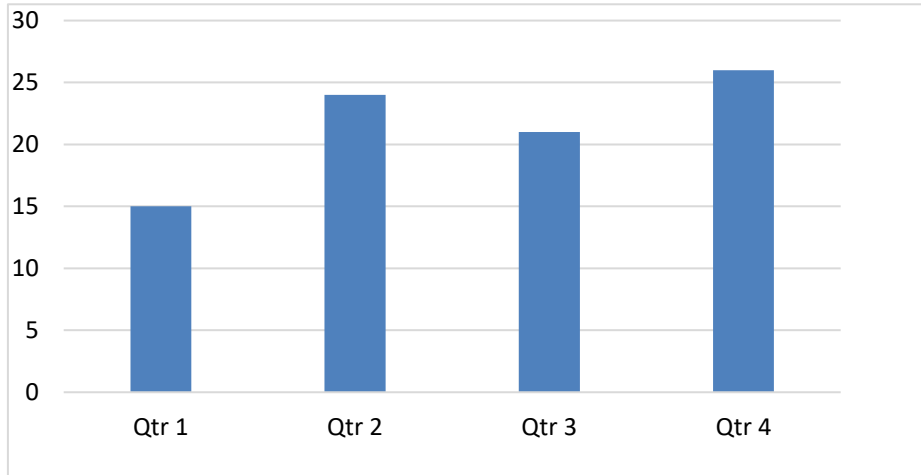
4. Adult social care complaints received

- 4.1 The department investigated 86 complaints (which included 19 provider related complaints) which is a decrease on the previous year when the department received 90 complaints.
- 4.2 Chart 1 details the complaints received for each quarterly period. There were slightly fewer complaints recorded for Quarter 1 but the number of complaints for the remaining quarters is relatively consistent.
- 4.3 The volume of complaints should be set in context by looking at the overall level of contact and interaction Adult Social Care has with its residents and service users. During 2019/20 86 complaints were received but that is a low proportion given that the department handled approximately 10,800 contacts and supported 3,800 people during the year. Also, while the Financial Assessment Team recorded 8 complaints in 2019/20 it is responsible for processing in excess of 1,600 financial assessments each year.
- 4.4 Receipt of complaints should also be viewed positively; they provide valuable insight into service performance. A good complaints process is one which promotes learning and provides for opportunities for services to be improved and shaped by feedback. It is vital to understand the reasons why things go wrong so that the same mistakes are not repeated and that services can continually improve.

Table 1: Wandsworth adult social care complaints by year:

Wandsworth	2016/17	2017/18	2018/19	2019/20
	99	93	90	86

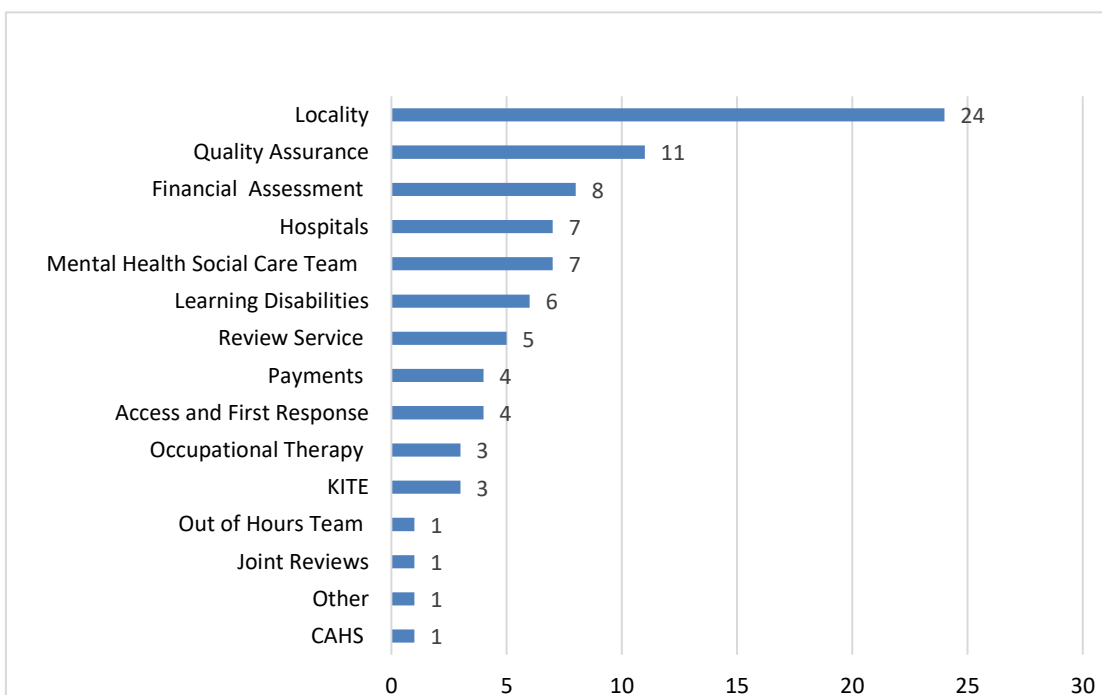
Chart 1: Number of Adult Social Care Complaints received by quarterly period 2019/20:



5. Complaints by service area

5.1 Chart 2 details the breakdown of complaints received by the service teams during the reporting year. Some complaints involved more than one service area. The Locality Teams received the highest number of complaints (24) accounting for over a quarter of Adult Social Care complaints, future reporting will separate out the two Locality Teams. This was followed by Quality Assurance (11 complaints, although it should be noted that these complaints tend to be in relation to the provider that the Quality Assurance Team acts as the interface with) and Financial Assessment (8 complaints).

Chart 2: Number of Adult Social Care Complaints by service 1 April 2019 - 31 March 2020:



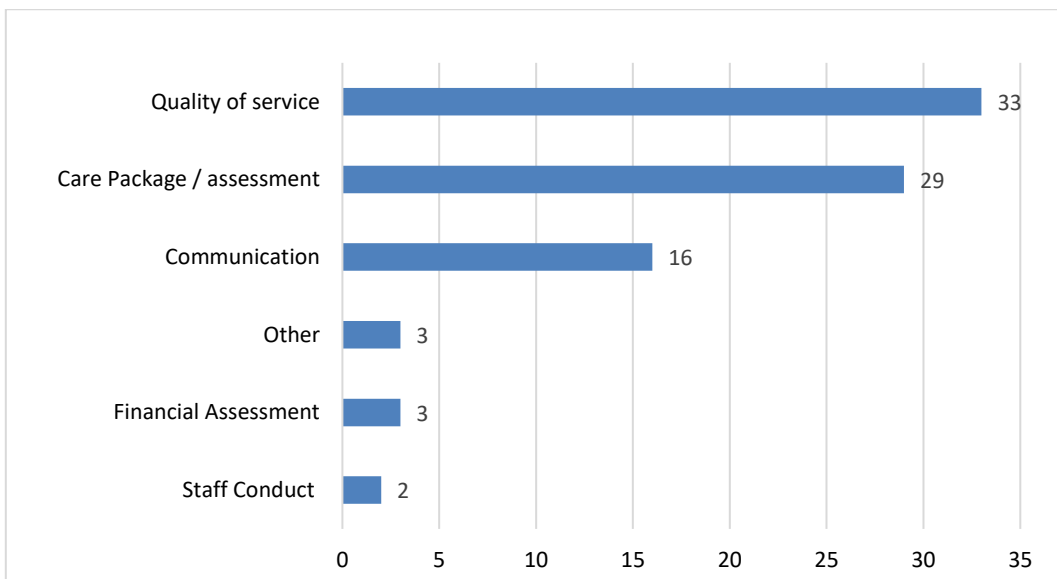
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5.2 Teams across adult social care regularly receive comments and feedback from service users and/or carers and generally these issues tend to be resolved directly by the staff.

6. Complaints by Issue

6.1 Quality of service (33 complaints) was the main issue raised by complainants during 2019/20 This was followed by care package / assessment (29 complaints), communication (16 complaints), other (3 complaints), financial assessment (3 complaints) and staff conduct (2 complaints) as detailed in Chart 3 below.

Chart 3: Number of Adult Social Care Complaints by issue 2019-20:



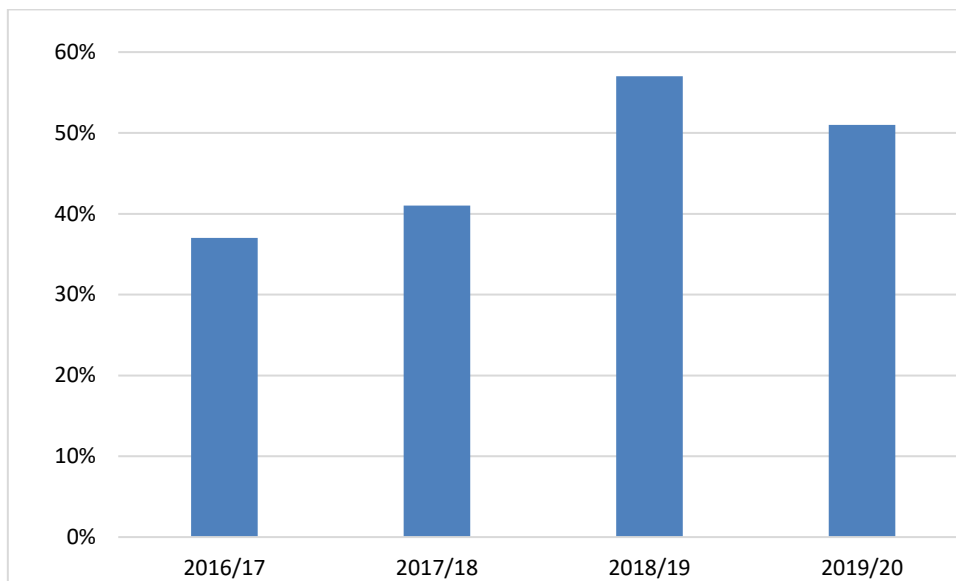
7. Response Times

7.1 Complaints should be investigated and completed within a timescale of six months and this can be extended with the agreement of the Complaints Manager. Throughout the complaint being investigated, the complainant should be kept informed of the progress and any cause for delay. There is no statutory timescale for completing adult social care complaints, although they should be completed within six months.

7.2 The Council has a timeframe of 25 working days for responding to adult social care complaints.

7.3 For this reporting period, Wandsworth completed 86 complaints. Of those, 44 complaints (51%) were closed within 25 working days and 42 (49%) exceeded this timeframe. Chart 4 details response times for the last 4 years and a slight decline in the proportion of complaints completed within timescales compared to the previous year (51% 2019/20 compared to 57% 2018/19).

Chart 4: Percentage of Responses within timescale (25 days):



8. Complaint Outcomes

- 8.1 Just under 40% of complaints for 2019/20 were not upheld (a similar proportion to the previous year) while 28% were upheld and 20% were partially upheld.
- 8.2 Seven complaints were still in progress at the end of the year, one was withdrawn, one resolved outside of the process and four had an inconclusive or no finding.
- 8.3 Complaints are treated seriously and given careful consideration and whilst a complaint may not be upheld, the issues raised may still result in changes to how a service is delivered for the person named in the complaint or result in a change of practice.
- 8.4 Where a complaint is upheld or partially upheld, there will be learning identified and taken forward by the individual Managers and disseminated at Team Meetings or individual supervision of staff, if deemed necessary.

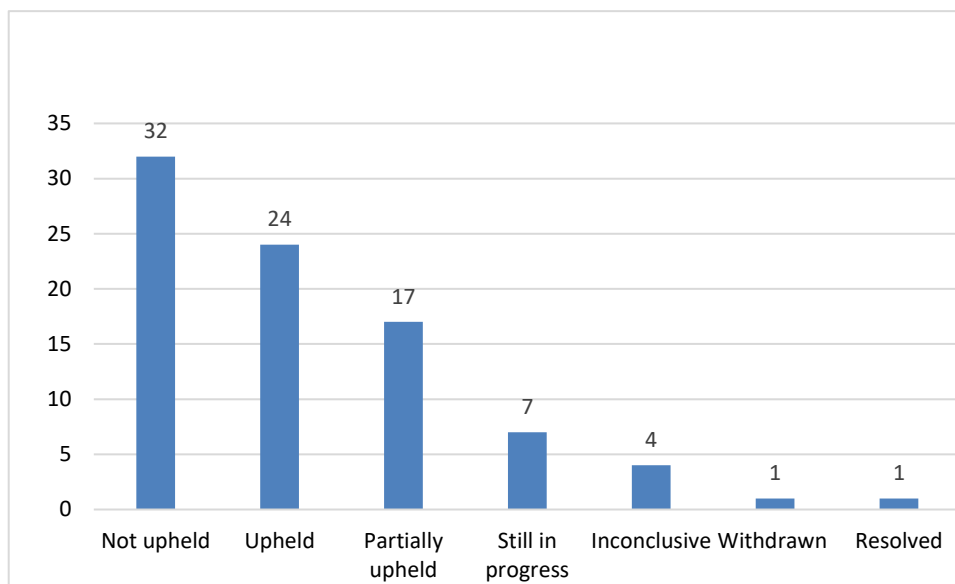
Table 2: Adult Social Care Complaint Outcomes 2016 -2019:

Outcome	2016/17	2018/19	2019/20	
	%	%	Number	%
Upheld	17%	22.2%	24	28%
Partially upheld	31%	25%	17	20%
Not upheld	30%	40%	32	37%
Withdrawn	7%	4%	1	1%

