

ADULTS AND HEALTH SCRUTINY COMMITTEE	AGENDA ITEM No. 7
15 MARCH 2022	PUBLIC REPORT

Report of:	<u>Debbie McQuade</u> , Service Director, Adults and Safeguarding	
Cabinet Member(s) responsible:	Councillor Irene Walsh, Cabinet Member for Adult Social Care, Health and Public Health	
Contact Officer(s):	Belinda Evans, Complaint Manager	Tel: 01733 296331

ADULT SOCIAL CARE ANNUAL COMPLAINTS REPORT 2020-21

RECOMMENDATIONS	
FROM: Debbie McQuade, Service Director, Adults and Safeguarding	Deadline date: N/A
<p>It is recommended that the Adults and Health Scrutiny Committee:</p> <ol style="list-style-type: none"> Note the summary of Adult Social Care statutory complaints and compliments received between 1 April 2020 and 31 March 2021 and the learning and actions taken as a result. 	

1. ORIGIN OF REPORT

1.1 This report is a statutory requirement under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

2. PURPOSE AND REASON FOR REPORT

2.1 Complaints received by Peterborough City Council Adults and Safeguarding are managed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Since January 2013, complaints have been managed by the Peterborough City Council Central Complaints Office, which is run by Serco for the council. The report summarises the Adult Social Care complaints and compliments received between 1 April 2020 and 31 March 2021.

2.2 This report is for the Adults and Health Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview and Scrutiny Functions, paragraph No. 2.1 Functions determined by Council:

- 4. Adult Social Care
- 5. Safeguarding Adults.

2.3 This report links to the following Corporate Priorities:

- 3. Safeguard vulnerable children and adults
- 6. Keep all our communities safe, cohesive, and healthy
- 7. Achieve the best health and wellbeing for the City

The report summarises the compliments and complaints received in relation to the Council's delivery and commissioning of adult social care.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	No
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4. BACKGROUND AND KEY ISSUES

4.1 Compliments Received

During 2020/21 a total of 76 compliments were recorded for Adult Social Care Services, 19 for individual Adult Social Care teams and 57 for the Council's Care and Repair services, which is also delivered within the Adults and Safeguarding Directorate. This is a decrease from the previous year and may reflect support being provided by family/friends and/or reduced contact with service users due to Covid restrictions. Outside of the Care and Repair service the majority of compliments were for the Long-Term teams (9) or the 0-25 service. (6).

4.2 Examples of compliments received are:

Care & Repair

Client is really pleased; the family are very happy indeed with the overall service and she wanted to pass on the feedback of what a great job we have done, and they are glad they asked us to project manage it for her.

Reablement Team

I want to start by saying thank you to you and the reablement team. The care that our mum has received by reablement has been second to none. The carers took a great interest in mum, knew our names etc and she really enjoyed seeing them every day. She has told you herself that her favourite was the gentleman who encouraged her to dance and sing! It made her week. I think it speaks volumes that she remembers the reablement team, even their names! Please do pass on our thanks to your team. The change we saw in mum following your involvement was wonderful

Therapy Services

Client expressed how thankful she was to someone on the team as they were a great support to her when she lost her sight. She had been struggling for about a year prior to seeking support and was very happy with the support she was given from the service.

Therapy Services

Text from client's wife "Just to say a huge thank you in a difficult year for the care and attention you gave us. You sourced solutions to a number of challenges my husband faced which allowed him to prolong some independence. I'm forever grateful."

Care & Repair

Client very happy with his heating grant and advised the contractor did a wonderful job and left everywhere lovely and tidy - client happy and has noticed his arthritis is better now they have heating.

0-25 service

*Absolutely over the moon and delighted over the fantastic news!
So relieved, happy, and grateful for all the interventions and efforts by yourself and your team.
Please pass on my gratitude to all the colleagues and professionals who are involved*

Long term Team

Can I just say you are a breath of fresh air, THANK YOU..... since shared lives closed, I have not had such support as you are giving us now, I am hugely thankful not only for the guys but for me also.

Long Term Team

From the moment I first spoke to you I felt you were empathetic and had compassion and doing the job because you really cared and wanted to make a difference to the quality of lives for older people and you really did by your chasing things up, tacking outstanding issues with the provider as well as contacting me to offer support and reassurance.

0-25 service

The carers have said they are so grateful of the support they have received, especially during the lock down period. They praise that professionals have all worked well together to ensure the best outcomes for xx.

Long Term Team

xx wanted to let us know that she thought xx has been excellent when assessing her husband and how professional he had been, she said she was very impressed with ASC .

Long Term Team

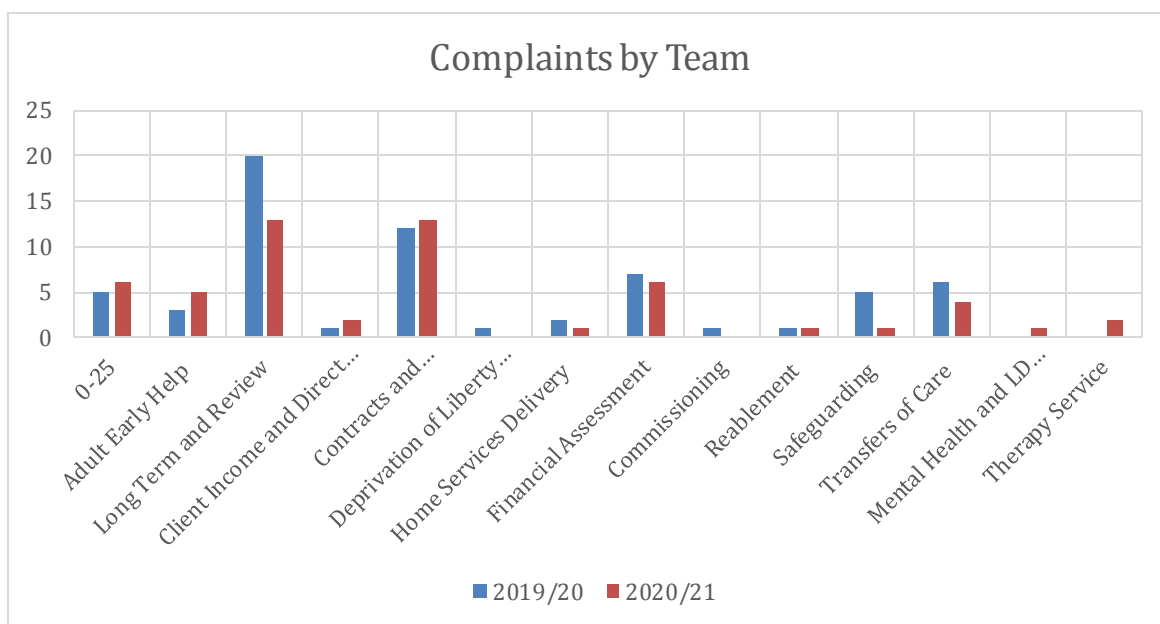
*Thank you sincerely for helping xx find xx and her team
I'm always sad letting you go but I know you will Bless the lives of many many more
Keep going you do an amazing job
Not always appreciated by those who should but know that you have made ALL THE DIFFERENCE TO US
So much respect!*

4.3 Complaints Received

4.3.1 The complaints team handle all complaints about Council services and determine the correct process for each complaint received. A small number of complaints received about the Adult Social Care department must follow alternative processes such as the Children’s Social care statutory complaints process or the Corporate complaints process. These complaints are not included in this report as they are included in annual reports for those processes.

During 2020/21 a total of **54** formal complaints were logged through the Adults statutory process about Adults Social Care services. Five of these complaints were subsequently withdrawn. This is a reduction in the complaints received in 2019/20 when **64** formal complaints were registered.

4.3.2 Complaints Received by Team



The highest number of complaints registered was for the Contracts team and Independent Providers followed by the Long Term and Review Team (who saw a significant drop in complaints). These teams also received the most complaints in the previous year, and it is commensurate with the number of people receiving support and the complexity levels in these areas. During the year April 2020-March 2021, to which this report relates, a total of 2852 people were supported in long term care.