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Resolved outside process	14%	8%	1	1%
Inconclusive/No finding			4	5%
In progress			7	8%
TOTAL	100%	100%	86	100%

Chart 5: Number of Complaints by outcomes 2019/20:



9. Provider Complaints

- 9.1 The Quality Assurance & Commissioning Team monitors provider complaints for adult social care, which includes residential and domiciliary care services. Complaints regarding a commissioned service that are received directly by the complaint team, will be logged and processed in accordance with the statutory complaints procedure and referred to the Quality Assurance Team to investigate and monitor as required. This does not include complaints by ‘self-funders’ who are able to complain directly to the care provider and/or the Ombudsman.
- 9.2 For this reporting year, 19 external provider complaints were recorded by the complaints team. This represents a slight decrease on the number of provider complaints (24) reported through the complaints team during 2018/19. Complaints can be made directly to the care home or provider agency as well as through the quality assurance team. The issues mostly concerned the quality of care received, financial inaccuracies, staff attitude or conduct, delays or missed calls by home carers.

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- 9.3 These concerns are quickly addressed by the Quality Assurance and commissioning team in liaison with the provider and care is monitored to avoid repeated complaints and to improve the level of care.

10. Ombudsman Cases

- 10.1 A complainant reserves the right to refer their complaint to the Local Government and Social Care Ombudsman at any time. However, in most cases, the Ombudsman will seek to ensure that the Local Authority has been provided with the opportunity to respond to the complaint in accordance with the Council's statutory complaints process.
- 10.2 In 2019/20, **ten complaints were received from the Ombudsman** in relation to Adult Social Care. All complaints were investigated and closed, with the exception to one, which is currently under investigation at the end of this reporting year. The cases related to the following concerns:

Complaint details	Ombudsman decision
Concerns about care and treatment of complainant's late father. Claimed that human rights abuses by the Council over the past 30 years led to his father's death.	LGSCO will not investigate complaint about human rights abuses. Complainant advised that the appropriate pathway forward is to take the matter to court.
Concerns from injured complainant, due to the Council's failure to maintain access ramp outside property.	Decided not to investigate as it was outside jurisdiction. Right of remedy through Council's insurers, and through courts if claim unsuccessful.
Same injured complainant said that Council had not assessed her financial circumstances properly.	The Council was at fault for charging for the additional care that was needed after an accident for which it accepted liability. It was agreed to waive those charges. There was no fault in the way it calculated complainant's contribution to her care.
Complainant refused to pay top up fees he had paid for his mother's care between 2006 - 2011.	Decided not to investigate as the matter happened too long ago.
Complaint about the Social Worker's decision about father's discharge and not conducting a Mental Capacity Assessment.	Fault found in Council's communication with the family and the record of service user's capacity assessment. Council paid £500 in acknowledgement of the distress caused to the family.
Complaint regarding care home fees.	Fault found leading to injustice. Council agreed to remedy the injustice by waiving outstanding night care charges and refunding those already paid and issued an

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	amended up to date statement for remaining outstanding costs of care. The Council also agreed to review its procedures to ensure it provides information to explain the components of its charges to prospective tenants before they enter extra care accommodation.
Poor communication between complainant and service. Complainant was incorrectly charged 6 weeks of home care despite being agreed it would be free.	No fault found
Complainant wished to be paid monies she felt she was owed for the care received. The complainant also feels she was underpaid for her role as a shared lives carer in 2015-16.	Decided not to investigate the complaint. It lies outside the Ombudsman's jurisdiction because it is late.
Complainant felt she was forced to have care following a heart attack and was then charged for the care. During the financial assessment, the Council obtained complainant's income details from the DWP which she felt was illegal.	Decided not to investigate the complaint, as it is unlikely further investigation would lead to a different outcome, and the Information Commissioner is better placed to investigate her concerns about a data breach.
Concerns regarding safeguarding, relating to changes to care provider.	Still under investigation

11. Learning from Complaints

11.1 Complaints learning is a key driver for service improvement for the department. Complaints provide key information which can be used to identify issues to consider in services, improve learning and best practice and identify any risks which can be avoided in the future, as based on people's own experiences. Some of the learning identified is detailed below:

- Staff reminder in locality teams regarding the importance of keeping service users and their carers informed regarding social workers being appointed.
- Individual training and monitoring as well as wider staff reminders in Access Teams around the importance of adhering to departmental in relation to response times, risk assessment, keeping customers informed on progress and ensuring accurate and timely paperwork.
- Business processes have been reviewed to reduce waiting times and streamline first contact assessments.