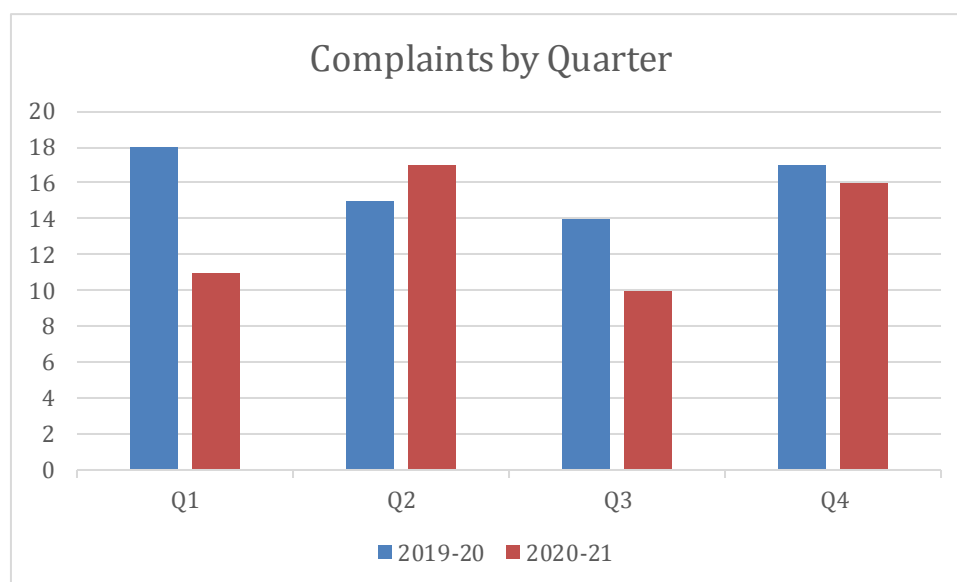
There was only 1 complaint relating to safeguarding in 2020/21, compared to 5 the previous year. A complaint should only be registered for Safeguarding if the complaint is about the actions of the Safeguarding team in relation to how they have conducted a safeguarding enquiry. This cannot be used to challenge the outcome enquiry but if there are issues with the process or how the service user or family member is kept informed this will be investigated.

Of the 13 complaints about Providers, 4 were in relation to Care Homes and 9 in relation to Home Care by various agencies. In these cases, the complaint is brought to the attention of the council who liaise with the provider to ensure the provider improves practice where faults are found. If no fault is found the council do not Uphold the complaint. In 8 of these complaints fault was found, the remaining were Not Upheld.

The Long-Term Teams and Review Team had a significant drop in complaints down to 13 from 20 the year before. 5 of these were fully Upheld, 6 had some merits so were Partially Upheld and the remaining were not Upheld or Withdrawn.

4.3.3 Complaints Received by Quarter

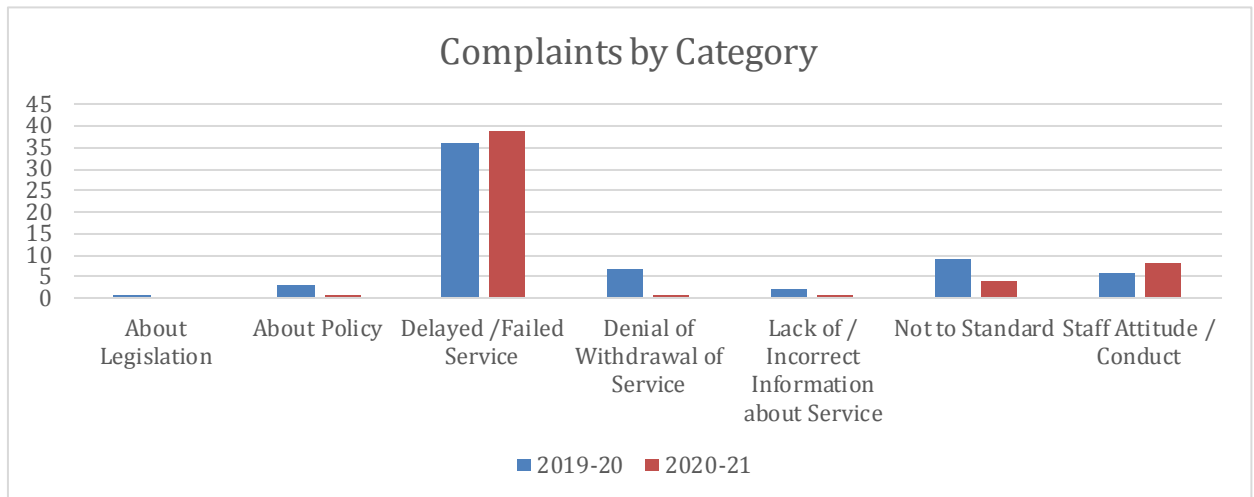
The complaints which were received were balanced across the four quarters of the year as shown below.



There was a greater amount of fluctuation in the timing of complaints in 2020-21 compared to the previous year. The dips in Q1 and Q3 2020-21 coincide with the time when the country was in periods of Lockdown due to Covid.

4.3.4 Complaints Received by Category

Complaints received by Adult Social Care are broken down by the following categories:



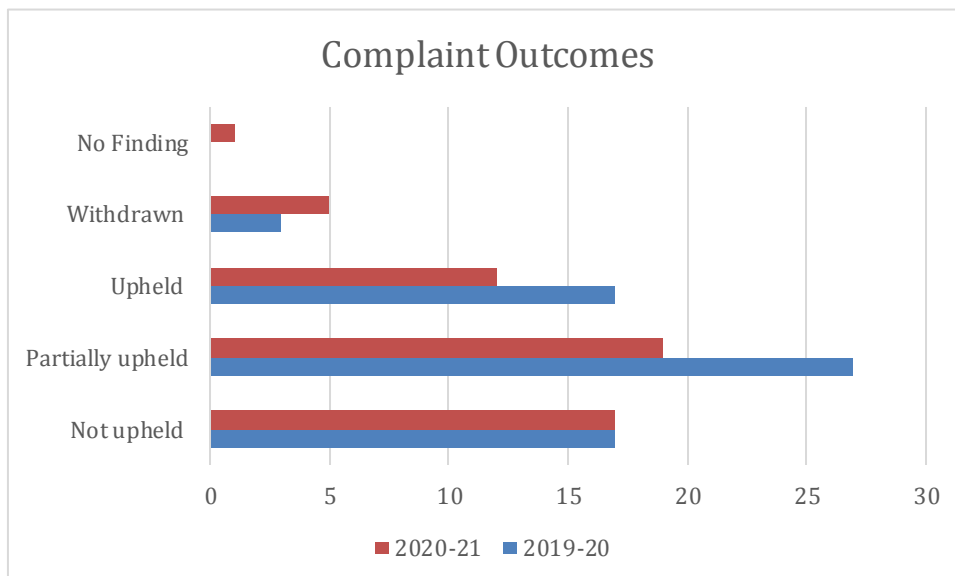
As with previous years, and in common with most council services the highest number of complaints were received in the category Delayed / Failed Service, 39 of 54 (72%).

Complaints in this category for ASC include failure to respond to correspondence within reasonable timeframes, failure to properly inform family members about care decisions, several cases of delays in completing assessments or reviews and several where failures by Care providers in the level of care delivered were identified.

The next category of any note was Staff Attitude/Conduct. This numbered 8 cases. None of these cases escalated.

4.4 Outcome of complaints

In 2020-21 there was a fall in the proportion of complaints recorded as either upheld or Partially Upheld - a total of 57% - with 22% being upheld and 35% being partially upheld. This is a significant fall from a figure of 70% in 2019/20, – the outcomes are shown in the graph below:



The Local Government and Social Care Ombudsman (LGSCO) published their 2020-21 annual report into complaints from the Adult Social Care sector in September 2021.