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- Reminders to staff of our duty to carry out an assessment of anyone who appears to require care and support, regardless of their likely eligibility for council funded care.
- Ensuring staff are aware of the Wandsworth's Discretionary Disabled Facilities Grant Policy.
- Mental Health Teams ensuring Social Workers maintain regular contact with hospital wards, to ensure they are fully updated on discharge plans and avoid delays in the provision of care.

12. Compliments

- 12.1 Positive feedback regarding staff or service delivery is an invaluable source of information for the department on what is working well. Staff are reminded to report compliments they receive and recognise the value of sharing this feedback.
- 12.2 For 2019/20 the Complaints Team recorded 40 compliments for Adults Services some examples are outlined below:

What people said:

"I am very grateful to your social services and, in particular, to the audiologist, xxx, for coming to my home to test my hearing and asking me relevant questions. She is very competent, intelligent and charming. In short, I am truly very thankful to my Wandsworth Council Social services for so much kindness" **Access Team**

"Just a thank you from myself for all your kind help with trying to arrange carers for my mum xxx, I can see you are a very caring lady and have shown such empathy & kindness to myself & mum, thank you for push, push, pushing to arrange this for us I know it is very hard but for me you have shown nothing but kindness & reassurance St Georges Hospital are very very lucky to have you!" **St Georges Hospital Social Work team**

"Thank you for your time today, it was really valuable I thought. You did a brilliant job with them; your manner was truly inspirational. You are the first professional in ages not to get mum's back up and induce a load of shouting and mouthing off from her, which considering the length of our session is amazing" **Sensory Team**

"I just wanted let you know that xxx has been outstanding in assisting us to resolve my mum's care issues. She managed to resolve the issues within a short time... xxx professionalism and determination to resolve our outstanding issues was exemplary. She kept in touch with me throughout the process" **St Georges Hospital Social Work team**

"Thank you very much for the time that .. you .. have invested in looking into my father's case. Hopefully, we have finally got this matter settled now!" Satisfied relative after meeting with **Financial Assessments Team** to resolve queries on his Father's home care invoices.

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“xxx she has been a wonderful example of just how helpful, intelligent, and caring a Wandsworth representative can be. In a couple of empathetic phone calls, having thoroughly read and absorbed all the information in my file, she calmly solved a problem that has been going on for two years or so, seemingly without any hope of conclusion as everyone else has simply passed the buck to another dept.” **Dept Recovery Team**

13. Going Forward

13.1 There have been several Challenges during 2019/20 within the Complaints Team in relation to staffing capacity and turnover, as well as around complaint processes and practices that have impacted on the support the central team can provide. There is however a significant change and improvement programme for 20/21 underway including:

- **Stabilising staffing in Complaints** – the priority is to finalise recruitment to existing vacancies at Management level within the team that are being filled on an interim basis. While also ensuring there is sufficient capacity at complaint officer level particularly during the change programme that is nearing completion (detailed further below). This will help bring further stability, consistency and continuity to the support the Complaints Team provides to Adult Social Care and Public Health Services.
- The Implementation of a **new case management system (CMS)** across all complaints types which will improve workflow, processes and reporting including insight into and learning from complaints. It will also **overcome the IT fragmentation and vulnerabilities** of current complaints recording, enabling more effective monitoring and reporting and will provide more accurate and timely oversight of complaint volumes and performance.
- The new CMS is due to go live for **Corporate Complaints by 1 January 2021** followed by **Statutory Adults and Childrens Complaints in early in the New Year**. Reporting on complaints to Adults Service is currently limited to the Annual Report and bi-weekly open complaints reports that are circulated to the Senior Management Team. The New CMS will enable Quarterly and Annual Reports to be produced on a more, timely basis as well as real time and service specific and tailored reporting on the status, timescales, outcomes and learning from complaints that is not currently possible. The automation and capacity benefit's the CMS will bring, will enable the complaints team to provide more advisory support, quality assurance and training to services.
- The Complaints Team will also look to **actively promote the Complaints procedure** across all social care teams to ensure that staff are aware of the requirements of the process and know how to deal with a complaint. Once the permanent Complaints Manager is in post key areas of focus will be **attending operational team meetings** to directly address the importance of complaints awareness. The Complaints Manager will also **re-establish regular meetings** with key personal in Adults around learning from complaints to ensure it is fed

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into ongoing service development, quality assurance and staff development and training.

- The complaints team will ensure that any changes to the national guidance and regulations are reviewed regularly.

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