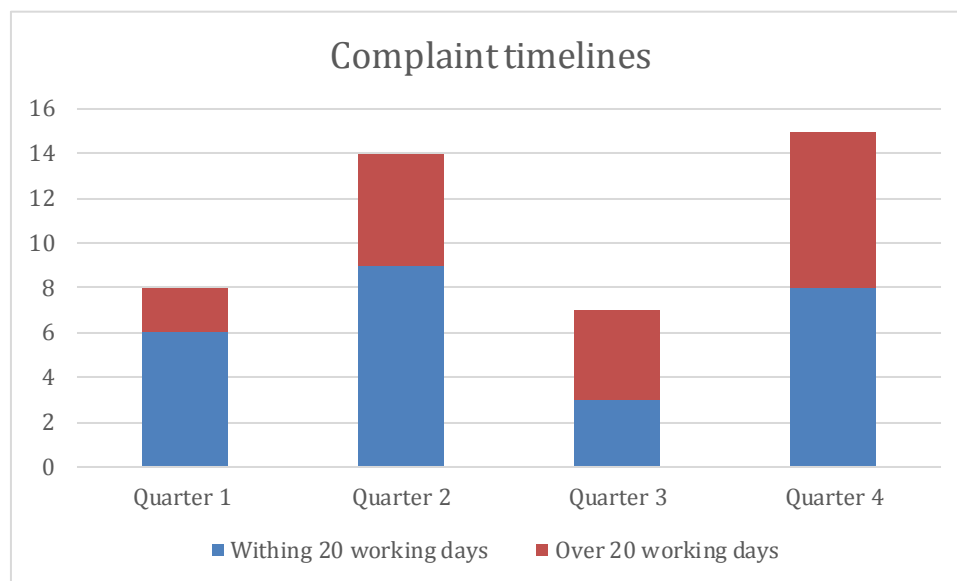
They reported that the percentage of complaints they upheld was 72%, a further increase from

the previous year where they upheld 69% of complaints that they investigated about ASC services nationally.

We record a complaint as partially upheld even if only a small percentage of the complaint is upheld as it is important to apologise for errors when they happen and to establish where improvements are needed.

4.5 **Complaints Responded to within 20 working days**

The ASC Statutory complaint regulations do not specify a timescale for the first response to a complaint. But in Peterborough the service has always considered it important to have a timescale that reflects the importance of responding promptly to the customer. Hence a locally agreed target of 20 working days to respond to a complaint is used.



Delayed responses are often due to the need to investigate across more than one team, or organisation. For example, if the complaint concerns an independent provider or involves a health element, then a response must be sought from elsewhere to feed into the overall response.

Overall, 59% of complaints answered in the year were completed within 20 working days.

4.6 **Escalated Complaints**

Escalated complaints are recorded if a complainant states they are dissatisfied with their first response to the complaint. Escalated complaints involve a further review, and a senior manager sends the final response to the complainant along with LGSCO referral rights.

The rate of escalations fluctuates annually but has previously been between 10% & 20% per annum.

This year 9 cases escalated which is approximately 16% of cases.

A summary of the outcomes of these cases is included as **Appendix A**

4.7 **Local Government Social Care Ombudsman (LGSCO) Complaints**

There were 4 complaint investigations by the LGSCO about Peterborough's ASC department in 2020-21 with the following outcomes.

- 1 upheld

- 3 Not Upheld

This is a reduction in cases investigated by the LGSCO for ASC compared to 2019-20, however, given the national average of cases where the LGSCO has found fault (as noted above) Peterborough compared well at 25%.

The LGSCO publish their decisions on their website (anonymised to protect customer privacy) and the summary for each of these decisions is shown below:

Upheld Case

Summary: Mrs X complains about the way the Council carried out a financial assessment and its decision that her mother, Mrs Y, should pay the full costs of her care. The Council was at fault for not considering two gift periods separately and for not explaining the reasons for its decision in February 2019. This caused uncertainty for Mrs X and delay in the review process. The Council treated the two periods separately through the review process and revised its decision. There is no fault in the way it reached its revised decision. It should apologise to Mrs X and review its processes to prevent a recurrence of the faults.

The council completed the recommendations of the LGSCO in this case and the LGSCO confirmed that the council had complied; closing the case as satisfied in November 2020.

Not Upheld Cases

Summary: There is no evidence of fault in the Council's decision that Mrs X deliberately deprived herself of capital with the intention of decreasing her liability for care charges. The Council also considered whether Mrs X's daughter had a beneficial interest in one property without fault. The Council is willing to consider any further evidence the family has and has paid Mrs X's care charges until the complaint is decided.

Summary: Mr X complained the Council stopped his care package following a care and needs assessment in January 2020. There was no fault in the Council's actions.

Summary: The Ombudsman will not investigate Mr B's complaint about the Council's handling of his concerns about his daughter's, Ms D's, direct payments. This is because there is not enough evidence of fault with the actions taken by the Council or that either Mr B or Ms D have been caused any significant injustice by the Council's actions to warrant an Ombudsman investigation.

4.8 **Themes and Topics from Complaints.**

Complaints covered the following topics and themes.

- Independent care providers not delivering care to an acceptable standard
- Delays in care assessments
- Inaccurate record keeping by providers
- Lack of support or poor advice provided
- Attitude and conduct of staff members both in the council and independent care providers
- Poor communication

4.9 **Learning from Complaints and Action Taken as a Result of Complaints**

The department is committed to learning from complaints and to continuously improving its processes to reduce the issues that can lead to complaints.

In the majority of cases which are upheld the minimum action taken would be an apology to the customer and the review of how the issue can be prevented from reoccurring. The number of cases where action needs to be taken or where service improvements can be identified is determined by the percentage of complaints where fault has been found. Due to the decrease in complaints received for ASC generally along with a lower percentage of complaints being upheld there have been fewer service improvements identified this year.

Examples of improvements that have been made because of complaints in 2020-21 include:

Examples of actions taken in relation to upheld complaints

- In response to several complaints against care providers this year about care delivery failings some were resolved by the offer of a goodwill payment by the provider along with an apology.
- In response to a Complaint about advice given regarding Lasting Power of Attorney an apology was given for an officer giving misleading information
- A complaint from a customer unhappy with financial assessment re: customer's second property led to a reassessment taking place which changed the outcome
- Several complaints about failings in the delivery of care lead to providers reviewing their processes/reminding their staff of procedures/introducing spot checks.

Examples of service improvements from complaints:

- Linked to several complaints about administering medication the contracts team have required the providers involved to provide medication training to all staff on medication administration and to increase spot checks by the providers.
- In response to a complaint about end-of-life treatment by a care home the provider agreed to review its processes and reflect on its approach to families of loved ones who have passed.
- One complaint led to the provision of training with a Mental Capacity Trainer to improve officers' knowledge in this area

5. CONSULTATION

- 5.1 The complaints and compliments process is proactively promoted by workers in Adults and Safeguarding a way for service users and carers to feedback on their experience of their contact with the Council.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 No direct impact other than changes which might be introduced as the result of learning from complaints.

7. REASON FOR THE RECOMMENDATION

- 7.1 There is an expectation that an annual review of complaints be made publicly available each year.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Not applicable.

9. IMPLICATIONS

Financial Implications

9.1 Not applicable.

Legal Implications

9.2 Complaints received by Peterborough City Council Adults and Safeguarding are managed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Equalities Implications

9.3 Not applicable.

Rural Implications

9.4 Not applicable.

Carbon Impact Assessment

9.5 Not applicable.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Local Government and Social Care Ombudsman published their Annual Review of Adult Social Care Complaints. You can see the report here <https://www.lgo.org.uk/information-centre/reports/annual-review-reports/adult-social-care-reviews>

11. APPENDICES

11.1 Appendix A – Complaint Escalation Outcomes 2020-21

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